

Public Document Pack

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

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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 19 April 2017 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 17 May 2017 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
7 April 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 - 30*)

To receive the minutes of the previous meeting.

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 **ENFORCEMENT LIST** *(Pages 31 - 38)*

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 39 - 100)*

To consider the planning applications contained in the list.

8 **THE DELEGATED LIST** *(Pages 101 - 118)*

To be noted.

9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 119 - 122)*

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

10 **14/00604/MFUL - PROPOSED DELETION OF PLANNING CONDITIONS 12, 16, 17, 18, 19 UNDER PLANNING APPLICATION 14/00604/MFUL FOR 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** *(Pages 123 - 160)*

To receive a report of the Head of Planning and Regeneration considering amendments to the conditions to be imposed under planning application reference 14/00604/MFUL prior to the decision notice being issued.

11 **APPLICATION 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** *(Pages 161 - 196)*

To receive a report of the Head of Planning and Regeneration regarding the application requesting Members to determine this new planning application following the refusal of an earlier application for 60 dwellings on this site.

12 **APPLICATION 16/01362/FULL - CONVERSION OF 5 REDUNDANT AGRICULTURAL BUILDINGS TO 5 DWELLINGS LAND AND BUILDINGS AT NGR 279371 101700 (SPENCECOMBE) CREDITON,** *(Pages 197 - 208)*

To receive a report of the Head of Planning and Regeneration with regard to this application that was deferred from the previous meeting to

allow for a site visit by the Planning Working Group to take place (notes of site visit to follow).

- 13 **PROPOSED DELETION OF TREE PRESERVATION ORDER 06/00016/TPO AND REPLACEMENT WITH 11 SEPARATE TREE PRESERVATION ORDERS TO COVER THE SAME TREES AT HOWDEN COURT, AUBYNS WOOD AVENUE, LITTLE HOWDEN, HOWDEN HAYES, HOWDEN HOUSE, AUBYNS WOOD RISE AND UPPER HOWDEN, TIVERTON, DEVON** *(Pages 209 - 246)*

To receive a report of the Head of Planning and Regeneration regarding Tree Preservations Orders in the Howden Court Area.

- 14 **PLANNING PRODUCTIVITY REVIEW** *(Pages 247 - 266)*

To receive a report of the Head of Planning and Regeneration (deferred from the previous meeting) updating the 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:

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 March 2017 at 2.15 pm

Present 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,
J D Squire, R L Stanley and Mrs B M Hull

Apologies Councillor(s)

R F Radford

Also Present Councillor(s)

D R Coren, N V Davey, C R Slade and
F J Rosamond

Present Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Paul Dadson (Conservation Officer), Sally Gabriel (Member Services Manager) and Ian Sorenson (Devon County Council – Highway Authority)

148 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford who was replaced by Cllr Mrs B M Hull.

149 **PUBLIC QUESTION TIME**

Mr Salter referring to the Eastern Urban Extension items stated that:

The many recommended amendments and additions to existing wording and conditions outlined in the Head of Planning and Regeneration's report in Item 11 for Application 14/00881/MOUT make shocking very depressing reading, as, if sanctioned, they would herald a vast deterioration in infrastructure provision for the Eastern Urban Extension, the likely result being a steady, but eventually massive, increase in traffic congestion, pollution and noise affecting many people and stakeholders. Although predicable these would also represent very major setbacks for the Adopted Masterplan.

While we have some sympathy with Planning Officers, who have little to show for their efforts, we are still surprised that the negotiations with an obviously intransigent Chettiscombe Trust were apparently so one-sided, this report representing 'the best

that can be achieved' and requiring 'difficult decisions to be considered in several areas'. We are also very concerned about the shortfall in funding for the A361 junction, being surprised that greater assurances were not sought for the availability of Local Enterprise Partnership funding of £7.5 million.

We urge that *'the pressing need to resolve outstanding issues'* and *'the need for speedy resolution'* will not lead to hasty decisions, resulting in unsustainable solutions which will be regretted for many years to come. A key statement in the Masterplan reads *'The provision of a new junction onto the A361 is critical to the success of the scheme, to prevent unacceptable increases in traffic along Blundell's Road'*. The latter is not going to happen!

We have, until now, supported the introduction of a carefully phased Eastern Urban Extension, but we feel that the price to be paid for the development and the consequent achievement of five-year housing targets will become too high because the changes requested in this report are so fundamental, far-reaching and damaging that they would result in unacceptable outcomes. We urge that they should be refused, or heavily amended, and that decisions should be delayed while all possible alternative scenarios and funding solutions are urgently re-examined. Is there time to discuss all these major issues and others adequately at one meeting?

The choices are stark ones. Last August this committee unanimously rejected the Chettiscombe Trust's previous application to change the terms and conditions of its pending s106 agreement. Do they have the courage of their convictions to do so again?

1. The Masterplan

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'. The Head of Planning and Regeneration's report states that '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)'.

Question 1

If the present proposals are accepted there will have already been two very major changes to the adopted Masterplan before any building has occurred, and it will become a deeply flawed document. It is therefore increasingly less valid, bearing little relation to reality. Has the time come for a revised, updated, Masterplan for Area A, and a consequent revision of the Local Plan Proposed Submission Document 2013 - 2033?

At this point he asked 2 other questions:

On behalf of Mr Welchman

I fully endorse and support the objections and questions you have raised and demand a completely new public consultation on this revised scheme and secondly with regard to one specific detail will the area south of Manley Lane, adjacent to the Railway Walk be kept as green infrastructure?

From a Member of the Civic Society

Is not the Councils primary responsibility to its residents and council tax payers, not to developers?

Mr Lutley referring to the Eastern Urban Extension items stated that:

Agenda items 10 and 11

It is my understanding that MDCC will be taking out loans on behalf of the developer in order that some of the infrastructure is built. Surely the council should be devoting all of its financial resources to public services. As a council tax payer, I object to this course of action. Why are the developers not taking out the loans themselves?

Agenda item 11

Under this amendment it seems that construction of houses may start before the A361 southern junction is in place. Consequently, all of the construction traffic will either have to come through Halberton or use Blundell's Road, both of which are wholly unsuitable for this kind of vehicle. Has anyone considered the impact of the noise and dirt on local residents? What about the increased risk of accidents with Blundell's School pupils and staff who cross the road in several places many times a day? I would ask the council not to allow this to take place.

Surely the construction of the acoustic bund behind some of the properties in Uplowman Road also needs to be completed before any building work gets under way? The councillors have a duty to ensure this protection is afforded to residents.

Construction of the northern side A361 junction appears to be up in the air. I am concerned that, by not committing to a timescale, it will not get built for years, by which time rising costs might mean it never gets built.

Agenda items 10, 11 and 12

I do not understand why both developers keep trying to chip away at S106. Presumably planning applications take months or years to put together, so either the developers didn't do their sums properly or they are trying to wriggle out of the commitments they have made in order to make more profit. I would suggest it is time for strong governance and I call upon the councillors to do what is best for local people by not approving these amendments.

The Chairman read a representation from Mr and Mrs Bengel again referring to the Eastern Urban Extension items

I recently, whilst revisiting the EUE documents, noted that the traffic figures used as a baseline for future predictions of flow on Blundells Road were published in 2012 and as such are now considerably out of date.

Surely traffic flow requires reassessment before any development commences?

The quality of air has deteriorated substantially in Tiverton over the past five years with the substantially increased traffic flows along Western/ Heathcoat Way, particularly from large commercial vehicles and also the increased usage of wood/multifuel burners as a supplementary/or sole use of heating in homes. This is very evident in central areas of Tiverton with the valley topography and nightly temperature inversion in cold and clear weather trapping polluted air throughout Tiverton particularly the lower areas in the town. This will be further exacerbated by construction and new residential traffic movements if the complete A361 junction is not created before development of the EUE.

Has air quality been monitored at all since the original assessment before the compilation of the Masterplan?

A left off and on slip from the A361, apart from causing the congestion at Horsdon roundabout would also create chaos on the link road at morning rush hour if traffic used the slip road to access the link road in a westerly direction and then did a U turn over the existing bridge at Gornhay.

The town will have the same problem as Cullompton which has had the carrot of a bypass dangled in front of the planners to accommodate the building of yet another estate over the last 20 years and now has horrendous congestion and pollution through its main streets in a morning, and still no bypass.

More relevant statistics are required? Quality of life in Tiverton is already reduced due to inadequate control of traffic flows.

I believe that these up to date statistics would totally validate the need for a complete junction before a substantial number of houses are built.

Mr Cook referring to the items on the Eastern Urban Extension stated:

I wish to refer to your current agenda items 10, 11 and 12.

Dr Bell and myself have prepared a number of comments and questions relating to the officers report that we ask you to consider in view of the serious implications of the issues raised in the reports.

There is a clear message within these three agenda items that the changes to agreements requested today and that are predicted soon by agenda 10 are aimed at securing delivering only of the councils own policy objectives and making the path to profits by developers easier. The hard won Masterplan was supposed to provide residents and the environment with protection from any adverse effects of this massive development. Our planners and the developers seem to be trying to undermine this protection.

Please rectify this for us today.

Item 10 A361 Road Junction referring to paragraph 2.0 and also agenda item 11 paragraph 1. The table of sources of finance for the southern left in left out junction indicate they are clearly not secure and both DCC and MDDC are effectively taking on loans for the developers. Councils are supposed to be hard pressed to make budgets stretch to cover the public services for which they are responsible. It cannot be right to take on a loan for a housing developer.

Is this the right thing to do? Why are the developers not taking on the responsibility? Residents were told by DCC Highways in 2014 that the cost of the full junction was estimated to be about £13m. This report suggests that it is now around £18m.

There is no clear plan and timing for the actual delivery of the north side of the junction and delays in delivery of the full junction are very likely to increase costs, where would this money come from?

The conditions applied to the original planning applications by Waddeton Park and Chettiscombe Trust require that they fund the resurfacing of the A361 on both carriageways for 200m in both directions. Why should Devon taxpayers now fund half of this and why should residents have to wait for the full delivery of this promise? Why would doing the north side result in abortive works?

Mr Corden again referring to the Eastern Urban Extension items stated: I was Chairman of Halberton Parish Council Planning for 8 years but I decided not to stand again because Halberton Parish Council kept writing about this and various planning applications and found little or no attention was ever paid to all the work and all the checking they did, so I am here now representing Halberton residents who have asked me to come along. We fail to understand what is now happening, like so many planning applications it seems that it keeps getting moved. A development of 600 houses, probably to the value of £200 - £250 million to the developers, they are building for profit but they keep saying what they can't afford things. Whenever the A361 is closed or partially closed, Halberton is gridlocked, it will be totally gridlocked with all the traffic that is needed for the development and when it has been built along with the industrial land which will have to come through Blundell's Road or Halberton. If Horsdon is gridlocked they will come through Halberton and will affect Sampford Peverell and Willand. Have you got the nerve to say to the developers cough up, it is not up to the Council or the rate payers? This development at 600 houses is twice the size of Halberton which has 300 houses so this is building another complete village and we ask please have the nerve to say no. And take in mind the anaerobic digester that also has to be fed and please protect Halberton and the villages to the east of Tiverton.

The Chairman then asked Mr Cook to continue with his questions:

Paragraph 3 the bund with acoustic fencing and the planted zone were agreed to afford some protection to local residents from the considerable pollution expected from the south side junction construction works and subsequent use of the junction roads by future domestic and commercial traffic.

If the bund is to be constructed at the start of works as agreed and work starts in September 2017 then planting can be carried out in the early part of 2018 planting season and not delayed as implied. As a timely, phased delivery of the junction is logical any phasing of planting on the south side is unnecessary and could easily be

in place prior to use as the original conditions require. Will you confirm and support this important complete protection for residents please?

Agenda item 11 Chettiscombe Trust Application paragraph 1 iii) refers to financial contribution for offsite provision of travellers' pitches. If the concern over mortgage lenders is sufficient to grant this amendment then the same should apply to the Waddeton Park development where 70 market houses are to be built on the north side of Uplowman Road. It would make sense to provide a developer funded single site in a location suitable for all the required 5 or 6 pitches for both developments. What is the view of Planning Committee Members please?

Paragraphs 1 iv), 2 and 3 vii) delegated authority is sought in each of these three paragraphs. The TEUE is the largest development ever seen in Tiverton. Planning Committee Members represent the people of Mid Devon and they and local Ward Councillors should be allowed to read, comment and decide on amendments requested to conditions that are already approved by this Committee and the S106 agreements associated with the planning applications. Will you please reject this amendment and maintain your role for residents?

A361 northern side junction it is essential that this part of the junction is delivered quickly and not delayed unduly. Without the full junction all Barnstaple M5 traffic requiring access to the EUE areas or EUE to M5 traffic will use Gornhay junction and Blundell's Road. The timely delivery of the northern side must be settled quickly or Blundell's Road south side development should be put on hold until the full junction is in place. Will the Committee please see clarification on this matter?

No mention is made in the officer's report to any recommendation of acceptance or otherwise of the requests made by Waddeton Park in their letter of 1 March for several changes to wording within S106 agreement clauses. The only requested change covered in the report is that referring to an increase from 50% to 75% occupation of market housing. Is the Planning Committee to be asked for approval for the outstanding requested changes which include the use of the phrase in perpetuity in relation to the provision of land for a traveller site?

The Chairman asked Mr Salter to continue with his questions:

2. Air Quality

We have posed questions on this issue at several previous Planning Meetings, but as members of the committee, many of whom have expressed concern, will be aware, air pollution, particularly from diesel engines, has again been much in the news recently, including the frequently quoted report by the Royal College of Physicians that air pollution is responsible for up to 40000 deaths annually, at least 25000 of them from vehicle emissions. There has recently been an emphasis on the health problems created by polluted air around schools near main roads in both cities and smaller towns and Sadiq Khan, the Mayor of London, has remarked that: *'It is an outrage that a large number of schools, and other educational institutions are in areas breaching legal air pollution limits'*, calling for a ban on cars using roads near schools. Relevantly, The National Institute for Health and Care Excellence has advocated the introduction of 'no idling zones' near schools, and consideration of the impact on air quality of speed humps and other calming measures.

The problem, potentially worst at the western end of Blundell's Road, would also affect housing. John Middleton, Chairman of the Faculty of Public Health has said 'The thing about air pollution is that it affects everybody. It's affecting children, and unborn children, and people who don't have a say in where they live or whether their streets are polluted'.

Cornwall Council has recently discussed plans which could include compulsory purchases of properties in areas, such as St Austell, with "particularly poor air quality", relocating the occupants elsewhere to protect them from air pollution. Yet Mid Devon District Council is advocating the creation of a new air pollution hub next to a school and residential area!

The Mid Devon Draft Local Plan Policy TIV 16 (Blundell's School – 200 houses) 3.60d states that 'the western end of Blundell's Road has air quality issues which have been within about 15% of exceeding the relevant guidelines. Additional road traffic from this site has the potential to bring this permanently over the relevant limits if access is obtained from Blundell's Road. Accordingly, access to the site is proposed to be direct from Heathcoat Way via a new junction'.

Question 2

If, as stated for TIV 16 in the draft local plan, access to the additional 200 houses from Blundell's Road would lead to excessive generation of air pollution, the total for Blundell's Road thereby being likely to exceed relevant guidelines, how could it possibly be acceptable to jeopardize people's health by adding in all the traffic, created by the occupants of 1030 houses, which will move eastwards along Blundell's Road, as well as a large proportion of that moving westwards, and is it not irresponsible to even consider it?

3. Blundell's School and the western end of Blundell's Road

As a result of likely congestion, air pollution, road safety and noise issues Blundell's and the western end of Blundell's Road would be the major losers if the proposed changes were to be adopted. (To quote from the Planning Committee Agenda for July 6th 2016 'the greatest impact resulting from the proposed change will be on the amenity of Blundell's School, pedestrians crossing the road and the general amenity of Blundell's Road') In this amended set of proposals we are faced with a situation which would be infinitely worse than that in the Adopted Masterplan: instead of the construction of up to 600 houses before the full grade junction on the A361 is completed we would now have a situation whereby up to 1030 houses will be completed and occupied after only half a junction is built!

Question 3

- a. Have Devon Highways approved the proposed enormous increases in traffic flows along Blundell's Road and have detailed trip generation figures been prepared to model the likely westward and eastward traffic flows through Blundell's School and the western end of Blundell's Road, as well as the likely increased flows through Halberton? These important, and probably unsustainable, figures should surely be made available and analysed before any major decisions are taken

- b. Have Blundell's School and local residents been given the opportunity and adequate time to respond in detail to the proposed changes and impacts on them?
- c. Does the Planning Officer concede that the new situation is so fundamentally changed that a new full consultation with local residents is urgently required?
- d. Has the increased traffic resulting from proposed changes to the A361 junction phasing been subject to an updated Road Safety Audit?
- e. Would the Committee be prepared to require a renegotiation of the figure of 1030 houses above to a maximum of 600 before the second stage of the junction is completed? This would be far more acceptable, would give certainty in negotiation with some of the '*multiple applicants*', and provide a real incentive for acquisition of funding for the second stage of the A 361 junction.

The Chairman indicated that answers to the questions would be dealt with later in the meeting.

150 **MINUTES OF THE PREVIOUS MEETING (00-34-56)**

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

151 **CHAIRMAN'S ANNOUNCEMENTS (00-35-39)**

The Chairman had the following announcements to make:

- She thanked the Vice Chairman for stepping in at the last meeting as she had been unexpectedly unable to attend.
- She thanked Jo Cavill (Enforcement Officer) and wished her all the best for the future as she was leaving the authority.

152 **ENFORCEMENT LIST (00-36-32)**

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

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/15/00171/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for business and domestic storage – land at NGR 310656 113326 (Hillmoor), Culmstock.***)

The Enforcement Officer outlined the contents of the report highlighting the issues at the site that of the impact of the storage of materials on the visual amenity and the character of the area. She explained the previous planning history of the site and the Certificate of Lawfulness that had been granted for the provision of parking in the area

Consideration was given to the impact that the storage area was having on the local amenity.

It was therefore:

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

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

Note: Mrs Jones – Chairman of Culmstock Parish Council and local resident spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00140/UDRU – Unauthorised change of use of land from agriculture to a mixed use of agriculture and use for the siting of structures for human habitation – Longwood Farm, Burlescombe***).

The Enforcement Officer outlined the contents of the report highlighting the planning history on the site and the matter of a wooden structure that had been constructed for the purposes of human habitation. She explained that little work had taken place in the past two years and that there was a need to act to remove the wooden structure before it became immune from planning law. She stated that conversations had taken place with the landowner with regard to a track on to the site and explained that this would require planning permission.

Consideration was given to the delay in the erection of the agricultural storage building and the issue of delivery of materials onto the site.

RESOLVED that the Legal Services Manager be given delegated authority to issue a change of use enforcement notice, requiring the cessation of the land for residential purposes, the removal of the wood 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 take any legal action deemed appropriate including prosecution of Direct Action in the event of non-compliance with the notice.

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

Note: The Chairman read a representation from the landowner.

c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00200/UDRU – Unauthorised change of use of agricultural building and land to use for business storage – Trobridge Farm, Trobridge, Crediton***).

The Enforcement Officer outlined the contents of the report highlighting the issues on the site with regard to the importation of soil to form a bund and the storage of various items. It was been reported by way of photographic evidence that the storage of cars and other scrap materials were increasing.

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

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

Notes:

(i) Cllrs P J Heal and D R Coren made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as they had both received correspondence regarding this matter;

(ii) The Chairman read a representation from the landowner.

153 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

154 **THE PLANS LIST (00-56-40)**

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 application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 5 on the Plans List (***17/00209/HOUSE – External alterations to include alterations to roof and installation of ground mounted solar panels – 4 Blundells Avenue, Tiverton***) be granted planning permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans List (***16/01362/FULL – Conversion of 5 redundant agricultural buildings to 5 dwellings – land and buildings at NGR 279371 101700 (Spencecombe), Crediton***).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan. He identified the buildings in question, the access to the courtyard, existing and proposed floor plans and the proposed elevations. He explained that the two open fronted lincays at B and C on the plans did not meet with Policy DM11 and stated that 4 dwellings on the site would be acceptable and have less impact on the setting of the listed building. Members viewed photographs from various aspects of the site.

Consideration was given:

- The increase in vehicles on the site
- How a 4th unit would be formed
- The impact on the setting of the listed building
- The need to maintain the barns in some form in the courtyard
- The fact that the lincays were not suitable for modern agriculture

RESOLVED that the application be deferred for a site visit by the Planning Working Group to consider whether 5 units rather than 4 units on the site would be acceptable and to also consider the impact of the associated number of vehicles on the site.

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

Notes :

- i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had been involved with discussions regarding the application and had attended Parish Council meetings where the application had been discussed;
- ii) Cllr P J Heal and F W Letch declared personal interests as the applicant and his family were known to them;
- iii) Mr Garside (Agent) spoke;
- iv) Cllr D R Coren and P J Heal spoke as Ward Members;
- v) The following late information was reported: The applicant's agent has circulated a submission to members, and the following is a summary response to the points raised as already articulated in the committee report.
 1. The agent challenges if the buildings are listed, taking into account the relevant factors as set out below you officers are of the view that the buildings are curtilage listed:
 - The buildings are pre 1948.
 - The farm buildings have a close physical relationship with the farmhouse. The farmhouse is called a farmhouse because it has an associated farm holding and associated farm buildings - i.e. the buildings the subject of the application.
 - The farm buildings are in the same ownership and have historically been in the same ownership as the farmhouse.
 - The use of the farm buildings was historically and is currently directly related to the farm holding and the farmhouse.
 - It is inconceivable that the farm buildings have any reason for being other that related to the farmhouse which is adjacent.
 - The farm buildings are subordinate to the farmhouse.
 2. The agent challenges the views expressed about the Lincay buildings. The architectural design of Lincay conversions is very often complicated. They are commonly very fragile buildings that require considerable

reconstruction. This is because they are open fronted and open to weather impacts. The survey work that is referred to by the applicant was carried out in 2015. It was not a full structural survey. It was observational only. There are many caveats in the report that raise more questions about the extent of works required and these have not been properly addressed. The requirement of the policies for barn conversions require more than this as evidence of the structural condition and the works required to repair and/or reconstruct. The design for conversions does not 'retain the original character' of the lincays as required by policy.

3. The agent challenges the assertions made about in the officer report about the parking arrangements and makes further comments /suggestions how this issue could be redressed. The comments do not, in the view of officers, address their serious concern that the proposal will have a significant adverse impact on the setting/surroundings of the courtyard group as set out in the report. Harm accrues from a number of factors that are discussed in the officer's report. It is not just one matter that if amended will overcome the concerns.
4. The conversion of three of the barns does not give raise to concerns. These are supportable. The objections are raised with the works to the lincays are for design and structural reasons and for reasons associated with the impact of the conversions to create a fifth dwelling which will have a negative impact on the setting of the group for a variety of explained reasons in the report. Officers have sought to be proactive in achieving an agreed solution on this basis but this has been rejected by the applicant.

(c) No 2 on the Plans List (**16/01772/FULL – Outline for the erection of up to 40 dwellings (including affordable housing), public open space and associated infrastructure – Land at NGR 313382 113489, Culmstock Road, Hemyock**).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site outside of the defined settlement boundary, the indicative masterplan for the site with all matters except for access reserved. Plans were shown of the accesses to the site, for vehicles and pedestrians and the realignment of the footway and verges proposed. She provided information regarding the South West Water response which had been omitted from the report and Members viewed photographs from various aspects of the site.

Consideration was given to:

- The number of dwellings in Hemyock that had planning permission but that had not been built out
- Concerns of the residents with regard to the infrastructure for the development
- The capacity of local services
- The housing need in the area
- Continued discussions by the developer with residents with regard to design
- The support for the development by the Parish Council
- Whether the design was compatible with the Area of Outstanding Natural Beauty

- The travel plan associated with the application
- The passing places identified within the application

RESOLVED that planning permission be granted subject to the provision of Section 106 Agreement/Unilateral Undertaking to secure

- 35% affordable housing (14 dwellings, tenure and mix to be agreed);
- Financial contributions towards primary, early years and secondary education totalling £178,540;
- 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.
- A financial contribution of £15,000 towards provision of passing places on the road between Culmstock and Hemyock;
- A travel plan to reduce the reliance on private motor vehicles.

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

Notes:

- Cllr R L Stanley declared a personal interest in the application as he had met with the applicant on a number of occasions and stated that he would be abstaining from voting;
- Mr Barton spoke on behalf of the objectors;
- Mr Steele-Perkins (Applicant) spoke;
- Cllr Clist spoke on behalf of the Parish Council
- Cllr F J Rosamond spoke as Ward Member;
- Cllr R L Stanley requested that his abstention from voting be recorded;
- The following late information was recorded:

20th November 2016 - The applicant's agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below:-

Asset Protection - A plan showing the appropriate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

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

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

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

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

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

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

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

28th March 2017 – Blackdown Hills AONB

The AONB Partnership is appreciative of the Council for commissioning an independent review of the LVIA for this application in the absence of its own in-house landscape expert, which we believe demonstrates the required 'regard' to the AONB designation under Section 85 of the Countryside and Rights of Way Act.

I note that the assessment has identified several issues with the LVIA, but doesn't disagree with the overall conclusion.

The findings do appear to support the AONB view that it is difficult to judge the effects of the development proposals without the detail.

If Committee is convinced by the case for this development in terms of NPPF Paragraph 116, then we would request that the review conclusion and recommendations (page 29 of the Review Final Report) are fully taken account of in relation to any future detailed application. Specifically,

- We support the recommendation in paragraph 62 regarding the Parameters Plan
- We note the conclusion in paragraph 63 and agree with the bullet points, with some reservation on the point about 'higher' and 'lower' buildings
- We agree with paragraph 64.

On an associated point, the propose Condition 16 (lighting) is welcomed. We would also request that Condition 7 (presumably to be signed off by County Highways) is addressed in a manner commensurate with location and the recommendations of the LVIA review.

28th March 2017 - I would reconfirm South West Water has no objection the development in terms of foul drainage capacity – problems experienced in Longmead have related to blockages//equipment failure (p Station breakdown) which does not indicate a lack of capacity being the only grounds we could justify an objection on.

Also this site will not drain directly through the sewer network in Longmead but rather will enter the sewer network just upstream of the sewage works along a different route.

2 recommendations appear on the report. Delete the first of the two.

(d) No 3 on the Plans *List (16/01932/MFULL – 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).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location and explaining the history of the site, the enforcement issue and the remedial works that were within the application to reinstate the site and make improvements. Members viewed the site layout and the landscape plans; a drainage strategy had been supplied and extensive planting was proposed to try to improve the biodiversity. Photographs were available from various aspects of the site.

Consideration was given to the views of the agent with regard to the completion of the reinstatement of the land and that the service of an enforcement notice would be held for 6 months pending review of progress on the site.

RESOLVED that:

a) Planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

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

b) Service of the enforcement notice (Planning Committee resolution November 2016) be held off for a period of 6 months from 29 March 2017 pending a review of progress in completing the works contained within the application).

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

Notes:

i) Cllrs B A Moore and R L Stanley declared personal interests as some of the objectors were known to them;

ii) Cllr Mrs F J Colthorpe declared a personal interest as she was familiar with a number of people involved in the application;

iii) Mr Cookson (Agent) spoke;

iv) Cllrs B A Moore and R L Stanley spoke as Ward Members

v) The following late information was reported:

27th March 2017

The reference to drawing numbers in proposed conditions 4 and 5 should be altered to refer to the following drawings.

Condition 4:

Final drainage strategy: 39494-2001-500 Rev A, dated 31 January 2017 and 39494-2001-501 received 15th December 2016

Condition 5:

Final landscape masterplan = SPP 2047.002 Rev D, dated 10 February 2017.

(e) No 4 on the Plans *List (17/00090/ARM – Reserved matters for the erection of a dwellings following outline approval 16/00108/OUT – land at NGR 304865 115568 - Corner of Brimstone Lane, Westleigh).*

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the existing and proposed plans, the floor plans and proposed elevations and a visualisation of the proposed dwelling which she stated was visible from a distance but not prominent but would appear prominent in close views. Members viewed photographs from various aspects of the site.

Consideration was given to:

- The size of the dwelling in the open countryside
- The applicant's statement with regard for the need of a farmhouse to service the land
- Design and size issues

RESOLVED that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions.

Reason – the application was considered to be acceptable due to the needs and size of the holding and that it was also acceptable with regard to visual impact.

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

Notes :

- i) Cllr R J Dolley declared a personal interest as the applicant was known to him and that he played skittles in the area;
- ii) Cllr Mrs J F Colthorpe declared a personal interest as the applicant was known to her;
- iii) Mr Caudwell (applicant) spoke;
- iv) Cllrs Mrs H Bainbridge and Mrs C A Collis spoke as Ward Members
- v) Cllrs Mrs H Bainbridge and P J Heal requested that their vote against the decision be recorded;
- vi) A vote to refuse the application was not supported.

155 **THE DELEGATED LIST (2-40-26)**

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

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

156 **MAJOR APPLICATIONS WITH NO DECISION (2-41-15)**

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

It was **AGREED** that:

Application 17/00348/MOUT – (Creedy Bridge, Crediton) be brought before Committee for determination and that a site visit take place.

Application 17/00300/MOUT (Uffculme Road, Uffculme) be brought before Committee for determination if minded to approve.

Application 17/00173/MOUT (White Cross, Cheriton Fitzpaine) be brought before Committee for determination and that a site visit take place.

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

157 UPDATE: A361 ROAD JUNCTION TIVERTON EASTERN URBAN EXTENSION (2-46-44)

The Committee had before it and **NOTED** a report * of 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.

She outlined the contents of the report by way of presentation highlighting the grade separated junction on the A361 and the approved plans of phase 1 of the left in and left out junction, the roundabout onto Blundells Road and the proposed 2nd phase with the establishment of the new over bridge on the A361. She stated that conditions for planning permissions granted had been discharged and that lawful commencement was taking place; the junction had been intended to be built out in its entirety however there had been funding issues which had required a review of the project. An updated time limited funding package had therefore been put in place which was outlined in detail in the report, to secure the junction that the Eastern Urban Extension depended on. She highlighted the changes to the S106 and conditions following amendments to the scheme that had to take place and the proposed timescales. She further explained the funding package that had been put in place which would deliver Phase 1 of the scheme the left in, left out southern slips (LILO) and the link to Blundells Road and would allow for construction to take place. The 2nd phase of the junction did not form part of the package and further bids for funding would be required.

The Head of Planning and Regeneration and Mr Sorenson (Devon County Council – Highways Authority) answered questions posed in public question time:

Changes to the masterplan – the triggers for highway infrastructure were based on the original funding scheme, as the original package had failed, there had been a need to revisit this, the masterplan was not flawed, but had to respond to a change in circumstances. With the completion of the LILO, access to the site would be by the southern slips.

Mr Sorenson provided the table of projected flows both base flow and flows with build out of development within Area A together with the left in left out junction

	Base		Future			Total Increase	
	Am	PM	AM	PM		Am	PM
Blundells road adjacent to school westward	299	679	441	711		380	270
Blundells road adjacent to school Eastward	492	391	571	458		79	67

Halberton Westward	178	273	179	271		1	-2
Halberton Eastward	351	254	375	283		24	29

Flows through Halberton were considered as not significant in planning terms and the increases would be less than seasonal variations from committed developments and agricultural activity.

The roundabout triggers remained unaltered and development would deliver contribution in sufficient time to deliver improvements to capacity at Lowman Way and Heathcoat roundabouts. Gornhay Cross had been modelled and would not have any capacity issues.

The Highway Authority confirmed that both the junction design and the traffic calming design and installation have been safety audited.

The Highway Authority considered that capacity along Blundells Road was acceptable and that the already installed traffic calming was mitigation to the amenity and safety concerns of pedestrian crossing the Blundells Road, further traffic calming was planned as part of the developments of both Area A and Area B.

The Highway Authority confirmed that it would not be reviewing the roundabout option on the A361 for the reasons previously given it also confirmed that for the northern part of the junction the Highway Authority would be seeking to make a bid for funding in the Autumn with likely response to the request following in April.

The Highway Authority also explained the reason for the increase in costs from the original estimate of £15 million to £18 million due to full detail design fees and changes to accommodate residents

The air quality issues had been assessed at planning application stage, the western end of Blundells Road was sensitive and traffic improvements had been requested at Horsdon roundabout to reduce queuing. He informed the meeting regarding the stages of traffic calming at Blundells Road and the remedial works that were taking place. He added that the build out rate on the site was proposed at 100 per year and that by the time the whole site had been built out the northern junction should be in place. With regard to the planting scheme, the completed scheme may not be in place by July 2018 because of the seasons.

The Head of Planning and Regeneration reiterated the proposed funding scheme that had been put together on a multiagency basis. This was reiterated by the Chief Executive who explained the triggers for occupation of the dwellings which could not take place until the LILO was in place. The DCC works to commence the junction slips to the south would allow their use as a construction haul route negating the need for Chettiscombe Trust land construction vehicles to use Blundell's Road.

With regard to the surfacing of the A361 in the vicinity of the development, the south side would be completed as part of the development, the north side would be delayed and would be progressed as part of phase 2 of the project. The acoustic fencing and bunding would take place as part of Phase 1 of the scheme but that the planting would need to be phased. Public consultation had taken place previously on

the junction and that the meeting today was open to the public. With regard to the area south of Manley Lane, the Chettiscombe application did not include that land.

Consideration was given to:

- Why the Local Authority was involved in the funding for the LILO
- Cash flow for the project
- The construction traffic and haul route for the site
- The viability of the site
- Available funding
- The lengthy and protracted discussions that had led to a mechanism to deliver the infrastructure
- The views of the local residents and whether Phase 2 would ever been completed
- Why a roundabout could not be progressed on the A361 and the Highway Authority's view

Notes:

- i) Cllrs N V Davey, D J Knowles and C R Slade spoke as Ward Members;
- ii) *Report previously circulated copy attached to minutes.

158 **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.**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above planning application that had 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 had resulted in proposed changes to the S106 and conditions; these required Planning Committee consideration.

The Head of Planning and Regeneration outlined the contents of the report highlighting by way of presentation the site area plan and boundary, the illustrative layout and areas A and B. She reiterated the junction delivery issues discussed prior to this item and the impact that this had had on the Chettiscombe Trust application. She outlined the proposed changes to the Section 106 agreement as set out in the report:

- The highway plans
- The timings for the junction
- The link to Blundells Road that had to be secured
- The need for a condition to state that no part of the development should be occupied until Phase 1 of the junction as complete
- The revised highway package (LILO) would serve both the Chettiscombe and Waddeton areas, the employment land and the school.
- The conditions to be amended

- The deletion of Condition 12
- The consideration of an offsite contribution towards a Gypsy and Traveller site

Consideration was given to.

- The terms of the Council loan
- The detail of the masterplan
- Traffic movements
- Implications for Junction 27 of the M5 and the junction upgrade that had taken place
- The construction haul route onto Area A and the use of the southern slips
- Access to Area B
- Delegating authority to deal with any amendments to the timing of financial contributions

RESOLVED that

1. the S106 agreement resolution be amended 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 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 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.

(Proposed by the Chairman)

Notes:-

- i) Cllrs R J Dolley, D J Knowles and R L Stanley declared personal interests as they knew some of the objectors;
- ii) Cllrs N V Davey, D J Knowles and R L Stanley spoke as Ward Members;
- iii) Cllr Dolley requested that his vote against the decision at 1 (i) be recorded;
- iv) Decision 1 (iv) was recorded as Chairman's casting vote (5 for; 4 against);
- v) Cllr D J Knowles requested that his abstention from voting on decision 3 (vi) be recorded;
- vi) *Report previously circulated copy attached to minutes.

159 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 (4-43-13)

The Committee had before it a report * of the Head of Planning and Regeneration to consider proposed changes to the S106 agreement entered into in relation to this planning permission.

The Head of Planning and Regeneration outlined the contents of the report stating that the Planning Committee agreed the Heads of Terms and that the amendments requested by the developer related to the finer details of the precise wording worked up by officers. She outlined the headline proposed amendments:

- With regard to the Gypsy and Travellers site, she felt that it was appropriate to move the trigger for occupation from 200 dwellings to 260 dwellings in so far that it left a balance of 70 dwellings of market dwellings to be occupied after the Gypsy and Traveller pitches were in place, there being a sufficient number of dwellings remaining that the development would not cease.

- She felt it is also appropriate to look at the timing of the financial contributions proposed as this meant that some of the contributions would come forward earlier than originally proposed.
- The Council was proposed to be the affordable housing provider and therefore an amendment be made to discharge market housing developers from all affordable housing requirements upon completion of the Council's land purchase of part of the site. There was also an amendment sought by the applicant to terms in the event that the Council did not purchase the land.

Consideration was given to:

- Whether the Gypsy and Traveller pitches would remain on the site for the time being;
- The construction traffic route for the development

RESOLVED that

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.

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

Notes-

- i) Cllr R L Stanley declared a personal interest as he had been in discussion with the developer and would be abstaining from voting on this matter;
- ii) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- iii) Cllr R L Stanley requested that his abstention from voting be recorded
- iv) *Report previously circulated copy attached to minutes.

160 **TREE PRESERVATION ORDER - 16/00008/TPO (5-07-53)**

The Committee had before it a report * of the Head of Planning and Regeneration to consider whether a Tree Preservation Order should be confirmed in light of the objection received.

The Head of Planning and Regeneration outlined the contents of the report by way of presentation identifying the tree in question.

RESOLVED that the Tree Preservation Order be confirmed.

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

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

161 **PLANNING PRODUCTIVITY REVIEW (5-10-00)**

It was **AGREED** that this item be deferred to the next meeting due to the lateness of the hour.

(The meeting ended at 7.50 pm)

CHAIRMAN

This page is intentionally left blank

PLANNING COMMITTEE AGENDA – 19th April 2017

Enforcement List

<u>Item No.</u>	Description
1.	ENF/17/00066/LIS – Listed building in a poor state of repair.
	Manor House Hotel Fore Street Cullompton Devon EX15 1JL

This page is intentionally left blank

Case No. ENF/17/00066/LB

Grid Ref: 302039 107334

Address:

Manor House Hotel, Fore Street, Cullompton, Devon

Alleged Breach:

Listed building in a poor state of repair.

Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition, in the event of a failure to comply with any notice served to authorise prosecution and/or direct action.

Site Description:

Part of Manor House Hotel, 4 Fore Street, Cullompton, Devon.

A two-storey property of mid 19th century construction but possibly incorporating part of an earlier 18th century building. Listed grade II in use as part of The Manor House Hotel (Listed Grade II*). The property is also situated in Cullompton conservation area.

Site Plan:



Site History:

87/01630/FULL	Erection of extension to provide function room, skittle alley, toilets and additional bar area, demolition of outbuilding, disused toilets, garage and additional car parking	PERMIT
87/01631/LBC	Listed Building Consent for the erection of extension to provide function room/skittle alley toilets and additional bar area, demolition of outbuildings, disused toilets and garage	PERMIT
87/01919/LBC	Conservation Area Consent for demolition of outbuildings, disused toilets and garage	WD
89/00628/FULL	Alterations improvements and extensions to hotel premises	PERMIT
89/00629/LBC	Listed Building Consent for the demolition of buildings in car park and rear of Veryards and erection of extension and alterations and improvements to existing building	PERMIT
99/03125/LBC	Listed Building Consent to fix eyebolts (approx. 50mm in diameter) to walls of The Manor House Hotel, Ye Olde Tea Shoppe, Veysey Butchers, and Peggy's Pantry (2, 20, 30 and 43 Fore Street, Cullompton respectively) to facilitate provision o	PERMIT
82/00150/LBC	Listed Building Consent for repairs to fireplace and 1st floor including panelled ceiling	PERMIT
82/01362/LBC	Listed Building Consent for alteration to existing toilets and general improvements	PERMIT
83/01703/FULL	(a) Change of use from private residence to use as toel accommodation (to form extension to The Manor House Hotel adjacent) with car parking facilities - "Veryards", 4 Fore Street, Cullompton (b) Alterations to existing access from The Manor House Hotel, 2 Fore Street to Tiverton Road, Cullompton	PERMIT
15/00544/LBC	Listed Building Consent for structural repairs to masonry, involving part demolition and rebuilding north east corner and removal of existing cement render to north elevation	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

DM31 - Enforcement

Reasons/Material Considerations:

4 Fore Street Cullompton is a Listed Building (grade II), lying in Cullompton Conservation Area. It is a mid 19th century former house possibly incorporating part of an earlier 18th century building. It was integrated with the adjoining Grade II* Manor House Hotel in the late 20th century. It has period detailing which could make a positive contribution to the street scene. The building is rendered stone with cob and brick to the front elevation (painted) with rusticated quoins, pilasters, a plat band, dentilled with frieze, and oriel and sash timber windows. There is an attractive door case and decorative metal railings.

The building has been in a declining condition for several years. In spring 2016 there were discussions with the owner and also his structural engineer concerning the removal of hard concrete render to the front elevation of 4 Fore Street with a view to replacing it with lime mortar and about rendering the south elevation (adjacent to The Walronds) where there is loss of render on the external face of the timber frame and evidence of rot in some of the underlying timbers.

Also in June 2016 the owner was approached by one of your building inspectors when a significant gap was observed between the heavy concrete render of the rusticated quoin and the front wall at the point where number 4 Fore Street joins number 2 Fore Street. It was agreed that this area of render should be removed. The cause of the render spalling away from the wall is likely to be partly due to cracking of hard render and long term leaking of rainwater goods together with a buddleia taking root in the masonry. Some scaffolding was put in place on the east elevation to enable this render to be removed. Further render was also removed to enable the condition of the front wall to be assessed. A report on the condition of 4 Fore Street was produced in June 2016 by the structural engineer to define the work required. The poor condition of lintels under the render and of the sills of the windows to the front (east elevation) was flagged up. This was again considered to be the consequence of hard cement render trapping water. The need for further scaffolding to the south side of the building was noted as necessary to carry out additional investigation of the condition of this wall at the higher level.

Based on the extent of the works required to the building the owner was advised that an application for listed building consent would be required for all works proposed to be done and for any further works required as a result of the further investigations of the south wall at the higher level. In preparation for the application some additional survey work was carried out in autumn 2016 but to date despite several telephone conversations and chase e mails no listed building consent application has been forthcoming. The scaffold to the front elevation remains in place acting as a buffer to the footpath bearing in mind that with the extensive cracking further render may fall away. The further scaffolding required in the gap between 4 Fore Street and The Walronds has still not been erected to assess the condition of the south wall at high level.

The building's condition and appearance is having a detrimental effect on both the immediate setting of the adjacent Grade I Walronds as well as on this part of the conservation area. Scaffolding has been up on the front elevation of the building for several months and this is also

considered to have a negative impact on the amenity of the area. This is confirmed by a number of complaints received by the Authority and concerns raised by local councillors.

It is now your Officers opinion that a section 215 notice should be served, requiring the property to be repaired and redecorated.

Human Rights and Equality Issues:

Any enforcement action could be said to impact upon the land/property owner/occupier's human rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1988.

In this case your Officers have considered the Act and circumstances and do not believe there to be any human rights implications but simply a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for the building to be preserved and kept in a reasonable state of repair. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 so as to prevent the demonstrable harm of the statutorily protected building and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

This would not be the appropriate course of action. There is no justification for the Listed property to remain in its current condition and to impair the visual amenity of the area and character of the conservation area. To allow the current situation to persist is contrary to current planning policy and the listed building legislation.

Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property:

This is considered by your Officers to be the appropriate course of action.

Reasons for Decision:

The statutorily protected listed property is in a poor state of repair and works have not been carried out to ensure its preservation, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Local Plan (Part 3) policy DM27. The amenity and character of the conservation area is adversely affected and works are required to improve the appearance and condition of the property and to prevent damage to the setting of the neighbouring high status listed building.

Steps Required:

All the works below are required to be carried out and shall be in accordance with the recommended works set out in the structural engineers report (Barry Honeysett) dated 15th June 2016.

1. Repair where possible or replace with cast iron all rain water goods such as guttering and downpipes to the front (east) elevation, ensuring that the repaired or replaced guttering and downpipes efficiently dispose of surface water. Ensure all rainwater goods are appropriately decorated with preparatory undercoats and gloss finish coats.
2. Remove all remaining damaged areas of render from the front (east) elevation and stabilise the underlying masonry as necessary including repointing of stonework in lime putty mortar.
3. Repair or replace, using timber, the window sills and lintels on the front (east) elevation as necessary in line with the structural engineer's report dated 15 June 2016.

4. Render the front elevation using lime render to accurately reinstate the appearance of the front wall including the rusticated quoins to the two front corners of the building and the plat band. Paint the wall using an appropriate exterior paint system compatible with lime including the requisite number of coats of paint.
5. Remove remaining render from the side (south) elevation, repair the underlying timber framing by scarfing in new timber or replace as necessary before re-rendering using lime render and painting using an appropriate exterior paint compatible with lime including the requisite number of coats.
6. Prior to repainting of all windows, clean and remove all flaking paint and redecorate using an appropriate primer, undercoat and gloss top coat.
7. Repair front door, door case and reveal panels by removing rotten timber and scarfing in new timber to match. Prior to redecoration, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coat.
8. Prior to repainting the small door to south of the main entrance door, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coat.
9. Prior to repainting remove all flaking paint from the front railings, treat with a proprietary rust treatment and paint using an appropriate paint system for metal railings.
10. On completion of all works remove scaffolding from site and leave site in tidy condition.

Period for Compliance:

Four months from the date the Notice takes effect.

This page is intentionally left blank

PLANNING COMMITTEE AGENDA - 19th April 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | <p>16/01888/MOUT - Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Coppleshone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure at Land at NGR 276566 103177 (Old Abattoir Site), Shambles Drive, Coppleshone.</p> <p>RECOMMENDATION
Grant permission subject to conditions and the prior signing of the provision of a Section 106 Agreement</p> |
| 2. | <p>16/01898/MARM - Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton.</p> <p>RECOMMENDATION
Approve Reserved Matters subject to conditions.</p> |
| 3. | <p>17/00106/MOUT - Erection of 16 dwellings with access and associated works at Land at NGR 306965 113252 (North of Belle Vue), Ashley Road, Uffculme.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 4. | <p>17/00217/FULL - Erection of a polytunnel and field shed at Land at NGR 310932 109654 (The Shippens), Blackborough, Devon.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>17/00318/FULL - Permanent retention of log cabin (caravan) at Land at NGR 295221 103171(The Orchard), Great Pitt, Silverton.</p> <p>RECOMMENDATION
Grant temporary permission for a period of 3 years subject to conditions.</p> |
| 6. | <p>17/00323/FULL - Erection of 3 dwellings (Revised Scheme) at Land at NGR 296643 113493, Adjacent 37 Beech Road, Tiverton.</p> <p>RECOMMENDATION
Subject to conditions and payment of a financial contribution of £2,700 towards provision of public open space</p> |

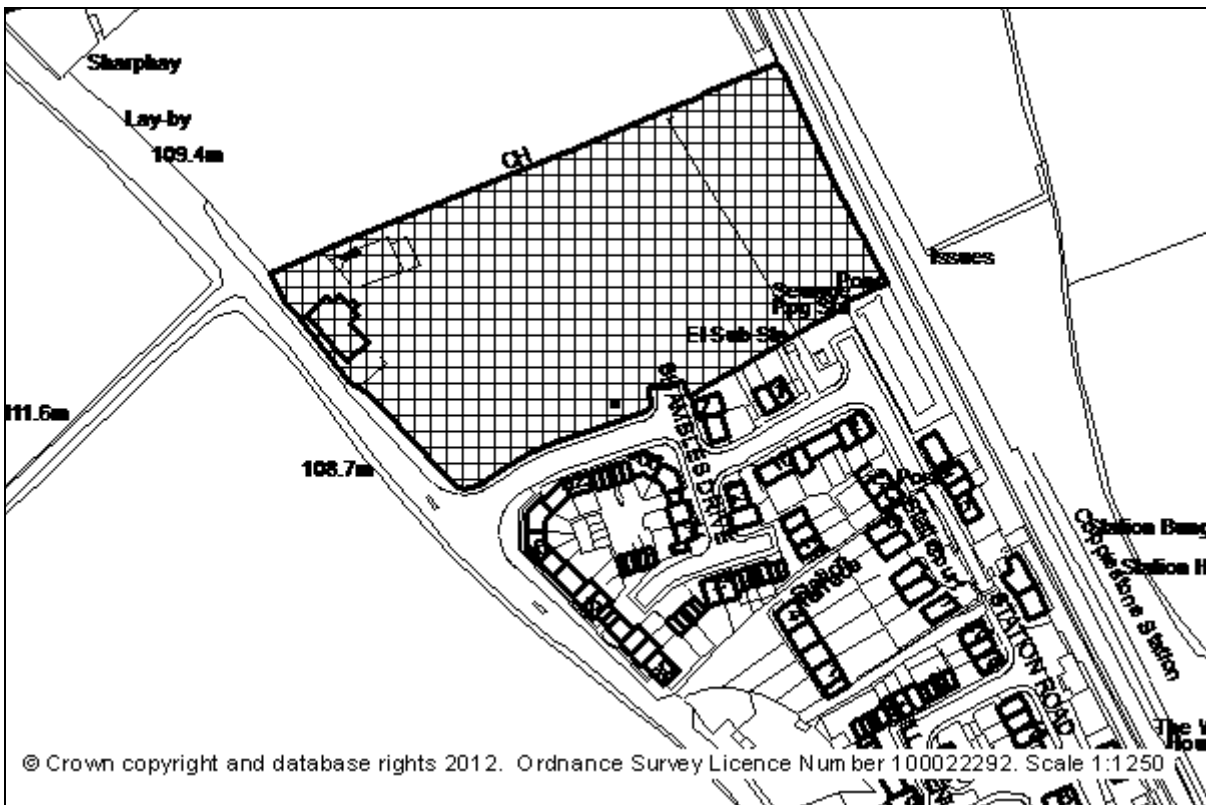
Grid Ref: 276567 : 103177

Applicant: Moorview Homes Ltd

Location: Land at NGR 276566 103177 (Old Abattoir Site) Shambles Drive
Coplestone Devon

Proposal: Outline for the erection of up to 40 dwellings, formation of 64 space
car park to service Coplestone Railway Station, public open space,
vehicular access from Shambles Drive, pedestrian links and
associated infrastructure

Date Valid: 5th December 2016



Application No. 16/01888/MOUT

RECOMMENDATION

Grant permission subject to conditions and the prior signing of the provision of a Section 106 Agreement to secure:

1. Affordable Housing: 24 % affordable housing on-site (9 Units).
2. A combined primary school and early years education contribution of £146,520.00 to be used to provide facilities within the Copplestone catchment area.
3. A secondary school contribution of £15,960.00 towards school transport to Queen Elizabeth's Academy Trust.
4. Specification for layout of and ongoing maintenance provisions for the formal open space area and sustainable urban drainage scheme (SUDs).
5. Specification for car park and transfer arrangements

PROPOSED DEVELOPMENT

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.

The application proposes a new access into the site from Shambles Drive.

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The site is 1.52 hectare in extent and is broadly comprises one rectangular field. The site is located on the northern edge of Copplestone with access from the A377 at the front of it (west) and directly bounded to the east by the train line between Exeter and Barnstaple, with open countryside beyond. The south boundary consists of Shambles Drive and the housing estate built out post 2004 with the village area beyond.

The application as submitted is supported by an illustrative Masterplan - which is at a scale of 1:500 on an A1 sheet and presents an illustrative layout based on the means of access as described above. Showing:

1. A layout based on a single means of access at the existing field gate, incorporating a raised pedestrian table detail.
2. A landscaped frontage immediately adjacent to the A377 wrapping around into more formal open space / village green along Shambles Drive.

APPLICANT'S SUPPORTING INFORMATION

Application form, site plan drawing and proposed access drawing.

Constraints plan drawing, heights plan drawing, parameters plan drawing and Illustrative master plan prepared by Place by Design.

Design and Access Statement prepared by Place by Design

Ecological Impact assessment prepared by EPS Ecology dated October 2016.LDA Design.

Level 2 Flood Risk assessment prepared by Teign Consulting Engineers dated 31.10.2016.

FRA addendum to redress Railtracks concerns dated 17.01.17

FDA1 Form.

Land Contamination Phase 1 Desk Study Report prepared by Robson Liddle dated 2012.

Noise assessment prepared by ACT Acoustic dated 13/10/2016 vegetation removal plan

Transport Statement prepared by GREGG Consulting Ltd dated October 2016.

Tree Survey prepared by High Line dated 8th April 2016.

Sustainability statement prepared by JSP Sustainability dated November 2016.

Planning Statement

PLANNING HISTORY

The two records below relate to the site immediately adjacent to the current application site:

1. Local Planning Authority ref: 02/02877/OUT - PERMIT date 23rd April 2004: Outline for residential development including live/work units; commercial development for B1 (Offices), B2 (General Industrial) and B8 (Wholesale and Distribution); closing off Station Road and formation of new vehicular access; construction of new footway along A377 and associated works

2. Local Planning Authority ref: 04/01151/ARM - PERMIT date 15th March 2005: Reserved Matters for the erection of 92 no. dwellings (including 20 no. live/work dwellings) with garages, carports, roads and associated works

The record below relates to the current application site.

12/00616/MOUT - Outline for the erection of 44 dwellings. This application was withdrawn following advice from officers that it would be refused. Withdrawn date 12th October 2012.

Pre-application advice was sought regards bringing forward development on the site submitted under Local Planning Authority ref: 15/01370/PREAPP.

The applicant sought advice at this stage in terms how it would be best to tackle the site layout. The outcome of this process following advice from your officers and also the Housing Excellence Design Panel was to progress the application scheme on the rationale of delivering an inclusive development which provided a positive relationship with the existing housing development adjacent. Initially at this pre-application stage the site layout showed the development being very compartmentalised and with the new housing set around a village green concept but turning it's back on the adjacent residential estate. The Panel provided their advice in a letter dated 6 September 2016. An overview of the various options examined are set out in the Design and Access Statement.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR9 - Access
COR8 - Infrastructure Provision
COR11 - Flooding
COR12 - Development Focus
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/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

CONSULTATIONS

COPPLESTONE PARISH COUNCIL - Coppleshone Parish Council have not submitted any comments at the time of writing.

HIGHWAY AUTHORITY - 19th December 2016: Supportive subject to the imposition of planning conditions.

The Highway Authority have commented that the means of access is acceptable and the reduction in the number of car parking proposed for the public car park is acceptable as agreed at the pre-application stages of this project.

LEAD LOCAL FLOOD AUTHORITY - 4th January 2017: Supportive subject to the imposition of planning conditions.

The lead flood authority have raised no specific comment to report.

ENVIRONMENT AGENCY - 10th January 2017: Supportive subject to the imposition of planning conditions

ENVIRONMENTAL HEALTH (MDDc) - 23rd December 2016: ENVIRONMENTAL HEALTH - 23rd December 2016: Supportive subject to the imposition of planning conditions.

Both the Agency and MDDc Environmental Health Team have proposed condition to manage further investigation regards land contamination issues arising from the historic use of the site

DEVON COUNTY EDUCATION - 15th December 2016: Supportive subject to securing an off-site contribution as set out in the recommendation section.

The proposed 40 dwellings, will generate 10 additional primary pupils and 6 secondary pupils.

The comments provided clarify that the primary school education contribution as set out above will be used to provide education facilities in the Copplestone area.

NETWORK RAIL - 28th December 2016: raised some initial concerns regards the potential for flooding of the railway line. Any further comments to be report as an update.

DEVON, CORNWALL & DORSET POLICE - 19th December 2016: have raised some concerns regards design layout and boundary treatment issues which are more in relation to the reserved matters stage should permission be granted.

THE HEAD OF HOUSING & PROPERTY – 15TH March - I confirm that I am happy to agree to the affordable housing provision as detailed in Neil Mantels' email below:

- 4 affordable rented units comprising: 2 x 1 bed unit(flats or houses), 1x 3 bed unit, 1x 4 bed
- 5 affordable starter homes at 80% of their market value, to be delivered by the developer and comprising: 3 x 2 bed units and 2 x 3 bed units.

NATURAL ENGLAND - 15th December 2016: No comments submitted.

HISTORIC ENVIRONMENT SERVICE - 19th December 2016 - No comments submitted.

REPRESENTATIONS

39 notifications were sent out to neighbours when the application was first submitted, and the application was advertised by way of a site notices presenting to the A377, and a press notice was placed in the Devon Star. In total 7 representations have been submitted, 5 of which have confirmed conditional support for the application scheme with 2 specifically objecting

A summary of the comments submitted are set out below:

Supporting comments

1. Good use of the site (unproductive land), for both housing and the car park.
2. Any section 106 funding should be ring fenced for the benefit of the community.
3. The development would take the local population to approximately 2000 which is considered to be about right but more community facilities are required
4. The principal of development is supported but is the density appropriate.

Objecting comments

1. Impact of developing on a former brownfield site
2. Ecological impacts
3. Transport and movement issues in terms of addition congestion on the A377 and through Copplestone village.
4. Does the village need so many car parking spaces
5. Inadequate education and community facilities to serve the development

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues to be considered at this stage are:

- 1. Principle of development, including 5 year land supply - Policy Issues.**
 - 2. Highways, Movement & Air Quality Issues**
 - 3. Local context considerations, impact on landscape character and visual amenities and density of development**
 - 4. Affordable housing provision and Section 106 matters**
 - 5. Other matters**
 - 6. Summary & Planning balance**
-
- 1. Principle of development, including 5 year land supply - Policy Issues**

The site is outside defined settlement limits of the adopted local plan and is therefore contrary to Policy COR17 and COR18 of the Core Strategy (adopted 2007). However the application proposal reflects the direction of travel of policy as set out in the Local Plan Review (2013-2033). With the proposed policy framework the site is promoted (Policy CO1) for 30 dwellings with 30% affordable housing and 100 space railway car park. The policy statement prescribes a single point of access from Shambles Drive to serve both aspects of the development and recognises the need for land contamination and remediation appropriate to reflect the site's now historical use. Policy CO1 was first included in the pre-submission public consultation draft of the Local Plan Review (between February and April 2015) and received little or no objection in terms of public comment.

The application scheme is for up to 40 houses with a 64 space carpark and as stated above 24% affordable housing.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) which 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. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling and to contribute to the provision and maintenance of existing and new open space.

Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by a current adopted development plan policy there are two issues for members to consider.

1. Given the low level of comment to the site being allocated at the first public consultation stage, the Council's Cabinet at a meeting on the 7th August 2015 resolved to bring forward the allocation of the site (and others). The background to this decision was in order to boost the Council's position with regard to identifying a 5 year supply of land for housing.
2. Notwithstanding this decision and mainly because of low completion rates since 2008, members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) 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.

In this context paragraph 14 of the NPPF becomes relevant to the determination of the application and it 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. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. 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.

As stated above the proposals build on from the allocation under proposed policy C01 but include 40 houses and 64 parking spaces against a proposed policy target of 30 and 100 respectively. The following sections of this report consider the impacts of the development when considered against the objective of delivery sustainable development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weighs in the balance the benefits of the proposal against any identified harm.

2. Highway, Transport and Movement Issues

The Highway Authority have made comments in support of the planning application scheme both in terms of the proposed new access into the site directly off Shambles Drive the site as shown on drawing SK02 and the delivery of the car park for the station which delivers 64 spaces as opposed to 100 spaces which are promoted in the proposed policy framework.

The reduction in space numbers was agreed by County Council at the pre-application stage and a construction specification has been agreed to include a cellular construction for the spaces served by tarmac roads. The detailed specification for the car park construction is to be included as part of the agreed terms in the Section 106 agreement and are the transfer details of this facility to the County Council who will manage, own and operate the car park.

The Transport assessment predicts 6 movements per dwelling which cumulatively would generate 240 additional movements onto the highway. This equates to a predicated rate of 25 vehicular movements in and out of the site (combined) during peak hours. However based on survey work done to confirm the actual trip generation level from the existing residential estate which incorporates 70 units, the actual surveyed traffic levels are less, being 200 movements daily. The difference can be explained by the close proximity of the site to public transport connections (bus and rail) and the proximity of the site to the range of facilities in Copplestone as a pedestrian.

In summary the proposals are considered to be in compliance with policy COR9.

The indicative site layout shows how the site could be developed for 40 dwellings and ensure compliance with policy DM8 in terms of providing 2 spaces either on site or adjacent to site.

Given that some of the traffic generated by the development is likely to pass through the Crediton Air Quality management area (AQMA), the development has the potential to affect air quality in the Crediton Air Quality management area (AQMA). However given the costs of providing the car park which far exceeds the level of contribution that would be required under Policy AL/CRE/8 (32 units x £4434.00) and which is considered to deliver a significant community benefit in terms of facilitating a potential decrease in vehicular movements on the highway, the pursuit of any further financial contribution to deliver other off site initiatives is not considered to be reasonable and/or justified as it would impinge on the viability of delivering the development (refer also to section 4 below).

3. Local context considerations, impact on landscape character and visual amenities and density of development

The application scheme is an outline application and proposes a maximum of 40 houses and a car park with 64 parking spaces. An illustrative masterplan has been submitted to demonstrate how this quantum of development would be achieved across the site. The gross site is 1.52 hectares with the development footprint as proposed across approximately 1.25 hectares, with an area retained for a retention basin and surrounding open space (referred to as the SUDs scheme) occupying an area in the north east corners of the site with substantial and generous landscaping and public open space zones on the northern, western and southern perimeters of the site. As stated above the numbers of houses proposed exceeds the policy guidance for the site which promotes the site for 30 dwellings. However, even with 40 dwellings proposed the density of development would equate to 26 units per hectare which would be considered to be in accordance with guidance as set out at policy COR1, and similar to the development adjacent on a net basis.

The development would sit as an extension to the urban edge of the village on its western boundary and share a common means of access of the A377 with the existing residential properties adjacent. The location of the public open space will help knit the new development into the existing built landscape together. This principal has been developed as a result of pre-application discussions to ensure the development does not present as a gated community which turns it's back on the existing development. This was a concern with some of the original development concepts/layouts as put forward for consideration at the pre-application stage. The treatment to the site's southern boundary will ensure that the development is set back from the A377 as is the case with the existing development with substantial tree and shrub planting along the boundary to create an environment suitable for residential occupation. In addition following on from the pre-application discussions the juxtaposition between the new housing and car park is to be managed in a manner that is inclusive with a single point of access to serve both, and with the closest residential properties overlooking the car park. The car park will be designed with pockets of planting and landscaping to help reduce the visual impact of it.

The design and access statement sets out a series of supporting principles to demonstrate how the site could be developed as reflected in the illustrative masterplan layout as referred above which proposed 12 x two bed units, 19 x three bed units and 9 x four bed units. The proposed development aims to create a pedestrian friendly, neighbourly environment where streets are designed to look and feel inviting (rather than traffic routes), where street play, walking and cycling is encouraged, and where existing residents' amenity is protected.

A number of the key principles are set out below:

Perimeter Blocks: The scheme embraces the perimeter block approach to urban design, ensuring backs of properties are secure and frontages face onto streets to create natural surveillance. This approach would result in the completion of the existing unfinished street scene along Shambles Drive.

Units defining the village green and site access: The two-and-a-half and three storey buildings are positioned adjacent to the site access and the strong built line that surrounds the village green.

This approach would provide a strong sense of enclosure to the space, and reinforce the focal points of the development, reflecting on the building designs that have been achieved on the existing development adjacent.

Development Gateway: The taller buildings would reflect the existing massing that sits adjacent to the site.

Car Park and Eastern edge: The design of station car park, the public realm surrounding and the eastern edge of the development have been designed to ensure the scheme presents as one development. An active edge of two and two and half storey dwellings have been provided to offer natural surveillance overlooking the space, and new tree planting provided to soften its appearance.

North-south pedestrian link: This is proposed to increase the connectivity between the site the land adjacent, in particular a pedestrian connection between the car park and Railway Station.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the siting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 40 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

5. Other Matters

Contaminated Land Issues: There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination. Conditions are recommended to set out a process of further investigation that must be undertaken in advance of development commencing on site.

Flood Risk Issues: The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding.

Surface Water Drainage Issues: The Lead Flood Authority have recommended necessary conditions to ensure that the necessary further percolation testing and detailed design work to finalise the proposed surface water management system is submitted prior to the commencement of development and to ensure a safe environment for both either existing and/or proposed new residents.

Indicatively the proposals show that the car park will be designed with a porous paving arrangement with an outflow control mechanism to link into the retention pond basin that is proposed in the south west corner of the site which will in turn be linked into SUDS system that manages the surface water from the existing housing estate.

Ecological Impacts: On behalf of the applicants, EPS Ecology have completed a desk top and subsequent survey analysis of the ecological baseline for the site as set out in the report submitted to support the application dated October 2016. The results of the survey indicated that the site provides a transitional habitat for bats in terms of the western hedgerow boundary and as existing provides a habitat for slow worms. A mitigation strategy to manage the protection of the hedgerow and removal of the slow worms is set out, and the recommendations will be required to be followed by way of a condition. Measures to protect these areas during construction will also be required as part of the construction management plan.

Public Comments: The delivery of houses and a car park on the site is supported locally. One of the public comments submitted to this planning application raises the issue of the lack community and education facilities within the village to serve the development. The application delivers a significant community facility in terms of the Car Park and as part of the Section 106 a contribution towards providing education facilities will be secured. Whilst it recognised that the Primary School in the village is popular with admissions over recent years very close to the capacity (210 spaces), there is current capacity to accommodate additional pupils especially in the upper years (years 3,4,5,6).

Based on the County Councils standard formula 40 houses will generate a need to manage 10 more pupils into the primary school environment. This could be at the village primary school and/or another primary school in the locality depending on the age of the pupils that require schooling.

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). The amount of New Homes Bonus to be generated by this development would be £205,600.00 (plus an extra £15,750.00 for the affordable homes) on the basis of payment over 5 years. However, Members should be aware that the payment period beyond 2018/2019 is proposed to be further reduced to 4 years.

6. Summary & Planning balance

The overall thrust of Government policy as set out in the National Planning Policy Framework (NPPF) is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing.

This application reflects the emerging local policy framework which covers the period 2013 - 2033. The proposals offer an increase in the numbers of houses compared against the policy provisions which reflects a comparable reduction in the site area required for the proposed car park. In addition it has been demonstrated by the applicant in terms of the design work undertaken at this outline planning application stage that 40 dwellings on the site would achieve a development in density terms which reflects that set out at policy COR1. The assessment of this planning application has not identified any adverse impacts that would arise from the number of dwellings proposed and therefore paragraph 14 of the NPPF also lends support to the application.

The development would provide up to 9 affordable home, and a new car park to serve Copplestone Railway Station which is considered to be represent a significant community benefit.

Therefore it is recommended that planning permission should be granted subject to conditions and the completion of a Section 106 as outlined above. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters, whichever is sooner.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development adjacent to the application referred to as the Shambles housing estate.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;

- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) 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
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
- (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.
- (i) Details of the amount and location of construction worker parking

Works shall take place only in accordance with the approved Construction Management Plan.

6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, 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 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.
7. No part of the development in relation to the construction of the dwellings hereby approved shall be commenced until:
 - A) The access roads into the site have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed in accordance with the approved details in the Construction Management Plan.
8. The occupation of any dwelling shall not take place 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 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.
9. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme that shall have been submitted and approved in writing by the Local Planning Authority, prior to the commencement of the development.

10. No part of the development hereby permitted shall be commenced until a programme of percolation tests across the site, the scope of which shall have been agreed in writing by the local planning authority, has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results have been submitted to and approved in writing by the Local Planning Authority.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system together with management and maintenance arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests as required to be undertaken by Condition 10, and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 327/FRA2, Rev. V2, dated 31st October 2016).
12. The development shall take place only in accordance with the recommendations in section 5 and 6 of the EPS Ecological Impact Assessment Report dated 12th May 2016.
13. Prior to the commencement of any development a Phase 2 intrusive investigation shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
14. Following the completion of requirements of condition 11 if necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
15. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
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, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. 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).
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure the proper development of the site.
10. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
15. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for a residential scheme in conjunction with a public car park is considered to be in accordance with emerging policy CO1 (2013-2033) for the site. Although the number of houses proposed exceeds the emerging policy target it remains at a density which is policy compliant and has been off set by a reduction in the car parking requirements as agreed by Devon County Council. Furthermore the means of access is considered acceptable in of highway safety and local area capacity concerns. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings and site layout issues, including the design of all open space, landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The applicant has agreed to enter into a section 106 agreement to cover matters relating to the level and nature of affordable housing to be provided on site, the delivery of the car park and on site open space and contributions towards delivering education facilities off site. No issues are raised in terms of this application scheme regards drainage, flood risk and/or ground contamination or the impact on protected species/ecology that can not be satisfactorily mitigated against. On this basis the application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/3, AL/DE/3, AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Given the proposals respond positively to the emerging policy allocation for the site, little weight in the application assessment has been given to existing policies COR17 and COR18. Further given the proposed community benefits in terms of securing on site affordable housing and the provision of the car park the proposals as considered to be in accordance with the National Planning Policy Framework, both paragraph 14 and the guidance as taken as whole.

Application No. 16/01898/MARM

Plans List No. 2

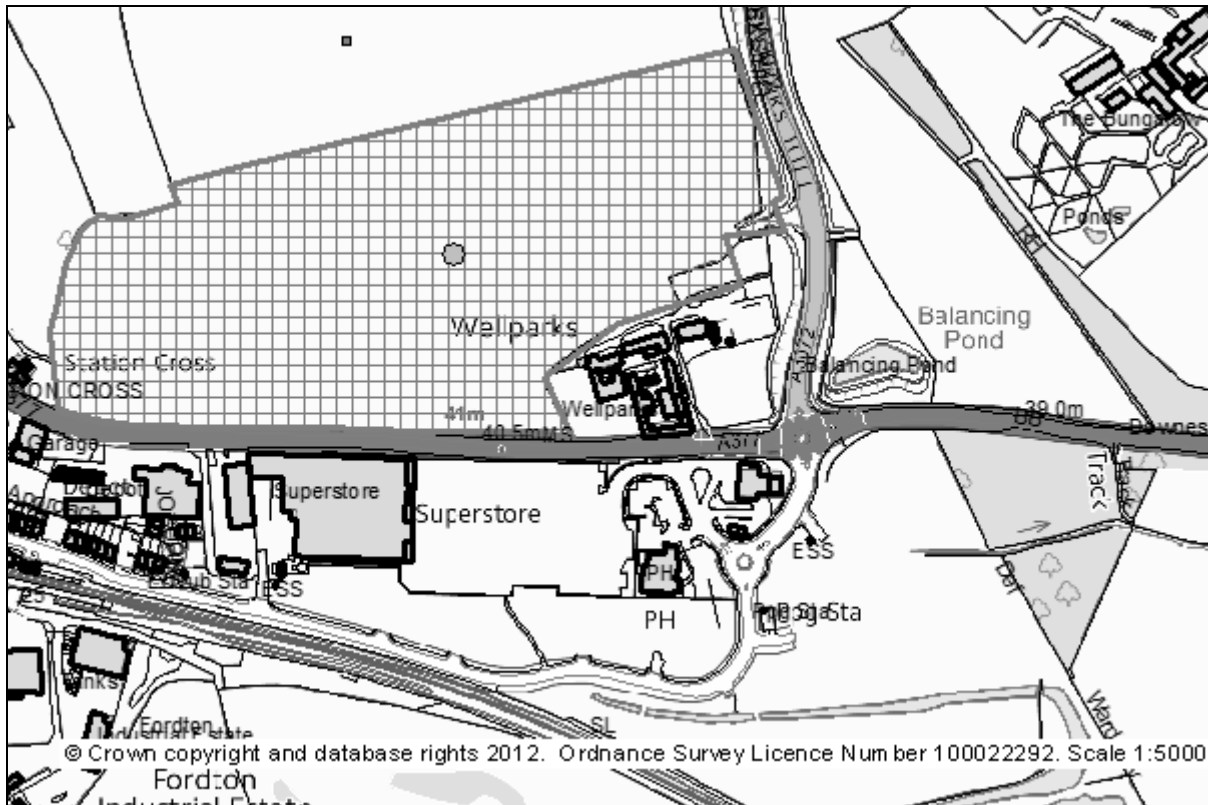
Grid Ref: 284242 : 99827

Applicant: Mr K Stockwell

Location: Land at NGR 284242 99827 (Wellparks) Exeter Road
Crediton Devon

Proposal: Reserved Matters in respect of appearance, landscaping,
layout, and scale following Outline approval 14/00830/MOUT

Date Valid: 14th December 2016



Application No. 16/01898/MARM

RECOMMENDATION

1. Approve Reserved Matters subject to conditions
2. Agreed a deed of variation to the terms of the Section 106 agreement to allow for a revised mix in terms of affordable housing types and tenure from 97.5% affordable rent and 2.5% shared ownership to 50% affordable rent and 50% shared ownership and to include the following mix in terms of unit sizes.
3. Agree to a revised mix in terms of units sizes of the affordable dwellings as follows: 6 one bed flats, 29 two bedroom houses, 14 three bedroom houses and 1 four bedroom house (total of 50).

PROPOSED DEVELOPMENT

Outline planning permission has been granted for a mixed use development for the erection of up to 185 dwellings and 1935m² of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space.

This application seeks consent for the reserved matters relating to the residential element of the outline consent: in respect of appearance, landscaping, layout, and scale. The scheme as proposed shows a layout for 185 houses, the proposed details for the footpath link from the north west corner of the site around to Downshead Lane, and a revised arrangement for the section of footpath along Exeter Road which sits directly in front of the site separated by a Devon Bank arrangement.

Vehicular access to the new estate (already approved) is from a single point from the new link road with a distributor road that circulates around the site creating 3 distinct character areas as follows:

Rural - Mock farmhouse & barn conversion architectural style approach with larger dwellings on individual plots across the northern section of the site. In total there will be 55 of these house types in this area of the site.

Parkland - Rows of semi detached houses with feature gables and some hipped roofs across the middle of the site creating street scenes with strong sense of rhythm to overlook an extensive of area of public open space. In total there will be 40 of these house types in this area of the site.

Town - A combination of 3 storey terraced Georgian style properties running along the site frontage with groupings of cottages style set around the Wellspark farm complex. In total there will be 90 of these house types in this area of the site, including 6 one bed flats in a single block.

The proposed palette of materials include brick (two types), render panels (6 subtle colours) and sections of timber panelling (two types) for the walling, timber with artificial slate and clay pan tiles for the roof coverings.

The layout includes 135 open market dwellings (comprising of: 28 two bedroom houses, 83 three bedroom houses and 25 four bedroom houses) and 50 affordable houses (comprising of : 6 one bed flats, 29 two bedroom houses, 14 three bedroom houses and 1 four bedroom house).

The existing section of footway is to be planted with the introduction of a new section of footway/cycleway (2.0 metres in width) running parallel to the section of estate road which serves the frontage properties

The northwest footpath follows a path close to the boundary wall of the adjacent property (Fairparks) and will present as a hard surface detail (Hoggin surface set with treated timber edge and to be laid on a sub base).

The form of the boundary treatments between the plots is generally 1.8 metres close boarded timber fencing, with occasional sections of rendered walling between 1.0 and 1.8 metres high and a run of timber fencing standing at 1.2 metres across parts of the northern most boundary. The boundary to the Wellspark Farm complex is proposed as a Devon hedgebank detail.

The layout shows 442 car parking spaces which includes garages.

APPLICANT'S SUPPORTING INFORMATION

Application Form, site layout plans, house type plans, street elevations, site sections, car park strategy plan, bin storage plan, retaining wall details

Design and Access Statement

Flood Risk Assessment Addendum

Heritage Asset Setting Protection Statement

Phase 1 Desk Study, Phase 2 and Phase 2a Preliminary and Supplementary Ground Investigation Reports

Following the initial submission the applicant has submitted amended plans proposing changes to the scheme design following on from comments from Historic England, the Lead Flood Authority and discussions with Local Planning Authority officers. Notification of the changes and a further invitation to comments on these changes was sent a number of Statutory Consultees as set out below in the Consultations section.

The application package as described above also seeks to discharge the requirements of conditions 1, 4, 6, 7 8, 12 and 13 of the outline planning permission.

PLANNING HISTORY

14/00830/MOUT - Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

This application was considered and approved by the planning committee at their meeting in December 2014 and the decision was issued on 16th March following the completion of the Section 106 agreement.

16/00440/PREAPP - Devonshire Homes submitted an application for pre-application advice as part of their discussions with key stakeholders to assist them in preparing this reserved matters application. As part of this process they completed an informal presentation to the Planning Committee on the 17th October. At the meeting discussion took place around the following points:

- Traditional design which would be easier on the eye.
- The placing of the footpaths within the site and along the A377 and links to Tesco and the town centre.
- Crossing points
- Environmental issues with regard to the design of the dwellings.
- The design of the footpaths within the site
- The placing of the affordable dwellings on the site.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR15 - Crediton

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

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space
AL/IN/6 - Carbon Footprint Reduction
AL/CRE/7 - Wellparks A377

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

HISTORIC ENGLAND (HE) - 17th January 2017: In their initial representation Historic England felt that the proposal as submitted would a detrimental impact on the setting of the historic asset of the Wellspark farm complex.

Following consideration of the revised plans HE have noted that some account has been taken of our previous comments and on the basis of this information, we do not wish to offer any further substantive comments. We suggest that you seek the views of your specialist conservation and archaeological advisers. The views of the West Team Conservation Area are set out below in the main body of the report at key issue 4 but he is supportive.

HIGHWAY AUTHORITY - 2nd March 2017

Since submission of the application the Highway Authority have continued to work the applicant's consultant team to resolve the design aspects in terms of the proposed highway design and layout, and in principle are supportive of the application with the section 38 design process providing a back stop for any unresolved or details that need to be varied.

It is noted that the level of parking provision is sub- standard as garages are not allowable. It is for the Local Planning Authority (LPA) to consider if this is acceptable but should this be the case the Highway Authority would seek a condition that imposes that the garages shall be for the parking of vehicles only and shall be maintained free from obstruction in perpetuity.

The new layout indicates that the footway on Exeter Road will be replaced by planting and the footway made an integral part of the development. This is supported subject to resolving the maintenance arrangements. This was to deter pedestrians from walking alongside Exeter Road and use the internal

There is a permissive footpath between the site and Downshead Lane. This is acceptable and as a permissible footpath a hogging style surface covering without lighting is considered acceptable.

The submitted construction details are acceptable and any variation can be dealt with at the section

Recommendation:

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

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

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

2. Off-Site Highway Works No development shall take place on site until the off-site highway works the provision of a planted verge on Exeter road have been submitted and approved in writing with the Local Planning Authority

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

ENVIRONMENTAL HEALTH - 3rd January 2017

Contaminated Land No comments on these reserved matters

Air Quality No comments on these reserved matters

Environmental Permitting N/A

Drainage I have no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

DEVON, CORNWALL & DORSET POLICE - 19th December 2016 – Comments submitted include Guidance on how to fully comply with the requirements and specifications of Secured by Design (SBD), and the importance of securing the boundary treatments as shown on the approved plans.

NATURAL ENGLAND - 21st December 2016

No Comments.

LEAD LOCAL FLOOD AUTHORITY - 12th January 2017

Initially expressed concerns as not all aspects of the proposed surface water drainage management system had properly considered and reflected on the submitted plans. However the applicant's drainage consultants have worked positively to redress the outstanding matters and now able to confirm support for the application.

30th March 2017 –

We have no objection to the above reserved matters planning application, and recommend discharge of Condition 12 of the above outline planning application.

The applicant has provided further information in their email dated 06/03/2017 and following discussions with the consulting engineer an updated surface water management strategy has been provided within the updated drawings: Drawing No. 293-1003-P03(Dated 29/03/2017), Drawing No. 293-2501-P10 (Dated,29/02/2017) , Drawing No. 293-2502-P10 (Dated,29/02/2017), Drawing No. 293-2504-P10 (Dated,29/02/2017), Drawing No. 293-2504-P11 (Dated,29/02/2017), Drawing No. 293-2505-P10 (Dated,29/02/2017). As such we have no further objection to the proposed strategy.

CREDITON TOWN COUNCIL having initially considered the application on 20th December 2016 and raising no objection, the application was considered again on 23rd March 2017 and CTC subsequently recommend OBJECTION due to the proposed layout of the highway and pedestrian connectivity to local services being non-existent.

REPRESENTATIONS

At the time of writing this report two letters of representation have been received. The first letter objected to the routing on the footpath connection from the northwest corner around to Downshead Lane but this matter has since been resolved. The second letter was in regards to managing surface water run-off from the site.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determination of this application are:

1. Policy
2. Layout
3. Design Quality
4. Heritage Impact Assessment
5. Parking Provision
6. Other issues

1. Policy

The site is allocated for development under policy AL/CRE/1 and as stated above the principle of residential development on this site has been established by the outline consent as set out above. The outline consent requires 27.5% of the new dwellings to be provided as affordable housing.

Recommendations 2 and 3 as set out above reflect a revised tenure and unit mix for the affordable units compared to that agreed at the outline stage. Although the revised tenure mix is different to the requirements of policy AL/DE/2 the proposed tenure is now reflective of current market conditions for the delivery of affordable housing and with the unit mix reflecting current local need

The units are clustered in groups along the lower part of the site but are distributed so as to avoid a concentration and it is considered that as a result the new estate will function as a mixed and balanced community.

The revised arrangements are supported by the Head of Housing and Development and his team and therefore it is requested that members endorse the revised arrangement for the delivery of affordable housing. This will require the signing of a supplemental S106 agreement.

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

2. Layout

The proposed scheme utilises the means of access as approved by the outline consent with the main spine road being 5m wide with sections of footway on both sides, and then circulating to create a network of streets and spaces as described above.

Where the streets have housing on either side there is a footway on either side of carriageway. Towards the top of the site (rural Zone) there is single section of footway on the upperside of the carriageway with the two cluster groupings of six properties each to form book ends to the upper level street scene.

The parkland zone from a layout perspective is designed to include properties set within an organic layout as well as presenting in a more formal street scene arrangement. Shared surface arrangements are proposed to access small cluster groups in a cul-de-sac style arrangement of housing defined street scene. The parkland zone is defined by a significant area of open space presenting at it's narrowest point at 15.0 metres in width and 40.0 metres at its widest.

The space seeks to aid legibility and pedestrian movement across the site effectively presenting as green lung comparable to Peoples Park above Buller Road in Crediton. This open space terminates at the site entrance in the northwest corner of the site linking to the new footpath connection. The layout as designed will ensure that there is always natural surveillance of this route.

The lower part of the site accommodates the most dense form of development with formal terraced street scenes and mews style cottage groupings adjacent to the boundary with the Wellspark farm complex in the south east corner. The mews style cottages are accessed via a shared surface arrangement. As stated above the site frontage is to incorporate the substandard footpath along Exeter Road with a ramped connection from the existing footpath at the western boundary and a ramped connection back down to the footway at the eastern boundary, and at the mid point of the route stepped and ramped to link into a future strategic crossing point.

The majority of the new highway network is to become adopted highway but with some sections remaining as private driveways. The adopted highway is mainly a tarmac surface with the private driveways articulated with a different treatment. There are ramped section in the highway that are treated differently at key points to manage traffic circulation and speeds around the estate.

Apart from the parkland open space the site includes a number of landscaped areas to incorporate new tree planting, shrub planting and amenity grass land areas, with significant planting to the southern (highway boundary) and western boundary. In total 232 new trees are proposed to be planted in addition to the provision of hedgerows and whip planting.

3. Design quality

The site is set back from Exeter Road but where the new development will be highly visible at the highway edge. The scheme includes a variation of two and three storey units which are arranged so as to step up the site and the horizontal and vertical street scene sections that have been submitted clarify how the scheme will present in axonometric format. The relation with the Wellspark fam complex is considered at point 4 below but with the exception of this sensitive boundary the application site does not sit within a strong built context. The proposed dwellings all provide accommodation over two storeys with garage and entrance levels making a third storey at the front of units where the topography presents a difficult change in level that has to be managed. These split level units present at the rear as two units. The range of unit types across the site (18 plus the apartment block) create visual interest whilst all the house types draw from a common palette of materials. Following on from the pre-application consultation undertaken by the applicant a traditional palette as described above is proposed to reflect the preferred choice of local stakeholders.

The number of units reflects the terms of the outline planning permission and delivers a relatively low density scheme which is reflective of the challenging site conditions. Overall it is considered that the design strikes an acceptable solution for this edge of settlement location which will deliver an estate type environment with house designs that are respectful to the wider context of Crediton and in accordance with policy DM2.

All of the dwellings benefit from private amenity space and specific provision for refuse storage. The dwelling sizes range as set out above and all the house types exceed the overall floor space requirements set out by the Government's nationally described space standards.

A condition will be imposed for provision of the material samples and the refuse storage enclosure detail.

A variety of treatments are proposed as set out on the boundary treatment plan and as described above.

The applicant has submitted a Carbon Reduction Strategy which promotes a fabric first approach with the implementation photovoltaic roof panels as an option on some properties with a south facing roofscape.

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

4. Impact on the setting of heritage assets

Condition 4 of the outline planning permission required an analysis of how the development affects the setting of both the Downes Park farm estate and the Wellparks farm complex. Given the Downes Park farm complex sits beyond the new section of link road the development does not impinge on the setting of the Estate neither does it present a visual connection.

However the Wellparks farm building complex is set adjacent to the site in the south east corner, with the buildings set approximately 12-16.0 metres from the site boundary with plots units on plots 3, 6, 27 and 23 sitting very close to the boundary and with a limited boundary treatment comprising of lightweight fence detail.

In response to these concerns and following discussions with West Team Conservation Area Officer the applicant has amended the boundary detail to include Devon bank detail with a field maple hedgerow on top which will grow to present a screen between just below 5.0 metres in height. In addition the siting of the nearest units have been slightly pushed away from the site boundary and the roof detail of these units has been changed to a hipped roof.

Combined these changes help to present a better arrangement in terms of protecting the setting of the Wellspark farm complex and reflecting the fact that the site is promoted for development under allocation policy AL/CRE/1. Historic England have confirmed that they do not wish to maintain an objection to the application. Furthermore the West Team Conservation Area officer has confirmed that he considers that the proposed alterations, in particular the introduction of the Devon bank hedgerow have gone a considerable way to help the new buildings assimilate into the setting of the listed buildings at Wellparks.

In summary the proposals are considered to be compliant with Policy DM27 in terms of protecting the setting of both the Wellspark farm complex and the Downes Estate.

5. Parking provision

Policy DM8 requires the provision of 1.7 parking spaces per dwelling which across the whole site would generate a need for 315 spaces in order to be policy compliant. The parking strategy proposes 443 parking including garage provision, and a number of the properties on the southern section of the site have a second parking space on plot directly in front of the garage on adjacent to plot. Your officers have discussed with the applicants team alterations to the layout that could increase the number of parking spaces on plot and/or adjacent but none of the solutions presented are ideal in design terms (use of garage courts/loss of open space etc). Excluding garages/car ports, the scheme provides for a total of 276 parking spaces.

However there remains concern that with this arrangement the garages could be lost from use and therefore vehicles would be forced to park on the highway. To overcome this concern a condition is recommended to ensure that the garages are retained for the purposes of car parking only.

On this basis it is considered that parking arrangements for the scheme is acceptable, albeit that it does not fully comply with the requirements of policy DM8 and the Council's SPD on the provision of parking in new developments.

6. Other issues - Concerns of Town Council and other third party comments and Flood Risk concerns

6.1 Concerns of Crediton Town Council (CTC) and other third party comments

As set out above CTC confirmed on the 20th December that they raised no objection to the scheme, however having considered the revised drawings CTC have raised an objection due to the proposed layout of the highway and pedestrian connectivity to local services being non-existent. A summary of the proposed connections from the site is set out below:

The footpath link from the north west corner remains part of the development and is proposed to follow a course which the occupier of the adjoining property (Fairparks) is happy to support and this will effectively provide an off road route back up to Down Heads Lane, connecting through to Mill Street and along East Street onto the High street with a schedule of off-site highways (required as part of the outline permission) works to support safe movement along the route. This is as per the approved detail at the outline stage, and was a condition of the outline consent (condition 13). In addition a more direct route up to the pedestrian bridge on the eastern side of the site is also proposed.

The other requirement under condition 13 was the increase in width to the footpath along Exeter Road. However as shown on the original plans as submitted, the applicants are seeking to vary how they provide this detail by effectively taking the footway back into the application site. Whilst the revised plans now show this pathway on the other side of the road to the houses on the lower section of the site it remains an integral part of the proposed scheme maintaining the routes down to the Exeter Road at key strategic points to enable pedestrian access to the facilities on the other side of Exeter Road including Tescos and Crediton Railway station. The existing footway is to be planted over presenting as grass verge. The approach as outlined is considered to represent a to provide a safer route for pedestrians and cyclists. Furthermore, subject to agreeing a maintenance regime for the new roadside landscaping, Devon County Council are sympathetic to this approach.

Therefore your officers are of the view that the connections to local services are acceptable.

6.2 Flood Risk Concerns

The mitigation strategy to deal with surface water run off was established at the outline planning application stage. The northern catchment will be positively drained to a new attenuation pond to the east of the site, across the new link road, where the water will be attenuated and flows from the pond controlled to meet the approved discharge rates. The discharge will be to the minor watercourse on the southern side of A377 Exeter Road. The southern catchment will also be positively drained and will then be attenuated in an on-site attenuation tank (oversized pipe channels below the frontage highway). Discharges off site will be to the South West Water sewer located on the southern side of the A377 Exeter Road with appropriate discharge rates.

The applicant has continued to engage positively with the lead Drainage Authority to resolve outstanding issues with regards the finer detail to ensure that the mitigation strategy as designed is sufficiently robust.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to their use on site samples of the materials to be used for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
3. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
4. The approved details of all new tree planting and hedgerows in addition to all seeding, turfing and associated earthworks as shown on the approved plans shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of 15 years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Once provided, the landscaping scheme shall be so retained.

5. The garages as shown for plots 1, 2 and 10 through to 129 as shown on the overall site plan layout drawing no. 55revP hereby approved shall be permanently retained and made available for the purposes of vehicular parking only.
6. Prior to the occupation of any of the dwellings on the site details of the storage enclosures for the refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with these agreed details prior to the occupation of the dwelling to which it relates and be so retained.
7. Within a calendar month of the date of this decision notice a phasing plan confirming the timing and delivery of the provision of the permissive footpath from the north west corner of the site to Downshead Lane, from the north east corner to the pedestrian overbridge to the north of the site, the new permissive footway/cycleway across the site frontage and new grass verge along Exeter Road and the new boundary treatment proposed to Wellparks farm complex shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented accordingly.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM14 and DM27.
3. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
4. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
5. To ensure that an appropriate level of parking provision is retained in order to protect the general amenity of the area in accordance with Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM8.
6. To ensure that there is appropriate facilities for refuse storage on site in accordance with Policy DM14 of Local Plan part 3 (Development Management Policies).
7. To ensure that the approved connections to and from the site and the new boundary treatment as specified are delivered in an orderly and timely fashion and in accordance with the policy COR9, DM2 and AL/CRE/1.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This is a reserved matters application for the erection of 185 dwellings with parking and open space. The site is allocated for development under policy AL/CRE/1 and the principle of residential development on the site with a single point of vehicular access has been established by the outline consent 14/00830/MOUT. The density of the development proposed is in accordance with the terms of the outline permission and the overall the layout with three distinct character areas is considered a positive design response to the site. The design and housing mix for the three areas as proposed is considered acceptable and will positively redresses the challenging topography the site presents, and will help to create a mixed and balanced community for future occupiers.

The parking arrangements as proposed are on balance considered acceptable. Given the site location it is considered that the application proposal incorporates suitable linkages to the other services in the Town, and includes proposals for a safer passage for pedestrians/cyclists along Exeter. Satisfactory arrangements are proposed for the management of surface water from the site.

Finally it is not considered that the proposals adversely affect the amenities of neighbouring occupiers to the site. On this basis the proposal is recommended for approval in accordance with Policy COR1, COR2, COR3, COR8, COR9, COR11 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), AL/CRE/1, AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan part 2) and Mid Devon Local Plan part 3 (Development Management Policies) DM1, DM2, DM3, DM8, DM14 and DM27 and guidance in the National Planning Policy framework and the Governments National Space Standards.

Application No. 17/00106/MOUT

Plans List No. 3

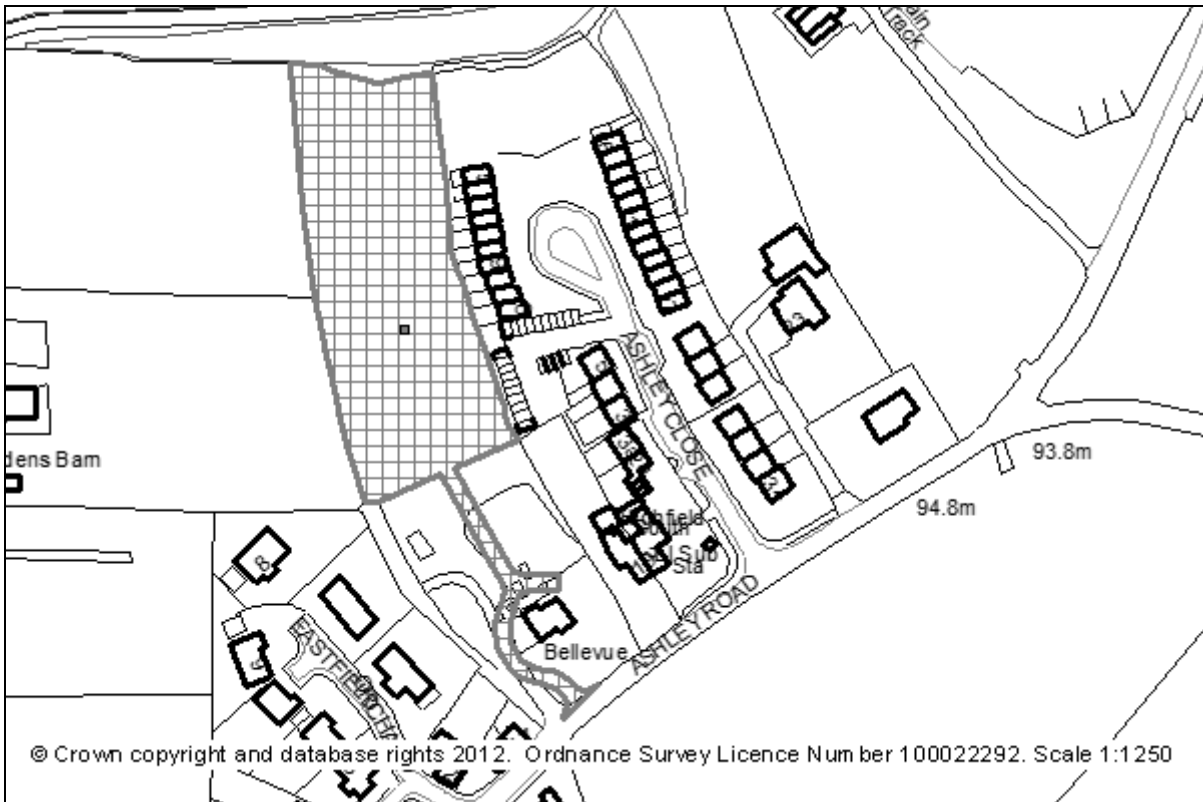
Grid Ref: 306965 : 113252

Applicant: Mrs R Reynolds

Location: Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon

Proposal: Erection of 16 dwellings with access and associated works

Date Valid: 23rd January 2017



Application No. 17/00106/MOUT

RECOMMENDATION

Grant subject to conditions and a Section 106 Agreement to secure

1. 35% affordable housing (4 affordable dwellings on site);
2. Financial contributions towards primary and secondary education totalling £107,218;
3. A financial contribution towards provision of new multi-play, toddler and flat seat swings at Pathfields Play Area, Uffculme of £19,280.

PROPOSED DEVELOPMENT

The application seeks outline planning permission for the erection of 16 dwellings (35% affordable housing = 4 units) with access and associated works. Access to the site and site layout are to be determined under this outline application with all other matters (scale, appearance, landscaping) reserved for later consideration under reserved matters application(s).

The site comprises 0.66 hectares of agricultural land on the north eastern side of the village of Uffculme. The site is not allocated and is outside the defined settlement boundary of the village.

The site adjoins Ashley Close to the east and Hillhead Quarry, the concrete factory and bagging plant lies to the north east. The site is to the rear of a development site granted planning permission for 10 dwellings in April 2014 under reference 13/01702/MOUT, although that consent has lapsed during the consideration of this application without an application for reserved matters being submitted. The proposed development is to use the same access as that development site.

The land rises towards the rear of the site. The proposed central estate road would be a continuation of the road serving the development of 10 dwellings to be erected to the front of the site. The sixteen dwellings would be arranged around the central road with a turning head to the northern end of the site. The dwellings would take the form of two terraces of three dwellings each, one pair of semi-detached dwellings and 8 detached dwellings. Each dwelling would have two parking spaces and private amenity space with space for cycle and bin storage. It is intended that the estate road be adopted.

A SUDS scheme will be provided on site and foul drainage will discharge to the public sewer.

Although landscaping is a reserved matter, it is intended to retain and supplement existing hedge boundaries and retain a large Oak tree on the western boundary. A landscaped "buffer" is intended to be provided on the northern side of the site between the proposed dwellings and Hillhead Quarry. The site is within Devon County's Minerals Consultation Zone.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Transport Statement
Acoustic Assessment
Draft Heads of Terms
Energy Reduction Statement
Flood Risk Assessment
Landscape & Visual Impact Assessment
Drainage Strategy
Planning Statement
Protected Species Survey
Waste Audit Statement

PLANNING HISTORY

13/00677/MOUT - Outline for the erection of 13 dwellings following demolition of existing dwelling - REFUSE date 24th October 2013

13/01702/MOUT - Outline for the erection of 10 dwellings and construction of new vehicular and pedestrian accesses - PERMIT date 3rd April 2014

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/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM27 - Development affecting heritage assets
DM29 - Protected landscapes

Devon Minerals Plan 2017

M2 – Mineral Safeguarding Areas

CONSULTATIONS

UFFCULME PARISH COUNCIL – 13th February 2017 - OBJECTION

The Parish Council opposes this application as it is outside the accepted settlement limits of the village. The Parish Council cannot support this application as it is not a parcel of land that is allocated for housing development in the local plan. The site also presents issues in terms of the access onto Ashley Road, an already very busy road. The cumulative effect of the additional travel on insufficient infrastructure within the village will cause problems. We understand there is local opposition.

HIGHWAY AUTHORITY - 30th January 2017 – NO OBJECTIONS

The Local Planning Authority will be aware of the Highway Authority comments on this site at pre application, and through The Strategic Housing allocation assessment and that an extension of the existing consented development through the proposed new access arrangements is acceptable to the Highway Authority. The applicant has set out the transport issues in the transport statement which is acceptable to the Highway Authority. However the road serving the existing development previously granted consent should be built and open to use prior to commencement on site and a suitable Grampian condition should be imposed. In addition it will be necessary for a construction management plan to be submitted and approved for this development.

The indicative layout turning and parking are acceptable therefore subject to the following conditions the Highway Authority would raise no further observation.

Conditions:

1. Approval in writing of estate road details.
2. No development to begin until access road and footway along highway frontage are constructed to base course level; visibility splays are laid out; site compound and car park provided.
3. No development to begin until surface water drainage scheme (SUDS) approved in writing.
4. No development to begin until Construction Management Plan approved in writing.
5. No occupation until cul-de-sac carriageway, turning head, visibility splays and footways are constructed to base course level; sewers, manholes and service crossings are completed; street lighting is erected and operational, service margins and vehicle crossings on road frontage of dwelling are completed with highway properly defined, street nameplates are erected.

LEAD LOCAL FLOOD AUTHORITY - 27th March 2017 – NO OBJECTIONS

Further to the submission of the Drainage Strategy Report (Report Ref. RMA-C1652, Rev. 3, dated 17 January 2017) we have no objection to the proposed surface water management strategy presented subject to detailed design and assuming that pre-commencement planning conditions are imposed on any approved permission in respect of:

1. detailed design of the proposed permanent surface water drainage management system
2. details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management
3. detailed design of the proposed surface water drainage management system to serve the development site for the full period of its construction

DEVON COUNTY EDUCATION - 15th February 2017 – NEUTRAL

Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 16 family-type dwellings will generate an additional 4 primary pupils and 2.4 secondary pupils.

Devon County Council seeks a contribution towards provision of both primary and secondary school infrastructure with regard to these proposed dwellings. Our Primary contribution request is £54,608 and the Secondary education contribution is £52,610.

ENVIRONMENTAL HEALTH – 27th February 2017 – NO OBJECTIONS

Contaminated Land - Phase 1 Contaminated Land survey required

Air Quality - No objections to this proposal

Environmental Permitting - N/A

Drainage - No objections to this proposal

Noise & other nuisances - It has been identified that the nearby blockworks operates two wheeled front end Loaders which regularly work within the vicinity of the proposed development (<170m). Due to noise levels from the blockworks and quarry, recommend approval with condition in respect of glazing. The noise reduction measures for Plots 14-16 will provide the residents a greater level of protection from any road access noise.

Housing Standards - No comment

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - No objection to this proposal enforced by HSE

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 24th January 2017 - NEUTRAL
Currently we have a housing demand of 39 for Uffculme (Bands B-D).

Bed	Band B	Band C	Band D	Band E	Total
1	6	3	13	9	31
2	2	1	6	6	15
3	3	1		2	6
4		3			3
5	1				1
Total	12	8	19	17	56

DEVON, CORNWALL & DORSET POLICE - 21st November 2016 – NO OBJECTION

I am aware that this application is in the outline stage, and that the drawing was illustrative as opposed to indicative. 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.

ENVIRONMENT AGENCY - 26th January 2017 - NO OBJECTIONS

The site lies within Flood Zone 1. We advise that we have no comment to make on this application and recommend that you consult Devon County Council, the Lead Local Flood Authority, on the proposal.

NATURAL ENGLAND – 31st January 2017 – NO OBJECTIONS

Statutory nature conservation sites - no objection

Protected species - standing advice applies

DEVON COUNTY COUNCIL MINERALS AND WASTE PLANNING - 1st February 2017 - NO OBJECTIONS

Mineral Safeguarding

The application site in Belle Vue is outside of the new Mineral Safeguarding Area but within the associated Mineral Consultation Area.

The site is close to the concrete products factory and aggregates bagging plant associated with Hillhead Quarry, with the northern boundary of the site adjoining the access road to those facilities. As these mineral facilities are subject to a condition limiting noise levels at any noise sensitive property, it is important that new development in the vicinity does not constrain operation of these facilities to any greater degree.

Subject to inclusion of the condition recommended by your Council's Environmental Health Officer requiring acoustic glazing and ventilation for plots 14-16, Devon County Council has no objections on mineral policy grounds.

Waste Audit Statement

Given the outline nature of the application, the submitted Waste Audit Statement is considered appropriate, but it would be prudent to require submission of details of waste storage for the dwellings at reserved matters stage.

REPRESENTATIONS

17 objections summarised as follows:

1. Significant visual impact for residents of Ashley Close; the proposed development would be too close
2. The land slopes steeply and is not suitable for housing
3. Development could significantly impact on privacy of existing residents
4. Proposed planting could negatively impact on light to existing properties
5. Excavation work could affect the retaining walls for the properties in Ashley Close
6. Increase in traffic between Ashley Close and primary school; there are sections with no pavement
7. The transport report under-estimates the number of vehicle movements
8. Ashley Road is narrow and already congested at peak times, particularly on entry to The Square; buses have difficulty getting through; extra vehicles will worsen the situation

9. The access will generate noise pollution and air quality will be damaged (construction and when built)
10. No safety barriers are shown; any car falling down the slope would fall into the neighbouring garden
11. The access road is single lane and unsuitable for the site
12. The access would not be suitable for the amount of vehicles and is unsafe with no visibility
13. Issues with drainage and potential waterlogging at the bottom of the site of neighbours gardens
14. The site is suitable for housing but a greater variety of sizes is needed; more larger properties
15. The site will not help young families trying to get on the housing ladder as only 2 x 2 bed properties
16. There is no shortage of housing in the area, including in the village
17. The number of houses on the neighbouring site was reduced as it was originally considered to be over-development; the current proposal is also over-development
18. A housing development is not visually attractive and will not integrate well and does not empower local people to shape their surroundings; it will result in substantial harm to landscape character
19. The land is outside the village boundary and should only be development if there is urgent need for housing in the village; this is not the case
20. Mid Devon has an up to date local plan with extensive proposals for new build housing
21. The development would result in loss of productive farmland
22. Services such as the sewer would be overloaded and require upgrading
23. Lack of capacity at primary and secondary schools (no room to expand primary school); how does the financial request from Devon County add up and how will this provide extra classrooms and employ extra teaching staff
24. The development would affect wildlife
25. The proposal would not provide local employment as the company are based in Exeter; Mid Devon does not have high rates of unemployment
26. The site is within the Hillhead Quarry Minerals Consultation Area, the northern boundary adjoining the quarry access road. The closest dwellings would be 30m from the road. Noise and vibration from the bagging plant, concrete factory, vehicle movements permitted from 6am to midnight could give rise to complaints.
27. The development would be contrary to the Devon County Minerals Plan (MP3, MP16); planning permission for residential development may limit the operations at the quarry.
28. In the event planning permission is granted, the buffer zone shown on the plans must be maintained.

1 letter of support summarised as follows:

1. The country is in need of housing and it is selfish for people to object to new build on their doorsteps when the development could house 16 families in need of a home.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

1. **Principle of development, including 5 year land supply**
 2. **Minerals consultation zone**
 3. **Landscape and visual amenity**
 4. **Access and highway safety**
 5. **Layout, parking and impacts on existing residents**
 6. **Ecology, trees and landscaping**
 7. **Heritage**
 8. **Flood risk and drainage**
 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 Uffculme 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 (Local Plan Part 1) 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.

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).

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.

Uffculme has good level of local services and facilities and is considered to be a village that is in a relatively sustainable location for the development of additional housing. In allowing the appeal, the Inspector in relation to an appeal for 60 dwellings at the western end of the village, stated that:

"Uffculme has a wide range of facilities, including two shops (one of which contains a Post Office), a pair of public houses, hot food takeaway, doctor's surgery, community hall and playing fields, pre-school and primary school. Comparatively speaking, it is better served than the other villages listed in Policy COR 17 and is the only one to have its own secondary school and dedicated library".

He goes on to state that: "It would be unrealistic to expect the village to achieve self-containment. Nevertheless, in relative terms and in a rural context, this is a sustainable location for development"; and "I am not persuaded that the proposal would be inherently unsustainable, either by virtue of its scale or location. It would bring social benefits in terms of delivering much needed housing against a background of historic undersupply and an absence of a five-year supply of deliverable sites. This carries considerable weight in the overall planning balance."

In addition, concern has been raised that there is little employment in Uffculme. This was considered in the previous appeal, the Inspector commenting that:

"Residents may choose to travel further afield for leisure, shopping or commuting purposes. However, there are opportunities to use sustainable transport modes and villagers have a real choice about how they travel.

There are bus services to Tiverton, Cullompton, Taunton and Exeter and the timings of these would be suitable for the daily journey to work. Moreover, the Langlands and Mid Devon Business Parks are both on bus routes."

As mentioned above, paragraph 14 of the NPPF requires 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. The paragraphs below assess the potential harm and benefits of the proposed development.

2. Minerals consultation zone

The Devon Minerals Plan was adopted on 16th February 2017. The site is close to Hillhead Quarry with its associated concrete products factory and bagging plant. Concern has been raised by the operators of the quarry that residential development on this site would prejudice their ability to operate effectively as it may result in complaints of noise and other pollution.

The application site is outside of the Mineral Safeguarding Area (MSA) identified within the Mineral Plan but within the associated Mineral Consultation Area (MCA). There is a requirement to consult Devon County to check whether development within the MCA may constrain working within the MSA.

Devon County has explained that inclusion of land within a MSA and/or MCA does not represent a veto on non-mineral development being permitted but the designation ensures that the presence of a mineral resource or mineral infrastructure is recognised and taken account of in decision-making.

Policy M2 of the Devon Minerals Plan allows for permission to be granted for non-mineral development within or affecting a MSA where one of five criteria are met. In the case of the proposed housing, the noise assessment provided by the applicant, together with the proposed layout and noise condition recommended by Environmental Health, indicate that the development can be carried out without constraining operation of the existing mineral plant. On that basis, Devon County has no objection to the proposal subject to inclusion of its recommended conditions.

In addition, Devon County has provided specific observations on the consultation response by Aggregate Industries UK Ltd (AIUK). They state that AIUK's concrete products factory is entitled to operate 24 hours per day and is a potential source of noise nuisance for occupiers of the proposed dwellings. However, the application site is located further from the concrete products factory than the existing housing at Ashley Close and Hill Park, and it is considered that development of the site would not constrain the factory to any greater degree than existing dwellings. AIUK also refer to the proximity of the factory access road, which is entitled to be used for deliveries during the hours 0530-0000 Mondays to Saturdays. The applicant's acoustic assessment included consideration of the effects of traffic using the factory access road and, subject to measures reflecting the condition recommended by Environmental Health, concludes that the predicted noise level would be acceptable.

The area between Plots 14-16 and the concrete products factory access road is proposed to be planted with trees and Devon County recommends conditions requiring details of this planting and its subsequent implementation and management, and preventing any part of this landscaped area being used as a garden.

With regard to the allocation of land West of Penslade Cross in the emerging Devon Minerals Plan, the applicant's acoustic assessment included the potential noise impacts of this future development. Given the intervening distance (approximately 300m at the nearest point) and topography and the presence of existing dwellings closer to the proposed mineral site, it is not considered that the proposed development would amount to a significant constraint.

Policy DM7 of the Local Plan Part 3 (Development Management Policies) pollution impacts to be assessed and mitigation measures put in place where necessary. Development will only be approved where the effects of pollution will not have an unacceptable impact on health, the environment and general amenity. The applicant has submitted an acoustic assessment with the application.

Environmental Health has considered the issue of potential noise impacts on future residents and has confirmed that, subject to the implementation of the recommended noise reduction measures for Plots 14-16 which would provide the residents a greater level of protection from any road access noise, they have no objections to the proposal.

Based on Devon County and Environmental Health's advice, your Officers do not consider that proximity of the site to the quarry, concrete products factory, bagging plant and associated road, would have an unacceptable impact on future residents of the site, nor would the proposed residential development amount to a significant constraint to the quarry operators.

Environmental Health has requested a Phase 1 land contamination report be submitted as part of the reserved matters application, as a precautionary measure due to the proximity of the quarry.

Subject to conditions, the development is considered to comply with policies DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies) and M2 of the Devon Minerals Plan.

3. Landscape and visual amenity

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape. 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.

Concerns have been raised that the development would not be attractive or integrate well, and would result in substantial harm to the landscape character. The appearance of the dwellings is to be determined at reserved matters stage.

However, the impact of the development on the landscape has been considered under this application.

The applicant has submitted a landscape and visual impact assessment that confirm that the site is not within or close to a designated landscape and not within the Uffculme conservation area. The visual impact of the development has been assessed from a number of public vantage points including public rights of way and roads. The LVIA describes the potential effects of the development on visual amenity. From Ashley Close immediately adjoining the site to the east, the LVIA describes the visual effects as being "moderate adverse". Houses in Ashley Close currently look onto agricultural land and the view would be changed to a housing development. Otherwise, changes in views are described as "minor adverse" or "neutral".

The site is to the rear of an existing development site for 10 dwellings that fronts Ashley Road granted planning permission under reference 13/01702/MOUT. Concern was raised at the time of that application that the development it would appear dominant on Ashley Road as the ground is elevated above the road. For this reason, the number of dwellings was reduced and the development pulled back away from the road frontage. The proposed development would be to the rear of that site and the current proposal would be somewhat screened by that development.

The site slopes towards the north and the site would be visible in some longer distance views. However, the northern (higher) part of the site is being left undeveloped and will form a screen between the development and the quarry/concrete plant to the north. There is existing development to east (Ashley Close) and in longer distance views the development would be seen in the context of existing development as Ashley Close or other development in Uffculme. The site would not be viewed as isolated from the village.

Overall, it is considered that the development would be visually well-integrated into the village and to comply with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 Development Management Policies in respect of its visual and landscape effects.

4. Access and highway safety

Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) seeks development in accessible locations to reduce the need to travel by car and which has an acceptable impact on road safety through management of car parking and traffic.

Policy DM2 of the Local Plan 3 Development Management Policies seeks the creation of safe and accessible places that encourage sustainable modes of travel such as walking and cycling.

Whilst the development is outside the defined settlement boundary of Uffculme, it adjoins the village and is within walking distance of a number of facilities including the primary school and village centre.

The site is proposed to be accessed from Ashley Road, using the same access as previously approved (but now lapsed) for the development of 10 dwellings to the south granted planning permission under reference 13/01702/MOUT, the access road extending through that development on the current application site.

The access approved under that planning permission required improved visibility at the junction with Ashley Road and a new pedestrian footway across the entire frontage of the site.

Concern has been raised with regard to a number of highway-related matters: vehicle numbers underestimated; the narrow and congested nature of Ashley Road; unsafe access with poor visibility; safety of access provisions.

The Highway Authority has considered the transport statement and highway safety issues and considers the proposal to be acceptable.

The Highway Authority considers that the proposed new access arrangement is acceptable provided that the road serving the development previously granted planning permission and the frontage footway is built and open to use prior to commencement on site. The Highway Authority also recommends the approval of a construction management plan.

Given that the permission for the development of the site to the south has lapsed during the consideration of this scheme it is no longer possible to impose a Grampian condition that those works be undertaken and at the time of writing additional drawings are expected to be submitted to include the details for the construction of the road and the provision of the frontage footway. An update on this will be provided prior to the committee meeting.

The development is considered to be in accordance with the requirements of policies Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan 3 Development Management Policies in respect of access and highway safety.

5. Layout, parking and impacts on existing residents

Layout is to be determined under this outline application, with scale, appearance and landscaping being reserved matters.

Policy DM2 of the Local Plan 3 Development Management Policies requires development to show a clear understanding of the characteristics of the site, its wider context and surrounding area, as well as creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes. Policy DM2 also requires that development does not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties.

Policy DM8 of the Local Plan 3 Development Management Policies sets parking standards of 1.7 parking spaces per dwelling and secure cycle storage. Mid Devon's SPD on parking sets out further parking standards.

The proposed layout shows a mix of detached, semi-detached and terraced dwellings fronting a central road with turning head to the north of the site.

Two parking spaces are indicated for each dwelling either immediately in front or to the side of the dwellings, or opposite. Cycle parking is to be provided in each private garden. The Highway Authority has confirmed that the indicative layout, turning and parking are acceptable and it is considered that the development complies with policy DM8 in this respect.

Concern has been raised both that the development should include larger properties and the development will not help young families as there are not enough smaller properties. There is intended to be a mix of sizes and tenures on the site, the development including 2, 3 and 4 bedroom properties. The mix is considered to be acceptable.

Concern has been raised that the land is steep and not suitable for housing and the proposal would represent overdevelopment of the site. However, the applicant's layout plan demonstrates that a suitable layout can be achieved. The steepest part of the site (to the north) is to be planted with trees and not developed. Whilst the layout is not imaginative, the site is relatively narrow and there are limited ways the site could be developed.

Where existing dwellings in Ashley Close back onto the site, the layout provides a suitable separation distance between the Ashley Close dwellings and the proposed dwellings and/or orientation to reduce any loss of privacy and amenity.

The area closest to the existing dwellings is not to be used for houses but would be used for parking, turning and gardens and will be landscaped. At the northern end of the site, plot 16 of the proposed development would be orientated side on to the existing dwellings, with a single storey garage and parking area closest to the existing dwellings, reducing the potential impact. Where the proposed dwellings face towards Ashley Close, there would be a separation distance of some 35 metres.

Whilst scale and appearance are reserved matters, your officers consider that the applicant has demonstrated that the site can be developed without there being an unacceptable impact on the privacy and amenity of existing residents, in accordance with policy DM2 of the Local Plan 3 Development Management Policies.

6. Ecology, trees and landscaping

An ecology report has been submitted with the application that confirms the development would not have an unacceptable impact on protected species, provided existing hedges and trees on the boundary of the site are retained and maintained traditionally, the site is surveyed for reptiles before clearance and any reptiles found are appropriately relocated before site works begin. The report also suggested biodiversity enhancements in terms of the provision of bat boxes and precautionary working practices in respect of protected species.

Subject to the development proceeding in accordance with these recommendations, the development is not considered to harm protected species in accordance with policy DM2 of the Local Plan 3 Development Management Policies and the NPPF.

There are a number of trees on the boundary of the site, including one large Oak. All trees are to be retained and a tree protection plan and arboricultural method statement is required to ensure their protection during construction.

Landscaping is a reserved matter. However, it is proposed to plant a number of additional trees on the site. Most importantly, a buffer area to the north of the dwellings between the developable area and the quarry/concrete factory site must be established and retained. It is proposed to closely plant this area with trees to provide a small woodland area. Concern has been raised that the additional planting would affect light to neighbouring properties. However, the new wooded area would be to the north of existing properties and have little effect on sunlight reaching existing dwellings. The planting is considered to contribute towards green infrastructure in the area, in accordance with policy DM29 of the Local Plan 3 Development Management Policies.

Concern has been raised that the development would result in the loss of productive farmland. The land is agricultural Grade 3 and it is not known whether it is 3a or 3b. The field is small and unlikely to be high value for agricultural production.

7. Heritage

The site is outside the conservation area and there are no listed buildings nearby. Devon Historic Environment Record Service has not requested any archaeological investigation. The proposal is therefore considered to be in accordance with policy DM27 of the Local Plan 3 Development Management Policies with regard to impacts on heritage assets.

8. Flood risk and drainage

Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to direct development to areas with the least potential to flood. The site is not within the flood zone.

Policy DM2 of the Local Plan 3 Development Management Policies seeks a sustainable urban drainage system scheme, if appropriate, to deal with surface water drainage.

Concern has been raised that there are issues with drainage on the site and the potential for waterlogging at the bottom of the site, near neighbouring gardens.

The drainage strategy proposed seeks to provide a detention basin on the south western part of the site as well as geocellular storage elsewhere on the site, likely to be in the central car parking area. Driveways would be constructed with permeable materials. Infiltration testing on the site proved to be unacceptable due to ground conditions.

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

Subject to these details, the Lead Local Flood Authority is satisfied with the surface water drainage proposals. It is not considered that the development would lead to an increase in flood risk for neighbouring properties.

Foul drainage would discharge into the main sewer. South West Water has not objected to the proposal.

10. 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 12 open market and 4 affordable dwellings which would provide economic and social benefits for Uffculme.

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 potential harm of the development has been considered in this report and it is considered that, subject to conditions and the provisions of the Section 106 Agreement, any harm could be mitigated to an acceptable degree.

Weighing in favour of the development is the provision of 12 market and 4 affordable dwellings which the NPPF states should carry significant weight.

Taking all the above into account, your officers consider that it cannot be demonstrated that the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, and therefore approval is recommended in accordance with paragraph 14 of the NPPF.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

9. 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 totalling 4 affordable dwellings, tenure and mix to be agreed.

Public open space and commuted sum

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling or a financial contribution towards off site provision of play areas and open space facilities where no on site provision is made. Policy DM29 of the Local Plan 3 Development Management Policies also requires major development to provide an element of green infrastructure.

No formal open space is intended to be provided on site. Accordingly, the applicant has agreed to enter into a Section 106 Agreement to secure a financial contribution of £19,280 towards provision of new multi-play, toddler and flat seat swings at Pathfields Play Area, Uffculme.

Education

Policy AL/IN/5 provides for new development to cover the cost of additional education provision required to meet the needs of the development. Concern has been raised that there is a lack of capacity at local schools.

Devon County Council estimates that the proposed 16 family-type dwellings will generate an additional 4 primary pupils and 2.4 secondary pupils and has requested an education contribution to mitigate its impact.

A contribution is sought towards provision of both primary and secondary school infrastructure, being £54,608 in respect of primary education and £52,610 in respect of secondary education.

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

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). Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £89,240. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £71,392.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.

2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, Phase 1 land contamination survey.
5. 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 which shall be restricted to between 8.00am and 6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm on Saturdays, and not on Sundays and Bank/Public Holidays;
 - c) any road closure;
 - d) hours during which delivery and construction traffic will travel to and from the site, 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;
 - 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.

The development shall be carried out in accordance with the approved Construction Management Plan.

6. No development shall begin until the trees and hedgerows to be retained on the site have been protected in accordance with a tree protection plan and arboricultural method statement which shall have previously been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection measures shall be retained during the period of construction of the development.
7. No development shall begin until a protected species mitigation/biodiversity enhancement plan (to include a timetable for implementation of measures) for the site has been submitted to and approved in writing by the Local Planning Authority. Such plan shall be informed by the Protected Species Survey dated September 2016 by Country Contracts. The development shall be carried out in accordance with the approved protected species mitigation/biodiversity enhancement plan.
8. No other development shall begin until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays have been laid out
 - c) The footway on the public highway frontage has been constructed up to base course level.

9. 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.
10. 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.
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 design of which shall be in accordance with the principles set out in the submitted Drainage Strategy Report (RMA-C1652, Rev 3, dated 17th January 2017). 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 on plots 14, 15 and 16 as indicated on the approved plans, shall be occupied until all windows in that dwelling have been glazed at a set standard of 4/16/4 to achieve a decibel reduction of 27 dB(A). The glazing shall be fitted with acoustic trickle ventilators which shall have an acoustic rating of not less than 30 dB Dn,e,w.
13. 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.
14. 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 cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b)The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to 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 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 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.

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 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 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the landscape character and visual amenity of the area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
7. To ensure the site makes a positive contribution to biodiversity in accordance with policy DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
8. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
9. To ensure that adequate information is available for the proper consideration of the detailed proposals.
10. 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 Mid Devon Local Plan 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 policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
12. To ensure satisfactory living conditions in respect of noise for the future occupiers of dwellings to the three dwellings to the north of the site, in accordance with policy DM7 of the Local Plan 3 Development Management Policies.
13. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development, in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
14. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
15. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is, on balance, considered to be acceptable in that the development would provide 12 market and 4 affordable dwellings in a sustainable location. Subject to reserved matters in respect of scale, appearance and landscaping, the landscape and visual effects of the development are considered to be acceptable. In the wider landscape, the development would be seen in the context of the existing built form of Uffculme. In addition, it is not considered that the proximity of the site to the quarry, concrete products factory, bagging plant and associated road, would have an unacceptable impact on future residents of the site, nor would the proposed residential development amount to a significant constraint to the quarry operators. The layout is considered to be acceptable and provides adequate levels of parking and amenity space and, subject to detailed housing design, the development is not considered to have an unacceptable impact on the privacy and amenity of existing residents. The access has already been approved under planning permission 13/1702/MOUT and is suitable for the additional houses. The applicant has agreed to make financial contributions towards education and public open space provision in the village.

The development is considered to be 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 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.

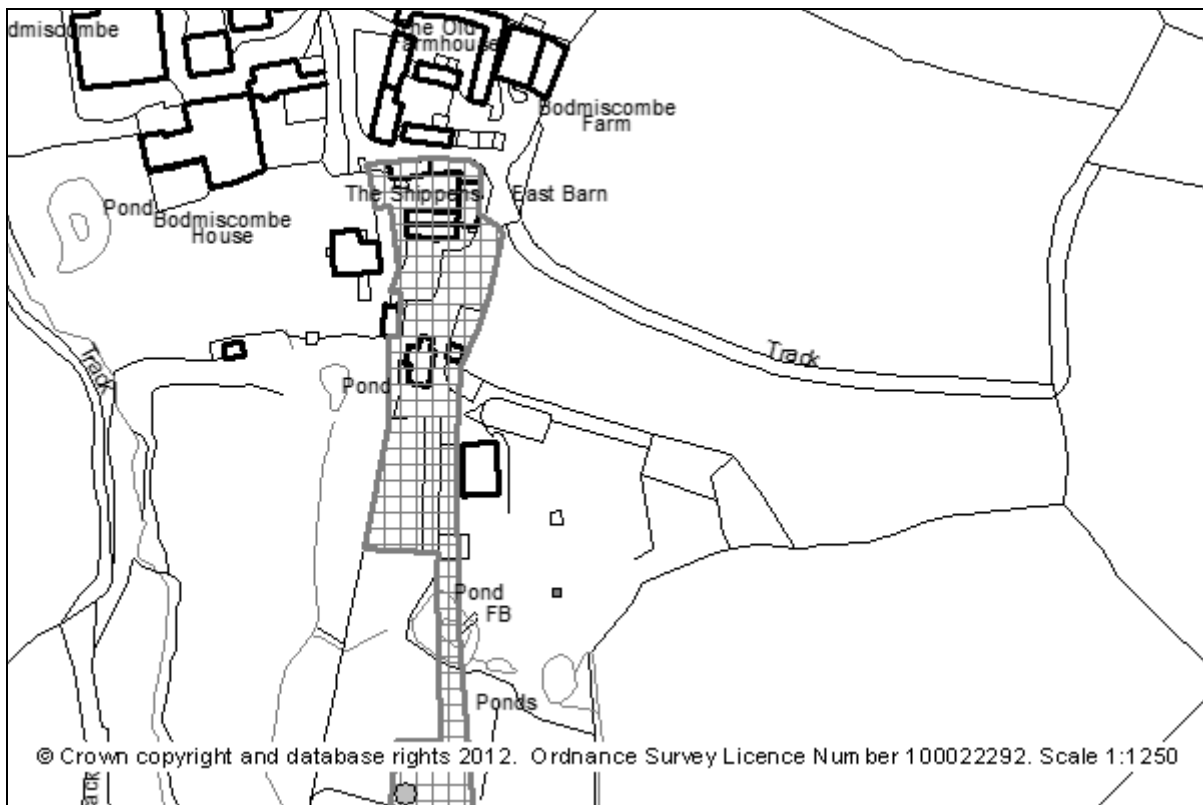
Grid Ref: 310932 : 109654

Applicant: Mr Raymond Hill

Location: Land at NGR 310932
109654 (The
Shippens)
Blackborough Devon

Proposal: Erection of a
polytunnel and field
shed

Date Valid: 8th February 2017



Application No. 17/00217/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

The proposed development is for the erection of a polytunnel and field shed at Land at NGR 310932 109654 (The Shippens) Blackborough.

The proposed polytunnel would measure 4.88 metres wide x 12.8 metres long with an overall height of 2.5 metres. The polytunnel would be constructed of 50mm diameter tubing with polythene stretched over.

The proposed field shed would measure 3.6 metres wide x 6 metres deep with an overall height of 2.7 metres at the front of the field shed sloping down to 2.1 metres at the rear of the field shed. The structure would be constructed of timber cladding with a gentle sloping green metal profile roof with small overhang to the front of the shed.

An application was granted planning permission in 2010 which included amongst other development, the change of use of land to garden. The extent of the land permitted to change use from agricultural land to domestic garden is considered to be fairly significant for a residential property. The current application seeks permission to site a polytunnel and field shed on land which is not defined within the area changed to domestic garden and therefore would be sited on agricultural land. The extent of land permitted for domestic use extends from the residential property in a southerly direction and includes the music/ recreation block as shown on the existing and proposed site plans. Both the polytunnel and field shed would be outside of this permitted domestic garden area. It is also noted that there is currently a large play area to the south of the site (shown on the existing and proposed site plans) also on agricultural land which is the location of unauthorised play equipment including adult exercise equipment, a zip wire etc.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, existing and proposed site plans, proposed polytunnel plans, proposed field shed plans, design and access statement.

PLANNING HISTORY

89/00024/FULL- PERMIT date 14th August 1989 - Change of use to convert buildings into three houses and alterations to vehicular access

93/00046/FULL - PERMIT date 29th April 1993 - Conversion of redundant farm outbuilding to dwelling and installation of septic tank

93/01326/FULL - PERMIT date 16th December 1993 - Detailed drawings for the conversion of redundant outbuildings to dwellings and provision of car parking

96/00008/FULL - PERMIT date 23rd February 1996 - Variation of condition (2) relating to conformity with approved drawings & condition (2)(i) relating to making good in natural stone p.p 4/53/93/1326 to permit (a) the rendering of the south gable end & elevation of unit 3 & the enlargement of the first floor window in the same elevation (b) the application of dark stained boarding to the left hand side of the west gable end elevation of unit 2 & (c) the rendering of the upper part of the west elevation of unit 2.

96/00447/FULL - PERMIT date 29th September 2000 - Erection of a timber play hut and provision of play area

95/01205/FULL - PERMIT date 6th September 1995 - Conversion of garden store/workshop to residential annexe for use in association with Unit 3

01/00544/FULL - PERMIT date 11th September 2001 - Retention of shelter and shed

00/01048/FULL - PERMIT date 15th November 2000 - Retention of two metal flues one on unit 2 and one on annexe to unit 3, revised design of stable door on west elevation of unit 2, timber cycle shed located to south of unit 2 and erection of glazed extension to play hut and garden shed

04/01413/FULL - REFUSE date 5th August 2004 - Erection of conservatory

07/00306/FULL - PERMIT date 2nd May 2007 - Replacement playroom and tractor shed

10/00206/FULL- WITHDRAWN date 7th April 2010 - Erection of two conservatories and activity centre
10/00542/FULL - PERMIT date 4th June 2010 - Change of use of land to garden and erection of two conservatories and outbuilding for ancillary domestic use (Revised scheme)
12/01701/FULL - PERMIT date 7th March 2013 - Erection of extension to existing building to house a prefabricated portable swimming pool
12/01785/FULL- PERMIT date 11th April 2013 - Erection of single storey extension to form garage/store
13/01660/FULL - DELETE date 17th July 2014 - Change of use of agricultural land for the siting of a timber shed for storage, work and relaxation

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM29 - Protected landscapes

CONSULTATIONS

HIGHWAY AUTHORITY - 10th February 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

UFFCULME PARISH COUNCIL - 13th March 2017
No objections

BLACKDOWN HILLS AONB PARTNERSHIP - 28th February 2017

The Blackdown Hills AONB Management Plan seeks to ensure that all development, of any type or scale, in the AONB will be of the highest quality and would conserve or enhance the special landscape qualities of the area. It contains the following policies considered to be of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

PD 1/C Protect the AONB from inappropriate and unnecessary development, including promoting the use of existing buildings to accommodate new uses where appropriate and compatible with current planning policies and the special qualities of the AONB.

Over the years, several planning approvals have resulted in the gradual intensification of development and encroachment of this property into the open countryside. In this case, it appears that the polytunnel would be sited within a well defined area, and adjacent to buildings. More of a concern is the location of the 'field shed' at the southern extent of the property. The purpose of this building is not clear, and we believe that further consideration should be given to siting so that it is better related to the rest of the site.

My comments on the application will be the same as your own conclusions - polytunnel OK, but question the shed's need and siting.

My thoughts on the play equipment - this does concern me, both in terms of the principle of installing it in a non-domestic area, again adding to the encroachment of this property into the countryside, and the incongruity of the structures (and children/young people playing on them) in the rural setting.

REPRESENTATIONS

One letter of objection has been received in relation to this application. The objections contained in the letter are summarised below:

- Encroachment of development into countryside;
- Existing large buildings not being used in accordance with their permissions;
- Lack of justification for the proposed polytunnel and storage shed;
- The proposed development will lead to cluttering of the countryside.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. The principle of development on the site**
- 2. Whether there is sufficient justification for the proposed development on the site**
- 3. Impact on character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty**

1. The principle of development on the site

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) deals with development in the countryside stating that development outside of settlements will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) deals with local distinctiveness; seeking that development should sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the preservation and enhancement of the distinctive qualities within the Blackdown Area of Outstanding Natural Beauty. For the reasons set out later in this report the proposed development is not considered to sustain the quality or character of the AONB and lacks the required justification for the encroachment of domestic development on agricultural land.

2. Whether there is sufficient justification for the proposed development on the site

The application site consists of a main house with a number of other buildings serving a community of assisted living adults. Access to the site is via a private lane which comes off the unclassified road between Blackborough and Ashill.

It is appropriate to consider the need for this development as the site has been subject to a relatively large amount of ancillary development with the occupation of the domestic property and the proliferation of unnecessary development in the AONB should be avoided. Information has been provided by the application regarding the personal circumstances and needs of the residents of the property in order to justify the polytunnel and field shed. This information is personal and confidential but it is not considered to provide adequate reasoning to justify the principal of the proposal, a view that is shared by the officer of the AONB Partnership who has also paid many visits over the years to the site.

The justification given in the application for the field shed states that the field shed will be used to store tents and a barbeque which the residents enjoy using in the summer months. The field shed would provide them with space to store the equipment close to where the activity occurs on the lower section of the site (agricultural land) so as to minimise the time taken to erect the equipment.

It has been suggested that there are no other more suitable spaces to store such equipment on the site, however, given the amount of other existing outbuildings and storage buildings on the site it would appear that another storage building on the site is both excessive and unnecessary.

It is further considered that the siting of a domestic field shed on agricultural land so far from the main house (over 180 metres to the South of the residential property) is not supportable given the amount of land which is currently classed as domestic garden and other agricultural land which is closer and better related to the main house which might be considered to be more appropriate for domestic development. It is also questionable that a field shed of the dimensions proposed (3.6 metres wide x 6 metres deep) is justifiable for tents and a barbeque used on a site occupied by only a small number of people.

In terms of the proposed polytunnel, whilst it is considered that the siting of a polytunnel on agricultural land might be supportable with its proposed use which might broadly come under uses for agricultural purposes albeit associated with a domestic property, it is considered that a polytunnel of the scale proposed; 4.88 metres wide x 12.8 metres long might be considered to be rather large for a domestic polytunnel with no real evidence of need on the site. The proposed location of the polytunnel is considered to be located more appropriately and it is considered to be better related to existing structures on the site in relation to the main house.

3. Impact on character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty

Policy DM29 of the Mid Devon Development Management Policies (Local Plan Part 3) deals with development in affecting protected landscapes stating that development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty must demonstrate that the cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.

The site is within the Blackdown Hills Area of Outstanding Natural Beauty where new development should not cause harm to the special beauty of the landscape. Whilst the proposals would not be highly visible in the wider landscape, it is considered that the proposed development, along with previous development permitted on the site and the currently unauthorised play equipment to the South of the site, that the proposed development would be adding to the encroachment of domestic development on agricultural land within the AONB without sufficient justification or reasoning.

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposal would result in undesirable encroachment of domestic development on agricultural land within the Blackdown Hills Area of Outstanding Natural Beauty. The erection of a field shed and polytunnel on agricultural land to be used ancillary to the associated residential dwelling has not been adequately justified either in respect of their need or siting within the site. The proposed locations of the field is not considered to be well related to the residential dwelling or existing buildings on the site, nor do the scale of the proposed polytunnel or field shed reflect the nature of domestic activity the development is to be used for. The development proposed is not considered to be necessary given the amount of other storage buildings currently on site, parts of which could be better used or reutilised to provide such required storage space for tents. As such, the proposal is considered to be contrary to policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 17/00318/FULL

Plans List No. 5

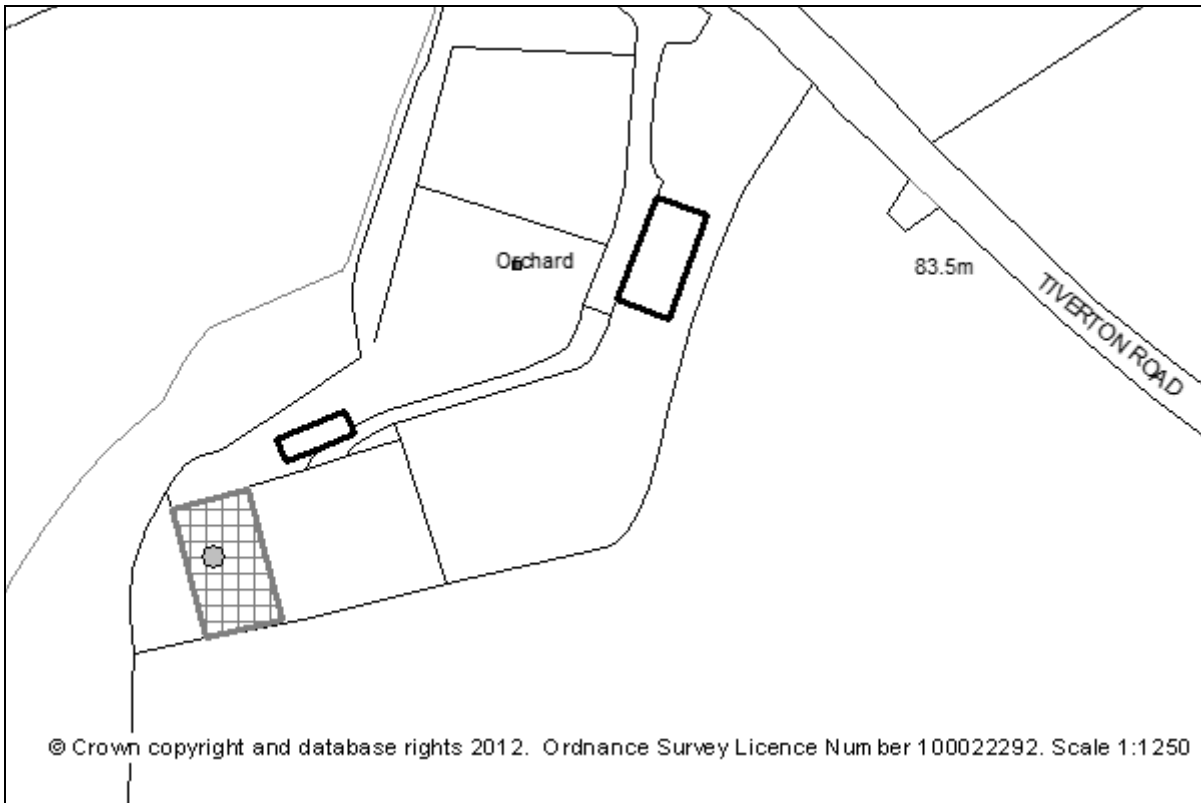
Grid Ref: 295221 : 103171

Applicant: Ms J Tye

Location: Land at NGR 295221 103171(The Orchard) Great Pitt Silverton Devon

Proposal: Permanent retention of log cabin (caravan)

Date Valid: 27th February 2017



Application No. 17/00318/FULL

RECOMMENDATION

Grant temporary permission for a period of 3 years subject to conditions.

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

To consider whether the business has become more established and justifies the need for a dwelling in the countryside as required by policy DM10 Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

The application seeks planning permission for the siting of a caravan, in the form of a mobile log cabin, to serve as the dwelling associated with an existing equine business and charity in Silverton. Temporary permission was granted in 2013 for the provision of the log cabin (which replaced a caravan on site) to serve the equine business. This temporary permission has now lapsed. The applicant wishes to remain living on site and this application seeks a further three year temporary permission for the siting of the log cabin. The business is now well established and is registered as a charity, however, a further period of time is required to prove the financial viability of the business as an ongoing venture.

The applicants business is called New Life Horse Care, it has been operating on the site, known as The Orchard since 2009. It is approximately 150m beyond the north west settlement boundary of Silverton and immediately south of an area called Great Pitt.

In addition to the log cabin and domestic waste treatment plant present on the site there is also a barn containing 5 loose boxes and storage area positioned roughly in the centre of the land owned by the applicant, as well as a horse exercise arena in the south west corner of the site.

The current application seeks permission for another temporary period of 3 years for the siting of the log cabin to provide the residential accommodation on the site to support the equine business. The log cabin is on site and is proposed to be retained in its south western position adjacent to the horse exercise area. The log cabin is surrounded by trees and shrubs on the north and western boundaries.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location, floor plans and elevations (existing and proposed).

Statement regarding the work of New Life Horse Care

Full accounts for September 2014 - 2015 and September 2015 - September 2016

PLANNING HISTORY

01/01410/PNAG Erection of shed for storage of machinery - No objection - 23.08.01

03/00105/FULL Formation of agricultural access onto classified highway including excavation of bank and provision of hardstanding - Grant permission - 20.03.03

03/01855/FULL Retention of stable building and manege/horse riding arena - Grant permission - 09.10.03

06/02480/FULL Siting of static caravan and installation of treatment plant - APPEAL DISMISSED - 26.02.07

07/01011/FULL Temporary siting of mobile home and installation of treatment plant - Refused - 23.07.07

09/00831/FULL Change of Use of stables and manege to non domestic equestrian purposes - Grant permission - 05.08.09

09/01271/FULL Retention of change of use of land for the siting of a caravan and sewage treatment plant - Grant permission - 17.11.09

13/00652/FULL Replacement and re-siting of temporary dwelling with permanent portable log cabin (caravan) - Grant permission - 3 year permission - 14.03.14

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

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM10 - Rural workers dwellings

CONSULTATIONS

HIGHWAY AUTHORITY - 6th March 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SILVERTON PARISH COUNCIL - 15th March 2017

After further considering the above application the Parish Council would support the applicant if a business case is established and the business proves to be viable and on condition that should the Charity use cease to exist then the building is removed.

7th March 2017

The original business plan related to the care of sick horses and 24 hour care being provided for them on site. However, the Parish Council understands that this business plan has now altered and no sick horses are kept at the property and therefore there is no requirement for someone to be on site 24 hours a day. With this in mind can you please confirm a Statement of Change of Use of Business would need to be submitted by the Applicant in addition to the paperwork already provided and provide a copy for the Parish Council's consideration prior to their comments being submitted.

ENVIRONMENTAL HEALTH - 6th March 2017

Contaminated land - No objections

Air quality - No objections

Environmental permitting - N/a

Drainage - No objection

Noise and other nuisances - No objection

Housing standards - Any accommodation that is to be lived in as a main residence needs to comply with the principals of the Housing Health and Safety Rating System, as defined by the Housing Act 2004. Please contact the Private Sector Housing Team for more information

Licensing - A permanent residential caravan would require a licence please contact the licensing team for more information licensing@middevon.gov.uk

Food hygiene - N/a

Private water supplies - No comment

Health and safety - No objection

REPRESENTATIONS

Five letters of support have been received, summarised as follows:

- Equine assisted learning for young people with physical or learning disabilities is beneficial for the horse/ponies and the young people;
- The work carried out with horses and people at the site is outstanding

One letter of objection has been received summarised as follows:

- Access on to the highway is poor;
- It is not a good location for a riding school

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the determination of this application are:

- **Policy**
- **Essential need**
- **Design and impact on the countryside**
- **Other issues - Access/Trees/Public Open Space/New Homes Bonus/S106**

1. Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (Part 6) replaced Annex A of Planning Policy Statement 7 which set out test by which to assess rural workers' dwellings. Paragraph 55 of the NPPF states that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to at or near their place of work in the countryside.

Although Planning Policy Statement 7 has been replaced, recent appeal decisions have indicated that the functional and financial tests in Annex A to Planning Policy Statement 7 remain an appropriate way of assessing essential need.

Mid Devon Core Strategy (LP1)

Policy COR 1 states growth will be managed so development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places. It is a multi criteria policy which requires development to, among many things, meet housing needs of all sectors of the community, provide access to jobs, supports economic prosperity and provide accessible forms of development that reduce the need to travel by car.

Policy COR2 refers to local distinctiveness states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through a series of requirement criterion. Those relevant are:

- a) High quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places,
- b) The efficient use and conservation of natural resources of land, water and energy,
- c) The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas.
- d) Protection of national and local biodiversity

Policy COR18 states that development in the countryside will be strictly controlled to those proposals that enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It goes on to state that detailed development control policies will support affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural worker and accommodation ancillary to a dwelling.

Local Plan Part 3 (Development Management Policies) Proposed Submission

Policy DM1 establishes the presumption in favour of sustainable development.

Policy DM2 requires new development to be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties and uses taking account of: architecture, siting layout, scale and massing, orientation and fenestration, materials, landscaping and green infrastructure;
- f) Appropriate drainage including sustainable drainage systems (SUDs) and connection of foul drainage to a mains sewer where available.

Policy DM10 permits rural workers dwellings where an essential need can be demonstrated, the need cannot be met by existing housing nearby or through the conversion of redundant buildings.

2. Essential need

The National Planning Policy Framework requires applications for new agricultural worker's dwellings to demonstrate there is an essential need for a rural worker to live at or near their place of work.

The applicant operates her equine business "New Life Horse Care" from the site and has done so with temporary planning permission since 2009. The applicant rehabilitates horses as well as rescuing and rehabilitating Dartmoor ponies and other. Additionally the applicant teaches children and young people with physical and learning disabilities to handle (and in some cases ride) the ponies and horses for both therapeutic benefits as well as to provide practical skills to help them secure jobs in the equestrian industry.

A previous appeal decision relating to the establishment of residential accommodation on this site (in association with this business) was dismissed. However, the Inspector in that case concluded that the "needs of the business would justify a residential presence as it had been justified that a full-time worker needs to be available at most times, i.e day and night, in case animals require essential care at short notice". Following the appeal dismissal, the Local Planning Authority granted temporary planning permission for the applicant to live on site in association with the business in 2009 and granted a further 3 year temporary period in 2013.

The core elements of the business have not changed since temporary planning permission was granted in 2013 although the emphasis is now more toward working with the children/young people and the rescued/long term ponies and horses rather rehabilitating horses belonging to private clients.

The applicant works alongside "Friends of the Dartmoor Hill Pony" and takes on ponies that would otherwise not have a future. The applicant has stated that New Life Horse Care (NLHC) is in its 10th year of providing a facility for sick, injured, traumatised, damaged horses. It is stated that NLHC have cared for over 200 equines, from orphan foals to horses en route for slaughter, giving them a few days of love and care before the end of their lives.

New Life Horse Care is a Registered Charity, in its third year of charity status.

The NLHC website states that its objectives state that they care for and rehome if possible, vulnerable equines, and that they provide a service for young people with disabilities and special needs. The Articles of Association are on the Charity Commission website.

The Local Planning Authority have been informed that there are 3 charity ponies on site, all with chronic medical and behavioural issues, needing regular assistance from vets and specialist behaviourists. There is a further horse, with Post Traumatic Stress Disorder, who does not belong to the charity, and foster foals from Friends of the Dartmoor Hill Ponies Charity, who are at NLHC for safe guarding, handling and training for 2 years on a rotation basis. The Foster Foal program is stated to be an integral part of the work carried out by NLHC.

All the equines, including all the foals, work with young people who attend NLHC. The applicant states that most of these young people cannot get placements anywhere else due to the severity of their conditions and the need for them to have 1:1 help and support.

Maintaining a safe and quiet environment is considered to be essential for the care and recovery of the animals. To ensure this the applicant maintains that a person is required to be readily available on the site at most times.

The applicants work is stated to extend beyond normal working hours, late in the evening, and sometimes during the night (it is assumed this depends on what animals are on site) or in an emergency. The applicants supporting information provided in 2013 states that the work generated by running New Life Horse Care requires more than 2000 work hours per annum. The applicant has confirmed that the hours worked still equate to more than 2000 work hours per annum.

Having considered the nature and demands of the work carried out on the site and the previous Inspectors report it is considered that there remains an on going requirement for a person to be on hand at most times and therefore there is a functional need for a person to live on the site. The log cabin would continue to provide this function. It is in line of sight from the stables and close enough for the proprietor to be within 'sound' of the stables. There is also a small fenced area to the west of the log cabin where horses/ponies can be kept if requiring very close supervision.

Although the village of Silverton is only a few hundred metres to the east, there are no available properties close enough to the site to be able to meet the requirement for a person to be available on site at most times.

The applicant has submitted financial information for New Life Horse Care, including audited accounts.

The business accounts and additional information from the Agent indicates that the business has not made a profit in the last 3 years but indicates that the income has increased year on year and the business has prospects of making a profit in the near future. The accounts for 2016 - 2017 are not yet available. The business is a registered charity.

The applicant is currently taking part in the Peoples Project and if successful this would provide further financial support for New Life Horse Care.

In summary, it is considered that there is an essential need for a full time worker to live on site in order to continue to run the business. While the business is not currently profitable, progress is being made and income is increasing.

The permission would allow the applicant to remain living at The Orchard in the log cabin. A suitable occupancy condition is recommended to prevent the log cabin (caravan) being occupied other than by an essential worker in connection with the equestrian business.

3. Design and impact on the countryside

The log cabin (caravan) is sited in the south westernmost part of the applicant's land at the western end of the existing horse exercising arena.

This area has previously been levelled. This area is screened from the west by trees and a man-made bank formed when the arena was created. The site is lower than the land to the south and there is a tall hedgerow on the southern boundary which screens views of the site from this direction. To the north of the site (looking toward the highway from the site of the log cabin) there is a steep drop to a stream and a row of trees. The site of the log cabin is not obvious in the landscape when viewed from the highway to the north.

The log cabin is positioned to provide a view toward the stables as well as being within sound of the stables. In this regard the proposed location is considered to be better than the existing caravan.

The log cabin has a timber exterior and is not be obvious within the landscape. It is not in an elevated position within the site. The log cabin has minimal impact on the character or appearance of the surrounding rural area.

Overall, as it is considered that the log cabin is an acceptable design and appearance in this rural location. The design and appearance of the log cabin is considered to be in accordance with policy COR2 Mid Devon Core Strategy (Local Plan Part 1) and policy DM2 Local Plan Part 3 (Development Management Policies).

4. Other issues - Access and parking, Public Open Space, New Homes Bonus, Drainage

Neither the access nor the parking provision at The Orchard are proposed to change as a result of this application. Both are currently considered acceptable to serve the business and the log cabin. The access and parking provision are in accordance with policy DM8 Mid Devon Local Plan Part 3 (Development Management Policies).

The development would, if approved, provide residential accommodation for a further 3 years. As the permission would be for a further temporary period a financial contribution toward the off site provision of public open space will not be requested.

The log cabin is connected to a private foul drainage treatment plant. There is already a consent to discharge to the watercourse which runs alongside the northern boundary of the site. There are no known concerns regarding the existing drainage arrangements.

CONDITIONS

1. The residential caravan shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the period ending on 19th April 2020.
2. This permission shall only authorise the use of the application site for the stationing thereon of one caravan which complies with the description 'caravan' as defined by Section 29(1) of the Caravan Sites and Control of Development Act 1960 (revised 1977) and Section 12 (1) (2) of the Caravan Sites Act 1968.
3. The occupation of the log cabin (caravan) shall be limited to the Applicant, a widow or widower of the Applicant or to any resident dependants.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. No external lighting shall be provided at the site unless the lighting has first been approved in writing by the Local Planning Authority.
6. There shall be no retail sales from the application site or adjoining land or buildings owned by the applicant.

REASONS FOR CONDITIONS

1. In order to allow the applicant a temporary period of 3 years in which to further establish the business, in line with Government advice set out in the National Planning Policy Framework.
2. To clarify the terms of the consent and for the avoidance of doubt.
3. The site is in the countryside beyond any recognised settlement limit where it is the policy of the Local Planning Authority to restrict new residential development unless it is required to meet the needs of agriculture, forestry or other rural enterprise. In this instance the Applicant's need relates to a very specific equestrian business and equestrian activities, whereas without this specific business and activities, the occupancy of the site may not meet the requirements of Policy DM10 of the Local Plan Part 3 (Development Management Policies).
4. For the avoidance of doubt and in the interests of proper planning.
5. To minimise light pollution in the open countryside in accordance with the National Planning Policy Framework.
6. The site is in the countryside beyond any recognised settlement limit where it is the policy of the Local Planning Authority to restrict retail development and to prevent unnecessary traffic from being attracted to the site as a result of direct sales to customers, which may adversely affect safety on the local road network in accordance with Policy DM19 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that it has been demonstrated that there continues to be an essential need for a full time worker to live on site in order to operate the business. The further three year period will enable the business and charity to expand its income to enable it to become financially sustainable. The site is suitably screened and the log cabin has a minimal visual impact on the rural area. The proposal will have no additional impact on the highway network or on neighbouring residents. The proposal is considered to be in accordance with the relevant policies: COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM1, DM2, DM8, DM10 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.

Application No. 17/00323/FULL

Plans List No. 6

Grid Ref: 296644 : 113493

Applicant: Mr A Busby, Mid Devon District Council

Location: Land at NGR 296643 113493 Adjacent 37 Beech Road Tiverton Devon

Proposal: Erection of 3 dwellings (Revised Scheme)

Date Valid: 28th February 2017



Application No. 17/00323/FULL

RECOMMENDATION

Grant permission subject to conditions and payment of a financial contribution of £2,700 towards provision of public open space

PROPOSED DEVELOPMENT

The application is for the erection of a block of 3 x 1 bedroom flats on a parcel of land in a residential area of Tiverton that is currently used for parking. The land is laid to grass with 3 tarmac parking spaces and turning, and access from Beech Road.

The block would have one flat on the ground floor and two flats on the first floor, the remainder of the ground floor being used for cycle and bin storage. Six parking spaces are to be provided to the front and a communal garden to the rear. Materials are to be brick walls, fibre cement slate roofs and double-glazed UPVC windows, the upper windows being partly within the roof slopes.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

15/00062/FULL - PERMIT date 9th March 2015 - Relocation of existing parking spaces with access and erection of 2 dwellings with altered access

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM14 - Design of housing

DM15 - Dwelling sizes

CONSULTATIONS

ENVIRONMENTAL HEALTH - 8th March 2017 - Contaminated Land - No objection

Air Quality - No objection

Environmental Permitting - N/A

Drainage - No objection

Noise & other nuisances - I recommend approval with conditions:

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

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

Housing Standards - No comment

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

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

HIGHWAY AUTHORITY - 6th March 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 8th March 2017

Whilst this Council supported the original scheme it feels that the revised scheme is over development and would be out of keeping with the area. The original scheme was more in keeping with the area, therefore it is recommended for refusal.

SOUTH WEST WATER - 16th March 2017 - Asset Protection

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

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

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public surface water sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant: 1) discharge into the ground, 2) discharge to a surface water body, 3) discharge to surface water sewer, highway drain or other drainage system.

3rd April 2017

As you are already in discussions with the Asset Protection team in terms of building near the sewers once an agreement has been reached nothing further will be required.

Surface water discharging into the public surface water sewer is acceptable but please note South West Water will not accept any surface water discharging into the dedicated foul sewers in the vicinity.

REPRESENTATIONS

1 objection summarised as follows:

1. Objection to the change to the original planning application
2. No 43 is entitled to use a parking space
3. Drains run across the site and the storm drain causes waterlogging
4. Rear access to existing properties may be compromised

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

- 1. Design**
- 2. Parking and highway safety**
- 3. Effect on neighbouring residents**
- 4. S106 and other financial contributions**

1. Design

Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) permits new residential development in sustainable locations within the Tiverton settlement boundary. The proposal is for a block of 3 x 1 bedroom dwellings in an established residential area which would be set back from the road frontage by approximately 9 metres, in line with the adjoining terrace of houses. Surrounding development is either in small brick built terraces or as semi-detached dwellings. Materials are either red brick with light brick bands, slate roofs and canopy porches or lighter brick with tile hanging and tile roofs. It is proposed to use brick for the walls, a fibre cement roof tile (samples to be agreed) and UPVC windows, also used on surrounding development.

The design is similar in scale and design to that approved under the previous planning permission 15/00062/FULL for 2 dwellings. Changes in appearance are in respect of the upper windows being set partly into the roof, and one of the upper flats oversailing the area to be provided for cycle and bin storage. The reason for the change in design is in order to avoid mains and surface water sewers running through the site. Whilst the undercroft area would be open, it would be gated to provide security.

The immediate area does not feature any particular architectural style or design. Your officers consider that the proposed dwellings would fit relatively well into the street scene as the scale, design and materials reflect adjacent development. Overall, the design of the development is considered to comply with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site.

Each dwelling would be very small but would meet the Government's technical space standards in terms of the minimum level of accommodation and built-in storage. The communal garden to the rear would provide adequate amenity space. The development is considered to comply with DM14 which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes (replaced by the Government's technical space standards).

2. Parking and highway safety

Each dwelling will be provided with 2 parking spaces to the front accessible directly from Beech Road. The use of off-street parking to the front of the houses is a similar arrangement to the adjacent terrace. The existing 3 parking spaces on the site are available for use by 39, 41 and 43 Beech Road. 39 and 41 Beech Road now have off-street parking to the front of each dwelling. 43 Beech Road does not currently have off-street parking but the Council has confirmed that off-street parking will be provided to the front of 43 Beech Road and it is understood that the occupier of that dwelling is happy with the arrangement.

Your officers consider that the level of parking is consistent with the requirements of policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) which requires 1.7 parking spaces to be provided for each new dwelling.

Accordingly, the proposal is not considered to have an unacceptable impact on highway safety, in accordance with the provisions of the National Planning Policy Framework.

3. Effect on neighbouring residents

Windows in the front elevations of the dwellings would look onto Beech Road and there would be no windows in the side elevations. Windows in the rear would look towards or across the rear gardens of neighbouring dwellings. However, these rear gardens are already somewhat overlooked from other dwellings in the area and your officers do not consider that there would be a material loss of privacy for existing residents in respect of views from the first floor windows. New timber fences will screen at ground floor level. The proposal is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) in this respect.

Concern has been raised that mains sewers serving nearby dwellings cross the site. South West Water has identified these sewers and the revised scheme avoids building on these assets. Foul drainage will drain to the mains sewer and surface water drainage will discharge to a soakaway on the site, in accordance with the drainage hierarchy referred to by South West Water and policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Concern has also been raised in respect of the loss of access to the rear of the adjacent terrace. This is not a matter for the planning application but is between the parties.

4. Section 106 and other financial contributions

Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seek financial contributions towards play areas and open space facilities where no on site provision is made. Accordingly, the applicant has agreed to make a financial contribution of £2,700 towards the provision of new sports equipment at Amory Park.

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. Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £15,420. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £12,336.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until details/samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
4. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

4. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area in accordance with:

Local Plan Part 3 (Development Management Policies) DM2

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that the development is in a sustainable location in an established residential area. The dwellings have been designed to respect the character and appearance of the surrounding development and provide an acceptable level of accommodation and adequate parking and amenity space. In addition, the development is not considered to have an unacceptable impact on the privacy and amenity of neighbouring residents. The applicant has agreed to make a financial contribution towards the provision of sports equipment at Amory Park and the development would attract the payment of a New Homes Bonus. The development is considered to comply with the following policies: COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration

This page is intentionally left blank

DELEGATED APPLICATIONS AS AT - 7 April 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
10.07.2013	29.03.2017 Permitted with Conditions to Discharge	13/00966/FULL	Park Enterprises Ltd Padbrook Park Cullompton Variation of conditions 2 and 14 of planning permission 11/00526/MFUL to omit Plot 15 and allow the dwellings to be constructed concurrently with the highway works	Cullompton 21
12.01.2016	22.03.2017 Permitted with Conditions to	16/00078/FULL	Mr D Matthews Land at NGR 301874 106223 Exeter Road	Cullompton 21

	Discharge		Variation of Condition 9 of Planning Permission 15/00814/MFUL (Erection of 24 dwellings with access road and landscaping) to substitute a vegetated faced soil reinforced bank retaining structure system for a gabion cage structure	
08.09.2016	22.03.2017 Grant permission	16/01390/FULL	Mr G Owen Land at NGR 305249 115262 (Ayshford Court Farm) Westleigh Variation of Condition (2) of planning permission 13/01214/FULL to allow the substitution of revised layout drawing	Burlescombe 06
17.11.2016	30.03.2017 Grant permission	16/01803/LBC	Mr & Mrs Munn Fairfield Cottage Colebrooke Lane Listed Building Consent to replace 8 windows	Cullompton 21
18.11.2016	17.03.2017 Refuse permission	16/01811/MOUT	Gallagher Estates C/o Miss S Griffiths Land at NGR 303184 110348 Silver Street Outline for the erection of up to 259 dwellings, with public open space, landscaping and associated infrastructure	Willand 59
15.12.2016	30.03.2017 Permitted with Conditions to Discharge	16/01932/MFUL	Mr Fraser Cropper Land at NGR 294211 123012(Higher Barn) Bampton Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank	Bampton 01

16.12.2016	31.03.2017 Refuse permission	16/01943/FULL	Mr Simon Lord S O L Electrical Limited 22 Lower Town Change of use of land from commercial, to include the demolition of building and erection of 2 dwellings	Sampford Peverell 42
23.12.2016	17.03.2017 Permitted with Conditions to Discharge	16/01980/FULL	Tesco Stores Ltd Tesco Blundells Road Variation of condition 27 to allow service deliveries, including home delivery loading/unloading between the hours of 6:00am and 11:00pm Monday-Sunday and one additional delivery between the hours of 11:00pm and 6:00am Monday to Sunday	Tiverton 52
23.12.2016	04.04.2017 Grant permission	16/01983/CLP	Miss Nikki Leach 5 Orchard Close Crediton Certificate of Lawfulness for the proposed use of garage as ancillary accommodation	Crediton Town 18
09.01.2017	31.03.2017 Permitted with Conditions to Discharge	17/00035/FULL	Mr & Mrs E Skinner Barns at NGR 268190 112291 Ford Farm Conversion of 2 redundant barns to 2 dwellings	Chawleigh 10
09.01.2017	31.03.2017 Permitted with Conditions to Discharge	17/00037/LBC	Mr & Mrs E Skinner Barns at NGR 268190 112291 Ford Farm Listed Building Consent for the conversion of 2 redundant barns to 2 dwellings	Chawleigh 10

09.01.2017	17.03.2017 Grant permission	17/00042/HOUSE	Mr I Buckingham Thorne House 1A The Avenue Erection of pitched roof on existing garage	Tiverton 52
12.01.2017	31.03.2017 Permitted with Conditions to Discharge	17/00061/FULL	Mr Rupert Cattell Fairpark Exeter Road Erection of 2 dwellings, alterations to access including re-alignment of entrance wall and rebuilding missing gate pier	Crediton Town 18
12.01.2017	31.03.2017 Permitted with Conditions to Discharge	17/00062/LBC	Mr Rupert Cattell Fairpark Exeter Road Listed Building Consent for re-alignment of southern wall and re-building of lost gate pier	Crediton Town 18
13.01.2017	20.03.2017 Grant permission	17/00080/FULL	Mr P Fillery Paul & Tracey Fillery Ltd 2 Coxs Close Change of use from osteopathic clinic (D1) to dwelling (C3)	Crediton Town 18
16.01.2017	20.03.2017 Permitted with Conditions to Discharge	17/00069/LBC	Miss A Barradine Horselake Farm Cheriton Bishop Listed Building Consent for installation of replacement windows	Cheriton Bishop 11
16.01.2017	24.03.2017 Grant permission	17/00076/LBC	Mr K Finan 59 Bampton Street Tiverton Listed Building Consent for the replacement of aluminium windows with wooden, double glazed sash windows	Tiverton 52

18.01.2017	05.04.2017 Grant permission	17/00093/HOUSE	Mrs Smith 5 Rippon Close Tiverton Erection of porch and conservatory/utility room	Tiverton 52
20.01.2017	21.03.2017 Permitted with Conditions to Discharge	17/00107/FULL	Mr K Thomas C/O XL Planning Ltd Foxlands Farm Hockworthy Retention of temporary agricultural workers dwelling for a further 12 months and erection of an agricultural livestock building	Hockworthy 28
23.01.2017	24.03.2017 Permitted with Conditions to Discharge	17/00104/HOUSE	Mr P Norris Westerne Farm Blackborough Erection of two storey rear extension, single storey side extension and detached garage following partial demolition of existing two storey rear extension and existing garage	Kentisbeare 32
23.01.2017	22.03.2017 Grant permission	17/00116/LBC	Mr & Mrs A Rose Whipples Farm Holcombe Rogus Listed Building Consent for the replacement of existing windows and door on south elevation	Holcombe Rogus 29
23.01.2017	24.03.2017 Grant permission	17/00117/LBC	Mr John Hall Fairby Farm Cove Listed Building Consent for the replacement of two steel framed windows with timber double glazed casements	Tiverton 52
23.01.2017	22.03.2017 Refuse permission	17/00118/HOUSE	Frankie Montgomery 1, 2, 4 & 7 Ayshford House Ayshford Installation of replacement timber	Uffculme 53

			framed single glazed windows with timber framed double glazed windows	
23.01.2017	22.03.2017 Refuse permission	17/00119/LBC	Frankie Montgomery 1, 2, 4 & 7 Ayshford House Ayshford Listed Building Consent for installation of replacement timber framed single glazed windows with timber framed double glazed windows	Uffculme 53
23.01.2017	23.03.2017 Grant permission	17/00120/HOUSE	Mr J Cann 2 Norton Cottages Coleford Erection of pitched thatched roof to replace flat roof	Colebrooke 17
23.01.2017	23.03.2017 Permitted with Conditions to Discharge	17/00121/LBC	Mr J Cann 2 Norton Cottages Coleford Listed Building Consent for the erection of pitched thatched roof to replace flat roof and replacement window and door on east elevation	Colebrooke 17
24.01.2017	23.03.2017 Grant permission	17/00110/HOUSE	Dr M. J. M. Sonmez 15 St Andrew Street North Tiverton Erection of extension with terrace and steps following demolition of conservatory	Tiverton 52
24.01.2017	23.03.2017 Grant permission	17/00112/TPO	Mr Sam Clarke Southfield Southfield Drive Application to crown lift 1 Western Red Cedar by approximately 9.5m protected by Tree Preservation Order 99/00007/TPO	Crediton Town 18
24.01.2017	28.03.2017 No Objection	17/00113/CAT	Mr Roy Webber The Beeches Penton	Crediton Town 18

			Notification of intention to fell 1 Beech tree within the Conservation Area	
24.01.2017	23.03.2017 Permitted with Conditions to Discharge	17/00126/LBC	Dr M. J. M. Sonmez 15 St Andrew Street North Tiverton Listed Building Consent for erection of extension with terrace and steps following demolition of conservatory	Tiverton 52
25.01.2017	20.03.2017 Approval of Prior Approval	17/00128/PNCOU	Mr R Dilliway & Mr D Gardner Land and Buildings at NGR 306513 114664 (Appledore Barton Barns) Appledore Prior notification for the change of use of agricultural building to Class R (Flexible Business Use)	Burlescombe 06
25.01.2017	20.03.2017 Grant permission	17/00130/FULL	Mr R Dilliway & Mr D Gardner Land and Buildings at NGR 306513 114664 (Appledore Barton Barns) Appledore Internal and external alterations to facilitate the change of use under Class R (planning reference 17/00128/PNCOU) to include the change of use of agricultural land to parking and yard area to be used in conjunction with the B1 (light industrial) units.	Burlescombe 06
25.01.2017	22.03.2017 Permitted with Conditions to Discharge	17/00132/HOUSE	Mr D & Mrs A Gibson 7 King Street Silvertown Erection of single storey extension to rear, replacement of flat roofs with pitched roofs and erection of garage together with new driveway and vehicular access onto Applemede	Silvertown 45

27.01.2017	24.03.2017 Application Part Granted/Part Refused	17/00143/TPO	Mrs Kathleen Moolman 5 Springfield Drive Tiverton Application to crown thin, crown lift by approximately 2-3m and crown reduce by 2-3m 1 Horse Chestnut tree protected by Tree Preservation Order 73/00016/TPO	Tiverton 52
27.01.2017	24.03.2017 Permitted with Conditions to Discharge	17/00146/FULL	Mrs P Hullett Land and Buildings at NGR 292666 120353 (Down Farm) Stoodleigh Conversion of barn to dwelling, including parking, access and garden (Revised Scheme)	Stoodleigh 48
27.01.2017	24.03.2017 Permitted with Conditions to Discharge	17/00147/LBC	Mrs P Hullett Land and Buildings at NGR 292666 120353 (Down Farm) Stoodleigh Listed Building Consent for conversion of barn to dwelling	Stoodleigh 48
30.01.2017	20.03.2017 Permitted with Conditions to Discharge	17/00150/FULL	Mr Simon Davidson Land at NGR 273054 107880 (Lowerfield House) Lapford Erection of 2 stables with open shelter and hay store and solar PV on the east facing roof	Lapford 33
30.01.2017	27.03.2017 Grant permission	17/00153/HOUSE	Mr W Mitchell 8 Parsons Close Kentisbeare Erection of two storey side extension and single storey extension to rear	Kentisbeare 32
30.01.2017	20.03.2017 Grant permission	17/00161/HOUSE	Mr & Mrs E D Daw Hollycroft Cottage The Square Erection of first floor extension over	Sandford 43

			existing garage	
30.01.2017	23.03.2017 Grant permission	17/00164/CLU	Mr R Constantine, C/o Mr N Cant Windermere Barnstaple Cross Certificate of Lawfulness for the existing use of the property as a dwelling for a period in excess of 4 years	Crediton Hamlets 19
31.01.2017	30.03.2017 Grant permission	17/00165/LBC	Mrs Samantha Eaglesfield Rillside Calverleigh Listed Building Consent for replacement of render with lime render, external insulation to west gable walls, works of repair to porch and increase in height of existing chimney stack (with standard pot added) to total height of 1.8metres	Tiverton 52
31.01.2017	05.04.2017 Refuse permission	17/00167/LBC	Mr C Maddocks 37 Bampton Street Tiverton Listed Building Consent for the replacement of 2 windows in basement, resite soil pipe and fit new plasterboard ceilings	Tiverton 52
31.01.2017	23.03.2017 Grant permission	17/00168/HOUSE	Mr & Mrs Langley Fair Oaks Bradninch Erection of porch, installation of replacement windows to side elevations, and installation of 8 velux windows	Bradninch 04
01.02.2017	24.03.2017 Grant permission	17/00170/FULL	Mr C Ryan, Lightsource SPV 135 Ltd Lightsource Renewable Energy Ltd Solar Farm at NGR 308586 118079	Holcombe Rogus 29

			Retention of external lighting to DNO Substation	
01.02.2017	27.03.2017 Grant permission	17/00171/FULL	Mr P Lee Drews Forge Higher Mill Lane Variation of condition (2) to allow the substitution of approved plans and condition (3) Archaeological programme and to discharge conditions (5), (6) & (7) on planning permission 15/01414/FULL	Cullompton 21
01.02.2017	31.03.2017 Grant permission	17/00172/FULL	Mr Ward Maidendown Caravan Park Burlescombe Erection of an amenity block/day room	Burlescombe 06
01.02.2017	27.03.2017 Grant permission	17/00174/FULL	Mr Ryan Sheppard West Studham Farm Yeoford Variation of Condition 4 of Planning Permission 16/01344/HOUSE to read 'Development to proceed with the Bat mitigation scheme supplied with the application, subject to any variation, required by Natural England under any licence issued'	Colebrooke 17
02.02.2017	31.03.2017 Grant permission	17/00178/FULL	Mr B Mears Ground Floor 32 East Street Change of use from D1 (veterinary surgery) to C3 (dwelling)	Crediton Town 18
02.02.2017	27.03.2017 Permitted with Conditions to Discharge	17/00181/TPO	Mr Paul Mather Strathculm East Strathculm Road Application to dismantle to ground level 1 Black Pine and 1 Western Red Cedar tree protected by Tree	Bradninch 04

			Preservation Order 92/00004/TPO	
02.02.2017	20.03.2017 Grant permission	17/00186/HOUSE	Mr Jonathan Harford Workshop Vellake Improvement of existing barn accommodation including new slate roof and erection of music room following removal of workshop	Sandford 43
02.02.2017	05.04.2017 Grant permission	17/00188/CLU	Mr & Mrs Gosling The Annexe Slade Farm Certificate of Lawfulness for the existing use of annexe as a separate dwelling for a period in excess of 4 years	Morchard Bishop 35
03.02.2017	30.03.2017 Development Acceptance	17/00196/PNCOU	Mr C Noble Land and Buildings at NGR 293867 105570 (Higher Trey Mill) Thorverton Prior notification for the change of use of agricultural building to dwelling under Class Q	Thorverton 51
03.02.2017	28.03.2017 Grant permission	17/00201/FULL	The WMF Chakmakchi Trust Devon & Cornwall Housing Association Ltd Riverside Court Conversion and change of use from sheltered accommodation to 5 self contained flats	Tiverton 52
03.02.2017	30.03.2017 Grant permission	17/00204/FULL	McDonald's Restaurants Ltd McDonalds Motorway Services Junction 28 Alterations to include erection of extensions, formation of brick corral to	Cullompton 21

			rear, and installation of 1 LCD screen behind shopfront glazing	
03.02.2017	30.03.2017 Grant permission	17/00206/ADVERT	McDonald's Restaurants Ltd McDonalds Motorway Services Junction 28 Advertisement Consent to display 2 internally illuminated fascia signs, 1 non-illuminated banner sign, and 1 LCD screen behind shopfront glazing	Cullompton 21
06.02.2017	20.03.2017 No Objection	17/00205/CAT	Mr Adam Hill Rows Land Tiverton Road Notification of intention to remove 10 Leylandii trees within the Conservation Area	Silverton 45
06.02.2017	29.03.2017 Grant permission	17/00212/LBC	Mr O Graham 16 Exeter Road Crediton Listed Building Consent for replacement of 1 first floor window	Crediton Town 18
06.02.2017	30.03.2017 Grant permission	17/00213/CLU	Mr Williams Knowles Land and Buildings at NGR 292414 118615 (Stoodleigh Barton) Stoodleigh Certificate of lawfulness for existing use of land for the siting of a caravan for holiday purposes and associated garden area for a period in excess of 10 years	Stoodleigh 48
06.02.2017	30.03.2017 Grant permission	17/00218/HOUSE	Mr P Barratt 3 Hayne Barton Cottages Cullompton Erection of ancillary accommodation (Revised scheme)	Cullompton 21

08.02.2017	24.03.2017 Grant permission	17/00216/HOUSE	Mr D Kimber 18 Mayfair Tiverton Erection of single storey extension and alterations to front elevation	Tiverton 52
08.02.2017	05.04.2017 Grant permission	17/00225/ADVERT	McDonald's Restaurants Ltd McDonalds Restaurant Lowman Way Advertisement consent to display 1 non-illuminated free-standing sign, 5 internally illuminated free-standing signs and relocation of 2 existing internally illuminated signs	Tiverton 52
08.02.2017	05.04.2017 Grant permission	17/00226/FULL	McDonald's Restaurants Ltd McDonalds Restaurant Lowman Way Reconfiguration of site to include installation of side by side ordering, installation of 1 additional Customer Order Display with associated canopy and 1 additional goal post height restrictor, erection of extensions, and alterations to roof and elevations	Tiverton 52
08.02.2017	05.04.2017 Grant permission	17/00227/ADVERT	McDonald's Restaurants Ltd McDonalds Restaurant Lowman Way Advertisement Consent to display 8 internally illuminated fascia signs	Tiverton 52
08.02.2017	31.03.2017 Grant permission	17/00234/FULL	Jurassic Coast Coffee Ltd 2 High Street Cullompton Change of use of premises from Class A2 (Bank) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated alterations	Cullompton 21
08.02.2017	04.04.2017 Grant permission	17/00235/FULL	Mr James Coleman Land at NGR 278129 103391 (Pelistry	Sandford 43

			Farm) Higher Furzeland Erection of an agricultural building for the purposes of rearing free range ducks	
09.02.2017	06.04.2017 Permitted with Conditions to Discharge	17/00191/FULL	Mr & Mrs B Kingsland Land and Buildings at NGR 283607 108522 Partridge Hole Change of use of land to manege for private equestrian use	Poughill 40
09.02.2017	22.03.2017 No Objection	17/00230/CAT	Mr Simon Fouracres The Flat 4A Newton Square Notification of intention to fell 1 Willow tree within the Conservation Area	Bampton 01
09.02.2017	04.04.2017 Permitted with Conditions to Discharge	17/00239/HOUSE	Mr P Walker Reeves Cottage Coleford Formation of access and provision of hardstanding for the parking of vehicles	Colebrooke 17
09.02.2017	29.03.2017 Grant permission	17/00240/FULL	Mr Matthew Bayley Land at NGR 302663 109953 (Stoneshill Solar Park) Willand Road Modification and extension of existing access track	Willand 59
09.02.2017	21.03.2017 Grant permission	17/00241/HOUSE	Mr D Randell 46 Tidcombe Lane Tiverton Erection of extension	Tiverton 52
10.02.2017	05.04.2017 Grant permission	17/00236/LBC	Mr Timothy Burrage Blackmore House 17 St Peter Street Listed Building Consent for the erection of metal fencing on top of existing boundary wall to a maximum	Tiverton 52

			overall height of 1.95m, and formation of pedestrian access with gate through existing boundary wall	
10.02.2017	27.03.2017 Grant permission	17/00243/HOUSE	Mr D Egan 4 Crossways Uplowman Erection of extensions	Uplowman 54
14.02.2017	31.03.2017 Grant permission	17/00261/HOUSE	Mrs M Jennings-Martin 82 Chapel Street Tiverton Erection of garage following demolition of car port and repair and alterations to outbuilding and internal alterations to house	Tiverton 52
14.02.2017	31.03.2017 Grant permission	17/00262/LBC	Mrs M Jennings-Martin 82 Chapel Street Tiverton Listed Building Consent for internal alterations to dwelling, erection of garage following demolition of car port and repair and alterations to outbuilding and internal alterations to house	Tiverton 52
15.02.2017	06.04.2017 Grant permission	17/00260/LBC	Mr P Moore 3 The Weeches Washfield Listed Building Consent for the installation of 6 replacement windows and 1 replacement door	Washfield 56
15.02.2017	06.04.2017 Grant permission	17/00265/FULL	Mrs Z Rogers Land at NGR 289034 104181 Higher East Coombe Retention of change of use of woodland copse area to site a 6m Bell Tent, outdoor kitchen and wc/shower shed for rental	Stockleigh Pomeroy 47

15.02.2017	30.03.2017 Grant permission	17/00277/FULL	Mr Richard Heywood Land at NGR 304950 120383 (Lea Barton) Hockworthy Erection of an agricultural building to house cattle	Hockworthy 28
16.02.2017	30.03.2017 Grant permission	17/00268/HOUSE	Mr T Clark 16A Ellerhayes Hele Erection of first floor extension	Silverton 45
17.02.2017	05.04.2017 Grant permission	17/00289/HOUSE	Mr Anthony Parkin 3 Lower Loughborough Tiverton Erection of a first floor rear extension	Tiverton 52
20.02.2017	06.04.2017 Grant permission	17/00281/CLU	Mrs L Jones Arden House Union Road Certificate of lawfulness for the existing use of a dwelling for a period in excess of 4 years	Crediton Town 18
20.02.2017	28.03.2017 Grant permission	17/00282/CLU	Mr A Hussain Orchard Lea Residential Home Orchard Way Certificate of lawfulness for existing use of building as a nursing/residential care home for a period in excess of 10 years	Cullompton 21
22.02.2017	29.03.2017 No Objection	17/00308/CAT	Mrs Beverley Ansell Bethany Bell Meadow Notification of intention to fell 1 Oak tree, remove dead and diseased wood from 1 Oak tree and reduce height of a mixed hedgerow within the Conservation Area	Bickleigh 02

24.02.2017	06.04.2017 Grant permission	17/00314/HOUSE	Mr & Mrs Peter Nevard Stonehayes Ashley Erection of a first floor extension and installation of dormer window to rear	Tiverton 52
27.02.2017	29.03.2017 No Objection	17/00331/CAT	Mr Cochrane Bickleigh Cottage Bickleigh Notification of intention to fell 1 Oak tree within the Conservation Area	Tiverton 52
02.03.2017	30.03.2017 No Objection	17/00356/CAT	Mrs K Limon 6 Courtis Gardens Crediton Notification of intention to remove 1 Ash tree within the Conservation Area	Crediton Town 18

Background Papers: Contained in application files referred to.

This page is intentionally left blank

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	4	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	COMM	COMM
	5	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	
	6	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	COMM	COMM
4	6	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	COMM	COMM
5	9	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
6	10	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
7	13	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>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	13	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	16	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	DEL
10	16	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
11	17	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
12	20	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
13	22	01/02/2017	16/01707/MOUT	Outline for the erection of 41 dwellings and formation of vehicular access	Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon	Ms Tina Maryan	COMM	COMM
14	28	20/12/2016	16/01424/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)	Land at NGR 298671 113603 Uplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM
15	44	01/09/2016	16/00825/MFUL	Construction of an anaerobic digestion plant including vehicular access from Down End, provision of infrastructure works to support the plant including creating compensatory flood storage and regrading of land and landscaping and all associated works and development	Land at NGR 284938 100390 (Goosealler Marshes) Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Simon Trafford	COMM	COMM
16	148	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
17	153	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

This page is intentionally left blank

Application No. 14/00604/MFUL

Grid Ref: 113321 : 298568

Applicant: Mr Nigel Timmis

Location: Post Hill Nursing Home 36 Post Hill Tiverton Devon

Proposal: Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)

Date Valid: 28th April 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/00604/MFUL - FOR 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

Reason for Report:

To consider amendments to the conditions to be imposed under planning application reference 14/00604/MFUL prior to the decision notice being issued. The S106 has been signed and its content has resulted in condition 12 no longer being required. Following the issuing of a ministerial statement in March 2015 some planning policy requirements/development standards have been removed resulting in fewer planning conditions being required. As the Planning Committee resolved to grant planning permission for this development, it is considered that any changes to the decision, including the deletion of conditions, should be approved by the Planning Committee. It is now proposed to delete planning conditions 12, 16, 17, 18, 19.

RECOMMENDATION:

That planning permission be granted subject to the signed S106 and revised conditions as set out in this report.

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

The application is subject to a S106 which has already been signed which secures certain financial contributions.

Legal Implications:

The application is subject to a S106 Agreement that has been completed. In accordance with the resolution of Planning Committee on 27th August 2014, it secures:

- The transfer of an additional 0.5m strip of land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd (outlined in blue on the site location plan), from applicants to the Highway Authority at nil cost to the Highway Authority, prior to the commencement of any development on the site, to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;

- 4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);
- £34,584.5 financial contribution to Devon County Council Education (including legal fees);
- £10,625 financial contribution toward the off site provision of public open space;

Risk Assessment:

None identified

Consultation carried out with:

1. MDDC Legal Services department

1.0 PROPOSED DEVELOPMENT.

- 1.1 The planning committee resolved to grant planning permission for the 64 bedroom care home and 12 apartments (4 to be affordable homes) on the 27th August 2014. The application also includes associated highways infrastructure, parking for motor cars, cycles and motor cycles and landscaped gardens following the demolition of the remaining three buildings on site which were formerly the Post Hill hospital complex.
- 1.2 The care home would provide a range of facilities including 64 en-suite bedrooms, residents communal dining and living rooms, visitors cafe and kiosk, residents function room, hair and beauty salon, treatment and therapy room, laundry facilities, drug suite, sluice rooms, commercial kitchen, assisted bathrooms and outside seating areas.
- 1.3 The landscaped garden areas surrounding the care home will include sensory gardens, dementia loop paths, water features, planting, lawns and seating areas to provide both a safe and visually attractive setting for the care home development.
- 1.4 The 12 apartments are a combination of 2 and 1 bedroomed open market properties. The apartments are an overtly contemporary design with a circular courtyard parking at the northern end in order to respect and retain a large oak tree and retain access to the Hospicare premises to the North West.
- 1.5 Vehicular access to the site is from Blundells Road at Post Hill. On-site parking and turning is proposed for cars, cycles, motor cycles and service delivery vehicles, emergency services vehicles and refuse collection. The applicants own/control all of the land necessary to provide a road through the site, up to and including the boundary with the Waddeton Park Ltd land to the north/north east.

2.0 AMENDMENTS REQUIRED TO DRAFT CONDITIONS.

- 2.1 The form of development proposed has not changed. The Section 106 agreement that was required has now been completed. This report is seeking approval to delete 5 conditions and not to change any other aspect of the proposal as was resolved to be approved in 2014.

- 2.1 While preparing the decision notice it was identified that conditions 12, 16, 17, 18 and 19 are now superfluous due to the completed terms of the Section 106 and/or because the planning policies that required the submission of this additional information have been amended through the issuing of a Ministerial Statement in 2015.
- 2.2 Condition 12 states “*The new road into and through the applicant site shall be constructed up to and including the north eastern red line boundary of the application site prior to the first use of the care home or first occupation of any of the apartments*”.
- 2.3 The requirements of this condition have been replaced by Schedule 2 of the Section 106 agreement. Schedule 2 is detailed and it includes the following:
- Prevents the commencement of construction unless or until and highways agreement has been entered into with the County Council to secure the completion of the access road and make or facilitate its connection to the adjoining site access road;
 - The Highways Agreement shall provide for the Owners to connect the access road to the adjoining site access road provided that at the time the Owners complete the access road up to the boundary of the adjoining site the adjoining site access road has been completed to a location and to a standard that allows the connection to be made (such standard to be determined by the County Council acting reasonably);
 - Highways Agreement shall not require the owners to connect the access road to the adjoining site access road but shall require the owners to construct the access Road up to the boundary of the property with the adjoining site so that the connection of the access road to the adjoining site access road can be made by the developer of the adjoining site in the future free of charge and without the need for the said developer to obtain any permission licence or other right of way from the owners;
 - The owners shall procure that the access road shall be completed; to base course prior to the expiry of a period of 12 months beginning on the date of the Commencement of Construction; and to the standard required by the Highway Agreement prior to the expiry of a period of 3 months beginning on the date of the final occupation or within 24 months of commencement of construction of the open market dwellings whichever event is the sooner. No party shall do any act or thing which is intended or is likely to prevent or inhibit the ability of any party to construct the Access Road in accordance with this Schedule.
- 2.4 It is considered that Schedule 2 of the Section 106 agreement includes the requirements of originally proposed condition 12. It is also considered that the provision of the access road is more accurately controlled through the S106 agreement. The working of condition 12 as previously approved by Planning Committee is now considered to be superfluous and superseded by Schedule 2 of the Section 106 agreement. It is therefore proposed that condition 12 be deleted.
- 2.5 In March 2015 the Government issued a ministerial statement that created a new approach for the setting of technical standards for new housing and development. The new approach rationalised the many differing standards into a simpler, streamlined system aimed at reducing burdens and to help bring forward much needed new homes. The ministerial statement also withdrew the Code for Sustainable Homes.

- 2.6 The ministerial statement was released after the Planning Committee resolved to grant planning permission for application 14/00604/MFUL. As the decision notice has not yet been issued (due to the lengthy legal proceedings in order to secure the terms of the S106) it is now necessary to take into account the terms of the ministerial statement. As a result it is also proposed that conditions 16, 17, 18 and 19 be deleted from the decision notice. These conditions relate to:
- Condition 16 - Two of the apartments being constructed in accordance with Lifetime Home Standards (the standard was withdrawn and replaced by the technical standards and Building Regulation requirements);
 - Condition 17 – Submission of a carbon reduction strategy indicating at least 14% of energy used in the development to come from de-centralised on-site renewable or low carbon sources (this requirement was withdrawn);
 - Condition 18 - Apartments to meet level 4 of the Code for Sustainable Homes (this standard was withdrawn);
 - Condition 19 – Care Home to meet BREEAM standard of ‘very good’ or better (the standard was withdrawn).
- 2.7 All other conditions imposed on the planning permission would remain as approved by the Planning Committee on 27th August 2014.

3.0 PROPOSED CONDITIONS (AS AMENDED):

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.
4. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
5. Before the development hereby permitted is first brought into its permitted use the first floor, east elevation window in the northerly block of the care home shall be non-opening, glazed with translucent glass, and be so retained.
6. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan, has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.
7. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme for the sensory garden, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the

substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on drawing 1410_P_001A shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
9. No development shall begin until a doormouse nest tube survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved doormouse nest tube survey.
10. No development shall begin until a badger verification survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved badger verification survey.
11. The development shall be carried out in accordance with the Conservation Management Statement included as Appendix 4 of the Phase 1 Habitat survey submitted with the application.
12. The car parking, motorcycle parking, layby and secure cycle storage indicated on the approved plans shall be provided on site prior to the first occupation of any of the apartments or the first use of the care home. Once provided these parking and storage facilities shall remain permanently available for the parking and manoeuvring of vehicles and storage of bicycles.
13. The development shall be carried out in accordance with the recommendations in the Ruddlesen Geotechnical report submitted with the application.
14. No development shall begin until a Sustainable Urban Drainage Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Urban Drainage Strategy.
15. No development shall begin until details of how the principles of "Secure by Design" have been incorporated into the care home and apartments hereby approved have been 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 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.
17. 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.
18. 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.
19. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
20. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

21. Within twelve months of the first occupation, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.
22. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide details of:
 - a) Timetable/programme of works
 - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
 - c) Days and hours of construction and deliveries
 - d) Location of loading, unloading and storage of plant and materials
 - e) Location of contractor compound and facilities
 - f) Provision of boundary fencing/hoarding
 - g) Parking of vehicles of site personnel, operatives and visitors.
 - h) Wheel washing
 - i) Dust control

The development shall be implemented in accordance with the approved scheme.

Reasons for conditions:

1. Given the specific circumstance relating to the application scheme and the strategic requirement in the adopted Tiverton Eastern Urban Extension Masterplan for a road through the site to serve the wider Masterplan area.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
5. To safeguard the privacy of the occupiers of 2 and 5 Fairway in accordance with policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

7. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
9. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
10. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
11. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
12. To ensure adequate provision of vehicle parking and cycle storage in accordance with policy DM8 Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the care home and apartments from risk from contamination in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).
14. To ensure the provision of a sustainable urban drainage scheme in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and policy COR11 Mid Devon Core Strategy.
15. To ensure the development is designed to be safe and secure for the residents in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
16. To ensure an appropriate record is made of archaeological evidence that may be affected by the development in accordance with the National Planning Policy Framework and Policy DM27 of Local Plan Part 3 (Development Management Policies).
17. To ensure that adequate information is available for the proper consideration of the detailed proposals.
18. To ensure the proper development of the site.
19. 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.

20. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
21. To ensure that the access arrangements are completed within a reasonable rests of safety and the amenity of residents.
22. To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network.

Contact for any more information

Miss Lucy Hodgson – 01884 234905

Background Papers

Planning Committee Agenda report
14/00604/MFUL 27th August 2014

File Reference

14/00604/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

Grid Ref: 113321 : 298568

Applicant: Mr Nigel Timmis

Location: Post Hill Nursing Home 36 Post Hill Tiverton Devon

Proposal: Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)

Date Valid: 28th April 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Reason for Report:

To determine this planning application.

RECOMMENDATION(S)

Planning Permission granted subject to signing a S106 and conditions as set out in this report.

Section 106 to secure:

- **Transfer of additional 0.5m strip of land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd (outlined in blue on the site location plan), from applicants to the Highways Authority at nil cost to the Highway Authority, prior to the commencement of any development on the site, to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;**
- **4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);**
- **£34,584.5 financial contribution to Devon County Council Education (including legal fees);**
- **£10,625 financial contribution toward the off site provision of public open space;**

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

The application would be subject to a S106, the details of which are set out in the above recommendation.

Should the application be refused and appeal submitted to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

Legal Implications:

The application would be subject to a S106 Agreement.

Risk Assessment:

None identified

Consultation carried out with:

1. Highway Authority
2. Tiverton Town Council
3. Environment Agency
4. Environmental Health
5. Historic Environment Service
6. Natural England
7. Devon and Cornwall Police Authority
8. South West Water
9. Devon County Education

1.0 Proposed development

- 1.1 The planning application proposes the erection of a 64 bedroom care home and 12 apartments (4 to be affordable homes) as well as associated highways infrastructure, parking for motor cars, cycles and motor cycles and landscaped gardens following the demolition of the remaining three buildings on site which were formerly the Post Hill hospital complex.
- 1.2 The care home would provide a range of facilities including 64 en-suite bedrooms, residents communal dining and living rooms, visitors cafe and kiosk, residents function room, hair and beauty salon, treatment and therapy room, laundry facilities, drug suite, sluice rooms, commercial kitchen, assisted bathrooms and outside seating areas.
- 1.3 The landscaped garden areas surrounding the care home will include sensory gardens, dementia loop paths, water features, planting, lawns and seating areas to provide both a safe and visually attractive setting for the care home development.
- 1.4 The 12 apartments are a combination of 2 and 1 bedroomed open market properties. The apartments are an overtly contemporary design with a circular courtyard parking at the northern end in order to respect and retain a large oak tree and retain access to the Hospicare premises to the North West.

- 1.5 Vehicular access to the site is from Blundells Road at Post Hill. On site parking and turning is proposed for cars, cycles, motor cycles and service delivery vehicles, emergency services vehicles and refuse collection. The applicants own/control all of the land necessary to provide a road through the site, up to and including the boundary with the Waddeton Park Ltd land to the north/north east. However, there is a 0.5m strip of land within one of the applicants ownership adjacent to the boundary which is required and which has not currently been offered as part of the planning process at nil cost to the Highway Authority. The Local Planning Authority has sought an independent valuation of this 0.5m strip of land and negotiations with the applicants are on-going. If agreement cannot be reached regarding the provision of the 0.5m strip of land, the lack of provision of a connecting road through the site would be contrary to the Tiverton EUE masterplan SPD as this requires a comprehensive and co-ordinated deliver of development and identifies this site as providing the preferred route to the Waddeton Park Ltd land to the north/north east.

2.0 APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Extended Phase I Habitat Survey Report
Bat Survey Report
Reptile Survey Report
Travel Plan
Geotechnical Investigation and Ground Assessment Report
Pre development tree survey and assessment report
Transport Statement
Plans and elevations

3.0 TIVERTON EASTERN URBAN EXTENSION MASTERPLANNING PROCESS

The application forms part of a larger area promoted for development and referred to as the Tiverton Eastern Urban Extension. This area is now subject to a masterplan which is a Supplemental Planning Document and a material consideration when assessing developments within the masterplan area. Spatially, the application site occupies approximately 0.6% of the total area covered by the urban extension masterplan area and 0.8% of the required residential development. The specific site is indicated to be suitable for employment uses and this application would deliver a 64 bedroom care home. The following section of this report provides an overview of the background to the masterplanning process for the Tiverton Eastern Urban Extension.

The role and purpose of a masterplan is a comprehensive plan that acts as a blueprint for the development of an area: setting out principles for the way in which it will come forward, coordinating policy and infrastructure requirements. It is common to utilise this approach for larger scale developments where there are multiple landowners/developers and there is a need to ensure development takes place in a comprehensive way to deliver common infrastructure, coordinate phasing and to resolve often complex planning issues.

Masterplans bridge the gap between planning policy aspiration and implementation in order to achieve a high quality design and create a successful place. They also set out key principles that planning applications will need to have regard to in order to be considered acceptable. It is important to understand that whilst a masterplan sets out guidelines and principles for the development, it does not contain the same level of detail and supporting documentation that would be expected at a planning

application stage. Additionally as masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.

Further details about the process of consultation on the masterplan process and the scope of change from the masterplan as initially drafted to the approved document are set out in the report that was presented to the Cabinet on the 17 April 2014, and subsequently to Council on the 30th April 2014 when it was voted to endorse the masterplan and approve it as a material consideration for the determination of planning applications for new development, including this application.

4.0 RELEVANT PLANNING HISTORY

13/01079/MFUL - Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings – REFUSE – November 2013.

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 – Pending (relates to land to north/north east)

5.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR13 - Tiverton

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

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/DE/4 - Occupation of Affordable Housing

AL/DE/5 - Inclusive Design and Layout

AL/IN/3 - Public Open Space

AL/IN/6 - Carbon Footprint Reduction

AL/TIV/1 - Eastern Urban Extension

AL/TIV/2 - Eastern Urban Extension

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

AL/TIV/4 - Eastern Urban Extension Community Facilities

AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 - Eastern Urban Extension Phasing

AL/TIV/7 - Eastern Urban Extension Masterplanning

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable Design
DM6 - Transport and Air Quality
DM7 - Pollution
DM8 - Parking
DM14 - Design of housing
DM27 - Development affecting heritage assets

Tiverton Eastern Urban Extension Masterplan – Supplementary Planning Document

6.0 CONSULTATIONS

HIGHWAY AUTHORITY - 2nd July 2014 - Observations: The Development proposal should be considered in line with the aspirations of the adopted Masterplan for the Tiverton Eastern Urban Extension and as such the carriageway serving the site should be of a design to serve the wider allocation.

The applicant has acknowledged this and submitted plan 3293/32 "Future road Provision", however their proposed layout on drawing 3293/01, their desired construction, falls short of this layout and would require the proposed car parking to be repositioned at a future date by others. This would require land which is outside the current design to be either taken into the control of the Highway Authority or purchased as third party land by the developer building the future road. This would also conflict with the root protection of the group of trees to the west although I am led to believe that these are not as important as previously considered, but this is a matter for the Local Planning Authority to consider. The Local Planning Authority is aware of the highway amendments sought by the Highway Authority and has requested that an amended plan be submitted showing the changes required which may impact on the current design in 3293/01. Such changes include the layout of the lay-by identified for the loading and unloading of deliveries to the care home and its relationship to the terrace, the permanent alignment of the parking areas allowing for the 3.0m footway cycleway over their frontage, the full road construction being shown to the boundary of the site, and provision of the footway to the east at the appropriate width to cater for pedestrians and Wheel chair users and a width of 1.5m is required, this being required to pass the layby to its rear. The current design shown on 3293/01 being the proposal the developer is willing to build does not comply with the aspirations of the masterplan, and drawing 3293/32 while showing the relocation of the parking spaces does not provide detail of the layby for loading and unloading or the required footway width.

In addition to which the application is in full and details of the drainage for the site access and the required road has not been provided to the satisfaction of the Highway Authority. The topography of the site would require some distribution towards the south and some towards the north which would need to drain to the remaining allocation site. As a full application such designs should be submitted for approval and should show the cut off between the two routes and be supported by the relevant design calculations SUDs where appropriate and South West Water approval.

The applicant has submitted a travel plan which in the main is acceptable but does not provide any positive incentives to change travel modes and the provision of such measures as, Buss pass provision or assisted subsidy for such, priority parking for car sharers, and lockers and shower facilities for staff choosing to cycle should be considered.

The amended plan has yet to be forthcoming and the applicant has indicated that they would not take the road fully to their boundary thereby creating a "ransom strip" for the delivery of the distributor road sought by the masterplan give cause for concern that the road is not of sufficient design to cater for the wider allocation and the connectivity sought by the master plan would not be provided contrary to the aspirations of the masterplan. The Highway Authority would therefore recommend refusal of the application based upon insufficient detail of the drainage, and access details and the Local Planning Authority are advised to consider the sites non-compliance with the aspirations of the adopted masterplan. The existing and resolved development to the north, Waddeton Park, has been recommended for approval by the Highway Authority based upon its access from Putson Lane which the Highway Authority has advised is acceptable for the proposal and that a distributor style road be conditioned to the boundary with this application in order to satisfy the masterplans aspiration of access to the Waddeton Park land as a better designed point of access. It is the opinion of the Highway Authority that the Waddeton Park site has an acceptable alternative access arrangement and that any land withheld by this development would not preclude it coming forward and therefore a ransom situation does not arise.

As part of the wider off site infrastructure sought by the masterplan, is the delivery of traffic calming along Post Hill and Blundells road, and directly relating to the care home is the provision of a toucan crossing which would allow the residents and staff of this application access to the community facilities being delivered by the development to the south of Blundells Road. Should planning consent be granted for this application the Highway Authority would consider a contribution of approximately £50,000.00 being appropriate contribution from the hospital site application. Further contributions to the wider masterplan Infrastructure cost will be taken under advisement.

Recommendation: The Local Highway Authority recommends that the permission be refused for the following reasons:-

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

- (a) access,
 - (b) road layout,
 - (c) road construction,
 - (d) road gradients,
 - (e) surface water drainage,
- contrary to the National Planning Policy Framework.

15th August 2014 - Observations:

The Highway Authority has reviewed the latest layout plan and has the following observations. Drawing 3293/01 rev B is generally acceptable in width alignment, but still fall short of being taken to the boundary of the land coloured blue on the latest site location plan and the Waddeton park land. This is necessary in the provision of the desired route and to comply with the master plan. The above plan while generally acceptable would require some minor detail changes to provide for tactile paving and construction details which can be addressed through the section 38/278 agreement and will not impact on alignment and setting. The current limits of construction would only be acceptable if the remaining land necessary for the delivery of the link were secured at no cost to the Local Authority through a section

106 agreement; such land should include the full width of the adoptable highway and sufficient construction space for its delivery.

No details have been provided for the drainage of the site and the highway Authority would still wish to see this detail , however if the local Planning Authority are minded to approve the application without such information the Highway Authority would recommend a Grampian style condition as set out below.

The Local Planning Authority are aware of the concern with regard to the parking provision with the change of status of the apartments to Open market and the mitigation measure discussed to allow the level of parking should be included in the travel plan which should be subject to the section 106 agreement and the Travel plan should be approved in writing and the approved plan appended to the agreement. The Highway Authority would accept a cycle parking provision as discussed with the Local Planning Authority and the Applicant and its design and location are a matter for the Local planning Authority to determine.

With the change in status of the apartments to open market, the residential element of this development warrants that their provision should be considered in the required Allocation infrastructure delivery at a prorated rate and while the provision of the £50,000.00 previously identified would go some way to this the overall package of measures identified by the master plan would attract a greater contribution. The Highway Authority would accept the figure identified by the Local Planning Authority of 0.8% of the total cost. The current overall cost available for Highway infrastructure is £12,400,000.00 and based upon the 0.8% this requires a contribution of £99,200.00, along with any other costs associated with education and other infrastructure identified.

Without the section 106 agreements to secure all the necessary lands, and contributions the Highway Authority would still maintain a recommendation of refusal for its non-compliance with the master plan and without the securing of the travel plan through a section 106 insufficient parking provision would attract a similar recommendation.

Should the Section 106 be agreed, then the following conditions should be imposed.

Recommendation:

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

CONDITIONS FOR RESIDENTIAL ESTATES

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

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

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

REASON: To ensure the proper development of the site.

3. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

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

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

6. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide details of:
- a) Timetable/programme of works
 - b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
 - c) Days and hours of construction and deliveries
 - d) Location of loading, unloading and storage of plant and materials
 - e) Location of contractor compound and facilities
 - f) Provision of boundary fencing/hoarding
 - g) Parking of vehicles of site personnel, operatives and visitors.
 - h) Wheel washing
 - i) Dust control

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and the local highway network.

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

REASON: To protect water quality and minimise flood risk in accordance with emerging Flood management act, waters act and Highways act.

8. Before the development is brought into use, cycle/scooter storage shall be provided in accordance with the details which shall be submitted and approved in writing by the Local Planning Authority. The cycle/scooter storage facilities shall be retained for the life of the development.

REASON: To promote sustainable travel in accordance with policy set out in National Planning Policy Framework.

TIVERTON TOWN COUNCIL - 21 May 2014 - Support

ENVIRONMENT AGENCY - Operational development less than 1 ha - within flood zone 1 - no consultation required - see surface water management good practice advice - see standard comment

8th May 2014

The site is under 1ha and in FZ1, therefore our Best Practice Guidance for the Management of Surface Water applies.

ENVIRONMENTAL HEALTH - 20th May 2014 - Contaminated Land - Recommendations in the Ruddlesden report should be applied.

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - N/A

Food Hygiene - Recommend a wash hand basin is provided to the commercial kitchen otherwise one-half of the double sinks will need to be designated solely for the purpose of washing hands.

Private Water Supplies - N/A

Health and Safety - No objections

HISTORIC ENVIRONMENT SERVICE - 21st May 2014 - The proposed development lies in an area of archaeological potential where evidence of prehistoric activity is demonstrated by the presence of a prehistoric funerary monument to the north and by recent archaeological work undertaken in the wider landscape that has identified prehistoric or Romano-British enclosures as well as possible field systems. Groundworks within the proposed development are a have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in the immediate vicinity.

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 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 excavation of a series of evaluative trenches to allow the survival and nature of any archaeological deposits to be understood and enable an appropriate programme of archaeological work - if required - to be implemented prior to or during construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

NATURAL ENGLAND - 9th May 2014

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 2 October 2013.

The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

DEVON & CORNWALL POLICE AUTHORITY - 13th May 2014

I would like to suggest that this be considered suitable for making Secured by design a condition as it is specifically for the most vulnerable in our community. Essentially that means a minimum standard of security for doors and windows (PAS24 2012) alarm spurs being fitted, and appropriate lighting. It would also require consideration of making this a gated community especially between 2200 and 0600. The layout is acceptable for SBD certification.

SOUTH WEST WATER - 21st May 2014 - A plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

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

DEVON COUNTY EDUCATION - 4th June 2014 - Following receipt of your list of planning applications I write with regard to the above. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within the recognised safe walking distance to school are over capacity, we therefore request a contribution towards the provision of the additional education facilities required for the likely number of primary aged pupils expected from this development to the sum of £34,084.50.

The secondary school that serves this development area currently has capacity so we therefore do not require a contribution at this time.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

7.0 REPRESENTATIONS

Notification letters were sent to 24 residential properties, an A3 site notice was displayed at the front of the site and there was a local paper advertisement regarding the application.

Two objections have been received to the proposed development. These objections raise the following points:

1. The building is too large and out of keeping with the area;
2. The proposal is too close to a residential property;
3. Any works to the trees or hedges surrounding the site will reduce privacy to surrounding neighbours;
4. The proposal will be too prominent in the street scene;
5. The loss of mature trees will have a negative impact on the visual amenity of Post Hill;
6. The inclusion of an access road to the EUE will result in highways safety issues

8.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

- Policy/masterplanning/land use
- Highway and access
- Design and impact of the care home and extra care apartments
- Drainage
- Contamination
- Ecology
- Impact on and loss of trees
- Section 106 issues
- Other matters: affordable housing, public open space

8.1 Policy/masterplanning/land use issues

8.1.1 The application site is a former hospital site which has been unused for a number of years. The site forms part of the wider allocation of land for development included in the Tiverton Eastern Urban Extension Masterplan which is now an adopted Supplemental Planning Document (Tiv EUE SPD).

8.1.2 The masterplan identifies the site as suitable for a care home and the application would deliver this. This use will contribute towards employment floorspace within the urban extension. Provision of the care home would also be in accordance with policy COR4 MDSCS which encourages other forms of sustainable employment generating uses. However, the application also includes 12 open market apartments. While a residential use of the site is not explicitly promoted as part of the masterplan SPD, the 12 apartments are considered to be a compatible use bearing in mind the surrounding residential development at Post Hill and the proposed residential development immediately north/north east of the site. The 12 apartments are also designed to create a cohesive form of development when considered alongside the

64 care home. The site would have a mixed use as a result of the proposed development rather than a solely employment use, however, in this instance this is considered to be acceptable as the masterplan aspiration to provide a care home on the site will be achieved.

- 8.1.3 Part 4.3 of the Tiverton EUE Masterplan SPD identifies a number of new connections and works that will help to link the new masterplan neighbourhood with its surrounding area and in turn the wider Tiverton town. These will reduce the impact of the development. These new connections include enhancement of Putson Lane and Uplowman Road (covered in application 13/01616/MOUT); provision of a link through the NHS site (the preferred route); non vehicular link from land to north east to Fairway (covered in application 13/01616/MOUT) as well as further links and routes from land south of Blundells Road.
- 8.1.4 The link through the NHS site (former Post Hill hospital) is indicated in the Tiverton EUE masterplan SPD as a preferred vehicular link from Blundells Road to the land to the north east. While the application now includes all the land required to ensure a road link can be made through the site, with a combination of land within the application site itself and a further strip of land within the control of one of the applicants. Negotiations are currently taking place between landowners over this further strip of land. Further information can be provided at the planning committee meeting under Part 2. The application will only be considered to be fully in accordance with the Tiverton EUE masterplan SPD if the through road within the application site and land for the additional part of the road, within control of the applicants, can be agreed and secured through a Section 106. Hence the recommendation to grant planning permission subject to a Section 106 as detailed above. In the absence of provision of the road/or land for the road within the control of one of the applicant's up to the boundary with the Waddeton Park Ltd application site the proposal would not deliver the comprehensive, coordinated approach to the urban extension required by the masterplan SPD.

8.2 Highway and access

- 8.2.1 The main highway and access consideration with regards to the development of this site is the provision of a road through the application site to enable a link to be made to the Waddeton Park Ltd application site to the north/north east.
- 8.2.2 Although one of the plans submitted indicates an access road through the site, with an annotation of "new access through to neighbouring site" the application does not currently provide a vehicular or pedestrian link through the site to connect to the Waddeton Park Ltd land to the north east. The application site is shown in the Tiverton EUE masterplan as the preferred route for a road connecting to the land beyond. The application was been submitted since the content of the masterplan was publicised. While the application does not currently achieve this provision discussions are on-going regarding this issue. One of the applicants has offered to make their part of the site available for the provision of the through road (as indicated in the masterplan), however the other applicant has not currently indicated that their part of the site will be made available for the road through the site at nil cost. The site location plan now includes all of the land required to form a physical boundary with the Waddeton Park Ltd land to the north/north east in the red and blue edged land. However, no agreement has currently been reached regarding the terms of the provision of the required land. As mentioned in section 8.1, in the absence of provision of the road/or land for the road within the control of one of the applicant's up to the boundary with the Waddeton Park Ltd application site, the proposal would not deliver the comprehensive, coordinated approach to the urban extension required

by the masterplan SPD. A S106 clause is proposed to safeguard the delivery of this road link to the Waddeton Park site to the north east and meet the masterplan SPD requirements.

- 8.2.3 Vehicular and pedestrian access to the care home and apartments would be from Blundells Road at Post Hill.
- 8.2.4 On site parking and turning is proposed for 32 cars, 9 cycles, 2 motor cycles as well as for service delivery vehicles, emergency services vehicles and refuse collection. The parking strategy and provision is justified in the accompanying transport statement as well as the provision of auto track diagrams.
- 8.2.5 Parking for the care home is proposed on both the west and east side of the road running north east/south west through the application site. The parking has been moved back on the western side since the application was submitted in order to allow for a pavement to be provided in front of the spaces. The 2 motorcycle parking spaces have also be relocated to allow for the road and pavement. On the east side of the road there is a visitors car park with 2 designated disabled parking spaces as well as a layby required for delivery vehicles/emergency vehicles. The parking provision is in accordance with the requirements of policy DM8 LP3.
- 8.2.6 Following receipt of a revised site layout plan the Highways Authority have removed their objection to the physical layout of the site although they have retained their concerns regarding the lack of provision of a through road to connect to the Waddeton Park Ltd land to the north. They have also identified that the parking provision is not wholly in accordance with the requirements of policy DM8. However, with the provision of another cycle store (to be required by condition) and a requirement for the applicants to agree a travel plan in order to mitigate against the Local Plan policy under provision of parking, the Highways Authority have indicated that they could not sustain an objection to the application as it is in accordance with the requirements of the NPPF. The parking provision, access and road layout (as far as it is shown), provision of a layby for deliveries and pavement provision are all considered, on balance, to be acceptable and to create a safe place in accordance with policy COR9 MDCS and policies DM2, DM8 and DM14 of LP3.
- 8.2.7 The Highway Authority have identified that the applicants strategic contribution toward the development of the Tiverton EUE masterplan should include the land required to enable a through road to be provided through the site to connect to the Waddeton Park Ltd application site to the north/north east. The applicants should also finance a £50,000 contribution toward a toucan crossing needed to enable pedestrians to access the community facilities proposed on the south side of Blundells Road as well as a further financial contribution of £49,000 toward the wider masterplan infrastructure costs for traffic calming on Blundells Road, provision of a Left In Left Out junction onto the A361 and highways improvement works at Post Hill. These contributions will be secured via S106. Subject to the proposed S106 agreement being reached regarding the provision of a through road the application will be in accordance with the Tiverton EUE Masterplan SPD and policy COR8 MDCS.

8.3 Design and impact of the care home and apartments

- 8.3.1 A contemporary approach has been taken for the design of the care home and apartments. The site has residential development of different ages and architectural styles on three sides. As there is no defined style for development in Post Hill, it is considered acceptable to propose contemporary design that does not repeat architectural approaches previously used in the area. The scale and mass of the

proposed development has however been designed to sit comfortably within the scale of the site itself and not to have an overly dominating impact on the visual amenity of the area.

- 8.3.2 The care home layout is a curved T shape. It has a large footprint but the mass is reduced by the building consisting of three connected, two storey sections. The depth of each section is approximately 13m. The care home is slightly set back into the site and on approach from Tiverton (west) it is the smallest two storey block that forms the entrance to the care home that is visible. At the closest point the care home would be 12m back from the edge of the pavement. The view from this approach angle will be softened by the retention of boundary trees and planting of new trees and lower level landscaping. On approach from Halberton (east) the same smallest block will be visible as well as part of the curved block extending back into the site. This view, post construction and landscaping, would be partially obscured and filtered by retained trees. It is considered that the proposed care home will not have a negative impact on the visual amenity of Post Hill or a detrimental impact on the character of Blundells Road.
- 8.3.3 The care home is two storey, other than the most northerly section which also contains a basement. Due to the difference in levels across the site the smaller entrance block will be lower than the remainder of the building. The entrance section of the building contains a few bedrooms but also a majority of the communal facilities such as reception, residents living room, visitors café/function room, hair salon, therapy and treatment room, offices and drug store. The remaining two blocks which extend to the north consist mainly of ensuite bedrooms interspersed with communal spaces.
- 8.3.4 While the height, scale and mass of the care home reflects the required internal floor space and available developable area, it has been designed with a contemporary approach to assist in concealing the overall mass of the building. The external facades of the building have been broken up with the use of aluminium cladding and some full height timber effect cladding to add contrast and aluminium balcony arrangements at the entrance to provide interest as well as built out and set back window detailing.
- 8.3.5 The external materials of the care home would include:
- Walls: Light grey composite timber effect cladding to first floor and roof. Ground floor walls to be brown timber effect cladding (to provide contrast). Brick to be used below DPC and for cycle/bin store walls.
- Roof: Light grey composite timber effect cladding (same as upper wall cladding)
- Windows and doors: Grey powder coated aluminium
- 8.3.6 Surrounding the care home will be landscaped gardens including sensory areas, looped paths and a terrace. The planting proposals are discussed further in the trees and landscaping section of this report.
- 8.3.7 The care home development will dramatically increase the volume of built development on the site, however, it is considered that the site can accommodate the development as proposed. The care home will be visible from 38 Post Hill and 4 Fairway and partially visible from 2 fairway. From 38 Post Hill the eastern side of the curved wing of the care home will be visible and will be approximately 28m from this dwelling. This property will also have views toward the corner of the rear block of the care home which will be approximately 19m to the north. Number 4 Fairway will also

have views of the care home from the dwelling and garden. The nearest part of the care home to this property is the north eastern corner and it would be approximately 22m to the west. There are only two windows on the east elevation of the rear block of the care home, both provide light to internal corridors. Only the first floor window would be visible and this could be obscure glazed to prevent any overlooking toward 4 and 2 Fairway. It is not considered that the care home will have an overbearing impact on the amenity or result in an unacceptable loss of privacy for the occupiers of the dwellings to the east of the application site.

- 8.3.8 For the reasons described above the design of the care home is considered to be acceptable and in accordance with the high quality design requirements of policy COR2 Mid Devon Core Strategy (LP1), policies DM1, DM2 Local Plan Part 3 (Development Management Policies) and the NPPF.
- 8.3.9 The 12 apartments are proposed in the south west part of the site. They are proposed in one block over three levels. The apartments closest to the single storey (off site) existing development to the north and North West are single storey height. The number of storeys increases to 3 towards the southern end of the block.
- 8.3.10 The external material palette is not dissimilar to that proposed for the care home. While the architectural treatment differs to the care home, it is a more overtly contemporary design, it contains some similar features, such as the protruding bays and horizontal aluminium clad features.
- 8.3.11 The principal elevation of the apartments faces toward the care home with a secondary elevation facing toward Blundells Road. There are limited openings on the west elevation which mainly serve stairs, lobbies and common corridors. The first and second floor windows associated with common corridors have high level windows only. The orientation of the building minimises any loss of privacy through overlooking to the off site properties to the west, it also results in the care home and the apartments addressing each other as part of development of the site as a whole.
- 8.3.12 Part of the apartments building is three storeys high, the highest part of the apartments roof is between 1 and 3m higher than the ridge height of the existing two storey former hospital building currently on this part of the site. The three storey section of the apartment block is not immediately adjacent to the boundary with properties in Post Hill or Pomeroy Road. At the southern end (closest to Blundells Road and Post Hill two storey dwellings) the apartment block is approximately 7m high at a distance of 4m from the boundary of the site. The apartment block then steps away from the western boundary to give a 10m clearance. Moving toward the northern end of the apartment block the height reduces from 3 to 2 to 1 storeys high. The single storey northern end of the site is approximately 2.5m from the site boundary at the closest point.
- 8.3.13 While the outlook from the rear windows and rear gardens of 34 Post Hill and 10 Pomeroy Road will be significantly altered as a result of the proposed development it is not considered that the apartment block will have an either an unacceptable impact on the privacy of occupiers of these properties or be overbearing. The boundary is currently overgrown with a combination of trees, nettles and brambles and in places is quite considerably higher than the brick western boundary wall. The proposed development would retain a number of the trees but remove the overgrowth along the boundary. The retention and planting of additional trees along this boundary will help to soften the impact of the new development.

8.3.14 The design of the apartments will assist in creating a high quality development that makes an efficient use of part of the site and will contribute positively to the likely development of the area. The 12 apartments will provide 0.8% of the residential development within the masterplan area and will contribute toward the provision of new homes in Tiverton in accordance with policy COR13 MDCS. While there is only limited amenity space associated with the apartments, the location of the apartments within close proximity to the proposed neighbourhood centre/community facilities of the Tiv EUE masterplan should ensure good connections to public open space to be provided in the area and result in the apartments being an accessible place. The design of the apartments is attractive and will sit comfortably alongside the care home proposed on the site. They will not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties or uses. The apartments meet the dwelling sizes required by policy DM15 LP3. Overall the apartments are considered to meet the requirements of policy COR2 MDCS, policies DM2, DM14, DM15 LP3 and the NPPF.

8.4 Drainage

8.4.1 The Environment Agency has not commented on the application. However, the Highways Authority have indicated that the surface water drainage strategy for the site access and required road is not adequate. Due to the topography of the site, the Highways Authority consider that the drainage would require some distribution to the south and some distribution to the north, with detailed plans and information indicating how this would be achieved. The applicant has been made aware of this requirement and further information has been requested. Although this information is required, following further discussions with the Highways Authority it is considered that a planning condition requiring these details could be adequate. The development can therefore comply with the requirements of policy COR 11 MDCS and policy DM2 LP3 with regards to the management of surface water flooding.

8.5 Contamination

8.5.1 The geotechnical investigation and contamination assessment report includes a combination of desk study, fieldwork, laboratory testing, geotechnical assessment and contamination assessment. The report concludes that traditional strip or trench-fill foundations are recommended and that the ground is not favourable for the conventional soakaway drainage. It also found elevated levels of lead, total petroleum hydrocarbins, benzo(a)anthracene and benzo(a)pyrene that could be capable of causing harm to human health but not to controlled waters. Proposed remedial measures include a covering of hardstanding at a suitable depth (600mm), capping of inert soil in garden and soft landscaped areas underlain by a geotextile membrane. Radon measures are not necessary on this site.

Environmental Health was consulted on the application and concluded that the development was acceptable as long as the measures set out in the Ruddlesden geotechnical Ltd report are carried out on site. Suitable planning conditions to control the development in accordance with the geotechnical report recommendations will be imposed. The development is therefore considered to be in accordance with policy DM7 LP3.

8.6 Ecology

8.6.1 The application is supported by an Extended Phase 1 Habitat survey report, Bat survey report and a Reptile survey report. Policy DM2 LP3 (Development Management Policies) and the NPPF indicate that development should have a positive contribution to biodiversity assets through aiming to conserve and enhance biodiversity.

- 8.6.2 The habitat survey indicated that the application site is not within any statutory or non statutory sites of nature conservation importance and there is only one SSSI within 1km of the site. There is a Local Nature Reserve, two County Wildlife Sites and an unconfirmed wildlife site within 2km of the site. The report concludes that the development will not have any direct or indirect impacts on these surrounding areas.
- 8.6.3 Approximately 0.35ha of the site is semi improved species rich grassland, between the buildings and around the car parking area which has a relatively high ecological importance due to range of plant species and potential for reptiles. In addition to semi improved grassland there are areas of scattered and continuous scrub. These mostly comprise of bramble and nettle and are of moderate ecological value.
- 8.6.4 The hedgerow on the southern boundary of the site is considered to be species poor and as such would not qualify as an important hedgerow under the Hedgerow Regulations 1997. The tall mature trees on site, particularly the row of Lime trees on the northern boundary overshadow the ground beneath and have resulted in a woodland flora in these areas.
- 8.6.5 One of the three buildings that remain on site (all to be demolished) contained some old bat droppings indicating use by a bat in the past. No recent wildlife activity found within these buildings.
- 8.6.6 No dormice were found on the site and no badgers were found on the site. However, the current habitats on the site have potential for both dormice and badgers. Therefore conditions are proposed requiring the completion and submission of a dormouse nest tube survey and a badger verification survey prior to the commencement of development of the site.
- 8.6.7 A bat survey was carried out which included two dusk emergence surveys in July 2013. These surveys indicated that Esther Molland House (two storey brick building on site) is used for breeding by common pipistrelles and by brown long eared bats as an occasional roost. The demolition of the building will result in a loss of the current roost and a European Protected Species Licence will be required prior to works commencing. Part of the EPSL assessment includes the satisfaction of three tests set out by Natural England. The first of these seeks information regarding whether there is an overriding public interest including those of a social or economic nature. In this instance the application site forms part of a masterplanned area, the development of which was agreed in principle when the Allocations and Infrastructure Development Plan Document was adopted in 2010. There is therefore an overriding economic benefit in the development of this site and one which has been expected and encouraged by the development of planning policies in the last few years. In this instance it is considered that the loss of bat roost is acceptable and justified and that test one of the Natural England requirements can be met. The bat report also includes mitigation for the loss of the roost within the Conservation Action Statement, which includes avoiding harm to bats during construction works and inclusion of measures to ensure long term provision of alternative bat roosting opportunities within the site.
- 8.6.8 In addition to a bat survey a reptile specific survey was also carried out as the rough grassland and scattered scrub habitats could provide opportunities for sheltering and foraging reptile species. The report recommends that a 2m wide buffer of long grass be retained along the southern boundary.
- 8.6.9 The survey carried out identified a tiny population of slow worms (no more than 2). As a result it is recommended that the grassland areas are mown to a short sward

height during the winter months to reduce the habitat suitability for reptiles and allow them to move toward the periphery. The short grass should be retained until development starts and during construction.

8.6.10 The supporting information and reports accompanying the application have identified the habitats present on the site as well as flora and fauna. The reports do not indicate that the site cannot be developed but do make recommendations for survey work prior to the commencement of development as well as suggestions on how to assist the flora and fauna currently present. The reports do not conclude that the existing habitats will be unacceptably damaged. While the landscape of the site will be altered dramatically during and post construction there are still opportunities through landscaping and retention of habitat features to ensure the site continues to make a contribution to the habitat diversity in the area. On this basis the application is considered to be in accordance with policy DM2 LP3 (Development Management Policies) and the NPPF.

8.7 Carbon Reduction Strategy, Code for Sustainable Homes, BREEAM assessment

8.7.1 Policy AL/IN/6 AIDPD requires Major developments to make provision for at least 14% of the energy used in the development to come from decentralised on-site renewable or low-carbon sources. In order to demonstrate this a Carbon Reduction Strategy is normally required to be considered alongside a planning application.

8.7.2 In addition to this policy DM3 LP3 (Development management Policies) requires major residential schemes to meet level 3 of the Code for Sustainable Homes (rising to Level 5 from 2016) and major commercial development to achieve BREEAM 'very good' standard from 2013 and 'excellent' from 2016.

8.7.3 A Carbon Reduction Strategy, Code for Sustainable Homes assessment nor a BREEAM assessment have been submitted with the application. However, in this instance the specialist care home has been designed to the latest Care Quality Commission standards. The contemporary design of the care home and apartments is likely to make it considerably easier to meet the requirements of a Carbon Reduction Strategy as well as the Code for Sustainable Homes and BREEAM requirements. The Government has recently indicated that they intend to amalgamate the Code for Sustainable Homes and BREEAM type assessments into the Building Regulations which are then likely to be monitored by Building Control Departments. Bearing this in mind as well as the contemporary design of the development it is considered acceptable in this instance to condition the provision of these documents to meet the current 14% requirements prior to the commencement of development.

8.8 Impact on, loss of trees and landscaping

8.8.1 The application site contains a number of trees and the site is covered by a Tree Preservation Order.

8.8.2 Since the refusal of the original care home application on this site in 2013 further discussions have taken place between the LPA Tree Officer and the applicant's arboriculturalist. It was agreed during these discussions that some of the mature/over mature TPO'd trees could be removed to enable re-siting of the care home (in turn to reduce impact on Blundells Road) if some succession planting could be achieved.

8.8.3 The trees proposed to be removed include: a mature Sweet Chestnut, Copper Beech and Horse Chestnut two of which are centrally located in the site and the Horse

Chestnut being closer to the row of lime trees on the northern boundary. The loss of these trees has enabled the care home to be repositioned on the site and allowed for the access road in the currently proposed location. The height of the care home close to Blundells Road has been reduced which lessens any visual impact of the development from Blundells Road at Post Hill.

- 8.8.4 A number of other good and reasonable condition trees are to be retained including at the site frontage close to the apartments (wild cherry, Western Red Cedar, Sweetgum) and on the eastern side of the access road where a Cappadocian Maple and a group of Ash, Hazel, Birch and Beech are proposed to be retained following some tree works.
- 8.8.5 The proposed landscaping scheme includes the planting of more flowering cherries at the perimeter of the visitor parking area (close to the entrance to the site), and a row of crab apples on the northern side of the care home. In addition to this there is a range of lower level planting proposals along the Blundells Road frontage of the site as well as within and around the care home and apartments development.
- 8.8.6 The large Oak tree close to the entrance to the Hospiscare premises is to be retained. The area around the base of the tree is proposed to be used as car parking for the apartments as well as a circular driveway area to enable vehicles to turn easily in order to leave the site in a forward gear. The LPA Tree Officer has raised no objections to the principle of this proposal.
- 8.8.7 2 x Silver Birch and 1 Erman's Birch will be removed as a result of seeking changes to the road through the site. The parking spaces have been moved west wards which interferes with the location of these trees. While they are not unattractive trees they are indicated as secondary trees to the A grade trees nearby.
- 8.8.8 In addition to this, by including the application site within the Tiverton EUE masterplan and identifying it as the preferred route for access to the land to the north, the LPA should be expecting a number of the tall TPO'd lime trees on the northern boundary of the site to be removed. These trees are considered to be good tree specimens and if it weren't for the required provision for a through route they should be retained. However, at present the number of Lime trees that would need to be removed has not been ascertained although it is likely to be at least 4 to provide for the required road and pavement. Overall, although the loss of trees from the site is regrettable, the economic and social gain from the development and the inclusion of the site within the Tiverton EUE masterplan are considered to outweigh the loss of trees in this instance. The development is therefore considered to be in accordance with policy DM2 LP3.

8.9 Section 106 issues

- 8.9.1 A section 106 agreement will be required to accompany this planning application to secure the following provisions:
- Transfer of additional land from north eastern end of proposed access road and parking area, up to and including the boundary with the adjoining land owned by Waddeton Park Ltd, from applicants to Highways Authority to safeguard the ability to provide a through road through the site to connect to the development of the land to the north;
 - 4 x affordable dwellings (1 x 1 bedroom apartment and 3 x 2 bedroom apartments);
 - £34,584.5 financial contribution to Devon County Council Education (including legal fees);
 - £10,625 financial contribution toward the off site provision of public open space;
 -

8.9.2 This application's strategic contribution to the infrastructure for the Tiverton Eastern Urban Extension is the provision of the land required to enable the 'preferred route' through the site to form a connecting road to the Waddeton Park Ltd land to the north/north east. This comprehensive and co-ordinated approach is required by the adopted masterplan SPD. This application is required to make the necessary land available at nil cost to the Highway Authority. If this cannot be agreed then the application would be considered to be contrary to the Tiverton EUE masterplan SPD.

8.9.3 If a 'preferred route' road link were not required to be provided through the site the applicants would be expected to make the following contributions via a Section 106 agreement:

- £50,000 financial contribution to Devon County Council Highways Authority for provision of a Toucan crossing across Blundells Road at Post Hill;
- £49,000 financial contributions to wider masterplan infrastructure cost such as traffic calming on Blundells Road, highways alterations on Blundells Road at Post Hill, Left In Left Out junction on to the A361;
- A financial contribution toward the provision of community facilities required by the Tiverton EUE masterplan (amount to be confirmed)

8.9.4 The application's contribution towards strategic infrastructure associated with the urban extension are set out in S106 clauses and include the provision of land necessary to provide the completion of the road link at nil cost to the Highway Authority.

8.10 Other matters: affordable housing, public open space

8.10.1 The application would provide 4 affordable dwellings which equates to 33% affordable housing provision. The affordable housing would be secured via a Section 106 agreement. The provision of the affordable housing and there inclusive design is in accordance with policies AL/DE/2, AL/DE/3, AL/DE/4 and AL/DE/5.

8.10.2 A contribution toward the off site provision of public open space is required by virtue of the provision of residential apartments. In this instance the contribution sought is £10,625. This contribution would be in accordance with requirements of policy AL/IN/3.

9.0 Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.
4. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.

5. Before the development hereby permitted is first brought into its permitted use the first floor, east elevation window in the northerly block of the care home shall be non-opening, glazed with translucent glass, and be so retained.
6. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan, has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.
7. No development shall begin until there has been submitted to , and approved in writing by the Local Planning Authority, a landscaping scheme for the sensory garden, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on drawing 1410_P_001 shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
9. No development shall begin until a doormouse nest tube survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved dormouse nest tube survey.
10. No development shall begin until a badger verification survey has been undertaken on the site in accordance with details in the Phase 1 Habitats survey submitted with the application and Natural England standing advice. Once completed the survey and report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the recommendations of the approved badger verification survey.
11. The development shall be carried out in accordance with the Conservation Management Statement included as Appendix 4 of the Phase 1 Habitat survey submitted with the application.
12. The new road into and through the application site shall be constructed up to and including the north eastern red line boundary of the application site prior to the first use of the care home or first occupation of any of the apartments.
13. The car parking, motorcycle parking, layby and secure cycle storage indicated on the approved plans shall be provided on site prior to the first occupation of

any of the apartments or the first use of the care home. Once provided these parking and storage facilities shall remain permanently available for the parking and manoeuvring of vehicles and storage of bicycles.

14. The development shall be carried out in accordance with the recommendations in the Ruddlesen Geotechnical report submitted with the application.
15. No development shall begin until a Sustainable Urban Drainage Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Sustainable Urban Drainage Strategy.
16. Two of the 12 apartments hereby approved shall be constructed in accordance with Lifetime Home Standards.
17. No development shall begin until a carbon reduction strategy indicating at least 14% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved carbon reduction strategy.
18. No development shall begin until a report indicating that the apartments when constructed will meet level 4 of the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Code for Sustainable Homes report.
19. No development shall begin until a report indicating the BREEAM standard of the care home has been submitted to and approved in writing by the Local Planning Authority. The care home shall reach a standard of 'very good' standard or better. The development shall be carried out in accordance with the approved BREEAM report.
20. No development shall begin until details of how the principles of "Secure by Design" have been incorporated into the care home and apartments hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reasons

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with COR2 Mid

Devon Core Strategy and policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

5. To safeguard the privacy of the occupiers of 2 and 5 Fairway in accordance with policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
7. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
9. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
10. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
11. To ensure the development does not have an adverse impact on protected species that may be found on the site in accordance with the requirements of the Wildlife and Countryside Act 1991 (as amended) and policy DM2 Local Plan Part 3 (Development Management Policies) and NPPF.
12. To ensure the provision of the road through the site which can be linked to the development of the land to the north/north east as required by the Tiverton Eastern Urban Extension masterplan Supplementary Planning Document.
13. To ensure adequate provision of vehicle parking and cycle storage in accordance with policy DM8 Local Plan Part 3 (Development Management Policies).
14. To protect the occupiers of the care home and apartments from risk from contamination in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).
15. To ensure the provision of a sustainable urban drainage scheme in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and policy COR11 Mid Devon Core Strategy.
16. In accordance with the requirements of policy DM14 Local Plan Part 3 (Development Management Policies).

17. In order to meet the requirements of policy AL/IN/6 Allocations and Infrastructure Development Plan Document.
18. In accordance with the requirements of policy DM3 Local Plan Part 3 (Development Management Policies).
19. In accordance with the requirements of policy DM3 Local Plan Part 3 (Development Management Policies).
20. To ensure the development is designed to be safe and secure for the residents in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

10. Summary/reason for approval

10.1 The application for the erection of a 64 bed care home and 12 open market apartments has been considered against national and local planning policy and is considered to be acceptable. The design and siting of the development will not have an adverse impact on the street scene of Blundells Road at Post Hill and will comfortably within the site, in this regard the proposal is in accordance with policy COR2 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies). The development will not have an unacceptable adverse effect on the residential amenity of occupiers of neighbouring properties in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and any impacts on the ecology of the site can be satisfactorily mitigated in accordance with Natural England standing advice and policy DM2 Local Plan Part 3 (Development Management Policies) and the NPPF.

The application now includes all of the land required to enable a through road to be provided through the site in order to enable a connection to be made to the Waddeton Park Ltd application site to the north/north east. The provision of the land to ensure this through road can be provided is subject to agreement via a S106 with the applicants and negotiations regarding this are on-going. While the parking provision, access from Blundells Road, delivery/service layby and secure cycle parking are all acceptable and broadly in accordance with policies DM2 and DM8 Local Plan Part 3 (Development Management Policies), if agreement cannot be reached regarding the provision of all the land required to provide the through road then the application would not be in accordance with the comprehensive and coordinated approach to development of the area as required by the Tiverton Eastern Urban Extension masterplan SPD. The application has therefore been recommended for approval subject to conditions and signing of a S106 to secure the provisions set out in the recommendation.

Contact for any more information	Miss Lucy Hodgson – 01884 234905
Background Papers	Tiverton Eastern Urban Extension masterplan SPD
File Reference	14/00604/MFUL
Circulation of the Report	Cllrs Richard Chesterton Members of Planning Committee

This page is intentionally left blank

Application No. 17/00136/MOUT

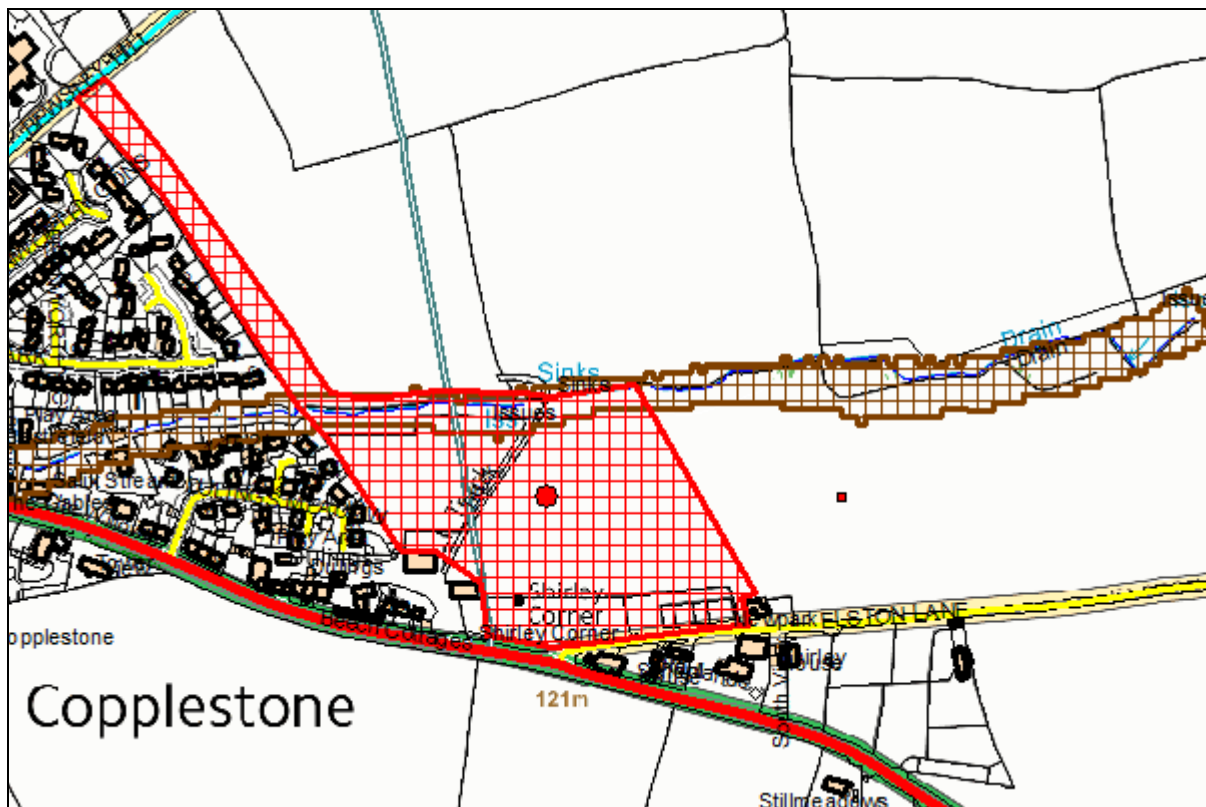
Grid Ref: 102582 : 277744

Applicant: Mr Louis Dulling

Location: Land and Buildings at
NGR 277550 102582
(East of Dulings
Farm) Copplestone
Devon

Proposal: Outline for the
erection of up to 60
dwellings and means
of access (Revised
Scheme)

Date Valid: 27th January 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Reason for Report:

To determine this new planning application following the refusal of an earlier application for 60 dwellings on this site.

RECOMMENDATION

That Members determine this application in light of the decision on the previous application 16/00924/MOUT also taking into account the additional information on reasons for refusal 4 and 5.

RELEVANT PLANNING HISTORY

This current planning application as described above is a re-submission of the planning application 16/00924/MOUT as it was amended (outline for the erection of up to 60 dwellings and means of access) and subsequently considered at the planning committee meeting at their meeting on 6th January 2017. Although the officer recommendation on this application was for approval (refer to appendix A), the application was refused by the Committee for the following reasons:

1. The application site is outside the current settlement limit boundaries of the village of Coplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Copplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Copplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. The Local Planning Authority consider that the application would result in an unacceptable impact upon the highway safety for users of the highway of Elston Lane and it's junction with the A377. Whilst the application scheme includes amendments to the highway and a new junction arrangement the alterations as proposed are not considered to satisfactorily address the detrimental impacts of the development upon highway safety contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

This case has been appealed by the applicant and the timetable for the appeal is set out below:

By 18th April – the Local Planning Authority must submit its statement of case, including any conditions to be recommended for the Inspectors consideration in the event that it is decided by the Inspector that the appeal should be allowed.

By 2nd May – the Local Planning Authority must submit any final comments.

PROPOSED DEVELOPMENT & APPLICANT'S SUPPORTING INFORMATION.

The current application has been submitted as an outline application for the erection of up to (circa as described by the applicant) 60 dwellings together with means of access, with all other matters reserved for future consideration.

The applicant has submitted the following information:

Draft Heads of Terms document undated and confirming as follows:

Affordable Housing: The proposal will provide 35% affordable housing on-site.

Education: To be confirmed with MDDC.

Public Open Space: To be confirmed with MDDC.

Air Quality Contributions: To be confirmed with MDDC.

Provision of Footpath: To ensure provision of footpath as indicated on plan number 141102 L 02 02 (Illustrative Layout).

Planning Statement prepared by PCL Planning: dated January 2107 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement

Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning: undated.

Design and Access Statement prepared by Clifton Emery Design: dated January 2017

Level 2 Flood Risk assessment Report prepared by Teignconsult V2 25.05.2016, and addendum report dated 25th May 2016.

Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 24th January 2017.

Heritage Desk Based Assessment prepared by Costwold Archaeology: dated December 2015. Landscape

Protected Species Report prepared by Engain: dated 26 May 2016.

Phase 1 and Phase 2 Environmental Reports GCE00545/R" dated January 2016

Agents letter, completed application form plans and drawing as follows.

Site location plan and illustrative Layout plan – drawing no 141102 L 02 03F.

Site Access Junction Option Rev G.

Vehicle Tracking & Junction plans Rev A.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

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/IN/3 - Public Open Space

AL/IN/5 - Education Provision

AL/IN/6 - Carbon Footprint Reduction

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

CONSULTATION responses to 17/00136/MOUT

COPPLESTONE PARISH COUNCIL - 20th March 2017 - Coplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.
- f. The revisions made to the application do not cover the shortcomings raised on the 1st application as detailed within the grounds for objection provided by MDDC.

The Parish Council also wish to comment on the following:

Flooding - Despite comments from the Flood and Costal Risk Management Team of the 16th August, it is felt that flooding has not been adequately been considered. Residents have raised issue relating to Salix Stream and the effect of inadequate drainage that already exists stemming from Dulings Meadow as now built. With the continual flood risk increasing within Copplestone, to not have a detailed permanent surface water drainage management plan for this application appears to be perverse. Real fears exist that the existing flood issues within Copplestone will be significantly increased if this development is approved.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School and the figures that are stated within the education report are disputed. It is also noted that due to the concerns of the residents, further consultations are to be had between Copplestone's District Councillor and the education department at DCC over these figures.

It appears that s.106 money for the agreement would be diverted to the Clean Air and Open Space budget for Crediton. With such a large proposed development, why is the money from the development not being passed to Copplestone in fair manner?

For the above reasons, Copplestone Parish Council cannot support the application.

HIGHWAY AUTHORITY - 27th February 2017 - Observations:

The Local Planning Authority will be aware of the Highway Authority's previous comments and observations with regard to this site as set out in the responses to application 16/00924/MOUT all of which are still relevant to the current application.

Therefore should consent be granted the following conditions should be imposed.

Recommendation:

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

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

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

2. No part of the development hereby approved shall be commenced until:
A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00metres back from its junction with the public highway;
B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;
C) The footway on the public highway frontage required by this permission has been constructed up to base course level;
D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

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

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

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
C) The cul-de-sac visibility splays have been laid out to their final level;
D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Elstone lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

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

LEAD LOCAL FLOOD AUTHORITY - 2nd March 2017

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment (Report Ref. 436- FRA Addendum V1 10.07.16, dated 20/02/2016) and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2, Rev. V2., dated May 2016) not superseded by the former document.

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

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

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

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

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

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

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

Observations:

Further to our previous responses to 16/00924/MOUT with regard to the surface water management, the Flood Risk Assessment and subsequent Addendum remain unchanged and still relevant to the current application. As such we have no objection to the proposals subject to the above pre-commencement conditions.

HIGHWAYS ENGLAND - 9th February 2017 - No objections

ENVIRONMENTAL HEALTH - 14th February 2017

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 31st January 2017

Count of Bedroom	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
Band B	2	2		1			5
Band C	2	6		2	1		11
Band D	7	4	2	3			16
Band E	13	19	8			1	41
Grand Total	24	31	10	6	1	1	73

No change with numbers

HISTORIC ENGLAND - 6th February 2017

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

NATURAL ENGLAND - 7th February 2017

No comments.

DEVON, CORNWALL & DORSET POLICE - 3rd February 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available drawings do not reveal any details that would be of concern to the police. However, following a recent site visit and having reviewed the illustrative plans, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street.

Car parking areas should be well illuminated to provide the potential for natural surveillance during hours of darkness.

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in.

If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

I would also advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Will the proposed foot/cycle link to the school (14) be fully adopted and lit as per normal council standards?

DCC RIGHTS OF WAY OFFICER - West - 31st January 2017

I attach a copy of the Definitive Map showing the recorded line of Copplestone FP 53, which differs slightly to what is evident on the ground. Since at least the late 1990s, the signpost has been sited at the entrance to Dulings Farm, rather than to the east as the map indicates. Therefore, the development would have an impact on the recorded route. However, it may be possible to divert this southern section of the path on to the proposed shared use cycle/footpath link to the school under the Town and Country Planning Act 1990.

Following our recent conversation I understand that this application is currently only outline, but I would like to register an interest at this stage.

DEVON COUNTY EDUCATION - 14th February 2017

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

The proposed 60 dwellings, will generate 15 additional primary pupils and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The primary contribution sought is £204,780 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the Copplestone area.

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

9 secondary pupils

£2.80 per day x 9 pupils x 190 academic days x 5 years = £23,940

In addition, a contribution towards Early Years provision is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

HISTORIC ENVIRONMENT SERVICE - 30th January 2017

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

The Historic Environment Team has no comments to make on this planning application.

REPRESENTATIONS

85 letters of objection have been received to this current application raising a range of reasons for their objections, they express the same reasons why 16/0094/MOUT was objected to (refer to appendix A).

In addition a petition against the development from the Parents of Children at the Coplestone Primary School has been submitted with 40 over signatures on it

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This current application proposal proposes an identical form of development to that which has already been considered by the Local Planning Authority within the last four months. The policy framework against which to determine the application has not changed, and the applicant has not sought to redress the reasons why the earlier application was refused (16/00924/MOUT). The response from statutory consultees has not changed significantly since the earlier application was submitted and the level of public objection to the application remains significant.

Your officers recommendation on this current application would be for approval for the same reasons and as was the case for application 16/00924/MOUT. However as stated above your officers can not advise that this current application goes any way to redress the earlier matters on which the members voted to refuse the earlier application. In terms of those reasons which are set out below, Member's attention is drawn the following two points regarding reasons 4) and 5) which are set out in bold after each reason.

MEMBERS REASONS FOR Refusal (16/00924/MOUT)

1. The application site is outside the current settlement limit boundaries of the village of Coplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Coplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Coplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

(Since the meeting on the 6th January your officers have had a meeting with the Head and Executive head at **the Coplestone Primary to understand the capacity levels at the school. As reported in the earlier planning application on this agenda (LPA ref: 16/01888/MOUT) it recognised that the Primary School in the village is popular with admissions and over recent years has been very close to the capacity (210 spaces). There is current capacity to accommodate additional pupils especially in the upper years (years 3, 4, 5, 6). The application scheme based on the DCC formula would generate 15 primary school places which spread over the school years would present a challenge.**

However, Members should be aware that Devon County Council do not allocate school places on a first come first served basis and would only allocate a space for a child if there was sufficient capacity at the school site. The application site is within a school catchment area that includes other schools (for instance Bow, Lapford and Yeoford) and in the event there are no places at the village primary school places would be found at other school, which is why DCC have not objected to the planning application.

In summary officers advise that reason for refusal No.4 would be difficult to defend without any objection from the relevant statutory consultee.)

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

The Highway Officer has specifically commented on this reason for refusal as follows:

“I would not be able to support that refusal reason as the new junction is proposed with appropriate widths, radii visibility and alignment and is a betterment of the existing junction. They have not identified the detrimental impacts so cannot comment on their reasoning or reasonableness of the recommendation.”

In summary officers advise that reason for refusal No.4 would be difficult to defend without any objection from the relevant statutory consultee.

Finally the decision members take on this application would also be carried through on the appeal on 16/00924/MOUT. Accordingly, should Members wish to refuse this application for reasons 1, 2 and 3 only, the Council's case on the appeal will be to defend reasons 1, 2 and 3 and to indicate that reasons 4 and 5 are no longer to be defended.

Contact for any more information	Simon Trafford (01884) 234369
Background Papers	16/00924/MOUT
File Reference	17/00136/MOUT
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee

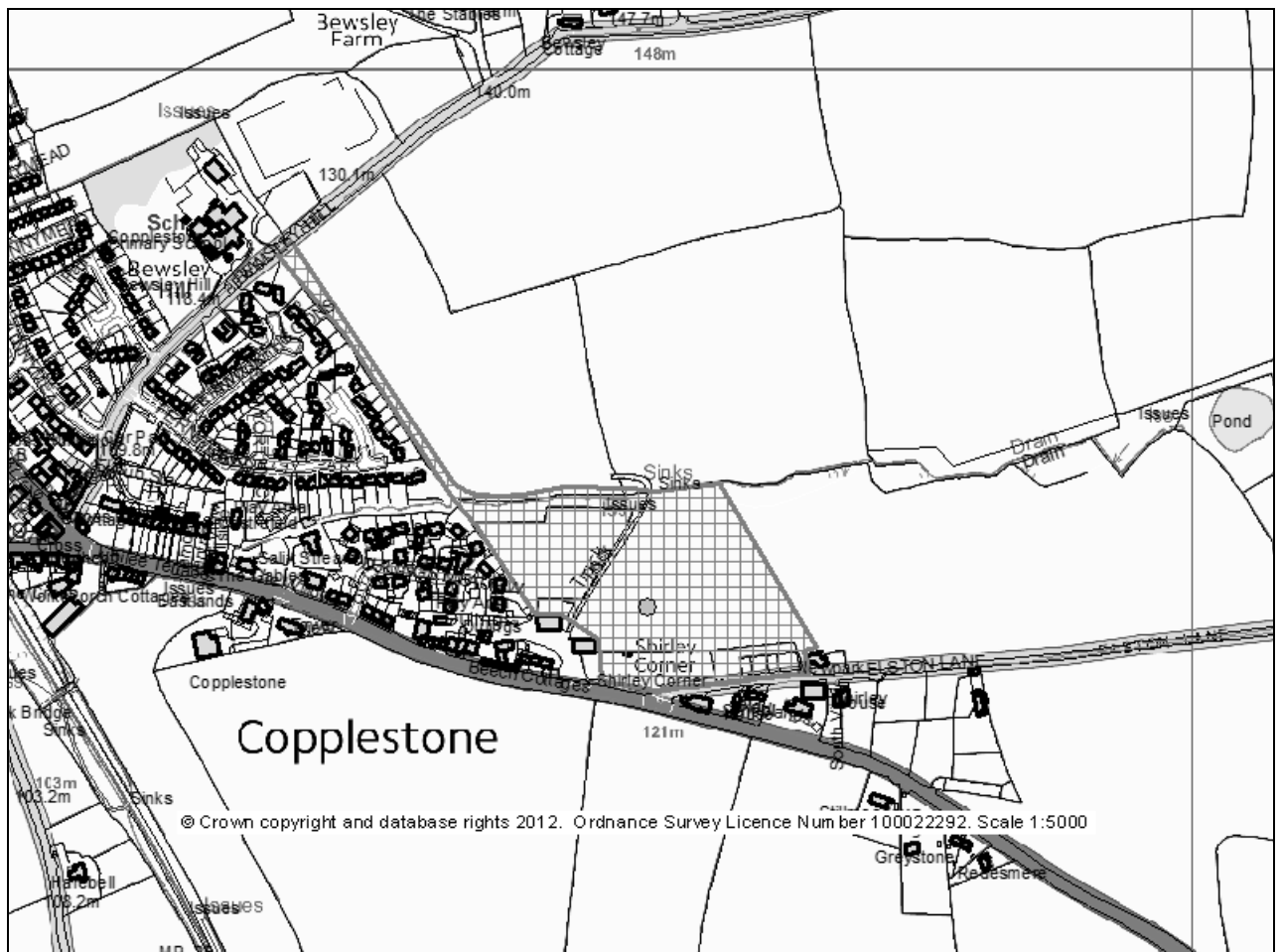
Grid Ref: 277744 : 102582

Applicant: Mr L Dulling

Location: Land and Buildings at
NGR 277744 102582
(East of Dulings
Farm) Coplestone
Devon

Proposal: Outline for the
erection of up to 60
dwellings and means
of access

Date Valid: 20th June 2016



Application No. 16/00924/MOUT

RECOMMENDATION

Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.

Section 106 agreement to include:

1. Affordable Housing: 35% affordable housing on-site.
2. A primary school contribution of £170,422, to be used at Copplestone Primary School.
3. A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust.
4. A financial contribution of £247,666.00 towards the enhancement of the existing sports field and associated facilities in Copplestone.
5. Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill - adjacent to Copplestone Primary School - (as indicated on plan number 141102 L 02 02 (Illustrative Layout)).
6. A financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.
7. Monitoring and Legal costs.

PROPOSED DEVELOPMENT

This description of development provided by the applicant as the application was initially submitted was for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access with all matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The applicants agent confirmed that (24th October 2016) the terms the application proposals were to be amended to remove the Doctors Surgery from the scope at the application scheme, with the description of development amended as follows: Outline for the erection of up to 60 dwellings and means of access.

The site lies sandwiched between the A377 and Bewsley Hill and adjacent to the existing housing estates along Fernworthy Park and Dulings Meadow and the Dulings farmyard, which includes the farm shop and parking and two buildings. The application site is located just beyond the settlement boundary for Copplestone.

The site is agricultural land (classified as grade 2), measuring approximately 3.81 hectares, and slopes from both north to south and south to north, with a water course running across the site within the shallow valley that is created as part of the natural land form. The development area broadly comprises two field areas with a public right of way running across it (north to south).

The new vehicular access is proposed just beyond the junction between the A377 and Elston Lane. In addition a 10.0 metre strip section (running parallel to the site boundary) of the field to the north is included as part of the red line area, in order to deliver a footway/cycleway that links the development area back up to Bewsley Hill.

An indicative layout showing how the 60 dwellings could be arranged across the site has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

APPLICANT'S SUPPORTING INFORMATION

Draft Heads of Terms (dated 16 June 2016) as amended on 30th November 2016.
Planning Statement prepared by PCL Planning: dated June 2106 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement
Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning
Design and Access Statement prepared by Clifton Emery Design: dated June 2016GJR Architects
Level 2 Flood Risk assessment Report prepared by Teignconsult V2 25.05.2016, and addendum report dated 25th May 2016.
Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 9th JuneAWP Consulting
Heritage Desk Based Assessment prepared by Costwold Archaeology: dated December 2015.
Landscape
Protected Species Report prepared by Engain: dated 26 May 2016. Ecological Survey - Extended Phase 1 habitat Survey Summary & Phase 2 Reptile Survey prepared by PLAMECO
Environment Noise Assessment Report Prepared by Ian Sharland Ltd

Plans & Drawings:

Location Plan, Illustrative Layouts - drawing 02F and 03
Site Access Junction Option Rev F.

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
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/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/IN/6 - Carbon Footprint Reduction
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

CONSULTATIONS

COPPLESTONE PARISH COUNCIL - 25th July 2016 - Coplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. If the application was to go ahead, it would be considered to be over development It is felt that the application should be refused on this ground.
- c. The Highways structure is not sufficient for such a development.
- d. It is understood that local businesses would suffer nuisance and disturbance from the proposed development.

Copplestone Parish Council also wish to note that a significant number of objectors have consulted with the Parish Council on the above application.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School. For the above reasons, Copplestone Parish Council cannot support the application.

COPPLESTONE PARISH COUNCIL - 7th December 2016

Copplestone Parish Council have met again and discussed the above planning application following the removal of the GP's Surgery. Copplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within Mid Devon District Council's Local Plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.

The Parish Council also wish to comment on the following:

Flooding - Despite comments from the Flood and Coastal Risk Management Team of the 16th August, it is felt that flooding has not been adequately been considered. Residents have raised issue relating to Salix Stream and the effect of inadequate drainage that already exists stemming from Dulings Meadow as now built. With the continual flood risk increasing within Copplestone, to not have a detailed permanent surface water drainage management plan for this application appears to be perverse. Real fears exist that the existing flood issues within Copplestone will be significantly increased if this development is approved.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School and the figures that are stated within the education report are disputed. It is also noted that due to the concerns of the residents, further consultations are to be had between Copplestone's District Councillor and the education department at DCC over these figures.

It appears that S.106 money for the agreement would be diverted to the Clean Air and Open Space budget for Crediton. With such a large proposed development, why is the money from the development not being passed to Copplestone in fair manner?

For the above reasons, Copplestone Parish Council cannot support the application.

HIGHWAY AUTHORITY - 15th September 2016

Further to my previous comments I can confirm that the Local Transport scheme is as per the plans submitted by Email on the 14/9/2016 and that the estimated cost of the scheme is £100,000.00.

I can also confirm that there is an error in the condition for offsite works and that it should read Elstone Lane and not Dullings Lane.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

4. Off-Site Highway Works No development shall take place on site until the off-site highway works for the construction of the access and realignment of Elstone Lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

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

13th September 2016

The applicant has submitted a revised plan showing the necessary road width and indicative relocation of the 30mph limit. and drawing "REV F. revised road markings and Signs" indicates the appropriate road widths and footways. These are acceptable to the Highway Authority albeit there may be changes to the signs and lines to reflect the current County Policies and terminal signs in Dullings lane are to be finalised.

However these are matters for the Highway Authority legal agreement under section 278 of the highways act and do not affect the planning application.

The Highway Authority therefore would recommend the following conditions should planning consent be granted and would also seek the provision of a contribution towards the provision of a footway identified through Local transport plans in Bewsley hill Such provision should be subject to a legal agreement under the Town and Country Planning act. The estimated cost of the Amount of contribution is to be determined and will be forwarded to the Planning Authority in due course.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

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

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

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

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

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

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

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

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Dullings lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

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

LEAD LOCAL FLOOD AUTHORITY - 17th August 2016

Following my previous correspondence (FRM/744/2016, dated 11th July 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted an Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev.dated 20th July 2016), which is acceptable.

Assuming that the pre-commencement planning condition outlined below is imposed on any granted planning permission, I am happy to confirm that we have no in-principle objection to the proposals, and that we do not require any additional information at this stage.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

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

12th July 2016

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

Section 2.6 of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) states that during infiltration testing, groundwater ingress was noted in some of the test pits. Due to

this, and because the proposed attenuation ponds are located above, and adjacent to, existing dwellings, we require the attenuation ponds to be lined. This will remove the infiltration component from the attenuation ponds, thus requiring a resizing of the proposed surface water drainage management system.

The applicant will then be required to provide long term storage to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres / second/hectare.

Furthermore, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control features across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (i.e. the two attenuation ponds). Examples of these source control features could include underdrained permeable paving, formalised tree pits or other bioretention features such as rain gardens, as well as green roofs and filter drains.

The applicant must also submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

ENVIRONMENT AGENCY - 11th July 2016 - Environment Agency Position

We confirm that we have no in principle objections to the proposal given that the proposed properties would all be built on Flood Zone 1 - where there is lowest risk of flooding.

Flood Risk Sequential Test - general advice

The application site lies partly within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

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 if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

1st August 2016 - We have no further comment on the application as the addendum deals with the disposal of surface water which is now commented on by Devon County Council in its role as the Lead Local Flood Authority.

HIGHWAYS ENGLAND - 22nd June 2016 - No objection.

ENVIRONMENTAL HEALTH - 6th July 2016 - Contaminated Land - Satisfied with the information supplied with this outline application and have no objections.

Air Quality - Satisfied with the information supplied with this outline applications and have no objections

Drainage - No objection

Noise & other nuisances - No objection

Housing Standard - No comment

Private Water Supplies - Not applicable mains water supply assumed

Health and Safety - No objection to this proposal enforced by HSE

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 22nd June 2016 - Extract from Devon Home Choice for Coplestone, including applicants living, working or lived in area.

Count of Bedroom	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
Band B 2	2		1			5	
Band C 2	6		2	1		11	
Band D 7	4	2	3			16	
Band E 13	19	8			1	41	
Grand Total	24	31	10	6	1	1	73

HISTORIC ENGLAND - 28th June 2016 - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

NATURAL ENGLAND - 28th June 2016 - No comments

DEVON, CORNWALL & DORSET POLICE - 22nd June 2016 - The Police have some concerns at the location of the doctors surgery as buildings on corners of junctions are the most vulnerable to crime, also there seems to be a lack of parking. Once staff have parked it would be limited if any for patients that would mean patients abandoning their vehicle on the road or residents parking spaces causing potential community friction.

DEVON COUNTY EDUCATION - 8th July 2016 - The proposed 60 family-type dwellings, will generate an additional primary pupils 15 and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £170,422 (based on the current DfE extension rate per pupil of £11,361.50) which will be used to provide education facilities in the Coplestone area.

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

9.00 secondary pupils
£2.80 per day x 9 pupils x 190 academic days x 5 years = £23,940

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

Additional Comments received 17th November 2016

As you are aware, Copplestone Primary does not have sufficient capacity to accommodate additional pupils and as a result we have requested a contribution towards additional primary places to mitigate the impact of the proposed development.

The primary school currently has one class per year group, which is considered to be effective in terms of organisation as year groups don't need to be mixed. Although it might not be desirable to expand the school, it is considered that this is achievable, or there may be alternative options, in order to mitigate the impact of the development. As there are solutions to mitigate the impact of the development, we do not consider that it would be reasonable to object to the planning application and consider the previous response remains justified.

HISTORIC ENVIRONMENT SERVICE - 27th June 2016 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

REPRESENTATIONS

The application has been subject to two rounds of consultation and notification, with a second process undertaken following the change to the application scheme as set out above.

In response to the first round of consultation 59 objections to the application scheme have been received. A summary of the key concerns expressed is set out below:

1. There has not been a proven need for the Doctors Surgery. There have also been positive comments supporting the Doctors Surgery and also raising the need for a Village Hall
2. Concern as to the impact on the numbers of pupils attending the Village school, and how they will get to the school in terms from a safety point of view.
3. Negative impact on the village with addition strain on all services, including public transport provision, and further congestion on the A377 as the residents commute to work.
4. Concerns about flooding in the locality given additional hardscape that is proposed.
5. Reference to an online petition with 100 signatories objecting to the development.
6. The site is outside the development boundary for Copplestone, and is considered unsustainable.
7. The site form part of larger area that was considered through the SHLAA process as an unacceptable site for new housing.
8. The existing public footpath will be affected.
9. The attenuation ponds will present a danger/risk for local children.
10. The proposals should include a local shop or petrol station.
11. Negative impact on the character of the Village.
12. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.
13. Loss of farm land
14. Impact on wildlife and the rural character of the locality.
15. The visual amenities of the area will be adversely affected.
16. Fernworthy Park and Gardens was built out in 1988/89 and not 2004 as referred to in the planning statement. Also the farm shop and local stores have both been closed for some time as opposed to the suggestion in the Planning Statement
17. Concern that the Sewage Infrastructure in locality will not be able to cope with the extra demand from 60 new houses.
18. The footpath link is a good idea but it use as part of the highway would not be supported if were to become a road existing onto Bewsley Hill.
19. Concern that if permission is granted for this application it will set a precedent to redevelop the agricultural field to north of the application site.
20. The alteration on the highway to form the entrance to the housing estate, and the level of traffic arsing, will make it more difficult to travel down this lane to access the residential and

- business addresses along it.
21. There is no formal car parking area to serve the train station in the village.
 22. How will Copplestone benefit, is the developer going to contribute to local infrastructure. .
 23. Dog walking will be made harder as a result of the loss of open space.
 24. Community and play facilities are much needed in Copplestone.
 25. There is a general view that Copplestone, as small rural village is already at capacity

Following the second round of consultation undertaken following the amendment to the description of development as referred above a further 19 comments have been received maintaining a position of objection to the application scheme.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issued in the determination of this application are:

1. **Principle of development, including 5 year land supply - Policy Issues.**
 2. **Local context considerations, impact on landscape character and visual amenities and density of development**
 3. **Highways, Movement & Air Quality Issues**
 4. **Affordable housing provision and Section 106 matters**
 5. **Other matters**
 6. **Summary & Planning balance**
1. **Principle of development, including 5 year land supply - Policy Issues.**

Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The application scheme is for up to 60 houses and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside of the Copplestone defined settlement boundary. Copplestone has a number of local services and facilities. It has good public transport connections, and is considered to be a village that is a sustainable location for the limited development of additional housing as promoted at COR17. However as the application scheme is beyond the settlement boundary of the village it is considered to be contrary to policies COR18 and COR17 of Mid Devon's adopted development plan.

Other policies in the development plan that need to be considered in the assessment of the application scheme are 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. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policies relating to affordable housing are set out policy AL/DE/3 which requires as a general requirement that 35% affordable housing is required on sites of more than 2 dwellings. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/IN/3 requires development to contribute to the provision and maintenance of existing and new open space. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by development plan policy members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) 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. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. 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.

The applicant in their planning statement makes reference to the recent appeal case at Uffculme where the Inspector resolved to grant outline planning permission for up to 60 houses on land beyond the settlement boundary, as is the case with the current application. In recommending to grant outline planning permission the Inspector on the Uffculme case, at paragraphs 98-100 of his report, concluded as follows:

98. To conclude, the proposal would be in conflict with Policies COR 17 and COR 18 of the CS. However, the development plan is inconsistent with the policies of the Framework by reason of its failure to properly identify, and plan for, the full objectively assessed need for housing in the District. Moreover, the Council has been unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 49 of the Framework deems that relevant policies for the supply of housing should not be considered up-to-date. I have therefore attached limited weight to the policies upon which the Council has sought to rely in refusing planning permission.

99. The proposal would bring important social benefits in terms of delivering market and affordable housing and it would also promote economic activity. I attach considerable weight to these matters, in light of the Council's current housing land supply position and the need for economic growth. No environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and the submitted S106.

100. Accordingly, it is my view that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. There are no specific Framework policies indicating that development should be restricted. I therefore consider that the proposed development should be regarded as sustainable. This is a significant material consideration sufficient to outweigh the development plan conflict.

The following sections of this report consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weigh in the balance the benefits of the proposal against identified harm.

2. Local context considerations, impact on landscape character and visual amenities and density of development

The application scheme is an outline application and proposes a maximum of 60 dwellings across a gross site area of approximately 3.81 hectares. Approximately on a quarter of the site it is proposed to accommodate open attenuation basins set within a remodelled and landscaped zone as shown on the indicative block plan layout has been provided in support of the application.

The southern boundary of the application area is formed by a mature hedgebank to Elston Lane. There is a single property to the south east that shares a boundary with the application site. There is also a cluster of residential properties and car garage on the southern side of Elston Lane with a single dwelling on the northern side adjacent to the site in the south east corner. There is no formal field division along the eastern boundary. The western boundary abuts the existing suburban edge of the settlement adjacent to the houses at Dulings Meadow, Fernworthy Park and Fernworthy Gardens back onto the site. The western boundary is formed by a low tree lined hedgerow, to the south and taller hedgerow with more frequent mature trees to the north. To the north the application area adjoins Bewsley Hill.

The design and access statement sets out a series of supporting principles, and based on the principles as set out an illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

- o Proposed development fronting Elston Lane will need to consider a suitable buffer to existing properties.
- o Provision of a 10m landscape buffer running the length of the western boundary and generous areas of open space will reduce the potential impact upon the existing development.
- o Development will be kept to the Southern area where topography raises no issues.
- o Habitat corridors including the stream corridor and hedgerows will be retained, protected and enhanced with additional planting. All mature trees and will be retained, enhanced and protected during the construction and operational phases of the development.

A illustrative masterplan has been submitted to support the application, and it shows a housing mix includes that 1 and 2 bedroom apartments, 2, 3 and 4 bedroom houses. The illustrative layout is configured so that all the buildings are a maximum of two storeys and provides a parking arrangement of 1.8 spaces per dwelling. The development area sits away from existing houses on the western boundary but would form an area of new frontage to Elston Lane, and a new hedgerow arrangement is proposed to contain the development on the eastern boundary. This layout is not for approval at this stage as the detailed layout would be approved at the reserved matters stage, along with the layout, appearance and landscaping details.

The Mid Devon landscape character assessment identifies the application area and the northern edge of Copplestone within Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. A summary of the key characteristics of this type of landscape:
The key characteristics of this area are:

- o This is a gently rolling and strongly undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills.
- o Characterised by a tightly rolling, medium to small scale landform. The landscape has generally been carved away by tributaries of the River Exe, Taw, Creedy and Culm to create smooth convex slopes with a uniformity of slope angle and scale of the resultant hills.
- o The drainage patterns within this landscape are defining characteristics key to both the resultant landform and vegetation patterns. The sources of rivers create a lush damp character with rushes in the valleys and lower slopes. The stream channels emerging from the valley heads are small in scale and are little more than field ditches that are seasonally wet.
- o Woodlands are mixed with dense scrubby undergrowth, giving a well wooded character. Where this well-wooded characteristic is found there is a strong sense of enclosure. Towards the south and west of the district, woodland cover is extensive.
- o Hedgerows are well-managed and dense bounding regular and irregular shaped, medium to large-scale enclosures of pasture.
- o This is primarily a pastoral fertile farmland, predominantly improved pasture with some arable. The more improved and intensively managed areas have undergone field amalgamation, disrupting the intimate scale of this landscape.
- o Much of this landscape is characterised by the Red Devon Sandstone giving great soil fertility for arable farming.
- o Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- o There are a mixture of buildings styles present from traditional cob render, slate or thatched roofs to Victorian and modern.

The site itself appears to display characteristics outlined in the above bullet points. Historic hedgerow boundaries have been removed and fields enlarged to create larger agricultural pastures. The more established hedgerows lining the roads and lanes have been well-managed and tightly clipped. Sporadic mature trees are established along the stream corridor.

The site's character is therefore informed by its current pastoral use, boundary hedgerow conditions, adjacent development and roads, as well as its position in the wider landscape character area. Although the appearance of the site would change, it is considered that the development of the site for new homes could be brought forward in a respectful manner to the local landscape character of the area integrating landscaping features across the development, area including the area to accommodate the SUDs scheme, and the footpath link to Bewlsey Hill. Given the local topography the visual impact will be restricted to a local impact and sitting as an extension to the existing residential housing estate.

The level of development equates to approximately 20 dwellings per hectare which falls below the range promoted at Core Strategy policy COR1.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the sitting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 60 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

3. Highways, Movement & Air Quality Issues.

There are a number of aspects to consider under this part of the assessment at this stage as follows. The applicant has submitted a Transport Assessment to inform the assessment process, and comments have been received from the Highway Authority as set out above. Key points to note:

The site is directly adjacent to the village boundary.

Pedestrian access from the site to the village shop, pub and train station beyond is achievable at present, and would be improved once the 'proposed works' to the corner of Bewlsey Hill and the A377 have been completed which the applicant has agreed to contribute £100,000 towards the completion of at the request of the Highway Authority

Pedestrian access from the site to the Primary School on Bewlsey Hill would be facilitated along the new footpath / cycleway (design details to be agreed to reflect adoptable standards) proposed as part of the application scheme, in addition to the improved route along A377 and Bewlsey Hill as referred above.

The number 5 bus services runs between Exeter and Copplestone and onto North Tawton and Oakhampton with a frequent daily Service which runs directly past the site.

There is an hourly train service between Copplestone to Crediton, Exeter and Exmouth beyond and Copplestone to Barnstaple, with a pedestrian connection from the site as referred above.

Based on traffic generation data the proposed development mix would add a total a of 55 additional vehicular trips in the am peak and 50 in the pm peak. The new junction arrangements at the A377 and Elston Lane on the Shirely Corner have been remodelled and designed to reflect the advice of the Highway Authority in addition to Manual for Streets 2 in terms of width of highway corridor proposed in order to be able safely manage the additional traffic. The new arrangement will allow for two way traffic to pass comfortably whereas at present Elston Road narrows significantly beyond the junction with the A377 and therefore presents a risk. The setting and access arrangement for the residential dwelling on the corner of Elston Lane would also be improved.

A travel framework is proposed to manage travel associated with the residential development.

With regards to Air Quality, policy AL/CRE/8 is relevant given the site location in relation to the Crediton Air Quality Management Area. In response to the requirements of this policy the applicant has agreed to make a financial contribution of up to £172,926 to be provided towards supporting initiatives to manage air quality within the Crediton AQAMA. A schedule of costings for the initiatives as set out below have been provided by Devon County Council to include the following: Upgrade the existing bus stop infrastructure adjacent to the site, provision of secure, sheltered cycle parking at Copplestone railway station, car club provision in Copplestone and bus subsidies to improve frequency of bus services to/from Copplestone.

In summary the proposals to access the development site are considered acceptable by the Highway Authority and therefore there are not considered any reasons on highway safety and/or capacity ground to refuse the application. The scope of additional infrastructure proposed directly as part of the application site, and off-site, will enable safe and convenient pedestrian access to key services and facilities within the village. On this basis the proposals are considered to be in accordance with policies COR8 and COR9.

4. Affordable housing provision and Section 106 matters

Following discussions with your officers, the applicant has agreed to the following Section 106 package for consideration as part of the application proposals as set out below. The scope of off-site highway works and education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters. The scope of the off-site contributions towards open space and air quality initiatives have been calculated using the formula set out in the respective Supplementary Planning Guidance Notes to support AL/CRE/8 and AL/IN/3 but excluding the affordable houses in terms of calculating the contribution towards managing air quality within the Crediton AQMA, as set out below:

- Affordable Housing: 35% affordable housing on-site which would equate to a maximum of 20 units.
- A primary school contribution of £170,422, to be used at Copplestone Primary School - see also other issues section.
- A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust, Crediton Public Open Space.
- A financial contribution of £75,000 towards the enhancement of the existing sports field and associated facilities in Copplestone will be made, or £1250.00 per residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- A financial contribution of £172,926 will be provided towards supporting initiatives to manage air quality within the Crediton AQAMA, or £4434.00 per market residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill is provided - adjacent to Copplestone Primary School - as indicated on plan number 141102 L 02 02 (Illustrative Layout).
- Provide a financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.

In summary the package as outlined above delivers a scheme that would be compliant in terms of policies AL/DE/3, AL/IN/5, AL/IN/3 and AL/CRE/8, and in terms of the section 123 of the CIL regulations which require that each obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fair and reasonably related in scale and kind of development

With regards to the tenure of the affordable housing the Housing Options Manager, on behalf of the Head of Property Services has confirmed that the affordable housing should be provided on an affordable rented tenure (100%) and with the following split on house type: 30% x 1 bed units, 55% x 2 bed units and 15% x 3 bed unit. It is recognised that 100% affordable for rent is at odds with the provisions of AL/DE/2 but is commensurate with current market conditions and current demand as indicated on the Devon Home Choice data base.

Finally it is noted when the indicative layout plan indicates an area to be provided for recreational open space within the area of the blue line area toward the boundary with Bewsley Hill. However following discussions, and reflecting on submissions made by local stakeholders the applicant has agreed to meet this provision by offering an off- site contribution in accordance with the requirement of AL/IN/3 which could be utilised to complete the delivery of the project authorised under LPA ref: 14/00747/FULL for the erection of a sports, village and community centre building which although permitted under the above LPA reference remains unimplemented.

The detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report. **As members will note the recommendation seeks to maximise the contribution towards assisting with the delivery of the sports, village and community centre building which would maximise the benefits to the local community. Therefore it is recommended that the scope of this contribution is increased in lieu of the contributions to redress the requirements of policy AL/CRE/8.** This is considered to be an acceptable balance to the package of Section 106 contributions given the scope of the off-site and on site highway works that are proposed (identified at points 5 and 6) of the recommendation section which will secure significant improvements in terms of improvements to the transport network in Copplestone and to the benefit to all.

5. Other Matters

Contaminated Land Issues: There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination with by condition.

Flood Risk Issues: The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. The comment from the Environment Agency reflects the fact that part of the wider site, directly adjacent to the water course is classified as land within Flood Zone 3. However there is no requirement to apply the sequential test given the development area is contained within a flood zone 1 location.

Surface Water Drainage Issues: Development of the site will lead to an increase in impermeable area, which could have a consequential impact on the existing site runoff rates of the site as a greenfield location. The Level 2 Flood Risk assessment Report, as amended in part by the addendum report dated 25th May 2016 sets out a framework for the detailed design of the proposals to mitigate the impact of increased surface water off. The scheme will include two retention ponds as shown on drawing FRA4A which will then discharge into the existing watercourse (Salix Stream) in a controlled manner. The calculations and supporting information demonstrate that there is sufficient land within the application site area to accommodate the development and the scope of the SUDs proposals that has been outlined. Devon County Council, as lead Flood Risk Authority have confirmed that subject to the terms of condition as recommended that they have no objections to the planning application proposal. A further condition is also recommended to redress the surface water drainage impacts of the construction phases of the project. In summary based on the evidence provided it has been demonstrated that subject to the scope of mitigation provided in terms of the SUDs scheme that the development as proposed would not generate surface water run-off conditions into the Salix stream that are over and above green field run off rates. This has been accepted by the Lead Flood Authority in advising your officers regards this part of the assessment.

Concern has been raised by a number of local stakeholders regards the ponds that are proposed in that they will present as safety hazard. Although the provision of open drainage ponds are a common feature within many new housing projects, this is considered to be a valid point and further details will be required to address this point will as part of the reserved matters process.

In addition to the above concerns a number of local residents and the Parish Council have voiced concerns that the existing conditions lead to flooding issues further down stream to the application site. Your officers understand that this is as result of the culverting arrangements that are in place down stream of the application site. If surface water run-off rates are maintained as per greenfield run-off rates then the existing flows would not be affected. Therefore as part of the flood mitigation proposals further investigation of the arrangements downstream will be required. Measures will need to be put in place that to seek to resolve the inadequacy of the existing arrangements to which the development area is to benefit from, as without the ability to discharge into this watercourse the

development would not be acceptable.

Ecological Impacts: On behalf of the applicants, Engain consultants have undertaken a series of surveys across the site as set out in the report submitted to support the application dated 26th May 2016. The results of the survey indicated that whilst the land close to and adjacent, (incorporating a number of trees) to the stream provides habitat (permanent and/or foraging) for a variety of protected species, the development area as arable crop fields is of little ecological value. Measures to protect these areas during construction will also be required as part of the construction management plan.

In terms of impact the application scheme, the proposals result in the loss of two sections of hedgerow along Bewsey Hill to form the footpath connection, and approximately 45.0 metres of hedgerow to the southern frontage with the A377/ Elston Lane. Although the hedgerows provide a typical habitat for dormice none were found to be present during the survey period. Subject to the removal of these sections of hedgerow being undertaken in accordance with the recommendations in the report no adverse impact should be caused. Additional areas of habitat would be provided within the new section of hedge to be planted to the eastern boundary of the development area.

In summary the survey work undertaken indicates that the application scheme could be accommodated without resulting in significant adverse impact on the ecological and wildlife value of the site. Furthermore it is noted that no objections have been raised from Natural England.

Heritage Impact: The heritage resource within the site comprises remains associated with enclosures based on medieval agricultural fields, incorporating hedgerows along the field boundaries. A desk and field based assessment of how the application scheme would affect the setting of designated heritage assets has been undertaken with a report submitted to accompany this application. It is acknowledged that there are a number of heritage assets within the wider environs to the site and whilst there is visual connection with a number including the Grade II Listed Bewsey Cottage, Denver Cottage, Beers Farmhouse and the Grade I Listed Church of St Andrew within Colebrooke, because of the separation distance between them and the proposed development area, the impact is not considered to be overriding and/or damaging. Both the Archaeologist at Devon County Council and Historic England have considered this evidence base and assessed their own records. They have advised your officers that there would be no harm to the significance of any designated heritage assets within the surroundings of the site. In summary, a sympathetically designed development would not result in either substantial, or less than substantial harm to designated heritage assets.

Cumulative impact on Copplestone: Concern has been expressed by local stakeholders and the Parish Council as to the impact that the proposals will have on Copplestone given that there the site referred to as the Old Abattoir is proposed to accommodate up to 30 houses. This proposal has now been submitted for outline planning permission under LPA ref: 16/01888/MOUT with the following description of development: 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.

It is accepted that the delivery of this site for new development has been brought forward in order to specifically redress the shortage of sites (5 year land supply), with the decision to bring forward the site allocation (first proposed in the Local Plan Review 2013-2033) taken on the 7th August 2015 by the Cabinet (ref: minute 51). Although this decision was taken to seek to accelerate the delivery of housing on the Old Abattoir site, the delivery of development on this site would not be a justified reason to refuse this current planning application. The correct policy framework for the assessment of this application is outlined at section one above.

The other significant issue raised by stakeholders, including the Copplestone Parish Council, is the impact that the application scheme will have on day to day life in the village, in particular how the primary school will manage to accommodate additional pupils and the lack of community facilities in village. These issues are considered further below.

1. With regards to the impact on the Primary School, the school is a popular one form intake with a capacity of 210 and with 199 pupils currently on the roll. Taking into account the need arising from permitted developments for small windfall sites in the locality and forecasted localised increases, the

residual capacity at the school would be taken up. The consultation response from DCC this application would generate the need for an additional 15 primary school places which in addition to the other planned development at the Old Abattoir site would require a total of a further of 23 places to be provided on the roll rising to 25 if permission is granted for 40 houses on the Old Abattoir site. This would be equal to the provision of an additional 4/5 pupils per year group across the school roll. The applicant has agreed to make a contribution towards funding improvements that are required to accommodate any additional capacity to serve the development, in accordance with the supplementary planning guidance published by Devon County Council.

The guidance clarifies that the County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity and/or where development places an additional burden on home to school transport. Additional facilities will either be provided through the expansion of an existing provision or through the development of a new provision. This will be determined by the circumstances of the nearest provision and the scale of the development on a case by case basis, taking account of wider development allocations.

In summary the Education Authority have assessed the application against their published guidance and have confirmed the level of mitigation that would be required in terms of an off-site contribution, as opposed to recommending refusal for the application. Notwithstanding, local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority apply in the determination of planning applications and the specific advice that they have provided regards the determination of this application.

2. The applicant has agreed to make a reasonably significant contribution towards facilities off site which could be used to assist the delivery of the Sports Village on the site adjacent to the primary school on Bewsley Hill. The scheme retains the existing public right of way through the site and the field beyond and includes a further landscaped link through to Bewsley Hill adjacent to the Primary School.

Following on from the view expressed by local stakeholders the proposal to include the Doctors Surgery has now been removed.

Strategic Housing Land Availability Assessment (SHLAA): Reference has been made to the fact that the site was considered as part of the SHLAA process and was set aside at that time given concerns about flood risk and in terms of the impact on the primary school. This is correct, however it is noted that this application site is for a much smaller site with a lower level of housing. Matters in relation to managing flood risk and the demand for places at the primary have been considered as part the assessment of this application as set out above with no objections raised by the statutory consultee for each issue.

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), paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £370,800.00 (plus an extra £7,000.00 for the affordable homes).

6. Summary & Planning balance

The overall thrust of Government policy as set out in the NPPF is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. 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. Your officers consider that the test as outlined at paragraph 14 of the NPPF, and as set out under section key issue 1, is capable of having being met by this application proposal.

The development would provide up to 40 open market and up to 20 affordable dwellings which could provide economic and social benefits for Copplestone in accordance with the thrust of guidance in the NPPF.

It is also recognised that there is significant local objection to the proposals which appears to be founded on the fact that the site falls outside the existing settlement boundary and will therefore sit as an isolated development, and also given the overall lack of any focused community facilities in the village at this current point in time. There are concerns as to the impact that the occupiers of the new development will have upon existing services in the village in particular the primary school. The Parish Council do not consider that the application could be considered to be sustainable development because the scheme would add to the population of the village notwithstanding its village status and the lack of infrastructure to support additional growth over and above the level that is proposed in the emerging development plan for the period (2013 -2033).

In terms of the assessment of the application at this outline stage it is not considered that the development would harm the overall character and visual amenities of the area and it is considered that a detailed scheme could be designed for the development area would sit comfortably and be respectful to its neighbours. Alterations to the A377 and Elston Lane are proposed to form an acceptable access into the site, whilst improving highway conditions in the village. A pedestrian link is proposed as part of the application scheme that will form a direct link back to the northern part of the village, and importantly provide an off road direct route to the Primary School.

Other benefits for the locality include financial contributions towards enhancing the range of existing sports and community facilities on the Bewsley Hill community playing field site, towards the education facilities that would be required at the Village primary school and towards securing improvements at the junction of A377 and Bewsley Hill. The highway improvements would assist existing and proposed residents in Copplestone to travel more safely and more sustainably. These factors are all considered to carry some weight towards justifying the application scheme and officers have made reasoned judgements as to how much weight should be afforded to these matters in the assessment of the planning application.

The impacts of the development have been considered very carefully reflecting on the advice provided by the range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved in terms of on-site or off-site mitigation. Furthermore it is recognised that the amount of weight that can be afforded to the provisions of policies COR17 and COR18 is reduced given the circumstances relating to the supply of land for housing and the delivery of new housing across the district. Taking into account the site location with village access to both bus and rail travel and the scope of off-site contributions which the applicant has agreed to the application scheme is considered to be a sustainable form of development in transport planning terms. It is also considered that the planning application proposals in terms of the proposed Section 106 package could help accelerate the delivery of new community facilities in the village.

Therefore it is considered by officers that on balance a case could be made to support this application proposal, notwithstanding the development plan policy position. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 18 calendar months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within 6 calendar months of the date of the approval of the last of the reserved matters, whichever is sooner.

4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic arrive at and depart from the site;
 - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
 - (f) 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
 - (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.

Works shall take place only in accordance with the approved Construction Management Plan.

6. No development shall take place on site until drawings of the off-site highway works for the construction of the access and realignment of Elston Lane have been submitted to and approved in writing by the Local Planning Authority and such works shall have been constructed in accordance with the approved details, and be available for use thereafter.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, 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 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. No part of the development in relation to the construction of the dwellings hereby approved shall be commenced until:
 - A) The access roads into the site have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
9. The occupation of any dwelling shall not take place 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 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 begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme and the section of Salix stream which the surface water flows will be discharged into, have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plans will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

Once agreed, the development shall be constructed in accordance with the approved scheme and the approved SUDS scheme shall be fully operational before any of the proposed dwellings are first occupied. Once provided, the approved SUDS scheme shall be permanently retained, managed and maintained in accordance with the approved details.

11. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
12. The development shall take place only in accordance with the recommendations in section 6 of the Engain Protected Species Report dated 12th May 2016.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
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, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.

5. 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).
6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon 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 in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing, affordable housing, and general off-site infrastructure provision carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and the amenities of local residents within locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space and community facilities, education facilities, on site and off -site works to facilitate pedestrian movement between the site and other facilities in Coplestone and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with Policies COR1, COR2 and COR9 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 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, the development plan has been found to be inconsistent with the policies of the National Planning Policy Framework by reason of its failure to properly identify and plan for the full objectively assessed housing need for the District and the Council has been found to currently not have a five-year supply of deliverable housing sites. Limited weight is therefore placed on these development plan policies. The benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.

This page is intentionally left blank

Agenda Item 12

Application No. 16/01362/FULL

Plans List No. 1

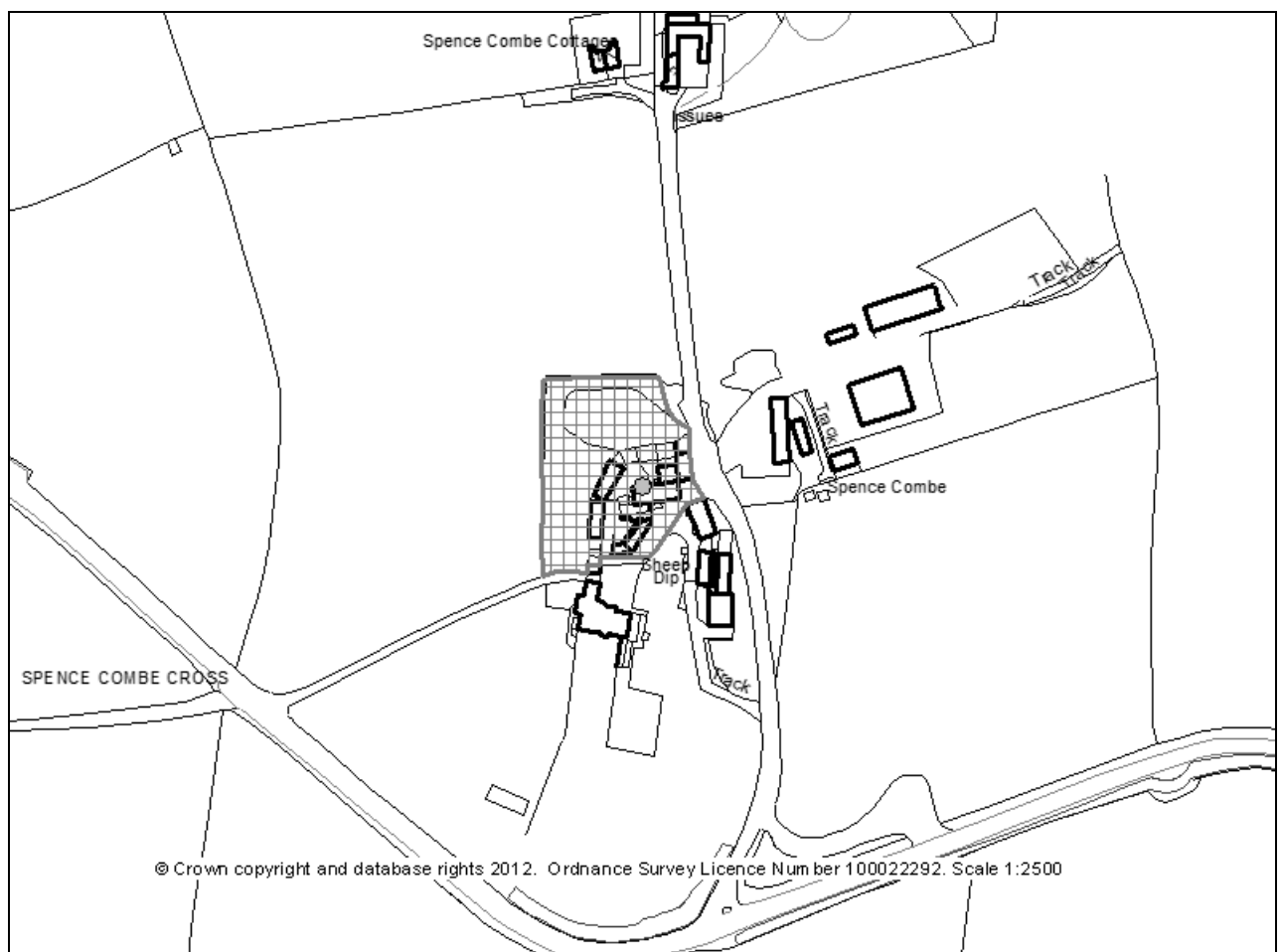
Grid Ref: 279371 : 101700

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 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 is 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 lincast 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).

This page is intentionally left blank

PLANNING COMMITTEE
19th April 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

PROPOSED DELETION OF TREE PRESERVATION ORDER 06/00016/TPO AND REPLACEMENT WITH 11 SEPARATE TREE PRESERVATION ORDERS TO COVER THE SAME TREES AT HOWDEN COURT, AUBYNS WOOD AVENUE, LITTLE HOWDEN, HOWDEN HAYES, HOWDEN HOUSE, AUBYNS WOOD RISE AND UPPER HOWDEN, TIVERTON, DEVON

Reason for Report:

It is proposed to delete TPO 06/00016 and to replace it with 11 separate Tree Preservation Orders. To keep Members of the Planning Committee informed regarding changes to the Tree Preservation Order(s) covering the trees in the Howden Court area of Tiverton.

RECOMMENDATION:

That the report be noted.

Relationship to Corporate Plan:

Tree Preservation Orders contribute to the Corporate priority of Environment.

Financial Implications:

None

Legal Implications:

The correct legal process of deleting the existing order and making those new must be followed. Once confirmed the Tree Preservation Order will require owners to submit applications before carrying out works to the trees.

Risk Assessment:

None identified

- 1.0 Tree Preservation Order (TPO) 06/00016/TPO covers a large area and number of trees in the Howden Court area of Tiverton. It was made as an Area Order and accordingly covers all trees of any species on and within the boundary of the order.

The TPO was imposed in 2006 as the area had been allocated for development. As the trees formed an important characteristic of the site it was considered necessary to ensure their protection throughout the development period. TPO 06/00016 covers a very large area and it was always intended that the Area TPO would be reviewed and rationalised when capacity allowed. Owners and occupiers of properties in the area have requested the 06/00016/TPO be revised in order to remove what is a blanket protection of all trees.

- 1.1 The Council's Tree Officer has now reviewed the original TPO. As a result it is considered appropriate for a series of individual TPOs be made relating to individual trees, groups of trees and woodland areas of trees that are worthy of on-going protection. This will also require the deletion of the original area TPO 06/00016. In each case the relevant landowner(s) and interested persons will be notified of both the deletion and making of TPOs and given the opportunity to submit representations. Each of the 11 TPOs identify by way of a schedule the individual trees, groups and woodland areas that they are proposed to cover.
- 1.2 A copy of each of the 11 separate TPOs is attached to this agenda report. The Head of Planning and Regeneration has wide delegated authority under the Planning Acts. This includes the making, amending and deletion of tree preservation orders under the Town and Country Planning Act 1990 (as amended). Accordingly this report is brought to Members for information only with a recommendation that it be noted.

Contact for any more information

Lucy Hodgson (Area Planning Officer) 01884 234905
Cathy Lynch (Tree Officer) 01884 234304

Background Papers

06/00016/TPO

File Reference

Attached:
17/00005/TPO; 17/00006/TPO;
17/00007/TPO; 17/00008/TPO;
17/00009/TPO; 17/00010/TPO;
17/00011/TPO; 17/00012/TPO;
17/00013/TPO; 17/00014/TPO;
17/00015/TPO

Circulation of the Report

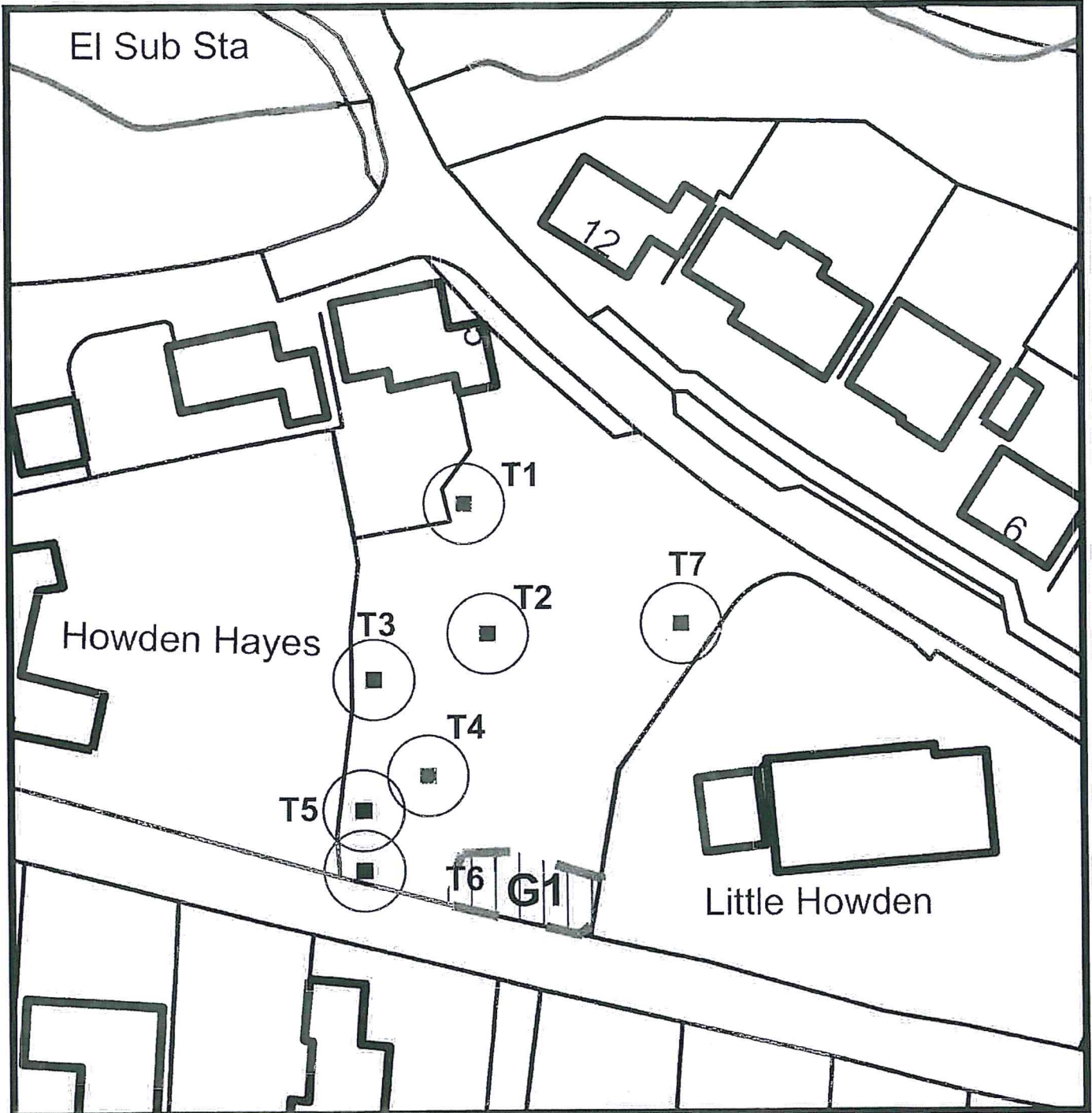
Cllrs Richard Chesterton
Members of Planning Committee



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Open Space at Aubyns Wood Avenue, Tiverton

Scale 1:500 @ A4	Date 17th March 2017
17/00005/TPO	Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00005/TPO

TPO TITLE: Open Space at Aubyns Wood Avenue, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map ref. 17/00005/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Lucombe Oak	On open space at Aubyns Wood Avenue
T2	Horse Chestnut	On open space at Aubyns Wood Avenue
T3	Lime	On open space at Aubyns Wood Avenue
T4	Sycamore	On open space at Aubyns Wood Avenue
T5	Beech	On open space at Aubyns Wood Avenue
T6	Oak	On open space at Aubyns Wood Avenue
T7	Hawthorn	On open space at Aubyns Wood Avenue

Trees specified by reference to an area

(within a dotted black line on the map ref. 17/00005/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees

(within a broken black line on the map ref 17/00005/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Group consisting of 3 Sycamore, 2 Beech and 1 oak	On open space at Aubyns Wood Avenue

Woodlands

(within a continuous black line on the map ref17/00005/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area. The trees are a significant feature on designated open space within the development of Aubyns Wood Avenue

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	YES 1 copy
Is the land in which the tree(s) is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
St Aubyn's Wood Property Management Co Land on the west side of Little Howden	Ltd, 1a Newton Centre, Thorverton Rd, Exeter EX2 8GN	Owner
	5 Aubyns Wood Avenue, EX16 5DE	Owner
	Howden Heyes, Tiverton, Devon, EX16 5PB	Neighbour
	Little Howden, Aubyns Wood Rise Avenue, Tiverton, Devon, EX16 5DE	Neighbour
**Senior Highways Engineer	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

** delete if not applicable.

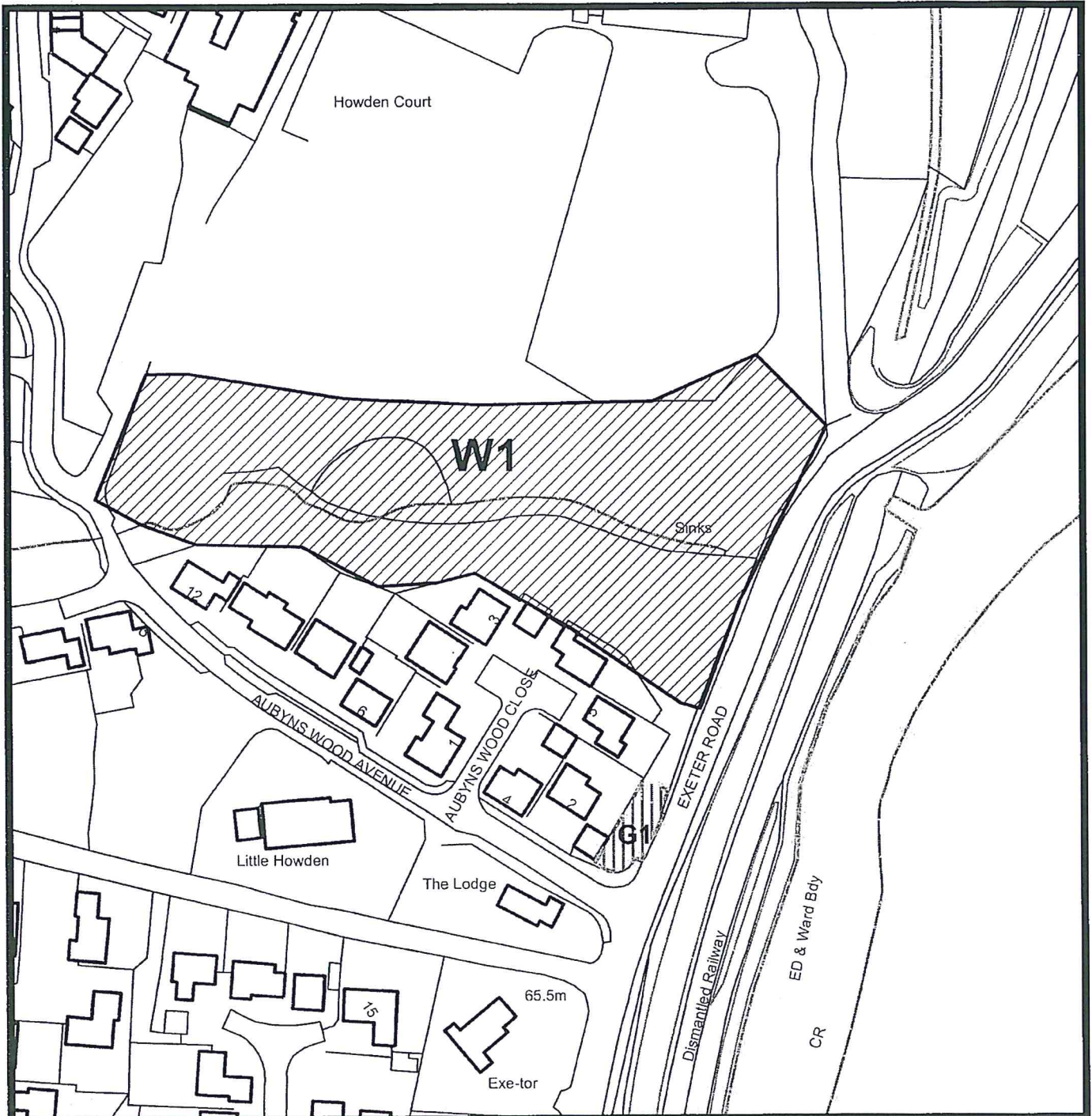
**PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A
PLAN OF THE SITE**



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Aubyns Wood Avenue/ Howden Court Woodland, Tiverton

Scale 1:1250 @ A4

Date 17th March 2017

17/00006/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00006/TPO

TPO TITLE: Aubyns Wood Avenue/Howden Court Woodland

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00006/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Trees specified by reference to an area
(within a dotted black line on the map ref. 17/00006/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00006/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	3 Sycamore , 2 Beech, 1 Yew	Adjacent to properties at Aubyns Wood Close and Exeter Road, as shown on accompanying plan.

Woodlands
(within a continuous black line on the map ref. 17/00006/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	All species including, Ash Beech, Sycamore, Oak, Spruce.	Located to the rear of properties at Aubyns Wood Avenue and Aubyns Wood Close as shown on accompanying plans

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the woodland and protecting its contribution to the character of this area.

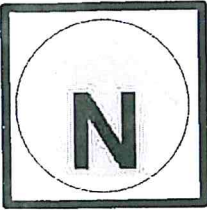
Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	YES 1 Copy
Is the land in which the tree(s) is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	2 Aubyns Wood Avenue, Tiverton Devon, EX16 5DE	Neighbour
	5 Aubyns Wood Close, Tiverton, Devon, EX16 5BG	Neighbour
	4 Aubyns Wood Close, Tiverton, Devon, EX16 5BG	Neighbour
	2 Aubyns Wood Close, Tiverton, Devon, EX16 5BG	Neighbour
	3 Aubyns Wood Close, Tiverton, Devon, EX16 5BG	Neighbour
	8 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
	10 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
	12 Aubyns Wood Avenue, Tiverton, Devon	Neighbour
	Howden Court, Tiverton, Devon, EX16 5PB	Owner/occupier
	4 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour

	<i>1 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE</i>	Neighbour
	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

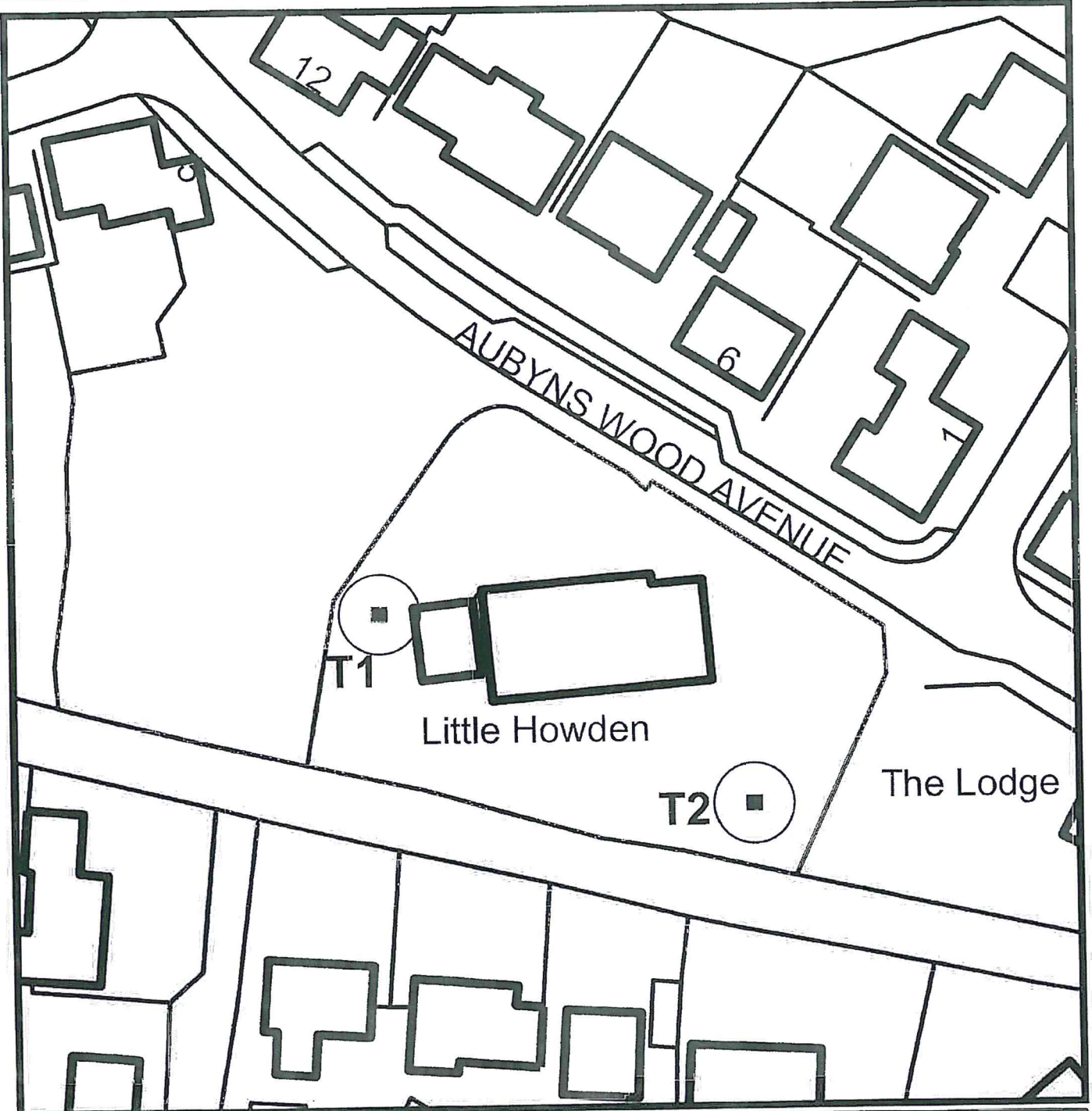
**PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A
PLAN OF THE SITE**



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Little Howden, Tiverton

Scale 1:500 @ A4

Date 17th March 2017

17/00007/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer:

Date sent:

Deadline for making Order:

TPO Number: 17/00007/TPO

TPO TITLE: Little Howden, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00007/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Lime	Located in garden on the boundary with open space
T2	Weeping Willow	Located in garden on boundary with adjacent lane

Trees specified by reference to an area
(within a dotted black line on the map ref. 17/00007/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00007/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Woodlands
(within a continuous black line on the map ref. 17/00007/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area.

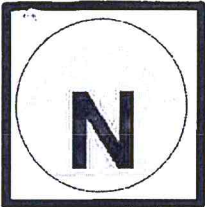
Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Little Howden, Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Owner/occupier
	The Lodge, Howden Court, Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
**Senior Highways Engineer	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

** delete if not applicable.

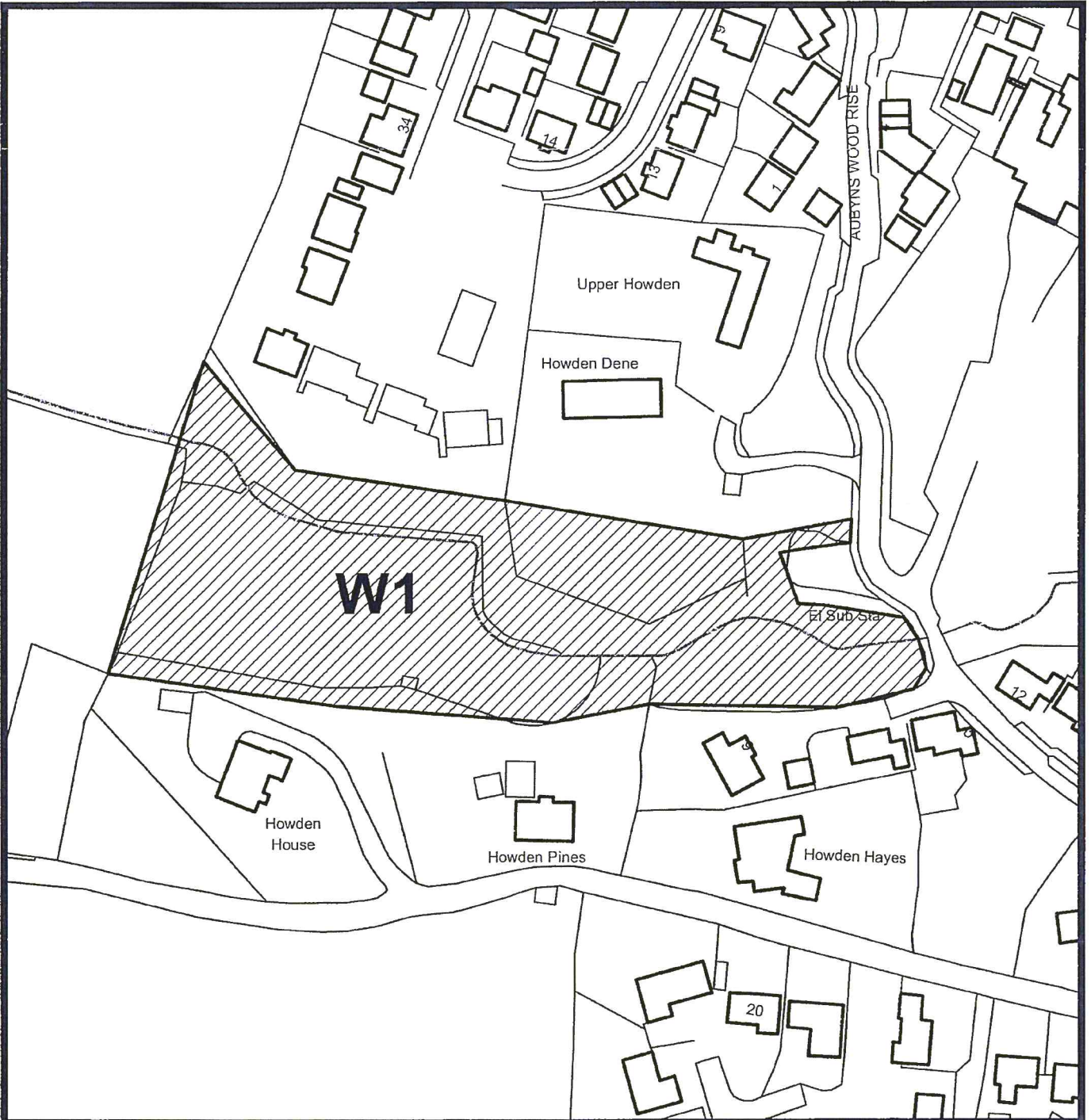
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Woodland between Aubyns Wood Avenue and Howden Court, Tiverton

Scale 1:1250 @ A4

Date 17th March 2017

17/00008/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00008/TPO

TPO TITLE: Woodland between Aubyns Wood Avenue and Howden Court, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00008/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
None		

Trees specified by reference to an area
(within a dotted black line on the map ref. 17/00008/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
None		

Groups of trees
(within a broken black line on the map ref. 17/00008/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
None		

Woodlands
(within a continuous black line on the map ref. 17/00008/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Woodland area with species including Sycamore, Spruce, Ash, Oak, Yew, Poplar,	Woodland belt along stream between Howden Deane and Howden Pines

	Hazel, Holly	
--	--------------	--

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the woodland and protecting its contribution to the character of this area.

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the trees are situated adjacent to a public highway?	NO

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Howden House, Tiverton, Devon, EX16 5PB	owner
&	Howden Pines, Tiverton, Devon, EX16 5PH	Neighbour
an	9 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
Elizabeth	7 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
	5 Aubyns Wood Avenue, Tiverton, Devon, EX16 5DE	Neighbour
	25 Aubyns Wood Rise, Tiverton, Devon EX16 5DG	Neighbour
	31 Aubyns Wood Rise, Tiverton, Devon, EX16 5DG	Neighbour
	29 Aubyns Wood Rise, Tiverton, Devon, EX16 5DG	Neighbour
	27 Aubyns Wood Rise, Tiverton, Devon, EX16 5DG	Neighbour
	Howden Dene, Tiverton, Devon, EX16 5PB	Neighbour

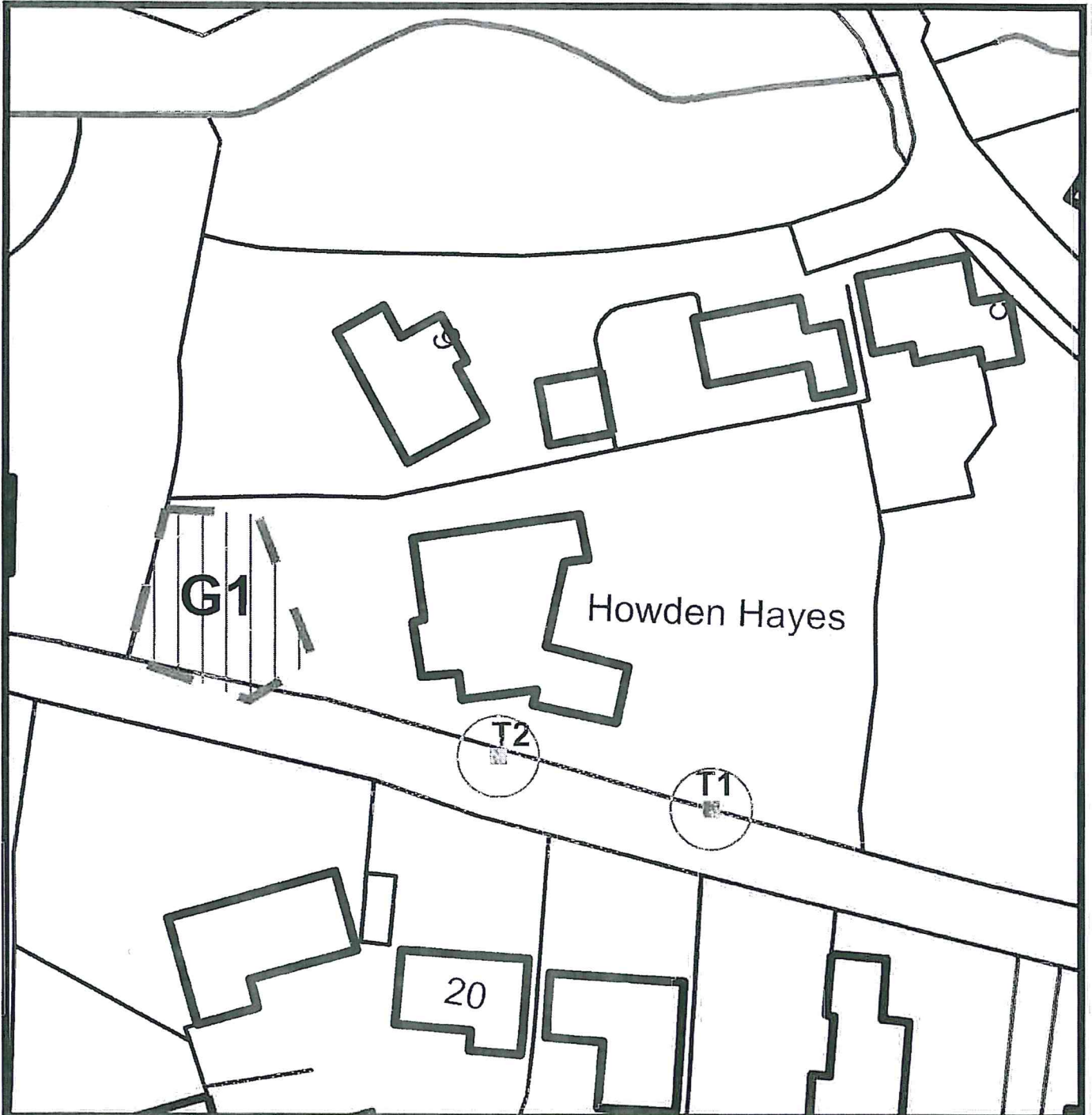
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Howden Hayes, Tiverton

Scale 1:500 @ A4

Date 16th March 2017

17/00009/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00009/TPO

TPO TITLE: Howden Heyes

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. **17/00009/TPO**)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Oak	Between the garden of Howden Hayes and the lane as shown on accompanying plan.
T2	Oak	Between the garden of Howden Hayes and the lane as shown on accompanying plan.

Trees specified by reference to an area
(within a dotted black line on the map ref **17/00009/TPO**.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. **17/00009/TPO**)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	2 Pine, 1 Sycamore, 1 beech, 1 Ash, 1 oak	Located at the rear of the garden at Howden Hayes as shown on accompanying plan.

Woodlands
(within a continuous black line on the map ref. **17/00009/TPO**)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>

	None	
--	------	--

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area.

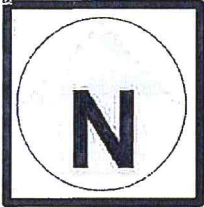
Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Howden Heyes, Tiverton, Devon, EX16 5PB	Owner/occupier
**Senior Highways Engineer	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

** delete if not applicable.

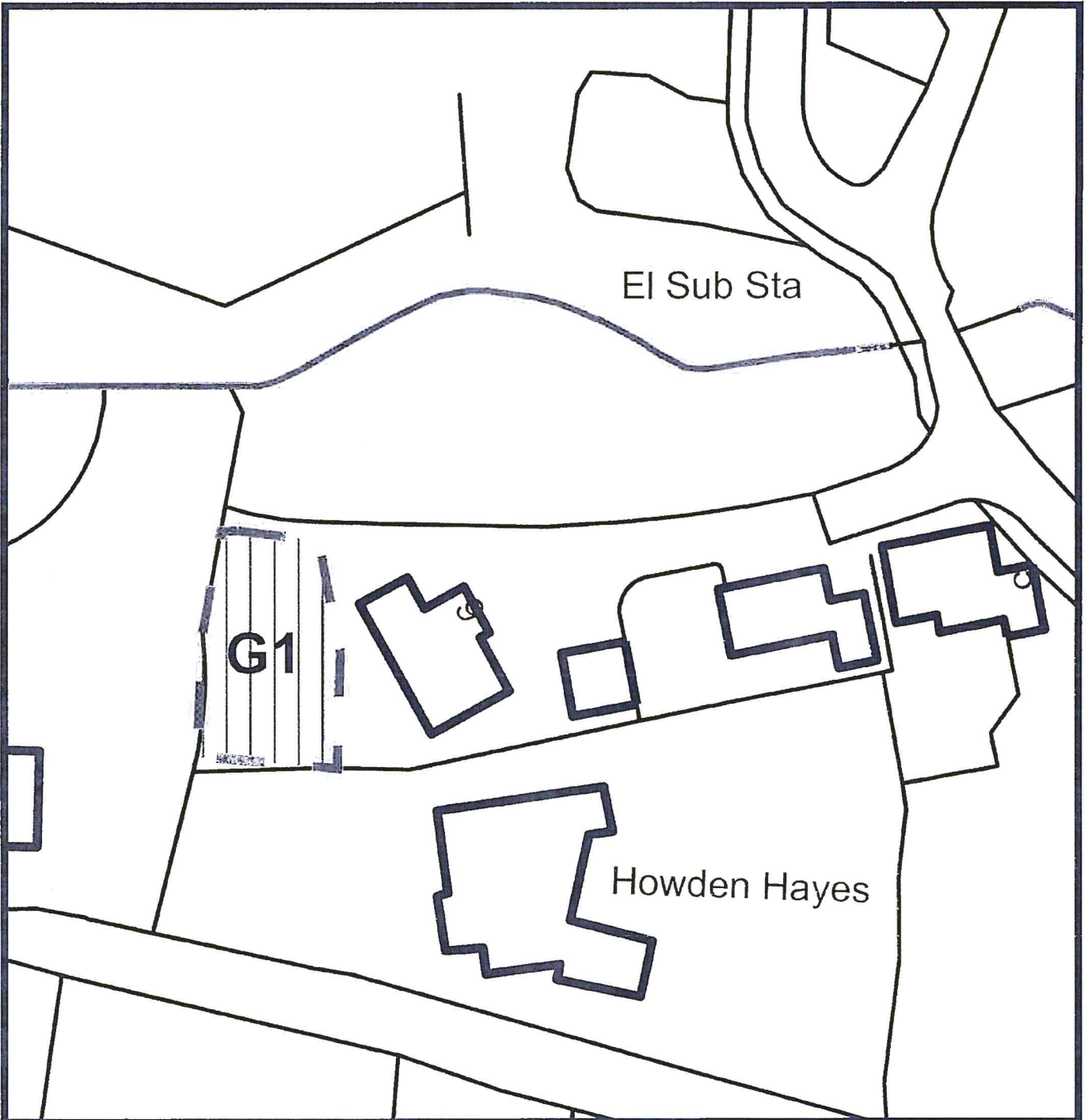
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



9 Aubyns Wood Avenue, Tiverton

Scale 1:500 @ A4

Date 16th March 2017

17/00010/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00010/TPO

TPO TITLE: 9 Aubyns Wood Avenue

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00010/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Trees specified by reference to an area
(within a dotted black line on the map ref 17/00010/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00010/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Group consisting of 5 Pines and 4 beech	Located in the rear garden of 9 Aubyns Wood Avenue as shown on accompanying plan.

Woodlands
(within a continuous black line on the map ref. 17/00010/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting its/their contribution to the character of this area.

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	YES 1 copy
Is the land in which the tree(s) is situated adjacent to a public highway?	NO

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
No electors registered. Council tax confirmed house empty	9 Aubyns Wood Avenue, Tiverton, EX16 5DE	Owner
	Howden Pines, Tiverton, EX16 5PH	Neighbour

PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Howden House, Tiverton

Scale 1:500 @ A4

Date 17th March 2017

17/00011/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00011/TPO

TPO TITLE: Howden House, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00011/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Trees specified by reference to an area
(within a dotted black line on the map ref 17/00011/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00011/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Group of trees consisting of 12 trees, Beech and Ash.	Located in the rear garden of Howden House as shown on accompanying plan.

Woodlands
(within a continuous black line on the map ref. 17/00011/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area.

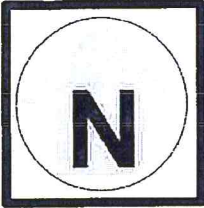
Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Howden House, Tiverton, Devon, EX16 5PB	Owner/occupier
**Senior Highways Engineer	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

** delete if not applicable.

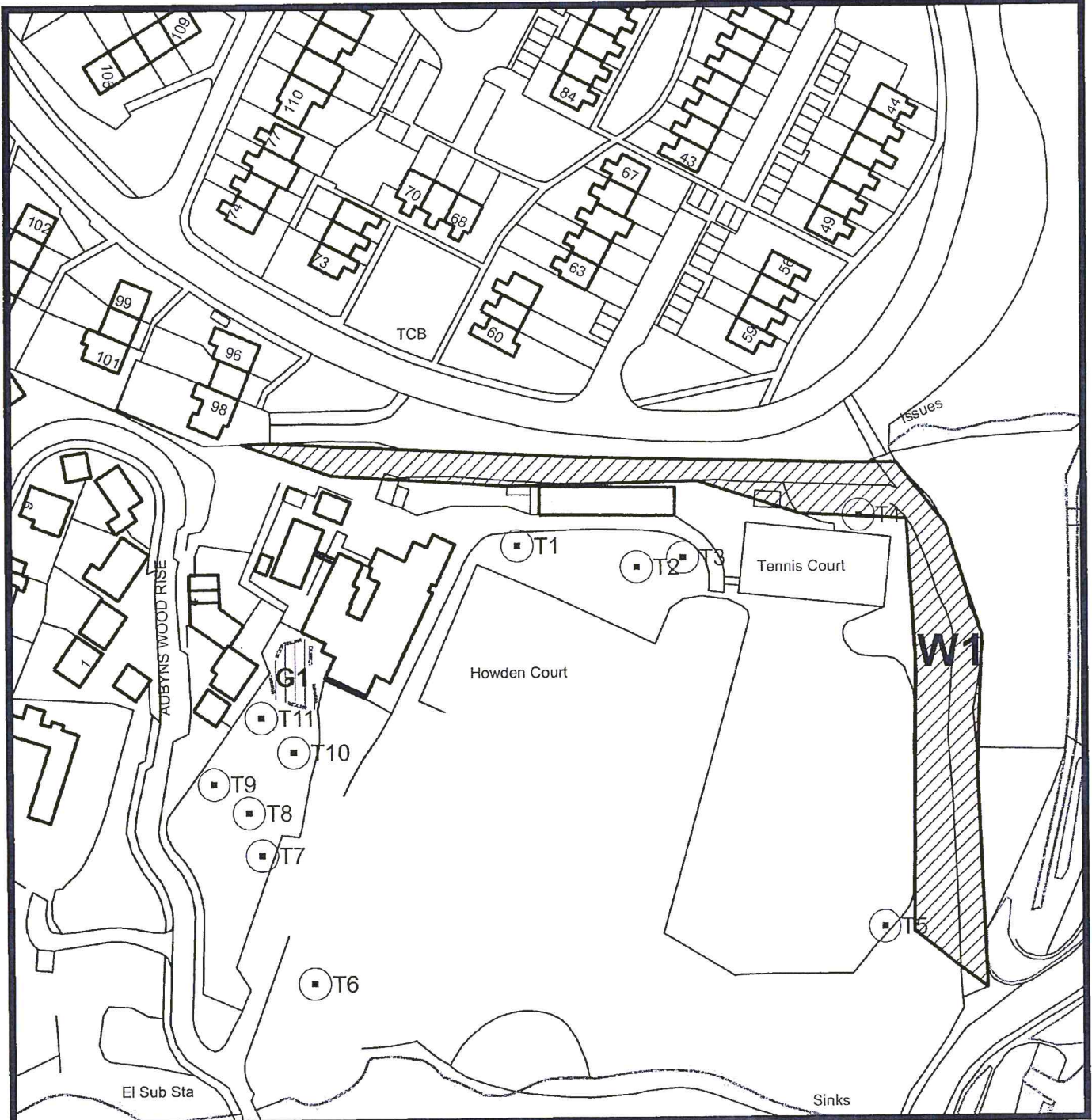
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Howden Court, Tiverton

Scale 1:1250 @ A4	Date 17th March 2017
17/00012/TPO	Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 10002292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00012/TPO

TPO TITLE: Howden Court

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. **17/00012/TPO**)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Swamp Cypress	Adjacent to Howden Court as shown on accompanying plan
T2	Cedar	Adjacent to Howden Court as shown on accompanying plan
T3	Chamaecyparis	Adjacent to Howden Court as shown on accompanying plan
T4	Wellingtonia	Adjacent to tennis courts at Howden Court as shown on accompanying plans
T5	Oak	Within woodland area as shown on accompanying plan
T6	Oak	Within a woodland area as shown on accompanying plan
T7	Birch	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan
T8	Yew	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan
T9	Coastal Redwood	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan
T10	Walnut	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan
T11	Oak	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan

Trees specified by reference to an area
(within a dotted black line on the map ref **17/00012/TPO**.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees

(within a broken black line on the map ref. 17/000012/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	1 Ash, 1 Cherry, 2 Robinia	Situated on grass bank adjacent to driveway of Howden Court as shown on accompanying plan

Woodlands

(within a continuous black line on the map ref. 17/000012/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Mixed species to include, Ash, Oak, Fir, Sycamore.	Woodland boundary edge to the garden of Howden Court, as shown on accompanying plan.

Please specify the grounds for making the Order:

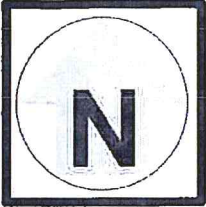
The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area following on from the development of a new residential estate.

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	NO

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Howden Court, Tiverton, Devon, EX16 5PB	Owner/occupier

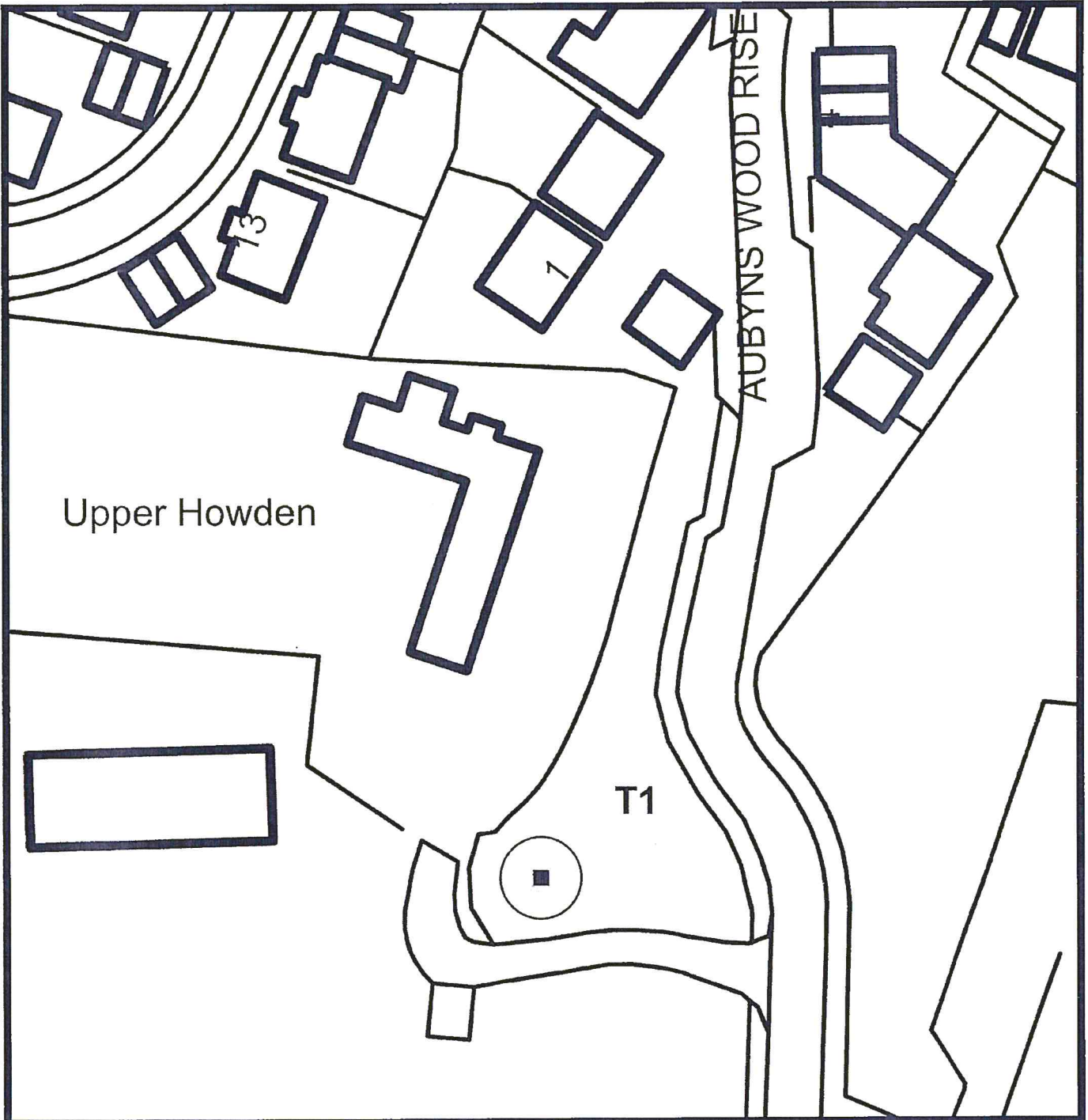
**PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A
PLAN OF THE SITE**



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Open Space Area next to Aubyns Wood Rise, Tiverton

Scale 1:500 @ A4

Date 17th March 2017

17/00013/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00013/TPO

TPO TITLE: Open Space next to Aubyns Wood Rise, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00013/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Coastal redwood	Open space adjacent to Aubyns Wood Rise as shown on accompanying plan.

Trees specified by reference to an area
(within a dotted black line on the map ref 17/00013/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00013/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Woodlands
(within a continuous black line on the map ref. 17/00013/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the tree(s) and protecting its/their contribution to the character of this area.

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	YES 1 copy
Is the land in which the tree is situated adjacent to a public highway?	YES

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Upper Howden, Tiverton, Devon, EX16 5PB	Neighbour
	Howden Dene, Tiverton, Devon, EX16 5PB	Neighbour
	Heritage Developments South West Ltd, 1a Newton Centre, Thorverton Road, Exeter EX2 8GN	Owner
**Senior Highways Engineer	DCC, Lower Moor Depot, Tiverton Way, Tiverton. EX16 6TG.	

** delete if not applicable.

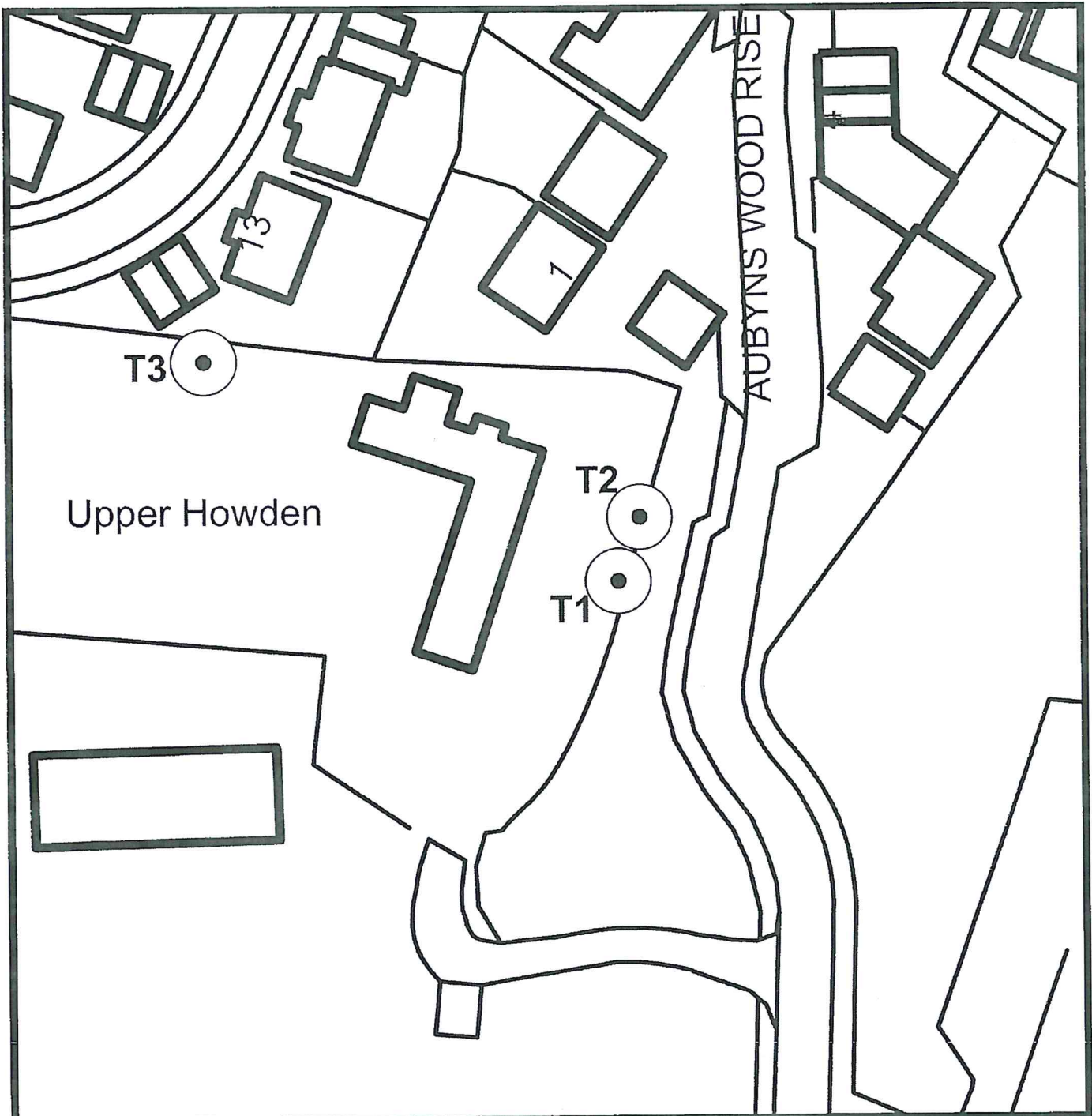
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



Upper Howden, Tiverton

Scale 1:500 @ A4

Date 17th March 2017

17/00014/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00014/TPO

TPO TITLE: Upper Howden, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/000014/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Birch	Located on eastern boundary of property of Upper Howden as shown on accompanying plan
T2	Birch	Located on eastern boundary of property of Upper Howden as shown on accompanying plan
T3	Oak	Located just within northern boundary of property of Upper Howden as shown on accompanying plan

Trees specified by reference to an area
(within a dotted black line on the map ref 17/000014/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/000014/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Woodlands
(within a continuous black line on the map ref. 17/000014/TPO)

<u>Reference</u>	<u>Description</u>	<u>Situation</u>

on Map		
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the visual amenity of the trees and protecting their contribution to the character of this area.

Has a Land Registry search been carried out to ascertain ownership details?	YES
Is any of the land unregistered?	NO
is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	NO

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	Upper Howden, Tiverton, Devon, EX16 5PB	Owner/occupier
	13 Aubyns Wood Rise, Tiverton, Devon, EX16 5DG	Neighbour

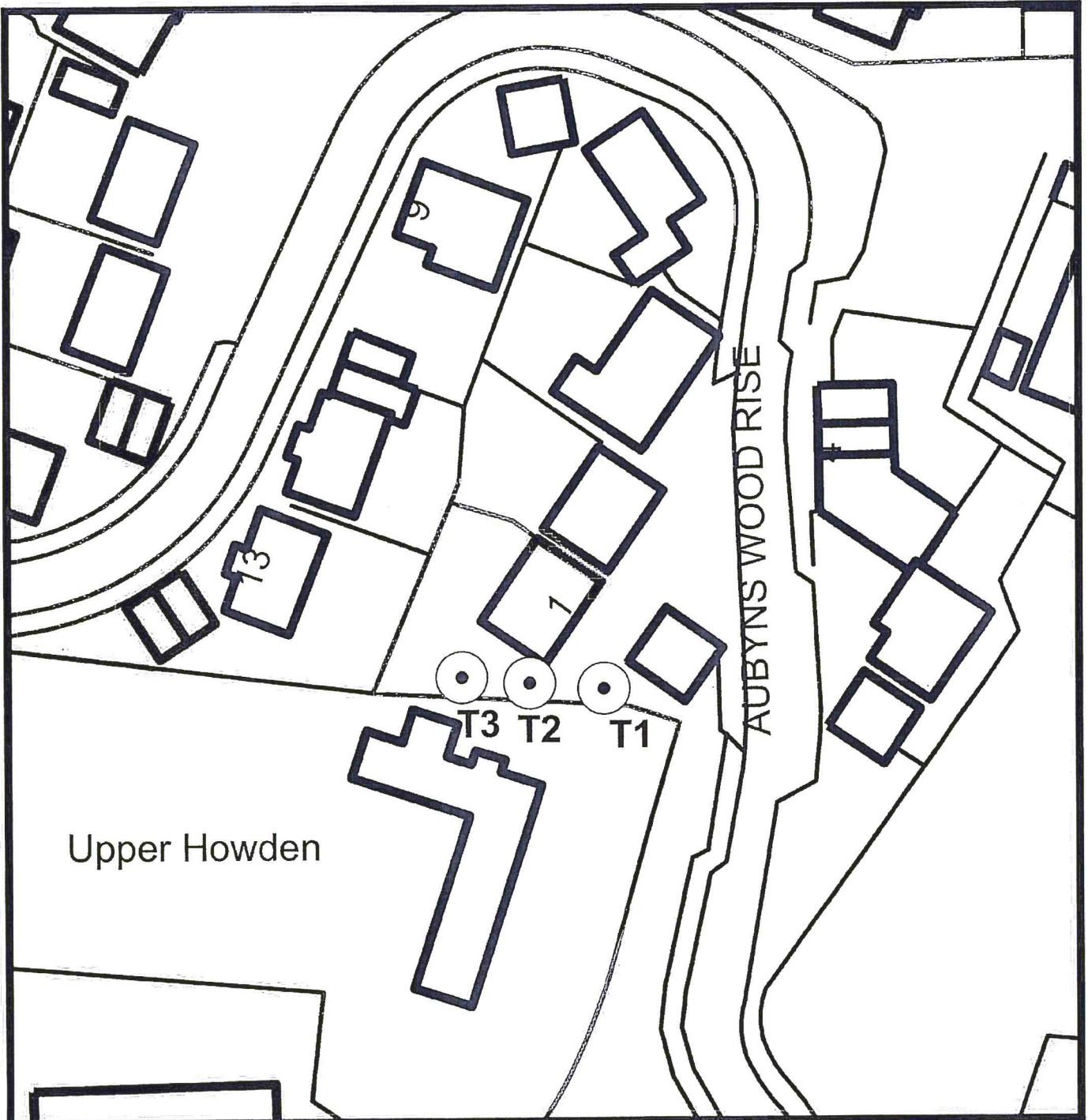
PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE



Tree Preservation Order

Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 01884 255255



1 Aubyns Wood Rise, Tiverton

Scale 1:500 @ A4

Date 17th March 2017

17/00015/TPO

Produced by CL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100022292 (2017)

Instructions to make Tree Preservation Order

Case Number:

Legal Helpdesk ref:

Case Officer: Cathy Lynch

Date sent:

Deadline for making Order:

TPO Number: 17/00015/TPO

TPO TITLE: 1 Aubyns Wood Rise, Tiverton

SCHEDULE 1 SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map ref. 17/00015/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Pear	Within the garden of 1 Aubyns Wood Rise as shown on accompanying plan
T2	Maple	Within the garden of 1 Aubyns Wood Rise as shown on accompanying plan
T3	Maple	Within the garden of 1 Aubyns Wood Rise as shown on accompanying plan

Trees specified by reference to an area
(within a dotted black line on the map ref 17/00015/TPO.)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Groups of trees
(within a broken black line on the map ref. 17/00015/TPO)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
	None	

Woodlands
(within a continuous black line on the map ref. 17/00015/TPO)

<u>Reference</u>	<u>Description</u>	<u>Situation</u>

on Map		
	None	

Please specify the grounds for making the Order:

The Order is being made in the interests of preserving the future visual amenity and screening effect of the newly planted trees in accordance with the original Planning Consent 11/01927/MFUL

Has a Land Registry search been carried out to ascertain ownership details?	Yes
Is any of the land unregistered?	NO
Is a site notice required? If so, please specify how many copies of the Order you require	NO
Is the land in which the tree(s) is situated adjacent to a public highway?	NO

Please provide details of the landowner(s) and any other interested persons to be notified:

Name(s)	Address	Interest e.g. owner/occupier/neighbour
	1 Aubyns Wood Rise, Tiverton, Devon, EX16 5DG	Owner/occupier

PLEASE FORWARD TO LEGAL SERVICES TOGETHER WITH A PLAN OF THE SITE

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 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 activity 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 should 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 though the installation of the performance management module of the back office planning application administration system and move to a more 'paper light' way 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 its 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.

Nick Harding

Head of Planning

Peterborough City Council & Fenland District Council

Tel 07920 160161

Nicholas.harding@peterborough.gov.uk

November 2016