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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, 29 March 2017 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 19 April 2017 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
21 March 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 - 12*)

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

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 ENFORCEMENT LIST (*Pages 13 - 26*)

To consider the items contained in the Enforcement List.

6 **DEFERRALS FROM THE PLANS LIST**

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

7 **THE PLANS LIST** *(Pages 27 - 82)*

To consider the planning applications contained in the list.

8 **THE DELEGATED LIST** *(Pages 83 - 102)*

To be noted.

9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 103 - 106)*

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

10 **UPDATE: A361 ROAD JUNCTION TIVERTON EASTERN URBAN EXTENSION** *(Pages 107 - 122)*

To receive a report from the Head of Planning and Regeneration providing an update on the funding and delivery of the new grade separated A361 junction to serve the Tiverton Eastern Urban Extension.

11 **14/00881/MOUT - OUTLINE FOR 700 DWELLINGS, 22,000 SQ METRES B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL, NEIGHBOURHOOD CENTRE WITH LEFT IN, LEFT OUT JUNCTION ON TO A361 AND ACCESS / EGRESS ONTO BLUNDELL'S ROAD.** *(Pages 123 - 144)*

To receive a report from the Head of Planning and Regeneration. This planning application has a resolution to grant planning permission subject to a S106 agreement and a range of conditions. Subsequent negotiations with the applicant over the S106 provisions, conditions as drafted and in light of the most up to date position over the funding and delivery of the A361 junction have resulted in proposed changes to the S106 and conditions. These require Planning Committee consideration.

12 **VARIATION OF S106 AGREEMENT: 13/01616/MOUT 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 IMPROVEMENT, LAND AT NGR 298671 113603, UPLOWMAN ROAD, TIVERTON** *(Pages 145 - 150)*

To receive a report from the Head of Planning and regeneration considering proposed changes to the S106 agreement entered into in relation to this planning permission.

13 **TREE PRESERVATION ORDER - 16/00008/TPO** *(Pages 151 - 154)*

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

14 **PLANNING PRODUCTIVITY REVIEW** *(Pages 155 - 174)*

To receive a report of the Head of Planning and Regeneration updating Planning Committee on the recent assessment of productivity in the Planning Service.

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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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 March 2017 at 2.15 pm

Present Councillors

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

**Apologies
Councillor(s)** Mrs F J Colthorpe

**Also Present
Councillor(s)** D R Coren and Mrs E J Slade

**Present
Officers:** Tina Maryan (Area Planning Officer), Simon
Trafford (Area Planning Officer), Nick
Sanderson (Head of Housing and Property
Services), Paul Dadson (Conservation
Officer) and Sally Gabriel (Member Services
Manager)

138 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs F J Colthorpe (the Vice Chairman took the Chair).

139 **PUBLIC QUESTION TIME**

Karen McCarthy referring to Item 5 on the Plans List (Beare Mill) asked whether Members understood how stressed her parents were about the building professionals breaching the planning permission at Beare Mill? Did the authority have an up to date 5 year housing policy and did the committee consider Beare Mill as part of the defined settlement?

Councillor Harrower (Tiverton Town Council) referring to Item 1 on the Plans List (Palmerston Park) stated that she was concerned about the amount of water around the Palmerston Park area especially in the area of Howden Industrial Estate, the drains were sunken and more water was pouring from the building site, it seemed that the structure that was in place was not coping with the water, what would happen when the development was built? Sludge was on the pavement leading to the industrial estate, children were having to walk off the pavement and into the road, would this be addressed as part of the planning application before Members today.

The Chairman indicated that the questions would be answered when the items were debated.

140 **MINUTES OF THE PREVIOUS MEETING (00-5-19)**

The minutes of the meeting held on 1 February 2017 were approved as a correct record and signed by the Vice Chairman.

141 **CHAIRMAN'S ANNOUNCEMENTS (00-06-17)**

The Chairman had no announcements to make.

142 **DEFERRALS FROM THE PLANS LIST (00-06-17)**

There were no deferrals from the Plans List.

143 **THE PLANS LIST (00-06-42)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 4 on the Plans List - **(16/01967/MARM) – Change of use of common room to 1 bedroom bungalow – building at NGR 301779 106783 (Common Room) Woolcott Way, Cullompton)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

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

b) No 1 on the Plans List - **(16/01524/FULL) – Repositioning of retaining structure – land at NGR 294775 111860 Palmerston Park, Tiverton).**

The Area Planning Officer outlined the contents of the report explaining the history of the site and the original application, she identified the layout of the site and the proposed retaining wall which was the subject of the application; the housing layout remained the same but there had been adjustments to the area containing the retaining wall. She explained via a plan, the area approved and the one currently proposed. The outfalls for the drainage had yet to be determined and a condition relating to approval of the drainage outfall details was recommended in the report.

The Head of Housing and Property Services answered questions posed in public question time. The retaining wall currently had not had its final connection to the outfall drain. He explained the construction detail of the proposed wall and highlighted the natural springs on the site, the construction to date which may have

altered the water course and that this would be addressed when construction restarted. He stated that he would look at the sludge issues on the footpaths.

Consideration was given to:

- The new stepped profile of the retaining wall
- The fencing proposed at the top and bottom of the wall
- Residents concerns and construction issues
- Safety issues on the site

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

(Proposed by Cllr R J Dolley and seconded by Cllr R F Radford)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Cllr R J Dolley declared a personal interest as the Ward Member in that he knew a lot of local residents;
- (iii) Cllr R J Dolley also made a declaration in accordance with Protocol of Good Practice for Councillors in deal with Planning matters as he had been involved in communications with local residents;
- (iv) Mrs Levens spoke in objection to the application.
- (v) Cllr R J Dolley spoke as Ward Member.

c) No 2 on the Plans List - ***(16/001707/MOUT) – Outline for the erection of 41 dwellings and formation of vehicular access – land at NGR 295527 113644 (South of Lea Road) Tiverton.***

The Area Planning Officer outlined the contents of the report highlighting the details of the application, the site location plan, the access to the site leading from Lea Road and the detail of the visibility splay. Members were shown the indicative site layout, the strategic drainage layout and photographs from various aspects of the site.

Consideration was given to:

- The previous application on the site which had not been implemented
- The further work required on the layout, design, landscaping and engineers report on ground conditions once the reserved matters details had been worked up.
- The opportunity for the development to have a softening effect on the previous development and the need for a high quality scheme to come forward at reserved matters stage.
- The access point and its relationship to a potential future access to serve Tiverton High School land
- Education contributions

RESOLVED that planning permission be granted subject to:

a) the prior signing of a Section 106 Agreement/Unilateral Undertaking to secure:

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

(b) Conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllrs R J Dolley, D J Knowles and R F Radford declared personal interests as the applicant was known to them;
- (ii) Mr Preston (Agent) spoke;
- (iii) Cllr Mrs E J Slade spoke as Ward Member.

d) No 3 on the Plans List - ***(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).***

The Area Planning Officer outlined the contents of the report explaining the planning history in relation to the outline planning that was considered by the committee back in 2015 and granted planning permission for a new primary school and residential development and off site highway works. He confirmed the application was a reserved matters application for the residential aspect with 25 houses proposed set around a new village green. He highlighted the site location plan, minor amendments with regard to parking provision on the site, the boundary treatments, the landscaping plan, the street scene views and site sections. Floor and elevations were also viewed along with site sections which showed a similar height, scale and massing to the existing buildings in the area. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The design of the highway, and it was noted that a shared surface arrangement was proposed.
- The design of the development, noting the conservative approach to the design of the individual houses

- The scope of the pre-application that was undertaken, noting that whilst consultation events were held locally in Newton St Cyres no event had been arranged in Tiverton.

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

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

(Vote 5 for; 4 against)

Notes:

- (i) Cllr R J Dolley, D J Knowles, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (ii) Cllr F W Letch requested that his abstention from voting be recorded;
- (iii) The following late information was reported: Email received from Agent 23rd February 2017 detailed below:

We have looked at the committee report and draft conditions which have now been published in advance of next week's planning committee and can confirm that we are happy with the draft conditions suggested.

We note your concerns regarding the parking provision on the site. We also note your acknowledgement that the parking provision exceeds policy requirements by 12 spaces and also the condition which prevents the closure of the drive thru, yet you remain concerned about this drive thru parking arrangement on 2 of the house types.

As such we would be willing to further secure the retention of these spaces in perpetuity by adding a clause into the legal transfers of these properties to this effect to provide the Council with some additional comfort.

For your information where we have planning conditions such as these we always ensure that it is well documented and highlighted in the legal sales packs issued to purchaser's solicitors so customers are well aware of any such restrictions.

We would like you to add our comments as a late representation to the report you have written as we think it may help alleviate any concerns over the parking.

Minor alterations to the layout of the scheme have been submitted, as shown on drawing number SL01Z to accommodate the parking arrangements;

- Plots 24 and 25 have been moved south by approximately 1.6m to allow sufficient room for parking spaces between plots 23 and 24
- The single garages to plots 23 and 24 have been replaced by a double garage to serve both dwellings

Officer comment: The proposed alterations do not have a material impact on the overall scheme and the revised plan has been substituted. The changes as described raise no further assessment issue additional to the matters set out in the officer report.

e) No 5 on the Plans List - **(17/0073/FULL) – Retention of building works and new work to provide a dwelling (revised scheme) – land and buildings at NGR 282555 99153 (Beare Mill) Crediton).**

The Area Planning Officer outlined the contents of the report highlighting the previous application which had been refused by the Committee in 2016 and the revised scheme before the meeting. He explained that the revised scheme was as close as it could possibly be to the approval for the barn conversion which had been the original application on the site. The presentation identified the existing and proposed elevations, previous and proposed floor plans and photographs from various aspects of the site.

He addressed the questions posed in public questions time: he did understand how stressful the situation had been on the applicants and that they had been very responsive to his views. Members had been fully briefed on the 5 year land supply issue. Beare Mill was not part of the defined settlement.

Consideration was given to:

- That demolition of the original barn had never been intended
- The reuse of original material
- The resubmitted plans that took the application back to the original footprint of the barn
- The history of the site and the structural survey

RESOLVED that

- a) Planning permission be granted for the following reasons: that the scheme sought to replicate the design and appearance of the previous barn conversion originally approved and that the applicant had done everything that they could do to rectify the situation;

In summary the planning application had been submitted in part retrospectively to complete the development of a new dwelling in the open countryside which has arisen following problems arising from the implementation of the planning permission 13/00981/FULL which allowed the conversion of a barn to a dwelling. As a result there was no development policy support for the current application. However in completing the planning balance on the application the members of the planning committee considered that given the height, scale and floorspace within the proposed new building and the overall design was very similar to the development approved for the barn conversion this would be a reason in this particular case to override the policy concerns.

- b) Delegated authority be given to the Head of Planning and Regeneration to consider appropriate conditions.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllrs: Mrs H Bainbridge, P J Heal and J D Squire made declarations in accordance with Protocol of Good Practice for Councillors in dealing with Planning matters as they had received correspondence regarding the application;
- (ii) Cllrs D R Coren and F W Letch declared personal interests as they knew the family and had visited the site;
- (iii) Mrs Tucker (applicant) spoke;
- (iv) Cllr D R Coren and P J Heal spoke as Ward Members.

144 THE DELEGATED LIST (1-48-41)

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

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

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

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

It was **AGREED** that application 17/00106/MOUT – North of Belle View, Ashley Road, Uffculme be determined by the Committee if the officer's recommendation was minded to approve and that a site visit take place if appropriate.

146 APPEAL DECISIONS (1-52-29)

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

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

147 URGENT WORKS NOTICE AND REPAIRS NOTICE - BELL COTTAGE, WOODLAND HEAD YEOFORD (1-53-04)

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

The Conservation Officer outlined the contents of a report highlighting the history of the property and the previous Urgent Works Notice that had been approved in 2012.

Further work was now required to the fragile property and a repairs notice was also being sought for a longer term solution which would include a schedule of work to be prepared.

Consideration was given to:

- How the notices were served in the absence of the owner and the procedures that had to take place
- The impact on the neighbouring properties
- How the works would be charged against the property

RESOLVED that:

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

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

Notes-:

- (i) Cllrs D R Coren and PJ Heal declared personal interests as Ward Members as they had had some involvement with the property;
- (ii) *Report previously circulated copy attached to minutes.

(The meeting ended at 4.30 pm)

CHAIRMAN

PLANNING COMMITTEE – 29TH MARCH 2017

ENFORCEMENT REPORT LIST

1. 15/00171/UCU – Unauthorised material change of use of land from agricultural to a mixed use of agriculture and use for storage of builders materials at Land at NGR 310656 113326 (Hillmoor), Culmstock, Devon
2. 16/00140/UDRU – Erection of a dwelling at Longwood Farm, Burlescombe, Tiverton, Devon, EX16 7JT
3. 16/00200/UDRU – Storage on agricultural land, construction of bund, change of use of agricultural barn at Trobridge Farm, Trobridge, Crediton, Devon, EX17 3QA

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Case No. ENF/15/00171/UCU**Grid Ref:** 310657 113330**Address:**

Land at NGR 310656 113326, (Hillmoor), Culmstock, Devon

Alleged Breach:

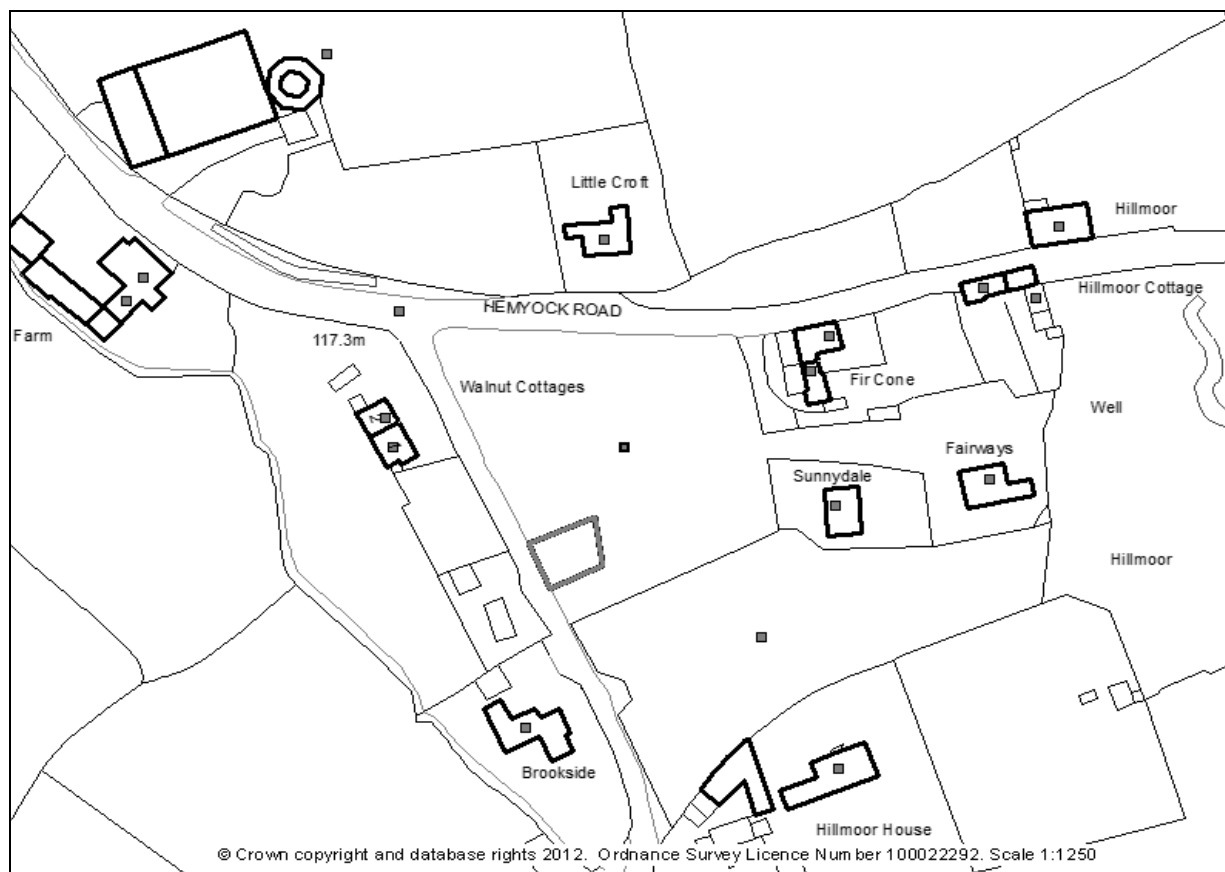
Unauthorised material change of use to land from agriculture to a mixed use of agriculture and use for business and domestic storage.

Recommendations:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue a change of use enforcement notice, requiring the cessation of use of the land for both domestic and business storage, and the removal of all materials from the land. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

Site Description:

This site, which forms part of Hillmoor Common is located within the Culmstock parish, to the south east of the centre of the village, south of the B3391 Hemyock Road. It is accessed by a lane from the B3391, which abuts the western boundary of the site. The site is located outside of the settlement boundary and 400 metres to the north of the boundary of the Blackdown Hills AONB.

Site Plan:

Site History:

16/01241/CLU Certificate of lawfulness for the existing use of land PERMIT
for parking in excess of 10 years

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM20 - Rural employment development

Policy DM31 - Planning enforcement

Reasons/Material Considerations:

A complaint was registered in relation to the use of this site in June 2015. The complaint related to the impact that storage of materials was having on the visual amenity and the character of the area. The site was visited, and it was seen that various building materials and equipment was being stored on the land. None of the items appeared to relate to the occupiers of the nearby residential properties.

The land was not registered with the Land Registry at that time, and there was some difficulty establishing who was responsible for the current use of the site. Contact was made with that person in late 2015, who advised that the use of the land for storage had been on-going for a number of years, and it was his intention to submit an application for a certificate of lawfulness in relation to the matter.

The application for the certificate of lawfulness was submitted in August 2016 following further requests to the owner that this matter be progressed, under reference 16/01241/CLU. The application not only addressed this site, but also two other plots of land in the vicinity which were being used for parking of vehicles. The certificate of lawfulness was granted in relation to one of the parking areas, but not issued in relation to the site which is the subject of this report. The Planning Officer dealing with the application looked at the aerial photographs held by the Council and the representations received from nearby residents and the Parish Council and concluded that there was not sufficient evidence to justify the granting of a certificate.

No appeal has been received in relation to application 16/01241/CLU, and a recent site inspection confirms that the land is being used for storage purposes. Officers are of the opinion that the on-going storage is having an unacceptably adverse impact on the character and appearance of the countryside, and the most appropriate way forward is to commence formal enforcement action requiring the cessation of the storage use, and the removal of all materials from the site.

The person responsible for the storage has been aware that the Council considers that it is a breach of planning control for well over a year, and therefore it is considered that a compliance period of two months gives more than sufficient time for him to remove the items to an alternative location.

Human Rights and Equality Issues:

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

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

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

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

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

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

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

Officers consider that the change of use of this common land for storage is not appropriate and therefore the service of an Enforcement Notice will prevent the use from becoming immune from enforcement action due to the passage of time. For this reason, it is not considered appropriate to take no action.

Invite a planning application

It is Officers opinion that planning permission would be unlikely to be granted for this change of use, and therefore it would not be appropriate to invite a planning application to regularise the position.

Issue an Enforcement Notice

Officers consider that this is the most appropriate course of action based on the information in this report.

The Requirements of the Notice

1. Cease the use of the land for storage purposes
2. Remove all materials and equipment being stored on the land. Items to be removed include ladders, trailer, plastic sheeting, logs, concrete blocks and wooden pallets.

Reasons for Decision:

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

The storage of materials on this common land is having an unacceptable adverse impact on the character and appearance of the countryside and is therefore contrary to policy COR18 of the Mid Devon Core Strategy 2026 and policy DM20 of the Mid Devon Local Plan Part 3.

Period for Compliance:

Two (2) months after the notice takes effect.

Case No. ENF/16/00140/UDRU

Grid Ref: 308268 117885

Address:

Longwood Farm, Burlescombe, Tiverton, Devon

Alleged Breach:

Unauthorised change of use of land from agriculture to a mixed use of agriculture and use for the siting of structures for human habitation.

Recommendations:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue a change of use enforcement notice, requiring the cessation of the land for residential purposes the removal of the wooden structures used for human habitation from the land together with all domestic paraphernalia associated with the use of the land for residential purposes. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

Site Description:

This site forms part of an agricultural field on the northern side of Longwood Lane, which runs between Burlescombe and the A38. It is located approximately 1.5km to the north east of Burlescombe village, within the open countryside.

Site Plan:



Site History:

14/00502/FULL Erection of an agricultural storage building - PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM2 - High quality design

Policy DM10 - Rural workers dwellings

Policy DM31 - Planning enforcement

Reasons/Material Considerations:

Planning permission was granted for an agricultural storage building on the site in July 2014, under reference 14/00502/FULL. A complaint was registered in September 2014 regarding a wooden structure had been constructed on the land which was being used for human habitation. The site was visited, and photographs taken, and it was concluded by the Enforcement Officer at that time that the development was permitted development as it was required temporarily in connection with the implementation of the above planning permission. Works appeared to have commenced on the construction of the agricultural building at that time.

The enforcement team were made aware of the continuing residential occupation of the land in June 2016, and a further site visit was carried out. At that time, there were three wooden buildings on the site; one appeared to be a dwelling, another was being used for domestic storage, and another in use as a composting toilet. There were also various other domestic items on the land, which suggested that it was being occupied. It was noted that very little progress had been made on the construction of the agricultural building, since the visit almost two years previously.

Subsequently, a planning contravention notice was served on the owner of the land, to help establish the position in relation to the use of the land. This was returned and confirmed that two adults are residing on the site within the largest wooden building. The site has changed ownership since planning permission was granted, and the current owner is of the opinion that there is the right to continue to reside on site in connection with the construction of the agricultural building.

Further communications by telephone with the owner of the site have confirmed that no real progress has been made on the building works on the site. There appears to be an issue with access to the site to bring in the necessary building materials for construction, which will necessitate a new track being installed; however this work will in itself be likely to require planning permission, which will lead to further delay.

Officers consider that the largest wooden structure could constitute a dwelling in its own right, which does not have planning permission, but which would be immune from enforcement action after a period of four years have elapsed, irrespective of any other building works that have taken place. The additional buildings that have been constructed are domestic in nature.

There does not appear to be any justification for the continued residential occupation at this time; construction work has not progressed to the extent that it is necessary for those involved to be living at the site. If planning permission were to be sought for the retention of the wooden structures, there would be a need to demonstrate that there was special justification, for example for the use by essential rural workers.

Officers now consider that it is necessary to commence formal enforcement action to secure the cessation of the residential occupation, and to ensure the removal of the domestic structures from the land, which are not appropriate within this rural location without substantial justification. Given that the Council has been aware of the position for some three years, timely action is required to prevent the matter becoming immune due to the passage of time.

Human Rights and Equality Issues:

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

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

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

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

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

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

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

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

Officers consider that the use of the land for residential purposes is not appropriate and therefore the service of an Enforcement Notice will prevent the use from becoming immune from enforcement action due to the passage of time. For this reason, it is not considered appropriate to take no action.

Invite a planning application

It is officer opinion that planning permission would not be granted for the reasons outlined in the above report, and therefore it would not be appropriate to invite an application.

Issue an Enforcement Notice

Officers consider that this is the most appropriate course of action for the reasons given in this report.

The Requirement of the Notice:

Cease the use of the land for human habitation.

Remove from the land the three wooden structures used for human habitation and associated domestic purpose together with all domestic paraphernalia associated with the residential use of the site.

Reasons for Decision:

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

The use of the land for residential purposes constitutes unsustainable development in a rural area, where new homes are restricted to those that can be specially justified, for example, for use by essential rural workers. That need has not been proven. Consequently, the development is contrary to the National Planning Policy Framework and Policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM10 of the Local Plan Part 3 (Development Management Policies). Officers do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

Period for Compliance:

Six (6) months after the notice takes effect.

Case No. ENF/16/00200/UDRU

Grid Ref: 283507 98029

Address:

Trobridge Farm, Trobridge, Crediton, Devon

Alleged Breach:

Unauthorised change of use of agricultural building and land to use for business storage.

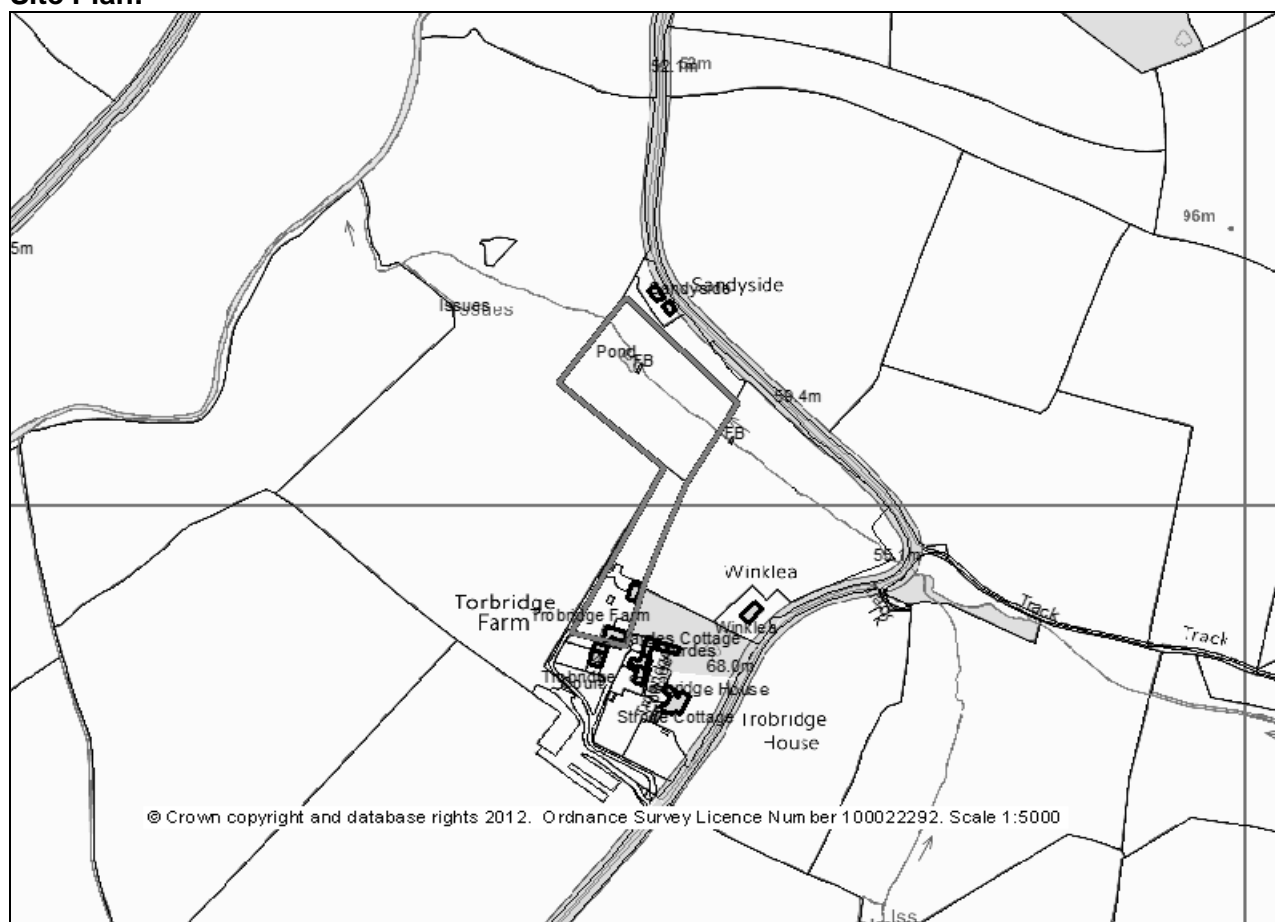
Recommendations:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue a change of use enforcement notice, requiring the cessation of use of the agricultural barn and surrounding land for business storage purposes, and the removal of all materials from the land. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

Site Description:

The site is located within the Crediton Hamlets parish, approximately 1.5 miles south of Crediton. It is accessed via the unclassified road from Trobridge Cross to Oldbridge, and is surrounded by open countryside to the north, west and south, and a small complex of residential properties to the east.

Site Plan:



Site History:

06/01832/FULL Erection of an agricultural storage building

PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM2 - High quality design

Policy DM20 - Rural employment development

Policy DM31 - Planning enforcement

Reasons/Material Considerations:

Planning permission was granted for the erection of an agricultural storage building at the site in September 2006, under reference number 06/01832/FULL, with condition 3 stating:

'The agricultural storage building hereby approved shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. On its becoming redundant for such purposes, it shall be demolished and all resultant materials removed from site within 3 years of redundancy.'

A complaint was received by the enforcement team regarding the importation of soil to form a bund and the storage of various items on the site in August 2016. An initial site visit was made to the complainant's property, and the matter referred into Devon County Council with regards to the deposit of waste. Devon County Council visited the site, and found that it did not fall within their remit, and the matter was passed back to Mid Devon for further investigation.

A planning contravention notice was served on the owner requesting more information, which has not been returned. An enforcement officer visited the site in late November 2016, and observed that both the agricultural building and the surrounding land was being used for storage in connection with the owner's business, along with vehicles in a poor state of repair. It was agreed at that time that the owner would seek alternative premises, and make efforts to tidy the site in the meantime.

A further complaint was received in February 2017 that there had been no improvement in the condition of the site, which was confirmed by a telephone call to the owner of the land. He has now identified alternative business premises in Crediton, but has stated that it will take several months for the relocation to be completed.

Despite the indications that the use may cease in the future, Officers consider that the storage use in open countryside is not appropriate and is having an adverse impact on the character and appearance of the area, and steps should now be taken to secure its cessation. However, it is recognised that this business activity is the source of income for a family, and therefore a longer compliance period than would normally be given is suggested to allow adequate time for relocation.

Human Rights and Equality Issues:

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

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

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

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

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

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

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

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

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

For the reasons explained in this report, Officers consider that the use of the agricultural barn and surrounding land for business storage is not appropriate, and therefore it is not appropriate to take no action.

Invite a planning application:

It is Officer opinion that planning permission would be unlikely to be granted for this change of use, and therefore it would not be appropriate to invite a planning application to regularise the position.

Issue an Enforcement Notice:**The requirements of the Notice**

Cease the use of the agricultural building and surrounding land for storage purposes

Remove all materials and equipment being stored on the land

Reasons for Decision:

It appears to the Council that this breach of planning control has occurred within the last ten years. Furthermore the change of use for storage is an inappropriate use of the land and is having an unacceptable adverse impact on the character and appearance of the countryside and is therefore contrary to Policy COR18 of the Mid Devon Core Strategy 2026 and Policy DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Period for Compliance:

Six (6) months after the notice takes effect

PLANNING COMMITTEE AGENDA - 29th March 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | <p>16/01362/FULL - Conversion of 5 redundant agricultural buildings to 5 dwellings at Land and Buildings at NGR 279371 101700 (Spencecombe), Crediton, Devon.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 2. | <p>16/01772/MOUT - Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure at Land at NGR 313382 113489, Culmstock Road, Hemyock.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 3. | <p>16/01932/MFUL - Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank at Land at NGR 294211 123012(Higher Barn), Bampton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>17/00090/ARM - Reserved Matters for the erection of a dwelling following Outline approval 16/00108/OUT at Land at NGR 304865 115568, Corner of Brimstone Lane, Westleigh.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>17/00209/HOUSE - External alterations to include alterations to roof and installation of ground mounted solar panels at 4 Blundells Avenue, Tiverton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 16/01362/FULL

Plans List No. 1

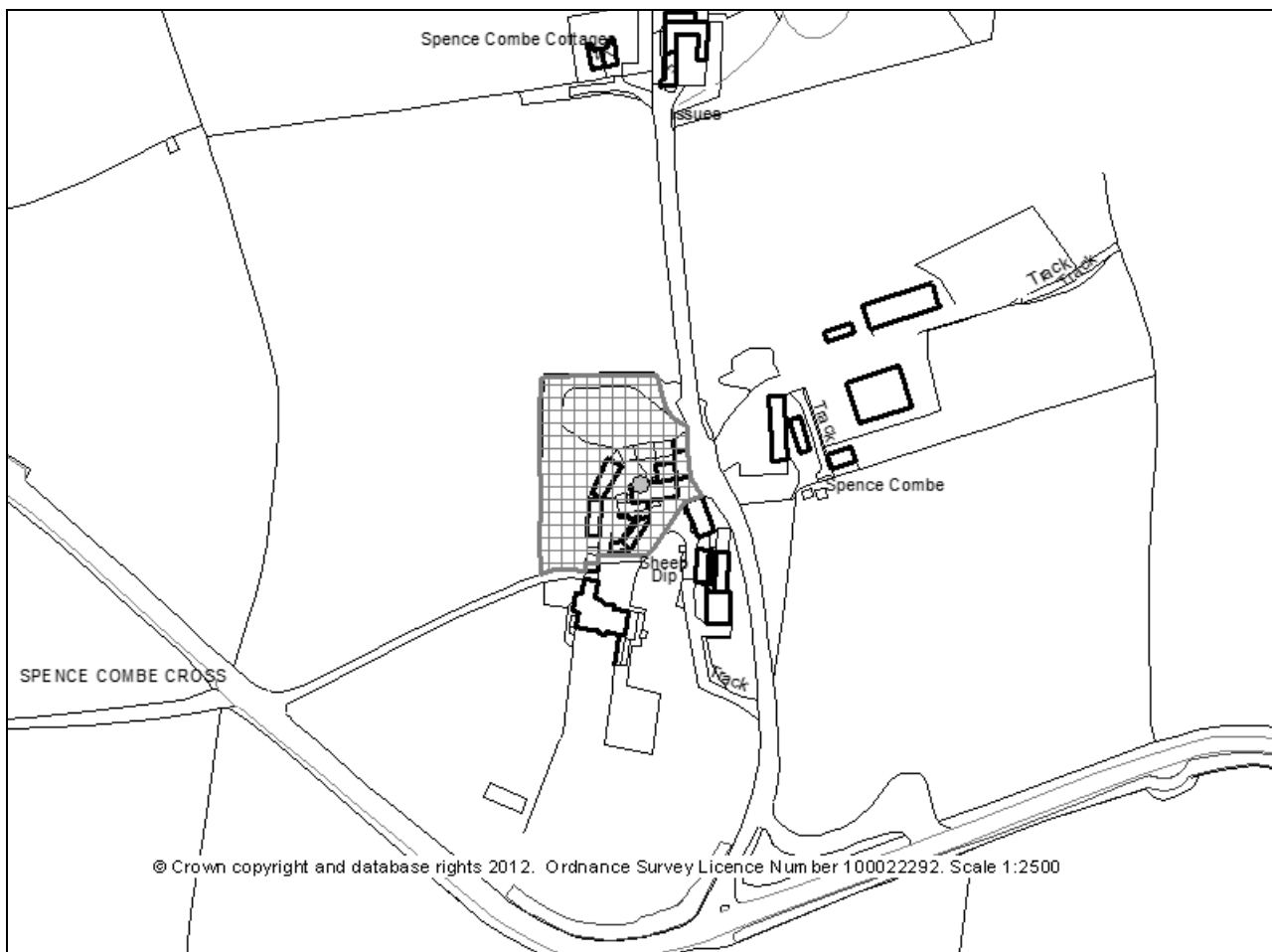
Grid Ref: 279371 : 101700

Applicant: Mr George Mortimer

Location: Land and Buildings at
NGR 279371 101700
(Spencecombe)
Crediton Devon

Proposal: Conversion of 5
redundant agricultural
buildings to 5
dwellings

Date Valid: 7th September 2016



RECOMMENDATION

Refuse permission.

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

1. To consider if the proposed scheme is over-development
2. To consider if the design of conversion of the Linhay buildings are acceptable

PROPOSED DEVELOPMENT

Conversion of 5 redundant agricultural buildings to 5 dwellings

The site sits as part of the collection of ancillary building to the Spence Combe Farm house which is grade II listed and part of Spence Combe Farm. Access is from an existing point off the A377 and the access serves a number of buildings / uses beyond the complex and also two recently renovated barns that also sit within the curtilage of the Farm house and are owned by the applicant (see site history section below).

The existing complex comprises a group of five buildings set to an irregular arrangement which are to the north of listed farmhouse. The buildings are listed as A-E for the purposes of this application with a minimum separation distance of 7.0 metres between the buildings at the closest point. Historically the complex has been used for a variety of storage activities to support the agricultural activity being undertaken on the holding. However it appears the buildings have been split off from the surrounding land and are now used on a low key basis for agricultural storage to support agricultural activity off site. It is clearly evident that large scale alterations and repairs have been undertaken over the years.

A description of each building and how it is proposed to be occupied and modified is set out below. The proposed plans and drawings have been amended since the planning application was lodged for consideration

Building A is a walled barn with a tiled roof covering with a tallet storey above the majority of the ground floor plan floor. There are already a number of openings set within the building A. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 99.0 square metres. The gross floor area to include the garage/storage area is approximately 220 square metres incorporating the garage and area for storage. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building B is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 95.0 square metres. In addition there is a single storey area for storage between it and building A. The gross floor area to include the storage area is approximately 195.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building C is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 3 bedroom dwelling over a floor plan area of approximately 65.0 square metres, incorporating a storage area between it and building B. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is

not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to be provided within the courtyard area.

Building D is of a stone wall construction and butts off the Linhay form of building C (with an internal link) and incorporates an arch passageway into the open yard. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from outside of the courtyards with a side garden area. No access is proposed to the rear courtyard, and the existing front canopy structure is to be demolished with an area for car parking and storage structure in it's place.

Building E is of stone/rendered wall construction. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area is approximately 180.0 square metres to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures, incorporating a new feature window opening and with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. The existing front and side extensions to this building are to be demolished as is the lean to shed currently at the front of it with a front garden area proposed leading to front door access. Dedicated parking is to be provided adjacent to the parking area for building D and a separate storage building adjacent to the garden area.

In addition to two dedicated parking spaces per dwelling, two visitor spaces are proposed providing a total 12.

On the application form it is stated that the proposals relates to 887.0 square metres of floorspace.

Natural slate roof coverings are proposed across all five buildings with new sections of cob, stone and brick to form new sections of walling. All fenestration and door units to be fabricated from hard wood.

A park railing is proposed to replace the existing close boarded timber fence between the site and Spencecombe Farmhouse with post and rail details to form the garden boundaries.

APPLICANT'S SUPPORTING INFORMATION

Heritage Assessment of Buildings at Spencecombe Farm prepared by DR J Salvatore and dated November 2016.

Phase 2 Geo-Environmental assessment dated June 2013 and Phase 1 dated August 2012: both prepared by SW Geotechnical Ltd dated June 2013.

Supporting Letter on Structural matters prepared by Barry Honeyset to accompany individual reports prepared for each barn

Foul Drainage Assessment Form FDA1 & Package Treatment / Manufacturers details by Falcon Planning, Design and Heritage Impact statement prepared by agent.

Ecological Appraisal (Bats and Birds) prepared by Devon Wildlife Consultants (August 2015).

PLANNING HISTORY

79/00268/FULL - PERMIT date 29th March 1979: Erection of an extension to existing abattoir

14/01286/FULL - PERMIT date 14th November 2014: Retention of agricultural storage/office building

14/01480/LBC - PERMIT date 19th November 2014: Retrospective Listed Building Consent for the demolition of a fire damaged building

15/01402/FULL - PERMIT date 29th October 2015: Retrospective Listed Building Consent for the demolition of a fire damaged building

15/01402/FULL - PERMIT date 29th October 2015: Retention of agricultural storage building

15/01403/LBC - PERMIT date 29th October 2015: Listed Building Consent for demolition of storm damaged building

16/01637/LBC Listed Building Consent for the conversion of 5 redundant agricultural buildings to 5 dwellings.

This application was submitted in tandem with the planning application under consideration but was withdrawn by the applicants agent prior to determination

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

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

AL/IN/3 - Public Open Space

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM27 - Development affecting heritage assets

CONSULTATIONS

NATURAL ENGLAND - 15th September 2016 -

No comments.

WEST AREA CONSERVATION OFFICER - 9th February 2017

ENVIRONMENTAL HEALTH - 22nd September 2016 -

Contaminated Land - No objection.

Air Quality - No objection.

Environmental - No objection.

Drainage - No objection.

Noise and Other Nuisances -No objection.

Housing Standards - No objection.

Licensing - No comments.

Food Hygiene - N/A

Private Water Supplier -

Informative Note

No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary.

Elevated levels of arsenic were detected in the groundwater on the site so if a private water supply is going to be used arsenic is one of the parameters that should be looked for and if confirmed within the PWS arsenic treatment may be required.

Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used I would have no comment.

Health and Safety -

I have no objections to this proposal enforced by HSE.

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

HISTORIC ENVIRONMENT SERVICE - 3rd October 2016 - The proposed development involves the conversion of a group of historic agricultural buildings that have the appearance of a model farm, map evidence suggests that the farmyard was re-ordered in the late 19th century. The extant buildings are part of the county's dwindling stock of historic agricultural buildings that are no longer suited to modern agricultural methods, and the buildings subject to this application appear to be somewhat grander suggesting a possible high status farmstead. The proposed development will have an impact upon the fabric and appearance of these historic buildings and I would advise that the Planning Authority's Conservation Officer was consulted with regard to any comments they may have on the impact of the proposed development upon these historic buildings.

The following comments are therefore made without prejudice to any comments may the Authority's Conservation Officer.

Given the impact upon the fabric and appearance of the historic farm buildings 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 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

"No development to which this permission relates shall commence until an appropriate programme of (i) historic building recording and analysis and (ii) archaeological monitoring and recording has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the 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 the heritage asset that is affected by the development.'

Please note that this is a variation of the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

1. a programme of historic building recording, and
2. archaeological monitoring and recording of all groundworks that have the potential to expose archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

HIGHWAY AUTHORITY - 3rd October 2016 - The Highway Authority can find no record of the access on the planning web site and cannot verify any conditions that may have been imposed. However the access has suitable visibility and would be acceptable for the 5 conversions.

In detail the Highway Authority would wish to see the access hard surfaced in a bound material (tarmac or concrete) for the first 6.0m and that it is drained in such manner as to prevent surface water entering the public highway. This can be done by positive drainage or a re profile of the access to fall away from the road.

The site is accessed from 3 locations. The application wishes to retain access to the west new access, which is acceptable, provide access to the conversions from the Authority would seek that this access is permanently stopped up due to its substitution by the new access and the substandard nature of its visibility and location.

Therefore the Highway Authority recommends the following conditions:-

1. The site accessroad shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

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

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

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

3. The existing central access shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority prior to the occupation of the new dwellings.

REASON: To prevent the use of a substandard access and to minimise the number of accesses onto the public highway.

CREDITON HAMLETS PARISH COUNCIL - 30th September 2016 - The PC support the application as residential development is now the best use of the buildings.

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy COR18 establishes the principle that development in the open countryside should be strictly controlled. Furthermore, it provides criteria that identify an acceptable range of uses and building types that could be considered acceptable which does not include open market housing. Whilst COR18 does not provide specific policy support however the National Planning Policy Framework (2012) advises that the government will allow for provision of high quality homes through the reuse of redundant and disused buildings in the open countryside, in certain circumstances. DM11 (Local Plan Part 3) reflects these policy objectives and the criteria are detailed below.

DM11- The conversion of redundant or disused rural buildings of substantial and permanent construction on

which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

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

As part of the assessment of this application your officers have sought to negotiate with the applicant and his agent a scheme which is considered supportable by policy DM11. Various options have been presented to the applicant which would achieve a layout consisting of 4 houses and which is considered to represent a supportable form of development on the site.

The scheme has been assessed on the basis that the buildings are heritage assets and form curtilage buildings to the listed farmhouse that sits directly adjacent. A summary assessment of the application scheme against policy criteria outlined at DM11 is set out below.

- A) The means of access effectively utilises the existing upper access from the A377 and the conditions as recommended by the Highway authority are noted, and on this basis the access from the highway would be considered acceptable. Access to the site from the junction with the highway is via an unadopted lane which already manages a level of traffic.

The issue of concern is that five units presents an undesirable level of parking and vehicular activity within and/or directly adjacent to the courtyard, in particular the parking that it proposed to serve building C, which as a result would promote a level of use of this central space which would adversely affect the setting of the heritage assets in terms of both the curtilage complex and main listed farmhouse, and also result in detriment to the future occupiers of the proposed houses.

In summary as a result of the level of development proposed the access (and parking) arrangements are considered to damage the areas rural character and the setting in which the site is located.

- B) The proposed drawings show a layout and design that does not result in significant alteration to the height, scale and/or massing of the individual buildings, neither do the plans show significant extensions. The evidence base to support the case that the buildings can be converted as opposed to being new builds or fresh builds are reports into each of the buildings following a visual inspection by a qualified structural engineer. It is however noted that the recommendation contained in the structural reports contain numerous significant caveats about the need for works of repair and in some cases even reconstruction to sections of roof and walling across the complex. It is also noted that the survey completed to support the application is not a full structural survey.

The issue of concern under this heading relates to the Linhay structures (as referred to building B and C in the description of development section). Specifically on the Linhay barns there are internal structural supports that if left as they are would interfere with the internal uses. As a result it is considered that there would need to be some alternative structural support imposed on the building and this is not specified.

In terms of the various alternative options proposed to the applicant, Building C which is the smaller Linhay barn is not considered suitable for conversion given the range of uncertainties about how it would be converted. This not only has the benefit of creating a better layout for the new residents it would also mean that one of the Linhay buildings would be retained in its current form and therefore making a positive contribution to the setting of the overall group whilst being used on low key basis with one of the proposed dwellings (refer to comment below).

- C) The layout and function of the central space in the farmstead are important considerations because it is being expected to play the role of providing parking and turning space for three of the dwellings.

In addition it will be the space from which the main access will be achieved to the dwellings. It also contributes to the setting of the heritage asset(s).

To try to separate the uses and to offer some privacy to residents the layout plan appears to show the sub division of the space with a new wall off the corner of Building E to achieve garden for that property. It is noted that there will be another new wall or fence adjacent to the access road to the farmhouse to further enclose that garden for Building E. A post and rail fenced arrangement is proposed to form these new boundaries but specific details are provided

The addition of two additional boundaries that will subdivide the traditional layout of this farmstead central space is considered to be contrary to policy DM 11, ie 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting';

The proposed subdivisions will not result in the 'retention of the original character of the building and its surroundings'. It would be alien to the character of the heritage assets, and as result would harm the asset not a enhance it.

It is also proposed to remove part of the existing stone wall that juncts with Building E at right angles in order to try and create an acceptable living environment for the occupiers of Buildings C and D. In the context of the buildings being curtilage listed this alteration is also considered to be harmful and not an enhancement.

Storage space is identified on the amended plans as is dedicated space to accommodate the parking requirements as referred above. However it is noted that for the 5 dwellings proposed - all of considerable size only 2 additional spaces are allocated for visitors. In addition there is a lack of clarity about how the parking will be managed (either residents and/or visitors) with the courtyard area. In addition the parking spaces allocated for Building C looks to require difficult manoeuvres in order to be realistically practicable. .

This space for turning will further be compromised by the apparent need for some form of ramping to achieve DDA compliant access to the entrances to Building C given the change in levels between the courtyard and the threshold space to the building. Also the distinction between private and public space in the courtyard for residents is not defined and could lead to further interventions by way of fences and walls etc.

In terms of the external alterations to the individual barns concerns are raised is terms of the alterations to the two Linhays (Building B & C).

For all the above reasons it is considered that the application scheme will present as a cramped of development that will have a negative impact and will not be an enhancement or retain the character of the building and its surroundings. Consequently it is considered that the proposal fails to satisfy criterion B and C of DM11 and also contrary to DM27 in terms of how it affects the complex as a heritage asset and the setting of the principal heritage asset adjacent.

There is an opportunity to reduce the density by one unit that will overcome this objection. As stated above options have been presented which achieves a scheme which is considered acceptable by your officers which excludes Building C from being converted into a separate dwelling.

- D) An ecological survey (bats and birds), including a bat emergence survey, has been carried out on behalf of the applicant and a report confirming the results of this work has been submitted to support the planning application. The report sets out a series of recommendation to deal with these issues in the event that the buildings were to be converted. In the event that permission was to be granted for the application scheme and/or another form of development these recommendations would be made a condition of the terms of the planning permission.

Other Issues

For the reasons as set out above in terms of the assessment against the policy requirements at DM11, this current application scheme is also considered to be contrary to policies COR1, COR2, COR9 (d), COR18 of the adopted Core Strategy, and policies DM1, DM2, and DM8 of Local plan 3.

Given the historic nature of the site's location the County Archaeologist has recommended a condition to manage the process of development taking place on the site, should planning permission be granted.

The replacement of the existing close boarded timber fence between the application site and the farmhouse which is unauthorised and considered to be unacceptable is considered to be a positive intervention in principal but the Local Planning Authority would wish to approve a specific design of railing

Foul waters are proposed to be managed into a Falcon sewage treatment system. The manufacturer has a number of system options to accommodate developments upto 60 people, although the system is referred to as being used in campsites, caravan parks and holiday parks. A piping network is already in place to manage the disposal of surface water from the site as per the existing arrangements.

A £7,210 contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 4 as set out above covers this matter.

In addition £22,170 contribution is required towards improving air quality with the Crediton Air Quality Management Area to comply with the requirements of Policy AL/CRE/6 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: Air Quality & Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 5 as set out above covers this matter.

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 5 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 5 years is therefore estimated to be £25,700.00 based on a net increase of 5 open market dwellings on the site. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

Conclusion: For the reasons as set above it is recommended that this planning application is refused.

REASONS FOR REFUSAL

1. The infilling of the open fronted linhay structures as proposed will in the view of the Local Planning Authority result in a negative impact on their character and appearance and cumulatively on the group of buildings that are subject to this application scheme. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.
2. The layout and function of the central space in the farmstead as proposed will result in an overuse of this space that is not compatible with the character of the complex of buildings and its surroundings,

and in the view of the Local Planning Authority the proposal represents an unacceptable overdevelopment of the site complex and which would result in detriment to the setting of the adjacent listed building and the character of the application building group. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.

3. The evidence base that has been submitted and/or the information shown on the submitted plans is not considered to satisfactorily demonstrate that the complex of buildings, in particular regards Barns B and C can be converted without significant alteration and/or resulting in a new build. On this basis the proposals are not considered to sufficiently comply with the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies) in this respect.
4. The application proposals do not include a contribution towards the provision of open space. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008).
5. The application proposals do not include a contribution towards the implementation of the Council's Air Quality Action Plan and therefore does not mitigate the impact of the proposal upon air quality. The development is therefore contrary to Policy AL/CRE/8 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document on Air Quality and development (May 2008).

Application No. 16/01772/MOUT

Plans List No. 2

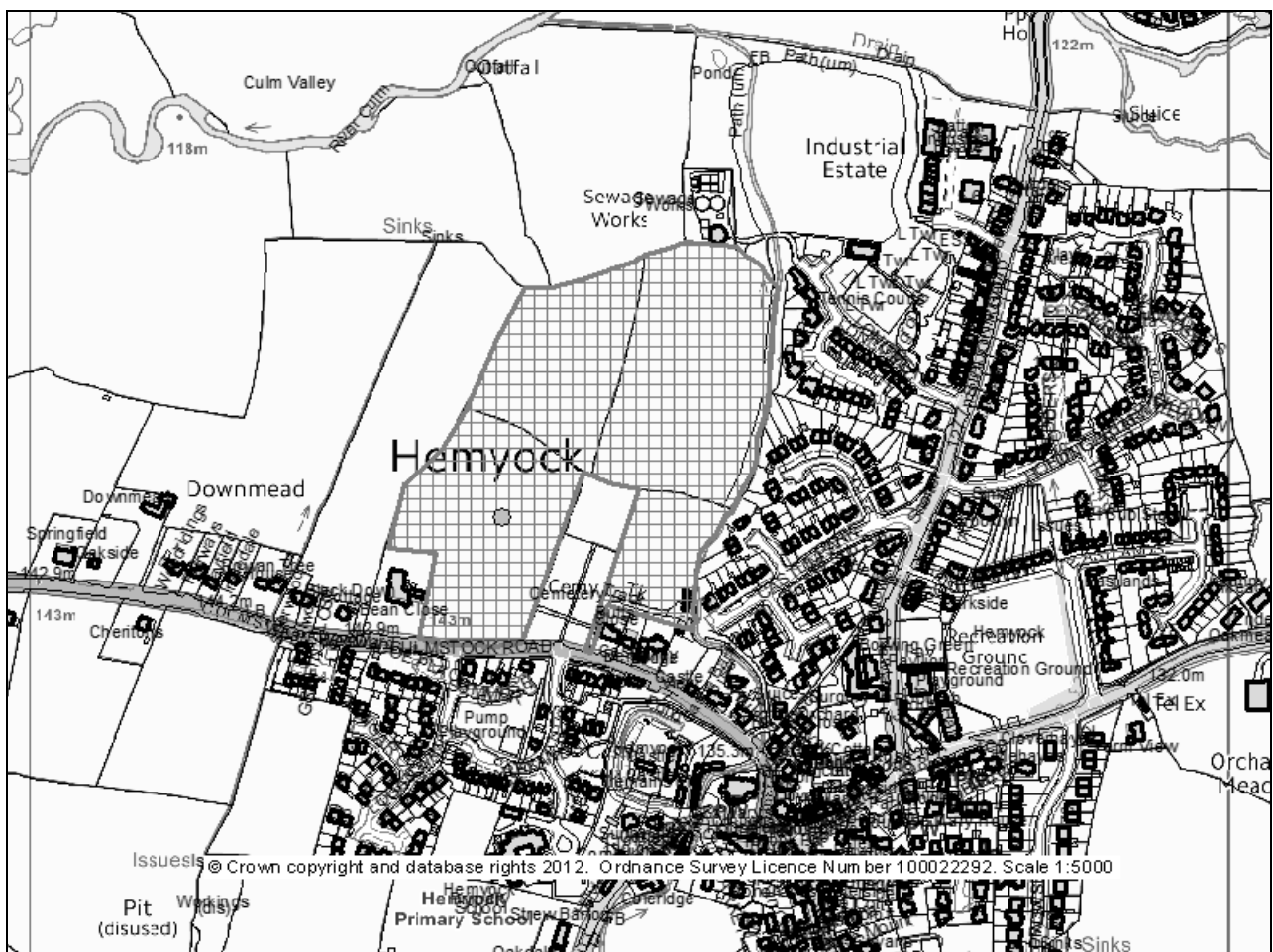
Grid Ref: 313382 : 113489

Applicant: Mr S Steele-Perkins, Waddeton
Park Ltd

Location: Land at NGR 313382 113489
Culmstock Road Hemyock
Devon

Proposal: Outline for the erection of upto 40
dwellings (including affordable
housing), public open space and
associated infrastructure

Date Valid: 16th November 2016



Application No. 16/01772/MOUT

RECOMMENDATION

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

Grant subject to conditions and a Section 106 Agreement to secure

1. 35% affordable housing (14 dwellings, tenure and mix to be agreed);
2. Financial contributions towards primary, early years and secondary education totalling £178,540;
3. A minimum of 3 hectares of public open space/green infrastructure to be offered to Hemyock Parish Council together with a commuted sum for maintenance (to be agreed); to provide allotments, community orchard and ancillary public open space.
4. A financial contribution of £15,000 towards provision of passing places on the road between Culmstock and Hemyock;
5. A travel plan to reduce the reliance on private motor vehicles.

PROPOSED DEVELOPMENT

The application seeks outline planning permission for the erection of up to 40 dwellings (35% affordable housing = 14 units) with associated infrastructure and the provision of on-site public open space. Access to the site is to be determined with all other matters (layout, scale, appearance, landscaping) reserved for later consideration under reserved matters application(s).

The site comprises 6.8 hectares of agricultural land on the western side of the village of Hemyock which slopes towards the north. The southern part of the site is divided in two, with the cemetery in between. The Castle Park development is on the eastern side, with open space proposed between Castle Park and the cemetery. The developable area lies between the cemetery and ribbon development leading out of Hemyock to the west. To the north of the cemetery is a large area of open land. Overall, the site comprises four fields. There is a strong hedge along the boundary of the site with Culmstock Road. The site is on the opposite side of Culmstock Road from the new development at Griffin Close and the land behind Griffin Close recently granted planning permission for 22 new dwellings.

It is proposed to erect up to 40 dwellings on the south western parcel of this land (one field, approximately 2 hectares in size), the remaining land to be utilised as public open space, except where required for the SUDS scheme (attenuation pond). Following local consultation, the initial proposal for development both sides of the cemetery was amended to exclude development from the field between the cemetery and Castle Park which precludes the need for a road link around the northern side of the cemetery.

A parameters plan has been submitted which will form part of the Section 106 Agreement detailing the area for development and the areas to remain undeveloped ("no build zone").

Access is proposed from Culmstock Road and off-site highway works are required in respect of localised road widening, new footways and a kerbed build out to improve visibility at the proposed pedestrian entrance to the public open space element. In addition, two passing places are required between Culmstock and Hemyock in order to improve access to and from the site in the Culmstock/A38 direction.

The land is within the Blackdown Hills AONB.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Draft heads of agreement
Flood risk assessment

Geographical survey report
Heritage assessment
Landscape and visual impact assessment
Appearance and landscape document
Carbon reduction strategy
Statement of community involvement
Transport assessment
Travel plan
Tree constraints report
Waste audit statement
Wildlife survey

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR17 - Villages
COR18 - Countryside

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

AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
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
DM27 - Development affecting heritage assets
DM29 - Protected landscapes
DM30 - Other protected sites

CONSULTATIONS

HIGHWAY AUTHORITY - 25th January 2017 - NO OBJECTION

Further to the Highway Authority's initial response, dated 11th January 2017, and following discussions between the Local Planning Authority and the Highway Authority, the proposed passing bay to the north of the village fails to meet the requirements of CIL Regulation 122 in being related to the application in scale and kind, necessary and reasonable. Therefore the Highway Authority withdraws the request for contributions on this element.

The passing bay requirements along the road to Culmstock are an existing issue which has been identified by the Highway Authority and will be exacerbated by the new development. The Highway Authority, having taken advice from the Planning Authority, withdraws the proposed Grampian style condition but would seek financial contributions to the passing bays through the appropriate legal agreement under the Town and

Country Planning Act. The contribution will be a reasonable proportion of the full costs. The estimated cost of a standard passing bay is between £7.5K and £10K each and excludes land and retaining structures etc.

Therefore the Highway Authority requests a contribution of £15,000 as an appropriate contribution towards the costs of these off site works.

The previous conditions are equally applicable.

Recommendation:

The Highway Authority will seek the access work as to be secured through a legal agreement under the highways act and any design to be accompanied by independent safety Audits. The travel plan will be secured through the Legal agreement under the Town and Country Planning Act.

Conditions:

1. Details of estate roads to be submitted and approved.
2. Phase programme submitted and approved.
3. Before occupation of any dwelling, completion of the following works
 - spine road and cul-de-sac carriageways to base course level
 - spine road and cul-de-sac footways to base course level
 - visibility splays laid out to final level
 - street lighting operational
 - car parking and vehicular access for each dwelling completed
 - verge and service margin and vehicle crossings defined
 - street nameplates erected.
4. Within 12 months of occupation, roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining walls and visibility splay works completed.
5. Approval of SUDS scheme.

LEAD LOCAL FLOOD AUTHORITY - 8th December 2016 - NO OBJECTIONS

Request that the following pre-commencement conditions imposed.

1. A programme of percolation tests carried out in accordance with BRE Digest 365 Soakaway Design (2016) and results submitted and approved.
2. Detailed design of permanent surface water drainage system submitted and approved, informed by percolation tests and submitted FRA.
3. Details of adoption and maintenance arrangements of the permanent surface water drainage system.
4. Details of temporary surface water management system during construction period.

BLACKDOWN HILLS AONB PARTNERSHIP - 12th January 2017

Thank you for advising of additional and revised information in respect of this application. In particular I note the comments, explanations and responses in the 'Response to AONB Comments', but other than Point 4, the information doesn't particularly overcome my initial comments or alter my overall opinion.

On specific points, the amendments to the masterplan to remove the eastern housing area and access road is welcomed. In the response about inclusion of the Conigar Close development in the LVIA (point 6) we draw different conclusions about views. The distant viewpoints are important in terms of special qualities and enjoyment of the AONB. In terms of the cumulative effect with Conigar Close, we suggest that this emphasises the expansion of the village from its core.

I have also seen the Highway Authority response of today, and am concerned about the highway requirements indicated, namely 'passing opportunities' on the Culmstock road and a passing bay.

19th December 2016

It is discouraging to see a submission letter for a major application that makes reference to the wrong AONB. It suggests that they have no real understanding or appreciation of the AONB designation, the Blackdown Hills, or Hemyock. Further, "It is a fact that the whole of Hemyock is washed over with the AONB designation" - the designation doesn't 'wash over' the village; the village is a fundamental part of the AONB. "The applicant considers that the landscape and visual impact is capable of being mitigated to such a degree..."; far better to get the right development in the right place. Both these points illustrate that the application has not understood that settlement character and the relationship within the surrounding landscape is one of the key components of the AONB's special qualities.

Housing development should not need to be screened away; good planning should consider how it integrates into the village, providing for organic growth of the community, not a housing estate on the edge of any settlement. The reliance on tree planting for mitigation does not reflect settlement character, with the local landscape character better conserved and enhanced by reinforcing field patterns and field boundaries.

However, hedge heights should be characteristic of the local area and not as high as 3 metres suggested in the LVIA conclusion (7.2.1). The site forms part of the rural setting of this approach to Hemyock, offering views across the site to the hills and higher ground to the north. Built development and tree planting would significantly alter this setting and obscure these contextual views.

On the issue of housing supply, it seems to us that any new housing in the AONB - a very small proportion of the Mid Devon DC area - should not be expected to pick up the district wide shortfall and the weight afforded the AONB by NPPF paragraph 115, 116 and footnote 9 to paragraph 14 should be the primary consideration.

Where significant housing or similar development is proposed in or affecting the AONB, we consider that it is best dealt with through a plan-led approach which ensures that impacts on the AONB can be properly considered and the relative merits of different sites around a settlement can be soundly assessed. For now therefore we consider that it is impossible to determine whether this development proposal constitutes sustainable development and the most appropriate for Hemyock. Looking cumulatively with other recent permissions in the village the need for this development is questionable.

It seems that benefits of the scheme also relate to the proposed provision of public open space, however given the amount of existing public open space in the village I have seen no evidence to suggest that this amount of additional provision is actually needed.

In terms of technical information in the application, the various images, drawings and photos associated with the LVIA do not appear to be available. It is suggested that the LVIA needs updating to take account of the cumulative effect of the recent permission for housing west of Conigar Close.

Ultimately the design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider AONB landscape. We would argue that it is not possible to judge impact on the AONB without seeing this detail. If minded to approve this outline proposal, the subsequent detail will require careful consideration to ensure a high standard of design so that local character is reinforced and natural beauty is conserved and enhanced. If the local planning authority does decide to approve this application then we would request that careful consideration is given to roofscape, and to the colours and materials used. Houses in the Blackdown Hills typically tend to be relatively small in scale, sitting low in their setting, and so we would further expect greater consideration be given to building height and ground levels than seen in other recent village development across the area to avoid the visual mass and scale of new housing overwhelming the settlement and its approaches.

In particular I noted references to apartments near the entrance and house heights of up to 9 metres in the application material, which we would not wish to see in this location. The road accessing the houses in the

eastern field breaching the clearly defined hedgelines is of some concern - this access and that housing area do not seem well considered.

We would wish to be assured that the area for housing is defined and controlled and provision of the public/community spaces is secured through a local agreement with the parish council or similar body.

DEVON COUNTY EDUCATION - 02 December 2016 - Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 40 family-type dwellings, will generate an additional 10 primary pupils and 6 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary and secondary schools. The primary contribution sought is £17,065 which will be used to provide education facilities at Hemyock Primary School.

A contribution towards Early Years provision for 2, 3 and 4 year olds of £10,000.

The local secondary school at Uffculme is forecast to be at capacity, DCC would require a secondary education contribution of £131,525 to provide secondary education facilities at Uffculme School.

Devon County Council will also seek a contribution towards secondary school transport of £19,950.

ENVIRONMENTAL HEALTH - 28th November 2016

Contaminated Land - A Phase 1 CL report will be required with the full application due to the proximity of the graveyard.

Air Quality - No objections

Environmental Permitting -N/A

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No comment

Licensing - No Comments

Food Hygiene -Not applicable

Private Water Supplies -Not applicable

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 18th November 2016 -

Housing Needs Report for Hemyock exported from the Devon Home Choice as of 1st October 2016.

Band	Bedrooms		
	1	2	3
B	2	0	1
C	2	4	1
D	9	3	1
E	13	11	6
Total 53			

DEVON, CORNWALL & DORSET POLICE - 21st November 2016 - It is vitally important that opportunities for crime and possibly more relevant, opportunities for community conflict, unacceptable behaviour, and anti-social behaviour are designed out at the earliest stage.

I note that the proposal includes large areas of public open space, 'informal' footpaths around the site, cycle paths, parking courts, school parking, vehicular access to cemetery and allotments, all of which have the potential to adversely affect quality of life of residents and erode sustainability.

It is requested that contact be made at the earliest appropriate time, and certainly prior to a full or reserved matters application being submitted. The seven attributes of Crime Prevention Through Environmental Design (CPTED) can then be introduced enhancing safety and quality of life for the residents of this new development.

ENVIRONMENT AGENCY - 7th December 2016 - NO OBJECTIONS IN PRINCIPLE

No in principle objections to the proposed development subject to there being no ground raising within the areas of Flood Zone 2 associated with the watercourse that flows to the east of the application site.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

HEMYOCK PARISH COUNCIL - 27th February 2017 - If MDDC is mindful to grant planning permission, the council has the following wishes for the proposed community open space:-

- o community orchard
- o dog exercise area
- o allotments
- o pathway linking Longmead to the new development

The demand for these areas have come from a number of sources, over the years parishioners have been asking the council for allotments. At one time there were 31 people on a waiting list, the only land the council could use was behind the existing cemetery and access to the land was through the cemetery. This caused an uproar in the village and was therefore not pursued.

For a number of years the council has been trying to lease/buy land for a community orchard. One parcel of land was put forward, but there was ownership issues with the land and this did not come to anything.

There is an existing problem with dogs being exercised on the sports fields. Dogs being exercised on football pitches is not appropriate. The football club have had to stop several matches, whilst excrement is cleared away. This sports facility is subject to a grant from the football association and if the football club does not continue (due to problems with excrement on pitches and parents not wanting their children to attend the club) the parish council is financially liable to re pay some of the grant back to the FA.

The parish council has recently erected 20 signs asking dog walkers to keep their dogs off the football pitches, but this is not a perfect solution for the football club and dog walkers. The council would like to have an approved grassed dog exercise area, fenced off, kept mown short with appropriate dog bins.

The council has installed pavements where it can over the years but there are still sections where there is no pavement. If the council were able to link Longmead, through the proposed development this would provide an alternative safe way for children/parents to walk to the primary school.

12th January 2017 - The council supports the above application provided that it continues to be involved in the S106 discussions to ensure it receives any community open space land should planning permission be granted.

8th December 2016

Following the council meeting on 6th December to consider the above application below is the response from Hemyock Parish Council.

The council supports the plan without the light green site (see parameter plan) on the right-hand side being developed and up to 40 dwellings on the left-hand side of the site being developed. Subject to consultee comments being satisfied in particular from Highways, SW Water ref sewerage, AONB and a S106 legal agreement to include the dark and light green areas (defined on the parameter plan) being transferred to the parish council together with a commuted sum for maintenance purposes.

HISTORIC ENVIRONMENT SERVICE - 17th January 2017 - NO OBJECTION

The Devon County Historic Environment Team has now received a copy of the draft report setting out the results of the archaeological investigations undertaken as well as assurance that there is funding and resources in place for completing the outstanding post-excavation tasks.

The geophysical survey and subsequent field evaluation of the site has identified undated iron-working sites within the development site, similar sites on the Blackdown Hills have been dated from the early Roman period through to the medieval period and the iron extractive industry was once widespread across this area. While these iron working sites are at present undated radiocarbon dates will be submitted soon understand whether these iron-working sites are of a similar date to those already recording in the Hemyock area.

Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron-working sites within the development site. 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 a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted and approved.

REPRESENTATIONS

28 objections summarised as follows:

1. Increase in traffic through the village; parking is already a problem with cars parking on footpaths, road junctions and grass verges, the development could result in an additional 80 cars driving through the village.
2. Village is approached by narrow roads with an absence of footways; cyclists, pedestrians, horse riders and people using mobility scooters are not well protected against accidents; these roads have bottlenecks where large
3. Transport assessment does not mention 22 dwellings granted permission south of Griffin Close, bio-mass facility at Clayhidon and 13 dwellings granted planning permission at Culmstock.
4. Access to the school is via one road which causes a dangerous situation, especially where there is no pavement; a voluntary one-way system is operated.
5. The secondary school buses also pick up and drop off at this point.
6. The proposed new access will conflict with junctions at Logan Way and Parklands on the opposite side of the road.
7. There is a need for road widening to cater for large vehicles and two way traffic, particularly between Culmstock and Hemyock and from Hemyock to Wellington monument.
8. Insufficient local employment, increasing out-commuting (adding traffic and congestion) and decreasing community cohesion.
9. Public transport is very poor and not suitable for commuting for work.
10. More sensible to build houses closer to employment or access to a main road.
11. Lack of capacity at the school and surgery; infrastructure cannot cope with this volume of additional housing.
12. Lack of local amenities; one shop, a post office and pub.
13. Incorrect information and inconsistencies in the application.
14. Hemyock people do not want more building; there has been a 25% rise in the number of dwellings in Hemyock in 20 years which is too much.
15. The need for housing in Hemyock is for social housing for local people not executive housing beyond the buying power of local people.
16. Local housing need has already been met with recent developments.
17. Hemyock is taking more than its fair share of new housing.
18. Dwellings in the SE field would be on higher ground, dominate surrounding properties and intrude on privacy of Castle Park bungalows.
19. Dwelling close to Castle Park would affect quiet and affect the enjoyment of residents and destroy the outlook from the Castle Park properties.
20. Light pollution and negative impacts on night sky.
21. Development highly visible from the Millennium Seat public viewpoint at Pen Cross, detracting from

- the AONB view and providing significant visual impact through increasing urbanisation of Hemyock.
22. The village in the AONB is an asset to the tourist trade.
 23. The level of development is changing a nucleated village into a sprawling one.
 24. Hemyock is prone to flooding; in periods of heavy rain the road at the end of the village floods making it impassable; rainwater and debris from the eroded and unrepaired roads block drains and causes flooding. More traffic on these roads will make the situation worse and building on a green field will add to flooding problems.
 25. Surface water from the development/attenuation pond could add to erosion of the river bank at the bottom of Castle Park and Longmead
 26. The sewerage and drainage systems are at breaking point.
 27. Mobile phone coverage and broadband is poor and there is no gas supply.
 28. Open space is welcome but should be considerably located to reduce the impact on local residents.
 29. The developer may increase dwelling numbers and the internal road could provide access for additional dwellings; need to prevent "development creep".
 30. The site is beyond the village limits and in countryside which is part of the Blackdown Hills AONB; paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.
 31. The development is wholly inappropriate in the AONB as confirmed by the objection from the AONB officer and the planning balance should weigh in favour of refusal.
 32. Construction/new housing would be distressing to cemetery visitors.
 33. Paragraph 14 of the NPPF requires development policies relating to house to be considered out of date and planning permission for housing granted unless specific policies in the NPPF indicate development should be restricted. Footnote 9 to paragraph 14 states that policies in the NPPF relating to AONBs are examples of policies that restrict development. The development is exempt from the golden thread of the presumption in favour of sustainable development in the NPPF. The development is too large, too obtrusive to the visual landscape and too detrimental to the environment of the village.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

- 1. Principle of development, including 5 year land supply**
- 2. Landscape and effect on the AONB**
- 3. Access and highway safety**
- 4. Layout, scale and parking**
- 5. Ecology and trees**
- 6. Heritage**
- 7. Flood risk and drainage**
- 8. Effects on neighbouring residents**
- 9. Section 106 and other financial considerations**
- 10. Planning balance**

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

Policy COR17 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside of the Hemyock defined settlement boundary. The site is not allocated and is not being proposed for 100% affordable housing. The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a

target provision of approximately 100 affordable dwellings per year across the District.

However, Members will also be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. The footnote to paragraph 14 of the NPPF gives examples of where development should be restricted, including within Areas of Outstanding Natural Beauty.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF). Due to the Area Of Outstanding Natural Beauty (AONB) location of the application, neither does this mean permission should be granted.

The NPPF contains a presumption in favour of sustainable development. It requires local authorities to "boost significantly the supply of housing" and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible. However, the NPPF also states that development should be restricted within AONBs and gives a number of criteria which need to be met in order for development to be acceptable. These criteria are reflected in policy DM29 of the Local Plan 3 Development Management Policies which also states that major development within or adjoining the AONB should be refused except in exceptional circumstances. These criteria are set out below under section 2 "Landscape and effect on the AONB".

Concern has been raised that there is a lack of employment opportunities within the village encouraging out-commuting and resulting in a lack of community cohesion. Concern has also been raised that public transport is very poor and not suitable for commuting for work and it is more sensible to build houses closer to employment or access to a main road.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. Policy COR12 focuses development on the towns and states that other settlements should have only limited development to meet local needs and promote vibrant rural communities. Hemyock is classed as a village where development should be limited to meet local needs.

Concern has also been raised with regard to lack of capacity at the school and surgery and lack of local amenities; one shop, a post office and pub.

Hemyock has a number of local services and facilities and despite its lack of good public transport, is considered to be a village that is in a relatively sustainable location for the limited development of additional housing. A development of 40 new dwellings would be significant in terms of the scale of development likely to be acceptable in a village location and especially within the AONB.

Consideration of the proposal must take into account the need to preserve the special landscape qualities of the AONB.

The following paragraphs consider the impacts of the development and finally weigh in the balance the benefits of the proposal against identified harm, and assess whether there are exceptional circumstances

that warrant approval of a major development within the AONB.

2. Landscape and effect on the AONB

The site is within the Blackdown Hills AONB. Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect the setting of the Blackdown Hills AONB. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Policy DM29 of the Local Plan 3 Development Management Policies states that major developments within the AONB will only be permitted in exceptional cases. This policy reflects the NPPF which states that the highest status of protection should be given for the landscape and scenic beauty of AONBs. Great weight should be given to conserving landscape and scenic beauty in these areas. The application is for major development and Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission.

Paragraph 116 of the NPPF states that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- o the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
- o the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- o any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Taking these criteria in turn:

Need for the development

A need for additional affordable and market housing in the village has been identified through a recent housing needs survey and it is expected that both the affordable and market housing proposed will be in demand as there has been limited development in the village in the past. The Devon Home Choice register indicates a need for 53 affordable dwellings in the village. Your officers consider there to be a need for affordable housing, even taking into account the recent planning permission granted for 22 dwellings behind the Griffin Close development on the opposite side of Culmstock Road which is to provide 8 affordable dwellings.

Whilst approving or refusing the application would not have a significant impact on the local economy, there are clearly some economic benefits to be had through the construction work and the occupation of the dwellings would provide support for local business and services albeit this is not considered to be a determining factor in this instance.

As far as national considerations are concerned, the NPPF seeks to "boost significantly the supply of housing". Mid Devon's lack of a 5 year housing land supply is considered to be a material consideration carrying significant weight in determining the application. However, in your officer's opinion, significant weight should also be given to paragraph 116 of the NPPF restricting development in the AONB, as required by footnote 9 to paragraph 14, and to policy DM29 of the Local Plan 3.

Case law identifies that, in the context of decision-taking, restrictive policies such as those protecting an AONB will continue to be relevant even where housing supply policies are out of date. This does not mean that development plan policies that are out of date are rendered up to date by the continuing relevance of the restrictive policies. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out of date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision.

The emerging Local Plan Review seeks to allocate a brownfield site within Hemyock for 10 dwellings but no other housing land. Planning permission has recently been granted for 22 dwellings on the opposite side of

Culmstock Road, including 8 affordable dwellings. Hemyock is considered to be a relatively sustainable location for limited additional housing growth, having the facilities and services required for the day to day needs of the residents.

Objectors have stated that there is no need for additional housing in Hemyock and Hemyock has had its fair share of new housing. There has been only limited development in Hemyock in the recent past reflective of its AONB location and the housing needs survey identifies a need for additional housing for local people, particularly affordable housing.

Meeting the need in some other way.

It cannot be argued that housing could not be developed outside the designated area and many villages in Mid Devon are suitable for development. However, there is an identified need for affordable housing in Hemyock that could not reasonably be met by residential development elsewhere.

Effect on the environment

A landscape and visual impact assessment (LVIA) has been provided as part of the application. The AONB officer has pointed out that the LVIA contains several errors and does not demonstrate a good understanding of the landscape and settlement character of the AONB. The document refers to mitigation to screen the development, whereas the AONB officer considers that good development in the right place does not need to be screened. The AONB officer also points out that the LVIA does not take into account the cumulative impact of the proposed development with the development granted planning permission on the opposite side of Culmstock Road (22 dwellings).

The site is within Mid Devon Character Area LCT3B Lower rolling farmed and settled valley slopes. This character area is characterised by a gently rolling and strongly undulating landscape of medium to small scale landform. The landscape is most pastoral farmland with well-managed hedgerows. Forces for change include development pressure and increase in commuting and visitor traffic management and road engineering works out of keeping with the character of the landscape's narrow rural lanes.

Surrounding the site is Mid Devon Character Area LCT3A Upper farmed and wooded valley slopes. This character area is characterised by convex hills and rounded ridges with fertile smooth slopes running into small-scale views. Extensive tracts of medium-scale permanent pasture are grazed with some slopes and flatter hilltops cultivated for arable crops. Well-managed dense hedgerows bound regular medium to large pasture fields. Isolated farms, rural cottages and farm buildings tend to be visually prominent in the landscape with long views from one hilltop to another. Forces for change include the demand for affordable housing and development pressure from people moving to the area.

The LVIA describes the immediate environs of the site as having a sense of quiet and tranquillity with minimal awareness of traffic. The site is within a very rural setting with a strong visual connection to the surrounding landscape, with long views out of the site. The immediate local area is defined by its rural, edge of village nature with medium sized fields put to pasture extending along the valley, surrounded with more elevated, well wooded ground. It has a very attractive scenic quality with a strong sense of place and tranquillity. The presence of the cemetery and the nearby built up area of Hemyock does not detract from the scenic quality as the scale of the village is small when seen in the context of the wider landscape and the long distance views. The LVIA describes the value of the landscape as "excellent" as may be expected from a site within the AONB. The effect on the landscape character of the site itself is considered to be "substantial" as it will change from agricultural to residential. In the wider landscape, the small amount of land changing character in the wider area would result in a "slight/moderate" change; the existing field pattern and the visual uniformity of the landscape will be retained except when in close proximity to the site.

The site is reasonably well screened within the landscape and the proposed development would be seen in the context of existing residential development on the edge of Hemyock. Strong boundary hedges and trees minimise the impact of the development on the landscape and additional planting proposed would help assimilate the development into the landscape. The LVIA sets out a number of measures to minimise the landscape and visual impact including new hedge planting and careful consideration of materials for proposed dwellings. These issues will need to be addressed at reserved matters stage.

In considering the visual effects of the proposed development, 9 viewpoints were selected for analysis within the LVIA at distances of 0.1km to 2.8km from the site. All viewpoints were given a high level of sensitivity to change as they are within the AONB. When viewed from the cemetery and from Culmstock Road, the visual effect of the development on the area was considered to be "moderate/substantial". Further afield, from viewpoints at Penn Cross (Millennium seat), Gray's Lane and Ridgewood Hill, the visual effect of the development within the wider landscape was considered to be "moderate" as although the development would be clearly visible, it would be seen in the context of existing development in Hemyock and may be difficult to discern from the existing village built form. Some loss of landscape would be experienced from these viewpoints. From distant viewpoints, the site is difficult to discern from the general built up area of Hemyock.

The LVIA describes the visual effects of changes in views from private residential properties to be moderate and filtered through boundary and landscape vegetation. Following local concern being raised, the part of the development closest to Castle Park has been removed from the proposal.

As a result of the comments of the Blackdown Hill AONB officer and the high landscape value attributed to the AONB, your officers have commissioned an independent review of the submitted LVIA and an independent assessment of the potential harm the development could cause to the special landscape features of the AONB.

The LVIA review concludes as follows:

The applicant LVIA follows appropriate industry guidance, is based on a robust methodology and is a well written and considered report. The consultants broadly agree with the conclusions, subject to the points requiring clarification.

It is recommended that the Parameters Plan is strengthened to include key landscape and design parameters to guide any future detail application and increase certainty in relation to village setting and AONB issues.

It should be feasible to integrate the development with the existing village and the AONB without causing undue adverse effects, and without affecting the special qualities of the AONB, subject to:

- Retention and enhancement of all field boundaries with appropriate buffer zones
- Re-establishing historic field boundaries as appropriate; some dispersed tree planting to reduce visual effects to the north, but with the emphasis on tree planting along the boundaries
- Preservation of some glimpsed views to the north from the Culmstock Road
- Higher buildings to the south of the site, with the north of the site having a greater amount of lower buildings
- Clear definition of the development boundary with the countryside to offer some protection against future extension to the north
- Development pattern, style, scale and materials to reflect that of properties to the north of Culmstock Road and the older vernacular in the village, without creating pastiche.
- Consideration of neighbours and neighbouring uses avoiding any overbearing or substantial changes

The consultants consider that the site is not unsuitable for the proposed type of development, but that the extent and nature of effects will depend on the final layout, detail design and quality of mitigation. Those aspects will need to be conditioned appropriately, and an updated LVIA and detailed mitigation strategy and landscape masterplan should be prepared at detail application stage to fully confirm the level and nature of effects.

Your officers have requested the applicant to update the parameters plan to take into account the points

raised and Members will be updated on this. The LVIA review has also been forwarded to the Parish Council and the Blackdown Hills AONB officer and Members will also be updated on their responses.

In addition, concern has been raised with regard to light pollution and negative impacts on the night sky. The location of the proposed development adjacent to the existing built form of Hemyock would reduce the impact of the development in terms of light pollution within the landscape as the development would be seen in connection with the village as a whole, including lighting from development nearby and street lighting in Culmstock Road. However, it is considered reasonable to condition external lighting is provided

In conclusion, some environmental harm in terms of landscape character and visual effects has been identified, which reduces with distance and as the landscaping matures. However, it is not considered that the development would fail to protect the special environmental qualities of the landscape, in accordance with policy COR2 of the Mid Devon Core Strategy (LP1).

Recreational opportunities/other community benefits

The application includes approximately 4.8 hectares of land that has been defined as a "no build zone" and which will provide for public open space and recreational opportunities for the residents of Hemyock, as well as land for the SUDS scheme. It is proposed that at minimum of 3 hectares of the land is transferred to Hemyock Parish Council to be used for recreational purposes, along with a commuted sum for maintenance (to be agreed within the Section 106 negotiations). Some of this land will also be required for the SUDS scheme and attenuation pond.

Hemyock Parish Council has identified a number of recreational opportunities that the proposed community open space could provide:

- community orchard
- dog exercise area
- allotments
- pathway linking Longmead to the new development

The Parish Council states that over the years parishioners have been asking for allotments and at one time there were 31 people on a waiting list. The only land available was behind the existing cemetery with access through the cemetery. This was not pursued as it was unpopular with residents.

For a number of years the Parish Council has been trying to lease/buy land for a community orchard. One parcel of land was put forward, but there was ownership issues with the land and this did not come to anything.

In addition, there is an existing problem with dogs being exercised on the sports fields. The football club have had to stop several matches, whilst excrement is cleared away. This sports facility is subject to a grant from the football association and if the football club does not continue (due to problems with excrement on pitches and parents not wanting their children to attend the club) the Parish Council is financially liable to repay some of the grant back to the FA. The Parish Council would like to have an approved grassed dog exercise area, fenced off, kept mown short with appropriate dog bins.

There are still sections of the village where there are no pavements. If the Parish Council were able to link Longmead through the proposed development, this would provide an alternative safe way for children/parents to walk to the primary school.

The Mid Devon Open Space & Play Area Strategy 2014-2033 identifies access to strategic open space and woodland in Hemyock is quite good and the availability of public rights of way is well above average. However, the Strategy identifies that small-scale open space and play area land coverage is low in comparison to other catchment areas.

The Open Space & Play Area Strategy sets out the methodology for assessing the quantity and quality of public open space and play area provision in each settlement measured against national and locally derived standards. The area profiles detail whether the existing open space provision (by type) is sufficient for the existing and projected population of the settlement and identifies any shortfalls.

For Hemyock, the Strategy identifies that there is an under-supply 0.54 hectares of allotment space (there being no allotments in Hemyock at present) and an under-supply of 1.35 hectares of amenity green space (there being an existing provision of 0.81 hectares). With the exception of a small under-supply of children's play area of 0.01 hectares, provision of the remaining types of open space in Hemyock is considered sufficient. The Strategy does not analyse green infrastructure provision such as community orchards.

In addition, policy DM29 of the Local Plan 3 Development Management Policies requires that major development incorporates green infrastructure to provide a number of benefits: enhancing biodiversity, providing flood and water resource management, green corridors and rights of way to improve walking and cycling opportunities, creating new woodland and encouraging local food production.

Mid Devon's Green Infrastructure Assessment (2013) defines green infrastructure as "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities". Examples of green infrastructure include parks and gardens, natural and semi-natural greenspace and amenity greenspace such as community gardens, allotments and informal recreation spaces. Benefits of green infrastructure include biodiversity and nature conservation, climate change adaptation, improving landscape setting, local food production and public health and wellbeing. The Assessment details the provision of green infrastructure in each settlement catchment area. It refers to Hemyock having a good access to strategic open space and woodland, but small-scale open space and play area land coverage is low.

Mid Devon has produced a Green Infrastructure Strategy and Delivery Plan. Although this has not yet been finalised or adopted, it provides useful background evidence in respect of where the green infrastructure shortfalls lie. The Strategy sets out four key objectives: to promote sustainable growth and economic development, to encourage health and wellbeing, to adapt to climate change and to improve biodiversity and a number of policies support these objectives.

Policy GI/1 of the Strategy states that the Council will work in partnership with local communities to deliver green infrastructure enhancements including the provision of public open space and allotments and access to green space, as well as habitat restoration, flood attenuation and sustainable food production.

Policy GI/2 of the Strategy sets out priority catchment areas for improved GI. Hemyock is 26th out of 28 on the list of priority catchments.

Policy GI/5 of the Strategy sets out the need for allotment sites. Hemyock is 7th on a list of 13 priority catchments.

The green space land would include land to be used for the SUDS scheme, including attenuation pond, and provide opportunities to enhance hedge boundaries and linkages to improve landscape character as identified in the landscape and visual impact assessment, and enhance biodiversity. The provision of a community orchard would create an accessible new wooded area as well as produce local food for the community. There is also opportunity to provide a footpath link to improve walking opportunities.

Your officers consider that the provision of the public open space is justified in terms of an identified need for the village to improve recreational facilities.

As the development is capable of being assimilated into the village reasonably well, your officers do not consider that the development would have a material impact on the enjoyment of existing recreational facilities in the area such as public footpaths.

Conclusion on paragraph 116 of the National Planning Policy Framework.

Some harm is identified to the landscape character and visual amenities of the area, particularly at the local level where the change is considered to be "moderate/substantial", and less so when the development is viewed from a distance where it appears part of the built form of Hemyock. The LVIA review concludes that careful detailing and planting mitigation needs to be achieved at reserved matters stage, and a more detailed parameters plan is needed to inform the design. A need has been identified for affordable housing in the village (less so for market housing), such need not being capable of being met elsewhere. In addition,

the opportunity for the Parish Council to acquire 3 hectares of public open space to meet community needs and address a shortfall in provision weighs in favour of granting planning permission.

3. Access and highway safety

The site is proposed to be accessed from Culmstock Road. Access drawings have been submitted for approval showing the new access at the eastern side of the western field. A new footway would be installed and there is a requirement for localised road widening and minor junction realignment at the junction with Parklands opposite. Visibility splays at the entrance would require some minor hedge removal but otherwise the hedge along Culmstock Road would remain intact. It is also proposed to improve the existing access into the eastern field in order to provide pedestrian access to the public open space areas. There is currently very poor visibility at this access and a kerbed build out would be required to improve visibility for pedestrians.

Concern has been raised by local residents with regard to a number of highway related issues, including the ability to local roads to cope with additional traffic, on road parking and congestion in the vicinity of the school. The off-site highway works would facilitate walking to school from the development with the installation of improved footways and crossing provision.

The Highway Authority has not raised any particular concerns regarding traffic circulation within the village but has recommended that the off-site highway works shown on the access plan are conditioned prior to occupation of the development. Subject to these improvement works, the Highway Authority considers the access arrangements to be acceptable.

In their initial response, the Highway Authority recommended that passing opportunities were created in the road between Culmstock and Hemyock and a previously requested large vehicle passing bay provided on the Hemyock to Wellington road. The nature of the surrounding road network was also highlighted in responses from local residents.

Section 106 contributions can only be requested in certain circumstances that comply with the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are that the obligation must be:

- o necessary to make the development acceptable in planning terms
- o directly related to the development; and
- o fairly and reasonably related in scale and kind to the development.

Having considered this further, your officers do not consider it reasonable to require the proposed development to provide the large vehicle passing bay on the Hemyock to Wellington Road as it is neither directly related to the development nor fairly and reasonably related in scale and kind to the development. The passing bay does not form part of the Highway Authority's transport plan. There would also be potential issues in respect of the impact of the provision of a large vehicle passing bay on the character of the AONB.

However, your officers do consider that a financial contribution of £15,000 from the development towards the provision of two smaller passing bays along the road between Culmstock and Hemyock meets the CIL tests. The need has been identified by the Highways Engineer and work now is underway in terms of scoping out the project. The provision of 40 dwellings on the site in question would increase traffic on the Hemyock to Culmstock road to an extent that would make the additional passing opportunities necessary, as highlighted in several objections from local residents.

The submitted Travel Plan seeks to reduce the number of single person car journeys to and from the village and also to make sure new residents are informed of travel options. The Travel Plan also includes an element of traffic monitoring. The Highway Authority has recommended that compliance with the Travel Plan is secured within the Section 106 Agreement.

The Highway Authority has also recommended conditions relating to the provision of the access roads, footways and other highways infrastructure, as well as approval of a construction management plan to minimise the impact on local residents.

Subject to these provisions, the development is considered to be acceptable in terms of its access arrangements and impact on highway safety, in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) which seeks to co-ordinate development and transport planning and provides for development to consider its impact on highway safety and policy DM2 of the Local Plan 3 Development Management Policies which seeks the creation of safe and accessible places.

4. Layout, scale and parking

Details of the layout of the site and the scale and appearance of the dwellings have been reserved for later consideration under a reserved matters application(s). However, the indicative plans indicate that the amount of development proposed can be achieved on the site in an acceptable manner, taking into consideration the requirements of Mid Devon's parking and design standards for residential development within policies DM2, DM8, DM14 and DM15 of the Local Plan 3 Development Management Policies and SPDs on parking and refuse storage.

5. Ecology, trees and landscaping

The extended phase 1 habitat survey identified the need for additional bat and dormouse surveys which were undertaken during 2015. The survey concluded that the improved grasslands were of minimal conservation value. The hedges are diverse and some qualify as "important" under the Hedgerow Regulations 1987; these have high nature conservation interest. Other hedges are of low conservation value.

The survey concludes that there would be no ecological impacts associated with the loss of the grasslands in the fields; however, there would be an adverse impact if high value hedges were lost with the potential to have a negative impact on bats and dormice. The ecology report sets out a number of mitigation measures to protect habitats during construction and in respect of light spill and run-off during the lifetime of the development.

Only a small section of hedge is intended to be removed to provide for the access; otherwise the hedges and trees are to be retained. There are a number of trees on the site that add to the landscape value. These trees are outside the area proposed for development and would form part of the public open space area. There is also opportunity to enhance hedges and tree planting in the open space areas as well as around the boundaries of the site.

Subject to the recommended mitigation measures, the development is not considered to harm habitats and protected species and is considered to be in accordance with policy DM2 of the Local Plan 3 Development Management Policies in this respect. In addition, there is opportunity to enhance landscape features on the site such as hedges and trees, and the proposal would contribute towards the provision of green infrastructure in the village in accordance with policy DM28 of the Local Plan 3 Development Management Policies.

6. Heritage

Preliminary archaeological investigation has taken place on the site. The geophysical survey and subsequent field evaluation of the site has identified undated iron-working sites within the development site; similar sites on the Blackdown Hills have been dated from the early Roman period through to the medieval period and the iron extractive industry was once widespread across this area.

Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron-working sites within the development site and Devon Historic Environment Service has recommended a further programme of excavation work be conditioned.

Hemyock Castle scheduled monument and several associated Grade I and II listed buildings and structures, and the Grade II* Church of St Mary lie within approximately 150 metres of the site and the development has the potential to affect the settings of these heritage assets. A heritage assessment has been submitted

which identifies these heritage assets but concludes that agricultural land within the proposed development site may originally have formed part of the agricultural hinterland to the Castle. However, in the context of the currently layout of Hemyock, including the presence of intervening residential development, it is not considered to contribute to the significance of Hemyock Castle Scheduled Monument. Residential development within the proposed development site would not adversely impact any of these designated heritage assets, in accordance with policy DM27 of the Local Plan 3 Development Management Policies.

7. Flood risk and drainage

The majority of the site is outside Flood Zones 2 and 3, although a strip of land along the eastern side is within the Flood Zones. The Environment Agency has no in principle objections to the development provided that there is no ground raising within the Flood Zone. The EA also requires the sequential test to be passed which guides development to the most sustainable location in terms of flood risk.

The south western field that is proposed to be developed is entirely outside of the Flood Zones 2 and 3, which meets the flood risk sequential test and complies with policies in the National Planning Policy Framework and COR11 of the Mid Devon Core Strategy (LP1) which seek to direct development to the areas least likely to flood.

A sustainable urban drainage system (SUDS) is proposed which directs surface water from the development via swales and porous paving to an attenuation pond with a restricted outfall to the adjoining watercourse. The drainage strategy confirms that the drainage scheme will provide betterment to existing greenfield run-off rates. The Lead Local Flood Authority has confirmed it has no in-principle objections from a surface water drainage perspective, at this stage.

Details of the final SUDS solution will be required to be submitted prior to commencement of development and the Lead Local Flood Authority has recommended conditions in respect of additional percolation testing and the approval of a detailed design for the SUDS. Management and maintenance of the SUDS will also be conditioned for approval, as well as details of temporary surface water management provisions during the construction period.

Foul drainage would discharge into the main sewer.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

Concern has been raised with regard to the road to Culmstock flooding in bad weather. The Highway Authority has confirmed that in very extreme weather the river can overtop, but this is in exceptional circumstances. In recent bad weather, the road to Culmstock flooded but this was due to debris and detritus blocking a gully. This is a maintenance issue and operational concern for the Highway Authority who are aware of the problems.

8. Effects on neighbouring residents

Concern has been raised by local residents that the development would have an unacceptable impact on the residents of Castle Park in terms of the development being overbearing on higher ground, leading to a loss of privacy, and affecting the stability of the watercourse banks that runs between Castle Park and the site. Development on the eastern side of the site, between the cemetery and Castle Park, has now been removed from the proposal.

One other dwelling on the western side of the proposed development has the potential to be directly affected by the development. The reserved matters application will need to address any potential for loss of privacy and amenity for the residents of this dwelling.

Your officers consider the development of the site is capable of compliance with policy DM2 of the Local Plan 3 Development Management Policies in respect of its impact on the privacy and amenity of existing residents.

9. Other representations

Concern has been raised that the developer may increase dwelling numbers and the internal road could provide access for additional dwellings and "development creep". The application is for 40 dwellings on the south western field. The road around the cemetery to the eastern field has now been removed and a parameters plan detailing land for development and a "no build zone" will form part of the Section 106 legal agreement. Whilst there is nothing to prevent additional planning applications being submitted in the future, the planning application now being considered is for 40 houses on one field. Any future planning applications would be considered on their own merit and if submitted on the "no build zone" land, would require a change to the Section 106 legal agreement.

Concern has been raised with regard to construction of the new housing being distressing to cemetery visitors. Whilst some disruption during construction is inevitable, the construction period would be relatively short. The cemetery is already in reasonably close proximity to housing and provided the development allows a buffer/screening between the housing and the cemetery, there should be little additional impact on people visiting the cemetery.

10. Section 106 and other financial considerations

Affordable housing

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35% for open market. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 35% affordable dwellings on the site totally 14 affordable dwellings, tenure and mix to be agreed. The Devon Home Choice register shows a need for 53 affordable rented dwellings in Hemyock (bands A-E) and the Section 106 Agreement will contain a cascade according to housing need and low connection.

Public open space and commuted sum

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling. Policy DM29 of the Local Plan 3 Development Management Policies also requires major development to provide an element of green infrastructure. The applicant has agreed to transfer a minimum of 3 hectares of land to Hemyock Parish Council to be utilised for a number of public open space purposes, for example, allotments, community orchard, etc, which will provide for both the public open space and green infrastructure requirements of the development. The applicant has also agreed to pay a commuted sum to the Parish Council for ongoing maintenance of the land, such sum to be agreed prior to the signing of the Section 106 Agreement.

Education

Concern has been raised that there is no capacity within Hemyock primary school for the additional pupils that would be generated by the proposed development. Policy AL/IN/5 provides for new development to cover the cost of additional education provision required to meet the needs of the development. Devon County Council has confirmed that the local primary school is forecast to have 8.75 spare places in spring 2020, and therefore a financial contribution £17,065 is required in respect of the excess of 1.25 pupils that would be generated by the development, to be used to provide education facilities at Hemyock Primary School.

In addition, a contribution towards Early Years provision of £10,000 (£250 per dwelling) is needed ensure provision for 2, 3 and 4 year olds likely to be generated by the proposed development.

The local secondary school at Uffculme is forecast to be at capacity. DCC would require a secondary education contribution of £131,525 to provide additional secondary education facilities at Uffculme School. In addition, a contribution of £19,950 is required towards secondary school transport.

The applicant has agreed to make these financial contributions through the Section 106 Agreement.

Off-site highway works and travel plan

As set out in section 3 above, the applicant has agreed to make a financial contribution of £15,000 towards the provision of two passing bays along the Culmstock to Hemyock Road. Compliance with a travel plan to reduce the reliance on private motor vehicles will also be secured by the Section 106 Agreement, as recommended by the Highway Authority.

New homes bonus

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), New Homes Bonus is under review by the Government. Assuming completion in 2017/18 the award would be paid over a period of 5 years, amounting to £230,100. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £184,080.

11. Planning balance

The NPPF contains a presumption in favour of sustainable development and requires local authorities to boost significantly the supply of housing. The development would provide 26 open market and 14 affordable dwellings which would provide economic and social benefits for Hemyock.

The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The site is within the AONB where major development is restricted in accordance with paragraph 116 of the NPPF and policy DM29 of the Local Plan 3 Development Management Policies. These policies require that major development within AONBs should be refused unless there are exceptional circumstances to warrant approval. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.

Your officers consider consideration of this application to be finely balanced. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and off-site highway works. The visual effects of the development would depend very much on the designs submitted under a later reserved matters application and the final landscaping proposals. The AONB officer and the independent LVIA review considers that the design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider AONB landscape.

Your officers consider that there would inevitably be some harm to the special landscape qualities of the AONB. Depending on design, it is likely that this harm would only be significant from closer viewpoints and would lessen as mitigation planting matures. In the wider landscape, your officers consider that the development would be seen in the context of the existing built form of Hemyock, although in terms of the cumulative effect with the 22 dwellings granted planning permission behind Griffin Close, the AONB officer considers that the development would emphasise the expansion of the village westwards from its core.

Weighing in favour of the development is the provision of 14 affordable dwellings to meet an identified local need. In addition to this, the application includes the provision of a minimum of 3 hectares of public open space/green infrastructure land which the applicant has agreed to transfer to the Parish Council, together with a commuted sum for the maintenance of the land.

Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission for a major development in the AONB, in accordance with policies DM29 of the Local Plan 3 Development Management Policies and paragraph 116 of the NPPF.

Whilst the decision is finely balanced, taking all the above into account, your officers consider that the inclusion of a substantial area of public open space within the proposed development to meet a need identified by the Parish Council to provide community public open space facilities, is a public benefit that makes the proposal exceptional enough to tip the balance in favour of approval.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (including the attenuation pond area) informed by the approved parameters plan (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 latter.
4. The details required by condition 1 shall include the following additional information:
 - a) Updated landscape and visual impact assessment informed by the detailed design of the development
 - b) Landscaping masterplan with detailed landscape mitigation strategy and planting plans
 - c) Existing and proposed site levels and finished floor levels
 - d) Tree protection plan and arboricultural method statement
 - e) Phase 1 land contamination report in respect of potential contamination from the adjacent cemetery.
5. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall have been previously submitted to and approved by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority, and the results of the fieldwork and post-excavation specialist analysis shall be undertaken and submitted to the Local Planning Authority in an appropriately detailed and illustrated report.
6. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such Construction Management 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, with such vehicular movements being restricted to between 8.00am and 6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm on Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local 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 proposed route of all construction traffic exceeding 7.5 tonnes;
 - g) 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;
 - h) 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;
 - 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 on-site;
 k) details of wheel washing facilities and obligations;
 l) details of the amount and location of construction worker parking;
 m) photographic evidence of the condition of adjacent public highway prior to commencement of any work

7. 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 and approved in writing by the Local Planning Authority.
8. 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.
9. No development shall begin until a temporary surface water drainage management system to serve the development site for the full period of its construction has been implemented and is operational. Details of such temporary surface water drainage management system shall be submitted to and approved in writing by the Local Planning Authority before its implementation and shall address both the rates and volumes, and quality, of the surface water runoff from the construction site.
10. No development shall begin until a programme of percolation tests have been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. The programme shall take the form of a representative number of tests to provide adequate coverage of the site, with particular focus on the locations and depths of the proposed infiltration devices.
11. No development shall begin until details of the permanent surface water drainage management system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be informed by the programme of percolation tests required by condition 5. and the principles set out in the Level 2 Flood Risk Assessment (Report Ref: 422/FRA2, Rev. V1, dated 20/10/2016). Once approved, the development shall be constructed in accordance with the approved the permanent surface water drainage management system, and the system shall be fully operational before any of the proposed dwellings are first occupied.
12. No dwelling shall be first occupied until the full details of the adoption and maintenance arrangements for the permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be retained and maintained in accordance with the approved adoption and maintenance arrangements for the lifetime of the development.
13. No dwelling shall be first occupied until the off-site highway works detailed on approved drawing number SK01 have been constructed and made available for use.
14. 8.No dwelling in any agreed phase of the development shall be first occupied until the following works have been carried out in accordance with the approved details:
 - a)The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b)The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c)The cul-de-sac visibility splays have been laid out to their final level;
 - d)The street lighting for the spine road and cul-de-sac and footpaths have 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.

15. 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 approved details.
16. No external lighting shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

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 an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with Paragraph 141 of the National Planning Policy Framework and Mid Devon Local Plan Part 3 (Development Management Policies) Policy DM27.
6. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure the proper development of the site.
9. 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 the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
10. 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, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
11. 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, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

12. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development so not as to increase flood risk elsewhere, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
13. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of the National Planning Policy Framework.
14. 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 Local Plan Part 3 (Development Management Policies).
15. 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 Local Plan Part 3 (Development Management Policies).
16. In order to minimise light pollution in the Area of Outstanding Natural Beauty and to minimise the development's impact on bats, in accordance with Policy DM29 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

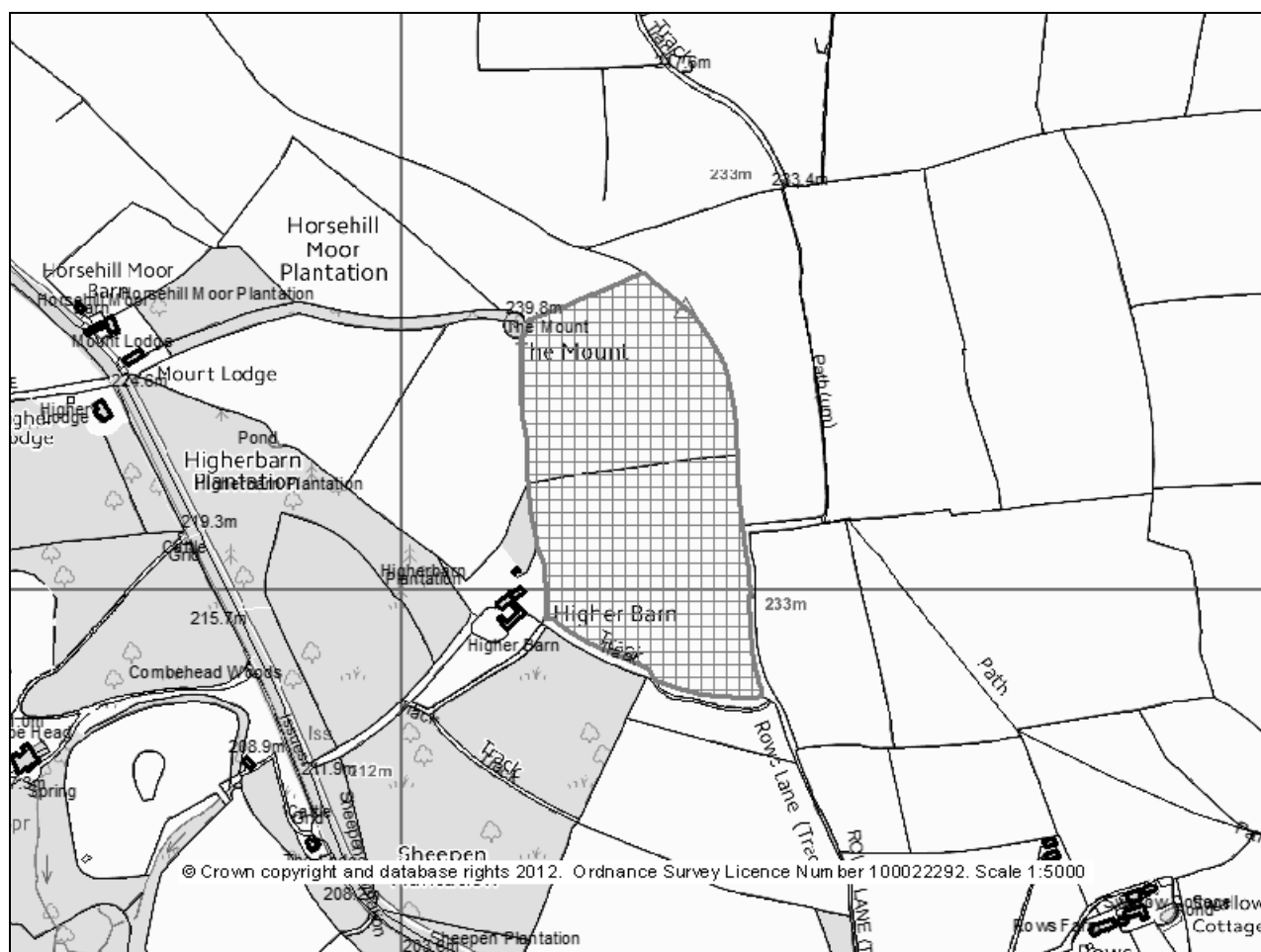
1. A suitable programme of work should take the form of the archaeological excavation of all areas where iron-working has been identified by the geophysical survey and field evaluation works already undertaken within the application area to ensure an appropriate record is made of these heritage assets.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is, on balance, considered to be acceptable in that the development would provide 26 market and 14 affordable dwellings to meet an identified local need, as well as a substantial area of public open space/green infrastructure. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and off-site highway works. The visual effects of the development would depend on the design, size, scale, form, and layout of the houses and the landscaping proposals to be approved under later reserved matters application(s). However, although there would be some harm to the special landscape qualities of the Area of Outstanding Natural Beauty, depending on design, it is considered that this harm would only be significant from closer viewpoints. In the wider landscape, the development would be seen in the context of the existing built form of Hemyock, although the development would emphasise the expansion of the village westwards from its core. The provision of a substantial area of public open space within the development meets a community need identified by the Parish Council and weighs in favour of the development proving exception enough to warrant approval in the public interest.

The development is considered to be broadly in accordance with Policies COR1, COR2, COR3, COR9 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM8, DM27 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole, and the SPDs on parking, public open space and meeting housing needs. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) as it is outside any defined settlement boundary and is not allocated for 100% affordable housing. However, as stated above the benefits of the scheme are considered to weigh in favour of approval of the development in accordance with the National Planning Policy Framework as a whole.

Date Valid: 15th December 2016



RECOMMENDATION

1. Grant permission subject to conditions.
2. That service of the Enforcement Notice (Planning Committee resolution November 2016) be held off for a period of 6 months from 29th March 2017 pending a review of progress in completing the works contained within this application

PROPOSED DEVELOPMENT

The application seeks planning permission for the construction of 2 ponds, a wetland area, and attenuation basin and creation of additional 120m of Devon hedgebank within two fields to the north east of Higher Barn, Bampton. The application site is within the same ownership as Higher Barn and is accessed via the private driveway that serves Higher Barn (over which a neighbouring landowner has access rights).

The development is partially retrospective as the 2 ponds and wetland area have already been provided, and the attenuation basin has been partially provided.

The two ponds are drainage retention ponds and are located in the south west corner of the fields. Due to the surrounding topography surface water would naturally drain toward these ponds. Surface water also naturally flows toward the wetland area in the south eastern corner of the application site. The planning permission being sought includes the attenuation of surface water through hedgebanks and swales prior to it connecting to the wetland area and ponds.

The attenuation basin refers to the management of surface water from the entire application site. Significant unauthorised works have been carried out on the site prior to the submission of this planning application including the installation of the two ponds and wetland area as well as other drainage works. The attenuation basin includes the retention of 2 ponds, wetland area as well as the provision of an additional wetland area, swales, reed planting and filter drains.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Extended Phase I Habitat Survey Report
Plans and elevations
Soft landscaping plan
Drainage strategy

PLANNING HISTORY

No history of planning applications within the application site, although there are enforcement matters, which are discussed within this report.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM27 - Development affecting heritage assets

CONSULTATIONS

DEVON, CORNWALL & DORSET POLICE - 5th January 2017 - No comments

BAMPTON TOWN COUNCIL - 9th January 2017 - Objection - Council considers that only re-instatement of the land back to its original state would be acceptable.

HIGHWAY AUTHORITY - 21st December 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENTAL HEALTH - 3rd January 2017

Contaminated Land - no objection to this proposal

Air Quality - no objection to this proposal

Environmental Permitting - N/A

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety I have no objection to this proposal.

LEAD LOCAL FLOOD AUTHORITY - 23rd January 2017

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

Observations:

The proposed strategy is acceptable given that the site will remain effectively a 'greenfield' and have no in-principle objection to the proposed strategy.

However, the applicant should provide further detail on the drainage route of the proposed outfall which should indicate that there is sufficient capacity and condition to convey the proposed flows. Although alluded to in drainage strategy, the applicant should explicitly indicate the proposed controlled rate of discharge into the ditch network, in which this rate will be no greater than 'greenfield' performance presented.

Where filter drainage is to be abandoned appropriate measure should be employed to seal this drainage and/or surrounding ground, so that these areas do not act as preferential flow paths.

It is proposed to maintain an opening linking the northern and southern catchments with a drainage connection, where opportunities exist to reinstate this hedge bank in its entirety should be explored as to reinstate the previous drainage regime.

NATURAL ENGLAND - 3rd January 2017

No comments.

HISTORIC ENVIRONMENT SERVICE - 23rd December 2016 - I refer to the above application. The north-western part of the application site lies adjacent to an undesignated heritage asset. This monument is a substantial mound, described in the County Historic Environment Record either as a possible prehistoric burial mound, a medieval motte or a prospect mound associated with the landscaped gardens around

Combe Head. No archaeological investigations have been undertaken on this site so the exact nature and age of the mound is unknown.

However, it is clear from its position in the landscape that the monument has been sited to occupy a prominent position in the landscape to enable it to be visible on the skyline and to have extensive largely uninterrupted views to the south and north. The site is also a prime location for prehistoric funerary activity and if the extant mound is a post-medieval landscape feature it may be sited on an earlier earthwork feature here.

The remedial groundworks associated with the releveling of the site have the potential to expose and destroy archaeological and artefactual material within the situ subsoil and surviving remnant topsoil in the north-western part of the application area.

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks in the vicinity of the artificial mound that lies just to the north-west of the application area to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

REPRESENTATIONS

6 letters of representation received. The comments received are summarised below:

- Concern that changes to the drainage regime will affect neighbouring properties;
- Concern that changes to drainage has resulted in a culvert running under the road has dried up;
- Concern regarding impact on water table down hill;
- Concern regarding the use of the putting greens;
- Support the enhancement of local biodiversity;
- Encouragement for the works to be implemented as soon as possible;
- Support the removal of the soil and subsoil mounds;
- Support professional drainage assessment and proposals;
- Support design and inclusion of eco system works and new hedgerow;
- Support removal of structure from the site;
- Various planning conditions suggested.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in the assessment of this application are:

- 1. Planning history including recent enforcement action**
- 2. Drainage**
- 3. Archaeology**
- 4. Ecology and biodiversity**
- 5. Visual amenity and landscape character**
- 6. Access**

1. Planning history including recent enforcement action

Higher Barn is part of a former farmstead. The original farmhouse was replaced with a new dwelling a few years ago. There are three fields to the north east and east of Higher Barn that are associated with, and within the same ownership as the dwelling.

The most recent planning history relates to the carrying out of unauthorised engineering and other development with the fields to the north east of Higher Barn, with the intention of providing a small private golf course and pavilion building. Without planning permission engineering works were undertaken on land to the north west of Higher Barn in 2016. The incomplete engineering works have resulted in the partial provision of what was intended to be a quad bike track and a number of raised golf tees/greens as well as a partially installed surface water drainage scheme that includes the provision of two attenuation ponds as well as a wetland feature and a number of filter drains. Extensive earth movements occurred on the site resulting in large earth mounds on the site as well as the shallow ditches required for the filter drains and the excavations required to provide the 2 attenuation ponds and wetland area.

The Local Planning Authority served a temporary stop notice on the owner of Higher Barn and any works on the site subsequently ceased.

The unauthorised works and proposed enforcement action was reported to and agreed by Planning Committee in November 2016. The Planning Committee agreed that an Enforcement Notice should be served to seek the reinstatement of the fields north east of the dwelling. Between the resolution of the Planning Committee to serve an Enforcement Notice and the actual preparation and serving of the Enforcement Notice a planning application for the reinstatement of the land has been received. The Enforcement notice has not therefore been completed or served on the applicant pending determination of the application. Should the application be refused then it will be necessary for the Enforcement notice to be served in accordance with pre-existing instructions.

The current planning application seeks to reinstate the fields but includes the retention of the ponds and wetland area, a completed land drainage system and indicates additional and extensive tree, hedgebank and scrub planting to enhance the biodiversity of the site. The design and access statement originally submitted suggested the inclusion of four mounds that could be used as a putting greens as well as general grazing areas. The design and access statement has been amended following discussions with the Agent. The application is not seeking any change of use of the land. The land is to be restored and to remain as agricultural land. Under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 4, Class B (Temporary use of land), the landowner does have the ability to use the land for other temporary uses for 28 days in any calendar year. There are limitations on the number of days that certain temporary uses can take place. The supporting information does not suggest that any specific form of temporary use of the land is proposed.

While work on site stopped following the serving of a temporary stop notice it should be noted that the low walls and floor slab associated with the original proposal for the provision of a pavilion type building have been removed from the site. The applicant's Agent has indicated that a couple of the reinforced rods that were being used to construct the pavilions have had to be left in the ground as they in turn are helping to protect the stability of the ground source heat pump which is located in the south western corner of the site.

2. Drainage

The original aspiration of the applicant was to provide a quad bike track and a small private golf course within the two fields. In association with these proposals the fields were to be drained to the two attenuation ponds and the wetland area.

The land drainage system that was begun in 2016 is not complete. A drainage strategy has been submitted with this application which indicates the amendments required to ensure surface water run off does not exceed greenfield run off rates and can be adequately contained within the applicant's land ownership. The proposed drainage scheme includes the provision of swales in the northernmost of the two fields. These are located behind the retained hedgebank that will also assist in the natural containment of surface water. The northern fields will also benefit from the creation of a new hedgebank that reduce the size of the field and help to manage surface water.

The southern field is proposed to contain a network of filter drains that will connect to a swale and wetland feature on the eastern side of the field and to the two attenuation ponds in the south western corner of the field. An overflow from the two ponds would connect to the southernmost field in the applicant's ownership (to the east of Higher Barn) where any overflow would be piped and accommodated within this additional land.

The Lead Local Flood Authority have been consulted on the application. They have indicated that they do not object to the principle of the proposed land drainage scheme on this land. During the consideration of the application they requested additional information relating to the drainage scheme and this has been provided by the Agent. They confirmed that they have no objections to the proposals via email on the 9th February 2017.

Policy COR11 of the Mid Devon Core Strategy requires development to prevent an increased risk of flooding and policy DM2 Local Plan Part 3 (Development Management Policies) requires development to be supported by sustainable drainage solutions. It is considered that the proposed drainage scheme would be fit for purpose and provide a mix of natural and engineered solutions toward the management of drainage of the application site. The drainage scheme is considered to be a sustainable solution that will reduce risk of surface water affecting neighbouring land and prevent any localised flooding. The proposal is therefore in accordance with policies COR11 Mid Devon Core Strategy (LP1) and DM2 Local Plan Part 3 (Development Management Policies).

3. Archaeology

The Historic Environment Service (HES) were consulted on the application due to the proximity of part of the disturbed ground to an archaeological feature known as "The Mound". The northwestern part of the application site lies adjacent to an undesignated heritage asset. This monument is a substantial mound, described in the County Historic Environment Record either as a possible prehistoric burial mound, a medieval motte or a prospect mound associated with the landscaped gardens around Combe Head. As no archaeological investigations have been undertaken on this site the exact nature and age of the mound is unknown. The HES have stated that it is clear from its position in the landscape that the monument has been sited to occupy a prominent position in the landscape to enable it to be visible on the skyline and to have extensive largely uninterrupted views to the south and north. The site is also a prime location for prehistoric funerary activity and if the extant mound is a post-medieval landscape feature it may be sited on an earlier earthwork feature here.

The remedial groundworks associated with the re-levelling of the site are considered to have the potential to expose and destroy archaeological and artefactual material within the situ subsoil and surviving remnant topsoil in the north-western part of the application area. As a result of the potential to expose or destroy archaeological and artefactual material while reinstating the site it is necessary to impose a condition that requires a programme of archaeological work and a written scheme of investigation to be submitted to the Local Planning Authority for approval prior to the works to reinstate the site commencing.

Without an appropriate worded condition, the further works to the site have potential to disturb a heritage asset contrary to the requirements of policy DM27 Local Plan Part 3 (Development Management Policies)

which requires heritage assets to be preserved. However, through a programme of archaeological work and a written scheme of investigation any impact on the heritage asset should be prevented.

The archaeological condition will ensure that an appropriate record is made of archaeological evidence that may be affected by the development. A suitable programme of archaeological work is suggested to include the supervision of all groundworks in the vicinity of the artificial mound 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. As long as the reinstatement works are carried out in accordance with the approved archaeological works then the development would be in accordance with policy DM27 Local Plan Part 3 (Development Management Policies).

4. Ecology and biodiversity

The proposals include the reinstatement of the fields, to a pre-development state. Instead of simply re-sowing the land with the same grass species it is proposed to take the opportunity to enhance the biodiversity of the land by introducing other flora in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) that requires development to make a positive contribution to local character, including any biodiversity assets. This policy is echoed in COR18 Mid Devon Core Strategy (LP1) as it too requires development to enhance the biodiversity of the countryside. A planting schedule was submitted with the application and it includes the planting of trees, new hedgerows and scrub mixes as well as other specific plants suitable for different areas of the site, including:

- Trees from the arboretum to the south including: field maple, lime, silver birch, mountain ash, english oak and sweet chestnut;
- Native hedge mix (for 120m of additional hedgerow);
- Native scrub mix including;
- Amenity grasslands;
- Butterfly banks;
- Wild flowers;
- Pollen and nectar meadow mixture;
- Meadow mixture for wetlands (including swales)

Although the physical earth moving required to reinstate the site to its former condition/level is considered to be an engineering operation that requires planning permission, the planting of various flora across the site is not development. The details are included in this application as the planting is intended to enhance the biodiversity of the site, however, the planting of these species does not require planning permission.

5. Visual amenity and character of the site

The unauthorised works that took place on the site resulted in the formation of very large mounds of earth at various locations on the site as well as the removal of a section of hedgerow and the formation of the two ponds.

The original contours of the site have been disturbed throughout the site, however, aerial photography and the perimeters of the site indicate the general gradient of the site prior to works taking place.

The tree cover around the perimeter of the site provides visual containment. There are no views of the site from the public highway and long distance views of the site are limited. There are some views into the site from the public footpath to the east. Following the reinstatement of the site in accordance with the submitted plans it is considered that the visual amenity of the site will be restored and will not have a detrimental impact on the visual amenity of the surrounding area in accordance with policy DM2 that requires development to be well integrated with surrounding landscapes.

The character of the site was significantly affected by the unauthorised works. The proposed plans indicate the site will be re-contoured to reflect the previous ground levels.

Policy COR18 Mid Devon Local Plan (LP1) and policy DM2 Local Plan Part 3 (development Management Policies) require development to enhance and/or positively contribute to the local character, appearance and

biodiversity of an area. The proposed plans indicate extensive planting is proposed to improve the biodiversity of the site. The two larger ponds in the south western corner of the site are proposed for retention as well as the wetland area in the south eastern corner. It is considered that these features will sit comfortably within the site, especially when the additional planting has become established. Following the completion of the development and the planting indicated on the submitted plans it is considered that the character of the site will be restored. The application does not propose any change of use of the land and its lawful use will remain as agricultural land. The site will ultimately have a different appearance to its pre-development condition as it has been disturbed significantly and needs extensive re-contouring. The planting schedule will also contribute to its appearance. Built development on the site is limited to the two ponds and following adherence with the submitted plans the character will be returned to that of agricultural land.

The Local Planning Authority, Bampton Town Council and local residents require the site to be reinstated, and were an enforcement notice served the reinstatement would be required. This application seeks to reinstate the site but to also retain the ponds and wetland area and to provide a completed drainage scheme as well as to enhance the biodiversity of the site. The proposals are considered to be in accordance with policy COR18 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies). Members need to also consider the previous resolution to issue an enforcement notice. There is a further recommendation that the serving of the enforcement notice is reviewed, pending progress on completing the works. It is recommended that the Local Planning Authority wishes to see the works including planting to be completed within 6 months of the date of this permission (if granted).

6. Access

The vehicular and pedestrian access to the application site will be unchanged as a result of the proposals. The vehicular access from the private driveway serving Higher Barn will be retained. The pedestrian access via the driveway will also be retained. There are third party access rights across part of the land belonging to Higher Barn and these access rights will not be negatively affected by these proposals. The proposals do not have a detrimental impact on access to the site or adjoining land and is therefore in accordance with policy COR9 Mid Devon Core Strategy (LP1) and the NPPF in this regard.

CONDITIONS

1. The development hereby approved shall be commenced within 3 months of the date of the decision notice in accordance with the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with the details on the approved plans.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall be carried out in strict accordance with the drainage strategy indicated on drawings 39494-2001-500 and 39494-2001-501 received 15th December 2016 and once provided the drainage scheme shall be permanently retained and maintained.
5. The development hereby permitted shall be carried out in accordance with the planting schedules indicated on drawing SPP 2047.002 received 15th December 2016.

REASONS FOR CONDITIONS

1. To ensure the timely remediation of the site and to ensure that new planting takes place within the next planting season.
2. For the avoidance of doubt and to ensure the site is remediated in accordance with the approved plans.
3. To ensure, in accordance with Paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in Paragraph 5.3 of the Mid Devon Local Plan Part 3: (Development Management Policies) Policy DM27, that an appropriate record is made of archaeological evidence that may be affected by the development.
4. For the avoidance of doubt and to ensure surface water on the site is managed in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. For the avoidance of doubt and to ensure the additional planting is achieved in order to achieve the biodiversity improvements on the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development seeks planning permission to reinstate the site following the carrying out of unauthorised works in 2016 and therefore to negate the requirement for the Local Planning Authority to serve an enforcement notice.

The proposed development would result in the recontouring of the site, retention of two ponds and a wetland area, the completion of a land drainage scheme (including swales, filter drains and other drainage features), creation of new hedgebank and extensive tree, hedge and scrub planting throughout the site.

It is considered that the proposed development would improve the visual amenity of the site and restore and enhance the character of the site once the reinstatement works and additional planting have been completed. The completion of the drainage scheme should ensure that the works that have taken place on site do not result in any localised flooding. The archaeological monitoring of the reinstatement works at the northern end of the site will ensure that the off site archaeological feature known as the "Mound" is not detrimental affected. The additional planting will enhance the biodiversity of the site.

For the reasons given it is considered that the proposals are in accordance with Policies COR2, COR9, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework and that conditional planning permission should be granted.

Application No. 17/00090/ARM

Plans List No. 4

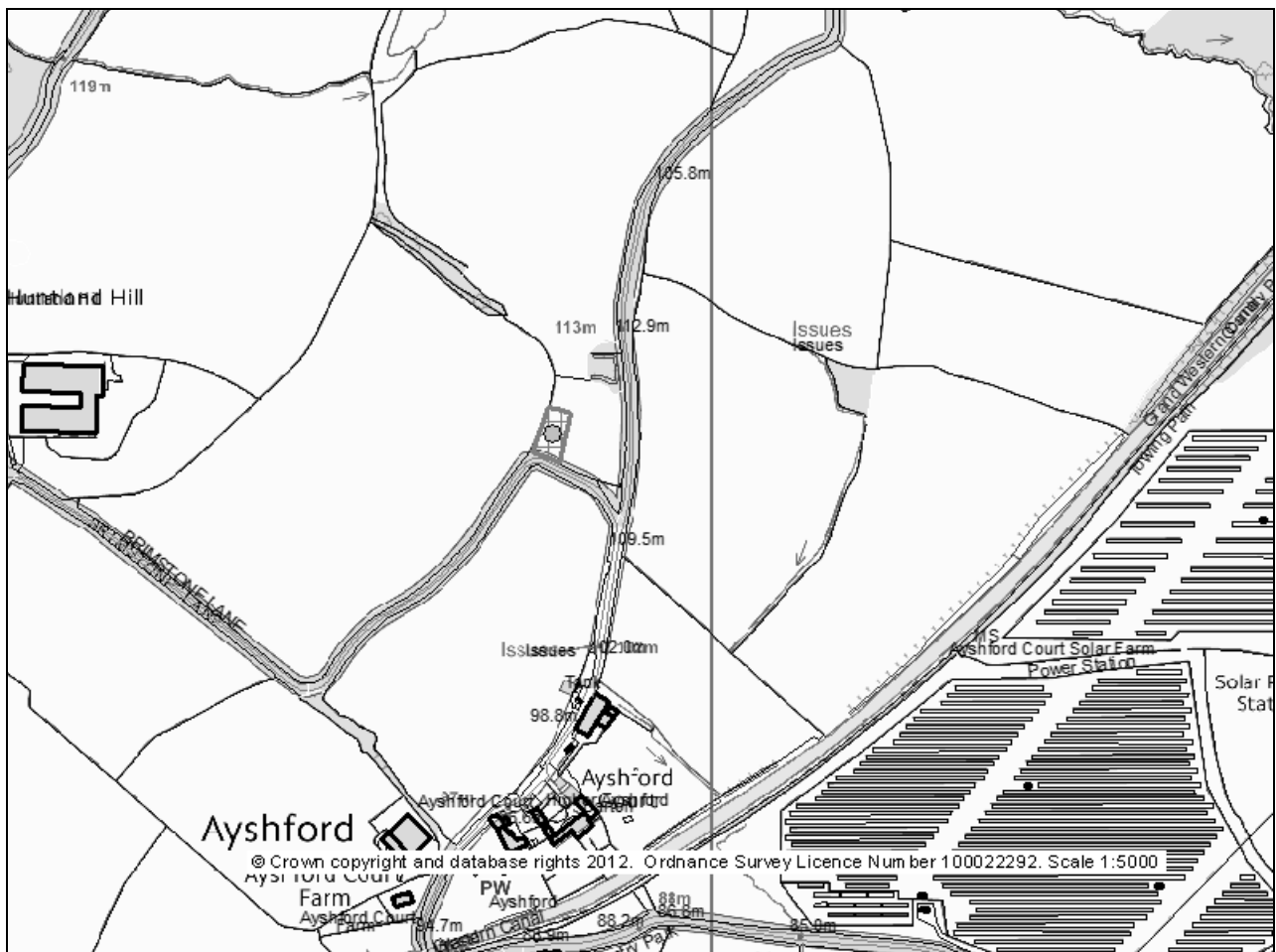
Grid Ref: 304856 : 115771

Applicant: Mr & Mrs S Caudwell

Location: Land at NGR 304865
115568 Corner of
Brimstone Lane
Westleigh Devon

Proposal: Reserved Matters for
the erection of a
dwelling following
Outline approval
16/00108/OUT

Date Valid: 23rd January 2017



Application No. 17/00090/ARM

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

The application is for reserved matters in respect of access, appearance, landscaping, layout and scale, following grant of outline planning permission 16/00108/OUT for a rural workers dwelling.

The site is in an isolated rural location approximately 200 metres north of Ayshford Court and approximately 2.3 km by road from Sampford Peverell. The site is an agricultural field which forms part of a holding that extends to approximately 64 hectares. The site is adjacent to Brimstone Lane and elevated above the road. The field itself is reasonably well screened from the road by hedges and trees.

The proposed dwelling is intended to be a 2 storey, 4 bedroom dwelling with kitchen, living room, study, hall, farm office, shower room and boot room on the ground floor and 4 bedrooms, 3 bathrooms and a storage area on the first floor. The overall internal floorspace is proposed to be approximately 250 square metres (internal). Materials are proposed to be rendered walls (with stone to the single storey office element), under a slate roof with aluminium windows, timber doors and featuring a large glazed wall to the front. The height of the proposed dwelling is intended to be approximately 8 metres to ridge.

The access is to be in the same location as the existing field gate access with visibility improved by trimming an existing hedge. The access drive is to be tarmacked with a drainage strip at the boundary. Three parking spaces are to be provided within the site. No additional landscaping is proposed.

APPLICANT'S SUPPORTING INFORMATION

Planning and Design Statement

PLANNING HISTORY

14/00290/FULL Re-instatement of dwelling; including erection of extension and the re-use of existing structures as ancillary accommodation - REFUSE

The application was to rebuild a derelict cottage which was refused as the building was not of permanent and substantial construction and the applicant had not demonstrated the essential need for a rural worker. The application did not meet policies COR18, DM10 or DM11

15/00475/PNAG Prior notification for the erection of a grain store - APPROVAL OF PRIOR APPROVAL

16/00108/OUT Erection of a rural workers dwelling - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM10 - Rural workers dwellings

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

CONSULTATIONS

CENTRAL AREA CONSERVATION OFFICER - 13th March 2017

Thank you for consulting me. I have no objections to the application as the impact on the setting of Ayshford Court and the conservation area (canal) are not harmed.

ENVIRONMENTAL HEALTH - 30th January 2017

Contaminated Land - N/A for these reserved matters

Air Quality - N/A for these reserved matters

Environmental Permitting - N/A

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - I recommend the following Planning condition

A private water supply has been identified for an adjacent address. If this supply is to be used in connection with the proposal it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. . In either circumstance a risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used I would have no comment.

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

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Background**
2. **Whether the size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.**
3. **Access and parking**

1. Background

The site is in an isolated rural location where national and local planning policies restrict the provision of new residential dwellings unless there are special circumstances such as an essential need for an agricultural (or other rural) worker to be present on site at most times to meet the needs of the holding. The National Planning Policy Framework states that isolated new homes in the countryside should be avoided except in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Outline planning permission has been granted for a rural workers dwelling on the site.

Policy DM10 of the Local Plan Part 3 (Development Management Policies) sets criteria for the consideration of applications for rural workers dwellings. DM10 states that applications for rural workers dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full

time worker has an essential need to be permanently resident at or near their place of work so they are available most times.

- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

Criteria a), b) and d) were considered at outline application stage. Criterion c) remains to be considered under this reserved matters application.

1. Whether the size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site

The Planning and Design Statement submitted with the outline application refers to the type of dwelling that was envisaged. The following statements were made:

"The ethos of the owners is to provide a dwelling suitable for modern farm life whilst keeping the house to a modest size and simple design, to serve only the needs of the farm".

"...it is also envisaged that the dwelling would be designed to utilise the enclosed nature of the site and topography; sitting the property into the landscape".

"...it is envisaged that the house would form a modest farm dwelling".

"It is also proposed that the design will be sensitive to the character of the local area and also sensitive to the setting of the site within the surrounding landscape".

Your officers do not consider that the dwelling proposed under this reserved matters application could be described as modest or sensitively designed for the location. It is a large 4 bedroom house which at 250 square metres internal floorspace is considerably larger than 4 bedroom houses commonly found on modern developments. National space standards (replacing the standards in policy DM15) set the minimum space standard for a 4 double bedroom 2 storey dwelling at 124 square metres. Recently approved developments show 4 bedroom dwellings with internal floorspace in the region of 140-160 square metres.

Whilst Mid Devon has no maximum floor area for rural workers dwellings, the size of the dwelling must allow the dwelling to remain affordable for rural workers to buy in the future. As a general guide, your officers would expect a rural workers dwelling to have a maximum internal floorspace of approximately 150 square metres. There is some flexibility for the main farmhouse in that it needs to contain office and other farm facilities. As a guide, the maximum internal floorspace for the main farmhouse on a holding of this size would therefore be in the region of 180 square metres, including office facilities. Internally, the layout of the dwelling contains large areas used inefficiently including an open double height hallway and office when a farm office is already provided. A smaller more efficiently designed layout will still achieve a four bedroomed dwelling.

The design of the dwelling is also not considered to be sympathetic to its setting. The ground level of the site is elevated above the road, such that the field level at the top of the site is just visible above the boundary fence in winter. Rather than sitting the proposed dwelling into the landscape as proposed at outline application stage, the proposed dwelling would sit above the site and from the adjacent road would appear as skyline development. Whilst your officers accept that in longer views, the development would not appear on the skyline, your officers consider that a dwelling of the scale and appearance proposed dominate views from the adjacent road. The existing boundary hedges would do little to screen the development from the road, although the treelines to the west and north would help filter views within the landscape.

The design of the proposed rural workers dwelling is considered to be contrary to criteria c) of policy DM10 of the Local Plan Part 3 (Development Management Policies). The proposal is also considered to be contrary to policy DM2 of the Local Plan 3 Development Management Policies which requires proposals to

show a clear understanding of the characteristics of the site and to be well-integrated with surrounding landscapes.

The site is approximately 200m north of Ayshford Court and the Grand Western Canal Conservation Area. However, it is not considered that the dwelling would be highly visible from the Conservation Area and would not affect its setting to any material degree. The proposal is considered to be in accordance with policy DM27 of the LP3 DMP in this regard.

2. Access and parking

Access to the site is to be via an improved existing agricultural access. Although Brimstone Lane is narrow, there is good visibility at this point and the new drive would be surfaced and drained and the boundary hedge trimmed to ensure improved visibility. Devon County Highways standing advice requires visibility in both directions of 23 metres assuming a road speed of 15 mph. The road is narrow and bends sharply at this point and 15 mph is considered to be a realistic speed. There is more than adequate visibility in each direction. The proposal is considered to be in accordance with policy DM2 of the Local Plan 3 Development Management Policies which requires a safe access to be provided. The three parking spaces to be provided are considered to be in accordance with the level of parking required by policy DM8 of the Local Plan 3 Development Management Policies (1.7 spaces per dwelling).

There is adequate space within the dwelling curtilage for an amenity area, cycle parking and bin stores and the proposal is considered to be in accordance with policies DM8 and DM14 (design of housing) of the Local Plan 3 Development Management Policies in this respect.

REASON FOR REFUSAL

1. The size and scale of the dwelling is considered to be excessive to accommodate rural workers and of a size that has not been justified to meet the needs of agricultural workers on the holding. In addition, the scale and design of the dwelling is not considered to be sympathetic to its setting or to show a clear understanding of the characteristics of the site and well-integrated with the surrounding landscape. The dwelling would sit above the surrounding landscape and appear as skyline development when viewed from the adjacent road, the large scale and size of the dwelling dominating views from that road. The development would not be commensurate with the scale of the agricultural holding or designed to reflect the location and setting of the proposed site, contrary to Policies DM2 and DM10 of the Local Plan Part 3 (Development Management Policies).

Application No. 17/00209/HOUSE

Plans List No. 5

Grid Ref: 296707 : 112816

Applicant: Mr & Mrs Pillinger

Location: 4 Blundells Avenue Tiverton
Devon EX16 4DL

Proposal: External alterations to include
alterations to roof and
installation of ground mounted
solar panels

Date Valid: 8th February 2017



Application No. 17/00209/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

The proposal comprises of external alterations to include alterations to the roof and installation of ground mounted solar panels at 4 Blundells Avenue, Tiverton.

More specifically, the alterations include:

1. Removal of the half hipped roof on the front southern elevation and the creation of a gable end, finished with Cedral cladding and with an enlarged window at first floor level.
2. Glazing the central portion of the front single storey lean to over a new front door.
3. Alterations to the steps up to the new front door including a handrail and glazed panels
4. Removal of the existing side bay window on the west elevation and replacement with glazed double doors
5. Installation of three roof lights on in the eastern roof slope
6. Installation of three roof lights on the western roof slope
7. Replacement of an existing window with a smaller window on the north elevation at ground floor level
8. There will be some minor internal alterations at ground floor level and the creation of a third bedroom with an en-suite at first floor level.
9. Externally it is proposed to install 14 ground mounted solar panels to the rear of the property adjacent to the northern boundary, the panels will be 285 watt microcrystalline all black panels, mounted in two rows of 7 panels at 34-35degrees. The panels will be mounted at below fence level and will be south facing. Each panel will have a height of 2 metres, a length of 3.4 metres and a width of 1.5 metres.

of these, planning permission is only required for items 1 and 9, with the others being permitted development.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, various plans and elevation plans
Heritage statement
Wildlife Mitigation Letter

PLANNING HISTORY

86/01093/OUT - REFUSE date 13th August 1986
Outline for the erection of bungalow, garage and construction of vehicular access
86/01967/OUT - REFUSE date 30th January 1987
Outline for the erection of a bungalow, garage and construction of a vehicular access
89/00378/FULL - PERMIT date 31st March 1989
Erection of extension to provide granny annexe
90/01392/FULL - PERMIT date 17th August 1990
Erection of double garage
17/00209/HOUSE - PCO date
External alterations to include alterations to roof and installation of ground mounted solar panels

17/00219/CAT - PCO date

Notification of intention to reduce 1 Silver Birch tree by approximately 7m within the Conservation Area

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM8 - Parking

DM13 - Residential extensions and ancillary development

DM27 - Development affecting heritage assets

CONSULTATIONS

TIVERTON TOWN COUNCIL - 22nd February 2017 - Support

HIGHWAY AUTHORITY - 10th February 2017 - No comments

REPRESENTATIONS

One letter of representation has been submitted in support of this application and is summarised as follows:

- Concerns raised about the installation of velux windows into the eastern roof slope and the overlooking of the neighbouring property

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Design of the external alterations**
 - 2. The acceptability of solar panels in this location and the impact on the character and appearance of the conservation area**
 - 3. Impact on the privacy and amenity of neighbouring properties**
-
- 1. Design of the external alterations**

The proposed alterations are of a minor nature and will not increase the footprint of the existing property. The removal of the hipped roof at the front will alter the street scene but this is not considered to be out of character with the surrounding area as many nearby dwellings have gable ends fronting the highway. The proposed materials include UPVC windows and doors, slate and glass roofing and brick, render and weather board walling. The design of the proposed alterations are considered to respect the character, scale, setting and design of the existing property and the alterations do not result in overdevelopment of the dwelling or its curtilage, in accordance with the requirements of Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

The parking and access arrangements are not altered as part of the proposal and there is sufficient parking for two cars in accordance with Policy DM8.

2. The acceptability of solar panels in this location and the impact on the character and appearance of the conservation area

Policy DM5 and the NPPF require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable. Furthermore, the Planning Practice Guidance requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

The solar panel installation proposed is of a domestic scale located within the domestic curtilage of an existing dwellinghouse. The site is located within the Tiverton Conservation Area, Blundells Road area. Policy DM27 requires that development proposals affecting heritage assets to respect their character setting, significance and local distinctiveness, considering opportunities to enhance the asset. In respect of the solar panels they are located to the rear of the dwelling and its plot and will to some extent be screened by the existing garage, dwelling and northern boundary fencing. In addition, there is tree, hedge and shrub screening along the front and side boundaries of the site that further reduce views into the site from the conservation area. Whilst there are likely to be some views into the site of the solar panels, particularly in the winter, these are considered to be limited. The solar panel installation is of a small domestic scale that is not considered to dominate the site and is considered to have a very limited visual impact. Overall, the proposal is considered to adequately respect the character and appearance of the conservation area and its setting and will not result in any significant adverse impacts on the character, amenity and visual quality of the area in accordance with Policies DM5, DM13 and DM27.

3. Impact on the privacy and amenity of neighbouring properties

The proposed alterations include the provision of rooflights in the east and west roof slope, to allow the first floor to be used as a third bedroom with an en-suite. Concerns have been raised about the resultant overlooking impacts of the roof lights; however, a section drawing has been submitted showing that the lowest rooflight will be positioned at a minimum height of 1.8 metres above floor level. Due to the height of the rooflights, it is not considered that they will allow an average person any direct views in the direction of the neighbouring property. No other elements of the proposal are considered to impact on the privacy and amenity of the neighbouring properties as they are minor in nature, largely at ground floor level and due to the existing level of overlooking in this residential area. As such, the proposal is not considered to result in any unacceptable overlooking impacts, in accordance with Policy DM13.

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. Removal of redundant Photovoltaic Array - The Photovoltaic Array hereby approved, shall be used only for the production of electricity. On its becoming redundant for such purpose, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 6 months of the date this occurs.
4. All electricity services associated with the development shall be placed underground.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the character and appearance of the conservation area in accordance with Policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).
4. To safeguard the character and appearance of the conservation area in accordance with Policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed alterations in terms of their scale and design are not considered to dominate the host dwelling and are considered to be supportable in policy terms. The proposed works are considered to respect the character, scale, setting and design of the existing dwelling. The proposal is not considered to result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of neighbouring properties. The proposed domestic solar installation is of a small scale that will not dominate the site and is not considered to result in any significant adverse impact on the character, amenity and visual quality of the surrounding area and is considered to preserve the character, setting and special of the conservation area within which the site is located. Overall the proposal is considered to comply with the following Policies; Mid Devon Core Strategy (Local Plan Part 1) COR2 and COR13, Local Plan Part 3 (Development Management Policies) DM2, DM5, DM13 and DM27 and Government advice in the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration

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DELEGATED APPLICATIONS AS AT - 17 March 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
22.02.2016	21.02.2017 Permitted with Conditions to Discharge	16/00282/FULL	Mr J Day Land at NGR 291124 101027 Carwithen Erection of an agricultural managers dwelling and detached garage	Thorverton 51
07.03.2016	10.03.2017 Grant permission	16/00351/FULL	Mr P Adcock Chillomene Uplozman Conversion of former dairy barn to residential annex	Uplozman 54

09.09.2016	15.03.2017 Permitted with Conditions to Discharge	16/01394/FULL	Mr C Tidball Boarding Kennels Bunkersland Conversion of redundant agricultural building to dwelling	Tiverton 52
21.09.2016	16.03.2017 Permitted with Conditions to Discharge	16/01460/FULL	Mr M Pink The Three Tuns Exeter Road Erection of 2 dwellings and boundary walls following removal of block of five letting rooms, part of lavatory building and part of boundary wall (Revised Scheme)	Silverton 45
21.09.2016	16.03.2017 Permitted with Conditions to Discharge	16/01461/LBC	Mr M Pink The Three Tuns Exeter Road Listed Building Consent for removal of block of five letting rooms, part of lavatory building and part of boundary wall (Revised Scheme)	Silverton 45
27.09.2016	21.02.2017 Grant permission	16/01492/HOUSE	Mrs A Parker 8 Livingshayes Road Silverton Retention of garden decking	Silverton 45
09.11.2016	02.03.2017 Refuse permission	16/01769/FULL	Mr G Smith Diespeker (Interiors) Ltd Unit 1 Erection of replacement office building	Cullompton 21
24.11.2016	03.03.2017 Permitted with Conditions to Discharge	16/01833/FULL	Mr & Mrs D Snell Land and Buildings at NGR 308024 107283 (Orway Porch Farm) Kentisbeare Conversion of barns to 3 dwellings	Kentisbeare 32
29.11.2016	17.02.2017 Grant permission	16/01857/LBC	Ms S Howe Offices 1, 2 & 3 55 - 56 High Street Listed Building Consent for display of	Crediton Town 18

			1 painted fascia sign on front elevation	
05.12.2016	10.03.2017 Permitted with Conditions to Discharge	16/01889/FULL	Uffculme Academy Trust Uffculme School Chapel Hill Erection of extension to teaching block to provide additional classroom and staff office	Uffculme 53
07.12.2016	07.03.2017 Permitted with Conditions to Discharge	16/01890/FULL	Mr G Faulkner Land and Building at NGR 286975 114472 (Mount Pleasant Farm) Erection of an agricultural barn	Templeton 49
08.12.2016	03.03.2017 Refuse permission	16/01908/FULL	Mr Joe Philip Acrylux Ltd 4 Tiverton Way Change of use from industrial unit (Use Class B1, B2) to gym (Use Class D2) and reconfiguration of car park	Tiverton 52
08.12.2016	14.03.2017 Grant permission	16/01927/FULL	Mr M Pink The Three Tuns Exeter Road Conversion of Inn to 1 dwelling and rebuilding of boundary wall following removal of a block of five letting rooms and storage and lavatory buildings (Revised Scheme)	Silverton 45
08.12.2016	14.03.2017 Permitted with Conditions to Discharge	16/01928/LBC	Mr M Pink The Three Tuns Exeter Road Listed Building Consent for the conversion of Inn to 1 dwelling and rebuilding of boundary wall following removal of block of five letting rooms and storage and lavatory buildings	Silverton 45

09.12.2016	27.02.2017 Grant permission	16/01911/CLU	Mr Thomas Browne 1 Smallbrook Cottages Newton St Cyres Certificate of lawfulness for the existing use of a dwelling as 2 separate dwellings	Newton St Cyres 37
12.12.2016	01.03.2017 Grant permission	16/01913/FULL	Mr M Smith, MS Heating M S Heating and Plumbing Whipcott Farm Retention of change of use of agricultural building to storage and office use	Holcombe Rogus 29
13.12.2016	07.03.2017 Permitted with Conditions to Discharge	16/01917/FULL	Mr S Cole Land at NGR 283175 113696 (Menchine Farm) Nomansland Variation of Condition (3) of planning permission 15/01571/MFUL to allow increase in size of chicken houses from a total of 5040 sq.m. to 5196 sq.m., re-positioning of boiler house and office, and amendment to entrance track layout, and Condition (5) to allow re-positioning of attenuation pond and submission of revised surface water drainage scheme	Thelbridge 50
14.12.2016	14.03.2017 Grant permission	16/01935/HOUSE	Mr & Mts N C Nightingale Church Cottage Wembworthy Conversion of existing building to ancillary accommodation.	Brushford 05
20.12.2016	07.03.2017 Permitted with Conditions to	16/01953/HOUSE	Mr Little Howden Lodge Willand Old Village Conversion of outbuildings to living	Willand 59

	Discharge		accommodation, erection of single storey extension and construction of new vehicular access	
20.12.2016	07.03.2017 Withdrawn	16/01954/FULL	Mr Jehu, Waterstone Estates Ltd Land at NGR 303843 111382 (Mid Devon Business Park) Variation of condition 2 (substitute plans) and removal of condition 11 (provision of zebra crossing) of planning permission 14/02116/FULL	Willand 59
20.12.2016	01.03.2017 Grant permission	16/01957/FULL	Mr & Mrs Bloch Lower Granary Knowle Farm Conversion of 2 apartments to form 1 dwelling, incorporation of existing single storey lean-to to form ground floor extension, and hard and soft landscaping	Copplestone 62
20.12.2016	06.03.2017 Grant permission	16/01960/FULL	Mr & Mrs A Bushell Wood View Eggesford Erection of replacement dwelling, garage and workshop and formation of new vehicular access	Chawleigh 10
21.12.2016	01.03.2017 Permitted with Conditions to Discharge	16/01958/LBC	Mr & Mrs Bloch Lower Granary Knowle Farm Listed Building Consent for the conversion of 2 apartments to form 1 dwelling, incorporation of existing single storey lean-to to form ground floor extension, and hard and soft landscaping	Copplestone 62
21.12.2016	03.03.2017 Development	16/01961/PNCOU	Mr & Mrs Day Land at NGR 303524 120114	Hockworthy 28

	Acceptance		(Copperbeech Barn) Staple Cross Prior notification for the change of use of an agricultural building to dwelling under Class Q	
21.12.2016	28.02.2017 Grant permission	16/01963/FULL	Mr D Bricknell Checkers Post Office and Store Retention and repositioning of 3 condensing units, and erection of acoustic enclosure	Cheriton Bishop 11
22.12.2016	20.02.2017 Grant permission	16/01962/HOUSE	Mr Andy Fraser 30 Sideling Fields Tiverton Retention of decking and steps to side of dwelling	Tiverton 52
22.12.2016	07.03.2017 Permitted with Conditions to Discharge	16/01967/FULL	Mr Mike Lowman, Mid Devon District Council Building at NGR 301779 106783 (Common Room) Woolcott Way Change of use of common room to 1 bedroom bungalow	Cullompton 21
22.12.2016	01.03.2017 Refuse permission	16/01971/FULL	Heavitree Brewery PLC Bell Inn 20 - 22 Exeter Road Conversion of existing Public House and living accommodation to form 2 dwellings	Cullompton 21
23.12.2016	10.03.2017 Grant permission	16/01970/FULL	Mr C Moffat Land and Buildings at NGR 305623 110380 (Bradfield Park) Change of use of land to allow the siting of 3 static caravans for holiday let accommodation	Uffculme 53

23.12.2016	01.03.2017 Refuse permission	16/01972/LBC	Heavitree Brewery PLC Bell Inn 20 - 22 Exeter Road Listed Building Consent for conversion of existing Public House and living accommodation to form 2 dwellings	Cullompton 21
23.12.2016	24.02.2017 Permitted with Conditions to Discharge	16/01984/FULL	Mr David Wright 19 Exeter Road Silverton Erection of a dwelling following demolition of existing bungalow	Silverton 45
23.12.2016	03.03.2017 Grant permission	16/01985/FULL	Keywise Cars Ltd, C/o XL Planning & Design Ltd Land and Buildings at NGR 294436 101081 (Speedway Garage) Thorverton Retention of change of use of land for car sales	Silverton 45
23.12.2016	10.03.2017 Permitted with Conditions to Discharge	16/01986/FULL	The Governing Body, The Primary Academies Trust St Andrews Primary School St Andrews Estate Erection of extension and internal alterations to form new school entrance, offices and teaching areas; conversion of existing children's centre to 2 classrooms and ancillary accommodation; construction of covered link; conversion of administration block to drama studio; construction of boundary walls and fencing and other associated works	Cullompton 21
23.12.2016	01.03.2017 Permitted with	16/01987/FULL	Mr Mark Witcombe Between Unit 4 Highmount Court &	Halberton 25

	Conditions to Discharge		Plot 5 Mid Devon Business Park Erection of an infill extension	
28.12.2016	21.02.2017 Grant permission	16/01978/HOUSE	Mr & Mrs A Isaac 24 Silverdale Silverton Erection of single storey extension	Silverton 45
29.12.2016	02.03.2017 Grant permission	16/01989/TPO	Dr Sarah-Jane Seymour 4 St Aubyns Park Tiverton Application to fell 1 Horse Chestnut tree protected by Tree Preservation Order 14/00004/TPO	Tiverton 52
29.12.2016	23.02.2017 Grant permission	16/01990/TPO	Mr T Rackham 1 The Acorns Uffculme Application for partial crown reduction/pruning of approx 5 branches of Heritage Oak by 2-3m overhanging the property protected by Tree Preservation Order 02/00011/TPO	Uffculme 53
29.12.2016	17.02.2017 Grant permission	16/01993/HOUSE	Mr Paul Whiston 1 Follett Road Tiverton Erection of a single storey rear extension	Tiverton 52
29.12.2016	16.03.2017 Grant permission	16/01994/LBC	Mrs K Drew 24 Southill Cottages Kentisbeare Listed Building Consent for replacement windows and minor internal alterations	Uffculme 53
03.01.2017	01.03.2017 Refuse permission	17/00004/FULL	Mr Sanders Units 2 & 3 Sandparks Business Centre	Uffculme 53

			Conversion of Unit 3 to 1 bedroom flat (50.85sqm) and office (50.85sqm) to create live/work unit in association with Unit 2 (197sqm)	
04.01.2017	01.03.2017 Grant permission	17/00010/HOUSE	Mr Ian Sadler Las Flores Uffculme Road Erection of a garage	Willand 59
04.01.2017	08.03.2017 Grant permission	17/00012/TPO	Mr Anthony Lock Land at NGR 313190 113205 (South of Griffin Close) Culmstock Road Application to cut back 3 branches of 1 Oak tree (T1) by up to 8m; cut back 2 branches of 1 Oak tree (T2) by up to 6.4m and cut back 1 branch of 1 Oak tree (T3) by 6.4m protected by Tree Preservation Order 16/00004/TPO	Hemyock 26
04.01.2017	10.03.2017 Withdrawn	17/00013/FULL	Mr A Martin Land and Buildings at NGR 299844 105685 Gingerland Farm Conversion of farm buildings to a dwelling including construction of glazed link	Bradninch 04
04.01.2017	13.03.2017 Grant permission	17/00015/TPO	Mr Shepard 1 Chains Road Sampford Peverell Application to fell 1 Horse Chestnut protected by Tree Preservation Order 58/00003/TPO	Sampford Peverell 42
04.01.2017	07.03.2017 Grant permission	17/00016/TPO	Mrs Millington 1 Blundells Square Horsdon Road Application to crown thin by 1.5m and crown lift lowest limb by 2m one Oak	Tiverton 52

			tree protected by Tree Preservation Order No. 04/00013/TPO	
04.01.2017	01.03.2017 Grant permission	17/00020/FULL	Mr & Mrs Ellicott Yerrishayes Kentisbeare Erection of extension to dwelling	Kentisbeare 32
05.01.2017	09.03.2017 Grant permission	17/00019/HOUSE	Mr & Mrs C Law 1 Wynfrith Mews Landscro Erection of two-storey extension and enlargement of existing rear dormer window	Crediton Town 18
05.01.2017	17.02.2017 Grant permission	17/00023/HOUSE	Mr Nigel Scrivens 31 Winswood Crediton Erection of an extension	Crediton Town 18
05.01.2017	16.03.2017 Grant permission	17/00029/FULL	Mrs A Hopkins Cob Barn Lower Town Variation of condition (2) of planning permission 15/01900/FULL to allow substitution of previously approved plans, and removal of condition (7) requiring window in East elevation to be glazed with translucent glass	Halberton 25
06.01.2017	17.02.2017 Grant permission	17/00024/HOUSE	Mr Ayman El-Tawill Barnfield Farmhouse Morchard Road Erection of a 2 storey conservatory/studio extension	Down St Mary 23
06.01.2017	08.03.2017 Permitted with Conditions to Discharge	17/00025/FULL	Mr C Rowland Land and Buildings at NGR 297916 121932 (Wick Farm) Bampton Erection of extension to an agricultural	Bampton 01

			livestock building (627.46 sq. m)	
06.01.2017	08.03.2017 Permitted with Conditions to Discharge	17/00026/FULL	Mr C Rowland Land at NGR 297871 121910 (Wick Farm) Bampton Erection of an agricultural storage building (835.85 sq. m)	Bampton 01
06.01.2017	03.03.2017 Grant permission	17/00041/HOUSE	Mr & Mrs M Bennett 10 Post Hill Tiverton Erection of two storey extension	Tiverton 52
09.01.2017	01.03.2017 No Objection	17/00038/CAT	Mr Cliff Fade Castle Primary School Barrington Street Notification of intention to reduce the canopy of 1 Ash tree by 3-3.5m and remove deadwood and broken branches within the Conservation Area	Tiverton 52
09.01.2017	27.02.2017 No Objection	17/00039/CAT	Mrs Porter Glebeside Union Road Notification of intention to fell 2 Cypress and 1 Leylandii tree and reduce 1 Holly tree within the Conservation Area	Crediton Town 18
10.01.2017	08.03.2017 Grant permission	17/00045/HOUSE	Mr A Snell 9 Brady Close Sandford Erection of two storey side extension	Sandford 43
10.01.2017	22.02.2017 Grant permission	17/00048/CLU	Mr D & Mrs M Elston Stags Holt Washfield Certificate of lawfulness for the existing use of a dwelling in breach of	Washfield 56

			agricultural occupancy condition (2) of planning permission EN.5613 for a period in excess of 10 years	
10.01.2017	22.02.2017 Permitted with Conditions to Discharge	17/00050/LBC	Miss S Pitts Little Whitnage Whitnage Listed Building Consent for replacement of external doors and various windows, creation of bathroom on first floor, alteration of ground floor bathroom, insertion of rooflights, and other minor alterations and repairs	Uplowman 54
10.01.2017	03.03.2017 Refuse permission	17/00053/HOUSE	Mr M Willis 5 Langford Green Langford Erection of two storey side extension and single storey rear extension	Cullompton 21
11.01.2017	08.03.2017 Grant permission	17/00055/CLP	Mr Steve Nicholson Sweetfield House Uplowman Certificate of Lawfulness for the proposed use of a dwelling as a residential childrens home	Uplowman 54
12.01.2017	06.03.2017 Grant permission	17/00056/FULL	Mrs C Morrell Pennymoor Timber Pennymoor Retention of first floor store over existing timber machinery repair bay	Cruwys Morchard 20
12.01.2017	08.03.2017 Grant permission	17/00060/FULL	Mr & Mrs D A Wotton Land at NGR 291588 118784 (Sherwood) Stoodleigh Variation of Condition (2) of permission 16/01543/FULL to alter the location of the agricultural livestock and storage building within the site.	Stoodleigh 48

12.01.2017	20.02.2017 Grant permission	17/00067/HOUSE	Mr Anthony Parkin 21 Rackenford Road Tiverton Replacement of existing flat roof on workshop with slate roof	Tiverton 52
13.01.2017	21.02.2017 No Objection	17/00068/CAT	Mr Dylan Smith 5 Old Blundells Station Road Notification of intention to remove 3 Conifer trees within the Conservation Area	Tiverton 52
13.01.2017	08.03.2017 Grant permission	17/00081/HOUSE	Mr Andrew Brown Sampford Mill Higher Town Erection of a greenhouse/conservatory following demolition of existing	Sampford Peverell 42
16.01.2017	13.03.2017 Permitted with Conditions to Discharge	17/00070/FULL	Mrs S Berry Land at NGR 305253 113361 Moorhayes Farm Alteration to highway access	Burlescombe 06
16.01.2017	08.03.2017 Permitted with Conditions to Discharge	17/00071/HOUSE	Mr P Melville-Streeve Rose Cottage East Village Erection of two storey extension	Sandford 43
16.01.2017	13.03.2017 Grant permission	17/00074/HOUSE	Mr & Mrs Stone 15 Crowden Crescent Tiverton Erection of single storey rear extension and replacement porch roof with pitched roof	Tiverton 52
16.01.2017	21.02.2017 No Objection	17/00075/CAT	Mrs A Maxwell The Lodge Hockworthy Notification of intention to dismantle 1	Hockworthy 28

			Silver Birch to ground level, and reduce 1 Hazel in height by up to 2m and sides by up to 1m and 1 Hawthorn in height by up to 1m and sides by 1m within the Conservation Area	
16.01.2017	15.03.2017 Grant permission	17/00084/LBC	Mr D Chambers Croft House 5 Briton Street Listed Building Consent for removal of external log store, relocation of boiler from kitchen to understairs cupboard, removal of cupboard partition, insertion of external flue, and renovation of existing rear porch	Bampton 01
17.01.2017	10.03.2017 Grant permission	17/00082/HOUSE	Mr & Mrs Tapp Greenleaze Gables Road Erection of single storey extension	Willand 59
17.01.2017	08.03.2017 Grant permission	17/00088/FULL	Mr D Wheeler Lavender Lodge Muxbeare Lane Variation of condition (2) of planning permission 14/01793/FULL to allow the substitution of previously approved plans	Halberton 25
18.01.2017	21.02.2017 Development Acceptance	17/00089/PNHH	Mr & Mrs D Davies 18 Norwood Road Tiverton Prior Notification for the erection of an extension, extending to 5.1m to the rear, maximum height of 3.675m, eaves height of 2.55m	Tiverton 52
18.01.2017	16.03.2017 Permitted with	17/00091/HOUSE	Lady Reay Timewell House Morebath	Morebath 36

	Conditions to Discharge		Alterations to include repair of existing outbuildings, erection of a haystore, and re-profiling of garden	
18.01.2017	16.03.2017 Permitted with Conditions to Discharge	17/00092/LBC	Lady Reay Timewell House Morebath Listed Building Consent for alterations to include demolition of a wall, repair of existing outbuildings, erection of a haystore, and re-profiling of garden	Morebath 36
18.01.2017	10.03.2017 Grant permission	17/00094/FULL	Ms L Turner Court House Residential Home Station Road Erection of two storey extension to form 6 ensuite bedrooms and cafe/dining area	Cullompton 21
18.01.2017	13.03.2017 Grant permission	17/00095/FULL	Mr R Davies Land and Buildings at NGR 288478 113429 (Partridge Farm) Templeton Conversion of barn to dwelling (Revised Scheme)	Templeton 49
18.01.2017	13.03.2017 Permitted with Conditions to Discharge	17/00096/LBC	Mr Pearson Land and Buildings at NGR 288478 113429 (Partridge Farm) Templeton Listed Building Consent for conversion of barn to dwelling	Templeton 49
19.01.2017	15.03.2017 Grant permission	17/00099/FULL	Mr P Gillbard Land at NGR 279169 111524 (Hele Barton Farm) Black Dog Erection of a poultry unit (830 sq.m.)	Thelbridge 50
19.01.2017	21.02.2017 No Objection	17/00102/CAT	Dr P Miller The Old Rectory Cadeleigh	Cadeleigh 09

			Notification of intention to fell 7 Ash trees, 1 Field Maple, 1 Holly and 1 Wild Cherry Tree within the Conservation Area	
23.01.2017	08.03.2017 Grant permission	17/00105/FULL	Sandford Millennium Green Land at NGR 282893 102075 Millennium Green Installation of shipping container for storage of equipment	Sandford 43
23.01.2017	09.03.2017 Grant permission	17/00109/CLU	Mr & Mrs R Baldwin Hukeley Hill Farm Bampton Certificate of lawfulness for the existing use of a building as a residential dwelling and associated use of land as residential garden and parking area for a period in excess of 4 years	Morebath 36
23.01.2017	06.03.2017 No Objection	17/00111/CAT	Mr Will Tillett 9 Grantlands Commercial Road Notification of intention to fell trees within the Conservation Area	Uffculme 53
24.01.2017	17.03.2017 Grant permission	17/00124/HOUSE	Mr Paul May Berties Cottage Yeoford Erection of carport	Crediton Hamlets 19
24.01.2017	08.03.2017 Grant permission	17/00125/HOUSE	Mr Peter Wedge Brindifield Farm Black Dog Erection of 2 extensions	Woolfardisworthy 60
25.01.2017	27.02.2017 No Objection	17/00140/CAT	Dr Wilf Gunther Hillcrest Puddington Notification of intention to pollard 2	Puddington 41

			Ash trees and fell 1 Deodara tree within the Conservation Area	
26.01.2017	16.03.2017 Grant permission	17/00142/ADVERT	Mr Rhys Roberts Tiverton Hotel Blundells Road Advertisement consent for the display of 1 post mounted directional sign, 1 internally illuminated Totem sign and 1 internally illuminated Fascia sign	Tiverton 52
27.01.2017	07.03.2017 No Objection	17/00144/CAT	Mr Bethell 16 Fore Street Bradninch Notification of intention to pollard 1 Horse Chestnut tree within the Conservation Area	Bradninch 04
30.01.2017	27.02.2017 Approval of Prior Approval	17/00148/PNAG	Mr P Ingram Lytheland Farm Pennymoor Prior notification for the erection of an agricultural building	Cruwys Morchard 20
30.01.2017	10.03.2017 Grant permission	17/00157/HOUSE	Mr G Dalton Golden Orchard Castle Hill Erection of first floor extension to side, single storey extension to rear and first floor extension to garage to form hobbies room	Hemyock 26
30.01.2017	16.03.2017 Grant permission	17/00159/FULL	Mr & Mrs Day Land at NGR 303637 120282 (Copperbeech Barn) Hockworthy Removal of condition (4) of planning permission 05/02040/FULL to allow the building to be retained for non-agricultural use	Hockworthy 28

31.01.2017	08.03.2017 No Objection	17/00155/CAT	Mrs R Carpenter Hunters Lodge West Town Road Notification of intention to remove 1 Douglas Fir and groups of Leylandii hedges within the Conservation Area	Newton St Cyres 37
31.01.2017	14.03.2017 Grant permission	17/00160/HOUSE	Mr I & Mrs J Prismall Mill Holme Station Road Erection of single storey side extension	Crediton Hamlets 19
31.01.2017	10.03.2017 Withdrawn	17/00169/LBC	Mr A Martin Land and Buildings at NGR 299844 105685 Gingerland Farm Listed Building Consent for the conversion of farm buildings to a 1 bedroom dwelling including construction of glazed link	Bradninch 04
02.02.2017	08.03.2017 No Objection	17/00182/CAT	Mrs Claire Heaven Roberts Thorverton House 7 Silver Street Notification of intention to reduce limbs of 1 Oak tree by 2m and fell 2 Arcacia trees within the Conservation Area	Thorverton 51
02.02.2017	09.03.2017 Grant permission	17/00187/HOUSE	Mr & Mrs Templeton-Smith Land and Buildings at NGR 277975 96430 (Higher Town Barn) Woodland Head Installation of flue to service woodburner	Crediton Hamlets 19
03.02.2017	23.02.2017 Grant permission	16/01140/MFUL/NMA A	Mr M Witcombe Land at NGR 303818 111567 (Plot 5, Mid Devon Business Park)	Halberton 25

			Erection of 3 industrial units - Non-Material Amendment for the inclusion of a 1.6 x 1.6m louvre in rear wall	
06.02.2017	16.03.2017 Grant permission	17/00211/FULL	Mr P Gillbard Land at NGR 279207 111451 & 279259 111355 (Hele Barton Farm) Black Dog Erection of extensions to 2 agricultural buildings	Thelbridge 50
07.02.2017	06.03.2017 No Objection	17/00207/CAT	Mr Berrow Meadowview House High Street Notification of intention to crown reduce 1 Eucalyptus tree by 1 - 1.5m, fell 1 Lawson Cypress tree and reduce a group of Leylandii by 4m and cut back sides by 2m within the Conservation Area	Halberton 25
09.02.2017	16.03.2017 Development Acceptance	17/00224/PNCOU	Mr W Meharg Oakleys 7 High Street Prior notification for the conversion of office (Class B1) to 2 dwellings (Class C3) under Class O	Cullompton 21
10.02.2017	15.03.2017 Grant permission	17/00242/HOUSE	Ms Anna Crew 22 Park Terrace Bartows Causeway Erection of a workroom (Revised Scheme)	Tiverton 52
10.02.2017	15.03.2017 Grant permission	17/00244/LBC	Ms Anna Crew 22 Park Terrace Bartows Causeway Listed Building Consent for the erection of a workroom (Revised Scheme)	Tiverton 52

10.02.2017	08.03.2017 Not Permitted Development	17/00246/PNAG	Mr J Brooke Land at NGR 315328 111870(Lemon's Hill) Hemyock Prior Notification for the erection of an agricultural building (446.5sqm)	Hemyock 26
21.02.2017	15.03.2017 No Objection	17/00292/CAT	Mrs Jan Shadbolt Waterside Halberton Notification of intention to crown raise 1 Beech tree by 2m, dismantle to ground level 1 Cherry tree, crown raise 1 Cherry tree by up to 2.4m from ground level and crown reduce 2 Holly trees within the Conservation Area	Halberton 25
03.03.2017	15.03.2017 Development Acceptance	17/00364/PNAG	Mr Stephen Saunders Land and Buildings at NGR 277320 104360 (Ash Bullayne Farm) Coplestone Prior notification for the erection of extension to existing grain store	Sandford 43

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	1	05/06/2017	17/00348/MOUT	Residential development of up to 326 dwellings; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations	Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon	Mr Simon Trafford	DEL	
	2	30/05/2017	17/00333/MFUL	Erection of an agricultural storage building (1080 sq.m.)	Land and Buildings at NGR 287999 104878 (Hawthorn Gardens) Stockleigh Pomeroy Devon	Mr Simon Trafford	DEL	
	3	25/05/2017	17/00300/MOUT	Outline for the erection of 30 dwellings and new vehicular and pedestrian accesses	Land at NGR 305578 112053 Uffculme Road Uffculme Devon	Miss Thea Billeter	DEL	
	3	24/05/2017	17/00173/MOUT	Outline for the erection of up to 28 dwellings	Land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine Devon	Mr Simon Trafford	DEL	
	6	28/04/2017	17/00136/MOUT	Outline for the erection of up to 60 dwellings and means of access (Revised Scheme)	Land and Buildings at NGR 277550 102582 (East of Dulings Farm) Copplestone Devon	Mr Simon Trafford	COMM	COMM
	7	24/04/2017	17/00106/MOUT	Erection of 16 dwellings with access and associated works	Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon	Ms Tina Maryan	COMM	COMM
	10	04/04/2017	17/00001/MOUT	Outline for the erection of 7 dwellings, improvements to access and change of use of agricultural land to community facility	Land and Buildings at NGR 294119 106891 (Adjacent to Highfield) Bickleigh Devon	Miss Lucy Hodgson	COMM	COMM

<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>
8	10	04/04/2017	16/01988/MOUT	Outline for the erection of up to 74 dwellings	Land at NGR 301106 107155 Knowle Lane Cullompton Devon	Miss Thea Billeter	COMM	COMM
9	13	16/03/2017	16/01932/MFUL	Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank	Land at NGR 294211 123012(Higher Barn) Bampton Devon	Miss Lucy Hodgson	COMM	COMM
10	13	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	
11	13	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
12	14	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
13	16	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
14	17	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
15	19	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
16	25	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
17	41	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

<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	145	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
19	150	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
20	204	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadows Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford			COMM	COMM

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PLANNING COMMITTEE

29th March 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

UPDATE: A361 ROAD JUNCTION TIVERTON EASTERN URBAN EXTENSION

Portfolio Holders Councillor Richard Chesterton
Responsible Officers Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To provide an update on the funding and delivery of the new grade separated A361 junction to serve the Tiverton Eastern Urban Extension

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: The Corporate Plan 2016-2020 establishes priorities around the delivery of economic growth including housing provision, business development and planning for and enhancing the built environment. The Tiverton Eastern Urban Extension is a strategic mixed use land allocation within the adopted Local Plan, the delivery of which is vital to realising the Council's spatial strategy. The provision of the A361 junction will unlock the ability to provide housing and employment floorspace on this site.

Financial Implications: See below.

Legal Implications: Legally binding 106 agreements will provide the mechanism for securing financial contributions towards the junction from development as part of the planning process.

Risk Assessment: See below.

1.0 Introduction

- 1.1 The delivery of development on the Tiverton Eastern Urban Extension depends upon the provision of a new grade-separated junction onto the A361. Only the first 330 dwellings may come forward in advance of the junction. Application 14/00667/MFUL for a 'left in left out' road junction on to the A361 was approved in August 2014. A further Application 14/01168/FULL for a full grade separated junction with access and egress onto both the westbound and eastbound carriageways of the A361 was approved in September 2014.
- 1.2 It was initially intended that the new junction would be delivered as a whole by Devon County Council with the first phase (left in, left out slip arrangement on the southern side) funded from development and the second comprising an overbridge and northern slips from the LEP. DCC submitted a £7.5 million funding bid to the LEP and the project was accepted for programme entry under Growth Deal 2 at the meeting of the LEP Local Transport Board in December 2014. It was therefore expected that this LEP funding would be

forthcoming, although it was acknowledged to be subject to the Growth Deal 2 award from the Government.

- 1.3 DCC has been working towards junction delivery and since the grant of planning permission has completed junction design work, prepared tender documents, discharged pre-commencement planning conditions and made a lawful commencement of the planning permission on site. DCC wish to go out to tender shortly. More details on project timescale are below.
- 1.4 The following planning applications have been submitted to date and are expected to provide financial contributions towards the proposed junction:

13/01616/MOUT 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.(Applicant Waddeton Park Ltd. Relates to Area A: NE of allocated site). APPROVED WITH SIGNED S106.

Relevant funding secured through S106: £1,736,842 towards the A361 highway works. The applicant is currently looking to renegotiate the timing of the S106 highway contributions.

14/00881/MOUT 700 dwellings, 22,000 sqm B1/B8 employment land, care home, primary school, neighbourhood centre with LILO junction on to A361 and access / egress on to Blundell's Road. (Applicants Chettiscombe Trust Estate). RESOLUTION TO GRANT PLANNING CONSENT SUBJECT TO S106. (Note separate S106 covering traffic calming works on Blundell's Road is signed).

The Planning Committee resolution included securing £3,684,211 towards the A361 junction from this development via S106 together with the land. No such S106 has yet been signed and is the subject of a further report being considered at this meeting.

2.0 **UPDATED POSITION ON JUNCTION DELIVERY, COSTS AND FINANCIAL PACKAGE.**

- 2.1 Information from DCC on the cost of the proposed junction are as follows:

Full junction £18.2 million delivered in two phases.

Phase 1 south side £11.0 million (includes design costs for the full junction)

Phase 2 north side and overbridge £7.1 million

- 2.2 It has now become apparent that the LEP is not currently in a position to provide the expected £7.5 million to support the A361 junction project. A total of three projects were accepted for programme entry under Growth Deal 2, with funding only available to support the other two (Forder Valley Link Road, Plymouth and M5 junction 25 Taunton). Meetings of the LEP Transport Board and Strategic Investment Panel in December 2016 and January 2017

respectively have confirmed this position. This has resulted in the need to reassess the junction's funding package with this work being led by DCC.

- 2.3 Further discussions with the LEP indicate that whilst funding may be found to support the junction, it is likely to be no more than £1.5 million. However, DCC have recently been awarded funds from the National Productivity Investment Funds and due to the significance the Council attach to this development they have allocated £2m to enable construction of the scheme to commence. In addition there is a possibility that the resurfacing of the A361 in the vicinity of the scheme is undertaken as part of a larger maintenance scheme. DCC now proposes that the junction be delivered in two separate phases. The latest funding package that would deliver the southern part of the junction is set out below. It is drawn to Members' attention that the use of soil nails (Application 17/00098/FULL) overcomes the need for a section of expensive retaining structure allowing a saving of over £1 million to be made. In addition, resurfacing is now only proposed on the southern side of the A361, with maintenance budget (not yet confirmed) to resurface the northern carriageway. Together these account for the difference between the £11 million Phase 1 costs referenced in para 2.1 and those in the table below. The second phase would be delivered at a future date as a result of developer finance from the remaining part of the site (Area B) and via a further infrastructure fund bid.

To deliver the first phase of the junction;

Contributions	£m	Notes
DCC National Productivity and Investment Fund	2	Must be spent 17/18
Waddeton Park development s106	1.2	Forward funding by DCC (spent by DCC on design costs for full junction)
Chettiscombe Trust development S106	1	Forward funding by MDDC
LEP / HCA	1.5	
Developer (Chettiscombe Trust)	2.8	Est construction value to complete link to Blundell's Rd – would follow as separate contract
TOTAL	£8.5	Plus possible funds for resurfacing of the A361

- 2.4 The initial scheme to be constructed via DCC would deliver the proposed southern slips, the acoustic bund, acoustic fencing, southern side drainage and landscaping together with the resurfacing of the A361 on the southern carriageway only. See plan at **Appendix 1** for the extent of the works. The connecting road between the southern slips and Blundell's Road would be delivered by the developer (Chettiscombe Trust) at an estimated cost of £2.8 million. The slips from the A361 would unlock that development and be able to be used as a haul route for construction.
- 2.5 MDDC planning approvals will be needed to allow for the deletion of a section of retaining structure from the scheme through an alternative design using soil nails and for the variation of planning condition as the resurfacing of both carriageways of the A361 is currently required for 200m in each direction. It is now only the resurfacing of the southern carriageway that is proposed at this stage. To do the north side would result in abortive works. The northern section will be addressed upon completion of the full junction although there is a possibility that this will be carried out earlier as part of a wider maintenance scheme.
- 2.6 The delivery of the southern part of the grade separated junction relies upon forward funding from DCC and this Council until development finance is available. DCC has already designed the full junction and undertaken site clearance works. These will be paid back from the Waddeton Trust S106 agreement.
- 2.7 At the meeting of Council on 22nd March 2017 it was agreed that MDDC take out a loan to help forward fund the junction. The loan is expected to be for £1 million and will be sought via the Public Works Loan Board. It will help unlock the delivery of development on this strategic site. Repayment of the loan together with interest will be secured via the Chettiscombe Trust S106 agreement. It is likely that the loan period will be in the order of 10 years.
- 2.8 Information on the programme to deliver the DCC element of the southern part of the junction is as follows:
March 2017 – site clearance and tender out.

April 2017 –tenders received

June 2017 – tender decision (after elections)

September 2017 – construction start after peak tourist period

July 2018 – DCC tendered work complete.
- 2.9 S106 will need to secure the completion of the linking road between the DCC delivered works and Blundell's Road by Chettiscombe Trust. It is expected that the S106 will secure its delivery within 12 months of the sale of sufficient land to generate net receipts that would fund its cost. In addition, no part of

the Chettiscombe Trust development would be occupied until the link road has been completed.

3.0 **NEED TO VARY CERTAIN CONDITIONS ON THE JUNCTION PERMISSIONS.**

3.1 Conditions were attached to the junction planning permissions referred to at 1.1 and are detailed in **Appendix 2**. Of particular interest to this report are Conditions 5, 6 and 13 that seek the completion of various works prior to the first use of either the phase 1 'left in left out' part of the junction or full grade separated junction.

3.2 Delivery of the southern part of the junction will require applications to vary Conditions 5, 6 and 13 to both Application 14/00667/MFUL for a 'left in left out' road junction and to Application 14/01168/FULL for the full grade separated junction.

3.3 Conditions 5 and 6 as resolved at Planning Committee are as follows:

Condition 5:

*'All the works associated with the formation of the bunding/ acoustic barrier and planted zone as shown on plan 1126.553 (rev P1), is to be completed in accordance with approved details **prior to commencement of use** of the new highway routes', and*

Condition 6:

*All planting, seeding, turfing or earthworks comprised in the approved details of landscaping and engineering works as required by conditions 4 and 5 of this permission is to be completed in accordance with approved details **prior to the first use of the development** hereby approved and 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. In addition the management and maintenance arrangements for the bund and the areas of open spaces across the application site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development hereby approved and then implemented accordingly.*

3.4 Condition 5 and 6 of both applications requires the completion of the planting prior to the first use of the junction and linking road. The wording 'first use' rather than 'first use by the public' would therefore include use as a haul route for construction of dwellings and/or employment use. A variation to Conditions 5 and 6 will be required to allow the slip roads to be used as a haul route in order to complete the works to link the slips to Blundell's Road. First use will be by those completing the linking road. However, both conditions require the completion of the planting prior to first use.

- 3.5 Due to the now phased delivery of the A361 junction, the planting in turn will also need to be phased. This will require a variation of condition application to provide the Local Planning Authority an understanding of the phasing of delivery including location(s) and timing of planting. It is DCC's intention to ensure the planting in relation to the part of the junction they propose to construct is completed in the nearest available planting season to ensure there is not a significant loss of plants due to them being planted in the wrong planting season. It will also allow them to become established as early as possible.
- 3.6 The phased delivery of the A361 junction will also require a variation to Condition 13 relating to the resurfacing of both carriageways of the A361 prior to the operational use of the LILO junction. Following the amended delivery programme, the resurfacing of the southern carriageway only is now proposed. To do the north side would result in abortive works. Condition 13 as currently resolved at Planning Committee is as follows:

Condition 13:

'Prior to the left in left out 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 new junction 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'.

The proposed wording is as follows:

'Prior to the left in left out junction hereby approved being brought into operational use by the public the A361 dual carriageway shall be resurfaced 200 metres in the westbound carriageway direction from the new junction 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'.

It is however noted that there is the possibility that both carriageways will be resurfaced prior to the completion of the full junction as part of wider highway maintenance works.

- 3.7 No such variation of condition applications have as yet been submitted.
- 4.0 **RISKS OF JUNCTION AND DEVELOPMENT NON DELIVERY.**
- 4.1 The Tiverton Eastern Urban Extension (TEUE) is identified within both the adopted Local Plan and proposed submission Local Plan Review as a major strategic housing site, the delivery of which is important in the Council being

able to meet its objectively assessed housing need. At this point in time the Council does not currently have a five year housing land supply and is currently vulnerable to speculative development in unplanned locations. The TEUE is allocated in the adopted plan for up to 2,000 houses and in the Local Plan Review for up to 1,830.

- 4.2 At the forthcoming Local Plan Review Examination, the Council will need to be in a position to demonstrate the deliverability of its proposals and that on a site by site basis, the housing and associated allocations will come forward within the expected timescale. With the exception of the first 330 houses, the construction of housing on the TEUE depends upon the delivery of this junction. Housing delivery on the site is already behind that anticipated. The adopted masterplan for the site expected housing to begin to be delivered within 2015/16. To date, no houses have been built. By the end of 2016/17 it was expected that 87 houses would have been delivered on the site as a whole. Construction of the southern phase of the junction will allow the 700 houses and employment floorspace on the Chettiscombe Trust site to come forward.
- 4.3 The funding package set out above includes £2 million from the National Productivity and Investment Fund secured by DCC that must be spent by the end of the 2017/18 financial year. It will not be available for the project beyond this. Additionally indications are that £1.5 million LEP funding will need to be drawn down within a similar timescale otherwise a new bid will need to be submitted against future Growth Deal funding. **The current funding package as set out in this report is therefore time limited. Unless the necessary steps are met and timescale adhered to, £3.5 million of public money to fund the junction will be lost.** This would require a new bid for infrastructure funding and delay.
- 4.4 In order to ensure all necessary steps are in place to start construction in September 2017, the following timings must be met. DCC has requested letters from Chettiscombe Trust and MDDC confirming in principle works / contributions to the scheme. This is requested early March. The LEP Transport Board met on 14th March where funding agreement was agreed in principle subject to a Final Bid with tender prices. This will be followed by a meeting of the LEP Strategic Investment Panel in early April. A signed S106 and final confirmation of MDDC funding would be required in May ready for DCC Cabinet in June to award the contract.
- 4.5 The grant of outline planning permission for the Chettiscombe Trust application does not in itself enable the commencement of development. Reserved matters permission will be needed in advance of the construction of any dwellings.
- 4.6 The Government is currently prioritising the delivery of housing and is actively seeking both greater housing numbers overall, but also the acceleration of build out. Councils will be expected to demonstrate that they are doing their part and to facilitate delivery and it is likely that future funding releases will depend upon the record of delivery.

Contact for more Information:

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Circulation of the Report: Planning Committee

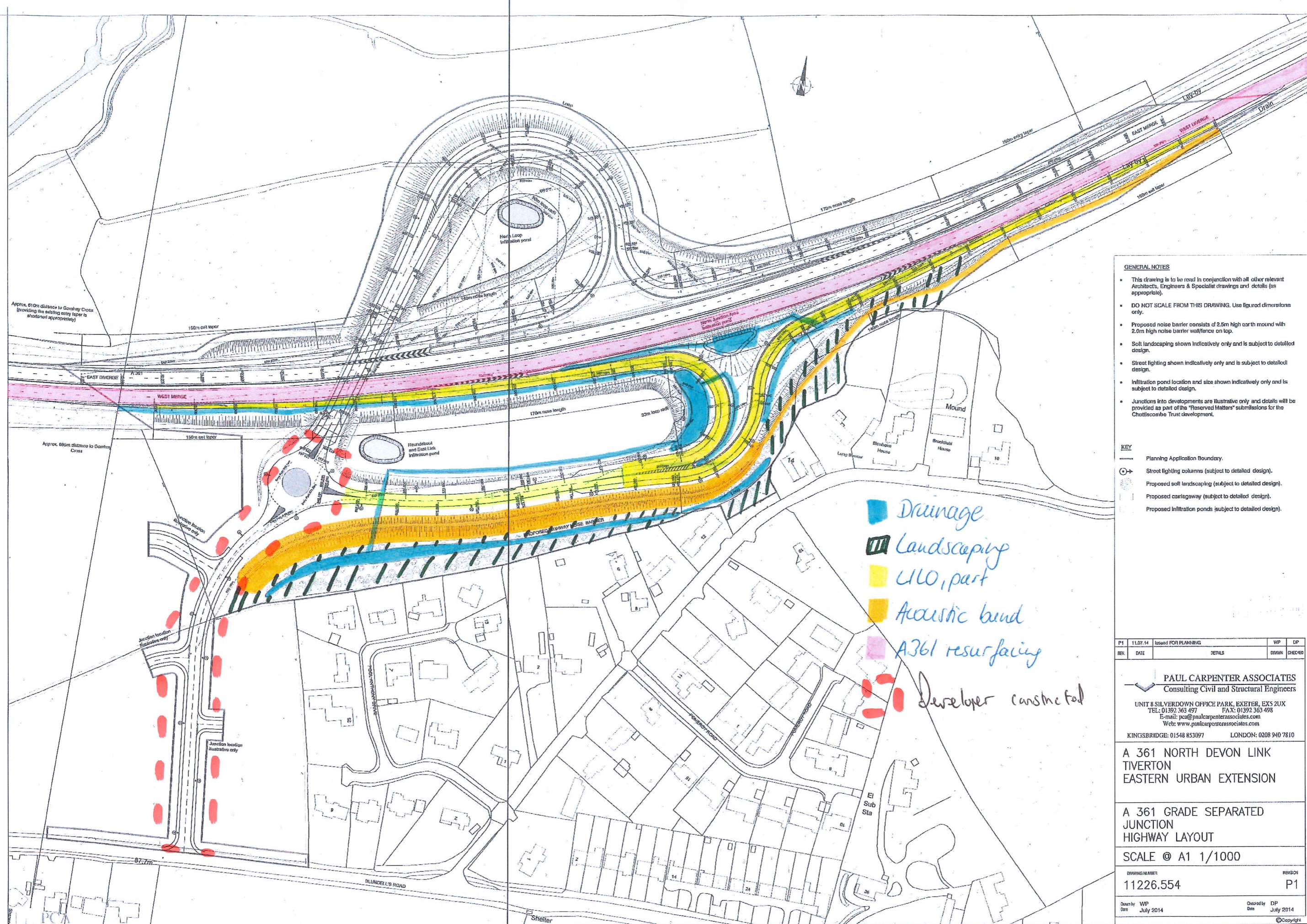
List of Background Papers:

Planning Committee 23rd April 2015, 9th March 2016, 3rd August 2016, 1st February 2017.

Council 22nd March 2017

Cabinet 30th March 2017

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GENERAL NOTES

- This drawing is to be read in conjunction with all other relevant Architects, Engineers & Specialist drawings and details (as appropriate).
- DO NOT SCALE FROM THIS DRAWING. Use figured dimensions only.
- Proposed noise barrier consists of 2.5m high earth mound with 2.0m high noise barrier wall/fence on top.
- Soft landscaping shown indicatively only and is subject to detailed design.
- Street lighting shown indicatively only and is subject to detailed design.
- Infiltration pond location and size shown indicatively only and is subject to detailed design.
- Junctions into developments are illustrative only and details will be provided as part of the "Reserved Matters" submissions for the Chuttscombe Trust development.

KEY

- Planning Application Boundary.
- Street lighting columns (subject to detailed design).
- Proposed soft landscaping (subject to detailed design).
- Proposed carriageway (subject to detailed design).
- Proposed infiltration ponds (subject to detailed design).

REV.	DATE	DETAILS	DRAWN	CHECKED
P1	11.07.14	Issued FOR PLANNING	WP	DP

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**A 361 NORTH DEVON LINK
TIVERTON
EASTERN URBAN EXTENSION**

**A 361 GRADE SEPARATED
JUNCTION
HIGHWAY LAYOUT**

SCALE @ A1 1/1000

DRAWING NUMBER: 11226.554 REVISION: P1

Drawn by: WP Date: July 2014 Checked by: DP Date: July 2014

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Conditions

Applications 14/00667/MFUL & 14/01168/FULL

1. The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
2. The development hereby permitted shall not be commenced until a programme showing the phasing of the application scheme has been submitted to, and been approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme.
3. No development shall take place until detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Local Planning Authority: Proposed junction arrangements from the distributor link road through to the masterplan development areas north of Blundells Rd as shown on drawing 11226.553. The development hereby permitted shall be carried out in accordance with the approved plan showing the revisions as set out above.
4. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed schedule of the new landscaping and engineering works incorporating proposed details on the formation of the bunding, acoustic barrier and additional landscaping / planted areas across the application site as hereby approved, including a full planting schedule and datum levels across the site where engineering works are proposed.
5. All the works associated with the formation of the bunding/ acoustic barrier and planted zone as shown on as shown on plan 1126.553 (rev P1), 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 approved details of landscaping and engineering works as required by conditions 4 and 5 of this permission is to be completed in accordance with approved details prior to the first use of the development hereby approved and 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. In addition the management and maintenance arrangements for the bund and the areas of open spaces across the application site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development hereby approved and then implemented accordingly.
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. Prior to commencement of any part of the site the Local 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) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and obligations
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
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 details to be submitted to and approved in writing by the Local Planning Authority 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.
10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local 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 and shall be so retained.

11. 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 in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
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 left in left out 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 new junction 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. Within 3 months of the date of this permission, noise readings shall be obtained on the boundaries of the residential properties that will be adjacent to the new left in left out slip roads, for a continuous period of 3 months. Should those noise readings require further mitigation measures to achieve the predicted noise level outcomes detailed in the submitted application on completion of the works details of those further mitigation measures shall be submitted and agreed in writing with the Local Planning Authority. All mitigation measures shown in the application and those agreed by this condition in addition 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. 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.
16. The height of the acoustic fence between No 14 Upplowman Road and the A361 slip roads shall be agreed in writing with the Local Planning Authority prior to its installation.

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PLANNING COMMITTEE

29th March 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/00881/MOUT – OUTLINE FOR 700 DWELLINGS, 22,000 SQ METRES B1/B8 EMPLOYMENT LAND, CARE HOME, PRIMARY SCHOOL, NEIGHBOURHOOD CENTRE WITH LEFT IN, LEFT OUT JUNCTION ON TO A361 AND ACCESS / EGRESS ONTO BLUNDELL'S ROAD.

Cabinet Member Councillor Richard Chesterton, Cabinet Member for Planning and Economic Regeneration.

Responsible Officers Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for the Report:

This planning application has a resolution to grant planning permission subject to a S106 agreement and a range of conditions. Subsequent negotiations with the applicant over the S106 provisions, conditions as drafted and in light of the most up to date position over the funding and delivery of the A361 junction have resulted in proposed changes to the S106 and conditions. These require Planning Committee consideration.

RECOMMENDATIONS:

- 1. To amend the S106 agreement resolution to:**
 - i) Secure the payback arrangements for the Mid Devon District Council loan (with interest) which will assist forward funding of the first phase of the A361 junction.**
 - ii) Secure the delivery of the linking road between the new A361 junction and Blundell's Road within 12 months of the sale of sufficient land on the application site to fund the construction of the linking road;**
 - iii) Allow for a financial contribution to be made towards the off-site provision of gypsy and traveller pitches including the cost of land acquisition. This is in lieu of on-site pitch provision.**
 - iv) Grant delegated authority to the Head of Planning and Regeneration in consultation with the Chair and Vice Chair of Planning Committee to amend the timing of financial contributions secured through the S106 agreement if necessary in order to balance the need to secure payments in a timely manner with the cash flow / viability of the development to secure its delivery.**

2. That in the event S106 negotiations are unable to secure iii) above (an acceptable level of financial contribution towards the off-site provision of gypsy and traveller pitches), delegated authority be given to the Head of Planning and Regeneration to refuse planning permission.

3. To amend the list of conditions as follows:

- i) Condition 1 to be amended to allow reserved matters applications to be submitted on a phase-by-phase basis. Amended wording as follows:

‘Before any part of a phase 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 relevant phase (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority’

Reason: To ensure the timely delivery of a complex site which will be sold to and developed by a multiple number of developers. The proposed wording allows reserved matters to be submitted on a phased basis.

- ii) To amend draft Condition 3 to allow reserved matters application for the first phase of the development to be submitted within four years of outline planning consent. The amended wording as follows:

‘Application(s) for approval for the Reserved Matters relating to the first Phase shall be made to the Local Planning Authority before the expiration of four years from the date of this permission and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan’.

- iii) To add an additional condition to allow all reserved matters applications to be submitted within ten years of outline planning consent. The following wording is proposed:

‘Application(s) for approval for all Reserved Matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan’.

- iv) To amend draft Condition 4 to allow commencement of development on the first phase and subsequent phases either within five years of outline consent or within two years of the

approval of the last reserved matters relating to that phase. The following wording is proposed:

'The first and subsequent phases of the development hereby permitted shall be begun either before the expiration of five 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 relating to that phase which have been approved, whichever is the latter'

- v) To amend Condition 10 as follows:

There be no occupation of development within the application site until the first phase of the A361 road junction (known as the 'left in, left out southern slips) and linking road between the new A361 road junction and Blundell's Road consented under planning permission 14/00667/MFUL have been constructed, are complete and made available for public use.

REASON: To ensure that the A361 left in, left out southern part of the junction together with road linking to Blundell's Road is available in advance of the occupation of development in order to accommodate traffic attracted to the site in the interests of the safety of users of the public highway and to protect the amenities of the nearby residents and the amenities and character of the area in accordance with the National Planning Policy Framework'.

- vi) To delete Condition 12 relating to the provision and timing of a road to the boundary of the site with Area B.
- vii) That delegated authority be given to the Head of Planning and Regeneration to amend other conditions as necessary to take account of development coming forward in phases.

4. That Members note that, due to the lack of available LEP funding, the strategic development is now being delivered in two phases to maximise the availability of time-limited infrastructure funding while securing growth delivery. The northern part of the junction will be delivered in association with the remainder of the EUE allocation, to be the subject of future infrastructure bidding rounds when this is in a position to be brought forward.

Relationship to Corporate Plan: The Corporate Plan 2016-2020 establishes priorities around the delivery of economic growth including housing provision, business development and planning for and enhancing the built environment. The Tiverton Eastern Urban Extension is a strategic mixed use land allocation within the

adopted Local Plan, the delivery of which is vital to realising the Council's spatial strategy. The provision of the A361 junction will unlock the ability to provide housing and employment floorspace on this site.

Financial Implications: The S106 associated with this application secures financial contributions towards a range of infrastructure in order to mitigate the impacts of development. Importantly this application will secure significant contributions towards highway and community infrastructure.

Legal Implications: Legally binding S106 agreements provide the mechanism for securing financial contributions towards strategic infrastructure, including the A361 road junction, from development as part of the planning process.

Risk Assessment: The absence of agreement of the S106 and conditions on this application will result in the loss of funds towards the construction of the A361 road junction. This would introduce delay, the requirement to make further bids for junction funding (to counteract the loss of £3.5 million within the current funding package) and there is no certainty that revised bids will be successful. Meanwhile we can anticipate the receipt of further 'unfriendly' applications on unplanned sites or on the Tiverton eastern urban extension based on lack of 5 year land supply. Such applications would not be expected to offer such contributions towards infrastructure and if considered at appeal, Local Planning Authority control over decision making would be lost.

1.0 INTRODUCTION.

- 1.1 This update paper should be read in conjunction with the proceeding report that updates Members on the delivery of the A361 road junction to serve development at the Tiverton Eastern Urban Extension..
- 1.2 Application 14/00881/MOUT was submitted in outline and is for a mixed use development comprising up to 700 dwellings, 22,000 square metres of light industrial B1/ wholesale and distribution B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the A361 and access and egress onto Blundells Road' on land within the Tiverton Eastern Urban Extension. At the meeting of 23rd April 2015, Planning Committee resolved to grant outline planning consent subject to the signing of a S106 to secure financial contributions and conditions. The full Committee resolution on Application 14/00881/MOUT is set out in **Appendix 1** of this report. Negotiations regarding the S106 have been taking place to resolve outstanding issues since this resolution was made. Changes to the funding package and proposed delivery of the A361 junction have also occurred that need to be addressed within the context of this application. This report presents proposed changes to the previous committee resolution in respect of the S106 agreement and planning

conditions. The application has not yet received planning permission as the S106 is unsigned. There is a need to expedite the granting of this permission due to time constraints associated with the A361 junction. This is referred to in the accompanying report.

- 1.3 It is noted that a separate S106 has been completed to secure financial contributions towards the Blundell's Road traffic calming scheme. Its engrossment in advance of the remainder of the S106 issues has ensured that funding has been committed to the scheme, thereby allowing the first phase to be constructed. Two separate S106 agreements will therefore relate to this application. It is the main and currently unsigned S106 to which this report relates.

2.0 THE NEED TO VARY THE TERMS OF THE S106 AND CONDITIONS.

2.1 HIGHWAY ISSUES.

- 2.1.1 At the time of previous consideration of this application by Planning Committee it was intended that the whole of the grade separated junction would be delivered in one go by Devon County Council. As detailed in the preceding report, it is now to come forward as two separate phases. Delivery of the first phase (left in, left out southern slips) of the A361 junction will be part by the County Council and part by the land owner / developer and require an amendment to the draft S106 and to the planning conditions previously presented to Committee.

- 2.1.2 The S106 as currently drafted sets out expectations over the instalments and timing of the highway financial contributions and assumes financial contributions will be made towards DCC delivery of the junction:

£3,684,211 junction contribution to be paid in 4 instalments summarised as:

- 25% on the occurrence of the later of either the disposal of land sufficient to generate net proceeds of over £921,052 or 20 working days from the receipt of notice that DCC has let contracts for the construction of the A361 junction and the A361 to Blundell's Road link;
- 25% on the commencement of development on residential land not part of the initial disposal area above or the commencement of construction of the 271st dwelling, whichever is sooner;
- 25% within 6 months of the commencement of construction above;
- 25% within 1 year of the commencement of construction above.

An amendment of this clause is now required to reflect the updated position on the delivery of the junction and to provide certainty over firstly, the payback

(including timescale) of monies including interest proposed to be committed by MDDC to help forward fund the junction and secondly, to reflect the direct delivery now required by the landowner / developer to complete the linking road (from the end of the DCC provided slips) to Blundell's Road.

- 2.1.3 This has further implications relating to the timing of development to raise the funds required to deliver the linking road. The landowner / developer will be required to fund £2.8 million worth of highway works to complete the first phase of the junction and link it to Blundell's Road. It is vital to ensure that there is a mechanism within the S106 over the timing of the completion of this link to Blundell's Road that will allow the southern part of the junction to open for public use as this is a prerequisite for the delivery of the urban extension.
- 2.1.4 Establishing a set date by which the road link will be delivered will not be possible as money for the construction will depend upon the timing of land sales. It has been negotiated that the delivery of the linking road between the new A361 junction and Blundell's Road will be required via the S106 to be within 12 months of the sale of sufficient land on the application site to fund its construction. Furthermore in order to provide a safeguard, it is proposed to amend condition 10 so there is no occupation of development within the application site until the first phase of the A361 road junction (known as the 'left in, left out southern slips) and linking road between the new A361 road junction and Blundell's Road consented under planning permission 14/00667/MFUL have been constructed, are complete and made available for public use. In this way there is certainty over the provision of these highway works in relation to the occupation of development.
- 2.1.5 Condition 10 currently does not allow any development on the application site until the left in, left out junction has been constructed and made available for use. As drafted, this is preventing the delivery of the junction by discouraging land sales upon which the funding of the junction is dependent. Developers will not buy land where there is no prospect of being able to develop as currently they have no clarity over the timing of the delivery of this part of the junction. Unless amended, this will frustrate delivery. The S106 clause and revised condition 10 overcome this and will allow for the unlocking of the site. Members will also have the confidence that Condition 11 as retained ensures no development south of Blundell's Road is permitted until the roundabout junction with Blundell's Road and the linking road have been constructed and are available for use.
- 2.1.6 The A361 junction will now be delivered in two separate phases. The funding package that has been put together will secure the first phase of the junction to the south. It was originally intended that Local Enterprise Partnership funding would be available up to £7.5 million, sufficient to deliver the whole junction in one go. This is no longer the case. With less public infrastructure

funding efforts have concentrated upon getting the first phase of the junction in place in order to unlock the urban extension site. The first phase of the junction is considered suitable to serve Area A development: up to 1,030 dwellings together with 22,000 sq m employment floorspace, the primary school and community facilities. The second, northern phase of the junction will be delivered at a future date by a combination of funding from Area B development together with further public infrastructure monies for which bids will be made. Members are asked to confirm acceptance that development granted under this planning permission may come forward and be occupied in advance of the delivery of the full grade separated junction (the second phase providing the overbridge and northern A361 slips).

2.2 RESTRICTION ON COMMENCEMENT OF DEVELOPMENT.

- 2.2.1 The Adopted Masterplan SPD outlines the need for the first phase of the junction and linking road to be completed prior to the occupation of any development. As the development progresses, the occupation of no more than 200 dwellings (or 4,000sqm of employment) is permitted until completion of Phase 1 traffic calming and improvements to the roundabouts at Heathcoat Way and Lowman Way are completed. Prior to the occupation of no more than 600 dwellings or 10,000 sqm of employment land the completion of the full grade separated junction and Phase 2 of the traffic calming works are required. These masterplan requirements are now found to be undeliverable and unless amended, no development at Tiverton Eastern Urban Extension will be able to take place with the exception of up to 330 dwellings towards the north east of the site (Waddeton Park land).
- 2.2.2 As now proposed, occupation rather than commencement of development on this application site will not be available until the first phase of the junction and linking road are open and available for public use. DCC delivery of the first part of the slip roads on the southern side of the junction will allow them to be used as a haul route for development on this site without need to utilise Blundell's Road. The restriction on any occupation of development on this site will also ensure that the first part of the junction and its critical link to Blundell's Road is delivered early in relation to that development, again reducing use of Blundell's Road for construction purposes. The A361 junction update report sets out DCC's intended timescale for completing construction of the first part of the junction as July 2018. It is proposed that the S106 is amended to ensure the link road will be available for public use within 12 months of the sale of sufficient land to fund it.
- 2.2.3 Funding for the linking road is likely to come from land sales south of Blundell's Road. The restrictions on the commencement of development do not make the land attractive to market based developers and as such stifles funding streams for its construction.

3.0 CONDITIONS – APPROVAL OF RESERVED MATTERS AND COMMENCEMENT OF DEVELOPMENT ACCORDING TO DEVELOPMENT PHASE.

3.1 This application covers the largest part of the Tiverton Eastern Urban Extension and due to its scale, reserved matters applications and the subsequent timing of development will occur in a series of phases. It is not expected that a single reserved matters application will be submitted by one single developer. Instead, the land will come forward as a series of land parcels in which several different developers are likely to be involved. Multiple reserved matters applications will be submitted according to phase. Negotiation has taken place over the timing of the submission of these reserved matters applications and the timing of commencement of development within each phase.

3.2 Conditions 1, 3, 4 and 5 seek to achieve the timely delivery of development. Each relates to the submission of reserved matters applications and commencement of development. Condition 1 (submission of detailed drawings) as drafted requires all reserved matters applications be submitted for all of the site prior to any development. The wording is as follows:

EXISTING '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'.

3.3 Officers acknowledge that this is a complex site which will be sold and developed by multiple developers. As such, the site will be developed and delivered in phases. Officers are satisfied that Condition 1 can be suitably amended to allow reserved matters to be submitted on a phase-by-phase basis. This will continue to ensure the delivery of the scheme in a timely manner. The following amended wording is proposed:

PROPOSED 'Before any part of a phase 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 relevant phase (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority'

3.4 Condition 3 of the Committee resolution seeks the approval of all reserved matters within three years of the date of planning consent. The wording is as follows:

EXISTING '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, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan’.

- 3.5 However, following the amended condition 1 it is recommended that condition 3 be amended to relate to the timing of the submission of reserved matters for the first phase of the development only and that a new condition relating to the timing of submission of all reserved matters be added. As such, the amendments to condition 3 seek to ensure that the reserved matters for the first phase of the development are submitted within four years of the date of the outline planning permission. The following amended wording is proposed:

PROPOSED ‘Application(s) for approval for the Reserved Matters relating to the first Phase shall be made to the Local Planning Authority before the expiration of four years from the date of this permission, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan’.

PROPOSED NEW CONDITION ‘Application(s) for approval for all Reserved Matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan’.

- 3.6 These timescales represent the latest times for the submission of reserved matters which may come forward sooner. In order to give some certainty over delivery of the development as a whole it is important to set timescales. Officers have rejected that applicant’s initial position of not wanting to set a date by which all reserved matters had to be submitted. The provision of a long-stop date is supported through the recently published Housing White Paper. Following detailed negotiations agreement has been reached whereby the submission of all remaining reserved matters will be within 10 years of the date of planning consent.
- 3.7 Condition 4 relates to the commencement of development. As drafted it requires development to commence either within five years of the date of planning consent or within two years of the approval of the last reserved matters. The wording is as follows:

EXISTING ‘The development hereby permitted shall be begun either before the expiration of five 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 latter’.

The revised condition 4 seeks commencement of the first phase of development and subsequent phases within five years of the date of planning consent or within two years of the last reserved matters approved for that phase. This provides sufficient time to secure land sales to fund the linking road and to allow construction of the linking road. Importantly, Condition 4

provides a long stop date for the submission of all reserved matters therefore ensuring a timely delivery of development. The following wording is proposed:

PROPOSED 'The first and subsequent phases of the development hereby permitted shall be begun either before the expiration of five 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 relating to that phase which have been approved, whichever is the latter'

4.0 PROVISION OF AN ACCESS ROAD TO THE BOUNDARY OF THE SITE WITH AREA B.

- 4.1 To ensure the comprehensive delivery of the urban extension as a whole and to give greater certainty over the provision and timing of financial contributions from Area B towards common infrastructure, it was initially proposed via condition 12 to require the construction of the access road to the south of Blundell's Road from this development up to boundary of Area B. This would allow a road connection to be made and overcome ransom between landowners. Condition 12 as resolved is as follows:

EXISTING 'The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundell's Road to the boundary of the site adjoining Phase B of the Masterplan Area shall be constructed and made available for use in accordance with a delivery programme that will be submitted to and agreed in writing by the Local Planning Authority and prior to commencement of any development. The highway works shall be provided in accordance with the agreed delivery programme'.

- 4.2 Provision was made in the draft S106 to ensure cost of the infrastructure / utilities required at the expense of Chettiscombe Trust that Area B development would also benefit from could be extracted from the Area B land owners. In this manner the cost could be equalised. Such equalisation is often undertaken direct between landowners without intervention by the planning system. Whilst the Local Planning Authority considers it has be ability to intervene in this instance, the applicant indicates that they should be free to negotiate with the owner of Area B in order to obtain a fair contribution to the cost of funding significant infrastructure required to unlock Area B for development. There remains an in principle difference of opinion on this subject between the applicant and the Local Planning Authority. It is clear that unless agreement is reached quickly, the timescales required in order to retain the funding package for the first phases of the A361 junction will not be met resulting in the loss of £3.5 million of junction funding and significant delay.
- 4.3 The Local Planning Authority is committed to the timely delivery of the eastern urban extension, but recognises that this depends upon the provision

of the first phase of the junction. As such, Officers are prepared to accept the deletion of condition 12 in order to give the applicant opportunity to negotiate terms / value with the landowners of Area B. However, this is not open ended. Should such negotiations not be completed within a reasonable time period or the ability to deliver Area B be significantly delayed as a result, the Local Planning Authority intends to directly intervene in accordance with the approach advocated within the Housing White Paper 2017. Such intervention will be to ensure the delivery of the access road through Area A to its boundary with Area B in order to unlock this part of the development and could involve compulsory purchase. The recommendation to delete this condition is therefore not the end of the matter, but rather to be regarded as providing an opportunity for resolution between landowners as a private law matter. Should not such resolution be achieved in a timely manner, the Local Planning Authority will wish to step in.

5.0 S106 – TIMING OF FINANCIAL CONTRIBUTIONS.

- 5.1 The 22nd April 2015 committee resolution was very specific over the triggers to be incorporated within the s106 for the payment of financial contributions that are required as part of the planning permission. The change in approach to the delivery of the junction requires a reassessment of the timing of some of these contributions in order to ensure money is available at an early stage to fund the completion of the first phase of the junction including road linking to Blundell's Road.
- 5.2 The timing of contributions has been the subject of negotiation with the applicant and has also involved the County Council acting within its capacity as both Highway and Education Authority. The County Council has agreed amendments to the timing of payment triggers. Delegated authority is sought to the Head of Planning and Regeneration in consultation with the Chair and Vice Chair of Planning Committee to amend the timing of payments within the s106 agreement if necessary in order to balance the need to secure payments in a timely manner with the cash flow / viability of the development to secure its delivery. This will give greater flexibility than currently allowed by the existing resolution of Committee.

6.0 GYPSY AND TRAVELLER PITCH PROVISION.

- 6.1 Policy AL/TIV/1 requires the provision of at least five gypsy and traveller pitches as part of the development requirements on this site. The masterplan SPD indicates a potential site towards the north-eastern corner on the site with three pitches being secured in that area as part of the Waddeton Park outline planning permission (13/01616/MOUT). It was also resolved that the s106 on this application also secure the on-site provision of three gypsy and traveller pitches prior to the occupation of 460 dwellings.

- 6.2 The applicant is now taking the position that the provision of these pitches is not required to make the development acceptable in planning terms and objecting to this s106 clause. Gypsy and traveller pitch provision forms part of the affordable housing requirements of the site and in the view of officer is both justified and necessary in policy terms for planning permission to be granted. There is a separately assessed 5 year gypsy and traveller accommodation need that must be met in part through pitches being delivered on strategic sites such as this. The approach taken by the Council on pitch provision has been found sound by Local Plan Inspectors.
- 6.3 It has come to the attention of officers that mortgage companies are expressing concern at lending on housing sites where gypsy and traveller pitches are required and that this may cause problems in the delivery of housing. This is an emerging situation which officers are working through, but is not considered to absolve developers of the policy requirement to make such provision. This application delivers land for the A361 junction together with a total of £3.8 million towards its construction. The funding package for the junction is time limited resulting in a need to grant this planning permission which is key to the ability to unlock development on the urban extension. Given this exceptional circumstance, officers are prepared to recommend that a more flexible approach to gypsy and traveller pitches be adopted.
- 6.4 Whilst the starting point of officers remains the delivery of gypsy and traveller accommodation in accordance with the policy, they are prepared to consider whether a suitable and acceptable location for new pitches can be found off site. To this end officers would wish to secure the land for this together with the cost of providing pitches. However in recognition of the current circumstances which risk setting back the delivery of the wider urban extension will be prepared to accept a financial contribution to be taken towards the cost of land and off-site pitch provision. Officers therefore recommend that the S106 is amended accordingly, but wish to also be given delegated authority to refuse this planning application should the applicant not be prepared to agree to this approach. An update on this issue will be given to Members at the meeting.

7.0 CONCLUSION.

- 7.1 There is a pressing need to resolve the outstanding issues on this application, in particular as it directly affects the ability to deliver the first phase of the A361 junction as it will deliver both the land upon which it is due to be built as well as a significant financial contribution towards its construction. The success of the funding package depends upon adherence to a tight timescale. Should this not be met, comprehensive development on the urban extension will not take place and will be subject to significant uncertainty and delay.

- 7.2 The s106 agreement and conditions associated with this application have been the subject of extensive discussions and negotiations with the applicant. Officers have sought to challenge the position of the applicant in many respects and believe that the contents of this report represents the best that can be achieved whilst also meeting the timescale driven by junction delivery requirements. This has required difficult decisions to be considered in several areas. The need for speedy resolution is further heightened in light of the Council not currently being able to demonstrate a 5 year housing land supply.
- 7.3 Extensive work with the County Council to find an appropriate delivery mechanism for the required infrastructure to support this growth has resulted in substantial negotiation and the package now before Members. Allowing development to come forward on the Chettiscombe Trust land in a considered and controlled manner, provides clear benefits towards accelerating the delivery of planned housing at the Tiverton EUE whilst securing the programmed delivery of funding. Failure to resolve the issues on this application quickly risks the loss of £3.5 million in junction funding. Local planning authorities are increasingly having to intervene in a broken housing market to see delivery of housing brought forward. By pulling together this multi-agency package for infrastructure financing we are seeking to de-risk the development to ensure market delivery of a strategic local plan allocation. As well as securing delivery of the council's own policy objectives, it is considered that this approach gives credibility to our request of the Secretary of State to explore, within Mid Devon, the planning freedoms as outlined by DCLG which would give the council a greater ability to resist speculative development.

Contact for any more information

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Background Papers

Planning Committee 23rd April 2015, 9th March 2016, 3rd August 2016, 1st February 2017.

File Reference

14/00881/MOUT

Circulation of the Report

Members of the Planning Committee

Reference No: 14/00881/MOUT

Proposal: 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

Location: Land East of Tiverton, South of A361, and Both North and South of Blundells Road Upplowman Road Tiverton Devon.

Planning Committee on 22nd April 2015 resolved as follows:

Grant planning permission subject to the signing of a Section 106 Agreement and the conditions as set out in this report.

S106 to provide:

- (i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.**
- (ii) A financial contribution of £921,053 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Payment prior to commencement of development.**
- (iii) A financial contribution of £253,289 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Payment prior to the first occupation of the 200th dwelling on site**
- (iv) A contribution towards the provision of a full grade separated junction to and from the A361, the contribution includes an element of funding towards the southern section of the junction (LLO) and link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme, including development traffic. The total contribution towards this from this development has been fairly calculated as £3,684,211 – Trigger date to be agreed as part of the Section 106 agreement.**
- (vi) A financial contribution of £851,974 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: 50% to be paid prior to first occupation of the 200th dwelling and 50% to be paid prior to the first occupation of the 300th dwelling on site.**
- (vii) A financial contribution to a maximum of £3,678,991 (minus the proportionate cost of the new primary school site- see clause viii below attributable to the application scheme) towards improving facilities at existing primary school sites where necessary until the need for new primary has been triggered by development across the Masterplan area for the funding of the new primary school, and towards improving facilities at existing secondary school site in Tiverton - Trigger date: Prior to first occupation of the 200th dwelling.**

(viii) Agreement to provide a site of 1.93 hectares for a new primary school and to transfer to Devon County Council prior to the commencement of development for an agreed value based on the following calculation (700/1550) of the value of the site (based on a residential valuation factoring in 22.5 % affordable housing).

(x) A financial contribution of £1,381,579 towards the provision of the following community based facilities within the Masterplan area and outside of the Masterplan area to include, a community centre and associated hard court play and sports pitch, an all-weather pitch, changing room facilities and 5 x sports pitches - Trigger date: One third of the total sum to be paid before the completion of the 230th, 460th and 690th dwellings.

(xi) The provision of 3 Gypsy and Traveller pitches to be provided prior to the occupation of 460 dwellings - specification to include concrete base and connections to mains drainage, electricity and water supplies.

(xiii) Renewable Energy centre/District Heating clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for within the urban extension.

(xiv) Contribution of £500 payable to Devon County Council to cover costs of legal fees in relation to Section 106 Agreement - Trigger to be confirmed.

(xv) Agreement to the provision of travel vouchers of equivalent £300 per dwelling to be used for cycle provision for up to 10 years or bus travel payable upon occupation of each dwelling.

(xvi) Agree to fund in full the time of a travel planning professional to cover the site in order to promote sustainable travel and provide information to residents of the site.

(xvii) Agreement to transfer the land (blue land on application site plan plus an area for works compound) on the north side of the A361 to Devon County Council – Trigger date: to be agreed.

(xviii) The Local Planning Authority will secure a proportionate contribution towards the investment required towards providing water, gas and electricity across Area B of the masterplan by imposing a levy of approximately £2,500.00 per dwelling towards such services only.

Note: this is not a requirement of this application but binds the LPA to secure the provisions when development of the Area B land identified in the Masterplan is brought forward for development.

Conditions to provide:

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. Prior to the submission of a reserved matters application the following supporting information shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Illustrated urban design and architectural principles, including block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines,
 - ii) A strategy for the management and maintenance of all green infrastructure across the application site and the other relevant land owned by the applicant that falls within the boundaries of the adopted Masterplan Area. The Strategy document shall set out the management, maintenance, access and use arrangements for each land parcel and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels.
 - iii) A low emissions strategy.

Reserved matters applications for the site shall incorporate the approved details.

3. 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, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan.
4. 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 latter.
5. The detailed drawings required to be submitted by condition 3 shall include the following additional information:
 - i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent development with Properties in Poole Anthony Drive and Mayfair where appropriate
 - ii) Provision of a landscaped buffer where the application site shares a party boundary with existing properties on Mayfair and Poole Anthony Drive in accordance with the adopted masterplan.
 - iii) Protective measures for all Grade A trees on the site.
 - iv) Measures to demonstrate compliance with the carbon footprint targets as set in the policy AL/IN/6 and AL/TIV/5.

- v) Single image photomontage of the proposed development from Knightshayes and Knightshayes Estate;
 - vi) Heritage asset setting protection statement. The submission shall include an assessment of the impact of the proposed development on Knightshayes and Knightshayes Estate; and details of hedgerow provision and retention or other measures to reduce any visual impact of the proposed development.
 - vi) A habitat enhancement and mitigation plan
6. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local 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.
 7. 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.
 8. 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.
 9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

10. No development shall take place on site until the Left in Left out junction onto the A361 previously consented under LPA ref: 1400667/MFUL has been constructed and made available for use.
11. No development hereby approved shall take place on land to the south of Blundells road and/or the employment land until the roundabout at the junction of Blundells road and the link road hereby approved has been constructed and made available for use.
12. The on-site highway works for the provision of a distributor road on land to the south from the roundabout junction with Blundells Road to the boundary of the site adjoining Phase B of the Masterplan Area shall be constructed and made available for use in accordance with a delivery programme that will be submitted to and agreed in writing by the Local Planning Authority and prior to commencement of any development. The highway works shall be provided in accordance with the agreed delivery programme.
13. No development shall take place on site until the off-site highway works for the provision of passing places, highway mitigation measures, transport strategies on West Manley Lane have been submitted to and agreed in writing with Local Planning Authority. The approved proposals shall be implemented and made available for use according to an approved program of works.
14. Prior to commencement of development of any part of the site a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
 - (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) The means of enclosure of the site during construction works;
 - (i) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) Details of wheel washing facilities, road sweeping and strategies to mitigate against any dust, noise, fumes, odour and waste that arise from the development hereby approved;
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes;
 - (l) Details of the amount and location of construction worker parking;
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

15. No development should take place until a long-term water quality management and maintenance programme in respect of the proposed sustainable urban drainage scheme (SUDs), both during and post construction, including arrangements for a timetable of monitoring and reporting, is submitted to and approved in writing by the Local Planning Authority. Such water quality management and maintenance programme shall be designed to ensure that surface water quality leaving the application site will not have a detrimental impact upon Tidcombe Fen SSSI. The submission shall identify where remediation / mitigation is necessary as a result of inadequate operations of the SUDs resulting in an inadequate quality of water leaving the SUDs system and entering the Tidcombe Lane Fen SSSI. Any necessary remediation / mitigation measures shall be carried out in accordance with the details in the approved submissions. On completion of the monitoring specified in the approved programme a final report demonstrating that all long-term remediation / mitigation works have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
16. 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.
17. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds and swale as shown on drawing PFA consulting drawing C/698/24, including the timing of delivery and an inspection schedule, has been submitted to, and been approved in writing by the Local Planning Authority. The approved methodology, timing of delivery and inspection schedule shall be strictly adhered to for the completion of the development.
18. Noise from operations conducted at any of the employment premises on the application site shall not at any time exceed a decibel level of LAeq (1hour) 55 dB as measured on any boundary of the site with adjoining residential properties, between the hours of 0700 and 1900 on Mondays to Fridays and 0700 and 1300 on Saturdays, and LAeq (15min) 45 dB(A) during any other time including Bank Holidays.
19. No more than 320 of the dwellings on the application site shall be occupied, until the completion of works to ensure sufficient capacity within the public foul sewerage network to accommodate the foul sewage discharge from the development proposed, or it is confirmed in writing by the sewerage undertaker that sufficient capacity exists to accommodate the development.

REASONS FOR CONDITIONS:

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. To ensure the site is developed in accordance with the adopted Masterplan for the Tiverton Eastern Urban Extension and Policies AL/TIV/1-AL/TIV/7 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. To protect water quality and minimise flood risk and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with policy DM2.
8. To ensure the proper development of the site and to safeguard with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. 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, and in accordance with policy in National Planning Policy Framework.
11. To minimise the impact of the development on the highway network in accordance with policy in National Planning Policy Framework.
12. To ensure that adequate facilities are available for construction traffic and the delivery of the Allocated site in its entirety to satisfy the requirement of the adopted Masterplan.

13. To minimise the impact of the development on the West Manley Lane and in accordance with the National Planning Policy Framework.
14. To minimise the impact of the development on the highway network during the construction phases, and in accordance with policy in National Planning Policy Framework.
15. In order to ensure that the development, as submitted, will not impact upon the features of special interest for which Tidcombe Lane Fen, and in particular to address the uncertainties associated with nutrient enrichment and removal efficiencies of SUDs features, in accordance with Policy DM30 of the Local Plan Part 3 (Development Management Policies).
16. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
17. To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
18. To ensure that the proposed development does not prejudice the amenity of residents in the locality by reason of noise.
19. To ensure there are adequate water company (public) sewerage facilities to receive foul water flows from the development in order to safeguard the environment.

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PLANNING COMMITTEE
29TH MARCH 2017

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

VARIATION OF S106 AGREEMENT: 13/01616/MOUT 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 IMPROVEMENT, LAND AT NGR 298671 113603, UPLOWMAN ROAD, TIVERTON

Cabinet Member
Responsible Officer

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

Reason for Report: To consider proposed changes to the S106 agreement entered into in relation to this planning permission.

RECOMMENDATIONS:

- 1. That clause 2.5(a) within agreed terms of the S106 be amended to require to no more than 260 dwellings (rather than 200) be occupied until the traveller pitches have been constructed and are ready for occupation in accordance with the traveller pitch scheme;**
- 2. That the timing of payments of the financial contributions within the S106 be amended in accordance with the changes requested;**
- 3. That the agreed terms of the S106 be amended to discharge market housing developers from all affordable housing requirements upon the completion of the Council's land purchase of part of the site.**

Relationship to Corporate Plan: The Corporate Plan 2016-2020 establishes priorities around the delivery of economic growth including housing provision, business development and planning for and enhancing the built environment. The Tiverton Eastern Urban Extension is a strategic mixed use land allocation within the adopted Local Plan, the delivery of which is vital to realising the Council's spatial strategy. This planning permission related to up to 330 dwellings on the north eastern part of the site.

Financial Implications: The proposed changes to the S106 affect the timing (not amount) of some of the financial contributions secured through the S106 agreement.

Legal Implications: Any agreed changes to the S106 will result in the signing of a supplemental agreement.

Risk Assessment: The implications of making changes to the s106 agreement must be considered in assessing whether they are acceptable or not. Such implications might be on the

prospect of development and associated infrastructure or mitigation measures coming forward and their timing in relation to the overall development. Additionally it must also be considered whether any S106 clauses are currently frustrating progress in the delivery of development on the site

Consultation carried out with: See consultation section.

1.0 BACKGROUND.

- 1.1 Outline planning permission for up to 330 houses was granted on 18th September 2015 under the reference number 13/01616/MOUT following a resolution at a meeting of Planning Committee.
- 1.2 Since the grant of planning permission, discussions have been ongoing with the applicant over the delivery of dwellings on this site together with preparatory works for the submission of reserved matters. A future reserved matters application is not expected to be submitted by the outline applicant, but rather would be by a developer.
- 1.3 A request was received from the applicant on the 1st March 2017 for aspects of the S106 to be amended.

2.0 PROPOSED AMENDMENTS TO THE S106 AGREEMENT.

2.1 GYPSY AND TRAVELLER PITCH PROVISION.

- 2.1.1 The existing S106 agreement in connection with this application requires the provision of three traveller pitches and that unless agreed otherwise in writing by the Council not more than 200 dwellings on the site be occupied until the traveller pitches have been constructed and are ready for occupation in accordance with a traveller pitch scheme. Note: reference to traveller pitches includes gypsy and traveller.
- 2.1.2 Since the grant of planning permission, the provision of the required traveller pitches has been the subject of further discussions that are ongoing. There is a requirement on the whole of the Tiverton Eastern Urban Extension for the provision of at least five pitches which are considered part of wider affordable housing. The three pitches proposed as part of this application are indicated within the adopted masterplan supplementary planning document for the site near the north-eastern corner of the site to the north of Updown Road. This area of the site is expected to be in the last phases that will be reached by services and roads. 260 dwellings would be expected to equate with the capacity of the area of the site south of Updown Road.
- 2.1.3 The applicant not seeking to revise the provision of the pitches, but rather the timing of them in relation to the occupation of housing on this site. The request is to allow no more than 260 dwellings rather than 200 to be occupied before the traveller pitches are constructed and ready for occupation. This slightly delays pitch provision in relation to housing. The final 70 dwellings would come forward after the pitches.

2.2 TIMING OF S106 FINANCIAL CONTRIBUTIONS.

- 2.2.1 The payment amounts to be secured via the S106 agreement have not changed, however the timing of the payments are proposed to be amended. This is in part to

ensure shifting the timing of housing in relation to traveller pitch provision does not prejudice the payment of these financial contributions and to also aid cashflow in relation to anticipated house sales. The existing requirements in relation to those proposed is set out in the table attached as **Appendix 1** to this report. The changes would mean that the first phase of financial contributions to mitigate the impact of the development will be made to MDDC / DCC respectively earlier than provided for in the existing S106 agreement. DCC is satisfied with the revised timing of financial contributions relating to any of interest to it: highways / transport and education. **Appendix 1** indicates that as proposed, £3.97m of financial contributions would be made prior to 150 dwellings with the balance of £1.55m being made prior to 225 dwellings.

- 2.2.2 The phasing of the highway contributions towards the A361 junction is also proposed to change from relating to key dates from the commencement of development, to relate to the occupation of numbers of dwellings. DCC is satisfied with this.

2.3 AFFORDABLE HOUSING.

- 2.3.1 This Council proposes to be the affordable housing provider on this site, with market housing provision by other developers. Aspects of affordable housing provision on this site were considered by Planning Committee at the meeting of 6th July 2016 where it was resolved as follows:

- i) That subject to the Council remaining the affordable housing provider, the agreed terms of the S106 be amended to allow 21.5% affordable housing together with a financial contribution towards affordable housing of £120,000 which will be delivered through a reduction in the cost of the land to the Council.
- ii) That the agreed terms of the S106 be amended to discharge market housing developers from all affordable housing requirements upon the completion of the Council's land purchase of part of the site and the grant to the Council of reserved matters or full planning permission for the affordable housing.
- iii) That subject to the agreement of recommendation 2 above and the Council remaining the affordable housing provider, the agreed terms of the S106 be amended to allow the open market housing to be constructed and occupied independently of the delivery of the affordable housing.

Amendment is sought to the second of these resolutions.

- 2.3.2 It is proposed that land for the affordable housing be transferred to MDDC and that that all affordable houses are constructed by the Council. The provision of affordable housing and their timing will remain within the Council's control. As currently resolved at 2 above, the market housing developers are discharged from all affordable housing requirements upon i) the completion of the Council's land purchase, and ii) the grant to the Council of reserved matters or full planning permission for the affordable housing. It is now proposed to delete the second part of this such that the discharge of all affordable housing requirements upon market housing developers occurs on the completion of the Council's land purchase only.
- 2.3.3 As currently drafted, there is no certainty for market housing developers of the timing of the discharge of their affordable housing requirements as it depends upon the timing of this Council's planning permission. This uncertainty is hindering the purchase of the land

by market housing providers and their formulation of reserved matters application proposals: there is currently no clarity on whether they will have a 100% market housing site or whether the 22.5% affordable housing will be required. The Council's land purchase is also being held up by this issue. The Housing Service welcomes this proposed change.

- 2.3.4 If the Council does not complete the land purchase, the affordable housing requirements will still revert back to the market housing developers.
- 2.3.5 A second change sought to the affordable housing clause in the S106 in the event that the Council were not to be the affordable housing provider. In this event, due to the proposed phasing of the development, variation is sought over the timing of market / affordable housing provision.

As currently agreed: not more than 50% of open market dwellings to be constructed as part of the development are to be occupied until all the affordable is constructed and occupied and transferred to an affordable housing provider. (No more than 127 market before 75 affordable dwellings).

The change sought by the applicant would allow 75% of open market dwellings to be occupied. (No more than 191 market before 75 affordable).

This would set back affordable provision such that it would only all be occupied after the majority of market dwellings were constructed. It would also increase the risk of development of market dwellings stopping before the number at which the affordable dwellings would be required. This does not therefore form one of recommended changes to the S106 agreement.

3.0 CONSULTATION.

- 3.1 In accordance with procedure, the Chair of Planning Committee, Ward Members and Town Council have been advised of the requested changes to the S106 and given 14 days to respond with comments. In addition, the views of other interested parties including relevant statutory consultees have been sought.
- 3.2 Where views have been received, they are referred to in the body of this report. Committee will be advised verbally of any further comments received following the publication of this report.

Contact for any more information

Mrs Christie McCombe, Area Planning Officer (Tiverton Eastern Urban Extension)
011884 234277
cmccombe@middevon.co.uk

Background Papers

Planning Committee 6th July 2016

File Reference

13/01616/MOUT

Circulation of the Report

Members of the Planning Committee

Item	Amount gross	Council	Payment terms CURRENT	Prior to 200 dwellings	After 200th dwelling	Payment terms PROPOSED	Prior to 150 dwellings	Prior to 225 dwellings	Total
Blundells Road Calming	£ 434,211.00	DCC	On or before commencement of development	£ 434,211.00	£ -	On or before commencement of development	£ 434,211.00		£ 434,211.00
Bus vouchers	£ 82,500.00	DCC	On occupation	£ 49,750.00	£ 32,750.00	On occupation			£ 82,500.00
Community Facilities Contribution	£ 651,090.00	MDDC	1/3 before each of 100, 200 & 300 dwellings	£ 217,030.00	£ 434,060.00	1/2 before each of 150 & 225 dwellings	£ 325,545.00	£ 325,545.00	£ 651,090.00
Cycle / Footway Enhancement Contribution	£ 162,829.00	DCC		£ -	£ 162,829.00	1/2 before each of 150 & 225 dwellings	£ 81,414.50	£ 81,414.50	£ 162,829.00
Cycle Voucher	£ 16,500.00	DCC	On occupation	£ 9,950.00	£ 6,550.00	On each occupation			£ 16,500.00
Education Land Contribution	£ 300,000.00	DCC	Prior to 200 dwellings	£ -	£ 300,000.00	1/2 before each of 150 & 225 dwellings	£ 150,000.00	£ 150,000.00	£ 300,000.00
Golf Course Contribution	£ 125,000.00	MDDC	Before commencement of development	£ 125,000.00	£ -	Before commencement of development with no financial contribution from Tiverton GC.	£ 125,000.00		£ 125,000.00
Highway Works Contribution PAID	£ 100,000.00	DCC	Within 3 months of PP being granted	£ 100,000.00	£ -	Within 3 months of PP being granted	£ 100,000.00		£ 100,000.00
Highway Works Contribution	£ 559,210.50	DCC	On or before commencement of development	£ 559,210.50	£ -	6 months from commencement	£ 559,210.50		£ 559,210.50
Highway Works Contribution	£ 359,210.50	DCC	On or before 6 months from the Commencement Date	£ 359,210.50	£ -	50th dwelling	£ 359,210.50		£ 359,210.50
Highway Works Contribution	£ 359,210.50	DCC	On or before 12 months from the Commencement Date	£ 359,210.50	£ -	75th dwelling	£ 359,210.50		£ 359,210.50
Highway Works Contribution	£ 359,210.50	DCC	On or before 18 months from the Commencement Date	£ 359,210.50	£ -	125th dwelling	£ 359,210.50		£ 359,210.50
Primary Education Contribution	£ 1,086,356.00	DCC	Prior to 200 dwellings	£ -	£ 1,086,356.00	1/2 before each of 150 & 225 dwellings	£ 543,178.00	£ 543,178.00	£ 1,086,356.00
Public Transport Enhancement Contribution	£ 238,816.00	DCC	1/2 before each of 200 & 300 dwellings	£ -	£ 238,816.00	1/2 before each of 150 & 225 dwellings	£ 119,408.00	£ 119,408.00	£ 238,816.00
Roundabout Works Contribution	£ 119,480.00	DCC	Prior to occupation	£ 119,480.00	£ -	100th dwelling	£ 119,480.00		£ 119,480.00
Secondary Education Contribution	£ 675,829.00	DCC	Prior to 200 dwellings	£ -	£ 675,829.00	1/2 before each of 150 & 225 dwellings	£ 337,914.50	£ 337,914.50	£ 675,829.00
Traveller Pitches			Prior to 200 dwellings		£ -	Prior to 260 dwellings			£ -
Sub totals				£ 2,692,263.00	£ 2,937,190.00		£ 3,972,993.00	£ 1,557,460.00	
Totals	£ 5,629,453.00			£ 5,629,453.00					£ 5,629,453.00

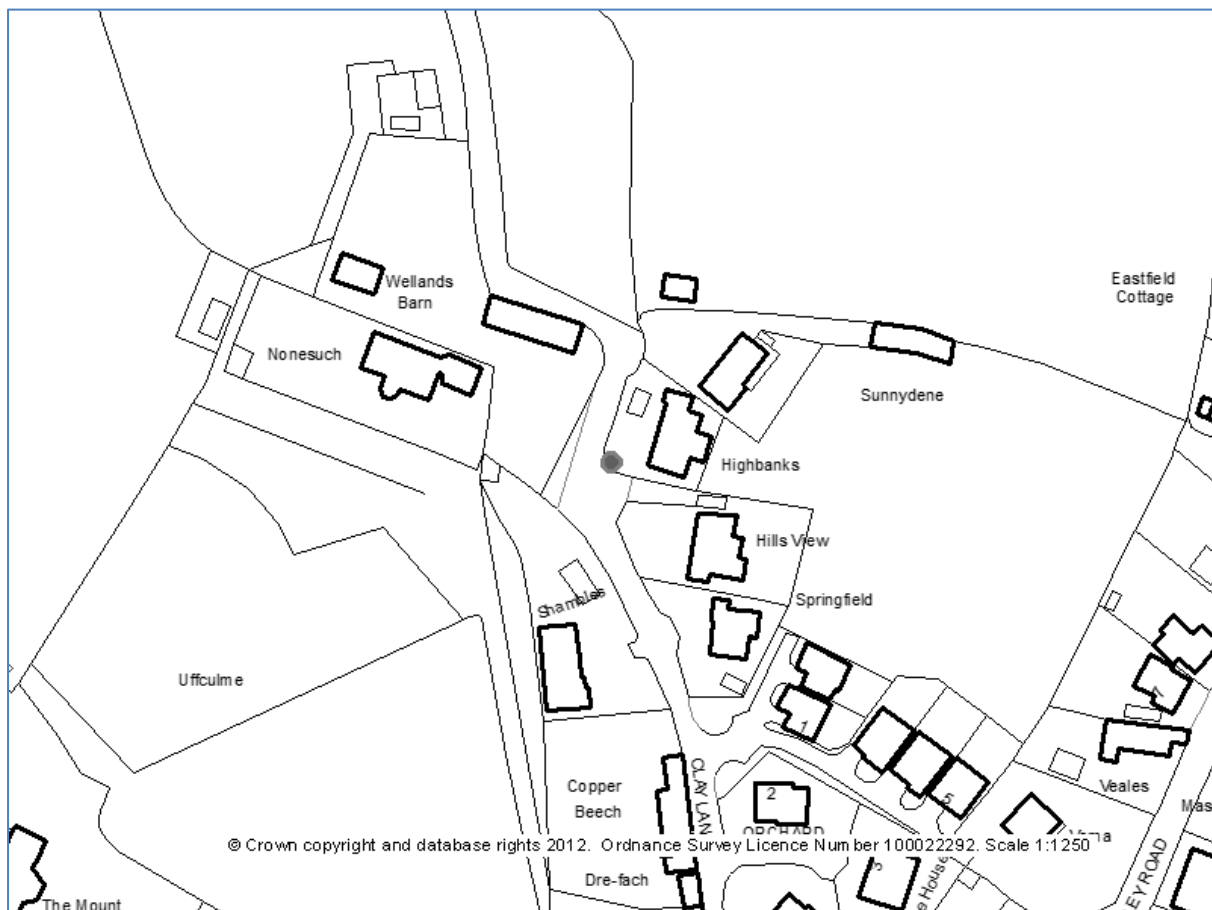
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Application No. 16/00008/TPO

Agenda Item
29th March 2017
Committee

Grid Ref:

Location: High Banks,
Clay Lane,
Uffculme



AGENDA ITEM

PLANNING COMMITTEE 29th March 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

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

RECOMMENDATION

That the Tree Preservation Order is confirmed

Relationship to Corporate Plan:

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

Financial Implications:

None

Legal Implications:

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

Risk Assessment:

None

Consultation carried out with:

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

1.0 DESCRIPTION/SITE HISTORY

- 1.1 This Tree Preservation Order was made in response to a Conservation Area Notification (Section 211 notice) to fell the said Oak tree at the property of High Banks, Clay Lane, Uffculme.
- 1.2 One letter of objection has been received in relation to Tree Preservation Order 16/00008/TPO.

2.0 AMENITY EVALUATION

- 2.1 The tree adds a significant amenity/landscape value to the surrounding area. An amenity evaluation gave the tree a score of 16 . Following an amenity evaluation of the trees, it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order.

3.0 REPRESENTATION

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

* The tree lies outside of Uffculme Conservation Area

* The tree cannot become a positive feature in this part of the village, it lies on private land, is on a very tight and narrow lane, has utility power lines running overhead and very near to its limbs that will create problem in future and overhangs the narrow highway.

*There is the intention to relocate and make safer the access to the property to the location where the tree stands as the resident requires the use of a trailer for work, and to allow better visibility to reduce the risk of traffic collision.

4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

- 4.1 This Tree Preservation Order was made following a section 211 notice, notifying Mid Devon District Council of the intention to fell the Oak tree.

- 4.2 The tree is located on the boundary of the property of High Banks and Clay Lane.

- 4.3 The tree is in good condition and a prominent feature of the last residential area before leaving Uffculme, via Clay Lane.

- 4.4 The tree received an amenity value rating of 16, using TEMPO as a guide. Where a tree scores 15 points or more it is worthy for consideration for protection by a Tree Preservation Order.

- 4.5 The tree lies directly on the boundary of the Uffculme Conservation Area and as such it was suggested that a Section 211 notification was submitted to Mid Devon District Council.

- 4.6 Whilst the tree is slightly restricted in its current location it still has the potential to become a positive feature in the future as well as currently. Pruning work would address the conflict between the tree and the highway, a very typical conflict for a great deal of trees of all ages in rural locations and manageable. The power cables between the tree and the property will mean that Western Power will need to manage the tree in an ongoing fashion, by ensuring adequate clearance between the tree and the lines; this maintenance pruning work would be done at no expense to the owners of the tree.

- 4.7 It has been confirmed that Planning Permission would be required to construct a new access. As such the tree should have been a consideration in this process regardless

of the Tree Preservation Order. Planning Permission can still be applied, for despite the Tree Preservation Order, and it will be given its due consideration.

5.0 CONCLUSION

- 5.1 The potential access alterations to the property will require Planning Permission, as such the tree should have been a consideration during the planning process, regardless of whether the tree was protected or not, particularly as the tree is located on the boundary of the Uffculme Conservation Area.
- 5.2 A Planning Application to alter the access can still be submitted despite the Tree Preservation Order.
- 5.3 Mid Devon District Councils Tree Officer recommends that the Tree Preservation Order be confirmed.

Contact for any more information

Cathy Lynch, Tree Officer
01884 234304

Background Papers

16/01686/CAT

File Reference

16/00008/TPO

Circulation of the Report

Members of the Planning Committee

PLANNING COMMITTEE
29TH MARCH 2017

AGENDA ITEM:

PLANNING PRODUCTIVITY REVIEW

REPORT OF THE HEAD OF PLANNING AND REGENERATION.

Cabinet Member Cllr Richard Chesterton
Responsible Officer Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To update Planning Committee on the recent assessment of productivity in the Planning Service.

RECOMMENDATIONS: That the report be noted.

Relationship to Corporate Plan: The primary purpose of the planning system is to regulate the use and development of land in the public interest and be a positive force in protecting what is good in our environment and preventing what is unacceptable. The Planning Service is a statutory service, the effective operation of which is central to the delivery of Corporate Plan priorities of community, housing, economy and environment. The Local Development Plan sets out the strategy and approach to the development in the district together with community and environmental safeguarding / enhancement until 2026.

Financial Implications: The budget for the Planning Service for 16/17 has been set at £493,000 with expected income from applications and other sources of £834,000. Activities by the Planning Service to enable housing delivery also directly results in the award of New Homes Bonus (funding) from the government.

Legal Implications: National Planning Policy Framework 'The purpose of planning is to help achieve sustainable development. Sustainable development is about positive growth- making economic, environmental and social progress for this and future generations.' The same document advocates a positive approach, with planning taking an enabling role.

The Service operates within a highly regulated environment which has been and continues to be subject to significant Government changes. The Planning Service including the enforcement of planning control must operate within the legal and performance parameters established through legislation and Government performance indicators, but should also command public confidence in the system. The operation of the Planning System will by its nature often involve making difficult decisions that will not be universally supported within the community.

Risk Assessment: The operation of the Planning Service is by its nature open to what can be high levels of public scrutiny with potential for challenge. It must operate within legislative constraints. The Government is currently seeking to accelerate the delivery of housing and continues to make changes to the planning system to achieve both this and wider aspirations of increasing the speed of decision making. The Government has also recently published its intention to open up the assessment of planning applications to alternative providers on a pilot basis. This may indicate a wider intention to introduce competition into elements of the planning system.

The Local Planning Authorities are expected to operate in a reasonable way, in accordance with statutory requirements and Government guidance. There is an expectation that the Council will be able to justify its decision making.

Risk in relation to planning arises from lack of an adopted and up to date development plan, lack of a five year land supply, departure from legislation and guidance, inability to justify and evidence decisions. Adequate resource is required to achieve this.

1.0 BACKGROUND.

- 1.1 In April 2016 an application was made to the Local Government Association under their productivity expert programme for external advice to undertake a review of aspects of the Planning Service and in particular to focus on how best to realise efficiency and productivity gains. A grant was subsequently awarded and a peer-type review commissioned by an external consultant holding a Head of Planning position with another authority.
- 1.2 There is a strong desire to improve the productivity of the service to deliver the efficiency gains that will allow the effective allocation of staff and financial resource to focus on major (and complex) growth and place-shaping activity. The realisation of growth aspirations within the existing Local Plan, emerging plans including the Local Plan Review and Greater Exeter Strategic Plan and delivery of the Culm Garden village all require the Planning Service to take a leading role, capacity for which must be available. The service also seeks to find ways to continually improve, learn from best practice and to respond to changing demands upon it as a result of Government changes to the planning system, legal requirements, the District Council's Corporate Plan objectives and priorities.
- 1.3 Key deliverables sought through the review were:
 - A review of the planning and enforcement service.
 - Expert advice on additional steps and measures that could contribute to an improvement plan for the service.
 - Advice on how best to embed improvement measures within a structural, operational or cultural redesign as part of a transformational approach.
 - Recommendations on future advisory/leadership capacity-building for the Head of Service.
- 1.4 Anticipated outcomes were:
 - A >10% efficiency gain across the planning service.
 - A more productive, confident, and effective planning and enforcement service.
 - Increased income through maximising income generation potential in areas of discretionary activity including pre-application and planning performance agreement processes.
 - A service more able to partner effectively to share expertise and learning, or to benefit from synergies across councils.
 - Improved recruitment and retention within the service.

- An empowered management function that seeks to inspire for strategic outcomes.

1.5 An assessment of the planning and enforcement service has now been undertaken, advising on best practice and the potential for productivity gains and any other improvements that could be made to realise efficiency gains.

2.0 OUTCOMES AND CONCLUSIONS REACHED.

2.1 The report delivering the outcomes from the review is attached for Member information at **Appendix 1**. The conclusions reached are as follows:

The planning service has been the subject of not insignificant change in recent years including as a consequence of restructures and staff changes. Not surprisingly, this has to a degree impacted on the performance of the team. Members have a keen interest in the outputs of the service and a review of the service and the operation of the planning committee has recently been completed. The performance of the planning application team is generally good, notwithstanding the gaps that currently exist in the staffing structure and the team are committed to the delivery of a quality service. A further restructure of the service is planned and whilst the analysis of the nature and character of the workload is complicated by the fact that existing staff are covering for the vacant posts, it is evident that any restructure needs to be better related to the caseload.

Performance management is in place and will be further enhanced by a new reporting and monitoring tool that is going to be added to the existing back office system. IT is generally used well but there is scope for making improvement particularly in terms of reducing manual data inputting and making key processes less 'clunky'.

Moves are being made make the service to be 'paper light' in terms of its operation. This gives an ideal opportunity to reflect on how key stages of the application process are undertaken so that they more efficient and effective.

There has been a great deal of interest in the delivery of the enforcement function for the Council particularly in terms of the responsiveness of the service. Key information is already held and with appropriate expression against performance indicators this should be sufficient to demonstrate the level of enforcement activity without the need to resort to case lists.

Planning committee operates in a professional way but generally quite lengthy. Parts of the agenda could be delivered in a different way which would not only save time for the meeting but also it would significantly reduce the amount of officer time spent on preparing the committee agenda.

2.2 The report also makes a series of recommendations across a range of topics areas:

- i) Customer relations
- ii) Performance management
- iii) Setting of priorities and allocating resource
- iv) ICT systems
- v) Work practices and procedures
- vi) Enforcement
- vii) Operation of the Planning Committee

3.0 NEXT STEPS.

- 3.1 The Head of Service in conjunction with the Chief Executive (acting in his Director of Growth role) have reviewed the structure of the existing service, together with its relationship with economy and regeneration functions. Together with the recent Housing White Paper, which set out a direction of travel for councils to take more control and ownership of the 'delivery' aspects of planning and growth, there is clearly a need to consider how the council's capacity, intervention and resource can be better aligned to the demands of today and the needs of the future. Consultation with staff over proposed changes to the existing service structure is proposed to start shortly.
- 3.2 The outcomes from the productivity report are being shared with Members and staff. Recommendations arising deal mainly with detailed operational matters and are being reviewed by service managers. A service improvement plan is being prepared in order to project manage and implement change.
- 3.3 One of the main areas of focus for Members including the Scrutiny Committee over the last year has been the enforcement part of the Planning Service. Significant efforts have been made within the service to address Members concerns over communication and service responsiveness. Significant improvements have been made, with a number of positive comments at both Cabinet and Planning Committee, recognising the effort that has been put in to change the culture to one that better reflects member/customer needs. Regretfully, at the time of writing this report notice has been received from two members of staff, which will mean further change in the short term. T Efforts will be made to advertise these vacancies and reappoint as soon as possible the enforcement service back up to its full complement of staff.

Contact for more Information: Mrs Jenny Clifford, Head of Planning and Regeneration (01884) 234346

Circulation of the Report: Councillor Richard Chesterton

List of Background Papers:

Scrutiny Committee 22nd February 2016, 23rd May 2016, 10th October 2016

Planning Committee 9th March 2016, (further report expected 29th March 2017)

MID DEVON DISTRICT COUNCIL

PLANNING SERVICES PRODUCTIVITY PEER REVIEW

I would like to thank you for your invitation into Mid Devon District Council to deliver the recent review. I was well supported by council members and your staff colleagues who were open and engaged with the process. Particular thanks must go to Shane Broad for her contribution in supplying the data which was invaluable to me.

1.0 Executive Summary

Mid Devon District Council recognise the need for and importance of future growth and wishes to ensure that its planning service is in a strong position to be able to deal effectively with its business as usual activities and also the new work streams associated with the growth projects. This is set against a background of budget pressures for the Council as a whole. In response to member concerns about some aspects of the planning there has already been an internal review of the service and from that a programme of improvements is already in place and in the process of being implemented which will better support council priorities particularly in respect of the Economy and Homes. The service has had not insignificant challenges in respect of staff levels (staff churn) and not surprisingly this has impacted on the ability to deliver a consistent to its internal and external customers. An appetite for change and improvement was evident in the discussions held with staff and it should be noted that the service has a good number of effective systems in place which reflect what a modern planning service should be. From this point of view no significant flaws in the service were identified and the recommendations represent a series of incremental improvements and changes rather than radical service redesign.

It is recognised that there exists much good work to build on. Councillors and staff are enthusiastic and committed to planning and development, staff are dedicated and support councillors in delivering many good outcomes.

Nevertheless there are clear opportunities exist to improve speed and to sharpen internal processes and performance management. Consideration needs to be given as to how the project work associated with growth is going to be managed in an effective way and how the cost of this is going to be managed. The planning service plays a key role in delivering growth which brings with it business rates and council tax income as well as the provision of homes and employment. Therefore it is important that a fit for purpose service is provided and that staff and members understand the significance of their respective roles.

2.0 Introduction

The Council requested that Peterborough City Council undertake a productivity review of the planning service. This request follows on from the recent internal review of the service

undertaken following the expressions of concern about some aspects of the quality and performance of the service. Mid Devon District Council is keen to promote economic and housing development as this is a key part of the corporate strategy for the council. The review involved meeting with members of staff from the planning service as well as key members. Phone interviews were also held with a number of key customers. In addition performance data was reviewed and a small amount of assessment was undertaken in respect of detailed work practices

3.0 Background

Mid Devon, being adjacent to the M5 corridor and in close proximity to Exeter has some significant advantages that weigh in its favour in respect of the delivery of future growth. Added to this area boast a highway quality environment. The Council acknowledges the need and importance of growth and wish to ensure that this is delivered in away which is brings benefits to the existing communities.

The Council's recently adopted Corporate Plan reflects the growth and development ambitions of the authority which are emerging in the Local Plan which will soon be reaching formal submission stage. The Strategy identifies key outputs which will be the responsibility of the Planning Service to deliver namely:

- 360 homes per year
- Produce SPDs for the NW Cullompton and Tiverton (Area B eastern) urban extensions
- Produce a Tiverton Town Centre Master Plan
- Production of a design guide

and there are other links to work of the service in respect of the priorities for the Environment and Communities.

The Development Management Service has in recent years undergone a number of changes such as a move back to having three area based teams (from two), a restructure, the absence of three senior staff members senior staff leaving, the bringing in of staff to manage the growth projects and the loss of all of the enforcement staff. Such a level of change has undoubtedly impacted on staff, the ability to implement the restructure in the way originally intended and service delivery but to the team's significant credit the underlying performance on applications has not dropped to level that would normally be of concern and the developers and agents that were interviewed maintained that the authority was one of the better council's that they do business with.

The planning service has been the subject of a 'mini-review' with the results being considered by both Scrutiny (May 2016) and the Planning Committee and as recently as October 2016 a progress report was presented to Scrutiny which outlined the progress made on the action identified in the earlier report. This demonstrates that the authority has will and desire to change and improve.

It was found that there was generally good use of IT systems with all the more recent case files held electronically, all the constraint data used for validation held on GIS and linked to the back office system, electronic consultation, encouragement of the use of online submissions and uses of some electronic performance management tools. Notwithstanding the proposed introduction of a performance management module to the back office system and the soon to be introduced move to a 'paper light' working environment, a number of improvement areas have been identified which should further drive improvement to the effectiveness and efficiency of the end to end process.

The service has a customer charter, published performance figures, a planning enforcement policy statement (currently being updated), a 'paid for' pre application service, operated a design review panel system for the larger / more important development proposals, a duty officer rota for dealing with routine planning enquiries an up to date local validation list and a Customer Forum. These are all things that a modern planning service should operate.

4.0 Culture

During the visit, meetings were held with a number of members and officers and from this it was clear that there was a strong desire to deliver a good quality service and facilitate growth. Time was spent within the team and it was evident that staff had good customer service skills. Telephone interviews were also held with a number of agents and developers and the feedback regarding the quality of staff and the commitment to overcoming issues with schemes was largely positive. The planning service has undergone some significant changes in terms of personnel and this has inevitably lead to some issues with the continuity of service delivery.

With any planning service, a decision has to be made as to where the balance lies between 'performance management' and customer service. This balance is often set by the cultural tone of the wider organisation. There is the sense that the authority may be going through an adjustment to its organisational culture and so it is important to bring the planning service along with those changes. This means that it is increasingly important for corporate, directorate and service messages to be communicated to staff and for them to be involved in change management.

5.0 Customer Relations

There have been in the past customer satisfaction surveys but response rates have been poor and an Agent Forum is held each quarter but this is not that well attended. Thought should be given as to how this might be relaunched and made more relevant to the needs of agents and developers . Use is already made of developer and agent email contact lists to alert them to any changes to the planning legislation, staff changes and process and procedure revisions.

The Development Management team clearly do some good work and achieve some quality outcomes. There appeared to be muted celebration of these positives by the service. The number of formal complaints about the service does not appear to be significant in relation to the quantum of applications that the service deals with and in order to provide a

balanced perspective of the service, the outcomes of complaints and the level of positive feedback from customers should be periodically reported on including to staff.

Discussions with staff indicated that there was potential mismatch between the reality and perception of the speed and level of communication / interaction with members. Officers feel that they are now engaging with members in the right way on the right applications / projects and this is reflected in many positive comments about the improvements made. There is some strong evidence that key applications / projects have enjoyed smoother progression than might have otherwise been the case and this is a significant positive. Clearly a balance has to be struck between engagement with members on applications and allowing officers the freedom to do the day job as there is the risk that the process becomes unsustainable. Should the perception of concern remain the consideration should be given to:

- triaging applications and projects to determine if there should be proactive member engagement and what form that should take
- keep in a central record of member service request and responses in order to evidence performance.

Recommendations

1. Look to relaunch the agents forum and engage them in the delivery of the content of the meetings
3. The service should celebrate and publicise successes to a greater degree and work with applicants on press releases and promotional activities.
4. A log should be kept of both compliments and complaints as evidence of the good work of the team and evidence of how the service has acted on complaints.

6.0 Performance Management

There is undoubtedly monitoring of performance taking place in key aspects of the service and management has and continues to take steps to react to what the results are showing them. Officers are given decision due lists, extension of time alerts and so on all of which help officers manage their work and in addition the Support Team act as 'decision notice chasers'. These systems will be enhanced further by the introduction of the Enterprise Module for the back office system. The system enables key tasks some of which are time sensitive in the processing a planning application allowing officers to manage their cases and managers to monitor and respond to the performance results and trends.

As mentioned above there is performance monitoring management taking place. It was clear that most staff had an awareness of this but they did not all appear to know what the performance results were for the service even though these outputs are available to read in the committee reports and in the statistics published on the web site. This is something that could be addressed through the monthly performance results being posted in key areas around the office.

Recommendations:

1. That regular whole service team meetings are held.
2. Progress against targets is regularly reported to staff (including through information on office noticeboards) and discussed at team meetings, with good performance praised.

8.0 Setting of Priorities & Allocating Resource

Significant effort is being put into handling the development proposals on the large strategic sites and discussions with the promoters of these sites demonstrate that they are appreciative of this approach. During the visit it appeared that there was scope for making changes to work practices and procedures to free up officer time which could then be redirected towards the delivery of a consistent, timely service which prioritises those developments that make the most significant contribution to meeting the corporate objectives. The observations and specific recommendations regarding work practices and procedures are identified throughout the different sections of this report. It is important that the recommendations are considered by the councils in the context of them being implemented in order to facilitate improved priority setting and effective use of resources.

Currently, the service provides a paid for pre-application service and a 'drop in' duty officer facility. In addition, in order to meet the cost of providing a service for major planning applications, thought is being given to the introduction of 'planning performance agreements' for all major planning application. With regard to 'pre-application' advice requests, there is a protocol and service standard which is clearly set out for customers using the service. The aims of any pre-application service are to clearly identify to the customer if planning permission is likely to be approved or refused and if the latter state why this is the case and what changes if any could be made to the scheme to make it acceptable. In order for customers to have confidence in the pre application service it must fulfill these aims and the advice given to be stood by in the event of a planning application being subsequently submitted. In addition the service should be timely. Without these being fulfilled the service risks its customers not using the service and losing out on all the benefit that it brings to the service, the Council as a whole (including its stated community strategy objectives) and the delivery of growth. The pre-application service aims to deliver feedback to customers on their submitted schemes within 12 weeks. However, looking at the list of current live pre-application cases some 45% (80 out of 178 currently live pre-applications cases) are in excess of this 12 week performance target. The slippages are likely to be as a result of the vacancies that exist in the team at present and the need to focus resources on the delivery of timely decisions on planning applications as a priority. Where pressure situations such as this arise, consideration should be given to temporarily changing the scope of the pre-application advice and or temporarily revising the service standards for different types of development proposal. For example, the service could choose to only deal with/prioritise those development proposals that are fundamental to the Council's objectives schemes as these are the developments that bring arguably the greatest benefits.

With regard to the greater use of planning performance agreements, these definitely have the potential to assist the authority to managing the peaks in development proposals. The operation of such agreements is (outside London) more usually associated with the more exceptional major planning applications and or in association with some sort of added value package. Entering into agreements in order to help meet the cost of dealing with the more extraordinary development proposals and or to an enhanced speed and or quality. Careful thought therefore needs to be given to what the added value package being offered to applicant is going to be.

Looking at the staff structure against the nature of the current case load (all applications including pre-applications), it appears that the more senior staff (APO, Principals and Planning Officer) are dealing with simple planning applications which could be dealt with by more junior staff. In terms of the volumes of such work against the current case list, this has been conservatively estimated to be some 40 cases (the figure would be 26 cases if no cases of the Planning Officer were factored into the calculation). To put this in context, the case load of the two existing Planning Assistants is between approximately 30 and 50 cases).

If a less conservative view were to be taken then the number of applications that are being dealt with by APOs and Principal Officers that could be dealt with by more junior staff would be greater. These senior officers are dealing with some 17 single dwelling applications, some 20 barn conversion / barn to residential prior notification applications and some 13 applications involving residential schemes of 5 dwellings and under. This equates to 54 applications and by way of comparison the existing Planning Officer has a caseload of 42 including pre-application work.

Whilst this information suggests that the structure is out of balance with the nature of the work coming into the service a number of points must be factored in. Firstly, there are two vacant posts in the structure and therefore the 40 applications in question have had to be allocated across the team (and thus senior officers have been dealing with simple applications). Secondly, the nature and character of current applications may be different to what it has been in the past (there has not been the opportunity to undertake any analysis of past trends so no observations on this can be made) and the trend might be a temporary spike. Finally, there will always be fluctuations in the nature and complexity of applications and therefore to a degree it is inevitable that part of an officer's workload will comprise of simpler applications as the the organisation has to have the capacity to deal with any fluctuations (i.e rise) in the more complex application which require a more experienced officer to deal with.

The planned restructure should look in greater detail at the at the incoming workload and the anticipated project workload (with flexibility allowances being made) to inform and guide the proposal. It is outside of the scope of this review to put forward any detailed proposals in respect of any restructure, however regard should be had to the following:

- The impact that a restructure would have on staff morale particularly in the context of the previous restructure which did not have the opportunity to be fully implemented

due to significant staff churn taking place which had to be responded to through a flexible response.

- The involvement of staff in the formation of a new structure in order to achieve buy in and ownership (this has already taken place in respect of the high level restructure options)
- Having a more fluid structure below Principal level working on the basis (when vacancies arise) of budget and character of the workload as opposed to structure per se)
- Whilst a two area based system has been tried previously and changed back to a three area system (it is understood primarily on the grounds of the geographic extent of each of the areas and the associated travel time, its reintroduction should be evaluated amongst other options, with each of the two areas potentially being broken down into two sub areas. This would have the effect of putting the APO's in a role which has a greater management focus and would allow them to take on some management responsibilities currently fulfilled by the Head of Service.
- Evaluate the pros and cons of having a free standing 'projects' team as opposed to having these officers in each of the area teams. The latter has the advantages of them reporting into the area team leader (APO), a better ability to be able to utilise the resource if any 'troughs' in project work arise and the potential to use existing staff to fill 'temporary' project posts on a secondment basis with their posts being backfilled with temporary contract staff (agency staff is not being suggested here) and perhaps greater potential for the projects to be better integrated into the team and therefore achieve a greater level of continuity. The ability to do this is dependant on the calibre of existing staff.

Recommendations

1. Consider the scope of and service levels being provided in respect of pre-application enquiries to ensure that whilst the service is unable to fulfil the published facility in its entirety, the service is appropriately managed as are customer expectations.
2. Consider the use of simpler / shorter delegated reports (or adopting the Camden delegated report in the decision notice approach) on straightforward applications where there has been no objections e.g. householder applications.
3. Review the market conditions in respect of the ability to introduce for all major applications a planning performance agreement regime and identify if the added value being offered is sufficient to overcome the barriers that may be identified.
4. That protocols be put in place so that significant economic development enquiries are directed to an appropriate 'handling team' and that inputs are sought from relevant service teams so that customer expectations can be satisfactorily managed.
5. Consider as part of the planned restructure the need to achieve a better fit (with a flexibility allowance) with the work coming in to the service.

ICT Systems

As already mentioned, there is generally good use made of IT within the service. This is partially as a result of there being a systems administration capability embedded in the team. A good portion of historic applications are available electronically, constraint information is mapped on GIS and used directly with the back office system to validate and consult on planning applications. The system is also used to a degree for some aspects of performance management for example reminders to staff about approaching determination deadlines and extensions of time. The service is actively encouraging applicants/agents to use online submission as a way of reducing the amount of data inputting that the support staff have to do when booking in / validating planning applications. However, it is understood that following an upgrade some 4 years ago this 'auto data filed population' function has not worked. This breakdown should be fixed as a priority as time is being mis-spent manually inputting data which does not need to be done. Given that some 60% of applications are submitted via the portal some significant efficiencies could be gained by getting the system operating again.

The team are looking to make further advances in the use of IT to better manage the service through the installation of the performance management module of the back office planning application administration system and move to a more 'paper light' way of working which will enhance the ability for agile working capability to be improved. Electronic based consultation is the norm and further enhancements are planned with the potential creation of a consultation portal which will place consultee responses directly into the back office system therefore cutting the level of manual intervention that is currently required to undertake this task.

At present there is a degree of agile working available for staff to take advantage of but there is mixed understanding about the opportunities and technical limitations surrounding this. Clarification of these points could potentially improve the flexible working opportunities for staff and result in productivity gains. Some members of staff that have worked remotely have experienced issues with the stability of the system, with them commenting that they often get 'thrown out' of the system.

One area of concern to most staff was the 'long winded' way in which site photographs have to be uploaded on to the system. This should be investigated to see if this can be streamlined at all as staff are frustrated by a drawn out process which should be simple and easy.

Another area where staff are frustrated by the systems is in the production of committee and delegated reports which are time consuming to produce in the required format which places time pressures on the support team, longer lead in times for the production of committee reports (especially) and staff working relatively unproductively. It is appreciated that a great deal of resources have gone into enabling the system to work as well as it does now and so it is understood why there might be some nervousness about making changes. An alternative to the existing approach could be to use Uniform to pull out certain information from the planning application record but after then the rest of the process is done in MS word. However it is understood that an evaluation has demonstrated that

notwithstanding the issues identified, the current system remains over all a better proposition.

The Council's web site is clearly and logically set out and all the embedded links functioned as they should and there is a wealth of information, guidance and some performance information at the fingertips of customers. Included on the web site is the local validation list and this could be improved through the inclusion of web links to internal or external web pages so that the applicant / agent can establish if their site is subject to a particular constraint e.g a link to the Environment Agency Flood Risk Maps or the Conservation Area maps for the district. It has been noted however that the Council's web site does not appear to have any mapping tools and access to data sets that the general public can utilise. potential improvements can be suggested to customers to see if they would find them helpful before decisions are made to make the changes.

The installation of the Enterprise tool onto Uniform presents an ideal opportunity to integrate milestone tasks into the system enabling enhanced performance management opportunities and quality control. It also enables all staff to be engaged in to be engaged in the process. Appropriate time should therefore be put to the thoughtful configuration of the system.

Recommendations

1. The reinstatement of the 'connector' that facilitates the auto population of Uniform with data from planning applications that are submitted on line.
2. The provision of clarification to staff about remote access to back office system
3. That the on line local validation list be enhanced through the inclusion of web links that would enable customers to a greater degree
4. Consideration be given to providing the public with web based mapping access to key data sets
5. Allocated the necessary time to configure the Enterprise system in order to achieve maximum benefit.

9.0 Work Practices & Procedures

During the visit, some time was spent with administration & planning officers to observe work practices and procedures in action. There is some crossover with the ICT section of this report. The key observations were as follows.

A paid for pre-application process is in place, but it is noted (elsewhere in this report) that, probably due to staff vacancies, it is not performing as well as it should do. The current process is that the case officer can issue their own responses to these requests for pre-application advice. This arrangement is a little at odds with that associated with the sign off of planning applications and the risk is that there is inadequate quality control in place. In addition, staff highlighted that, perhaps too frequently, planning applications that were submitted post pre-application advice were not always allocated to the original case officer.

Preparation of a hard copy case file all fully labelled up. As these now contain only a copy of the application form and drawings now (save for exceptional circumstances) a simple unlabelled (save for a hand written case reference number) folder would sufficient saving the administration team time and effort.

When amended plans come in to the service, the case officer completes a re-consultation request form. This could be replaced by the case officer simply issuing an instruction email to the Validation Team.

Extension of time requests are not always responded to in a timely way by agents & applicants. The request process could be changed so that the request give a timeframe for response and states if there is no reply it will be assumed that the request has been approved. The reasons why extensions of time have been sought should be universally recorded (in Uniform) through the use of one of the customisable fields and should include options such as Sec 106, amended plans, committee consideration. This will enable the reasons for the use of extensions of time to monitored and reported as may be necessary.

Each file contains a check sheet which the case officer goes through as they prepare the officer report on the application. The APO also uses the check sheet as they go through the process of authorising the decision. The completed check sheet is then placed on the file. Whilst there is security in having a completed check sheet on each of the application files, staff should be disciplined enough to go through these checks without having to completed the checksheet and can just have the checklist to hand at their desks as an aid memoire.

Multiple hard copy handovers (though some staff do operate in a more electronic way than others) for the sign off and issue of delegated decision notices (excluding conditions / reasons for refusal) and produce a draft decision notice. The manager then 'OKs' the decision in Uniform (making any small changes themselves in uniform or in the delegated report or passing it back to the case officer) with the Validation Team then doing any formatting and then issuing the decision with no further checks.

Currently only APOs can sign off decisions and consideration should be given to allowing the Principal Officers to sign off low level applications e.g householder applications and the like.

Where development proposals are the subject of a unilateral agreement, the agreements are not made publically available or passed to the Sec 106 monitoring officer or legal until such time as planning permission is granted for the development. Whilst this is logical in that the terms of the agreement will not be active until such time as the development has planning permission, officers have themselves indicated that too frequently the agreements do not get passed to legal and the Sec 106 as they ought. Therefore a better system needs to be put in place.

Some standards conditions requiring subsequent discharge could have model discharge responses available for use by applicants / agents. Examples of these could be hedge

planting specifications, construction management plans, sensitive lighting plan requirements, transport management plans, management and maintenance of communal open space. This would require these condition to undergo less assessment that might otherwise be the case.

The Planning Inspectorate operates a predominantly online appeal process and this includes the completion and submission of the 'appeal questionnaire' by the Council. The completion of the submission is jointly undertaken by the support team and the planning case officer. However, the draft questionnaire 'ping pongs' between the staff involved in hard copy format whereas it could and should be prepared online with the case officer being given the login details.

Recommendations:

1. Put measures in place for manager sign off of pre-application responses
2. Take steps to reduce the incidence of post pre application planning applications being allocated to a different case officer.
3. Application files are reduced to unlabelled folders as they are now only containing the basic application information.
5. Amended plan reconsultation requests are facilitated through an email request to the Validation Team
6. Extensions of time - change the requests so that the applicant / agent is given an explanation as to why the request is being made (and the reason is recorded in the back office system) with a reply date deadline with a zero response being deemed to be an agreement.
7. Delegated decision check sheet be removed from the process.
8. Streamline the delegated decision sign off process. The case officer produces an officer report (less conditions/ refusal reason) and a draft decision notice. This is then approved by the manager in Uniform and then the case is passed to the Validation Team for final formatting of the decision notice and issue.
9. Consideration should be given to the sub-delegation of powers to enable the Principal Planners to be able to sign off 'simple' applications e.g householder and the like.
10. That the process for and timing of passing unilateral agreements should be reviewed in respect of when the agreement are put on the public web site (public access) and when the agreements are passed to legal and the Sec106 agreement.
11. Model condition discharge responses should be prepared for such things as construction management plans and open space management / maintenance.
12. Appeal questionnaires and prepared on line instead of being printed, filled in by hand and then inputted.

10.0 Enforcement

The service is currently made up of 2.5 fte staff all of whom are new to the service (though two of the officers are experienced in their work). There is considerable level of member

interest in enforcement at the current time and consideration needs to be given to how performance and progress on cases will be reported going forward.

In terms of the authorisation process for the issue of enforcement notices. Having looked at the scheme of delegation, it is observed that committee authorisation is required before notices are served (save for in emergency situations). Of note is that it appears that committee almost always agrees that enforcement action is taken. In this context the administrative burden and delays involved in obtaining the authorisation (2-3 weeks being the lead in time for committee) consideration should be given to allowing the Head of Service to authorise non emergency enforcement action. If felt appropriate, the ward member could be given prior notification with an opportunity for calling in the decision.

The service is currently looking at revising the current performance indicators for the enforcement activity. A review of what the other local authorities are doing locally has been undertaken and there is significant variation. In addition those used by the Welsh authorities has been looked at but it is understood that these are likely to be reviewed in the not too distant future. It is therefore concluded that the ability to benchmark against other authorities will be limited. Care should be taken to ensure that any systems introduced do not in themselves become over burdensome so that they take up a disproportionate amount of time to report on.

Currently, information (amongst other things) is recorded in respect of:

- date of the service request
- ward / parish
- date of site inspection
- date of any notices served (and compliance due date and compliance inspection dates)
- date of case being closed
- reason why the case has been closed (e.g., no breach found, de minimis / not expedient, immune through passage of time, breach remedied informally, notice complied with etc)

Service requestors (i.e those that report in the alleged breach of planning control and any persons or organisations that may go on to subsequently report in the same matter) are updated on the case following the site visit / initial investigation and on the closure of the case (as well as at the time of any key activity between these two). Whilst there may have been some slippages in past years, there is clearly the basis of a system in place for ensuring that customers are being kept up to date on the progress on cases.

Performance targets / progress can be easily based around the information currently recorded (as opposed to the production of list of individual cases and progress reports) and would go a considerable way towards giving members and parish / town councils the reassurance that a timely enforcement service is being provided. The following suggestions are made (it is noted that some of these are already reported to committee):

- Reduction in the number of pending case from x to y by 31/3/17
- No. of cases in / closed (would be helpful to give figures for the month, cumulative for the year and for the same cumulative period the previous year)

- x% of initial site inspections undertaken in y days
- x% of no further action cases closed in y days
- No. of cases closed by reason
- No. of notices served
- No. of notices with compliance due date
- No. of notices complied with / not complied with (the latter can have a progress report)

The targets would have to allow for the impact that backlogs would have on the figures and as and when any backlog is cleared, the performance level target can be increased as may be seen appropriate.

Reporting on the basis of the above has distinct advantages as it uses (nearly completely) data that is already being recorded so it can be extracted in a report quickly and easily. The use of list of cases is likely to be far more labour intensive and has not insignificant risks around it i.e if Mr & Mrs Smith report in a case involving their neighbour, whilst they would not be named, the question is, is it appropriate/ desirable for that case to widely reported to the planning committee & town / parish council in public document. Whilst some local authorities do allow access to the enforcement case investigation list on line (e.g Wandsworth Council), consideration does need to be given to the character of the Mid Devon in that it is perhaps a more close knit and intimate community.

The enforcement team have not had the benefit of a specialist planning solicitor being available and so this has impacted on the timeliness of the serving of some notices. It has been suggested also that the notices have not been drafted until after the Planning Committee has authorised the serving of a notice. Whilst this does reduce the risk of a notice being issued without there being the proper authority in place, alternative safeguards could be put in place and if the preparation of the notice could be twin tracked with the preparation of the report to committee so as to speed up the issue of notices (if the scheme of delegation is not going to be changed to allow the Head of Service to issue notices). Enforcement officers have worked / are working with the legal team to agree template notices which will help ensure a timely process and it is understood that the securing of a solicitor with specialist planning knowledge is in hand.

Recommendations

1. That the scheme of delegation be changed to allow the Head of Service to authorise the serving of enforcement notices
2. That the service request acknowledgement letters / emails reference the soon to adopted enforcement policy / plan and reflect the level of service that they should expect to receive.
3. That performance standards be reset and focussed on the aspects of the process over which the enforcement team have the greatest control using data which is already being recorded.
4. That performance reporting is based on the data held as opposed to case lists with the latter perhaps being restricted to exceptional case

11.0 Operation of the Planning Committee

Whilst it was not possible to attend a meeting of the planning committee, the reports, minutes and recordings of several meetings were observed as part of this review. Good systems are in place for dealing with committee overturns of officer recommendations and there are high levels of delegation to officers. It is noted that the operation of the planning committee has been the subject of very recent (2016) and thorough review. Notwithstanding this, a number matters have been observed where change could be considered. The meetings are lengthy and there are some standing items that have the potential to be dealt with through more efficient means.

An example of this is the officer delegated decision list which could be issued electronically as a monthly list / a link to the already published list on the council's web site or members could be registered on 'public access' (the web tool through which planning applications can be viewed, commented on etc) so that they get direct notification of new and determined applications in their ward. In addition to removing a standing item from the committee agenda, it would free up officer time in the production of these reports (which incidentally has a different to the one on the web site) and ensure that the information is received by members in a more timely fashion than currently (if the automatic notification route is adopted).

It is noted and accepted that members have a keen interest in planning enforcement and that the scheme of delegation is such that enforcement notices (save for exceptional circumstances) must be authorised by planning committee. However, given that committee has not recently refused to authorise enforcement action, is such an arrangement effective use of the committee's and officer time? Consideration could be given to allowing officers to issue enforcement notices subject to prior notification to the ward member(s) who could call the case in for committee consideration. In addition the Head of Service could bring cases to committee for deliberation if it was felt to be a particular contentious case.

It is understood that the working relationship between members and officer is generally good and that this has been enhanced through a mix of training and a greater use being made of briefings on the larger / more contentious projects and applications. This good work should be maintained and progressed further through regular member training events (open to all members) which should focus on current issues facing the committee / service, the importance of growth and building effective working relationships.

The committee reports and presentations made to committee were thorough, very occasionally overly so in some cases in respect of the some of the simpler applications to the extent that the key merits / considerations were lost in the mass of information (this was an issue that was identified in the recent internal review of the operation of the committee). The consultee responses sections of the reports could benefit from there being an indication of whether the consultee 'objects', has 'no objection' etc immediately before the responses start. That would help the reader to quickly establish if the consultee has concerns or not. In addition, where there have been rounds of amended plans, a relatively full summary of the comments by consultees on the earlier versions of the proposal were included, making the reports a difficult read sometimes. Consideration should be given to just including the briefest of summary of what the consultees concern was with the original proposal and then go on to give the comments of the consultee in relation to the final version of the proposal.

Recommendations

1. That a programme of training be implemented which includes:
 - roles, responsibilities and working relationships;
 - links between planning, growth and finance;
 - ongoing 'technical' training in response to changes in legislation and issues that may arise in the course of planning committee meetings
2. That as much of the training as possible is done jointly between both councillors and officers to foster closer and more productive working relationships and a clearer understanding of their respective roles and responsibilities.
3. That the list of delegated decisions be removed from the agendas and that this information is distributed electronically (through weekly/ monthly lists or automated notification via 'public access' or as and when the decision notice is issued.
4. That the Committee report template be reviewed so that it is easy to identify from the outset if the consultee is objecting to the application or not.
5. Thought should be given to the provision of a summary of consultee comments rather than their reproduction in full and that where there have been amended plans as result of the consultee comments, a cursory summary of the initial comments (e.g The highway authority had concerns in relation to a,b & c and subsequently amended plans have been received and the highway authority observations are as follows...). Whilst this may be more time consuming for officers, it would make the reports more accessible to the reader.
6. That a concerted effort is made to ensure that officer presentations are as short and focussed as possible.

12.0 Conclusions

The planning service has been the subject of not insignificant change in recent years including as a consequence of restructures and staff changes. Not surprisingly, this has to a degree impacted on the performance of the team. Members have a keen interest in the outputs of the service and an review of the service and the operation of the planning committee has recently been completed. The performance of the planning application team is generally good, notwithstanding the gaps that currently exist in the staffing structure and the team are committed to the delivery of a quality service. A further restructure of the service is planned and whilst the analysis of the nature and character of the workload is complicated by the fact that existing staff are covering for the vacant posts, it is evident that any restructure needs to be better related to the caseload.

Performance management is in place and will be further enhanced by a new reporting and monitoring tool that is going to be added to the existing back office system. IT is generally

used well but there is scope for making improvement particularly in terms of reducing manual data inputting and making key processes less 'clunky'.

Moves are being made make the service to be 'paper light' in terms of its operation. This gives an ideal opportunity to reflect on how key stages of the application process are undertaken so that they more efficient and effective.

There has been a great deal of interest in the delivery of the enforcement function for the Council particularly in terms of the responsiveness of the service. Key information is already held and with appropriate expression against performance indicators this should be sufficient to demonstrate the level of enforcement activity without the need to resort to case lists.

Planning committee operates in a professional way but generally quite lengthy. Parts of the agenda could be delivered in a different way which would not only save time for the meeting but also it would significantly reduce the amount of officer time spent on preparing the committee agenda.

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