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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 29 November 2017 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 3 January 2018 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

21 November 2017

Councillors: Mrs F J Colthorpe (Chairman), Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, R J Dolley, P J Heal, 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 - 18)

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

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 **DEFERRALS FROM THE PLANS LIST**

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

6 **THE PLANS LIST** *(Pages 19 - 112)*

To consider the planning applications contained in the list.

7 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 113 - 116)*

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

8 **APPLICATION 17/00914/OUT - OUTLINE FOR THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS AT LAND AT NGR 277111 102951 SUNNYMEAD, COPPLESTONE** *(Pages 117 - 138)*

To consider an implications report of the Head of Planning, Economy and Regeneration regarding an application which had been considered but deferred from a previous meeting as Members were minded to refuse the application.

9 **APPLICATION 17/00910/FULL - ERECTION OF 5 DWELLINGS AND ALTERATIONS TO EXISTING BUNGALOW AND ERECTION OF GARAGE, 10 MAYFAIR, TIVERTON** *(Pages 139 - 150)*

To receive a report of the Head of Planning, Economy and Regeneration regarding the above application which was deferred from the previous meeting to allow for a site visit to take place by the Planning Working Group.

10 **APPLICATION 15/00108/MOUT - DEED OF VARIATION RELATING TO OUTLINE FOR UP TO 60 DWELLINGS AT LAND AT NGR 305658 112080 (WEST OF HARVESTERS), UFFCULME ROAD, UFFCULME** *(Pages 151 - 154)*

To consider a report of the Head of Planning, Economy and Development with regard to this application.

11 **APPLICATION 17/01370/MARM - RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS - LAND AT NGR 305658 112080 (HARVESTERS) UFFCULME** *(Pages 155 - 174)*

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

12 **APPLICATION 17/01509/MFUL ERECTION OF 39 DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES AND ADJACENT SUBSTRUCTURE, TOGETHER WITH BIKE STORAGE, UNDERGROUND CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS - LAND AND BUILDINGS AT NGR 295350**

112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON (Pages 175 - 208)

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

13 PLANNING PERFORMANCE AGAINST TARGETS - QUARTER 2
(Pages 209 - 214)

To receive a report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for quarter 2, 2017/18.

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

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

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

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

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

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

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MID DEVON DISTRICT COUNCIL

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

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,
R J Dolley, P J Heal, B A Moore,
R F Radford, J D Squire, R L Stanley and
J M Downes

Apologies

Councillor(s)

F W Letch

Also Present

Councillor(s)

Mrs A R Berry, Mrs B M Hull, C R Slade and
Mrs E J Slade

Present

Officers:

Stephen Walford (Chief Executive), Jenny
Clifford (Head of Planning, Economy and
Regeneration), Kathryn Tebbey (Group
Manager for Legal Services and Monitoring
Officer), David Green (Group Manager for
Development), Lucy Hodgson (Area Team
Leader), Alison Fish (Area Team Leader),
Catherine Marlow (Conservation Officer),
Christie McCombe (Area Planning Officer)
and Sally Gabriel (Member Services
Manager)

70 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr F W Letch who was substituted by Cllr J M Downes.

71 PUBLIC QUESTION TIME

Mrs Sumner referring to Item 2 on the Plans List (Mayfair) stated that the density of the application for houses on this site is very different to that in Mayfair, which is a well-established community. This does not form part of the Area B so why is it allowed to be so high density when it is part of the Mayfair community and not Area B.

The Chairman read a set of questions on behalf Dr Bell referring to item 9 (Land at Uplowman Road) on the agenda:

This is the third time that this Committee has been asked to agree to vary the S106 Agreement made with Waddeton Park Ltd. and the second time that you have been

asked to permit a variation in the timing of the delivery of traveller pitches on the Waddeton Park site.

This time you are asked to approve a delivery timescale that will effectively be in the sole responsibility of the MDDC's affordable housing provision enterprise once all the 260 market properties are built and sold because dwelling numbers 261 to 300 are all affordable properties. This is not what you were told was to happen and asked to approve in March this year.

Also in March, the Planning Department and this Committee allowed Chettiscombe Trust to make a financial contribution to the off-site provision of traveller pitches in lieu of on-site provision.

This was due to the applicant deeming that the provision of such pitches is not required to make the development acceptable in planning terms and, that Planning Officers were aware that mortgage companies are expressing concern about lending on sites where traveller provision is required thus adversely affecting delivery of housing.

1. Is this latest application a version of a relaxation or avoidance of a traveller site provision by the Waddeton Park site developers?
2. Would allowing this change make way for the MDDC Planning Department to try and fit both Chettiscombe Trust's and Waddeton Park's allocated traveller pitch provision on the Waddeton Park site?
3. Why is Chettiscombe Trust's position on this subject not equally applicable to the Waddeton Park site thus allowing for a single more sensibly sized and consolidated traveller site to be provided in less questionable locations?

The Chairman indicated that answers to the questions would be provided during debate on that particular item.

72 MINUTES OF THE PREVIOUS MEETING (00-06-20)

The minutes of the meeting held on 4 October 2017 were approved as a correct record and signed by the Chairman.

73 CHAIRMAN'S ANNOUNCEMENTS (00-07-03)

The Chairman had the following announcements to make:

- She introduced and welcomed new officers: David Green (Group Manager for Development) and Tristan Peat (Forward Planning Team Leader) to the meeting.
- She informed the meeting that Naomi Morgan (Planning Assistant) would be leaving the authority to take up a post elsewhere; she thanked her for her work and wished her well for the future.

74 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

75 THE PLANS LIST (00-08-50)

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 7 on the Plans *List (17/001602/FULL – Change of use from Use Class A1 (Retail) to Use Classes A3 (Restaurants and Cafes) and A5 (Hot Food takeaways – 10 Market Walk, Bampton Street, Tiverton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

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

(ii) No 8 on the Plans *List (17/001607/FULL – Change of use of ground floor and basement from Use Class D1 (Healthcare) to use Class A1 (Retail), 37 Bampton Street, Tiverton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans *List (17/00824/FULL – Erection of 3 dwellings with associated access and parking provision – Springbourne, Cullompton).*

The Area Team Leader outlined the contents of the report by way of presentation explaining that the site was part of the CU15 allocation within the Local Plan and highlighting the location of the site, the proposed site plan, the new access, the oak tree with a Tree Preservation Order which would be unaffected by the development, proposed elevations and floor plans for the dwellings and the details of the foul water and waste disposal from the site. Members viewed photographs from various aspects of the site and were informed about the Town Council's concerns regarding the access and overdevelopment of the site. She made reference to the update sheet which outlined a revised recommendation, an addendum to the report with regard to permitted development rights and a proposal for an additional condition which referred to the oak tree.

Consideration was given to:

- Whether the site and access was within the 30 mph speed limit
- The new access to the development and the existing property
- The low density on the site.

RESOLVED that planning permission be granted subject to:

- The prior signing of a s106 Agreement relating to the provision of £4326 towards improvements to Knightswood play area and £15,654 towards funding community car share schemes and clubs for Cullompton;
- Conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition stating that “Prior to the construction of the new access and driveway, an arboricultural method statement shall be submitted to, and approved in writing by the Local Planning Authority. The arboricultural method statement should detail how the oak tree (the subject of the Tree Preservation Order) will be protected throughout the construction process as well as details of the no dig proposal and how it will be implemented and overseen”.

Reason : To ensure the protection of the oak tree protected by Tree Preservation Order reference: 13/00001/TPO.

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

Notes:

- i) Mr Farmer (Agent) spoke;
- ii) Cllr Mrs A R Berry spoke as Ward Member
- iii) The following late information was provided: **REVISED RECOMMENDATION:** Subject to the prior signing of a s106 relating to the provision of £4326 towards improvements to Knightswood play area and £15,654 towards funding community car share schemes and clubs for Cullompton, grant planning permission subject to conditions:

Please note the required contributions have been paid

ADDENDUM TO THE REPORT: Page 7 paragraph titled ‘design and appearance’ advises that a condition will be required to remove permitted development rights to manage the character, scale, massing and design of future extensions or alterations. However, during the writing of the report further consideration was given to the need for the condition and in particular consideration was given to the ‘tests’ for the use of conditions. Para 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development being permitted, enforceable, precise and reasonable. Given that the development is relatively low density, well -spaced with good size amenity spaces, and no overlooking or relationship issues with neighbouring development, it was not considered that removal of permitted development rights were necessary or reasonable.

ADDITIONAL CONDITION:

Prior to the construction of the new access and driveway, an arboricultural method statement shall be submitted to, and approved in writing by the Local Planning Authority. The arboricultural method statement should detail how the

Oak tree (the subject of the Tree Preservation Order) will be protected throughout the construction process as well as details of the no dig proposal and how it will be implemented and overseen.

Reason : To ensure the protection of the Oak tree protected by Tree Preservation Order reference: 13/00001/TPO.

(c) No 2 on the Plans *List (17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and the erection of garage – 10 Mayfair, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site, the existing site plan which identified the existing bungalow which would remain and the location of the tree group within the site plan, the proposed siting of the 5 new dwellings and the distances between the new dwellings (plots 4 and 5) and No's 14 and 16 in Mayfair; the proposed elevations and floor plans of the proposed dwellings, the removal of the balcony from plot 5 which had originally been planned along with the reduced ridge height and a deeper landscaping buffer in this location. She explained the junction improvements that had been made referring Members to Condition 5 and provided photographs from various aspects of the site.

Answering the question posed in public question time regarding density, she stated that she felt that the density was suitable to accommodate family style accommodation on this site; the density was 13.6 dwellings per hectare for this application. 15-20 dwellings per hectare were proposed for the adjacent part of Area B of the Eastern Urban Extension.

Consideration was given:

- The density proposed for this site against that of Area B of the Eastern Urban Extension
- The width of the driveway and access issues for construction traffic
- Whether the drive would be adopted and the bin collection method
- The design of the proposed dwellings
- The density of the proposed development squeezed into one part of the site
- Concerns regarding the impact of the development on existing properties in Mayfair

RESOLVED that the application be deferred to allow for a site visit by the Planning Working Group to take place to consider:

- The access
- Whether the proposal was deemed to be overdevelopment of the site
- The design and height of the proposed dwellings
- The impact of the development in relation to existing properties
- Whether the screening proposed was sufficient.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R J Dolley)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Mr Menheneott spoke on behalf of the objectors;
- (iii) Cllr C R Slade spoke as Ward Member;
- (iv) The following late information had been provided: Cllr Colin Slade has requested that the application be determined at Planning Committee to consider the extent of impact on the neighbouring properties including traffic impact.

The 3rd paragraph to Section 4: Social Infrastructure and Services should read as follows:

A recent change in planning legislation (May 2016) indicates that Local Planning Authorities should only seek affordable housing contributions from developments of over 10 units as financial contributions within Tiverton Settlement Limits. As such, affordable housing cannot be sought for this proposal of 5 units.

During application discussions residents made a request that Councillors view the proposal on site.

Cabinet on 26 October 2017 resolved that subject to acceptable planning impacts, alternative access arrangements into Area B of the Tiverton Eastern Urban Extension may be considered that do not include Mayfair and / or Manley Lane / Post Hill Junction.

Government changes to the planning system (2016) indicate that within the settlement limit of Tiverton, as in this case, affordable housing can only be sought from developments of more than 10 houses. This application is for 5 houses.

- (d) No 3 on the Plans *List (17/01310/FULL – Retention of summerhouse and decking – The Wharf House, Holcombe Rogus)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the proposed site plan, the proximity to the Grand Western Canal, the proposed existing elevations, the proposed floor plans as existing and photographs from various aspects of the site including views from the canal towpath. She explained the proposed condition (3) which only permitted the garden room to be used ancillary to the main dwelling known as the Wharf House which may overcome some of the concerns of the Ward Member.

Consideration was given:

- To the fact that the garden room was well screened
- The concerns of the Ward Member with regard to the proximity of the proposal to the unspoilt area of the canal
- Water mains and sewage issues
- The lack of concern from the Parish Council

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

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

Notes:

- i) Mr Cookson (Agent) spoke;
 - ii) Cllr Mrs H Bainbridge spoke as Ward Member;
 - iii) Cllr Mrs H Bainbridge requested that her abstention from voting be recorded.
- (e) No 4 on the Plans *List (17/01344/FULL – stabilisation of existing bank to allow development permitted under planning permission 15/00779/MFUL – land at NGR 294775 111860, Palmerston Park, Tiverton)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the requirement for the stabilisation of the existing bank to allow development of the site to continue. She explained the construction of 26 affordable dwellings, highlighting the site of the retaining wall, the development work that had taken place to date and the need to coppice the sycamore trees to ground level to allow for the soil nailing to be undertaken and for mesh to be put in place, the trees would then have the ability to re-grow. Members viewed photographs from various aspects of the site which identified the slope, the maccaferri wall and the site access.

Consideration was given to:

- The development on the site
- The trees that would be coppiced to allow for soil nailing and be allowed to re-grow

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

(Proposed by Cllr R J Dolley and seconded by Cllr P J Heal)

Notes:

- i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and chose to leave the meeting during discussions thereon as he had been involved in matters with regard to the site;
- ii) Cllr R J Dolley declared a personal interest as he was Ward Member and had had discussions with the site manager and workers and had accompanied other Members to the site;

iii) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as the site was within her County Ward;

iv) Cllr R J Dolley spoke as Ward Member.

(f) No 5 on the Plans *List (17/001430/FULL – Installation of 8 replacement windows to west elevation – 17 St Peter Street, Tiverton)*

The Conservation Officer outlined the contents of the report by way of presentation highlighting the location of the Grade II Listed Building and the elevation (for the installation of the windows) facing onto St Peters Street. She explained that the property had been adapted to flats in the 1970's and that the building been listed in 2000, when only the exterior of the property had been viewed. During the adaptation into flats much of the historic interior value had been lost. The applicant had contacted Historic England to request that the property be delisted because of the lack of historic value internally, however this had been declined. She further explained that the current timber window frames were in poor condition, but that she could not support the use of uPVC windows which she felt would harm the authenticity of the listed building.

Consideration was given to:

- The use of uPVC in listed buildings
- The quality of the uPVC and whether you would notice the difference
- The replacement windows would improve the front elevation of the dwelling
- The fact that the building was in a bad state of repair
- An example of where uPVC had been used in an unlisted building in a Conservation Area
- The Georgian property and the fact that none of the original windows remained
- That the internal layout of the flats created partitions that crossed windows, and therefore the original pattern of the windows could not be reintroduced
- The possibility of accepting a compromise so that the façade could be improved
- Whether the insertion of uPVC windows would set a precedent.

RESOLVED that planning permission be granted for the following reasons: having considered carefully the existing character and appearance of the property and its location, the proposal was considered an improvement over the existing windows and to not detract from the character or appearance of the Conservation Area and that delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

(i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;

- (ii) Cllr R L Stanley made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received correspondence regarding this matter;
- (iii) Mr Burrage (applicant) spoke;
- (iv) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members;
- (v) A proposal to refuse the application was not supported;
- (g) No 6 on the Plans List **(17/001431/LBC – Listed Building Consent for Installation of 8 replacement windows to west elevation – 17 St Peter Street, Tiverton)**

The Conservation Officer outlined the contents of the report by way of presentation highlighting the location of the Grade II Listed Building and the elevation (for the installation of the windows) facing onto St Peters Street. She explained that the property had been adapted to flats in the 1970's and that the building been listed in 2000, when only the exterior of the property had been viewed. During the adaptation into flats much of the historic interior value had been lost. The applicant had contacted Historic England to request that the property be delisted because of the lack of historic value internally, however this had been declined. She further explained that the current timber window frames were in poor condition, but that she could not support the use of uPVC windows which she felt would harm the authenticity of the listed building.

Consideration was given to :

- The use of uPVC in listed buildings
- The quality of the uPVC and whether you would notice the difference
- The replacement windows would improve the front elevation of the dwelling
- The fact that the building was in a bad state of repair
- An example of where uPVC had been used in an unlisted building in a Conservation Area
- The Georgian property and the fact that none of the original windows remained
- That the internal layout of the flats created partitions that crossed windows, and therefore the original pattern of the windows could not be reintroduced
- The possibility of accepting a compromise so that the façade could be improved
- Whether the insertion of uPVC windows would set a precedent.

RESOLVED that Listed Building Consent be granted for the following reasons: having considered carefully the existing character and appearance of the property as a listed building and its location, the proposal was considered an improvement over the existing windows, to cause less than substantial harm and to not detract from the character or appearance of the Listed Building taking into account the specific replacement windows proposed in terms of their design, materials and resultant quality; and that delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;
- (ii) Cllr R L Stanley made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received correspondence regarding this matter;
- (iii) Mr Burrage (applicant) spoke;
- (iv) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members;
- (v) The following late information was reported: Delete reference to COR2 from development plan policies, material considerations and reason for refusal 1. Unlike the accompanying planning application, as this is an application for Listed Building Consent, Local Plan policy COR2 is not relevant.

76 MAJOR APPLICATIONS WITH NO DECISION (2-06-18)

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

It was **AGREED** that

Application 17/01660/MOUT – 10 dwellings at Barnshill Close, Cheriton Fitzpaine be brought before committee if minded to approve and that in that instance, a site visit take place.

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

77 APPEAL DECISIONS (2-09-00)

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

Members were informed that with regard to application 17/00300/MOUT although the application had been allowed with conditions, the inspector had refused an award of costs against the Council as he had felt that the correct balance had been applied, Members had used their experience and local knowledge and that the authority showed examples of good practice by having a cooling off period, having been minded to refuse the application and then considered an implications report prior to making a final decision at the following meeting.

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

78 APPLICATION 13/01616/MOUT - 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 (2-11-30)

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

The Area Planning Officer outlined the contents of the report highlighting the planning permission granted for 330 dwellings in 2015. Since the granting of planning permission discussions had been ongoing with the applicant over the delivery of dwellings on the site together with the preparatory works for the submission of reserved matters. Members at the Planning Committee on 29 March 2017 approved amendments to the timing of payment of financial contributions which formed the basis of a Deed of Variation to the signed S106 agreement of September 2015. A request had now been made by officers to the applicant for further amendments to the timing of payments.

She outlined the proposed changes to the triggers:

- the pre commencement triggers remained the same;
- the first financial contribution will now be paid on or before the 125th dwelling (as opposed to the 150th dwelling),
- the second trigger on the 200th dwelling (as opposed to the 225th dwelling); and
- traveller pitch provision will be made prior to the 300th dwelling (as opposed to the 260th dwelling).

A response was provided to Dr Bell's statement and question from the beginning of the meeting: the site was not delivered with unit numbers 1 to 260 being open market dwellings and unit numbers 261 to 300 as affordable dwellings. MDDC would be seeking to deliver the affordable housing at the earliest opportunity following signing of the land deal. There was no obligation to wait on the delivery of the affordable housing.

The Planning Committee in March 2017 sought to allow a financial contribution to be made towards off-site gypsy and traveller provision including the cost of the land in lieu of on-site pitch provision on the Chettiscombe Trust land. However, events had since progressed culminating in approval of an outline planning consent with signed S106. Condition 18 required a gypsy and traveller pitch scheme including details of the location of the pitches on site.

The triggers now proposed were not a relaxation or avoidance of gypsy and traveller pitch provision. The change represented a change in terms of the delivery of the pitches in relation to the number of houses. Seeking the delivery of the gypsy and traveller pitches at the 300th dwelling instead of the 260th dwelling remains policy compliant. A traveller pitch scheme for the 3 pitches continued to be worked up at the location identified within the Adopted Masterplan SPD. The site currently identified within the Adopted Masterplan made provision for 3 pitches. MDDC planning

department were not seeking to fit both Chettiscombe Trusts and Waddeton parks allocation at this location.

The location identified within the Adopted Masterplan complied with the NPPF and had been endorsed through the adoption of the Local Plan as a suitable site – deemed suitable and deliverable whilst meeting a presumption in favour of sustainable development.

Consideration was given to:

- The delay in the provision of the gypsy and traveller pitches
- Negotiations that had taken place with regard to the provision of the dwellings
- The need to accelerate the provision of the housing

RESOLVED that the timing of payments of the financial contributions and delivery of the gypsy and traveller pitches within the S106 agreement be amended in accordance with the changes requested.

(Proposed by the Chairman)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and a Director of the SPV and chose to leave the meeting during the discussion thereon;
- (ii) The following late information was reported: Clarification of para 2.4 with regards to traveller pitch provision – the pitches will be delivered prior to the first occupation of the 300th dwelling.
- (iii) *Report previously circulated copy attached to signed minutes.

79 APPLICATION 17/00445/FULL - INSTALLATION OF 16 GROUND MOUNTED SOLAR PHOTOVOLTAIC PANELS WITH WIRE STOCK PROOF FENCING - LAND AND BUILDINGS AT NGR 289905 122292 (FORD FARM) OAKFORD DEVON (2-27-00)

The Committee had before it a report of the Head of Planning and Regeneration regarding the above application.

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan for the proposed panels, the aerial view of the site, the block plan and elevation plans of the panels and Members viewed photographs taken from various aspects of the site.

Consideration was given to the site being well screened.

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

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

Notes:

- (i) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- (ii) Cllr J M Downes requested that his abstention from voting be recorded;
- (iii) The following late information was provided: Within the 'proposed development' section of the agenda report the sentence that begins on the fifth line should read: The array would be approximately 2.5m high and approximately 8m long. The panels would be mounted on a timber frame and there would be approximately 825mm clearance between the ground and the bottom edge of the panels.
- (iv) *Report previously circulated copy attached to signed minutes.

(The meeting ended at 5.00 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 29th November 2017

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>17/00982/MFUL - Erection of 49 dwellings, including associated public open space, landscaping and all other associated external works at Land at NGR 284671 100838, Cromwells Meadow, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
02.	<p>17/01487/HOUSE - Retention of replacement two-storey outbuilding at 6 Forestry Houses, Chenson, Chulmleigh.</p> <p>RECOMMENDATION Refuse permission.</p>
03.	<p>17/01414/FULL - Conversion of disused former office/workshop/store to dwelling at Building at NGR 268200 111519, Eggesford Station Yard, Eggesford.</p> <p>RECOMMENDATION Refuse permission.</p>
04.	<p>17/01179/MFUL - Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure at Land at NGR 303340 110341 (Land off Silver Street), Willand, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
05.	<p>17/01292/FULL - Erection of 3 dwellings following demolition of existing livestock building at Land and Buildings at NGR 295566 125028, (Veltham Barn), Morebath.</p> <p>RECOMMENDATION Refuse permission.</p>
06.	<p>17/01395/FULL - Erection of 5 dwellings with associated parking following demolition of industrial units at M H West & Son, The Garage, Silverton.</p> <p>RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
07.	<p>17/01464/FULL - Retention of change of use from shop (A1) to Tattoo and piercing studio (Sui Generis) at 17 West-Exe South, Tiverton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

08. 17/00826/MFUL - Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units at Land at NGR 291466 112201, Jurishayes, Withleigh.
- RECOMMENDATION**
Grant permission subject to conditions.

Application No. 17/00982/MFUL

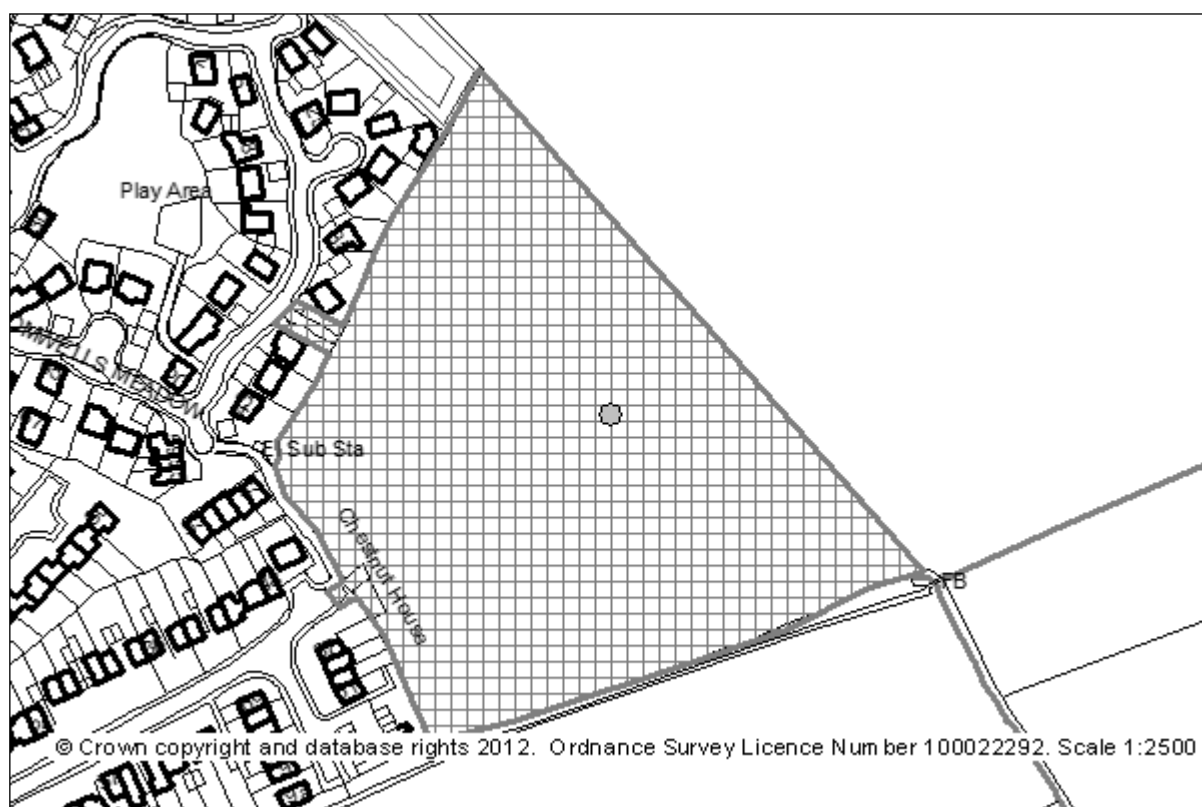
Grid Ref: 284671: 100838

Applicant: Mr A West, Persimmon Homes South West

Location: Land at NGR 284671 100838
Cromwells Meadow
Credton
Devon

Proposal: Erection of 49 dwellings, including associated public open space, landscaping and all other associated external works

Date Valid: 28th June 2017



RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement in respect to:

- (i) 35% affordable housing on site (a total of 17 units)
- (ii) Air Quality Contribution = £139,008.00
- (iii) Open Space = £40,768.00
- (iv) Education= £ 179,487.00.

Grant subject to conditions.

PROPOSED DEVELOPMENT

The application scheme is for the Erection of 49 dwellings, including associated public open space, landscaping and all other associated external works. The scheme includes:

- o An estate road with vehicular access from Southfield Road leading, with a pedestrian access from Cromwells Meadow.
- o An area of open space incorporating an attenuation pond which forms part of the drainage scheme.
- o 3 x 1bed houses, 23 x 2bed houses, 19 x 3bed houses and 4 x 4bed houses, each with a double garage and 2 car parking spaces.
- o Garages are shown on 9 of the plots and all of the units include 2 vehicular parking spaces largely adjacent to plot.
- o The materials palette for the house buildings are a mixture of brick facings and render with tiled roof coverings (either flat or profiled).

Originally the application was submitted to redevelop the site for 54 dwellings, with amended plans submitted on 23 October 2017. Additional further revisions have been made in response to matters by the Environment Agency, local residents in the adjoining properties to the site and issues raised by the case officer (further revised plans submitted 1st November, 6th November, 8th November and 13th November)

APPLICANT'S SUPPORTING INFORMATION

Red line site location plan (258/250c - received 23 October).
Topographical Survey - (GHC: 258/251- received 11 June 2017)
Site layout plan (rev P3), Materials Layout (rev P2), Affordable Housing Distribution Plan (rev P2), Building Storey Heights Plan (rev P1), Street scene drawing (rev P1)
Public Open Space Area Plan (rev P2)
Drainage and Transport drawings prepared by Vectos
Flood Risk Assessment & Drainage Strategy prepared Vectos (June 2017)
Soakaway testing and drainage details (26th October 2017)
Waste Audit Statement prepared by Persimmon Homes
Energy Statement prepared by JSP Sustainability (June 2017)
Utilities Appraisal prepared by Vectos dated (March 2017).
Preliminary Ecological appraisal prepared by For Ecology (May 2017)
Design & Access statement - June 2017.
Planning Statement
Transport Assessment prepared by Vectos (June 2017)
Arboricultural Impact Assessment and Tree Survey Schedule: Prepared by Doug Pratt tree Consultancy - 23rd October 2017 and March 2017
Historic Environment Assessment June 2017.

PLANNING HISTORY

No Relevant Planning History - although the site has been allocated for development as an allocation for 50 dwellings (incorporating 35% affordable housing) since October 2009.

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/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/5 - Education Provision
AL/IN/3 - Public Open Space
AL/CRE/3 - Cromwells Avenue
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

Housing Enabling Team (MDDC) - 8th November 2017 - Supports the application scheme

I can confirm that we have a high demand for properties in Crediton and would support the application.

DHC Stats - Crediton		Banding				Grand Total
Bedroom	Need	Band B	Band C	Band D	Band E	
1		11	10	44	58	123
2		8	14	14	58	94
3		2	22	7	23	54
4		2	3	1	2	8
5			2			2
Grand Total		23	51	66	141	281

The chart below indicates the demand for 3 bedroom properties with number of households. As you can see currently the Devon Home Choice waiting list is showing a demand for larger 3 bedroom properties to match the waiting list. It would be nice to see these properties matching the demand for space sizes for Souter House types.

Demand on Household Numbers for 3 Bed					
	Number of spaces/persons				
3 Bedroom	3	4	5	6	Grand Total
	10	21	15	8	54

ENVIRONMENTAL HEALTH (MDDC) - 8th November 2017

Air Quality -A Low Emissions Strategy will be required
 Environmental Permitting - No objection to this proposal
 Drainage - No objection to this proposal

Noise & other nuisances - Recommend approval with conditions:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site.

It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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.

ENVIRONMENTAL HEALTH - Contaminated Land - No objections with conditions recommended.

There is no supporting information in respect of land contamination risks provided in support of this application, and originally it was recommended that the application be refused.

However subsequent comments have been received submitted on 30/10/2017 clarifying the following approach.

The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site.

Recommended conditions:

- 1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.
- 2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
- 3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

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

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice

before complying with these conditions.

ENVIRONMENT AGENCY - 3rd November - No objections with conditions recommended

We write with reference to your email of the 25 October 2017 consulting us on the formal revisions submitted for this proposal.

We advise that the proposed development would be acceptable subject to minor revisions to the Finished Floor Level (FFL) of three properties and a condition being included on the grant of planning permission to ensure no land raising of ground levels within the floodplain.

We recommend that prior to determination of this application confirmation is sought from the applicant on how the provision of built development on the fringe of Flood Zone 2 will be achieved, from an engineering and planning perspective without the need to encroach into Flood Zone's 2 and 3. Our advice on this position and suggested wording for the condition are set out below.

Condition: There shall be no landraising within the floodplain of the River Creedy both during construction, and/or following final landscaping.
Reason: To protect floodplain storage.

Advice- Formal revisions

We welcome the revisions to the proposed layout (as shown on Drawing 2017/CRED 120 P1 Site Layout Oct 2017) and are pleased that the built elements of the proposal better reflect the extent of Flood Zones 3 and 2 of the River Creedy. Built development is in Flood Zone 1, with some of the proposed properties situated near, or on the very edge of, Flood Zone 2. As such it is imperative that finished floor levels take into account the residual risks and the effects of climate change.

We note the proposed FFLs on Drawing 172904-GA-01 Rev C 'Finish Floor Levels' by Vectos. Most of the FFLs of the proposed houses that would fringe the edge of Flood Zone 2 are adequate to cater for climate change, except those for plots 45, 48, and 49.

To be considered acceptable the following revisions should be made: Plot 45 - FFL no lower than 40.200 (proposed FFL 40.100) Plots 48 and 49 - FFL no lower than 40.000 (proposed FFL of Plots 48 and 49 being 39.850 and 39.700 respectively).

Case Officer note: the Floor levels as proposed have been changed to reflect the above.

Advice- Risk of encroachment into floodplain Given that some properties, and associated parking are proposed on the very edge of Flood Zone 2 the applicant must ensure that there is no encroachment into the floodplain through the required landraising to take account of climate change allowances. In particular plots and car parking areas 1, 36, 44, 45, 46, 47, 48 and 49. We note that the site layout drawing rev P3 shows some boundary walls but it is unclear how the other parts of these plots will be retained to prevent encroachment, and be landscaped to tie into the ground along the floodplain delineation line. We would welcome further discussion with your Authority on this point.

These comments supersede the comments issued on 20th July 2017.

DEVON COUNTY EDUCATION - 27th October 2017 - No objections

The proposed 49 family-type dwellings will generate an additional primary pupils 12.25 and 7.35 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 £167,237 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the Crediton area. There is currently capacity at the designated secondary school and therefore a contribution towards secondary education would not be sought.

In addition, a contribution towards Early Years education is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost £12,250 (based on £250 per dwelling). This will be used to provide additional 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.

These comments supersede the comments issued on 20th July 2017.

DEVON COUNTY - HIGHWAY AUTHORITY - 7th November 2017 - No objections / Conditions recommended.

Observations:

The Highway Authority has viewed the current proposals and has the following observations to make. The drainage strategy has no indication of gully positions and capacity, nor is there an indication as to who would be required to adopt the drainage, The Highway Authority assumes that the surface water system will be adopted by South West Water and the Highway Authority will be required to adopt gullies and connections. Notwithstanding this the surface water sewer should be self-cleansing gradients shall be provided to a velocity not less than 0.75m/second. The Local Planning Authority should seek the comments of the Lead Flood Authority on the revisions submitted including the Micro Drainage calculations.

The Highway Authority in its previous comments had indicated that a Footway/cycle route from north to south connecting to the existing public right of way should be provided. While the use of willow walk and existing links is acceptable to the North of the site the Highway Authority would seek to have the agricultural access included in the adoption section 38 drawing to facilitate future linkages to exhibition road to sports facilities and primary school provision.

The Highway Authority would under normal circumstances limit the adoption of grass verge and this would be the case in this instance, however should the maintenance of the verge in the vicinity of the block paved junction be incorporated into the management plan for open space they would be happy for it to be incorporated. The use of Block paving at the junction is not recommended by the Highway Authority due to the increased maintenance liability of twisting manoeuvres dislodging the blocks, and would advise the use of Imprint instead.

The Highway Authority would seek a contribution to the upgrade of the existing Public right of way commensurate with the requirements set out for the Creedy Bridge planning application which sought £250,000.00 against 326 dwellings a pro rata per dwelling rate of £767.00 per dwelling. As with Creedy Bridge the improvement scheme can be considered as part of Air Quality initiatives. The remaining issues have been addressed through the revised red line and therefore the Highway Authority would recommend that the following conditions are imposed should consent be granted

The Highway Authority recommends approval subject to conditions as set out in the recommendation section 2-7.

These comments supersede the comments made by the Highway Authority on 12th July 2017

DEVON COUNTY - HISTORIC ENVIRONMENT SERVICE - 27th October 2017 - No objections/conditions recommended.

I refer to the above application. The proposed development lies within a landscape containing evidence of prehistoric and Romano-British activity and there is the potential for the development site to contain archaeological and artefactual deposits associated with this activity. Recent archaeological works to the northwest have revealed the presence of previously unrecorded prehistoric and Romano-British settlement and, as such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with this known prehistoric activity in the

surrounding landscape.

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

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

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

Reason

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

Wales & West Utilities Gas Network - 23rd August 2017

Raise no objections but note the proximity of their apparatus (High Pressure gas main) to the site and the arrangements for any diversions that may be required.

DEVON, CORNWALL & DORSET POLICE - 6th November 2017 - Thank you for inviting comment with regard to the above revised application. In addition to my previous comments made 3rd July 2017 for the initial full planning application, please find the following reiterations and additional advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

It is considered that many important factors with regard to deterring crime and crime prevention per se have still not been fully addressed. Please note the following reiterations from previous advice:-

- All access that leads to the rear of dwellings must be gated as standard.

- The gates must be the same height as the adjoining boundary treatment (1.8m as a minimum height requirement) be robustly constructed of timber and lockable. Such gates must be located on or as near to the front building line as possible to prevent the creation of recesses and any attempts to climb over will be more noticeable. All gates must be capable of being locked from both sides by means of a key to ensure the rear access is secure at all times regardless of ingress or egress.

Sliding bolts fitted on the inner face of garden gates are not considered acceptable from a security perspective as clearly the bolt would have to be fitted to the top of the gate so it could be reached and opened from the outer face and therefore the rear access would not be secure on egress.

- 1.2m 'post & wire' dividing boundary treatment is not considered acceptable or suitable in creating a safe & secure enclosure which small children, pets and play items can easily breach. Also due to the lack of privacy this type of dividing material provides it is likely residents will want to improve this and erect all sorts of material, some of which may be unacceptable and unsightly creating a source of conflict and upset for neighbours.

It is recommended that initially there should be a 1.8m high privacy screen for approximately 2m and then a 1.2m high (minimum) close boarded fence or wall, with the option to raise to 1.5 or 1.8m by use of trellis or ironwork. This combination will provide adequate security and privacy whilst allowing neighbourly interaction.

- Perimeter security is a basic principle of Secured by Design (SBD) and deterring crime, as such all rear and accessible side boundary treatments must be 1.8m high over all, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If

more surveillance is required or a solid 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m or .6m trellis topping would be acceptable.

It is accepted that occasionally gradients of land or other permanent solid structures can have an impact on the need, type and height of some boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

It is accepted the importance of retaining the natural hedgerows but where these will act as rear or accessible side boundary treatments they must be secure, achieve 1.8m in height and be robust enough to deter access. Importantly they must be uniform and consistent with no gaps. If there is a shortfall in height and additional planting is used to boost this it must be borne in mind the time it can take for planting to mature, as such other additional measures such as fencing may be required in the interim. Green boundaries must be of a type that do not undergo radical seasonal change which could affect its security function.

It is respectfully requested that should the Planning authority be minded to approve the above proposal the following conditions are applied:-

1. Rear access gates must be fitted as standard and be 1.8m high minimum, be fit for purpose and capable of being locked from both sides by means of a key. Wherever possible the gates will be fitted flush to the front building line to prevent recesses.

Reason: to deter crime and reduce the fear of crime

2. All rear and accessible side boundaries must be 1.8m as a minimum requirement, be made of solid and robust construction. Where additional surveillance is required a 1.5m solid boundary with a .3m or .6m would be acceptable.

Reason - to create a secure enclosure, to deter crime and reduce the fear of crime.

3. Plot division boundary should be a 1.8m high privacy screen for approximately 2m and then a 1.2m high (minimum) close boarded fence or wall, with the option to raise to 1.5 or 1.8m by use of trellis or ironwork

Reason - to create a secure enclosure, to deter crime and reduce the fear of crime.

Case officer note: the issues in relation to the perimeter fencing and rear boundary treatments are considered to have been positively redressed by the changes with the arrangements between the proposed properties striking an acceptable balance with the opportunity for future residents to increase with trellis structures as recommended.

SOUTH WEST WATER - 1st November 2017 - No comment.

Waste and Transport Manager - 26th October 2017 - No Comment

SOUTH WEST WATER - 19th July 2017 - No objections raised.

Comments regarding separation of foul drainage and other drainage with a condition recommended to ensure that that the development is not prejudicial to the sewage system.

LEAD FLOOD AUTHORITY - 27th July 2017 - Recommendation: - No objections/conditions recommended.

Observations:

Following my previous consultation response (FRM/MD/00982/2017, dated 8th November 2017), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 9th November 2017, for which I am grateful. If not already done so, the applicant should submit the below information to the Local Planning Authority:

1. Flood Risk Assessment and Drainage Strategy (Ref. Land off Cromwells Meadows - Flood Risk
2. Assessment and Drainage Strategy; Rev. 3; dated 9th November 2017) Drainage Strategy (drawing No. 172904-PDL-01; Rev. D; dated 9th November 2017)

The applicant should provide further details of the proposed permeable paving at detailed design stage.

Recommendation:

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:

Officer note - please refer to conditions 8-11.

These comments supersede the comments made by the Drainage Authority on the 8th November, and the original comments which objected to the application scheme.

CREDITON TOWN COUNCIL - It was resolved to recommend REFUSAL on the following grounds:

- It is overdevelopment of the site. The Local Plan Policy CRE3 has allocated 35 dwellings on the site; however, this application proposes 54 dwellings, a 54.2% increase.

- South West Water sewerage system is incapable of coping with the current capacity generated from dwellings in the surrounding area such as Cromwells Meadow, Willow Walk, Hedgerow Close, Primrose Way etc. There are regular occurrences of the pumping station breaking down resulting in raw sewerage overflowing into the gardens of properties. The introduction of further dwellings on to the system will exacerbate these issues causing increased public health issues.

- The proposed development site is a flood plain and has regularly flooded in the past. The Drainage Report acknowledges that infiltration of water to ground is not a viable surface water drainage option. The installation of an attenuation pond to accommodate surface water run-off is insufficient mitigation for the level of surface water run-off. It is questionable as to whether the drainage ditch located at the southern boundary will be able to cope with the increased volumes of water from the attenuation pond, as this already accommodates water run-off from other areas. This development could increase the risk of flooding elsewhere due to water run-off.

- The access to the site via Willow Walk is unsuitable. Willow Walk is unable to accommodate the increased level of traffic and parking that this development will generate.

- There is insufficient infrastructure (doctors, dentist, schools etc.) within Crediton to accommodate the increased dwellings.

The Council would like it noted that if the application is approved there must be a condition stipulating that a separate construction access must be installed. It is essential that Willow Walk is not used for construction access.

Cllr Downes requested that the minutes show that he voted for the refusal of the application on the information he had received to date and that he reserved the right to change his mind in view of any other information that may be brought to his attention. Cllr Letch abstained from voting.

The Town Council are considering the amended details at their meeting on the 21st November, and any further comments/observations will be reported as an update.

NATURAL ENGLAND - 10th July 2017 - No comments

HEALTH and SAFETY EXECUTIVE - 4th July 2017 - No specific comments

REPRESENTATIONS

The application was first advertised and notifications sent to neighbours based on the original proposal as it was submitted (i.e. for 54 houses), with further notifications sent out confirming the changes submitted by the applicant (i.e. for 49 houses). Overall 46 comments have been submitted in response to the application, including 1 letter in support. In terms of the objections, 38 of the comments were received in response to the first round of consultation with a further 7 received following consultation on the revised plans. The summary below sets out comments from local residents that remain relevant for the revised scheme. Comments summarised below:

1. Disrupt natural beauty and tranquillity to the area
2. Loss of green fields and open space
3. Impact on wildlife
4. Loss of walking area
5. Increase in traffic and associated noise in the area
6. Location of site on flood plain
7. Additional flood risk from the development
8. Volume of potential through traffic through Willow Walk/Bramble Lane/ Cromwells Meadow
9. Proposed road access is unsuitable for volume of traffic which will result from the development.
10. Increased pressure on services including schools, doctors, transport etc.
11. Added strain on the existing sewage system/ foul drainage system
12. Existing on road parking already on Willow Walk and Bramble Lane causes issues for general road users and emergency vehicles
13. Proposed parking is not enough and some will be provided on street rather than private driveways
14. Design of proposed dwellings (3 storeys) is not in keeping with the existing 2 storey dwellings in the area
15. Balancing pond is not suitable SUDS
16. Over development of the site in terms of proposed density - reference to the Local Plan Review 2013 -2033 which proposed 35 dwellings with 28% affordable housing.
17. Surface water issues resulting from the development
18. Lack of cycle infrastructure proposed
19. Potential overlooking to existing properties in Cromwells Meadow and vice versa
20. Archaeological potential on the site.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site lies within the settlement boundary of Crediton. The site area as covered by the development footprint is 1.28 hectares in extent, and generally comprises an area of flat agricultural / grassland that slopes gently away to the flood plain beyond on the eastern boundary.

The application is submitted in full with a layout showing 49 dwellings (as revised), as described above in this report. Therefore the issues for consideration are as follows:

- 1. Policy**
- 2. Scheme Design and Living Conditions for future Occupiers / neighbouring occupiers.**
- 3. Section 106/ Affordable Housing issues**
- 4. Highway, Transport & Movement issues**
- 5. Flood Risk & Drainage Issues**
- 6. Ecology/Biodiversity/Tree**
- 7. Other Issues**

1. Policy

The site is allocated for residential development in the Allocations and Infrastructure DPD (Policy

AL/CRE/3). The terms of the policy are set out below:

A site of 1.3 hectares at Cromwells Meadows is allocated for residential development subject to the following:

50 dwellings with 35% affordable housing;

b Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.

c This development shall not be commenced until a Link Road between the A377 and Lords Meadow is in operation.

Mid Devon Core Strategy 2007 Policy COR1 requires development to meet sustainable objectives, bring positive benefits and supports the diverse needs of communities, including providing affordable housing and development which allow for the ease of movement and creates safe environments. A range of housing densities are established depending on the location of the site with a minimum of 35-55 houses relevant for the application site. Policy COR3 requires the provision of approximately 6800 dwellings over the plan till 31st March 2026, and Policy COR15 provides for an average annual building rate of 35 market dwellings, including affordable dwellings (10) for Crediton. The site is allocated for up to 50 dwellings, which meets the density requirements in Policy COR1. As the application proposes 49 houses, including 35% affordable housing, the application scheme from a land-use point of view is therefore considered to be in accordance with the relevant sections of the development plan as referred above.

Some local stakeholders and the Town Council have raised the issue of whether the application scheme represents overdevelopment of the site noting that the emerging policy framework, which promotes the site for 35 houses. The rationale in the emerging policy framework for proposing a reduction in the number of units proposed was in order ensure that no development would encroach into the flood plain and that an appropriate surface water strategy could be put in place

As stated above in this report the original application proposed 54 houses which meant that the development resulted in an encroachment on to the flood plain. On this basis the Environment Agency and the Surface Water Drainage team had raised objections. Given these objections and the scope of development proposed your officers advised that as originally submitted the application would have been refused.

The revised scheme proposed a gross development area outside of the floodplain and as stated above the Environment Agency and the Surface water Drainage team are no longer objecting to the application scheme (please also refer to key issue 5). Therefore given that it has been demonstrated that a scheme of 49 units can be satisfactorily developed without any objections on flood risk and/or surface water management grounds, members are advised that it would be unreasonable to refuse the application on the grounds that the application in terms of the numbers of dwelling proposed exceeds the emerging policy position as set out in the Local Plan Review 2013-2033.

In summary on this issue the site is promoted for residential development (50 units) in the development plan and the density as proposed is in accordance with density thresholds promoted and the development threshold of 50 is not exceeded. The application presents a scheme that is compliant with this policy. Furthermore the application scheme will assist in the delivery of housing and affordable housing at a time when build out rates in the district need to be improved. In summary the application proposals are considered to be in accordance with policies COR1, COR3 and COR15 of the Mid Devon Core Strategy, and policy AL/CRE/3 of the Allocations and Infrastructure DPD.

2. Scheme Design and impact on living conditions for neighbouring occupiers and future occupiers.

The structure of the scheme as it has been revised is considered to be less regimental than the layout as original designed with a vehicular access from Willow Walk and with Pedestrian access from Cromwells Meadow. The finished floor levels across have been raised to ensure the dwellings remain protected from a flooding perspective. This varies from up to a 400mm increase adjacent to flood plain area to just under 100mm for the plots directly adjacent on the western boundary. Each of the units is provided with 2 off street car parking spaces directly adjacent to each of the house plots. The scheme will deliver a range of housing types, with the affordable units designed and presented so that they are undistinguishable from the

market units, and spread across the site in an acceptable manor. It is noted that the applicant agreed to revise the distribution of the units across the site to reflect concerns expressed by local stakeholders and your officers when the revised scheme was first lodged for consideration.

The height of the new houses are largely 2 storey units standing approximately 7.5 metres above ground level with a traditional roof pitch. There are 5 properties (plots 13 -17) set in a terrace of 3 and 2 semi's directly adjacent that present accommodation over 3 storeys and standing approximately 11.5 metres above ground level. These five, three storey units are clustered toward the middle of the site, and whilst the change in the height will be noticeable as shown on the Section A-A drawing, it is not considered the variation in height is uncomfortable in street scene terms.

The design of the houses is best described as traditional, utilising a fairly restricted palette of local materials prevalent in Crediton, comprising; brick or render for the elevations with either a smooth or profiled tile for the roof covering. This reflects the conservative approach to new building the Town as generally advocated by the Town Council.

The site shares a common boundary on the western and southern, with no's 29 -43 (odd numbers only) Cromwells Meadow sitting adjacent on the western boundary and no 48 and 81-87 (odd numbers only) Willow Walk sitting adjacent on the southern boundary, in total 12 existing houses. The key dimensions between the proposed dwellings, site boundary and the adjacent dwellings beyond are as follows:

- o The house unit on Plot 27 is set at the rear of no 43 Cromwells Meadow with a separation distance of approximately 17.0 metres, and is specified as corner Clayton property which is designed so that the rear elevation functions as a side elevation with only a single window opening at the upper floor window which is to a bathroom. The separation distance from the rear of the properties at no's 39-41 Cromwells Meadow to the party boundary is approximately 10 metres with garden/parking areas set directly adjacent.
- o The house units on plots 5-10 are set at the rear of no-35-37 Cromwells Meadow with a separation distance of between approximately 19.0 - 23.0 metres and are arranged as 3 pairs of semi-detached units. This has helped reduce the massing of the new build as it presents to these properties and also the orientation of the units is such that the rear to rear relationship is oblique as opposed to directly facing.
- o An area for car parking is laid out adjacent to the rear of no.33, with the house units on plot no's 1 - 4 largely set behind the garage buildings which sit to the rear of no's 29-31 Cromwells Meadow with a separation distance of approximately 20.0 metres.
- o All of the units adjacent to this boundary are two storey which helps reduce the impact. In addition it is noted that that a revised boundary treatment along this boundary to include a trellis top to a close boarded timber fence (2.0 metres in height) is proposed and is supplemented by a new native hedgerow to the existing boundary across the rears of no's 35 - 37, which at present is particularly open. This change is in direct response to concerns expressed by local stakeholders and your officers.
- o The house unit on plot 23 is positioned at the entrance to the site and sits just forward but adjacent to no 48 Willow Walk. The property is designed to include a blank side elevation in terms of window openings, and with a separation distance of 16.0 metres there are no concerns regards to overlooking. The fact that the new building is staggered so it sits to the front of No.48 retains an open outlook for the existing occupiers which is considered important as the property has been modified to include a window arrangement in the side elevation.
- o Finally the house units on plot 32-35 (4 units) are located directly to the rear with no's 81-87 Willow Walk with a separation distance of approximately 26.0 metres, with approximately 13.0 metres of garden space either side of the party boundary which includes an existing planted boundary.

In summary it is considered that overall the layout of the new estate is respectful of the local character in terms of the built form and towards the site's neighbours and therefore compliant with the requirements of

policies DM2, DM8 and DM14 of the development plan.

In terms of amenities for future occupiers as stated each of the units has the benefits from amenity space at the front and a reasonable sized garden to the rear. The other aspect of this assessment is with regards to the internal space standard within each of the house types. As stated above a range of housing sizes are proposed providing a spread of 1, 2, 3 and 4 bedroom units, and in total 7 different house styles are proposed as set out on the accommodation schedule on the site layout plan. Following discussions with officers and a number of scheme revisions, all of the proposed housing types comply with the National Space standards.

3. Section 106 / Affordable Housing issues.

Policies AL/DE/3 and Policy AL/CRE/3 require 35% affordable housing to be provided and policy AL/DE/ 5 promotes an inclusive approach to site design in terms of affordable housing not being distinguishable from affordable housing, and that affordable housing should be provided on site broadly in accordance with market housing.

The proposed layout includes 17 affordable units which includes 12 two bedroom units and 5 three bedroom unit. This equates to 35% of the total number of dwellings, and 10 of the units are to be offered as social rent and 7 units as intermediate (other forms of affordable housing). The assessment of the scheme layout has been documented and from a design point of view it is considered that the disposition of the units across the site is acceptable with a design approach that is commensurate with the open market housing.

The comments that have been provided and set out in this report from the Council's Housing and Enabling Services Manager confirm that there is high demand for both 2 and 3 bedroomed dwellings.

The scope of off-site financial contributions to redress policy AL/IN/3 (public open space, covering children's play area, sports areas and informal open space) is £40,768.00 which will be used to implement improvements to outside sports and play facilities at the Lords Meadow site. The scope of off-site financial contributions to redress policy AL/IN/5, as confirmed by Devon County Council is 167,237.00 towards primary school places, and £12,250.00 towards early years places. The scope of off-site financial contributions to redress policy AL/CRE/8 is £139,008.00, which will be used to improve the public rights of way in the town to assist pedestrian and cycle movements and to facilitate the roll out of an E-bike scheme within Crediton.

In summary on this issue, subject to the satisfactory resolution of the S.106 agreement to include provisions to secure the provisions as set out above, the application scheme is considered to comply with policies AL/DE/3, AL/CRE/4, AL/DE/5, AL/IN/3 and 5 and AL/CRE8 of the Allocations and Infrastructure DPD.

4. Highway & Movement issues

One of the requirements of the site being brought forward for development under the allocation is that the Crediton Link Road must have been implemented. This requirement has been met and other improvements at the Commercial Road roundabout have also been completed. The transport statement that has been submitted includes an assessment of the traffic levels that are likely to be generated, and sets trip generation levels as 27 in the AM peak and 28 in the PM peak.

The application proposes the following:

- * A new access from Willow Walk in the form of a continuation of the existing highway (4.8 metres wide) with footways either side of carriageway for the length of the main section of Road and to the front of the house plots. It has been demonstrated that the layout will be accessible by refuse and emergency service vehicles.
- * Restriction of the access from Cromwells Meadow so that it is a pedestrian link only.
- * Provision for 2 parking spaces per plot.

Officers in the Highway Authority have made a number of comments regards the technical delivery of the

new road and have recommended a number of conditions to control the delivery of this part of the scheme and have sought to ensure that links to the proposed development at the Creedy Bridge site are possible from the north of the site. Finally a contribution is sought to improve public rights of way to, from and in the vicinity of the site which will be funded as part of the financial contribution towards improving Air Quality in the Towns management area, as referred above.

In summary it is considered that it has been satisfactorily demonstrated that the necessary highway infrastructure has been put in place to support the traffic generated by the development and the impact of the additional traffic on the local network and the proposed level of car parking provision is considered acceptable. It is therefore is considered that the proposal meets the requirements of Policy COR9.

5. Flood Risk & Drainage Issues

The development area has been revised so that it sits outside of the Flood Plain and with adjustments to the finished floor slab levels across the site, the Environment Agency have confirmed their support for the scheme.

The surface water drainage arrangements are to be managed via a soakaway basin and which is located in the south east corner of the site, incorporating a diversion of the existing surface flows. The dimensions of the storage pond have been calculated to restrict the discharge rates to greenfield run off rates and to have the capacity to manage the 1 in 100 year plus climate change event with 40% additional capacity to accommodate peak rainfall periods. The retention pond then drains via a pipe run to the surrounding watercourse in the south east corner of the field. A set of comprehensive conditions have been recommended by the Drainage Authority to ensure the technical details in relation to this aspect are of the scheme are controlled at the delivery stage.

On the basis that both the Environment Agency and the Drainage Authority have withdrawn their objections it is considered that subject to appropriately worded conditions that the application scheme as it has been revised responds positively to the requirements of policy DM2 and COR11.

6. Ecology/Biodiversity and Impact on Trees

The site comprises a field area that functions as pasture land with various forms and types of hedging on the site boundary, with the southern boundary presenting as the most significant, including a number of Broadleaved trees.

The proposed development area and site boundaries have been the subject of an ecology survey of the area covered by the proposed layout, which include a desk top assessment and field walkover. Although the scheme will result in the loss of areas of open space the scheme includes the retention of all the trees on the site and provides for new areas of new planting/landscaping of an ornamental magnitude. It is noted that in commenting on the application Natural England did not raise any objection to the proposals.

The recommendations of submitted report will be required to be undertaken and this will be achieved by condition.

7. Other Issues

Although the potential of the land being contaminated are considered relatively low given the historic use of the land, a precautionary condition is recommended to reflect the guidance of the Councils EH officer as referred above.

As confirmed the County Archaeologist has recommended an appropriately worded condition given the site lies within a landscape containing evidence of prehistoric and Romano-British activity and there is the potential for the development site to contain archaeological and artefactual deposits associated with this activity.

In addition to the number of dwellings proposed and the flood risk issues raised which have been addressed in this report the Town Council have raised have a number of other issues? Whilst the comments noted

about facilities in the Town not being able to accommodate the addition demand from the new occupiers of the development it is noted that the applications scheme represents planned development and is providing additional funding to manage the schooling needs that arise. Condition 3 provides an opportunity to manage the route of construction vehicle into the site. The impact of the development on and the capacity of the public sewer, to cope with the development are raised as an issue. It is noted that South West Water have not raised an objection to the proposed and recommend a condition to safeguard the public sewerage system, please refer to condition 21.

Sections 143 of the Localism Act amends Section 70 of the Town and Country Planning Act 1990 so that when determining planning applications, Local Planning Authorities should also have regard to any local finance considerations, so far as material to the application. Local finance considerations means a grant or other financial assistance that has been, or will or could be provided to the relevant authority by a Minister of the Crown, or Sums that a relevant authority has received, or will or could receive, in payment or a Community Infrastructure Levy.

In respect of this application consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each house is estimated to be £1,028 per year, (each affordable house attracting a further £350 bonus). If the new homes bonus remains in force for a five year period the amount of New Homes Bonus that would be generated from the proposal would be 251,860.00 (plus the element payable on the affordable units). Notwithstanding, it is not considered that this potential future payment to the Council affects the extent to which the application scheme accords with Development Plan Policy.

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 application scheme delivers a proposal which reflects the adopted and current development plan which at present provides the basis to assess the planning application. This includes the delivery of 49 housing units, including 17 affordable housing units, which following a number of revisions to the house types proposed are compliant in terms of the Governments National Space standards and with a layout which is considered comfortable and responds positively to the site context. An appropriately designed extension to Willow Walk has been put forward to provide vehicular access, with pedestrian access only from Cromwells Road. The level of parking is policy compliant. The application scheme raises no concerns in terms the technical requirements in terms of flood risk/surface water management and includes. The scheme details have been revised since original submissions to seek to minimise the impact on the occupiers of those existing residents whose properties are set directly adjacent to the site. A number of benefits that will be secured when the site is brought forward for development are set out above, in terms of improvements in the locality to encourage and pedestrian and cycle movements and reduce dependency of vehicular travel for localised movements.

Given the application proposal as it has been revised is considered to be policy compliant the recommendation is that planning permission should be granted subject to conditions and the completion of a Section 106 as outlined above. Although the Town Council and some local stakeholders remain concerned that the proposed scheme is in excess of the emerging development plan position for the site, little weight can apportioned to the emerging policy framework at this current point in time. Furthermore and more importantly with regards to this issue the Environment Agency and the Drainage Authority have not raised any objections to the revised layout for 49 units.

CONDITIONS

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

The approved Construction Management Plan shall be complied with in full at all times during the construction phases of the development hereby approved.

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been 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 the Local Planning Authority.
5. 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.
6. No development in relation to the residential units 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
 7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme, and prior to the occupation of any the dwellings hereby approved.
 8. 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 Flood Risk Assessment and Drainage Strategy (Ref. Land off Cromwells Meadows - Flood Risk Assessment and Drainage Strategy; Rev. 3; dated 9th November 2017), Drainage Strategy (drawing No. 172904-PDL-01; Rev. D; dated 9th November 2017) and the submitted Micro Drainage model outputs (File 172904_NT1_V1.mdx; dated October 2017). The approved details shall be implemented accordingly and maintained as operational in accordance with the approved details thereafter and prior to the occupation of any the dwellings hereby approved.
 9. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving culvert is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and propose specific repair and/or improvement works to the receiving culvert as required facilitating the development. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.
 10. No part of the development hereby permitted shall be commenced until 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 proposed 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. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.
 11. 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. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.

12. There shall be no land rising within the floodplain of the River Creedy arising from activity during the construction of the development hereby approved or following any landscaping which is undertaken on the land to the east on the flood plain line as marked on the approved site layout plan.
13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
14. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation, risk assessment and remediation works including a timescale for completion shall be submitted to and approved in writing by the Local Planning Authority. Residential occupation of the site, or parts of the site affected by land contamination, shall not take place until the remediation works have been carried out in accordance with the agreed details.
15. Prior to the commencement of any the dwellings hereby approved a traffic management scheme which prevents vehicular access into the site from Cromwells Meadow shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be put in place prior to the occupation of any of the dwellings and maintained as such thereafter to prevent vehicular access.
16. 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.
17. 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.
18. Prior to the commencement of any development on the site a phasing plan confirming the timing and delivery of the approved boundary treatments to the western and southern boundaries of the application site (adjacent to plots 1-9, 11, 23 -27 respectively) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed phasing plan unless otherwise agreed in writing by the Local Planning Authority.
19. No development shall begin until a scheme for the management and maintenance of the communal open space shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space area shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.
20. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.
21. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To minimise the impact on the local highway network and local residents.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
6. 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.
7. To protect water quality and minimise flood risk in accordance flood management act.
8. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
9. To ensure that the receiving culvert is of a satisfactory condition to receive the surface water runoff generated from the proposed development, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
10. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
11. 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 Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
12. To protect floodplain storage and in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
13. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.
14. In the interests of public health and the protection of the environment for future residents.
15. To safeguard the amenities of the existing residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
16. To ensure the specified materials are appropriate and 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.

17. To ensure the specified materials are appropriate and 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.
18. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
19. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of the Local Plan Part 3: (Development Management Policies).
20. To ensure that appropriate measures are in place for the long term maintenance and management of the Sustainable Urban Drainage Systems within the site to ensure that it performs its intended function for the lifetime of the development and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
21. To ensure the discharge of the drainage from the proposed development shall not be prejudicial to the public sewerage system and ensure that there are adequate public foul sewerage facilities to receive foul water flows, and in order to safeguard the residential amenities and the local environment in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for 49 new dwellings with a proposed means of access to service the site from Willow Walk is considered to be supportable in development plan policy with the density and quantum of development in accordance with the adopted policy position as promoted by adopted policy AL/CRE/3. Overall the layout is considered a positive design response to the site. The design and housing mix is considered acceptable in terms of the unit sizes, how they will relate to the existing properties adjacent to the site, and will help to create a mixed and balanced community for future occupiers are the only issues for consideration through this application. The access and parking arrangements are considered acceptable, and there are no objections in terms of the proposals to deal with surface water management arrangements and flood risk impacts on the neighbouring flood plain. Subject to the satisfactory completion and resolution of a Section 106 Agreement to include the heads of terms as set out in this report the application scheme is considered acceptable and in compliance with the requirements of with Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/ 1-5, AL/IN/ 3 and AL/IN/CRE8 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, DM8 and DM14, and guidance in the National Planning Policy framework and the Governments National Space Standards.

Application No. 17/01487/HOUSE

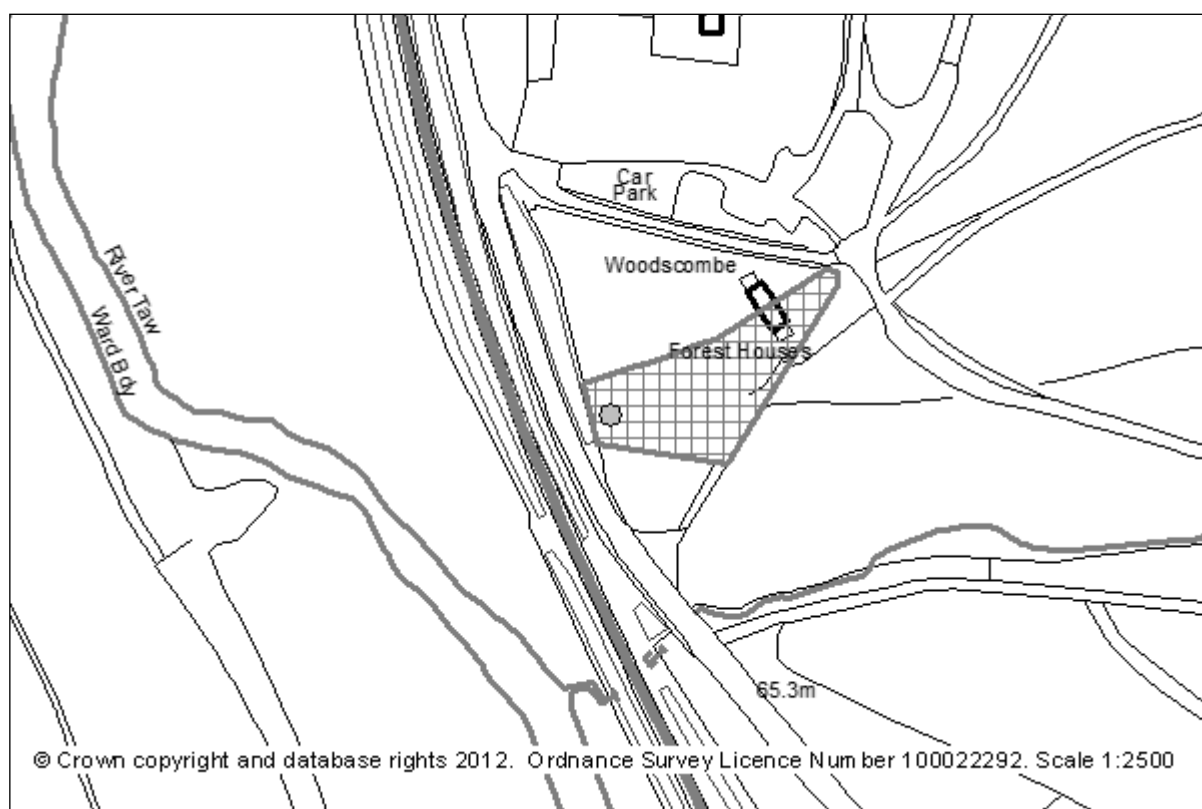
Grid Ref: 269352: 110488

Applicant: Mr & Mrs D Hall

Location: 6 Forestry Houses
Chenson
Chulmleigh
Devon

Proposal: Retention of replacement two-storey outbuilding

Date Valid: 3rd October 2017



Application No. 17/01487/HOUSE

RECOMMENDATION

Refuse permission.

COUNCILLOR CLIVE EGINTON HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

1. To consider the previous decision of the Planning Committee not to take enforcement action and to invite a planning application and given the rural nature of the property and the limited negative impact of the application.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

The application is described by the applicant as for the retention of a replacement two-storey outbuilding. The site is located within the parish of Chawleigh, approximately 17 miles north-west of Crediton. The semi-detached property occupies a large elevated plot on the eastern side of the A377 surrounded to the north, east and south by Eggesford Woods. The property benefits from mature tree screening to its boundaries.

At the time of this application, in addition to the building which is the subject of this application, existing at site were a number of outbuildings and structures used for storage, ancillary accommodation and for the shelter of livestock. These include a small lean-to extension attached to the main dwelling and within the wider curtilage of the property the following structures:-

- o a single storey timber cabin building used as ancillary residential accommodation;
- o a pitched roof timber outbuilding with double doors;
- o a pitched roof field shelter; and
- o a timber storage building.

The building which is the subject of this application is a two storey timber structure sited at the rear boundary of the property. The building is reported to have been constructed on the footprint of a previous outbuilding; however no details of this previous structure are supplied with the application.

The building is of modern flat roof design and has a domestic appearance. UPVC windows have been installed in part and there is a timber deck with a sloping felt roof over which it is proposed to enclose as part of the details of this application.

Internally the structure benefits from an internal staircase, domestic style wiring and light switches. The structure is also plaster boarded internally. It is evident that the internal building fit out is not complete. Contained within the structure at the time of the site visit were building materials and domestic fixtures such as an uninstalled shower cubicle, mattresses and other items of furniture.

The proposed use of the building is purported to be a workshop with domestic storage over, a greenhouse/potting shed is also proposed within the lean-to structure.

APPLICANT'S SUPPORTING INFORMATION

Supporting Justification Statement
Existing floor layout plans, elevations and sections
Proposed site layout plan
Site location plan

PLANNING HISTORY

(Enforcement Case ENF/16/00243/UDRU - Erection of two storey building in rear garden, 6 Forestry Houses, Chenson, Chulmleigh) was reported to planning committee on 9th August 2017.

At this meeting members resolved that in the event that no fully validated planning application had been submitted regarding this issue within 3 months of the 9th August that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the demolition and removal of the unauthorised development including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

The planning application currently under consideration has been submitted in compliance with this resolution.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)
DM13 - Residential extensions and ancillary development

CONSULTATIONS

Chawleigh Parish Council - a consultation response confirming that the Parish Council has no comments to make was received on the 27th October 2017

Highways Authority - 9th October 2017- No specific comments have been made.
Environment Agency- No comments made.

REPRESENTATIONS

At the time of writing the report no representations on this application have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Compliance of the development with Policies COR18 and DM13**
 2. **The siting, scale and design of the building**
 3. **The need for the workshop and storage building having regard to other buildings and structures present at site.**
 4. **The impact of the development on residential amenity**
-
1. **Policy and procedure**

The Mid Devon Core Strategy (Local Plan Part 1), in its Policy COR18 states that development outside the settlements defined by COR 13-COR 17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy DM13 of the Local Plan Part 3 (Development Management Policies) refers to residential extensions and ancillary development. It states that ancillary development will be permitted provided that they

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

The compliance of the development with these criteria will be considered in the assessment below.

2. The siting, scale and design of the building

The building is proposed as a workshop and domestic store with an attached potting shed and greenhouse. The building proposes 11.9 square metres of workshop space and 10.4 square metres of storage over two floors in addition to a greenhouse/ potting shed measuring approximately 5.7m square metres. Its location is remote from the main dwelling and its scale and siting are considered an incongruous feature within the countryside area.

The development has the appearance of a modern domestic structure and by virtue of its design, number of window openings, presence of double glazing, covered deck area and internal finishes including domestic wiring and plaster boarding is more akin to ancillary residential accommodation. Due to the remoteness of the building from the principal dwelling and the presence of other ancillary residential structures at site, it is considered that the building structure adds to the visual clutter of the site and the ancillary relationship with the principal dwelling is questionable.

Without considerable alterations to the scale and design of this structure, and in the absence of a justification for its remote location, the development conflicts with the provisions of Policies DM13 and COR18 and cannot be supported in this regard.

3. The need for the workshop and storage building having regard to other buildings and structures present at site.

At the time of the site visit the application site contained several outbuilding and structures within its curtilage. These included a single storey timber cabin building used as ancillary domestic accommodation, a pitched roof timber outbuilding with double doors used for the storage of building materials and a motorbike, a timber pitched roof field shelter, a timber store building and a small lean-to extension providing ancillary storage for the main dwelling.

These structures appeared to be fit for purpose and provide adequate storage and ancillary accommodation for a property and land holding of this size. The applicant is not proposing the removal of any of these existing structures as part of this application and has not submitted a case that there is need for further workshop and storage accommodation at the site. Without such justification the development is considered to represent overdevelopment which contributes towards an unnecessary proliferation of built structures within this part of the countryside. This is therefore contrary to the provisions of Policy DM13 and Policy COR18.

4. The impact of the development on residential amenity

Policy DM13 requires the impact of development on the living conditions of the occupants of neighbouring properties to be assessed.

The development of another building on the site (even for use as a workshop and store) has the potential to disturb the peaceful enjoyment of the neighbour's private amenity space depending upon the nature of activities undertaken within the workshop.

Additionally due to the orientation of the structure in relation to neighbouring properties the large first floor window, which has the potential to be illuminated in the evening, also has the potential to result in disturbance to residential amenity.

5. Planning Balance and Summary

The application for retention of a replacement two-storey outbuilding is considered to be unacceptable.

It is considered by the Planning Authority that excluding this outbuilding there is adequate storage and ancillary accommodation existing at the site for a property and land holding of this size. It is concluded that the building by virtue of its scale, siting and design adds to the visual clutter of the site and is detrimental to

the appearance of countryside.

Notwithstanding the potential impact on residential amenity discussed in the assessment above, it is considered likely that sufficient controls could be put in place to protect the living conditions of occupants of neighbouring properties in terms of the impact of the building structure.

It is therefore recommended that the application be refused for the reasons as set out below.

REASONS FOR REFUSAL

1. The development by virtue of its siting, scale and massing represents an incongruous feature on the site and furthermore contributes towards an unnecessary proliferation of built structures within this part of the countryside. For these reasons the development as it has been constructed is considered to be harmful to the overall character and appearance of the countryside contrary to Policies DM13 of the Local Plan Part 3 Adopted 2013 and Policy COR18 of the Mid Devon Core Strategy Adopted 2007. At the time of this decision the application site contained a single storey timber cabin building used as ancillary domestic accommodation, a pitched roof timber outbuilding with double doors used for the storage of building materials and a motorbike, a timber pitched roof field shelter, a timber store building and a small lean-to extension providing ancillary storage for the main dwelling. It is not considered that the applicant has submitted a case that there is need for further accommodation at the site, and without such justification to grant planning permission for the proposals, would be contrary to Policy DM13 of the Local Plan Part 3 (Development Management Policies) and Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) as stated above.
2. The use of the building as proposed is for a workshop space with domestic storage over and a potting shed. The proposed development by virtue of its design, number of window openings, presence of double glazing, covered deck area and internal finishes including domestic wiring and plaster boarding is more akin to ancillary residential accommodation which due to its remoteness from the principal dwelling and the presence of other ancillary residential structures at site would not be permitted in this location.

Application No. 17/01414/FULL

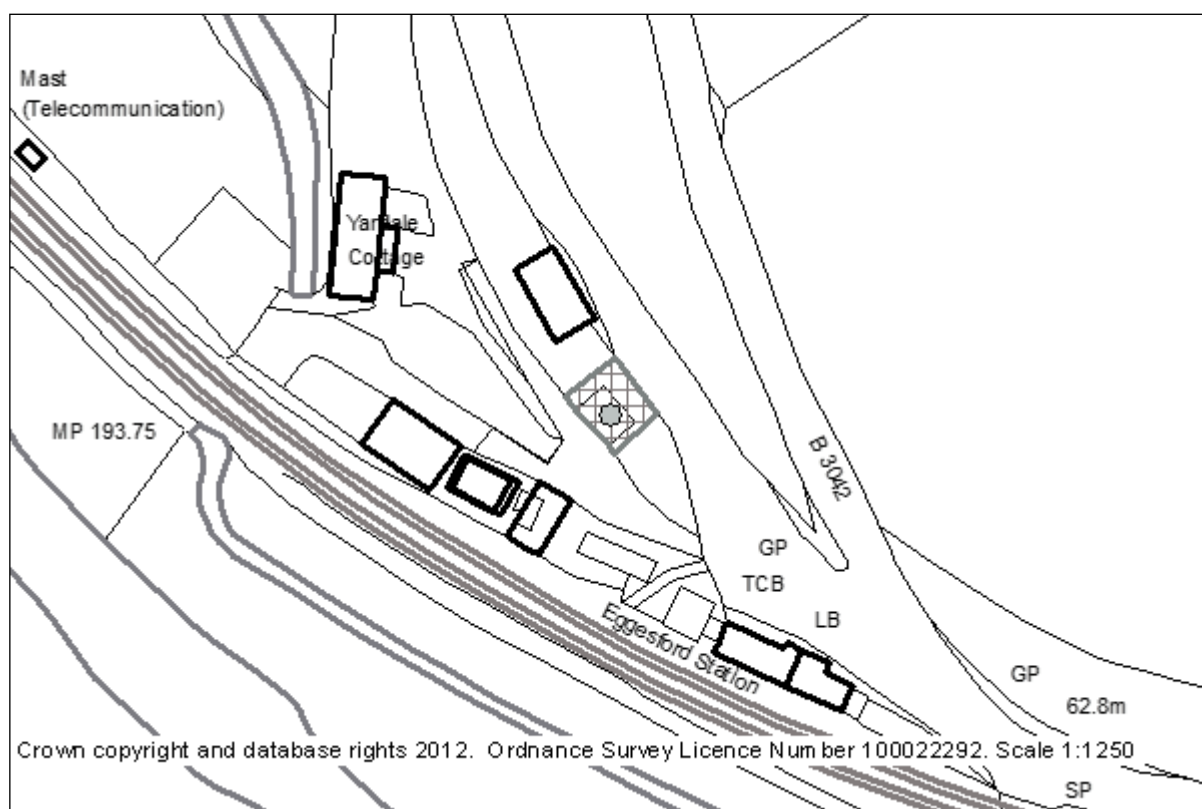
Grid Ref: 268200: 111519

Applicant: Mr D Churchill

Location: Building at NGR 268200 111519
Eggesford Station Yard
Eggesford
Devon

Proposal: Conversion of disused former office/workshop/store to dwelling

Date Valid: 10th October 2017



Application No. 17/01414/FULL

RECOMMENDATION

Refuse permission.

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

1. The correct current classification of the existing building given its previous usage as a workshop, an office, a store and a domestic garage
2. The proposed developments immediate proximity to an existing house, Yardage
3. The visual improvement that the proposed development would bring to the area
4. The benefits that a 1 bedroom starter home would bring to the parish

PROPOSED DEVELOPMENT

Conversion of disused former office/workshop/store to dwelling at Eggesford Station Yard, Eggesford. The building is a modest, single storey detached building with a small outshot to the side. It is located at the edge of the station yard with a retaining wall supporting the higher ground level to the rear and the A377 highway beyond this. The building is of rendered blockwork construction with a very shallow mono-pitch sheet roof and large metal sliding doors to the front elevation. The building is accessed via the main access into the station yard directly from the A377, approximately 25m to the east. Eggesford train station is located to the south east of the dwelling.

The application seeks consent to convert the building to a one bedroom, two storey dwelling.

APPLICANT'S SUPPORTING INFORMATION

Preliminary Ecological Appraisal by J.L Ecology (October 2017)

Structural Report by David Golightly Consulting Engineers Ltd (September 2017)

PLANNING HISTORY

79/03144/FULL - PERMIT date 11th February 1980 Change of use from grain store to antiquarian book room/studio

82/00115/FULL - PERMIT date 9th March 1982 Use of building for vehicle repair workshop and store

85/00419/FULL - PERMIT date 13th May 1985 Use of building as art gallery and book room

85/00525/FULL - PERMIT date 20th June 1985 Erection of workshop/store/office

85/01865/FULL - PERMIT date 15th January 1986 Use of workshop for storage and sale of antiques

96/00269/FULL - PERMIT date 20th May 1996 Change of use of land and buildings from garage and M.O.T. centre to offices, stores and retail premises and external alterations to existing building

00/01156/FULL - REFUSE date 17th January 2001 Erection of workshop/light industrial building

01/00315/FULL - PERMIT date 19th June 2001 Erection of a light industrial building (Revised Scheme)

03/01257/PE - CLOSED date 9th May 2003 Site meeting note

09/01737/DCC - WDN date 14th December 2009 Regulation 3 application for car parking and improvement of junction onto A377 APPLICATION WITHDRAWN 6 JANUARY 2010 BY APPLICANT

12/00980/FULL - PERMIT date 10th January 2013 Erection of extension to existing industrial unit (Unit 1), removal of obsolete industrial unit/store and replacement with modern type unit (Unit 2), change of use of part of site from existing open storage/car parking to specific car parking for railway users NON-MATERIAL AMENDMENT GRANTED 10.11.15

Officer comment: The planning history listed above relates to the wider site, there is no planning history relating specifically to the subject building.

17/01414/FULL - PDE date Conversion of disused former office/workshop/store to dwelling

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

CONSULTATIONS

HIGHWAY AUTHORITY - 16th October- standing advice.

ENVIRONMENTAL HEALTH- 24th October 2017-

The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site.

Recommended conditions:

- 1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.
- 2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
- 3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

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

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

No further issues were raised by Environmental Health.

NATURAL ENGLAND - 24th October 2017- No comments.

CHAWLEIGH PARISH COUNCIL- 30th October 2017- Support - It was noted that there was an inconsistency as the parking provision for up to 5 cars does not appear to be shown on the block diagram. It is therefore not clear that there is sufficient space in the footprint to include parking spaces. In addition, there is no apparent space for oil or gas storage. Clarification would be appreciated to confirm there is sufficient

space for these facilities.

REPRESENTATIONS

No letters of representation have been received at the time of writing this report. Neighbouring properties were written to on 10th October, however the site notice was not posted until 25th October and therefore the consultation period is not yet complete. The consultation period will finish on 15th November 2017 and any representations that are received will be reported to committee as an update.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and principal of development**
- 2. Highway and parking arrangements**
- 3. Amenity of future occupiers**
- 4. Impact on neighbouring properties**
- 5. S106 obligations; public open space**

1. Policy and principal of development

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. In relation to this current proposal significant weight is given to the relevant policies produce by MDDC.

Policy COR1 of the Mid Devon Core Strategy seeks to manage growth in a sustainable way to support the diverse needs of communities. COR2 seeks to ensure that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit and is therefore considered to be in the countryside where policy COR18 seeks to restrict development. It allows some appropriate rural uses; in respect of new housing development the allowable situations are restricted to affordable housing to meet local needs, gypsy accommodation, replacement dwellings and housing essential to accommodate an agricultural or forestry worker. COR18 does not provide policy support for the conversion of rural buildings.

However Mid Devon is not able to demonstrate a five 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. Applications therefore need to be considered in the context of supporting sustainable development unless specific policies indicate development should be restricted.

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. Further it advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Eggesford is not recognised as a sustainable location for development by virtue of the lack of facilities available to occupiers. There are a limited number of properties nearby. Yardale Cottage is to the immediate west and the Station House to the south east. The site is located very close to Eggesford train station which provides trains to Barnstaple and Exeter. The proximity to the train station would enable residents to travel to Lapford and further afield to utilise services. However the nearest services are provided within Chawleigh, which is located 3.7km north east of the site and Chulmleigh, 5.8km north. By virtue of the distance to these settlements, occupants of the dwelling will be dependent on private car to utilise services within those settlements. Although the rail travel option is noted, overall although the site is considered to be isolated in

terms of its proximity to nearby settlements and services such that it is likely to result in dependence on private car travel and therefore the provision of a new residential dwelling in this location is not considered to amount to sustainable development.

Although the site is not considered to be a sustainable location for new residential development paragraph 55 of the NPPF identifies some special circumstances where isolated dwellings can be acceptable despite not being sustainable development in accordance with the 'golden thread' of the NPPF. These special circumstances can include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy DM11 [Local Plan part 3] supports the conversion of redundant or disused rural buildings that are of permanent construction and which positively contribute to an area's rural character for residential, tourism or employment uses. Therefore, to be converted to a dwelling, policy DM11 only applies if the existing building positively contributes to the area's rural character. The test does not merely require a building to reflect the rural character of an area but it raises the bar by requiring any such building to positively contribute to it.

The building is not considered to provide a positive contribution to the area's rural character. It is a functional, industrial style building which the applicant's own submission describes as "a hideously ugly little box in a very decayed state". Although it sits comfortably in its setting it is of no particular architectural merit and makes no positive contribution to the character of the site or the wider rural area. On this basis the building is inappropriate for conversion and does not meet the initial policy requirement of policy DM11.

The pertinent issue in regard to paragraph 55 exception is whether the development would in fact amount to a re-use of a redundant or disused building. The NPPF does not assist on this and no guidance on this matter is contained in the PPG. The alterations to the building are fairly extensive, whilst the existing single storey walling may be retained, overall it is doubtful as to whether the works go beyond what could be considered to be reasonable in order to 'reuse' the building. Furthermore, inherent in the exception in paragraph 55 is that the re-use should retain the architectural character of the building and its rural setting. The building is of no intrinsic merit and currently makes little contribution to the character of the countryside. The lack of merit in retaining the building carries weight when considering whether the development would lead to an enhancement of the immediate setting, given that such an enhancement must be material. If it is not, the exception in the NPPF cannot apply. In this case, the building as it currently stands is functional and low profile, the alterations to the building and provision of a domestic curtilage are not considered to lead to a material enhancement to the setting that would justify the provision of a dwelling in under the exceptional circumstances identified by the NPPF.

Therefore, there are no material considerations that would outweigh the conflict of the development with policy DM11 and the NPPF. The application building is therefore inappropriate for conversion to a residential dwelling and the scheme is not required to be tested against the remaining criterion for Policy DM11. However, for the sake of completeness this is done below.

The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- a] A suitable access 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 and 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.

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

- a] The proposed access utilises the existing access from the A377 into the station yard at the east of the site. This is considered to be an acceptable arrangement and the additional traffic generated from the use of the building as a dwelling is not likely to adversely affect the existing road network.

- b] A structural survey has been submitted with the application which confirms that the steel frame and

blockwork walling are structurally stable and in good condition. Furthermore it states that the building is structurally suitable for conversion. Notwithstanding this the scheme submitted proposes significant alteration to the building. The existing ground floor provides a footprint of approximately 48sqm across the main building with the outshot an additional 2.34sqm [total 50.34sqm]. The proposed scheme utilises the existing footprint and proposes to include a first floor above the footprint of the main building therefore technically providing a further 48sqm, although 8.96sqm of the space has an eaves height of less than 1.5m [under the eaves]. Even excluding the floor space under the eaves the addition of the first floor is considered to be significant extension to the existing dwelling which increases the floor space by over 75% of the original floor space. The first floor is accommodated by the provision of a pitched roof structure which increases the ridge height of the building from 3m to 6.5m. It is assumed that the proposal intends to utilise the existing walling with the new first floor structure provided above this, however, whilst the structural survey confirms that the existing building is capable of conversion it is not clear whether this has considered the additional loading associated with the addition of the first floor and therefore whether any rebuilding is required to accommodate this. The Council cannot therefore be satisfied that the proposed alterations can be achieved without significant rebuilding. Overall the alterations to the building, as shown in the submitted scheme, are considered to amount to significant alteration and extension of the building that is contrary to part b of policy DM11.

c] The building is of no particular architectural merit and is utilitarian in appearance. As set out above the proposal includes significant changes to the appearance of the building by the provision of the first floor which changes the building from a modest mono-pitch single storey structure, to include a dual pitched roof which more than doubles the ridge height of the building. The scheme includes the installation of new windows at ground floor and first floor level with brick detail surrounds. The alterations are considered to materially change the height, mass and form of the building to an extent that is not considered to retain the original character of the building in accordance with criteria c of DM11.

d] A preliminary ecological appraisal was submitted as part of the application. The report confirms that there were no signs of bats or birds utilising any element of the building. As such it is not considered that the proposal would harm any biodiversity interests at the site.

Given that the existing building is of no intrinsic merit, makes no positive contribution to the character of the rural area and significant alterations are proposed, the conversion of the building to a dwelling is not considered to be acceptable in accordance with policy DM11 or the exceptions established by the NPPF.

2. Highway and parking arrangements

The access arrangements are set out above. In light of the comments of the Parish Council the applicant has sought to clarify the parking arrangements and has submitted a revised plan which amends the red line to accommodate part of the yard area at the front of the dwelling as dedicated parking provision. The provision of two parking spaces is in accordance with policy DM8.

3. Amenity of future occupiers

Policy DM14 seeks to ensure that new housing delivers a sufficient level of amenity for future occupiers. The floor space of the dwelling exceeds the DCLG technical housing standards and it is considered that the layout and design would achieve a sufficient level of amenity for future occupiers. The external garden space is located between the rear of the building and the boundary with the A377 highway which runs immediately along the north east boundary of the plot. The depth of the garden space varies from 2.5m up to 4m. Although not overly generous the scale of the external amenity space is considered to be commensurate with the scope of the dwelling.

4. Impact on neighbouring properties

The nearest neighbouring dwelling is Yardale Cottage which is located approximately 10m to the west. By virtue of the orientation and separation of the properties it is not considered that the provision of the pitched roof structure would result in significant harm to the amenity of the neighbouring occupiers by virtue of loss of light or being overbearing. Given the low ceiling heights, the roof lights within the north west elevation could result in overlooking towards the front of the curtilage of the neighbouring property however this could

be suitably controlled by condition to ensure that the glazing is obscure and non-opening.

5. S106 obligations, public open space

Policy AL/IN/3 of the AIDPD and the SPD on the provision and funding of open space through development require a financial contribution towards the off-site provision of public open space and play areas as demand for these facilities is likely to increase with the provision of new dwellings. On this basis a contribution has been requested in accordance with policy AL/IN/3. At the time of writing this report the applicant has not made appropriate contribution towards public open space and therefore this remains outstanding.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority by virtue of the isolated location of the building its conversion to a dwelling would not represent sustainable development in accordance with the NPPF. Furthermore the existing building is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. It is therefore contrary to the initial test of policy DM11 of the Local Plan part 3 [Development Management Policies]. No substantial case has been submitted for the provision of a dwelling in this rural location. Therefore it is not considered that the proposal amounts to special circumstances and considered to carry sufficient weight so as to override local and national policy. On this basis the proposed development is considered to be contrary to the requirements of Policies COR1 and COR18 of the Mid Devon Core Strategy [Local Plan Part 1], Policy DM11 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework [notably paragraph 55].
2. In the opinion of the Local Planning Authority the scheme of works as proposed includes significant alteration, extension and potential rebuilding of the existing building. Therefore the application scheme is not considered to be in compliance with criterion B and C of Policy DM11 of the Local Plan Part 3 (Development Management Policies).
3. The application proposals do not include a contribution towards the provision of public open space. The development is therefore contrary to 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).

Application No. 17/01179/MFUL

Grid Ref: 303340: 110341

Applicant: Nicola Thorogood

Location: Land at NGR 303340 110341 (Land off Silver Street)
Willand
Devon

Proposal: Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure

Date Valid: 28th July 2017



Application No. 17/01179/MFUL

RECOMMENDATION

Subject to the prior signing of a S106 agreement relating to affordable housing provision in perpetuity and the provision of an education contribution grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure at Land at NGR 303340 110341 (Land off Silver Street), Willand.

APPLICANT'S SUPPORTING INFORMATION

- o Arboricultural Constraints Report
- o Carbon Reduction Statement
- o Design and Access Statement
- o Draft S106 Heads of Terms
- o Ecological Constraints and Opportunities
- o Ecological Appraisal
- o Flood Risk Statement
- o Planning Statement
- o Plans
- o Transport Statement
- o Waste Audit Statement

PLANNING HISTORY

15/00296/PREAPP - CLO date 1st April 2015
PROTECT: Affordable housing development

16/00968/PREAPP - CLO date 16th June 2017
PROTECT - Erection of 29 100% affordable dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR17 - Villages
COR18 - Countryside

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

AL/WI/2 - Willand, West of B3181
AL/DE/6 - Exceptions Policy
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM6 - Transport and air quality
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM28 - Green infrastructure in major development

Other Policies

Meeting Housing Needs SPD (2012)
Parking provision in new development SPD (2013)
Refuse Storage for New Residential Properties SPD (2017)

CONSULTATIONS

Willand Parish Council - 14th NOVEMBER 2017

1. Willand Parish Council discussed the revised plans as notified on 1st and 8th November and note that the number of houses has been reduced to 28 and that they are now all designated to be for social rent. There has obviously been considerable consultation between Officers and Developers to get to this point but there appears to be nothing in writing in the public domain to allow scrutiny and this is of concern to the Parish Councillors. No letter of explanation accompanied these revised plans nor was there an updated Design and Access Statement. The Parish Council has previous experience of houses being approved under one designation and subsequently being sold on the open market as the result of 'negotiations' which were not the subject of public reference, consultation or scrutiny - hence their concerns as to the way the current application is proceeding.
2. Willand Parish Council submitted a very comprehensive response to this application prior to the latest set of revisions and much of the concern and points made are still relevant. That letter is dated 14 August 2017 and is copied as an annex to this response to avoid any misunderstanding.
3. Under the current Local Plan - valid until 2026 - this site is outside of the Willand Settlement Area and therefore does not come within policy COR17 but is relevant under COR18. It is however listed as an approved exception site under allocation policy AL/DE/6 Exceptions Policy and AL/WI/2 Willand, West of B3181. Under the emerging Local Plan Review which has been submitted for examination this site is removed from being identified as a site suitable/required for housing.
4. Despite various representations by developers and decisions by Planning Inspectors the current Local Plan can still be said to carry some weight as the result of observations made by the Planning Inspector dealing with an application on a site immediately adjoining the current application site. The appeal reference number is APP/Y1138/W/17/3172380 and is dated 3 November 2017. In Paragraph 10 the Inspector states that he has taken policies from within the current plan into account when making his decision and considers them to be relevant. In paragraph 19 he also considered that the application conflicted with current policies.
5. AL/DE/6 Exceptions Policy is relevant to the current application and it is of concern that when the developers and DCH representatives came to consult the parish council they advised that officers had assured them that the exception site policy 'did not matter' and that if they could not fill the proposed houses with Willand 'connected' people then they would take people from elsewhere. This appears to be contrary to councillors understanding of the policy and its intentions.
6. AL/DE/6 Exceptions Policy
The development of a site for 100% affordable housing to meet the needs of the local community will be permitted where:
 - a. There is a proven need for affordable housing from households who have a strong local connection with the parish or an adjoining parish;
 - b. The site adjoins a settlement in a location which takes account of visual and other impacts or is

specifically allocated for affordable housing to meet local needs;

c. The type of affordable housing and the scale of provision is limited to meeting the proven local need;

d. A planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

6.1 It is agreed that there is a proven need for affordable housing within Willand under AL/DE/6a and there is evidence to this effect in a Housing Needs Report for Willand dated June 2016. This report showed a need for 29 affordable houses over a five-year period. The Parish Council letter of 14 August 2017 set out relevant detail of the report and the need for 29 homes. The Parish Council set out calculations which showed how these numbers could be more than met over the five-year period in paragraph 3.3 of the letter without the use of this application site. This showed how a potential 55 affordable houses would be available within Willand which is 26 more properties than the 29 needed shown by the evidence provided.

6.2 No evidence has been presented to show a greater need than is contained in the survey. The Parish Council have been told verbally that the MDDC Housing Enabling Officer says that there are more than 29 people wanting affordable houses in Willand on the Devon Homes Choice website. That site was consulted and people from that list approached and where appropriate included within the Willand survey. No sustainable evidence has been openly produced by MDDC Housing Enabling Officer as to the figures referred to or whether they have been surveyed to see if they are still in need or even qualify. There is no evidence to show that they have a 'strong local connection'. It should be noted that the MDDC Housing Enabling Officer was an active partner in the Willand Housing Needs Survey and report.

6.3 The site would appear to be compliant under AL/DE/6b and it is allocated for such purpose. The question still surrounds the words 'to meet local needs' and it is submitted that with the approved and application sites in Halberton/Uffculme and Cullompton as set out in our response of 14 August 2017, paragraph 3.4, there is no need for Willand to provide affordable housing for adjoining parishes.

Under AL/DE/6c no evidence is produced to support the fact that the housing in the latest version of the application is of the type and scale required to meet the local need for Willand.

6.5 Under AL/DE/6d there is concern as to how this policy is to be achieved in the light of previous experience in Willand and the comments reported in paragraph 5 above.

6.6 Paragraph 2.43 states: "A survey of a parish (including adjoining parishes if appropriate) will provide evidence of affordable housing need, both in terms of overall numbers and specific forms of affordable housing. The need must be for affordable housing (that is, it cannot be met from market housing), and from people with a strong local connection. Examples of a strong local connection could include having lived in the parish for 3 or more years or working locally. A scheme can then be promoted which meets that need. The size of the scheme should be limited to meeting the local need and no more, with the form and type of affordable housing designed to meet the identified need."

7. The NPPF has this comment on Rural Exception Sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding. The relevant part of NPPF paragraph 54 states 'In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.'

8. In 2015 the case of Old Hunstanton Parish Council v Secretary of State for Communities and Local Government was considered by the Planning Court. The Court quashed a planning inspectors' decision to grant permission for a number of affordable homes on an exception site adjoining the village where the housing register had identified a number of households in need of affordable housing in the area BUT not all were required in the village.

8.1 The judge described the exception site policy as "exceptionally, relaxing planning constraints on development in rural areas so as to meet the needs of small rural communities, not to meet the housing needs of neighbouring towns and larger conurbations." There was also criticism for not giving reasons. Willand is a designated village under current and emerging plans and whereas it cannot be described as a 'small rural community' it has been extremely developed over the years with housing and there has been a lack of relevant provision of infrastructure to match. It is suggested that this finding is of relevance.

9. It is understood that officers will be recommending the planning committee to recommend approval of the

application of this major development outside the settlement area limit of Willand regardless of the issues raised by the Parish Council on behalf of the Parish. If approval is given it is asked that the issues raised in the following paragraphs, in accord with policy be addressed and resolved.

AL/WI/2. Willand, West of B3181

A site of 1.0 hectare west of the B3181 is allocated for affordable housing to meet local needs in accordance with policy AL/DE/6 subject to the following:

- a. Provision of 35 affordable dwellings, phased to meet emerging local need for affordable housing;
- b. Improved pedestrian links to the village;
- c. Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- d. Retention and enhancement of the existing Public Right of Way;
- e. Measures to protect and strengthen trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside.

10.1 Seven affordable houses have already been provided on part of this site and as a result of 'negotiations' between the developer and the planning officers a number of issues have resulted.

10.1.1 There were to be improved pedestrian links to the village. Nothing has been done to improve the narrow point on the footpath between the site and the school. Where there was a wire fence boundary between the field and the pavement there has now been planted a hawthorn hedge right on the edge which is growing out over the pavement and regular approaches are having to be made to the owners to cut it back.

10.1.2 The existing Public Right of Way has been retained but not enhanced as required by policy and the Parish Council was assured by the developers that it would be done. They have put up a closed board fence at the bottom of their gardens leaving a small margin of 'no-man's land' between their fence and the fence of the footpath. This is now an area for brambles to grow and obstruct the footpath.

10.1.3 After approval was granted numerous negotiations, without local consultation, took place which resulted in the roadway on the site not being adopted and the MDDC refuse lorries will not enter the site and rubbish and recycling materials are put out on the grass verge between the pavement and the road which is contrary to the provisions which were made under the permission.

10.2 Paragraph 9.34 of the policy states: 'It is unlikely that this entire site will be required in the short term, and development should be phased to take into account future surveys of local affordable housing need.'

11. The latest version of the application raises the following concerns:

11.1 The entrance to the proposed development is another access onto a straight stretch of road with a 40mph limit. It is in close proximity to the earlier development of Ash Close. The speed limit for this stretch of road needs to be reduced to 30mph out to the M5 overbridge now to avoid future needs/costs to extend it. This ought to be a conditioned requirement prior to any works commencing on the site to improve safety for road users from the movements of construction traffic.

11.2 There are no provisions for improvements to pedestrian links to the village in accord with AL/WI/2b. Children going to school will need to walk all along the main road with their backs to the prominent traffic danger. The footpath approaching opposite the Old Village turnoff needs to be widened as there is no grass verge safety margin. This could be achieved by removing a section of hedge which belongs to MDDC and is not the subject of any TPO protection.

The boundary treatments are noted and in the main suitable for security and privacy with comment from the police needing to receive positive consideration. There is a concern that although the hedge along the boundary against the B3181 is to be reduced back and in height, it is then going to be strengthened on the inside with a close boarding fence. Good for security but will create a continuing problem with the outside growth obstructing the pavement/footpath. To improve pedestrians' link in accord with policy the boundary needs to be moved back from the pavement to give a better margin.

11.4 There is no requirement for public open space or play areas to be provided or contributions to other local similar facilities. There is a small amenity space provided which will be right opposite the proposed bungalow which will be used by elderly/invalid occupants and so that is not the best place. There are then two parking areas/courts which are not ideal and will be referred to in paragraph 11.5. Where will the children be expected to play? Play areas are some distance and will require walking along the pavement on the main road. Strength to the concern for reduction of the speed limit and widening of the pavement/footpath as raised in above paragraphs.

11.5 The parking provision numbers appear sufficient in accord with policy but there are other concerns as

some are contrary to police advice and policy in that they will be insecure, not overlooked and have the potential for being focal points for anti-social behaviour. Willand already has parking courts at the rear of properties on Willand Moor Road and they are seldom used and the cars are parked in front of the houses, on a bend with limited visibility and the road is reduced to single track with many instances of vehicles being reversed.

11.5.1 Plots 8 - 11: There are two parking spaces to the front and the rest are at the rear in a 'yard/court'. This will lead to some parking on the road at the front and there is no turning space at the end in front of the spaces for 8.

11.5.2 Plot 13 spaces are away from the house which will lead to parking on the road on a bend and in an area where it will be necessary for turning to take place.

11.5.3 Plots 16 & 17 have parking to the rear where it will be out of sight. It will encourage parking at the front of the properties on the road/pavement thereby obstructing the entrance from the main road into the estate.

11.5.4 Plot 21 spaces are away from the house which will lead to parking on the road on a bend and has the potential to put traffic leaving the estate onto the wrong side of the road into the face of oncoming traffic entering the estate from the main road.

11.5.5 Plots 23 - 26 have parking in a yard/court away from sight and have the potential to encourage parking on the road on a bend.

11.5.6 Plots 27 - 28 have parking at the rear and human nature being what it is this will mean a certain amount of parking on the road/pavement at the front right in the entrance to the estate from the main road.

11.6 A number of the issues raised in paragraph 11.5 above are non-compliant with current MDDC policy DM8 and the Supplementary Planning Document which supports it. There are issues with Principle 2 para. 16 & 17 and Principle 4 para. 21 as the site is laid out at present.

12. Conclusion. Willand Parish Council recommend refusal of this application for reasons outlined in this letter and our response dated 14 August 2017 to earlier versions. The main reasons are:

12.1 The site is outside of the village settlement area and therefore in open countryside although it is a recognised Exception Site if there is a proven local need.

12.2 To use the site at this time on the evidence available as to local need would be contrary to policy and challengeable by judicial review if approved on current evidence.

12.3 A recent Housing Needs Survey was commissioned and it has been shown how that need can be more than met from current availability and proposed building. No contradictory evidence is provided which could be scrutinised or challenged.

12.4 The parking provision, although adequate in numbers, does not comply with policy or police advice in regard to designing out crime or reducing the potential for anti-social behaviour.

12.5 No provision is made to provide the infrastructure requirements in accord with the policy attached to the allocation of the site or to ensure the safety, health and wellbeing of future residents.

Willand Parish Council - 14th AUGUST 2017

At a meeting of Willand Parish Council it was agreed that this to be a 'major development' for the village and this, together with the fact that currently an exception site is involved, if officers are minded to recommend approval then it was felt this should be determined by the Planning Committee. The Councillors agreed the following points to be made.

1. The Site Location.

1.1 The site is outside of the designated Settlement Area of the village of Willand although under the existing local plan this is part of an Exception Site allocated under policy AL/WI/2. There are restrictions on the use of such exception sites which are referred to under paragraph 2 below. Seven (7) affordable houses have already been provided on part of the site.

1.2 Under the Emerging Local Plan the allocation of this site as an Exception Site is removed and it is NOT included in the plan for any development. It therefore reverts to open countryside.

1.3 The emerging policy S14 - Countryside would appear to be applicable. The relevant wording of the proposed policy is:

Development outside the settlements defined by Policies S10 - S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:

a) Affordable and low cost housing to meet local needs

1.4 Paragraph 2.82 attached to this policy states: To promote sustainable development in rural areas, housing has been allocated where it will enhance or maintain the vitality of rural communities. It also draws reference to the emerging policy DM6

1.5 Under the emerging local plan Policy W11 makes provision for a site for 42 houses outside of the settlement limit which will make provision for 30% affordable housing - 13 in number when rounded up.

2. Exception Sites.

2.1 In paragraph 54 of the National Planning Policy Framework [NPPF] it advises: In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

2.2 In the Annex 2 of NPPF it states: Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

2.3 Under the current Local Plans this site is an Exception Site and could be used as set out in the NPPF if there is a proven local need and that will be examined in paragraph 3 below. To approve the site without that proven local need could cause conflict between the local planning authority and the local community. This has been tested in court elsewhere with a finding in favour of a local community.

3. The Proven Local Need?

3.1 On 20 June 2016 a report dated March 2016 was approved into the Housing Needs of Willand Parish. This report was prepared by Devon Communities together on behalf of the Willand Parish Council. There was also MDDC involvement.

3.2 The key findings showed the following:

- o The survey found 12 households in housing need who could not afford to buy or rent in the open market.
 - o 17 additional replies were received from households on Devon Home Choice who had not completed the survey but were eligible for affordable housing in the village.
 - o 25 of the households in need qualified for affordable rent, 4 may be able to afford a shared ownership property.
- Although publicity was given through the press and local social media and a survey was delivered to every household in the parish only 12 people actually responded identifying a need. A further 17 were 'canvassed' and it is questioned as to whether some or all of them will have a proven need or qualification.

3.3 If the numbers are looked at considering what has recently been provided, what is planned and current turnover then one must question the requirement for this exception site being needed.

- o 7 houses have now been brought into use in Ash Close part of the exception site;
 - o 13 Affordable houses should be delivered as part of the site planned in the Emerging Local Plan;
 - o Properties let/re-let by the council and housing associations appear to average about 7 per year in the village and so over the 5-year period 35 properties will change hands. These figures more that cater for the 29 needed.
- 3.4 It should also be noted that the following applications are in the process of appeal or determination which will, if approved, bring further affordable housing on line in the village or in the immediate surrounding area:
- o 259 Houses Silver Street - 78 affordable;
 - o 30 houses and some commercial on Esso site - 9 affordable;
 - o 60 (approved) - possibly 90 - Uffculme Straight at Uffculme end - 27 affordable.
 - o 400 houses as part of the North East Cullompton site - affordable may be lesser percentage due to infrastructure contributions and viability but still 60 affordable if only 15% are viable due to required

infrastructure provision.

3.5 It may be considered that there is more than adequate provision for the village and surrounding area on emerging or potential developments.

4. Implications or Suggested Needs if Approved.

4.1 On Site Roads/Turning; The roads need to be wide enough to cater for on street parking which allows emergency and service vehicles to pass as people will park in front of their houses rather than use parking areas away from the house. This is a proven fact in the village already where 'courtyard' style parking is provided.

4.2 Refuse/Recycling Collection; Roads and turning should be sufficient to allow these vehicles on site and to have clear pick up areas rather than bags and boxes being left at roadside and on verges. [This proved not to be the case in Ash Close despite assurances from planning officers.]

4.3 Access to Green Open Space and Play space for Children; There is none on site. Where are they to go? Harpitt Close is nearest as crow flies but to get there means crossing the main road and going along Old Village where there are no footpaths/pavements.

4.4 Road Safety Improvements; Again, we recommend the speed limit on the main road be reduced to 30mph. With increased pedestrian traffic to the school and village hall areas etc. that the footpath needs to be widened, particularly where the path is narrow and right on the road edge towards the bus stop and telephone box.

4.5 Education and other facilities; Increased population will put further strain on the primary and preschools. The village hall is at capacity as is the church and the church hall. Medical facilities by way of Doctors Surgery is over capacity and rated as unsuitable for current demand let alone more. If approval is given for the demolition of the Esso Garage site the loss of amenities will remove a large proportion of facilities which are argued by developers as making the village sustainable for further development.

4.6 Fauna/Flora; Species and habitat have been identified on site and it is stated that they will have to be moved. If approval is given for the immediately adjacent sites to be developed where will these protected and species of interest be moved to. They will have to be moved away from and lost to the immediate areas and community.

5. Housing design/materials/style.

5.1 It is noted that timber effect cladding is to be used on some of the houses. This does not appear to be consistent in appearance with anything else in the village other than some outbuildings in the conservation area.

6. General Observation and comment.

6.1 At 2.1 in the Design and access statement the population of Willand is given as 5,800 in the 2011 census. This is a grossly overinflated figure by some 57%.

6.2 There are several errors in fact within the documents which cast doubt on the cumulative accuracy of information or figures within the application papers.

6.3 There are discrepancies as to the actual figures and balance of shared ownership dwellings and affordable rent dwellings. The site layout plan shows 13 shared ownership to 16 affordable rent dwellings. Paragraph 3.6 of the Planning Statement shows a split of 60% social rented housing and 40% intermediate and affordable rent housing. This split does not equate with the figures provided by the Willand Housing Needs Report where only four people were considered to have the potential to be able to afford shared ownership.

7. Conclusion.

7.1 With planned and potential development in the area this application should not be considered in isolation. The cumulative effect of planned and potential provision of other sites being applied for will more than provide for local need within Willand or proportionately MDDC requirement as a whole.

7.2 The application and detail of provision does not, in the view of the Parish Council, accord with the provisions or intention of the NPPF, MDDC Policy or Emerging Policy for this site.

7.3 Taking all factors into account at this time the Parish Council are obliged to register their objection to this application. Refusal is recommended.

7.4 If Officers are minded to approve the application the Ward Councillors are asked to 'call in' the application for consideration by the Planning Committee.

Highway Authority - 8th November 2017

The Highway Authority is in receipt of the appeal decision from the secretary of state with regard to the adjacent land holding and application of 259 dwellings and as a result the Highway Authority accept the inspectors comments and would now withdraw its reason for refusal and offer no objection subject to the conditions.

6th November 2017 - The Highway Authority query the need for the Tegel paving in the carriageway and would be happy to accept the scheme without such block paving given the speed reducing bends. Should such paving be required by the planning Authority the highway Authority would request that in the carriageway this is substituted for an imprint design to cater for the turning manoeuvres? The design is technically acceptable and the highway authority will make no further comments on the proposed layout.

24th August 2017 - Drawing 8387/PL03 is acceptable to the highway Authority and should be conditioned for layout visibility access and Parking. The access onto the B3181 is satisfactory. Recommend conditions relating to further details and the timings of works.

South West Water - 17th August 2017 - No objection**Natural England - 18th August 2017 - No comments****Lead Local Flood Authority - 10th November 2017**

No in-principle objections subject to the imposition of pre-commencement conditions relating to exceedance flow routes and the surface water drainage management system to serve the site during the construction phase.

Devon and Cornwall Police - 1st August 2017 & 6th November

The general layout provides active frontages and good overlooking to internal streets. The parking arrangements are satisfactory with spaces either within curtilage or close to home and overlooked.

Meaningful defensible space is needed around blocks and ground floor windows to ensure security and privacy for residents, and lockable communal gates for garden areas serving the flats. Securely enclosed bin stores needed to prevent unauthorised access.

Need for secure boundary treatments and consideration if hedge is sufficient throughout seasons. 1.5 metre solid boundary treatment with trellis above is acceptable where more surveillance is required. Gates to be the same height as boundary treatments, lockable and as close to the front building line as possible.

Incorporate natural surveillance of parking courts through incorporating gable end windows with appropriate street lighting. Residents will seek to park as close to entrances as possible causing potential conflict with road users.

DCC Archaeology - 9th August 2017

Due to the scale and situation of the development the development is not considered to have any impact on any known heritage assets. No further comments.

DCC Education - 19th September 2017 - As it stands the school has a capacity of 380 and 397 on roll. We are forecasting that numbers on roll will increase over the next few years due to approved development and births in the area. If the development comes forward without a contribution we would then look to house the pupils at the local school. It is possible that they will be put on a waiting list and may have to temporarily find education outside of the village dependent on age and whether the school can accept any more pupils in that year group.

The development is expected to generate 5+ primary pupils. Although unlikely, if they all join this year we would be looking at 402 on roll. The next couple years we forecast the following; Spring 19 - 407; Spring 20 - 407.

Children living in the area will have preference and children moving into reception and year 7 will be able to request a school place as normal and will unlikely be put on a waiting list to join. In future, the overall effect will cause a pushback where pupils living in the development will attend the local school but others from outside the designated area will have to find education elsewhere.

The monies would be allocated to the provision of additional outside learning areas at Willand Primary School. The school is deficient in additional teaching and support accommodation and an area for further expansion has been identified on site but will mean building on existing play? space which will need to be replaced.

7th August 2017 - The proposed additional 21 family-type dwellings will generate an additional primary pupils 5.25 and 3.15 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 £71,673 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the local area. There is currently capacity at the designated secondary school and therefore a contribution towards secondary education would not be sought.

In addition, a contribution towards Early Years education is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost £5,250 (based on £250 per dwelling). This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

REPRESENTATIONS

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

1. Willand is big enough for the infrastructure it has and cannot cope with more housing.
2. The community is losing the village vibe and it would be sad to lose this and for it to become a suburb of Cullompton.
3. The primary school is at capacity.
4. The traffic at rush hour is of a volume that already causes queueing and delays getting onto the M5 at junctions 27 and 28.
5. Increase air pollution.
6. The green spaces are slowing being lost to housing, this will inevitable impact on wildlife.
7. Concerns over the narrow road access, safety of users and lack of repairs to the existing road network.
8. Request to reduce the speed limit along the highway.
9. Concern over whether the doctor's surgery can accommodate more families.
10. The infrastructure drains flood heavily during heavy rainfall.
11. Willand has recently been subject to a number of applications for large housing developments which would overdevelop the village.
12. The hedge bordering Silver Street should be continuous along the boundary to preserve the visual impact and to reduce pollution and noise for the residents.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy and procedure**
2. **Need for affordable housing**
3. **Site Layout**
4. **Dwelling Design**
5. **Highways and Parking**
6. **Site Drainage**
7. **Waste**
8. **Ecology and Landscaping**
9. **Financial Contributions and S106**

1. **Policy and procedure**

The site subject to this application is broadly triangular in shape and is located to the west of Willand, accessed directly from Silver Street [B3181]. Policy COR17 identifies Willand as a Village and provides in principle support to minor proposals, including for affordable housing to meet local need. The site itself is outside the defined settlement and therefore COR18 [Countryside] applies, which also supports affordable housing to meet local needs. The Core Strategy sets out policies for the creation of sustainable communities with housing to meet all sectors of the community, including the provision of affordable housing [COR1]; guides development to sustain the local distinctiveness and character of the area and its biodiversity

[COR2]; seeks to meet housing need [COR3]; provide appropriate infrastructure [COR8] and safe access [COR9].

More specifically, policy AL/WI/2 [Willand] allocates the application site for the development of affordable housing to meet local needs, in accordance with policy AL/DE/6 [Exceptions Policy]. The policy allows for the provision of 35 affordable houses, phased to meet the emerging need for affordable housing. Seven affordable dwellings have already been provided on a small portion of the application site, now known as Ash Close, with its own vehicular access from Silver Street, these dwellings were completed in June 2016. The current proposal seeks to deliver the remaining 28 dwellings in a single phase.

AL/WI/2 also requires improved pedestrian links to the village; provision of a sustainable urban drainage scheme [SUDS]; retention and enhancement of the existing public right of way, and; measures to protect and strengthen the existing trees, hedgerows and biodiversity features, maintaining a wildlife network within the site that links to the surroundings.

Policy AL/DE/6 concerns exception sites for affordable housing and supports developments of 100 percent affordable housing to meet the identified need of a local community, for those persons with a strong local connection to the parish or an adjoining parish. The site must adjoin an existing settlement and take account of the visual and other impacts of the dwellings. In addition the type and scale of the affordable housing must meet the local need and any permission must be supported by a planning obligation to retain all the dwellings as affordable housing in perpetuity, giving priority to those with a strong local connection to the parish and adjoining parishes.

In addition to the policies relating to affordable housing, the following suite of policies is relevant to the development proposal.

DM2 requires high quality design which demonstrates a clear understanding of the characteristics of the site and its surroundings, effective use of the site, the creation of safe and accessible places that are well integrated with neighbouring properties, and appropriate drainage, including SUDS and mains foul drainage where available.

DM3 concerns sustainable design which is largely replaced by building regulation requirements and DM4 requires sustainable waste management.

More specifically, DM14 and DM15 concern the design and sizes of housing, including the provision of private amenity space that reflects the size, location, floor space and orientation of the properties, along with adaptable dwellings that can accommodate a range of occupiers and their changing needs, including 20 percent of dwellings to be built to the lifetime homes standard and parking in accordance with policy DM8. In addition, policy DM28 concerns green infrastructure in major development and states that major development must demonstrate the incorporation of green infrastructure to include biodiversity mitigation and a net biodiversity gain where possible; flood water and resource management; green corridors to avoid habitat fragmentation, new green infrastructure where possible and public open space within housing developments.

The current policy which allocates the exceptions site AL/WI/2 is proposed to be removed from the emerging local plan. This is because the proposal is for an exception site that benefits from policy support without the need for the site to be allocated within the local plan. As such, it is not the case that the proposal would not have in principle policy support under the emerging plan. Furthermore, due to the outstanding objections to the emerging local plan and its early stage of submission, the plan holds limited weight at the current time and therefore the proposal must be determined based on the existing policy framework. The supplementary planning document Meeting Housing Needs will be discussed more specifically in relation to the proposal below.

2. Need for affordable housing

The proposal intends to provide 28 houses available for affordable rent. The housing breakdown includes eight one bed flats, a single two bed bungalow, eleven two bed houses, six three bed houses and two four bed houses.

When assessing a rural housing need, policy MHN/12 of the Housing Needs SPD sets out that the Council will consider parish housing needs survey that is no more than two years old and the Council housing register or the Devon Home Choice register; both are considered below. In addition, MHN/12 states provision should aim to meet no more than the needs of the local rural area.

The currently identified housing need for Willand comprising of persons with a local connection to Willand, from the Devon Home Choice register is as follows;

Willand	Bedroom Need					Grand Total
	1	2	3	4	5	
Band B		1	1		1	3
Band C	3	5	2	3		13
Band D	17	4				21
Band E	19	12	3			34
Grand Total	39	22	6	3	1	71

These Devon Home Choice figures are from October 2017, showing there is a total need for 71 houses across Bands A-E, with a need for 37 properties when excluding Band E.

Willand Parish Council have questioned the need for the number of affordable dwellings proposed and have provided a copy of their own housing needs survey dated March 2016. Their survey identified a need for 29 affordable homes within the next 5 years, 12 households who couldn't afford to buy or rent in the open market were identified through the village survey, 17 additional replies were received from households through the Devon Home Choice register, these persons had not completed the village survey but were eligible for affordable housing in the village. Only 2 of the households who are registered on Devon Home Choice completed the survey. Due to this apparent disparity, all those who were registered with Devon Home Choice and living within the parish were contacted separately by letter and a further 17 positive replies were received. These were added to the final numbers, giving a total need of 29.

The village survey had a 20% response rate; therefore it is possible that the total need for affordable housing wasn't identified. Nevertheless, Willand's own housing needs survey identifies a need for more than the total number of units proposed to be provided. Given that the Willand housing needs survey is now 18 months old, it is also reasonable to expect that the need for affordable housing may have increased, given the limited amount of affordable housing that has been provided in the parish during this time. At the time of the Willand survey, 60 households in Willand were registered on Devon Home Choice, with a ranged need from high to low. The current figures show that this need has increased to 71 since the survey, despite the provision of 7 affordable homes at Ash Close, Silver Street [the Ash Close units were completed on the 14th of June 2016 and all units had tenants move in during the same month].

The tenure mix is proposed to be 100 percent affordable rent. Previously it was proposed to have a mix of predominantly affordable rent with some shared ownership properties, however the registered provider requested that the Council waive the stair-casing requirement for this Designated Protected Area so that all of the shared ownership units could be bought out by the occupiers to 100 percent [should they choose to do so], meaning the properties are not required to remain affordable in perpetuity. Policy AL/WI/1 in

conjunction with policy AL/DE/6 requires that the affordable dwellings provided remain as such in perpetuity. On the basis of the policy conflict and the risk that the shared ownership dwellings would be lost from the affordable housing stock in the future, a 100 percent affordable rent scheme has been negotiated and is considered to be acceptable.

On the basis of the current Devon Home Choice figures and the information available in the Willand Housing Needs Survey, your Officers are satisfied that there is a local need for the proposed 28 affordable rented dwellings and that the breakdown of dwelling sizes proposed is an appropriate mix that is reflective of the actual housing need and is well balanced to help create a sustainable community with a good mix of housing sizes, in accordance with policies COR1, COR3 and the relevant elements of policies AL/WI/1 and AL/DE/6.

3. Site layout

At present the site is greenfield and relatively level. The layout generally follows the natural topography; however some areas will be made up to allow level/gently sloping access to the dwellings and to accommodate gravity fed drainage. The site layout seeks to incorporate an active frontage on Silver Street, with a strong well defined entrance to the site. In addition, the boundary to Silver Street will be partially opened up to provide a street presence for the houses further to the west, despite the single entrance in to and out of the site. Once inside the site, the layout continues to provide active street frontages with houses fronting directly on to the footpaths with parking provided to the sides of dwellings or in two small parking areas to the north east and towards the centre of the site. The houses are well spaced within the site, and are provided with amenity space, bin storage and designated parking. All of the dwelling houses have private amenity space that is well located in relation to the dwelling. The ground floor flats all have their own private garden areas, whilst the first floor flats benefit from communal garden areas [one for each block] and use of the green open space within the site.

The boundary treatments within the site include one metre high timber estate railings on the site entrance and partway along the Silver Street boundary, to ensure the private spaces are well defined whilst retaining an active street frontage and a high quality appearance. In addition, where boundaries front public spaces [roads and parking areas], low level brick walling with brick piers and timber infill panels is proposed to ensure the boundary treatment is secure and of a high quality. The garden areas will largely be defined by timber close boarded fencing, with ecology appropriate chain link post and rail fence where necessary. Timber knee rails will define private spaces at the front of some properties and the public open space area. New and enhanced hedge planting is proposed on the site boundaries and will be discussed in further detail below.

The site layout is clearly defined and easy for all users [pedestrian and vehicular] to navigate. The layout is considered to create a high quality place which takes into account the physical context, local character and surrounding density and land use mix, in accordance with policies DM2 and DM14.

In respect of the landscaping, at present the majority of the trees on the site are located in the perimeter hedgerows and the south west and north eastern boundary are relatively devoid of trees. The trees on site consist of native broadleaf species that have been historically coppiced. The species form and condition of the trees on site varies, with category A and B trees considered as significant.

T7 is a mature Oak on the North West boundary, this tree is a significant category B feature suitable for retention. The site layout proposed to make this tree a key feature for the site, framed by the proposed amenity space. The amenity space will have a dual purpose, to ensure the root protection zone [RPZ] for this tree remains undeveloped and to provide green open space within the development site for use by the residents. The amenity space will be informal green space that reflects the rural character of the area and optimises the mature tree feature within the site.

The amenity considerations of future occupiers and the RPZs of the trees are taken into consideration in the site layout. Additional planting is proposed along the site boundaries to strengthen the boundaries and provide ecological enhancements [as detailed below]. It is also proposed to reduce and maintain the southern hedgerow boundary, removing the trees and cutting the hedge line back to expose the existing footpath and enhance the existing pedestrian link to the village. Further details of the protection measures to protect the existing trees and hedgerow during the construction phase, along with details of the

landscaping proposed will be required by condition. Subject to conditions, the proposal is considered to comply with policies DM2, DM28 and criterion [b, d & e] of AL/WI/2.

4. Dwelling design

The proposed dwelling houses have a simple form and are relatively uniform in terms of their design and materials. The housing comprises of eight pairs of semi-detached dwellings, a terrace of three dwellings, a detached bungalow and two blocks of flats which each comprising of four one bed units. The flats have been designed to appear like houses, with block one having a double porch frontage. The second block is curved in shape to give a presence on Silver Street and within the site.

All of the dwellings meet or exceed the National floor space standards and each dwelling type provides built in internal storage. MHN/4 requires that 20 percent or more of the affordable housing meets the Lifetime Homes Standard, as such; all of the ground floor flats are designed to meet the lifetime homes standard. The material palette includes local brick walling with feature areas of timber effect cladding, dark grey concrete roof tiles, dark grey UPVC windows and doors, with some feature window surrounds at ground floor level. The incorporation of some feature cladding and window surrounds adds variation to the scheme, giving the proposal interest and incorporating a modern feel to the development. In addition, the dwellings have simple canopy porches on their front elevation. It is considered that the material palette proposed adequately respects the existing character of Willand, whilst incorporating features that take cues from the more recent developments in Willand. Overall, subject to conditions relating to further details of the materials, the design of the dwellings is considered to be of a high quality, in accordance with policies DM2, DM14 and DM15 superseded by the National floor space standards.

5. Highways and Parking

The site will be accessed from Silver Street with a single access and egress point in the south east corner of the site. The Highway Authority has confirmed that the access and layout is acceptable, subject to conditions relating to the timing of the access works and the provision of visibility splays. On the basis of the recent appeal decision relating to an adjacent site in Willand, the Highway Authority accepts that the proposal will not have an unacceptably adverse impact on the safe functioning of Junction 28 of the M5.

Each dwelling provides two parking spaces to serve the occupants, save for the one bed flats which provide a single space per unit. The total overall parking provision is 1.71 spaces per dwelling. In addition, five visitor spaces are proposed to be provided, these are spread across the site. The parking provided is well related to the dwelling houses and meets the requirements of policy DM8. Each property will be provided with external storage space for bikes. Each of the blocks of flats will be provided with a communal cycle store for the safe storage of bicycles.

6. Site drainage

A flood risk assessment and drainage scheme have been submitted in support of the application setting out that the development site is not currently at risk of flooding. The drainage strategy set out in the report safeguards the development from on-site flooding post the construction phase of development.

The report sets out that three soakaway tests were undertaken on site and all three failed, due to the low permeability resulting in insufficient infiltration rates for a conventional soakaway system. As such fully sustainable measures are considered to be unviable on site, due to the ground conditions and the small size of the site. On this basis, the drainage scheme proposed is considered to be the optimum solution based on the site requirements, spatial availability and the statutory requirements of South West Water.

The proposed drainage scheme will comprise of two areas of tanked porous paving in the private parking court areas; these will slow the flow of surface water into the sewer system with cleansing to improve water quality. In addition, a cellular attenuation system proposed. A 100mm orifice with a hydrobrake which will restrict the flow rate to 5l/s in all events up to the 1 in 100 year event, and 6l/s in the climate change event. Although this exceeds the current greenfield rate, this is the practical minimum to ensure an adoptable system. The increase in outflow rate is not significant, nor is it considered to risk surface water flooding downstream.

Overall, the drainage scheme proposed is considered acceptable given the ground conditions, subject to the submission of further details relating to exceedance flow routes and the surface water drainage management system to serve the site during the construction phase. In this respect, the proposal is considered to satisfy the relevant parts of policies DM2, COR11 and criterion [c] of AL/WI/2.

7. Waste

Policy DM4 requires major developments to demonstrate sustainable waste management principles, and seeks firstly to prevent waste and thereafter prepare for re-use, recycle, recover or finally disposal at the bottom of the hierarchy.

The proposed dwellings are likely to be constructed using a timber frame offsite manufacturing method, which has the ability to reduce the amount of waste generated by the development. In addition the contractor has a robust procurement process and materials will be measured and ordered for the time of use, reducing over ordering and damage through long term storage. Containers will be placed on site for material storage, protecting items from inclement weather.

The volumes of likely waste generated through the construction phase of the development have been documented, it is estimated that that 95 percent of plasterboard and timber materials can be recycled and that 85 percent of soils and mixed construction waste can be recovered. Targets have been set to maximise recycling and recovery of materials and minimise the necessary disposal.

In addition, the development has been designed so that the access road is of an adoptable standard to allow for refuse collection and turning of refuse vehicles within the site. Each dwelling house has a hardstanding area for bin storage and external storage space, with a level access to the bin collection location. The flats have communal bin storage, with adequate under cover provision for a 1100 litre refuse bin and individual recycling boxes that are proposed to be in a secure and accessible location.

Overall, the proposed waste management is considered to be acceptable and in accordance with the aims of policy DM4 and the Refuse Storage for New Residential Properties SPD.

8. Ecology and landscaping

An ecological report has been submitted in support of the application, including a desk study, an Extended Phase 1 Habitat Survey, reptile survey, dormouse survey, tree inspection for bats and bat surveys. The 0.8ha site comprises of species-poor hedgerows, semi improved grassland and dense scrub, with some post and rail fencing. The site supports suitable habitat for dormice, commuting and foraging bats and reptile species. As a result of the proposal the 0.8ha of semi-improved grassland will be lost along with approximately 80m of hedgerow along the south-eastern boundary to accommodate the site access and necessary visibility splays.

Mitigation and compensation measures are proposed and are considered to compensate for the impacts of the development, with the enhancement measures providing potential for improvement of the ecological interests present on site. The key mitigation measures include providing retained trees and hedgerow with a 3 metre buffer strip; a phased habitat manipulation prior to the commencement of works to push reptiles out of the main body of the site; maintaining dark corridors along the north-western and western site boundaries; translocation of the marsh orchids, retaining them within the amenity space; additional hedgerow and buffer planting will enhance the dormice habitat, and; 2 metre buffer strips of species rich tussocky grassland within the areas of public amenity space to create grass snake habitat. The proposal incorporates new hedgerow creation that accounts for approximately double the proposed hedgerow loss. The hedgerow created will provide a link between the existing hedgerows proposed to be retained and is considered to result in a biodiversity gain through the provision of dormice habitat and improve the conditions for foraging and commuting bats by increasing habitat connectivity and species hedgerow diversity.

Overall, given the proposed mitigation and enhancements, the proposal is not considered to have significant adverse impacts on the ecological interests present at the site and is capable of providing biodiversity gains, in accordance with the aims of policies DM2 and AL/WI/2.

9. Financial contributions and S106

Policy MHN/8 of the Meeting Housing Needs SPD concerns developer contributions for affordable housing schemes. The supporting text to the policy sets out that Mid Devon has a severe need for affordable housing and that public subsidy for affordable housing is now very limited. On this basis, the policy sets out that the cost of affordable dwellings to registered providers (RPs) should be limited to the direct construction costs of the dwellings, and that RPs are not expected to pay for other less direct costs such as infrastructure (including public open space, education contributions and onsite provision). On this basis, the Council's policies do not require the developer to make contributions towards education or public open space. The capacity of existing facilities is something that has been raised in a number of objections; specifically the capacity of the Primary school is an area of concern. In this instance, given the existing pressures on the primary school which is already over capacity and the predicted worsening of this situation as a result of the proposal, the applicants have agreed to pay half of the education contribution requested by DCC Education, in order to mitigate the impacts of the development proposal and to help address the capacity concerns of the primary school, to benefit existing residents and the future occupiers of the proposed dwellings, in accordance with AL/IN/5 [Education Provision].

In addition, the development proposes to provide an onsite public open space area in the form of informal green space towards the north western corner of the site. Although this isn't a policy requirement due to the affordable nature of the scheme, this green infrastructure is a positive benefit of the scheme and will provide informal play space and an opportunity to retain the biodiversity interests of the site. Specifically, the marsh orchid population presently on site will be translocated from their current locations and retained within the amenity area. The amenity space will also mean the area immediately adjacent to one of the larger trees on the site is development free, without any encroachment on the root protection area.

Overall, whilst adopted policies do not require infrastructure contributions from an affordable housing scheme, the proposal offers both a contribution towards education infrastructure in Willand and provides on-site public open space, benefitting the residents of Willand and the ecology and biodiversity of the site and surrounding areas. These benefits weigh positively in the overall planning balance.

A S106 is being drafted to include the retention of all of the affordable rented dwellings as affordable dwellings in perpetuity, with a cascade that prioritises residents of Willand. In addition, the S106 will include the payment of the financial contribution towards education infrastructure. It is recommended that a decision isn't issued until the required S106 is agreed and signed.

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 part of the development hereby permitted shall be commenced until 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 proposed 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.
4. 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.

5. 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.
6. No part of the development hereby approved shall be commenced until:
 1. The access road has been laid out, kerbed, drained and constructed up to base course level for first 20.00 metres back from its junction with the public highway
 2. The ironwork has been set to base course level and the visibility splays required by this permission laid out
 3. The footway on the public highway frontage required by this permission has been constructed up to base course level
 4. A site compound and car park have been constructed in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.
7. 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.
8. The development shall at all time be carried out in accordance with the ecological mitigation strategy and enhancement measures contained within submitted Ecological Appraisal dated October 2017 by Green Ecology.
9. The proposed development shall be carried out in accordance with the submitted drainage strategy contained within the Flood Risk Statement prepared by Fairhurst consulting engineers and received by the Local Planning Authority on the 8th of November 2017. The drainage scheme shall be fully operational before any of the proposed dwellings are first occupied, and shall be permanently retained and maintained in accordance with the submitted details.
10. Prior to their first use on the buildings details and a sample of the proposed materials to be used on the walls and roofs of the proposed dwelling house shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be so used and retained.
11. Within 6 months of the commencement of development, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme shall include details of hard and soft landscaping proposed, including any changes proposed in existing ground levels and a sample of the paving proposed in the parking areas. All planting, seeding, turfing, earth reprofiling and hard landscaping 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.
12. No external lighting shall be installed on the rear of plots 1 to 7 [inclusive] and plots 18 to 26 [inclusive] unless details and an ecological appraisal as to the impacts of the lighting have been previously submitted to and approved in writing by the Local Planning Authority.
13. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D, or F of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of the house (including the installation of new windows or doors or the replacement of existing windows and doors), alterations to the roof of the dwelling house, the erection or construction of a porch outside any external door, provision of hard surfaces, or the erection construction, maintenance, improvement or

alteration of a gate, fence, wall or other means of enclosure on the dwelling or within the dwelling curtilage without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
4. 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.
5. To ensure that adequate information for the proper consideration of the detailed proposals.
6. 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.
7. 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).
8. 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).
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To ensure the development is of a high quality and respects the character and appearance of its surroundings, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
11. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
12. To ensure the dark corridor is retained on the north western and western boundaries of the site to protect the ecological interests of the site, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and AL/WI/2 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
13. To safeguard the visual amenities and the character and appearance of the area, the amenities of the occupiers of the dwellings proposed and neighbouring properties, and to safeguard against the overdevelopment of the site, in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Subject to the conditions imposed the proposed development for the provision of 28 affordable houses, with onsite public open space and a contribution to education infrastructure in Willand is considered to be acceptable in principle. The development site is allocated for affordable housing in a position that is well related to the existing village. The proposal will go a long way towards meeting the need for affordable dwellings in Willand and proposes an appropriate mix of dwelling sizes that is reflective of the actual housing need and will help to create a sustainable community. The site layout is clearly defined and takes account of the physical context, local character and surrounding density and land use mix. The houses are of a high quality design and suitable size to take account the changing needs of the occupiers; each dwelling benefits from external amenity space, private parking and storage facilities internally and externally. The site has a safe and suitable access and adequate parking provision. It has been demonstrated that the ecological interests of the site can be mitigated and enhanced and that surface water can be appropriately managed. Overall, the proposal is considered to be in accordance with Policies DM2, DM3, DM4, DM6, DM8, DM14, DM15 and DM28 of the Local Plan Part 3 [Development Management Policies]; COR1, COR2, COR3, COR8, COR9, COR11, COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1); Policies AL/DE/6, AL/WI/2, AL/IN3 and AL/IN/5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2); Meeting Housing Needs SPD [2012], Parking provision in new development SPD [2013], Refuse Storage for New Residential Properties SPD [2017], and; the National Planning Policy Framework.

Application No. 17/01292/FULL

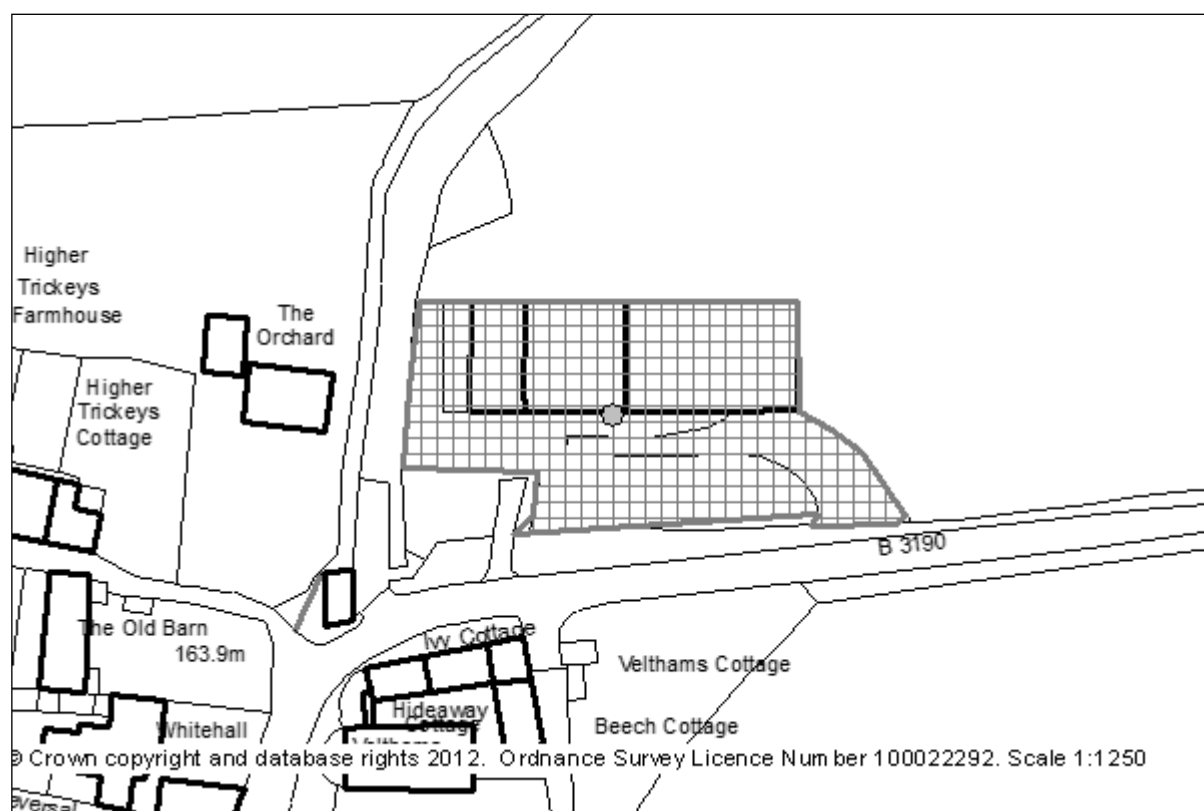
Grid Ref: 295636: 125070

Applicant: Mr C Rowland

Location: Land and Buildings at NGR 295566 125028
(Veltham Barn)
Morebath
Devon

Proposal: Erection of 3 dwellings following demolition of existing livestock building

Date Valid: 26th September 2017



Application No. 17/01292/FULL

RECOMMENDATION

Refuse permission.

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

1. To assess whether the benefit from the development would outweigh the impact on the Countryside as set out in Policy COR18.

PROPOSED DEVELOPMENT

Erection of 3 dwellings following demolition of existing livestock building on land and buildings at NGR 295566 125028 [Veltham Barn], Morebath. Each dwelling would be a 4 bedroom house including a garage with the total footprint of the development stated as being 340sqm. The proposed materials are natural slate roof covering and local stone and render for walls and timber windows and doors. The existing access would be converted to a formal surfacing including drainage provision.

APPLICANT'S SUPPORTING INFORMATION

Planning application forms, plans and certificates
Ecological Survey
Drainage strategy
D&A Statement

PLANNING HISTORY

06/02241/FULL - PERMIT date 13th December 2006
Change of use from agricultural store to non-agricultural store

07/01761/FULL - PERMIT date 19th October 2007
Erection of agricultural building

08/01122/FULL - PERMIT date 11th August 2008
Construction of a new access

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR5 - Climate Change
COR7 - Previously Developed Land
COR8 - Infrastructure Provision
COR9 - Access
COR12 - Development Focus
COR18 - Countryside

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

AL/DE/3 - Affordable Housing Site Target
AL/IN/2 - Development Without Community Infrastructure Levy
AL/IN/3 - Public Open Space
AL/IN/4 - Green Infrastructure

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM9 - Cross subsidy of affordable housing on exception sites
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

Highway Authority - 2nd October 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>. In this case, it is considered that the access arrangements to the site off the B3190 would be acceptable with the required parking level met through the proposed layout.

Morebath Parish Council - 16th October 2017 - Morebath Parish Council fully supports the application as it is felt that housing is more appropriate use of the land in this location than agricultural buildings. The Council welcomes the change of use from agricultural to residential. We have had a request that this application be called in by our local MDDC councillors so that the Planning Committee makes the decision. This is so that a broader view is taken of the application, taking into account comments from consultees and other members of the public. The current use of the site has caused significant problems in the past and locals are keen that this application is looked on favourably.

Environmental Health - 5th October 2017:

Contaminated land - No objection

Air quality - No objection

Environmental permitting - No objection

Drainage - No objection

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

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

Housing standards - No comment

Licensing - No comments

Food hygiene - N/a

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

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

Health and safety - No objections

Natural England - 6th October 2017 - No comments

Environment Agency - Operational development less than 1ha. Within flood zone 1. No consultation required

REPRESENTATIONS

No letters of representation were received at the time of writing this report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Adopted and emerging planning policy and 5 year housing supply
3. Highways and highway safety
4. Design and appearance of development and visual impact on landscape
5. Living conditions of the occupiers of nearby residential properties
6. Loss of agricultural buildings/land
7. Drainage
8. Planning Obligations
9. Ecology
10. Sustainable development balance

1. Policy and procedure

This is an application relating to a site containing agricultural buildings on the edge of Morebath, having an access off the B3190 with the buildings served by an unmade track, having rolled stone and scalplings to provide a surface for vehicles. These agricultural buildings would be demolished in order to provide three open market dwellings [one detached 4 bedroom dwelling house and two linked detached 4 bedroom dwelling houses] all with garages.

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework), published by the Government in March 2012, is noted as one such material consideration. Morebath is not classified within the local plan as a village with a settlement limit, with the nearest such settlement being Bampton which is two miles to the south. As such, a key issue relates to the principle of the development for open market dwellings on this site as this proposal represents the creation of new dwellings outside the recognised settlement limits, being countryside in policy terms.

Paragraph 7 of the NPPF outlines the three dependent roles of sustainable development, being those of an economic, social and environmental role. It is considered that each role needs to be satisfied for a proposal to be considered a sustainable development. Paragraph 8 outlines the need to guide development to sustainable solutions. It is noted that the development is for three open market dwellings in an area where new unrestricted residential development is not supported by either national policy or policy COR18 of the Core Strategy. Therefore it can be questioned as to whether this proposal would constitute sustainable development, as the site is located away from any recognised village having a Settlement Limit within the adopted Local Plan, where there are appropriate existing facilities and services for residents to access. In addition to this, no affordable housing is to be provided so it would not appear that this scheme would meet either the environmental or social roles required to constitute sustainable development.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. In this instance, the relevant policies are considered to include COR1 [Sustainable Communities], COR2 [Local Distinctiveness], COR3 [Meeting Housing Needs], COR5 [Climate Change], COR7 [Previously Developed Land], COR8 [Infrastructure Provision], COR9 [Access], COR12 [Development Focus], COR18 [Countryside] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM7 [Pollution], DM8 [Parking], DM9 [Cross subsidy of affordable housing on exception sites], DM14 [Design of housing] and DM15 [Dwelling sizes] of the Development Management Policies [Local Plan Part 3].

Policy COR1 of the Mid Devon Core Strategy [Local Plan Part 1] seeks sustainable growth which enhances

the self-sufficiency of communities and provides access to education, jobs and sustainable transport. It seeks to provide accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel and allow for ease of movement. Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. COR3 sets a District-wide target for new housing development with COR7 outlining the need to guide to previously developed land and COR12 seeks to focus development in the most sustainable locations. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing

In light of the policies within the Core Strategy and Development Management Policies, the key issue to be considered in respect to this proposal is that of the principle of the development taking into consideration the adopted and emerging planning policy and 5 year housing supply including whether this would represent sustainable development. This matter and other planning considerations are considered further below.

2. Adopted and emerging planning policy and 5 year housing supply

The Government's commitment to a 'plan led' planning system is apparent throughout the NPPF. Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38[6] of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration. The NPPF states that full weight may be given to relevant policies adopted since 2004 [and in accordance with the Planning and Compulsory Purchase Act 2004] even if there is a limited degree of conflict with the NPPF. The policies described above have all been adopted since 2004. Broadly speaking, in relation to this current proposal the Development Plan has limited conflict with the NPPF.

The development is on agricultural land [albeit on a smaller area having agricultural buildings on] and at present the whole of the site lies in the countryside in planning terms. The site is not allocated and is not being proposed for 100 percent affordable housing. The proposal is therefore considered to be contrary to policy COR18 of Mid Devon's adopted development plan. However, at appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply and in the interim, that position has not changed substantially. 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 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. Policy COR18 is directly relevant to the supply of housing in the District and is now considered to be out of date in this regard. 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].

With regard to the Council's emerging policy [Local Plan Review], the strategy for development focus will be at Tiverton, Cullompton and Crediton as identified in policy S1 and S2. The Local Plan Review was submitted to the Planning Inspectorate at the end of March 2017. It does not propose to allocate any part of the site as a residential allocation. The emerging Plan has not been subject to examination. Accordingly only limited weight can be attached to the policies and proposals, which may be subject to change. The site does not sit within a Neighbourhood Plan area either.

Therefore, whilst the application site is outside any settlement limits, in the absence of a currently demonstrated 5 year supply of housing land, the policies which define settlement limits on an adopted plan should not be considered up to date. For decision-making this means, by reference to the fourth bullet point of paragraph 14 of the Framework, granting permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This balance is undertaken in Section 10 of this report.

3. Highways and highway safety

The National Planning Policy Framework aims for sustainable solutions, guiding development to sustainable locations [paragraph 8] and reduce the need to travel and facilitate sustainable modes of transport [paragraphs 29 and 30]. A search identifies one bus service [Dartline] which offers one forward trip and one return between Monday to Saturday [09.55 pick up to go to Tiverton and 1 reverse journey stopping at 13.25 to go to Dulverton], stopping at the Village Hall. Therefore the site is remotely located from services, schools and shops which occupiers might need, with the nearest town centre with a wide range of facilities being either those of Dulverton [to a lesser degree] to the north west or Tiverton to the south, approximately 5 and 10 miles away respectively. Therefore occupiers of the development are more likely to be dependent on private transport.

Policy COR9 of the Mid Devon Core Strategy [Local Plan part 1] requires that proposals are in accessible locations and road safety is managed through control of development. Policy DM2 of the Local Plan 3 Development Management Policies requires development to be safe and accessible. The access proposed to serve the residential development is in the same position of the existing access that serves the agricultural buildings on site. The Highway Authority has recommended standing advice whereby the access would be considered to be acceptable subject to achieving a visibility splay of 2.4 metres x 43 metres and being of an adequate width to allow two vehicles to pass at the entrance on to the main road.

From a highway safety point of view, it is considered that the development would be able to achieve these safety requirements relating to width and visibility splays, especially as surrounding land is within the ownership of the applicant. Therefore the development would be acceptable on this point; however there are no public footpaths linking this site with services and facilities. The accessibility of the site from main services and facilities such as schools and shops, outside of use of a private vehicle is questioned from a sustainability point of view with little scope to encourage sustainable modes of travel such as walking and cycling as outlined through DM2 of the Local Plan 3 Development Management Policies and Policies COR8 [Infrastructure Provision] and COR9 [Access] of the Core Strategy which require new development to be planned to meet the social and economic needs of the community and reduce the need to travel by car.

With respect to on-site parking provision, given the submission of an amended location plan, the layout of the development has to be altered to ensure the driveways and on site turning facilities remain within the red edge. At the time of writing this report amended plans were awaited to show the change required but in any event, it is considered that there would be sufficient space to provide at least 2 parking spaces for each dwelling which would accord with the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies. However, notwithstanding this, the concerns relating to the location of the site remain.

4. Design and appearance of the development and visual impact on the landscape

As far as the general design, scale and appearance of the dwellings are concerned, a proposal for two storey dwellings having a natural slate roof covering and smooth render walls would be acceptable in accordance with Policies DM2 and DM14 of the Local Plan 3 Development Management Policies. The overall size of the dwellings would meet the minimum internal floor space requirements as outlined within Policy DM15 [Dwelling sizes] of the Local Plan 3 Development Management Policies.

In terms of the visual impact on the landscape, at the current time there is a block of tall agricultural buildings having timber boarding above corrugated metal sheeting with an existing screen of trees along the roadside verge. The scheme as shown would allow the existing tree screen to remain which could partially screen the development of houses although these trees could be removed in time as are not protected by any tree preservation order. However, the replacement of the agriculture buildings with the retention of existing boundary planting would result in a development which would not have a significantly detrimental impact on the landscape, allowing the character and appearance of a rural area to remain. However, the key issue remains with the principle of open market housing in this location.

5. Living conditions of the occupiers of nearby residential properties

Paragraph 17 of the NPPF indicates that planning should always seek to secure high quality design and a

good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. The overall design and layout of the proposed dwellings would ensure adequate separation distance between the proposed dwellings and any other neighbouring residential property. The nearest neighbouring residential property is Higher Trickeys Orchard [shown as 'The Orchard' on plan] which has windows in the side elevation which face the application site. However, the proposed dwelling closest to the western boundary would be approximately 3m from the boundary of the application site with a further area of land approximately 8.5m in between the application site and the curtilage of the neighbouring property which is considered sufficient even though secondary bedroom windows are proposed in the side elevation of the first floor of the dwelling. Overall, it is considered that the development would comply with policy DM2 of LP3 DMP with regard to allowing sufficient amenity for neighbouring users.

6. Loss of agricultural buildings/land

Paragraph 112 of the NPPF requires that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Local Planning Authority has information that the land is Grade 3 but no information as to whether it is Grade 3a [best and most versatile] or Grade 3b. It is noted that the topography of the site is such that the existing agricultural buildings and immediate land to the south is separated from the agricultural land to the north and east. In the absence of such information relating to the overall grade and an assessment of alternative locations, the Council cannot be satisfied that the application scheme is the only realistic alternative, but cannot recommend a reason for refusal based on the need to consider the use of "best and most versatile" land.

7. Drainage

The application site is within flood zone 1 and therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with. South West Water [SWW] records show that there is a combined sewer in the highway approximately 60m to the south of the site. The supporting information outlines that from a maintenance perspective, the preferred foul drainage strategy is to drain to the local sewer network subject to sewer hydraulic capacity confirmation from SWW. With respect to surface water drainage, the supporting information notes that surface water will be dealt with by soakaways subject to site investigation. There would be a reduction in the impermeable area through this development which would therefore lead to a reduction of flood risk in the area. A soakaway system design has been carried out assuming an infiltration rate of 1×10^{-5} m/s with a factor of safety of 3.0, and a design storm of 1 in 100yr plus 40% climate change. The calculated preliminary volume is 120 m³ [in the form of a cellular storage system, for example]. On this basis, there would be no objection on the grounds of drainage.

8. Planning Obligations

As a result of this development, a Public Open Space [POS] contribution would be required of £4,326 to be allocated to new outdoor seating provision at Morebath Cricket Ground [£4,326 based on 3 dwellings with 7 or more rooms]. In addition to this there would be a POS Monitoring Fee of £110.80. The applicant's agent has confirmed that her client would be willing to pay this contribution.

With regard to other possible obligations from a development such as this, Policy AL/DE/3 of the AIDPD requires open market housing sites in rural area of more than 2 dwellings to provide affordable housing at 35 percent of the number of dwellings by which the site exceeds the 2 dwelling threshold. In this requirement were to be adhered to, there would be a need to provide 1 of these dwelling affordable dwelling.

However, the Written Ministerial Statement of 28th November 2014 stated that affordable housing should not be sought from development of 10 units or less or sites which have a maximum combined gross floor space of no more than 1,000 sq. m. For designated rural areas such as this, a financial contribution towards affordable housing provision elsewhere should be sought for developments of between 6 and 10 dwellings,

the contribution to be calculated in accordance with the Meeting Housing Needs SPD, policy MHN/9. Therefore a scheme for three dwellings would not result in a financial contribution towards affordable housing. In addition to this, Morebath is not identified as a settlement with a settlement limit and therefore the policy DM9 of Part 3 whereby the cross subsidy of affordable housing on exception sites could apply does not sit comfortably with this site as a requirement of an exception site is for the site to be adjoining a settlement.

9. Ecology

The submitted bat, barn owl and nesting bird survey produced by Butler Ecology dated 10th June 2017 confirms that there are no over-riding wildlife reasons why the proposed application should be refused. No evidence of the presence of protected species was found on the site of the proposed development although suitable habitat for nesting birds and slow worms was recorded, but this was around the boundaries, in hedges/scrub vegetation and rough ground.

Given appropriate mitigation through the recommendations made, there are no ecological reasons that should prevent the construction of houses. Whilst ecological losses might be insignificant, the provision of habitat and species enhancement as recommended could be integrated into the development to ensure habitat creation, in order to result in a net increase in biodiversity, which is in accordance with policy DM2 of the Local Plan Part 3 [DMP].

10. Sustainable development balance

The NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social role is 'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations' [paragraph 7]. In pursuit of sustainable development paragraph 9 notes the importance of 'widening the choice of high quality homes'. Paragraph 17 sets out 12 core principles which underpin both plan making and decision taking. Paragraph 47 clearly sets out the Government's aim to 'boost significantly the supply of housing'. The NPPF is clear that delivering sufficient housing is a key consideration for Local Authorities; however, the mix of housing types is also specifically mentioned within the NPPF (paragraph 50). Changes to the NPPF have recently been consulted upon consequent to the provisions of the Housing and Planning Bill, principally regarding the broadening of the definition of 'affordable housing' to include Starter Homes. Both the Regulations and the changes to the NPPF are still awaited.

It is acknowledged that the Council is presently unable to demonstrate that it has a 5 year supply of housing land and that policies relating to rural restraint are therefore out-of-date and the application needs to be assessed against the provisions of paragraph 14 of the Framework and DM1 of the Local Plan Part 3 [DMP]. Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the 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 proposal would make a welcome, albeit small contribution towards increasing housing supply in Mid Devon and weight must be given to this. There could also be some modest benefits to the local economy, arising from construction and sales, increased revenues to the Council in a New Homes Bonus, and additional spending by local residents on local services and facilities particularly in the village of Bampton. It is also understood that some residents may prefer for the site to be developed for small scale housing scheme which results in the removal of agricultural buildings actively used from these nearby residents. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

It is noted of late that a Court of Appeal decision [Mansell v Tonbridge and Malling BC] concluded that a fall back position could be considered whereby permitted development rights such as those under Class Q of Part 3 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 [as amended] could be considered as a material consideration. Under Class Q, permitted development rights allow for the conversion of agricultural buildings on an agricultural unit to up to three dwellings subject to meeting certain criteria and conditions. Therefore if this were to be applicable to this site, a 'fall back' position

of three dwellings on site could be considered whereby there would be no overall net increase in the number of residential units proposed on the site and the benefits of a newly designed scheme could be preferred above that of a conversion of the existing agricultural buildings.

The applicant's agent was made aware that a prior approval application could be made under Class Q in the GPDO for this site to provide a potential 'fall back' position and that they may wish to carry out initial work first to consider if there would be scope to submit an application under Class Q. Officers are unable to provide advice as to whether a Class Q application for this site would be successful without further information having been provided in regard to any structural reports for the agricultural buildings or plans as to how the building[s] would be converted including any demolition of existing buildings. At the time of writing this report no additional response from the agent or information was received on this matter and therefore in light of this outstanding information and the remaining concern that there would appear to be no adopted policy position to support this development in this location, it is considered that this fall-back position cannot be considered. Members will be updated on any additional information received at Planning Committee.

Therefore, in terms of the planning balance, whilst there would be some associated benefits with the development, overall the site is not considered to be sustainable given the occupants of the dwellings proposed need to travel some distance to access services and facilities in the wider area due to the limited public transport available and distance to the required services. Environmental harm would result on account of the significant number of private vehicular movements that would result. The proposal would therefore conflict with the approach in the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The development proposed is not supported by Policy COR1 [Sustainable Communities] of the Core Strategy criteria [a] to [e] as this outlines that 'Growth will be managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work through:

- a] meeting housing needs of all sectors of the community, including the provision of affordable housing,
- b] providing access to education, training and jobs and supporting the creation of new enterprises to bring economic prosperity and self-sufficiency for the district and its settlements,
- c] enhancing the self-sufficiency and vitality of communities, providing neighbourhoods and settlements with a vibrant mix of flexible and compatible uses, services and community facilities,
- d] compact development forms which make the most efficient use of land appropriate to the local context, delivering net residential densities of 50 - 75 dwellings per hectare in town centre locations, 35 - 55 elsewhere in the towns and 30 - 40 in villages.
- e] providing accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel, allow for ease of movement and provide safe environments,
- f] supporting the social, economic and environmental regeneration of disadvantaged areas and communities'

No affordable housing is to be provided as part of this development the site is away from services, whereby there will be a need for occupiers to travel by car to access the necessary day to day facilities. The development is considered to be contrary to this policy and those contained within the Development Management Policies of DM1 [Presumption in favour of sustainable Development] which seeks to improve the economic, social and environmental conditions in the area and DM2 [d] which requires the creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling.

Policy COR9 [Access] of the Core Strategy also outlines that development and transport planning will be co-ordinated to improve accessibility for the whole community, reduce the need to travel by car and increase public transport use, cycling and walking by meeting the social and economic needs of the community and future generations in locations most accessible to those who need to use them, taking account of interactions between uses and the potential for improving non-car accessibility. This is not achieved through this development and moreover no case has been made by the applicant that the development proposed would be permissible with reference to the types of residential development supported by Policy COR18 [Countryside] which outlines that development outside the settlements will be strictly controlled with the residential development permitted being affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and

accommodation ancillary to a dwelling.

Therefore it is concluded that the application site is not an appropriate location for the development proposed with regard to relevant provisions of the Local Plan and elements of the NPPF cited above. For the avoidance of doubt, and on the basis that the Council are unable to demonstrate a five year land supply of deliverable housing sites, the adverse effects of the development proposed would significantly and demonstrably outweigh its benefits. Having regard to all material considerations, it is concluded that the application does not accord with the presumption in favour of sustainable development as the harm identified would significantly and demonstrably outweigh the benefits of the proposal. Therefore the development proposed is considered to be contrary to the policies of the NPPF as a whole, as well as being contrary to Policies COR1, COR9 and COR18 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].

REASON FOR REFUSAL

1. The proposed residential development is located on a site outside of any recognised settlement limit, therefore sited within a countryside location in policy terms where the Local Planning Authority will only permit development which is necessary in the interests of agriculture or forestry or where special justification exists such as an affordable dwelling meeting an identified need. No justification has been submitted to substantiate a case that there is a functional need for this accommodation within the area. The location of the proposed residential development is considered unsustainable contrary to the National Planning Policy Framework. The Framework aims to guide development to sustainable solutions [paragraph 8] and reduce the need to travel and facilitate sustainable modes of transport [paragraphs 29 and 30]. Access to public transport is extremely limited and the site is remotely located from services, schools and shops which occupiers might need, with the nearest town centre with a wide range of facilities being either Dulverton to the north west or Tiverton to the south, approximately 5 and 10 miles away respectively. Therefore occupiers of the development are more likely to be dependent on private transport. When the development is considered against Paragraph 14 of the Framework with regard to the presumption in favour of sustainable development, the harm identified would significantly and demonstrably outweigh the benefits of the proposal. Therefore the development proposed is considered to be contrary to the policies of the National Planning Policy Framework as a whole, as well as being contrary to Policies COR1, COR9 and COR18 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].

Application No. 17/01395/FULL

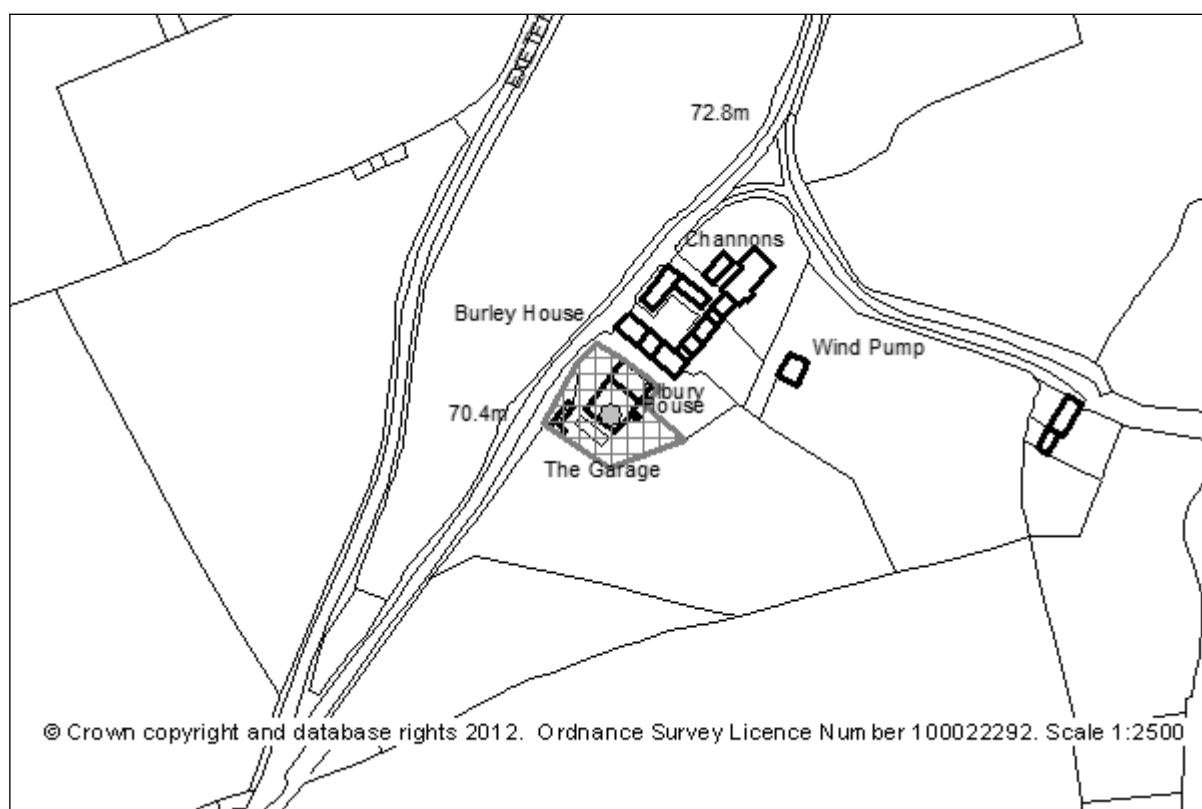
Grid Ref: 295524: 102476

Applicant: Mr Dennis Murphy

Location: M H West & Son
The Garage
Silverton
Exeter

Proposal: Erection of 5 dwellings with associated parking following demolition of industrial units

Date Valid: 8th September 2017



Application No. 17/01395/FULL

RECOMMENDATION

Grant permission subject to conditions and the signing of a S106 agreement.

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

To consider whether:

1. The application is premature as the land is not yet allocated,
2. It is over development of the site,
3. There is insufficient off road parking particularly suitable for delivery vehicles
4. The design is in keeping with or sympathetic with other properties in the area, and

In order to give objectors the opportunity to raise concerns before Committee.

PROPOSED DEVELOPMENT

Erection of 5 dwellings with associated parking following demolition of industrial units at M H West & Son, The Garage, Silverton. The proposal is for five dwellings houses, 4 semi-detached and one detached dwelling with all dwellings to have three bedrooms. Amended plans were received which has resulted in the initial third bedroom to be located within the roof space to be omitted with a new smaller third bedroom to be provided on the first floor. Each dwelling would have a south facing rear garden with side access for maintenance and bins, with bin store area of 1.2sqm. There would be a single point of access from Newcourt Rd into the site for vehicles with 2 parking spaces per dwelling and 4 cycle parking spaces.

APPLICANT'S SUPPORTING INFORMATION

Completed application form and accompanying plans/drawings
Design and Access Statement
Heritage Statement
Wildlife Survey
Land contamination Report
Surface Water Strategy Report

PLANNING HISTORY

84/01801/FULL - PERMIT date 19th February 1985
Conversion of barn to dwelling

95/01971/FULL - REFUSE date 24th January 1996
Erection of two detached houses

06/01089/PE - REC date
Demolition of existing garage/workshop and erection of dwellings

07/00262/FULL - REFUSE date 5th April 2007
Erection of dwelling

83/01442/FULL - PERMIT date 15th November 1983
Change of use of agricultural storage to storage of pre-packed solid fuel, parking and maintenance of 2 delivery vehicles

10/00034/CLU - REFUSE date 12th April 2010
Certificate of Lawfulness for existing use of land for the siting of a caravan

APPEAL WITHDRAWN 9th July 2010

OTHER HISTORY

16/01628/PREAPP - CLO date 7th November 2016

Proposed erection of 5 dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR5 - Climate Change

COR7 - Previously Developed Land

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR17 - Villages

COR18 - Countryside

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

AL/DE/3 - Affordable Housing Site Target

AL/IN/2 - Development Without Community Infrastructure Levy

AL/IN/3 - Public Open Space

AL/IN/4 - Green Infrastructure

AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM7 - Pollution

DM8 - Parking

DM9 - Cross subsidy of affordable housing on exception sites

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

CONSULTATIONS

Highway Authority - 21st September 2017

Observations -

The site is located on the outskirts of the village and it is a matter for the Local planning Authority to consider whether or not it is considered sustainable in terms of location. The existing use would attract both pedestrian and vehicle traffic and there would be an expectation for drivers to see such movements from the site. Therefore while there is potential for conflict given the traffic speed, volumes and expectations the Highway Authority would not raise an objection.

In detail parking spaces 1, 2, and 3 should have 6.0m of clear space behind the spaces to enable turning and the bank /Verge should be removed sufficiently to provide this. The Local Planning Authority are advised to seek an amended plan to show such distances, In addition the visibility splay shown on the plan P01 is unsatisfactory and the splay should extend to the nearside kerb edge to the North East and not to the centre of the carriageway. The splay to the south west is acceptable. The access should be constructed a minimum of 4.5m wide to allow two vehicles to pass at the junction and to act as a lay-by for short term deliveries and refuse collection. The Highway Authority would raise no further observations should such amendments be forthcoming and to this end 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 site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway

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

2. The site access road shall be widened and maintained thereafter to not less than 4.50 metres for the first 3.0 metres back from its junction with the public highway and shall be splayed at 45 degrees to the kerb

REASON: To minimise congestion of the access

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

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

4. This permission shall not constitute an approval of the layout plan No. PO1 submitted with the application, because it has been treated as being for illustrative purposes only

REASON: For the avoidance of doubt

5. No other part of the development hereby approved shall be commenced until the access, parking facilities, turning area, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

Highway Authority - 8th November 2017

Observations:

The applicant has submitted a revised plan which should be conditioned for parking, turning, visibility, layout and materials. The Highway Authority are happy to accept this plan and it will substitute conditions 1 to 4 on our previous comments condition 5 should be replaced by the following condition for drainage

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

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

Environment Agency - Operational development less than 1 ha - within flood zone 1

Silverton Parish Council - 3rd October 2017

The Parish Council recommends refusal of the above application on the grounds of overdevelopment of the site. The Parish Council has concerns with regard to the additional traffic such a development would generate on what is a very narrow country lane into the village and the safety issues this would cause for all users.

Silverton Parish Council - 7th November 2017

The Parish Council considered the revised drawings at its meeting last evening and recommends refusal of the application. It does not believe the parking issue has been satisfactorily resolved and the proposed development is an overdevelopment of the site.

Historic Environment Team - 2nd October 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 any impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

Environmental Health - 28th September 2017 - Contaminated Land - The Phase 1 study has identified areas of contamination on the site thus- further investigations are required. I recommend the following conditions:

- o The proposed development may be on land affected by land contamination resulting from a wide range of previous and current land use[s]. Therefore the following condition is recommended:

Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors.

This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition

A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

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

[Note: it is suggested that applicants, agents and developers take specialist consultant advice before complying with this condition. It also recommended that the applicant's consultants agree the scope of any further site investigations and subsequent reporting before they commence works]

Air Quality No objection to this proposal

Environmental Permitting - No objection to this proposal

Drainage - No objection to this proposal

Noise & other nuisances - Before the commencement of development, a Construction Environmental Management Plan [CEMP] shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards - No comment

Licensing - No comment

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

Conservation Officer - 15th September 2017

I have no observations to make.

Children's Services D.C.C - 05 October 2017

Regarding the above planning application, Devon County Council would need to request an education

contribution to mitigate its impact. The proposed 5 family-type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils. There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £16,440 [based on the DfE extension rate of £21,921 per pupil] which will be used to provide education facilities for those living in the development. We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College. The costs required are as follows:

1 secondary pupil

£2.68 per day x 1 pupil x 190 academic days x 5 years = £2,546

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.

REPRESENTATIONS

At the time of writing this report, three letter of objection were received with the objections summarised as follows:

1. Highway safety

- The Highway Authority has previously recommended refusal for a single dwelling on the plot on the grounds of the precedent it would set for development along a road which was inadequate to accommodate additional traffic and would be remote from services.
- The road is single track with no footpath or street lighting
- It is a dangerous route into the village being narrow with blind bends
- The speed limit of 30mph is frequently exceeded in this location
- Insufficient parking is proposed for occupiers and their visitors on site with no area for parking available off site
- Additional traffic to this site would result in additional conflict with existing residents and pedestrians
- Visibility splays from the neighbouring barn conversion has not been considered whereby restrictive covenants were placed to allow for a turning area in front of the application site by residents of Burley House [subject to planning permission in 1995], shown on plans to be used for parking purposes for residents of the new development

2. Overdevelopment of the site.

- The proposal is for five 3 storey dwellings on a small site
- This development represents a higher density to other neighbouring residential development
- The bank and hedgerows would need to be removed in accordance with Highway Authority requirements to allow for a larger turning area on site, resulting in a loss to the rural character/setting

3. Appearance

- The properties proposed do not respect the scale, proportion and appearance of neighbouring properties, being out of character with the surrounding area
- The materials proposed are not sympathetic to the tradition design and materials of Channons and the neighbouring barn conversions
- The third storey box structures to provide accommodation within the roof are unattractive
- The proposed second floor windows to the rear are considerably higher than the first floor windows of the adjacent buildings

4. Detrimental impact on residential amenity

- The proposed development would have an overbearing impact on occupiers of neighbouring residential property and result in overlooking, contrary to Policy DM2
- House No.5 is the nearest to Burley House being closer to the boundary and higher than the existing Garage building which will reduce natural light to the neighbouring property
- The rear windows of House No.5 will look directly into neighbouring land with a buffer zone required

5. Impact on existing infrastructure

- The proposed location of the properties is positioned over the main water supply to Channons, Elbury House and Burley House [3 water supply pipes]. Concern is raised to how the new properties would obtain water and safeguard existing water supply to neighbouring properties and how existing pipes would be repaired.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Adopted and emerging planning policy and 5 year housing supply;**
- 3. Highways and highway safety**
- 4. Design and appearance of development and visual impact on landscape**
- 5. Living conditions of the occupiers of nearby residential properties**
- 6. Flooding, drainage and site contamination**
- 7. Ecology**
- 8. Impact on Heritage Assets and Archaeology**
- 9. S106 Obligations and local finance considerations**
- 10. Sustainable development balance.**

1. Policy and Procedure

This is an application relating to a site containing a garage and workshop building to the south of the village of Silverton, approximately 150m outside of the settlement limit and outside of the Conservation Area. The complex of residential dwellings to the north of the site comprise of Channons, a large detached dwelling, and a series of barn conversions known as Elbury House and Burley House. There are agricultural fields to the south, east and west and a small wooded area to the south west.

Under the current local plan, the site is viewed as countryside in policy terms although the site is allocated for residential development in the MDDC Local Plan Review 2017 under Policy S12. Policy S12 describes the site as 'a small brownfield site which is located adjacent to a complex of residential dwellings, which is separated from and to the south of the main body of the village of Silverton. The site currently comprises an industrial unit which is used for storage and maintenance of vehicles.' However, whilst this may indicate the proposed direction of travel for new residential development in the area, until such time as the emerging local plan is adopted, only limited weight can be given to this policy.

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [the Framework], published by the Government in March 2012, is noted as one such material consideration. As the site is located outside of the settlement limits of Silverton, a key issue relates to the principle of the development for open market dwellings on this site as this proposal represents the creation of new dwellings outside the recognised settlement limits, being countryside in policy terms.

Paragraph 7 of the NPPF outlines the three dependent roles of sustainable development, being those of an economic, social and environmental role. It is considered that each role needs to be satisfied for a proposal to be considered a sustainable development. Paragraph 8 outlines the need to guide development to sustainable solutions. It is noted that the development is for five open market dwellings in an area where new unrestricted residential development is currently not supported by either national policy or policy COR18 of the Core Strategy. However the village of Silverton is approximately 150m away where there are existing facilities and services for residents to access.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. In this instance, the relevant policies are considered to include COR1 [Sustainable Communities], COR2 [Local Distinctiveness], COR3 [Meeting Housing Needs], COR5 [Climate Change], COR7 [Previously Developed Land], COR8 [Infrastructure Provision], COR9

[Access], COR11 [Flooding], COR12 [Development Focus], COR17 [Villages], COR18 [Countryside] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM7 [Pollution], DM8 [Parking], DM9 [Cross subsidy of affordable housing on exception sites], DM14 [Design of housing] and DM15 [Dwelling sizes] and DM27 [Development affecting heritage assets] of the Development Management Policies [Local Plan Part 3].

Policy COR1 of the Mid Devon Core Strategy [Local Plan Part 1] seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. It seeks to provide accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel and allow for ease of movement. Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. COR3 sets a District-wide target for new housing development with COR7 outlining the need to guide to previously developed land and COR12 seeks to focus development in the most sustainable locations. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses and COR17 relates to the development types acceptable for villages such as Silverton.

In light of the policies within the Core Strategy and Development Management Policies, the key issue to be considered in respect to this proposal is that of the principle of the development taking into consideration the adopted and emerging planning policy and 5 year housing supply including whether this would represent sustainable development. This matter and other planning considerations are considered further below.

2. Adopted and emerging planning policy and 5 year housing supply

The Government's commitment to a 'plan led' planning system is apparent throughout the NPPF. Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38[6] of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration. The NPPF states that full weight may be given to relevant policies adopted since 2004 [and in accordance with the Planning and Compulsory Purchase Act 2004] even if there is a limited degree of conflict with the NPPF. The policies described above have all been adopted since 2004. Broadly speaking, in relation to this current proposal the Development Plan has limited conflict with the NPPF.

The development is on land of a garage/workshop and whilst the site lies in the countryside in planning terms, it is on previously developed land where Policy COR7 supports development considered to be in a sustainable location. As referred to earlier, the site is not allocated within the existing Local Plan but is within the emerging local plan but this only has limited weight. As the development proposed is not for 100 percent affordable housing, the development would be considered to be contrary to policy COR18 of Mid Devon's adopted development plan. However, at appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply and in the interim, that position has not changed substantially. 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 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. Policy COR18 is directly relevant to the supply of housing in the District and is now considered to be out of date in this regard. 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].

With regard to the Council's emerging policy [Local Plan Review], the strategy for development focus will be at Tiverton, Cullompton and Crediton as identified in policy S1 and S2. Emerging Policy S13 allocates Silverton as a village suitable for limited development. That development will be limited to proposals within their defined settlement limits and to allocations for development including small scale housing. Silverton is

considered to be appropriate for a limited level of development, based on its physical characteristics, and the availability of the following three essential services identified: educational facility, convenience store and transport service. To this end emerging Policy SI2 allocates this entire application site as a residential allocation for 5 dwellings with the requirements for the design and layout to respect the character of the Conservation Area, have a suitable design and layout of access arrangements and site contamination and remediation where appropriate.

Therefore, whilst the application site is currently outside any settlement limits, in the absence of a currently demonstrated 5 year supply of housing land, the policies which define settlement limits on an adopted plan should not be considered up to date. For decision-making this means, by reference to the fourth bullet point of paragraph 14 of the Framework, granting permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This balance is undertaken in Section 10 of this report.

3. Highways and highway safety

A number of the objections received to this proposal are on the grounds of highway safety given the location of the site. The Highway Authority has viewed the proposals and has raised no objection recommending conditions. In respect to the location, the Local Highway Authority has noted that whilst the site is outside of the village the existing use would attract both pedestrian and vehicle traffic and there would be an expectation for drivers to see such movements from the site for residential development.

Policy COR9 of the Mid Devon Core Strategy [Local Plan part 1] requires that proposals are in accessible locations and road safety is managed through control of development. Policy DM2 of the Local Plan 3 Development Management Policies requires development to be safe and accessible. The parking standards required for the development are outlined by policy DM8 of the Local Plan 3 Development Management Policies. In terms of the submitted layout, at the point of access into the site, the speed limit is 30mph and at present there is an existing commercial use on site which has its own traffic generation which includes commercial sized vehicles. The proposed layout would provide for 2 parking spaces per dwelling which is above policy requirements of 1.7 car spaces per dwelling with on-site turning and the plans identify 4 cycle parking spaces per dwelling, again being in accordance with policy.

A concern raised by objectors relates to the use of an area to the front of the application site for turning of vehicles by the neighbouring property, a situation which came about through an alternative arrangement to the requirement of a planning condition in 1993 to the parking situation for the neighbouring development. Whilst on site it was noted that there is an existing fence separating the garage site and Burley House with vehicles having been parked on part of this area of land. Whilst there is an existing area of hardstanding, a restrictive covenant is not a planning consideration and given that the original planning condition was imposed over 20 years ago and the two sites appear to be within separate ownership, it would be unreasonable to refuse the scheme on this basis to provide part of the application site for use by the neighbouring development.

In light of the above and given that there is no objection from the Highway Authority, the development is considered to be acceptable in highway terms.

4. Design and appearance of development and visual impact on landscape

The existing industrial buildings on site are clad in corrugated metal with two small sheds and a poly-tunnel sited to the rear of the site. In addition to this, there are number of vehicles and parts positioned around the site. Therefore the proposal has the ability to improve the current visual amenity of the area. The boundary treatments to the south, east and west are fences and to the northwest there is a tree-lined embankment to Newcourt Rd. The application seeks to remove the Leylandii trees to the southwest of the vehicular access point on Newcourt Rd to improve visibility but maintain the tree-lined embankment to Newcourt Rd.

As far as the general design, scale and appearance of the dwellings are concerned, the objections raised are on the grounds that the development represents the introduction of three storey dwellings on site. Since these original objections were received, amended plans have been received removing the roof within the roof which has resulted in the buildings being lowered by 0.9m and the removal of the box dormer [linked

sections] and any further representations received on these amendments will be reported to Planning Committee. The scale of the proposed dwellings is considered to be in keeping to the neighbouring buildings with the ridge and eaves height of the proposed development now being lower than that of the neighbouring property of Burley House and Elbury House directly to the north east and lower than Channons a further on. The design principle used for this development is based on the form of the gable end of Burley House which faces the road with the single detached dwelling to be of similar proportions. The materials chosen for the development of white rendered walls and slate roof covering is not considered out of place in this area with the use of timber cladding to the front elevation adds interest to the overall design of the properties.

The dwellings are orientated parallel to Burley House on the northeast boundary with each dwelling to have a private, south facing rear garden with side access for maintenance and bins. In terms of the inclusion of rooms within the roof, it was noted further to a site visit that this would not be out of place within the existing streetscape with the neighbouring property having roof lights and high level window in the gable end. Parking for the dwellings are provided on site with the layout allowing for the introduction of a SUDs scheme which would allow for all surface water arising from the development to be managed on site.

In terms of the visual impact on the surrounding landscape, at the current time there is a garage/workshop building coving an area approximately 21.6m wide by 13.6m in length and the building being a maximum of 6.1m in height with a number of small buildings and vehicles around the site. The scheme as shown would allow for the existing tree screen to remain along the roadside which could partially screen the development of houses with the overall development considered to be an improvement visually on the current situation. Therefore the development is not considered to have a significantly detrimental impact on the landscape.

On balance, it is considered that the residential development would be acceptable in accordance with Policies DM2 and DM14 of the Local Plan 3 Development Management Policies. The overall size of the dwellings would meet the minimum internal floor space requirements as outlined within Policy DM15 [Dwelling sizes] of the Local Plan 3 Development Management Policies.

5. Living conditions of the occupiers of nearby residential properties

Paragraph 17 of the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents.

Given the design layout, the main concern appears to relate to the position of House 5 due to it being sited closer to the boundary than the existing garage/workshop building having both a higher eaves and ridge height. Objections have been received from the residents of Burley House and Elbury House, the closest neighbouring properties with the residents of Burley House stating that 'House 5, the nearest to Burley House, is further forward than the rest and although its proposed height is in line with Burley House it is much higher than the current Garage building. This will give an overbearing presence to all of our property's windows as Burley House faces out towards this property. The natural light will be reduced by the presence and extra height of this house. The rear elevation of House 5 will end in line with our living area within Burley House, therefore the rear windows of the property will look directly into this area impacting on our privacy. There needs to be a decent buffer zone between Burley House and any potential new residential building.' Therefore the view taken by these residents is that the development will be contrary to Policy DM2 point [e] which requires that development should not result in unacceptable adverse effects on the privacy and amenity of the proposed or neighbouring properties and uses.

Burley House is located approximately 4.8m from the boundary fence and 6m to the side elevation of the garage workshop building. With specific regard to the positioning and design of House 5, it is considered that a comparison could be made between the siting, bulk and massing of the existing garage workshop to that of a new residential dwelling whereby the overall depth of the building closest the boundary would be reduced with the dwelling having an eaves height approximately 1m above that of the existing workshop. Following submission of amended plans, the overall height of House 5 is now lower than that of Burley House. Therefore given the overall size of the dwelling including rear garden area, it is considered that natural daylight to the neighbouring property would be improved earlier on in the day given the orientation of the sun but reduced a little later on within the day due to the position of the house, and therefore on balance

is acceptable.

In light of the concerns raised and to improve the situation of neighbouring properties in terms of overlooking and overbearing impact, the amendments were received showing the removal of accommodation within the roof space for all of the properties which in turn lowered the properties in height and removed Juliette balconies to the second storey height. House 5 has also been positioned slightly further forward to increase the length of the rear garden to 7 metres [a distance advised in the general permitted development order so as to protect privacy to a neighbour] and for the first floor windows to the rear elevations of the houses are now smaller bedroom windows rather than doors, in order to reduce the perception of overlooking of the rear amenity area of the neighbour.

Given the latest amendments and comparison to the existing buildings on site, it is considered that on balance, the residential development as proposed would comply with policy DM2 of LP3 DMP with regard to allowing sufficient amenity for neighbouring users and the occupiers of the development.

6. Flooding, drainage and site contamination

The application site is within flood zone 1 and therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with. The applicant states within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The Environmental Health Department has raised no objection on drainage grounds. A Surface Water Strategy Report has been submitted with this application which outlines that the existing developed areas are drained directly to a private existing SW drain whereas the proposed development would use permeable paving and be able to use tanked attenuation cells beneath the parking area. The conclusion of the report is that all surface water arising can be managed on site and that exceedance flows and flows arising from system failure can be accommodated on site. Objectors have noted that pipes cross the application site and are concerns that access will be required in the future. Having viewed planning records, the only information found is that water pipes would run across land proposed for gardens of the dwellings. However, this would ultimately be a civil matter between the interested parties and where any public mains could be affected; this would require a build over agreement by South West Water.

With respect to site contamination given the existing use of the site, a Phase 1 Desk Study has been carried out which has identified areas of contamination on the site and that further investigations are required. The presence or lack thereof of buried fuel storage tanks needs to be investigated with the method of investigation dependent on whether the intrusive investigation is to take place prior to or after site demolition. The Environmental Health Department has raised no objection recommending conditions relating to the further surveys and what remediation work may be necessary. These conditions have been recommended.

7. Ecology

The submitted preliminary Ecological Appraisal and Bat Survey produced by Andrew McCarthy Ecology dated 29th November 2016 confirms that there are no over-riding wildlife reasons why the proposed application should be refused. No evidence of the presence of protected species was found on the site of the proposed development although suitable habitat for nesting birds and slow worms was recorded, but this was around the boundaries, in hedges/scrub vegetation and rough ground. The main recommendation provided relates to the timing of the development [outside of bird breeding season] and how the site should be cleared. Therefore the proposal would be in accordance with policy DM2 of the Local Plan Part 3 [DMP].

8. Impact on Heritage Assets and Archaeology

As confirmed earlier within this report, the application site is located outside of the Conservation Area and the Conservation Officer has raised no objection to the proposal. It is considered that there is sufficient distance from the application site and the edge of the Conservation Area for this development to have any detrimental impact with the development considered to be in accordance with policy DM27 of the Local Plan Part 3 [DMP].

As far as archaeology is concerned, the Historic Environment Team at Devon County Council has assessed

the proposal and is of the view that the scale and situation of this development will not have any impact upon any known heritage assets with no further comments made.

9. S106 Obligations and local finance considerations

As a result of this development, in the event that Members were minded to approve this application a section 106 agreement would be required to provide for financial contributions towards education and public open space as follows:

- Public Open Space contribution of £6,250 allocated to Provision of a new junior multiplay unit at Ellerhayes Play Area, Silverton
- Public Open Space monitoring fee of £110.80
- A contribution of £16,440 [based on the DfE extension rate of £21,921 per pupil] towards additional education infrastructure at the local secondary school
- A contribution of £2,546 towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College.

The applicant's agent has confirmed that their client would be willing to enter into a S106 agreement to provide these contributions.

With regard to other possible obligations from a development such as this, Policy AL/DE/3 of the AIDPD requires open market housing sites in rural area of more than 2 dwellings to provide affordable housing at 35 percent of the number of dwellings by which the site exceeds the 2 dwelling threshold. In this requirement were to be adhered to, there would be a need to provide 2 of these dwellings as affordable dwellings. However, the Written Ministerial Statement of 28th November 2014 stated that affordable housing should not be sought from development of 10 units or less or sites which have a maximum combined gross floor space of no more than 1,000 sq. m. For designated rural areas such as this, a financial contribution towards affordable housing provision elsewhere should be sought for developments of between 6 and 10 dwellings, the contribution to be calculated in accordance with the Meeting Housing Needs SPD, policy MHN/9. Therefore a scheme for five dwellings would not result in a financial contribution towards affordable housing.

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 6 years. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

10. Sustainable development balance

The NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social role is 'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations' [paragraph 7]. In pursuit of sustainable development paragraph 9 notes the importance of 'widening the choice of high quality homes'. Paragraph 17 sets out 12 core principles which underpin both plan making and decision taking. Paragraph 47 clearly sets out the Government's aim to 'boost significantly the supply of housing'. The NPPF is clear that delivering sufficient housing is a key consideration for Local Authorities; however, the mix of housing types is also specifically mentioned within the NPPF [paragraph 50]. Changes to the NPPF have been consulted upon consequent to the provisions of the Housing and Planning Bill, principally regarding the broadening of the definition of 'affordable housing' to include Starter Homes. Both the Regulations and the changes to the NPPF are still awaited.

It is acknowledged that the Council is presently unable to demonstrate that it has a 5 year supply of housing land and that policies relating to rural restraint are therefore out-of-date and the application needs to be assessed against the provisions of paragraph 14 of the Framework and DM1 of the Local Plan Part 3 [DMP].

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the 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 proposal would make a welcome, albeit small contribution towards increasing housing supply in Mid Devon and significant weight must be given to this. There could also be some modest benefits to the local economy, arising from construction and sales, increased revenues to the Council, and additional spending by local residents on local services and facilities. The site is identified for development within the Local Plan Review [draft policy SI2 for 5 dwellings].

Other matters put forward in favour of the development include an absence of harm to archaeological remains, ecology, flooding, drainage, visual amenity, highway safety and a limited impact on the living conditions of the occupiers of nearby residential properties. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] [England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, B, C, D, E, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or roof lights, and the provision of outbuildings, shall be undertaken within the dwellings curtilage without the Local Planning Authority first granting planning permission.
4. The development hereby approved shall be carried out in accordance with the recommendations as detailed in the approved Preliminary Ecological Appraisal and Bat Survey undertaken by Andrew McCarthy Ecology, dated November 2016.
5. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the building[s] shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
6. Before the commencement of development, a Construction Environmental Management Plan [CEMP] shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
7. Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors. This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required]. Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

8. In accordance with details that shall previously been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
9. The visibility splays shown on the approved plan shall be constructed prior to the first occupation of the residential development. There shall be no obstruction to visibility within these splays over 600mm above adjoining road level, and such visibility splays shall be so retained.
10. No part of the development shall be occupied until the access, parking and turning areas have been provided in accordance with the approved plans. Following their provision these facilities shall be so retained.
11. The tree lined bank to the north west of the site as shown on drawing no. P01 shall be retained and protected throughout the construction of the residential development hereby approved. Any trees 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.
12. No part of the development shall be occupied until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with Policies DM2 and DM14 of the Local Plan Part 3 [Development Management Policies].
4. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with Policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].
5. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].
6. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of current and future occupants off the site and

immediately surrounding area in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].

7. In the interests of public health and protection of the environment in accordance with Policies DM2 and DM7 of Local Plan Part 3: [Development Management Policies].
8. In the interest of public safety and to prevent damage to the highway.
9. In the interest of highway safety to ensure adequate visibility at the point of access and egress from vehicles entering or leaving the site in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM8 of Local Plan Part 3: [Development Management Policies].
11. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: [Development Management Policies].
12. To safeguard the character and amenities of the area in accordance with Policy DM2 of the Local Plan Part 3: [Development Management Policies].

INFORMATIVE NOTES

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season [March to August inclusive].
2. Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.
3. In light of condition 7 above, the Environmental Health Department advise that the applicants, agents and developers take specialist consultant advice before complying with this condition. It is also recommended that the applicant's consultants agree the scope of any further site investigations and subsequent reporting before they commence works.
4. In regards to the drainage system for the site, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance which has been outlined as being feasible within the surface water drainage strategy report provided with the use of attenuation cells and permeable paving.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole, as well as being in accordance with 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]. The application has therefore been recommended for approval.

Application No. 17/01464/FULL

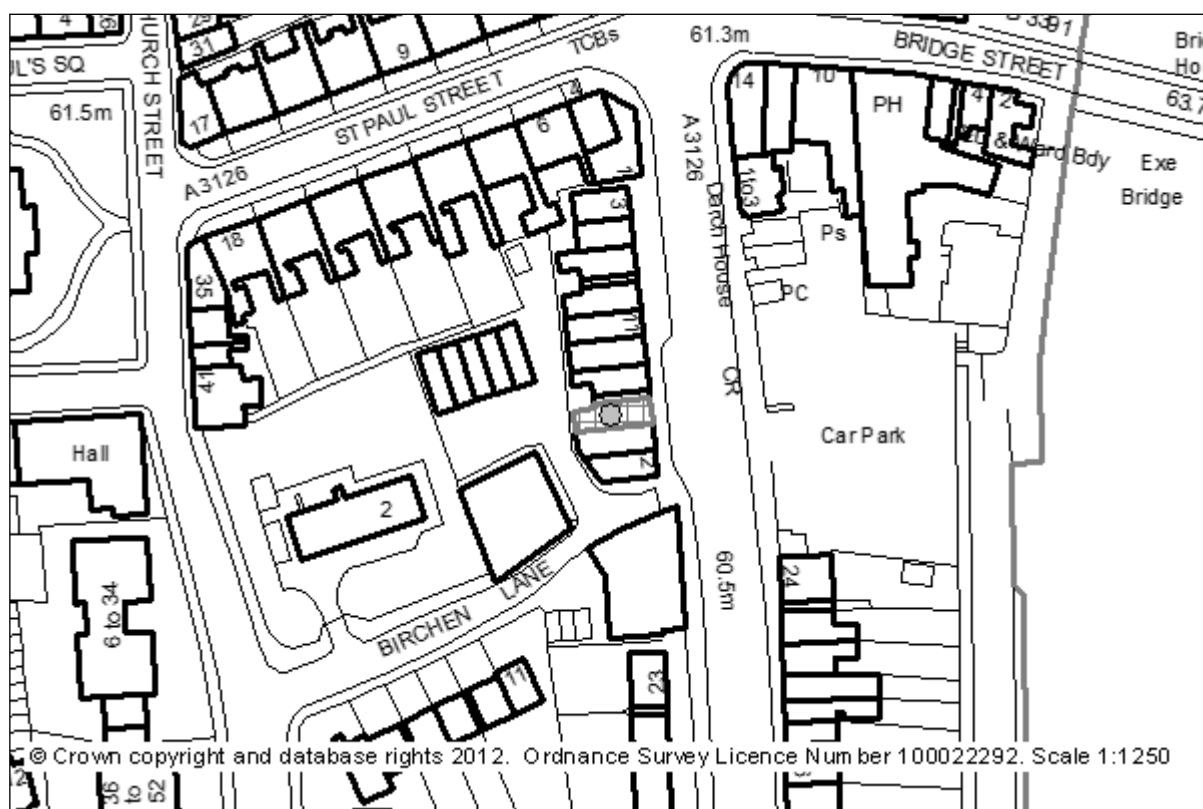
Grid Ref: 295225: 112497

Applicant: Mr S Holme

Location: 17 West-Exe South
Tiverton
Devon
EX16 5DQ

Proposal: Retention of change of use from shop (A1) to Tattoo and piercing studio (Sui Generis)

Date Valid: 13th September 2017



Application No. 17/01464/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Retention of change of use from shop (A1) to Tattoo and piercing studio (Sui Generis) at 17 West-Exe South, Tiverton

APPLICANT'S SUPPORTING INFORMATION

Location Plan
Block Plan
Supporting Letter
Flood Risk Assessment

PLANNING HISTORY

There is no relevant planning history associated with this retail unit.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR6 - Town Centres
COR11 - Flooding
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM16 - Town centre development
DM18 - Fronts of shops and business premises
DM27 - Development affecting heritage assets

CONSULTATIONS

Highway Authority - 25th September 2017 - No comments

Tiverton Town Council - 3rd October 2017 - Support

Environmental Health - 4th October 2017:

Contaminated Land - No objection to this proposal
Air Quality - No objection to this proposal
Environmental Permitting - No objection to this proposal
Drainage - No objection to this proposal
Noise & other nuisances - No objection to this proposal
Housing Standards - No comment
Licensing - The applicant will need to apply for a licence and he has already been made aware of this
Food Hygiene - Not applicable
Private Water Supplies - Not applicable
Health and Safety - No objection to this proposal. The applicant is aware of requirements.

REPRESENTATIONS

None - This report is subject to any consultation responses that may be received as the consultation period which had not yet expired at the time of writing this report but will be by the date of the Planning Committee.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Impact on the vitality and viability of Tiverton town centre including the character of the adjacent Conservation Area
3. Flood Risk Issues

1. Policy and procedure

This is an application relating to a small retail unit in West-Exe South, being located within the designated Town Centre boundary for Tiverton, adjacent to the Conservation Area and within flood zones 2 and 3. The premises are sited within a terrace of 3 storey properties with a mix of A1 and A5 uses on the ground floor and residential accommodation above. To the rear of the application site there is a service access road with limited parking and garages.

The supporting statement comments that the application is for a change of use only of the shop between commercial classes to allow for a tattoo and piercing studio. The hours of opening will remain as the daytime hours and no building work or physical alteration is to be undertaken. The applicant comments that they already operate an established tattoo studio from a property on Fore Street, operating for the last six years but the business has grown and they are now in need of bigger premises, therefore this proposal represents a relocation of a business. This is a part retrospective planning application as the applicant has explained that they were misinformed when they took over the unit, having been told that no change of use would occur, only to be later informed that this was in fact incorrect. Therefore they have submitted this planning application and at the time of writing this report, the premises were closed awaiting a planning decision to be issued.

The Local Authority needs to determine any proposal for a change of use on the basis of a number of policies contained within the Development Plan and in line with the National Planning Policy Framework [NPPF]. In this instance, the relevant policies are considered to include COR1 [Sustainable Communities], COR2 [Local Distinctiveness], COR6 [Town Centres], COR11 [Flooding], COR13 [Tiverton] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM8 [Parking], DM16 [Town centre development] and DM27 [Development affecting heritage assets] of the Development Management Policies [Local Plan Part 3].

Policy COR1 outlines support for development that meets sustainability objectives, brings positive benefits and supports the diverse needs of communities. Policy COR2 requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy COR6 seeks development which contributes the vitality and viability of town centres and Policy COR13 relates to the development specifically in Tiverton and outlines that the Council will guide high quality development and other investment to manage the town centre so that economic success and heritage reinforce each other, promoting key town centre uses which contribute to the vitality and viability. Policy COR11 relates to the impact of flooding and the need to ensure that development does not increase the risk of flooding of properties elsewhere.

In light of the policies within the Core Strategy and Development Management Policies, the two key issues to be considered in respect to this proposal are those of the impact on the vitality and viability of Tiverton town centre which includes any knock on affect to the character and appearance of the adjacent Conservation Area and any concerns regarding flooding given the location of the premises within flood zones 2 and 3. Both of these matters are considered further below.

2. Impact on the vitality and viability of Tiverton town centre including the impact on the character of the adjacent Conservation Area

Paragraph 23 of the NPPF seeks to promote competitive town centre environments that provide a choice for customers and a diverse retail offer which reflects their individuality. Policy DM16 of the Mid Devon Local Plan [Part 3 Development Management policies] identifies the importance of retaining or enhancing the town centre's historic character and appearance, vitality and viability. It also acknowledges the importance of diverse town centre uses, through provision of a variety of uses and offers and be readily accessible by public transport.

Number 17 West-Exe South is a small retail unit on the west side of the River Exe, within the defined town centre but outside of the primary shopping area. The proposal primarily relates to the change of use of the unit to that of a tattoo and piercing studio (sui generis use) with no external alterations to be undertaken, only having three sinks added internally which is based on the requirements from Environmental Health. Given that this relates to the relocation of an existing tattoo business from Fore Street, which is a primary shopping frontage, the case is made that this proposal will not impact on the vitality and viability of the town centre. In terms of the impact of any neighbouring residential property, given the use and operating times, it is not considered that there would be a significant detrimental impact on occupiers of residential properties above the row of ground floor commercial premises.

As a result of its location the use proposed will be readily accessible via public transport (bus), walking and cycling. This adds to the overall sustainability of the proposal in this location in accordance with policy COR1 of the Core Strategy. With respect to car parking, the site is located directly opposite a public car park. Balancing the loss of the retail unit against the location of the premises within the town centre, the relocation of an existing tattoo and piercing business from within the primary shopping area of Tiverton and the size of the unit with no external alterations, it is considered that this application complies with policies DM2, DM8, DM16 of the Mid Devon Local Plan [Part 3 Development Management policies].

The premises are located just outside of the Conservation Area and the Council's Conservation Officer has informally commented that she would have no objection to the proposed change of use in this location, noting that no external alterations are proposed. Therefore the development would not be contrary to Policies COR2 or DM27 which requires that development affecting conservation areas, including changes of use, respects the setting, character and local distinctiveness. Therefore it is recommended that the proposal be granted consent subject to conditions.

3. Flood Risk Issues

The site is located in Flood Zones 2 and 3. As there are no changes to the building there is not considered to be any increased flood risk as a result of the proposal. In addition, the proposed development is to change the use of the building to a tattoo and piercing studio. The proposed use is classified a less vulnerable use and is considered appropriate and compatible development within Flood Zones 2 and 3 in accordance with the guidance set out in the National Planning Policy Framework and the Planning Practice Guidance paragraphs 66 and 67.

The applicant has outlined within their supporting statement that the Environment Agency Flood Alert Service will be subscribed to and that as the unit is owned by the District Council, it will support its tenants in protecting the property in the event of a flood. Overall the proposal is considered to be in accordance with policies COR11 and COR13.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE NOTE

1. Please note that certain types of banners and advertisements may require Advertisement Consent. You are advised to check what works can and cannot be carried out without consent before commissioning or erecting signage.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The change of use will result in the premises no longer being used for retail purposes but being used as a tattoo and piercing studio. It is not considered that the loss of the premises from a retail use will have any negative impacts on the vitality or viability of Tiverton Town centre or West-Exe as a discrete area within Tiverton. Neither will the change of use have a significant impact on parking provision in the area and the site is well related to the town centre and is readily accessible by public transport, walking or cycling. The change of use will not have a significant impact on residential amenities. The site is adjacent to the Conservation Area but there are no external alterations proposed which could impact on the character and appearance of the Conservation Area. The site is not considered to result in any increased flood risk, and the proposed use is classified as less vulnerable and appropriate within Flood Zones 2 and 3. Overall the proposed development is considered to be in compliance with Policies COR1, COR2, COR6, COR11 and COR13 of the Mid Devon Core Strategy 2007 and Policies DM1, DM2, DM8, DM16 and DM27 of the Local Plan Part 3 (Development Management Policies).

Application No. 17/00826/MFUL

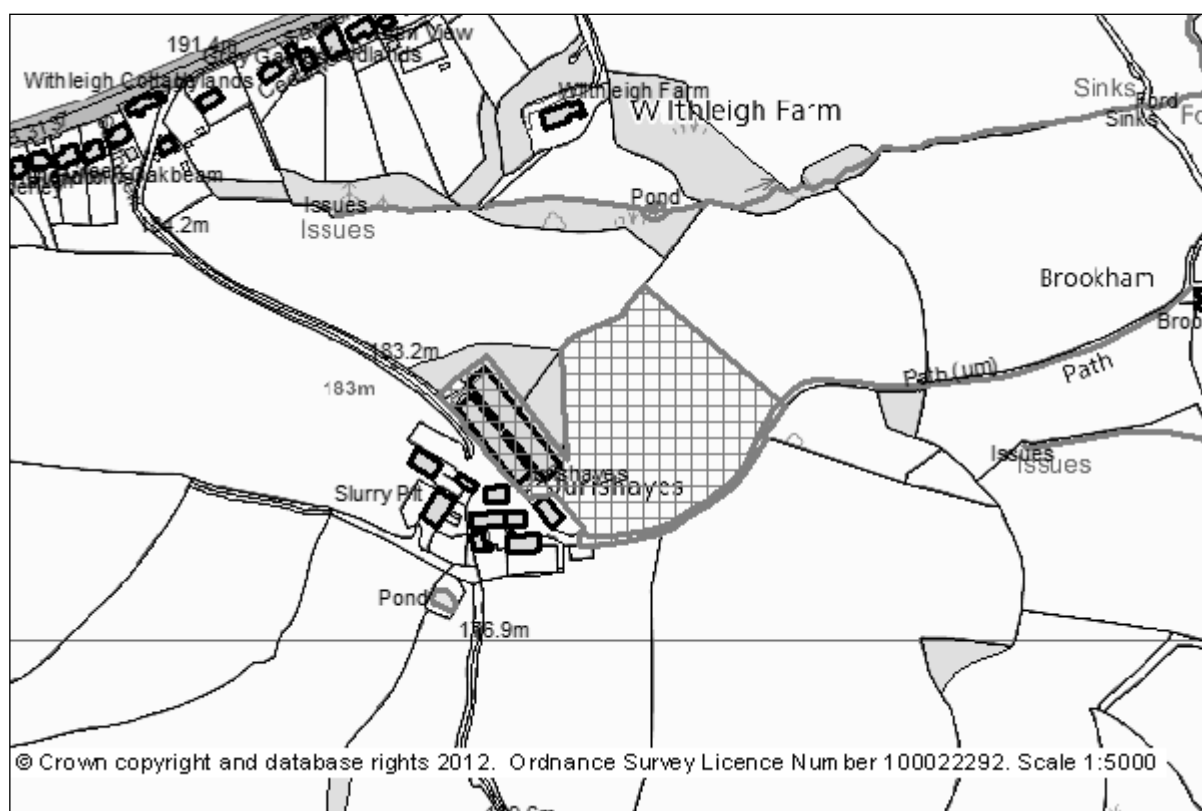
Grid Ref: 291467: 112201

Applicant: Mr M Frankpitt

Location: Land at NGR 291466 112201
Jurishayes
Withleigh
Devon

Proposal: Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units

Date Valid: 20th June 2017



RECOMMENDATION

Grant permission subject to conditions.

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

1. To assess the impact on the amenity of occupiers of Withleigh Farm.

PROPOSED DEVELOPMENT

Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units on land to the north and north east of Jurishayes, Withleigh. Five feed silos are proposed on the site alongside the buildings with a yard area in the south east corner of the application site that would serve all three buildings.

Vehicular access to the site would not be altered, with manoeuvring space for vehicles within the concrete yard area. Two of the poultry buildings proposed will be surrounded by a landscaped mound due to the change in ground levels across the site.

The buildings are approximately 7.5m high to ridge, 3.5m high to eaves, 80m long and 25m wide. The feed silos are approximately 7.5m high. The poultry buildings (including doors, walls and roofs) and feed silos are proposed to be olive green and one of the buildings is proposed to have solar panels on the roof.

APPLICANT'S SUPPORTING INFORMATION

Existing and proposed plans
Noise survey and Acoustic information relating to new fans
Drainage information
Ecology survey
Design and access, site waste and manure management plan

PLANNING HISTORY

16/00647/PREAPP - 10th June 2016

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM4 - Waste management in major development
DM7 - Pollution
DM8 - Parking
DM22 - Agricultural development

CONSULTATIONS

DEVON, CORNWALL & DORSET POLICE - 28th June 2017 - No comments

DCC LOCAL FLOOD/COASTAL RISK MANAGEMENT - 10th November 2017 - Recommendation:

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 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.

Observations:

Further to the submission of the Surface Water Drainage Report (Part 1 and Part 2, dated 18/09.2017) a suitable permanent surface water drainage system has been designed to serve the proposed development, therefore we have no further objection subject to the above condition being applied to any approval.

26th July 2017 - Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

TIVERTON TOWN COUNCIL - Support

HIGHWAY AUTHORITY - 30th October 2017

This was written for standing advice as the proposed development would not generate increased traffic movements in such numbers as to represent a significant increase or reach the threshold for comment. In addition the Highway Authority made comments on the proposal at Pre application discussions; the only element we sought was the upgrading of the current restraint system at the junction with the main road. Our pre application comments still remain equally relevant

4th July 2017

Standing advice applies

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

HISTORIC ENVIRONMENT SERVICE - 4th July 2017 - 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 any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

ENVIRONMENTAL HEALTH - 23rd October 2017

I have reviewed the BS4142 assessment and in relation to the poultry units. The assessment confirms that the new units (fans) will improve the noise environment surrounding the farm and that there should be no negative impact from noise on any neighbouring noise sensitive properties. I have no further concerns with

this development.

6th July 2017

Contaminated Land: I have no objection to this proposal

Air Quality: I have no objection to this proposal

Environmental Permitting: Site may be subject to an A1 Permit issued by the Environment Agency

Drainage: I have no objections to this proposal

Noise & other nuisances: Whilst some information has been provided on the sound power levels of the fans to be used on site the quantity of information is lacking. In order fully evaluate to impact of the noise on the surrounding properties a noise impact assessment must be undertaken. The impact assessment must identify the principal noise sources (i.e. the fans), detail the numbers of fans to be used, calculate the distance to the nearest dwelling/s and assess the noise against the background noise levels.

This information is required before I can make any recommendation.

Housing Standards: No comment

Licensing: No Comments

Food Hygiene: Not applicable

Private Water Supplies: Not applicable

Health and Safety: I have no objection to this proposal enforced by HSE. Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

NATURAL ENGLAND - 7th July 2017 - No comments

RIGHTS OF WAY OFFICER EAST - 29th June 2017

Thank you for forwarding me a copy of the above application. I note that the application also shows a plan of a proposed new dwelling in the middle of the field? (I imagine you have seen this)

From a Public rights of way perspective the path needs to be unobstructed at all times both during and after works.

Should the construction of the buildings pose a safety issue to users of the path the owner would need to provide a statement to accept that they can safely marshal the site during works? They can also if required temporarily legally close the path by applying in writing or via the DCC website.

REPRESENTATIONS

16 letters of objection have been received and have been summarised as follows.

1. The application does not refer to the public right of way that goes through the site;
2. Concerns regarding the additional traffic through Withleigh;
3. Chicken houses will increase smell and flies throughout the year;
4. Concerns regarding the additional noise from the fans within the poultry houses;
5. Concerns regarding the lane being used by larger vehicles as the area is also a public footpath;
6. Withleigh needs traffic calming measures;
7. Concerns regarding the increased use of the junction with the B3137;
8. The poultry houses need to be well screen with banks and planting;
9. The private track to the site from the B3137 is unsuitable to accommodate additional traffic that would be attracted to the site both during construction and when operational;
10. Further information needed regarding waste management and where chicken manure will be spread;
11. Concerns regarding impact on the water supply to the properties below the application site;
12. Detrimental impact on the visual amenity of the area and the landscape will be dominated;
13. Concerned about the alternative uses that the buildings may be used for if planning permission is granted;
14. Number of vehicular movements to and from the site are not provided, therefore difficult to ascertain the impact of the development;
15. Concerns regarding the water supply to the poultry buildings and impact on the water supply to neighbouring properties;

16. The location of the proposed three new silos should be reconsidered to ensure Vehicles visiting the premises do not block the lane;
17. A passing place should be provided on the lane between the junction and the application site;
18. The plateau within the field upon which two of the poultry houses are proposed to be constructed is considered to have an unnatural appearance;
19. Height of new Devon banks is important;
20. The proposal needs upgraded screening, and a low noise high performance extraction system.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Design and impact on visual amenity**
- 3. Potential for impact from additional noise and smell from the poultry buildings**
- 4. Impact on local highway network**
- 5. Impact on the amenity of nearby residential properties**
- 6. Ecology/drainage etc.**

1. Policy and procedure

The application seeks permission for the erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units on land to the north and north east of Jurishayes, Withleigh. Withleigh does not have a settlement limit and is considered to be in the open countryside. Policy COR18 of the Mid Devon Core Strategy [LP1] states that development outside settlements will be strictly controlled and includes categories of development that may be considered to be acceptable in the countryside as long as it enhances the character, appearance and biodiversity of the countryside while allowing for sustainable diversification of the rural economy. Policy COR18 [d] specifically allows for agricultural buildings. This policy approach is expanded in Policy DM22 Local Plan Part 3 [Development Management Policies]. Policy DM22 allows for agricultural development where the development: is reasonably necessary to support farming activity on the farm or in the immediate agricultural community; where the development is sensitively located to limit any adverse effects on the living conditions of local residents, well designed and respects the character and appearance of the area; does not have unacceptable adverse impact on the environment and does not have an unacceptable impact on the local highway network.

Policy COR9 Mid Devon Core Strategy [LP1] and policy DM2 [d] [Local Plan Part 3 [Development Management Policies] require new development to co-ordinate development and transport planning wherever possible in order to encourage sustainable forms of development and creation of safe and accessible places. Policy DM8 requires provision of sufficient on-site parking to serve the development.

Policy COR2 Mid Devon Core Strategy [LP1] requires new development to sustain the quality, character and diversity of Mid Devon's environment, including through sustainable design. Policy DM2 echoes this requirement as well as requiring development to be designed to high quality and to demonstrate a clear understanding of the site and its wider context, an efficient use of the site as well as a positive contribution to the local character of the area resulting in places that are well integrated with the landscape without having an unacceptably adverse effect on the privacy or amenity of the neighbouring properties. The policy also requires appropriate sustainable drainage to be provided.

Policies DM4 [Waste management] and DM7 [Pollution] require that development demonstrates that it will accord with sustainable waste management principles and that where there is any risk of a development impacting on the quality of the environment through noise, odour, water etc., that a pollution impact assessment and mitigation scheme are submitted when necessary. Development must not have an unacceptable negative impact on health, the natural environment or general amenity.

2. Impact on visual amenity

The site is located to the south of Withleigh on land that is lower than the B3137 which dissects the village; it

is also lower than a majority of the houses in the village. The application site is accessed by a track that leads directly onto the B3137 and it currently consists of two poultry buildings and two adjoining fields. It is proposed to demolish the two existing poultry units and to erect three new poultry buildings. One of the buildings would be on the site of the existing building and the two other buildings would be erected in the field to the east of the existing buildings. The field is relatively level where close to the access track and then slopes downhill in a north easterly direction. The proposed development is considered to be reasonably necessary to support the farming activity on the farm.

Policies DM2 and DM22 require new development to be well integrated with surrounding landscapes and requires agricultural development to be well designed, respecting the character and appearance of the area. The appearance of the proposed poultry buildings reflects their function. The buildings are large with a footprint of 80m x 25m and approximate height of 3.5m to eaves and 7.5m to ridge. The buildings would be olive green box profile sheeting on the walls, doors and roofs with the associated feed silos also olive green in colour. The design of the buildings is commensurate with that of modern poultry buildings. The existing buildings on the site are old and in a poor state of repair, it is considered that the proposed replacement and new buildings would have an external appearance that is suitable for modern agricultural buildings and visually an improvement upon the existing buildings.

Poultry building 3 [closest to Withleigh] is proposed on the site of the existing poultry buildings and will be slightly further from the edge of the access road which allows for a re-arranged internal access to the additional poultry buildings in the field to the east. There is small woodland immediately adjacent to the north and north eastern elevations of building 3. The trees are tall and well established and provide a good visual screen of the development when travelling south along the track toward the site as well as from further afield, including from a higher point in the village [opposite the Church] . These existing trees are not affected by the development and are not within the ownership of the applicant. They also provide screening from the non-agricultural dwelling, Withleigh Farm, approximately 160m to the north of the application site. There is very limited impact on the visual amenity of the area as a result of this replacement poultry building.

Poultry buildings 1 and 2 are the same size and colour as building 3, however they are proposed within the field to the east. The field, where adjacent to the access, is relatively level, it then slopes downhill in a north easterly direction. As a result it is necessary for the ground level of the field to be raised to support the north eastern end of the buildings. However, to minimise the raising of ground levels within the field it is proposed to reduce ground levels at the western end of the site. All three buildings will therefore benefit from a level access across the site. Buildings 1 and 2 have been located further north into the field to allow for a concrete yard to be provided to the south west and south east of the poultry buildings. The yard allows for vehicles to turn and exit the site through the existing access point from the track. The plans indicate that at the northernmost end the buildings would be 5m above the existing sloping ground level. It is proposed to provide a graded embankment that would support the buildings and be graded into the remainder of the existing field. The plans indicate that a beech hedge will be planted along the very top of the embankment with young native trees planted within the bank to stabilise it and to provide screening when the trees have become established. It is proposed to plant 6 rows of trees on the north eastern side of the embankment where the levels change is greatest and 4 rows of young trees on the north side of the embankment. The buildings and the raised ground level and subsequent planting will be visible when looking toward the site from Withleigh Farm house approximately 160m to the north. The existing woodland immediately east of building 3 will screen this building and the western end of buildings 1 and 2 and the planting on the proposed embankment will assist in screening the buildings when it has become established. There are some existing trees on the boundary of the land owned by Withleigh Farm that will help to filter views of the proposed buildings until the planted screening takes effect.

Although the proposed buildings do not form part of Jurishayes farm to the south of the application site, visually the buildings at Jurishayes and the buildings on the application site would form a grouping of agricultural buildings. This grouping of agricultural buildings is considered to have the effect of limiting any visual harm as a result of new agricultural development. It is considered that the sporadic development of agricultural buildings would be more harmful than the grouping that is presented as part of this application.

There is a public footpath that runs along the track that leads to the site and then runs along the southern boundary of the field within which the poultry houses are proposed. Although there is currently no formal segregation between the path and the remainder of the field, the proposals would not prevent the use of the

public footpath. The turning area [with concrete surface] and e? poultry buildings beyond would be clearly visible from the public footpath but the views north from the path would only be affected for approximately 90m of the public footpath.

Due to the location, size and proposed landscaping of the development it is not considered that the poultry buildings will have an unacceptably adverse impact on the visual amenity of the area and will not interfere with the use of the public footpath, in this regard the development is in accordance with policy DM2 and DM22 Local Plan Part 3 (Development Management Policies).

3. Potential for impact from additional noise and smell

Concerns have been raised regarding the potential for the poultry houses to generate noise that could have an adverse impact on the amenity of the residents of nearby properties and users of the public footpath.

The poultry houses would replace two existing poultry houses that are now in a poor state of repair. In recent times there have been noise concerns raised with Environmental Health regarding the use of the buildings. It is proposed that the new buildings would be fitted with 10 modern fans each, 30 in total. The fans would be part of the roof of the proposed buildings. Details of the fans, including power levels have been submitted with the application. A noise assessment has been submitted as part of the application which includes an assessment of existing background noise and noise levels predicted from the fans on the new buildings. The assessment has measured noise levels at the nearest noise sensitive locations, nearby properties Witleigh Farm, Glen View and Hylands. This assessment shows that the noise levels from operation of the development would be below the background noise levels, even during the night. The assessment concludes that the noise levels are likely to be more than 5 dB below background noise level for the majority of the time and that the impact of any noise on nearby residents is likely to be negligible.

Environmental Health originally sought further information regarding the potential noise from the development. Following the submission of the noise assessment Environmental Health have commented that they are satisfied that the new fans will improve the noise environment surrounding the farm and that there should be no negative impact from noise on any neighbouring noise sensitive properties. It is therefore concluded that the development will not have an adverse impact on the environment through noise and in this regard the development is in accordance with policies DM7 and DM22 [c] of the Local plan Part 3 [Development Management Policies].

Some concern has also been raised regarding the potential increase of smell associated with the provision of three poultry houses on the site as opposed to two. The design and access statement states that 32,000 birds can currently be housed in the two existing buildings; the proposed three buildings would house 36,000 birds in total. It is stated that the proposed buildings will be built to the highest modern standards with roof and wall insulation. The better specification of building reduces the amount of heat escaping from the buildings resulting in a warmer and drier environment in the winter and a cooler environment in the summer. This results in the litter being drier which has bird welfare advantages and also reduces the need to ventilate the buildings as much which reduces odour often cause by wet litter. The fans will also assist in regulating the temperature within and smell associated with the keeping of birds. The ventilation of the new buildings through the high velocity chimney fans also assists in reducing odour as the air is thrown from the buildings high into the air, allowing small amounts of odour and dust particles to be dispersed over a larger area reducing any odour. Environmental Health have not raised any objection to the proposal in terms of potential odour from the buildings. It is therefore concluded that the buildings will not have an unacceptable adverse impact on the environment through odour and in this regard the application is in accordance with policies DM7 and DM22[c] of the Local plan Part 3 [Development Management Policies].

4. Impact on the amenity of nearby residential properties

Policy DM2 [e] requires development to demonstrate that it will not have an unacceptably adverse effect on the privacy or amenity of the neighbouring properties and policy DM22 requires development to be located to limit any adverse effects on the living conditions of local residents. The proposed poultry buildings are approximately 160m from the nearest non- agricultural residential property [Witleigh Farm], which is north of the proposed buildings. The site is partially visible from the rear of this property, with filtered views provided by trees on the boundary between land ownerships and screened in part by a small woodland

area. The development is likely to be more visible during construction and while the earth embankment is being formed. Once constructed and the required planting has become established the development would not have a significant impact on the outlook from this property. The proposed buildings could be accessed from the north eastern end, however, due to the distance between the site and Witleigh Farm it is not considered that the use of the doors on this end of the building would result in any loss of privacy for the occupiers of this nearby property. The development is far enough away to prevent it from being overbearing on the residential amenity of Witleigh Farm, although it is acknowledged that the outlook from this property would change as a result.

The closest residential property is Jurishayes farmhouse approximately 30m south of the new poultry buildings. Jurishayes farmhouse is surrounded by agricultural buildings associated with this property. The principal elevation of the dwelling at Jurishayes faces south, away from the application site. While the application buildings and yard would clearly be visible when moving around the north side of Jurishayes farm and farmhouse, it is not considered that the proposed development would have an unacceptably adverse effect on the amenity of this property which sits in a farm yard setting.

There is an isolated property south of Jurishayes that is accessed from the track that serves Jurishayes and the application site. Although the buildings would be visible when passing the site, it is not considered that the development would have any impact on the amenity of the occupiers of this property.

There are a number of residential properties close to the junction of the track with the B3137, three of which are passed when travelling along the track toward the application site. While the buildings themselves are unlikely to be visible from these properties, other than potential glimpses of the roofs, the traffic attracted to the site will pass by their properties. The site is already able to be used to house birds and there are therefore already a number of vehicle movements associated with the management of the site, including the delivery of feed. Concerns have been received regarding the impact of the additional use of the track and narrowness of it in places. With the potential to house an additional 4,000 birds on the site it is likely that there would be an impact on the number of deliveries to the site. However, it is not considered that the number of vehicle movements associated with the operation of the premises would be increased significantly. It is not considered that the proposed development would have any unacceptably adverse impacts on the residential amenity of the occupiers of the properties close to the B3137, in accordance with policies DM2 and DM22 Local Plan Part 3 [Development Management Policies].

5. Impact of local highway network

The application site is accessed from the track that links directly to the B3137 [Tiverton to Witheridge road]. The track serves the application site, Jurishayes Farm and third property south of Jurishayes farm.

As the number of birds that would be able to be kept on site would have the potential to increase by 4,000 there is also potential for the number of traffic movements associated with the development to also increase. Devon County Council, in their consultation response have referred to the DCC standing advice, but also to the pre-application advice that they provided prior to the application being submitted. The Highways Authority have raised no objection in principle to the use of the junction [with the B3137] as although it is steep on approach from the track, there is sufficient visibility and sufficient road width for a vehicle wishing to turn west. The Highways Authority also comment that they may wish to see the vehicle restraint system on the western side of the junction brought up to current Government standards. However, no such request has been made by the Highway Authority and no details of any works that may be required have been provided to the Local Planning Authority.

The buildings would be emptied and cleaned every 11 months. The waste management details submitted with the application indicate that the solid waste will be spread on land within the applicants ownership, including on land to the east of the buildings. The application does not indicate that the waste would be removed to another location; however the grant of planning permission would not seek to control the location of waste material as there is other legislation in place to control the disposal of agricultural waste.

Overall the existing track is considered to be acceptable for use to serve the proposed expanded agricultural enterprise without detriment to the other users of the track or the adjoining highway. The application is therefore considered to be in accordance with policies COR9 Mid Devon Core Strategy [LP1] and policy

6. Drainage/Ecology/Waste management

Policy DM2 Local Plan Part 3 [Development Management Policies] requires development to be supported by appropriate drainage including sustainable drainage systems. Policy COR11 Mid Devon Core Strategy [LP1] requires development proposals to consider the impact of flooding and to ensure that development does not increase the risk of flooding of properties elsewhere. The application is supported by a surface water drainage report and a storm water strategy layout plan. The report identifies that the best way of dealing sustainably with rainwater runoff is to infiltrate into the ground. The report includes soakaway test results which indicate that the soil at the application site is not suitable for infiltration. It is therefore proposed that surface water will be attenuated in a tank underground and will be discharged to a ditch leading to a watercourse east of the proposed buildings. The Lead Local Flood Authority have reviewed the drainage report and have withdrawn an earlier objection to the proposals subject to the imposition of conditions relating to the implementation of the surface water management system and a temporary surface water management system during the construction of the proposed buildings. As the proposed surface water management scheme is considered to be acceptable the development is considered to be in accordance with policy DM2 [f] Local Plan Part 3 [Development Management Policies] and policy COR11 Mid Devon Core Strategy [LP1].

Waste water from the development would be collected during the cleaning out of the buildings. Waste water would be collected through a trough drain and stored in a dirty water tank. The liquid waste is able to be applied directly to the land, which is done on a daily basis during the cleaning period. It is proposed that the waste water is piped to the adjacent field and applied to the land with a low rate spray irrigation system. The design and access statement indicates that the applicant has sufficient land for disposal of waste water from the development.

The birds kept within the buildings are kept on a deep litter bedding system. The buildings are cleaned out every 11 months. The solid waste is removed from the building onto suitable closed/covered trailers or lorries. It is intended that the solid waste will be used as fertilizer on land within the applicant's control in the immediate local area. Information regarding the management of agricultural waste and clinical waste was submitted with the application. The information is considered to be acceptable and in accordance with the requirements of policy DM4 with regards to demonstrating the development adheres to sustainable waste management principles. It is not proposed to substantially alter the waste management procedures for the development in comparison to how the existing buildings have been managed. Information submitted with the application has indicated how surface water, waste water and solid waste will be managed.

Policy DM2 [c] requires new development to consider impact biodiversity assets. The application is supported by a protected species survey. A preliminary ecological appraisal of the site as well as an extended phase 1 habitat survey of the site were carried out as well as a day time bat and bird survey. The survey notes that the site is not within any designated sites of nature conservation importance and there are no designated sites within 500m of the site. No bats or birds were found in the buildings and there were no features in the buildings likely to be used by bats. No signs of roosting bats or birds were found in or around the buildings and the report concludes that a European protected species licence from natural England is not required. The development is therefore considered to be in accordance with policy DM2 Local Plan Part 3 [Development Management Policies] and Conservation (Natural Habitats & Conservation) Regulations 1994 amended in 2007.

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 be commenced until details of the 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. The approved temporary drainage scheme shall be fully implemented before any part of the development is first brought into use. 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.

4. The development shall be carried out in accordance with the recommendations set out in the mitigation section of the protected species survey prepared by Richard Green Ecology Ltd.
5. The ventilation systems on the buildings hereby approved shall continue to operate throughout the clean out period.
6. Prior to the commencement of development, a planting and planting management plan for the embankment upon which buildings 1 and 2 will be constructed shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of all proposed planting together with management measures for the planting on the embankment. All planting specified in the approved plan shall be carried out in the first planting season following the commencement of the development and be retained. Any trees or plants which within a period of five years from the first use 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. Planting and management of planting shall be carried out in accordance with the approved plan.
7. No waste matter or materials shall be stored outside the poultry buildings hereby approved either in the yard area to the south east of the buildings or in the yard area to the north of the buildings as indicated as hatched areas on the attached plan.

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 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 Policy COR11 of the Mid Devon Core Strategy [Local Plan Part 1] and Policy DM2 of the Local Plan Part 3 [Development Management Policies].
4. To ensure the development will not harm to protected species or their habitats in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and habitat regulations.
5. To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To ensure the development integrates with the surrounding landscape in accordance with Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
7. To protect the amenity of the occupiers of nearby residential properties in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of three poultry buildings and associated ancillary buildings following the demolition of two existing poultry buildings has been assessed against relevant planning policies. It is accepted that there will be some views of the proposed buildings but concluded that any harm to visual amenity is not significant enough to warrant refusal of the application. There are some residential properties from which the development will be visible; however, due to the distance from the site or the orientation of buildings it is not considered that the development will have an unacceptably adverse effect on the privacy or amenity of the occupants of these nearby properties. It is concluded that the development will not have an adverse impact on local highways, noise or odour and it has been demonstrated that surface water can be managed on site. Information has also been received that demonstrates an acceptable approach to the management of waste from the development. The development will not have an adverse impact on protected species. The development is therefore in accordance with Policies COR9, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM4, DM7 and DM22 of the Local Plan Part 3 [Development Management Policies] and the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration

Major Applications with no Decision

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	12/02/2018	17/01704/MFUL	Erection of an extension (1105 sq. m.) to an existing agricultural livestock building	Land at NGR 309053 110385 Allhallows Farm Blackborough Devon	Mr Daniel Rance	DEL	
2	1	06/02/2018	17/01713/MFUL	Construction of an earth bank slurry store (1980 sq. m)	Land at NGR 309064 110450 (Allhallows Farm) Blackborough Devon	Mr Daniel Rance	DEL	
3	4	17/01/2018	17/01660/MOUT	Outline for the erection of 10 dwellings	Land at NGR 287219 106314 Barnhill Close Cheriton Fitzpaine Devon	Mr Simon Trafford	COMM	COMM
	4	17/01/2018	17/01718/MFUL	Erection of extension to existing industrial unit for Class B8 use (1,660sqm) and additional 18 car parking spaces	Pencarrie Ltd Unit 14 South View Estate Willand Cullompton Devon EX15 2QW	Mr David Green	DEL	
	7	21/12/2017	17/01361/MFUL	Erection of garden sales area, warehouse building, alterations to existing garden centre, creation of new access on to B3181, change of use of land for the creation of public parking area and new commercial vehicle access and turning area	The Old Well Uffculme Cullompton Devon EX15 3ES	Mrs Alison Fish	DEL	DEL
6	8	15/12/2017	17/01225/MFUL	Construction of a slurry lagoon (2738sqm) and creation of new vehicular access	Land and Buildings at NGR 302603 103592 Weavers Meadow Langford Devon	Mr Daniel Rance	DEL	
7	8	19/12/2017	17/01511/MOUT	Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure	Land at NGR 282065 100892 (Chapel Downs Farm) North of Queen Elizabeth Drive Barnstaple Cross Devon	Miss Helen Govier	COMM	COMM
8	9	12/12/2017	17/01509/MFUL	Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works	Land and Buildings at NGR 295350 112455 (Rear of Town Hall) Angel Hill Tiverton 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>
9	10	04/12/2017	17/01359/MOUT	Outline for the erection of 84 dwellings and construction of new vehicular access onto Turnpike Road	Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon	Mr Daniel Rance	COMM	COMM
10	10	04/12/2017	17/01370/MARM	Reserved matters for the erection of 60 dwellings	Land at NGR 305658 112080 (Harvesters) Uffculme Devon	Miss Hannah Cameron	COMM	COMM
11	12	17/11/2017	17/01323/MOUT	Outline for the relocation and expansion of Tiverton High School and the integrated development of Tiverton Community Arts Theatre	Tiverton High School & Land East of Bolham Road Bolham Road Tiverton Devon EX16 6SQ	Ms Tina Maryan	COMM	COMM
12	13	05/12/2017	17/01346/MOUT	Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)	Land at NGR 301536 107900 North of Tiverton Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
13	15	01/11/2017	17/01178/MFUL	Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works	Land at NGR 302103 108277 (West Of Willand Road) Cullompton Devon	Ms Tina Maryan	COMM	COMM
14	15	27/10/2017	17/01179/MFUL	Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure	Land at NGR 303340 110341 (Land off Silver Street) Willand Devon	Miss Hannah Cameron	COMM	COMM
15	17	13/10/2017	17/01170/MOUT	Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
16	19	04/10/2017	17/01090/MOUT	Outline for the erection of up to 60 dwellings with associated access, parking, open space, landscaping and infrastructure (including retaining works)	Land and Buildings at NGR 281938 100425 (Adjacent Brookdale, Threshers) Hollacombe Devon	Miss Helen Govier	COMM	COMM
17	20	27/09/2017	17/00982/MFUL	Erection of 49 dwellings, including associated public open space, landscaping and all other associated external works	Land at NGR 284671 100838 Cromwells Meadow Crediton Devon	Mr Simon Trafford	COMM	COMM
18	21	19/09/2017	17/00826/MFUL	Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units	Land at NGR 291466 112201 Jurishayes Witleigh Devon	Miss Lucy Hodgson	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
19	21	15/09/2017	17/00942/MOUT	Outline for the erection of upto 50 dwellings with associated access	Land at NGR 296202 112164 Exeter Hill Tiverton Devon	Miss Lucy Hodgson	COMM	COMM
20	22	13/09/2017	17/00924/MFUL	Change of use of agricultural buildings to Class B1/B8 (Commercial Use) with associated yard and parking areas, landscaping and alterations to access	Land and Buildings at NGR 304296 107112 Newlands Farm Cullompton Devon	Mr Daniel Rance	COMM	COMM
21	24	29/08/2017	17/00878/MOUT	Outline for the erection of up to 16 dwellings with associated access, landscaping and other ancillary development	Land at NGR 292294 101802 (South of Broadlands) Thorverton Devon	Miss Lucy Hodgson	COMM	COMM
22	29	24/07/2017	17/00652/MOUT	Outline for a mixed development of 30 dwellings, commercial buildings, access, public open space, landscaping, and associated works	Land at NGR 303116 110179 (NE of Rydon House) Willand Devon	Mr Daniel Rance	COMM	COMM
23	36	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
24	38	24/05/2017	17/00173/MOUT	Outline for the erection of up to 28 dwellings and up to 90 sq m of A1 retail floorspace, including incidental open space and car parking	Land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine Devon	Mr Simon Trafford	COMM	COMM
25	42	24/04/2017	17/00106/MOUT	Erection of 16 dwellings with formation of access and associated works	Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon	Ms Tina Maryan	COMM	COMM
26	52	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
27	54	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
28	60	20/12/2016	16/01424/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)	Land at NGR 298671 113603 Upplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM

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PLANNING COMMITTEE
29th November 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/00914/OUT: OUTLINE FOR THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS

BACKGROUND:

This reports concerns an outline planning application for the erection of 9 dwellings with access only proposed for consideration. The site lies beyond the settlement boundary of Copplestone at the rear of the Village Primary School and Recreation ground off Bewesly Hill. The access is proposed from the Sunnymead Estate via an existing cul-de-sac that currently serves no's 87-105 (10 properties). The application site comprises an agricultural field with enclosed hedgerow boundaries on the southern, northern and western boundaries. The road and houses that form the Sunnymead estate which would form the proposed access are set down at a lower level than the application site. The proposed development includes improvements to the on-street parking arrangements enjoyed by the existing occupiers of no's 87-105 Sunnymead. The scheme is a low density development proposing development at approximately 8 dwellings per hectare.

REASON FOR REPORT: To consider the reasons for refusal proposed by the Planning Committee at the meeting of 14TH June 2017 in light of further advice from Officers.

RECOMMENDATION(S)

The officer recommendation remains as per the recommendation set out in the Committee Report which was considered by the Planning Committee members at their meeting on the 4th October as follows: Subject to the prior signing of a Section 106 to grant planning permission subject to conditions.

Relationship to Corporate Plan:

Homes

- Facilitating the housing growth that Mid Devon needs
- Planning and enhancing the built environment

Environment

- Protect the natural environment

Financial Implications: An appeal may require the appointment of planning, highway consultants to assist in the defence of the reasons for refusal as the statutory consultee (being Devon County Council) have indicated they would not support refusal of the application. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the Development Plan, National Planning Policy Framework and other material considerations.

Legal Implications: The report identifies the risks in proceeding with a decision based on the reasons given by the Committee on 4th October 2017. In terms of defending those reasons at appeal (if made), the Council will still need to prepare draft planning conditions for the appeal and

complete a section 106 agreement. External legal and other expert representation may be required if the appeal proceeds to a public inquiry and this would increase the cost to the council of such action.

Risk Assessment: as above.

1.0 Introduction

1.1 At the Planning Committee held on 4th October 2017 the Planning Committee resolved that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- The proposed development is outside the settlement limit
- The access arrangements are inappropriate
- Impact of the development on the residents of Sunnymead who all have special requirements and therefore the proposal would have a detrimental impact on their amenity
- Overdevelopment of the village.

2.0 The implications of refusing the application

2.1 The proposed development was outside the settlement limit

2.2 It is acknowledged that the site lies beyond the settlement boundary of the Copplestone which relate back to policies COR17 and COR18.

2.3 Given that the Local Planning Authority are not able to commit to a 5 years supply of land for housing, these policies are required to be set aside, and paragraph 14 of the National Planning Policy Framework is triggered which establishes a presumption of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.2 In both the written report and during the debate your officers provided their views on the outcome the potential impacts of the development against the benefits that would arise. During the discussion on the application at the committee meeting Members expressed concern about permitting the development for the reasoning as set out above, and considered in more detail below (individually).

2.3 Should members continue to feel that the development is unacceptable, following consideration of the other sections of this report as set out below, officers have drafted a reason for refusal which reflects the guidance in the NPPF and the fact the site is located beyond the settlement boundary as confirmed by policies COR17/COR18.

2.4 Reason for Refusal 1.

The application site is outside the current settlement limit boundaries of the village of Copplestone 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).

2.5 The access arrangements area inappropriate

2.6 Paragraph 32 of the NPPF states that decision takers should take account of whether 'safe and suitable access to the site can be achieved for all people' and therefore it is entirely correct that members consider highway safety in their decision making.

2.5 However, the same paragraph of the NPPF states that, 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' [my emphasis]

2.6 Therefore, the balance which members need to consider is whether the impact of permitting 9 dwellings would have such a severe impact on highway safety that it justifies a refusal. In completing their deliberations on this matter members should be aware that the predicted additional traffic arising from the development is unlikely to exceed 9 additional vehicular trips in either the am or pm peak. Spread equally over the am and/or pm peak that would relate to one vehicle every 6 minutes. In addition members should also note that a pedestrian link would be provided directly from the site to the School campus on Bewseley Hill.

2.7 In addition to the comments provided by the Highway Authority as set out in the Committee Report, further comments have been received from the Highway Authority in response to the concerns expressed by members in an email dated 16th October.

The proposed development will comply with Manual for streets and the design guide, The development would not be contrary to Paragraph 32 of National planning policy guidance and would be able to provide benefit in terms of off road parking where at present existing residents park on the grass verge. The Highway Authority would not support a recommendation of refusal on Highway Grounds.

The advice from the Highway Authority is that the development is acceptable. The development is considered to be small scale and the impact of permitting the 9 dwellings is not severe such as to refuse the application. If members were to refuse the application, the Highway Authority would not be able to provide advice or support in relation to any appeal

2.8 However, if Members still feel that the development is unacceptable in terms of the means of access proposed from a highway safety and capacity point of view officers have drafted a reason for refusal as follows:

2.9 Reason for refusal 2:

The application site is proposed to be served from an existing residential cul-de-sac and which sits as part of a residential estate in Copplestone Village. The LPA are concerned

that the additional traffic volumes generated from 9 houses would result in unacceptable conditions on the local highway network and therefore the application scheme is considered an unacceptable development resulting in severe impacts in terms of highway safety, contrary to the NPPF.

2.10 Impact on the residents of Sunnymead

2.11 In response to the consultation on the planning application local residents expressed concern about the disturbance that they would suffer if planning permission was to be granted for the scheme. In particular it was considered that the on street parking facilities that they currently enjoy would be compromised as a result of the development. At the meeting members were addressed by a local stakeholder who advised that due to the fact that a number of the properties on Sunnymead are occupied by elderly residents this would have a severe impact on their living conditions and the amenities they currently enjoy.

2.12 In completing their deliberations on this matter members should be aware that as stated above, in the further comments provided from the Highway Authority, the application scheme includes an area for off street parking for the current occupiers of the properties on Sunnymead. In addition the scheme proposes improvements to the existing pedestrian facilities along Sunnymead.

2.13 Clearly the application scheme will present a change in the environmental and general living conditions for the existing occupiers, which will be most significant during the constructions phase of the proposed development. If members continue to consider that the scope of change would upset the balance to the extent that it would create an unacceptable living environment for the existing occupiers, officers have drafted a reason for refusal as follows:

2.14 Reason for refusal no.3

The application scheme would result in an increased level of vehicular use and other activity along Sunnymead which as a result of the increase level of noise and general disturbance for the existing occupiers it is not considered a sympathetic pattern of development on land which is currently undeveloped. On balance the application scheme is considered to be contrary to policy COR2, DM2 and DM14.

2.15 Overdevelopment of the village.

2.16 During the discussion on the application Members expressed concern about additional development over and above the planned development for the village and the impact that this would have the services and facilities in the village.

2.17 In completing their deliberations on this matter members should be aware that the applicant had agreed to enter into a Section 106 agreement to make the necessary financial contributions towards ensuring that sufficient primary school places are available to meet the needs of the development, and also contributions towards other community facilities in the Village.

2.18 However if members do still consider that the provision of 9 dwellings on the application site in addition to the 40 dwellings approved under LPA ref: 16/01888/MOUT at the proposed allocation under Policy CF1 (the Old Abattoir) would result in a level of new development that would be out of scale with the size of the settlement of Copplestone that it would result in detriment to its character and the general amenities of the village then officers have drafted a reason for refusal as follows.

2.19 Reason for refusal 4

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).

2.20 Conclusion:

Members have indicated that they are minded to refuse the application following concerns relating to highway safety, impact on the amenities of the neighbouring occupiers on Sunnymead, and overdevelopment of the Village given the proposed planned development and the existing facilities that are available. Members will note from the report that the Highway Authority would be able to provide professional support in the event of an appeal and your officers do not consider that there is sufficient policy support for a refusal on these grounds.

However, given that the current local plan is considered to be out of date, members may consider that COR17 no longer applies and make their own assessment of the proposal against the sustainability emphasis of the NPPF. However, in doing so Members will need to be satisfied that the adverse impacts of the proposed unplanned development would significantly and demonstrably outweigh the when assessed against the policies of the Framework

Your officers are of the opinion that refusal of this current planning application for the reasons given cannot be substantiated and the recommendation remains as one of approval.

Contact for any more information

Mr Simon Trafford, Area Team Leader
01884 234369

Background Papers

NPPF

File Reference

17/00914/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

APPENDIX A

Application No. 17/00914/OUT

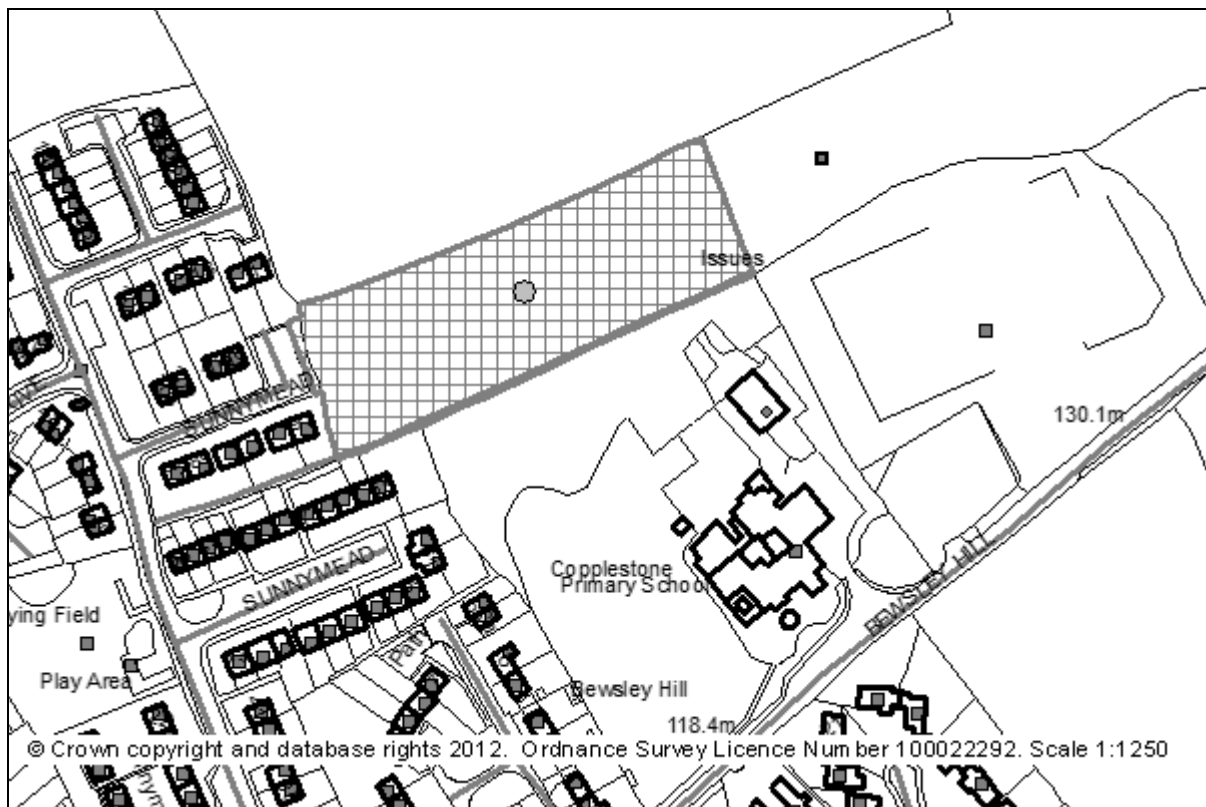
Grid Ref: 277210 : 102996

Applicant: Mr & Mrs G Pearcey

Location: Land at NGR 277111 102951
Sunnymead
Coplestone
Devon

Proposal: Outline for the erection of 9 dwellings with associated access

Date Valid: 5th June 2017



Application No. 17/00914/OUT

RECOMMENDATION

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

Section 106 agreement to include:

1. Primary school contribution of £30,717 and Secondary school contribution of £5,320 as per DCC request.
2. Air Quality contribution of £39,906. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
3. Open Space contribution of £10,845). To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
4. Financial commuted contribution toward the delivery of two affordable housing units following completion.
5. Pedestrian link between the application site and the Village school/ Recreation ground campus areas.

PROPOSED DEVELOPMENT

This description of development for the application is for the erection of 9 dwellings with associated access. The application is submitted as an outline with access and the principal of delivering housing on the site for consideration at this stage.

The site is agricultural land (classified as grade 3) and covers an area of 0.72 hectares (part of agricultural land which forms part of Bewsley Farm). The site is elongated piece of land, which slopes down in a south-westerly direction towards Sunnymead Road. It is enclosed by existing boundaries of mature hedgerows and trees, and located beyond the village boundary for Copplestone directly to the rear boundary of the Primary School site curtilage and the village recreation ground. The school is located to the south.

The new vehicular access is proposed via the existing Sunnymead estate extending the section of cul-de-sac road that currently serves no's 87-105. The existing hedgerow to this boundary is to be removed to create a new entrance and to extend the parking area for existing residents. A new section of hedgerow adjacent to this new parking area is proposed.

An indicative layout showing how the 9 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.

Since the application was initially lodged, the proposals have been amended in terms of the position of the new opening to accommodate the access and the provisions made for surface water drainage.

APPLICANT'S SUPPORTING INFORMATION

Draft Heads of Terms as set out in email from applicant's agent dated 25th July 2017.

Design & Access Statement prepared by Hilton Barnfield Architects

Arboricultural Impact Assessment Report and Tree Constraints Appraisal and Plan both prepared by Doug Pratt Tree Consultancy

Ecological Appraisal Report prepared by Richard Green Ecology

Planning Statement prepared by Bell Cornwall consultants

Plans & Drawings:

Plans prepared by Bellamy Transport Consultancy for new access arrangements.

Indicative Masterplan drawing prepared by Hilton Barnfield Architects

PLANNING HISTORY

None in relation to this site.

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

REPRESENTATIONS

39 letters of objection to the application have been received in response to the publicity and consultation processes that have been undertaken. A summary of the key concerns expressed is set out below:

1. Copplestone as a village is already considered to be at capacity and the development would have a negative impact on the village with additional strain on all services, including capacity issues at the Village school, and public transport provision, pollution and associated traffic problems
2. Concern for children crossing Bewsey Hill in order to get to the school with extra traffic from the development.
3. Concern about the new access in terms of loss of existing off street car parking and capacity of the Sunnymead network to accommodate increased levels of traffic and associated health and safety concerns for existing residents
4. There are no community facilities in Copplestone (village hall / community centre)
5. The development will affect existing residents on the cul-de-sac in terms of how the scheme will affect parking opportunities
6. The site is outside the development boundary for Copplestone, and is considered unsustainable, as was the case at the Dulings Meadow site.
7. The village needs a village hall.
8. Concern about flooding arising from increased surface water run off levels from the site.
10. The existing drainage system in the village can cope with any further development.
11. Cumulative impact with other developments in the village and locality
12. Increase in traffic from the village will cause safety concerns on the A377.
13. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.

CONSULTATIONS

COPPLESTONE PARISH COUNCIL - 14th July 2017 - Copplestone Parish Council object to the application for the following reasons.

- a. The application is for land that is outside of any adopted development areas set by MDDC within Copplestone.

b. Highways. The Parish has expanded significantly over the past 15 - 20yrs. Insufficient Highway infrastructure already exists within the Parish and has not kept pace with the expansion of population here. It is felt that this development will put a further strain on the Highway. Limited information exists on any highways improvements that are to take place with this application. The Council note the comments provided by the Highways to MDDC on this application dated 27/06/17.

c. Copplestone Primary School. The Comments from DCC Education of the 22/06/17 are noted. It is stated that Copplestone Primary School is at maximum capacity. The number of extra places that is stated to be generated by this development cannot be agreed to. It is felt that significantly more places would be required for this development. The village lacks infrastructure to deal with a development such as this.

d. It is felt that the character of the village would be greatly affected if the application was granted.

e. The application would be classed as overdevelopment.

f. Copplestone Parish Council note the relevant comments within appeal decision Ref: APP/Y1138/W/17/3167891. Many areas discussed within this appeal decision should be to be applied to this application

Initial comments from Highway Authority - 26th June 2017 - Observations:

I have visited the site and have the following concerns and observations The proposed layout does not provide sufficient details in terms of the connection of the new road to the existing. There currently exists a parking lay-by at the end of the existing road on the south eastern kerb edge. The proposed drawing indicates that the existing kerb edge will continue into the site and will nullify the lay-by this is not acceptable the existing lay by will need formal termination and the new road width aligned to the existing carriageway edge.

The Highway Authority will require details design of this section, In addition to which the Turning head appears to be insufficient for a refuse vehicle to turn and this should be shown with swept path analysis. The Highway Authority would also seek the provision of the footway from the site to the junction on the south eastern side currently verge. The Highway Authority would welcome a footpath leading to the playing fields as indicated in the application and this should be secured through the appropriate legal agreement.

Further comments from Highway Authority - 15th August 2017 - Observations:

The Highway Authority has viewed the revised drawings published on 14th August 2017. Drawings numbers BTC1702T-P01-P3; and P02 P2; are acceptable to the highway Authority And should be conditional of any consent. The Highway Authority proposed 3 conditions for consideration (6-8 as recommended)

ENVIRONMENTAL HEALTH - 19th June 2017 - Contaminated Land

There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/vulnerable land-use, in this case a proposed residential dwelling.

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

Air Quality - No objection

Environmental Permitting - N/A

Drainage - No objection

Noise & other nuisances - No objection

Housing Standards - No comments

Licensing - No comments
Food Hygiene - N/A
Private Water Supplies - N/A
Health and Safety - No objection to this proposal enforced by HSE

LEAD LOCAL FLOOD AUTHORITY - 25th August 2017 - Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The applicant has submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined. It is recommended that the following pre-commencement planning conditions are imposed on any approved permission:

1. 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. 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 Preliminary Drainage Layout (Drawing No. 0663-PDL-101-B, Rev. B, dated 26/07/2017)

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

2. 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.

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

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

DEVON COUNTY EDUCATION - 21st June 2017

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

The proposed 9 dwellings, will generate 2.25 additional primary pupils and 1.35 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 £30,717 (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: -

2 secondary pupils

£2.80 per day x 2 pupils x 190 academic days x 5 years = £5,320

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.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 8th June 2017 -

Housing Demand for Copplestone as of 01/06/2017

Housing Demand for Copplestone as of 01/06/2017

Bed Need	Band C	Band D	Band E	Grand Total
1	2	5	5	12
2			4	4
3	1	1	2	4
4	1		1	2
Grand Total	4	6	12	22

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues 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**

COR 17 / COR18:

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 9 houses and is not being proposed for 100% affordable housing.

Given that the site for 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 Core Strategy (Local Plan Part 1).

In terms of determining how much weight can be given to the fact the application site is not as a matter of principle 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, and therefore it would not be reasonable to automatically refuse the application because it is contrary to these policies and the requirements of Paragraph 14 of the National Planning Policy Framework (NPPF) are triggered.

The guidance in 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 Mid Devon Local Plan part 3 (Development Management Policies) which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The remaining sections of this report (2-6) 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.

Other Policies:

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 seek 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 Allocations and Infrastructure Development Plan Document (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.

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 9 dwellings across a gross site area of approximately 0.72 hectares.

The site is a well-defined area of pasture surrounded on all sides by established hedgerows. The western edge to the site defines the boundary with existing residential areas of the village, the southern boundary is with the primary school /playing field and recreation ground, which is densely wooded adjacent to the school grounds to the south but more sparse adjacent to the playing field/recreation ground. A drainage ditch runs along the length of the southern boundary. To the north is a continuous and well established hedgerow with open pasture further to the north and east.

The design and access statement confirms that the site was selected following a review of a number of development opportunities across the applicants land holding. The site is presented as an accessible and sustainable location where development can be carefully integrated within the village envelope without resulting in environmental harm and or damage and well placed in connection to the village facilities. An illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

The units are pulled away from the southern boundary to avoid overshadowing for future occupiers and damage to the existing hedgerow.

The plot dimensions, proportions and positioning of the buildings within the plot are generous attempting to reflect the principles of garden village design and avoid town cramming, providing sufficient space to accommodate generous rear gardens in order to safeguard the common boundary with the school campus.

The new road is indicated with a hammer head for vehicle turning and while currently there is no policy for further growth to the village the masterplan does not prohibit this possibility in the long term.

In the south west corner of the site it is proposed to accommodate an open attenuation basin set within a defined open space area.

All existing hedgerows are to be retained with grassland corridors immediately adjacent to maintain existing habitats, with the exception of the western boundary.

The inclusion for pedestrian link to and from the primary school and the playing field /recreation ground is also shown.

The layout safeguards all mature trees during the construction and operational phases of the development.

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, however it seeks to demonstrate what the physical impacts of the development would be on the site and the wider locality.

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 detailed description of the characteristics of this type of landscape is set out in the aforementioned document.

The site displays a number of the characteristics that you would expect to see given its pastoral use and it's location on the edge of the settlement boundary of the village. Although the appearance of the site would change, it is considered that the development of the site for a limited number of 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 short footpath link to the School campus. Given the local context the visual impact will be restricted to a local impact and sitting as an extension to the existing Sunnymead housing estate.

The level of development equates to approximately 8 dwellings per hectare.

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 which is overviewed above it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 9 dwellings) 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 within a courtyard type arrangement would not be 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 as follows. The site is directly adjacent to the village boundary, with the school site located to the south, adjacent to the full length of the application site boundary.

Pedestrian access from the site to the village school and recreation ground could be facilitated directly from the site. Pedestrian access to the village shop, pub and train station would be achievable without passing over the busy A377.

From a more regional point of view there are reasonably frequent bus and train services from the village and serving Exeter, Crediton North Tawton and Oakhampton.

Given the fairly modest level of development proposed, and based on traffic generation data, the predicted additional traffic arising from the development would should not exceed 9 additional vehicular trips in the am or pm peak. Given the predicted low levels of additional traffic no objections are raised by the Highway Authority on capacity or highway safety grounds grounds. Finally it is noted that the position of the new access into the site has moved in order to protect the existing parking area for existing residents.

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 £39,906.00 to be provided towards supporting initiatives to manage air quality (see also section below).

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. In addition a pedestrian link to the primary school is achievable from within the site with safe and convenient pedestrian access to other village services from the site. On this basis the proposals are considered to be in accordance with policies COR9.

4. Affordable housing provision and Section 106 matters

Given the quantum of development proposed, the policy requirement (following guidance issued at national level) is for the applicant to make a financial contribution towards off site delivery. The applicant has agreed to this. The scope of off- site education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters is also agreed. 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 and the applicant has also agreed to these payments as summarised in the recommendation section at the start of this report. If planning permission is granted the detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report.

In terms of the off- site contributions members will note in lieu of open space to be delivered on site the contributions is to be used to assist with the delivery of the facilities at the sports and re recreation adjacent to the site. In addition given that the delivery off these facilities will reduce the number of journeys to other sports and recreation facilities elsewhere in the district (ie to Crediton Sports centre) it is recommended that the air quality contribution in this instance can also be directed to delivering these facilities. In addition to mitigating the impacts of the development proposed the delivery and improvement of these facilities will be of benefit to wider community in Copplestone.

5. Other Matters

Contaminated Land Issues: As stated above if planning permission was granted at this outline stage a phase1 assessment would be required in advance of any reserved matters submissions, which would be required to include mitigation strategies in the event that any contamination is found. Given the historic use this is considered an acceptable approach.

Flood Risk Issues: Storm water run-off generated by the proposed development will be intercepted by a new storm network and conveyed to a retention basin located down slope of the site close to the site entrance on the western boundary, as shown on the plans. The technical details of it (size and control mechanisms) can ensure that the run off is no greater than the green field run off rates, plus an addition allowance for climate change. The Lead Flood Authority has recommended a number of conditions to ensure that the framework that has been submitted for can be progressed through to detailed scheme in an acceptable manner.

Ecological Impacts: The applicant has submitted information regards the quality of the trees across the site and has proposed a masterplan for the detailed development phases which retains all existing trees. Clearly the application scheme will have an impact on the ecological value of the site resulting in the loss of approximately 0.75 ha of improved grassland and a section of hedgerow at the west boundary to create the access point. Survey work to determine the extent of the ecological value of the site has been undertaken as summarised in report prepared an Ecologist. The survey work did not uncover any bat roosts across the site and/or locations for nesting birds but it is likely that birds and bats use this site as a movement corridor. The site hedgerows were surveyed for dormice and their presence was evident. The report includes a series of recommendations to manage the site's development in order to minimise the impact of and development on its ecological value.

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, and the recommendations outlined in the report will be secured by condition. Furthermore it is noted that no objections have been raised from Natural England.

Heritage Impact: Given the site location the application proposals raises no heritage impacts which require further investigation and analysis.

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 and the facilities that are within the village given the growth that has occurred in recent years and the planned growth that has now been permitted on the Old Abattoir for an additional 40 house adjacent to the Shambles housing estate and under LPA ref: 16/01888/MOUT.

Of concern (to those responding to this application) in terms of the existing facilities is how the village school would accommodate any additional pupil places. However given the relatively modest amount of new development that is proposed the County Council education department has confirmed in it's consultation response that up to an additional 3 primary places at the primary school would be required to serve the development and up to 2 secondary school places. With regards to the impact on the Primary School, the school is a popular one form intake and has historically operated close to capacity (Capacity is 210 with 199 pupils currently on the roll). Therefore in addition to the planned and permitted planned development at the Old Abattoir site a further 13 spaces would need to be provided. This would be equal to the provision of an additional 2 pupils per year group across the school roll. The applicant has agreed to make a contribution towards to 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, as was the case with the scheme at the Old Abbatoir site.

Although some local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority are required to apply in the determination of planning applications such as this case the applicant has agreed as part to meet the requirements of this guidance and the specific advice that they have provided regards the determination of this application.

The applicant has agreed to make a reasonably significant contribution towards (approximately £50,000) facilities off site which could be used to assist the delivery of the sports village / community centre building which is to be delivered on the existing recreation ground adjacent to this application site. The lack of facilities and community meeting spaces in the village is a matter that has been raised by local stakeholders in response to the local consultation undertaken on this application.

The other local matter that has been raised is the fact that this application is on land outside of the Copplestone Village boundary and should therefore be refused planning permission as was the application for 60 houses on the Dulings farm site (LPA ref: 16/00924/MOUT) following a recent planning appeal. The following section of this report completes the planning balance for this application, but there are clear differences between this application and the scheme on the Dulings site as summarised below under the three main headings as set out.

1. Land use issues: This application proposes a low density modest development (of 0.7 ha as opposed to a major site specific scheme 3.8 ha Dulings). In terms of the grade of agricultural land the site is less valuable.
2. Visual and Landscape character impacts :From a visual impact point of view this low density scheme will sit more comfortably with the existing built form of the village flanked by the Primary school campus to the south, thus not presenting as intrusively within the rural landscape/countryside /edge of village setting.
3. Environmental Impacts: The existing trees, softscape and hedgerows to the site boundaries will be largely unaffected with only the hedgerow on the western boundary to be removed and partially replaced to accommodate the new access arrangements. No surface water management concerns are raised.

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. Therefore if the Bonus continues to be paid for 5 years this development would generate £46,260.00.

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, is capable of having being met by this application proposal.

The application is for a modest scheme of 9 houses and will assist the delivery of affordable housing off site both of which are considered to represent an economic and social benefit. 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 and towards the education facilities that would be required at the Village primary school and the secondary school in Crediton.

Within the community 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.

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 it's neighbours and the site's context just beyond the existing village settlement boundary. A pedestrian link is proposed as part of the application scheme that will form a short direct link back to Bewsley Hill, and importantly provide an off road direct route to the primary school and the Village recreation ground.

In summary 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. These benefits of the application have been summarised above and are all considered to carry some weight in the decision making process.

Therefore in conclusion and notwithstanding that there is no policy support for the application scheme by COR17/COR18 it is considered by officers that on balance a case could be made to support this application proposal, and therefore a recommendation for approval subject to the completion of legal agreement under Section 106 of Act to cover the matters as set out above and conditions is proposed for consideration by Members.

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 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: all 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 occupation of the development shall take place on site until the off-site highway works for the provision of a footway to the south side of Sunnymead, and an extended area parking provision as set on Bellamy Transport Consultancy drawing P-02 have been designed, approved in writing by the Local Planning Authority and have been constructed and made available for use.
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. 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 cul-de-sac carriageway including the vehicle turning head 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. 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.

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 Preliminary Drainage Layout (Drawing No. 0663-PDL-101-B, Rev. B, dated 26/07/2017).

10. 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. Such arrangements shall be in accordance with the approved details.
11. 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, approved in writing by, the Local Planning Authority and installed in accordance with the approved details. 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.
12. The development shall take place only in accordance with the recommendations in section 4 of the Ecological Appraisal Report dated May 2017 prepared by Richard Green Ecology.
13. Prior to the commencement of any development a Phase 1 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 submitted and approved in writing by 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 13 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, submitted to and 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 Country Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, 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 surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in order 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).
10. 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 Part 3 (Development Management Policies).
11. 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 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 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, contributions towards the delivery of affordable housing off site, 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 and/or 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 and, education facilities off -site 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.

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Agenda Item 9

29th November 2017

Application No. 17/00910/FULL

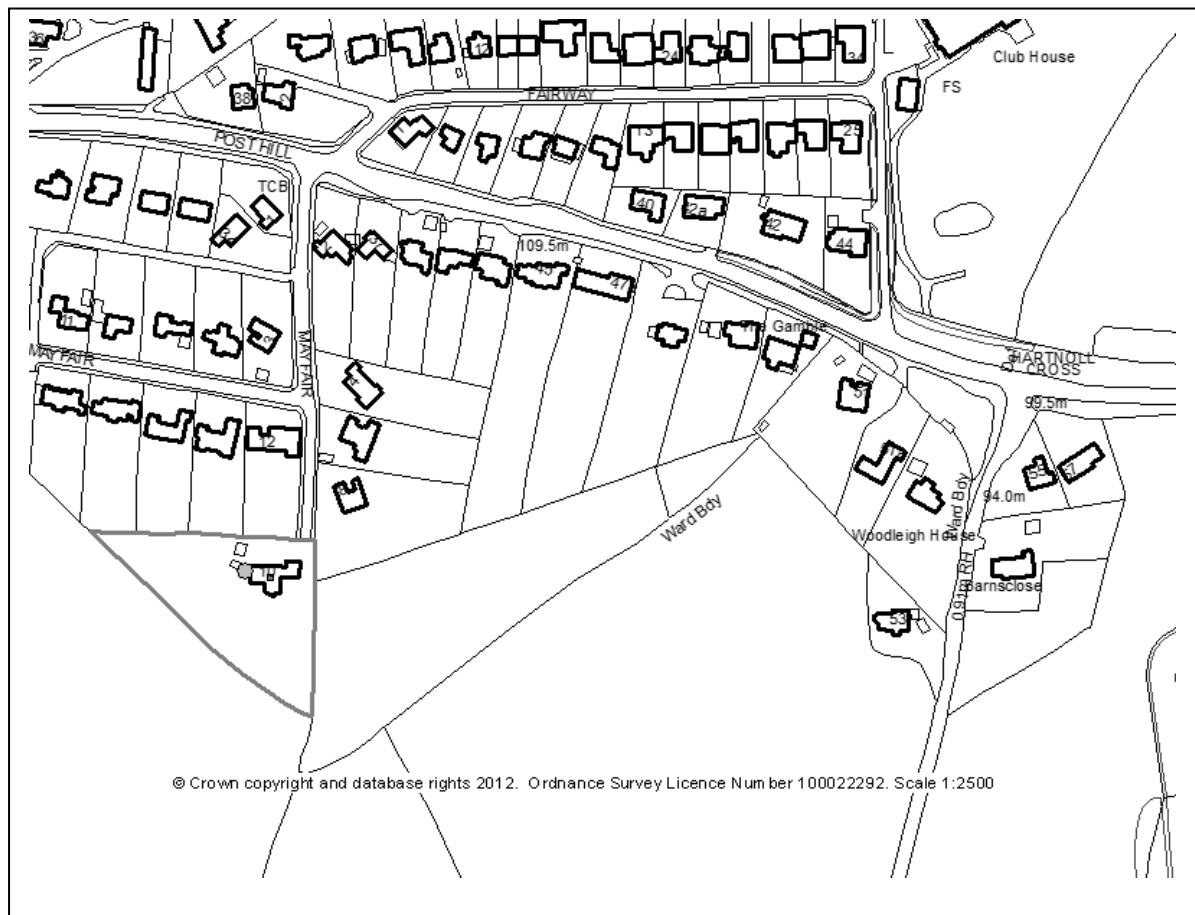
Grid Ref: 298625 : 113083

Applicant: Mr O Leighton-Boyce

Location: 10 Mayfair
Tiverton
Devon
EX16 4NQ

Proposal: Erection of 5 dwellings and alterations to existing bungalow and erection of garage

Date Valid: 14th June 2017



Application No. 17/00910/FULL

PLANNING WORKING GROUP – 15 November 2017

Application 17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and the erection of garage – 10 Mayfair, Tiverton

There were 6 Members of Planning Working Group present.

Also present – the agent, an objector and a representative from the Highways Authority

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

- The access
- Whether the proposal was deemed to be overdevelopment of the site
- The design and height of the proposed dwellings
- The impact of the development in relation to existing properties
- Whether the screening proposed was sufficient.

The Area Planning Officer outlined the application, that of the proposal for 5 dwellings at the site of 10 Mayfair, Tiverton, with the bungalow being retained with some changes. She highlighted the existing access, which was proposed to be widened and adopted which would allow bin collection to take place on site rather than at the end of the drive (as previously indicated), the group of trees that would remain and the landscaping proposals. She explained that Cabinet on 26 October 2017 had resolved that subject to acceptable planning impacts, alternative access arrangements into Area B of the Tiverton Eastern Urban Extension may be considered that did not include Mayfair and / or Manley Lane / Post Hill Junction.

The Group moved onto the site, the access to No 8 Mayfair was identified, as was the annex to No 10 which would be demolished (but with retention of the inner hall) to allow for the access into the proposed dwellings the location of which was identified on the plan. Consideration was given to the height of the proposed dwellings in relation to the existing houses in Mayfair. Walking across the lawn the area for plots 4 and 5 were identified (these areas had been marked out). The turning head adjacent to numbers 14 and 16 Mayfair was identified as were the distances between No 14 and Plot 4 being 58.6 metres and No 16 and Plot 5 being 52 metres. The landscaping proposed adjacent to plot 5 and the existing boundaries of 14 and 16 Mayfair were identified. It was suggested at this point that a condition would be added regarding the submission of a landscaping plan. With regard to the height of the proposed dwellings (Plots 4 and 5) and taking account of changes in ground level, Plot 5 would be 2.35 metres higher than 16 Mayfair.

The Group having viewed any impact from the development site moved to No 14 Mayfair, where from the upstairs bedroom they viewed the proposal. The objector stated that her main concerns were that of overlooking and privacy issues, all the bungalows in Mayfair had been built with the living rooms at the back and all residents enjoyed their privacy, the proposed development would be a total change to the way that they lived. To sit either in the garden or on the balcony, you would be looking at 3 dwellings and the side of a 4th. The density of the houses exceeded those already built in Mayfair, particularly because they were proposed for the corner of the garden of 10 Mayfair.

The Group then visited the garden of No 16 Mayfair to consider the proposal.

Returning to the access to the site, the agent addressed the Group and informed them that the Highway Authority had no objection to the proposal, the density proposed was 13.5 dwellings per hectare which reflected the character of Mayfair, this was a lower density than the standard outlined in the Core Strategy and a lot lower than the proposed Area B of the Eastern Urban Extension. With regard to height and design, the proposed dwellings would have a traditional suburban design, Plot 5 would be taller than No 16 however they were 50 metres apart and No 14 was already taller than No 16. He highlighted the 21 metre reserve that planners would use on new developments. With regard

to screening issues, there would be an additional condition with regard to landscaping and the applicant was willing to provide heavier standards trees than the ones proposed.

Members considered the reasons for the site visit and agreed that they had looked at all the issues.

The Area Planning Officer was requested to provide information with regard to density on the site for the next meeting

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

RECOMMENDATION

Grant permission subject to conditions and the signing of a S106 agreement to secure a financial contribution of £7,210 towards off site public open space, grant planning permission subject to conditions.

COUNCILLOR COLIN SLADE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

The number of objection letters received on the application.

PROPOSED DEVELOPMENT

This full planning application is for the construction of five, two storey, dwellings.

The site lies to the south of Post Hill - a principle route into Tiverton. The northern edge of this triangular site is bounded by 4 properties (No's 12, 14, 16 and 18) forming part of Mayfair. Each dwelling is located within a generous sized plot. No. 14 lies closest to the application boundary but maintains a distance of 38m from it. The remaining boundaries of the site adjoin open countryside. This area of open countryside forms part of the Tiverton Eastern Urban Extension (EUE), the area known as 'Area B'. Area B lies within the settlement limit of Tiverton.

The private drive serving the application site gives access to two further properties (No's 6 and 8 Mayfair). The south eastern corner of the site is occupied by a number of mixed woodland trees. However, these do not form part of the application site.

The application now submitted is for the retention of the existing bungalow and inner hall of the annex and construction of 5 dwellings. The five proposed dwellings are located towards the southern boundary of the site. Access will be retained from the existing private drive. It will sweep into the site terminating in a turning head towards the northern boundary of the site. Each dwelling will have at least 2 dedicated parking spaces.

Revised drawings have been provided throughout the course of the application process. Members of the public have been formally notified of those changes and given the opportunity to comment.

APPLICANT'S SUPPORTING INFORMATION

Preliminary Ecological Appraisal
Covering letter and additional information with Amended Plan (relating to existing dwelling)
Design and Access Statement

PLANNING HISTORY

88/01893/FULL - PERMIT (September 1988) - Conversion of garage and store into granny annexe

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness

COR9 - Access
COR12 - Development Focus
COR13 - Tiverton

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

AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision

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

CONSULTATIONS

ENVIRONMENTAL HEALTH (19.06.17): The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Should planning consent be forthcoming, a condition should be attached.

HIGHWAY AUTHORITY (20.07.17): The applicant has submitted an amended plan which remains illustrative only but is sufficient to demonstrate that the access is suitable to serve the 5 dwellings applied for. There will need to be minor amendments to improve alignment and tactile paving, furthermore the drainage details are yet to be submitted and approved all of which are conditional as a pre commencement condition for approval. Therefore the Highway Authority is happy to remove its holding refusal and recommend that should consent be granted, subject to conditions.

TIVERTON TOWN COUNCIL (04.07.17): Tiverton Council feels that this proposal is over development on a very narrow lane. We also note that any development above 4 should have included affordable housing, which this application does not seek to do. For these reasons the council cannot support the application and recommends refusal.

ARCHAEOLOGY (04.07.17): The proposed development lies in an area of known archaeological potential. The field just to the south-west of the site has evidence of a Prehistoric or Romano-British field system and the field adjacent to this has recorded a dense scatter of worked flint and a circular feature, also thought to be associated with prehistoric activity, this field is locally listed. In the nearby surrounding landscape, flint artefact scatters and a Palaeolithic hand axe has also been recorded. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in the 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 be granted subject to a condition.

REPRESENTATIONS

28 individuals have submitted comments which are summarised as follows:

1. This appears a high density of development to be accessed off a narrow lane.
2. Access from the main highway is already difficult due to un-restricted parking on both sides of the road. An additional 16 car spaces represents a significant increase in traffic.
3. The height of the proposed dwellings does not represent the height of those neighbouring. It is not in keeping.
4. Property deeds (covenant) indicate that no new houses (or any permanent structure) can be built on the plots in Mayfair - to protect the quality of development, character and density of

- the neighbourhood. If the owner of No. 10 has requested the covenant to be lifted, the Mayfair residents have not been consulted.
5. The number of houses proposed is not in keeping with the neighbourhood and is overdevelopment. This proposal would set a precedent
 6. The proposed layout and 'bunching' of properties to one side of the site is as a result of the possibility of an access route into Area B of the Tiverton EUE.
 7. The site is on a prominent ridge when viewed from surrounding countryside and the canal. The principle of low rise, low density bungalow development has been established. Two storey development is not sensitive to the location. Two storey development may be more appropriate further down the hill via development on Area B but with the retention of a green buffer to existing properties.
 8. A sewerage pumping station will be required because the plot slopes away from the main rise in Post Hill. This is not acceptable.
 9. The additional dwellings would represent a 500% increase in traffic movement, noise and pollution along a private lane. This also raises safety concerns with limited visibility from private drives.
 10. Where will surface water be directed?
 11. The development of 5 dwellings creates a loss of privacy for No's 12; 14; 16 & 18. The proposed properties will be overbearing and over shadow existing properties.
 12. The proposal is premature to the adopted EUE Masterplan.
 13. Access to these 5 properties should come from Area B
 14. Mayfair has insufficient community amenities to accommodate these properties until Area A of the Tiverton EUE is developed.
 15. Can it be confirmed that the proposal to put access through No. 10 for future (Area B) development has nothing to do with the sympathetic treatment the developer is receiving?
 16. The private drive has insufficient width to allow two vehicles to pass. It will impede existing users to enter and exit their properties. It is not suitable for the extra traffic from 5 new dwellings or for construction vehicles.
 17. The pre application enquiry identifying access to serve the future development of Area B across this site is alarming and in conflict with the Adopted Planning policy. The WYG report identifies 6 trees for removal. This will have a negative impact on wildlife.
 18. Bungalows would be more in keeping.
 19. Water runoff is a concern as the road way is above front gardens.
 20. No. 8 bounds the private drive to No. 10. The deed title indicates that No. 8 has 'rights for all purposes' along the length of the drive. The proposal presents possible interference with No. 8 and associated legal rights.
 21. This development will set a precedent for Area B of the Tiverton EUE - over development at the detriment of the environment.
 22. The increase in traffic presents a danger at the Mayfair / Post Hill road junction.
 23. The private drive would not be of sufficient size for vehicles associated with the emergency services.
 24. The proposal does not comply with Policy DM1 - understanding the characteristics of the site and its wider context or the principles of the Adopted TIV EUE Masterplan.
 25. Why is no bat survey provided?
 26. Noting the pressure to deliver the Tiverton EUE, it is hoped that a compromise is not reached on this site that facilitates access into Area B over the interests of good sustainable planning.
 27. The applicant intends to retain part of the building, initially proposed for demolition. How will the new access and footpath circumnavigate the retained building?
 28. How can the Inner Hall of the Annexe be retained when the rest of the Annexe is to be demolished?

Following the receipt of revised drawings additional objections have been received:

1. There may be the intention that the private drive serving the proposed 5 dwellings will serve the building of 475 houses on Area B at a future date. The residents of Mayfair are opposed to this and the impact this will have on the existing community.
2. The revised plan concentrates properties to the west of the site, allowing a road to be built for further development. The proposal sets a precedent without any consideration for cycle paths, schools or other amenities.
3. If the proposed development incorporated No 10 there could be a larger buffer zone between

- the proposed development and the existing dwellings.
4. One storey properties would have less impact on existing properties. The design is out of keeping with the character of the area. 2 storey properties are out of keeping. There does not appear to be a reduction in height of 1.5m.
 5. Is there an informal agreement that access into Area B should go through No. 10?
 6. Important to the application is that no access into Area B should be allowed in the future.
 7. The proposal represents over development. The layout is ill conceived. It does not comply with Policy DM1. The green buffer has not been increased.
 8. The proposal would create more traffic and resulting pollution.
 9. The revised plans provide little and superficial change. The concerns of neighbours have not been taken into consideration.
 10. Does access to Area B form part of this application?
 11. The historic hedge boundaries should be retained.
 12. Changes made to the plans are superficial.
 13. Members of the planning committee should visit the application site.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy and procedure**
2. **Highway safety**
3. **Detailed design and layout / Amenity of neighbouring residents**
4. **Social Infrastructure and services - affordable housing provision, sewage, water.**
5. **Ecology**
6. **Other Matters**

1. Policy and Procedure - relationship with Area B

It is acknowledged that this site adjoins Area B of the Tiverton EUE and that a period of public consultation has recently closed regarding Area B of the EUE in which the suitability of access through this application site into Area B was considered. However, this is an application for 5 dwellings with vehicular access to serve them. Whilst the wider context of the EUE requires acknowledgement this application requires consideration on the basis by which it has been submitted - an application for 5 dwellings.

A number of comments have been received referencing Area B - that this proposal is premature to the Adopted Area B Masterplan; that the design and layout is a response to a future need for access into Area B. This site does not form part of the EUE. Whilst the wider context of the EUE is acknowledged, and access into Area B through this site does not form part of adopted policy (including the Adopted Masterplan), this application requires assessment on the basis of the application submitted. A further comment received, seeks access to the 5 properties from Area B. However, as detailed above, the application requires assessment on the basis of the information provided. Area B does not form part of this application site. It lies within the settlement limit of Tiverton. It would be unreasonable to require access to come from Area B if the site can suitably accommodate access for an additional 5 dwellings from Mayfair.

On the basis of the information provided, the proposal is in accordance with Policies COR1 [Sustainable Communities], COR12 [Development Focus] and COR13 [Tiverton] of the Core Strategy and Policy DM1 [Presumption in Favour of Sustainable Development] of the Local Plan Part 3.

2. Highway Safety

The Highway Authority has no objection to the proposal in principle, being satisfied that, subject to the imposition of a condition requiring approval of details, the proposal is able to accommodate the capacity proposed. Concern has been raised through the consultation comments regarding the access from Post Hill, that it is already difficult due to un-restricted parking on both sides of the road. However, the Highway Authority is satisfied that this junction and those with private drives can accommodate the additional traffic associated with 5 dwellings including construction traffic and

emergency vehicles.

Based on the evidence provided, Officers do not consider the proposal will have an unacceptable impact on highway safety. The proposal makes provision of a pedestrian footpath and is therefore considered to be in accordance with Policy DM2d of the Local Plan Part 3 [Development Management Policies] that seeks safe and accessible places that encourage sustainable modes of travel such as walking and also in accordance with the National Planning Policy Framework in this respect.

3. Detailed Design and Layout/Amenity of Neighbouring Residents

Mayfair is characterised by detached buildings that sit comfortably within generous plots. It exhibits a suburban form of layout, with each property built to a consistent building line, with the principle point of access being taken from the main street. Those properties directly north of the application site are characterised by low rise buildings. However, low rise buildings are not the typical form throughout Mayfair with a good number of two storey buildings also being present. The attractive quality of Mayfair is presented through the generous plots that include mature planting [both within the front and rear gardens] and hedge boundaries that present a green streetscape. It is this quality that makes a significant contribution to the character of the area.

The proposal presented is accessed off the main street, by means of a private drive. The proposed dwellings, located to the rear of No's 12, 14, 16 and 18 will not be readily visible from the main street of Mayfair.

The design of the proposed units is traditional in form, exhibiting a limited palette of materials that complement those existing. Two parking spaces are provided with each dwelling in addition to a garage. Each dwelling meets the requirements of the National Space Standards. The proposed layout and design meets appropriate standards of design and amenity for existing and future occupiers in compliance with Policy DM14 [a to h] of Local Plan Part 3 [Development Management Policies]. The retention of the existing building is supported through Policy DM3 [Sustainable Design]. The small woodland on the south eastern edge of the site will be retained. This contributes to the character of the area including in long distance views. The 5 dwellings would be located on the southern boundary of the site, adjacent to the open countryside. This is beneficial in that the units are located the maximum possible distance from the neighbouring properties - limiting the potential for overlooking and loss of privacy.

The proposed layout of the scheme is constrained by the retention of the existing building and the triangular nature of the site. The relationship between dwellings, including the inclusion of balconies on the front elevation of units 1 and 3 is acceptable. Amendments to the scheme have ensured that Plot 5 no longer provides a balcony on the front elevation, thus overcoming concerns relating to overlooking and loss of privacy. In addition, the change in property type on Plot 5 has facilitated a deeper landscape buffer of 3.5m [an increase of approx. 1.7m]. The ridge height of No. 5 has also been reduced by 0.85m from 8.8m to 7.95m. Evidence has been provided by means of a height comparison between with existing property [No 14] and the proposed properties. Assuming a common ground level between No's 14 and 16, the ridge height of No 14 is 1.82m higher than No. 16 [No. 16 being the nearest existing property to those proposed]. The evidence submitted indicates that Plot No. 5 will be 1.33m higher than No. 14 [and approx. 3.15m higher than No.16]. However, in acknowledging differences in ground levels the true height difference between No 16 and Plot 5 will be some 2.24m.

Two storey properties are not uncommon within Mayfair although not reflecting those immediately bounding the site. However, the length of the rear gardens adjacent to the proposed properties [No. 16 at 42m and No. 14 at 38m] combined with the proposed layout ensures that the two storey dwellings would not be overbearing. It is noted that the shortest distance between the rear elevation of No. 14 and the front elevation of Plot 4 is some 56m and between the rear elevation of No. 16 and the side elevation of Plot 5 is some 50m. The plots to the proposed dwellings whilst not as generous as those existing make efficient use of land, whilst providing suitably sized gardens to accommodate family living. The density of development is acceptable.

Comments have been received relating to two storey properties being prominent on the ridge line. Long distant views of the site from Manley Lane and West Manley Lane can be achieved. However, in combination with the retained tree group and landscaping [required through a condition should planning consent be granted] the addition of five, two storey dwellings in this location, on the ridge, is not unacceptable. Similarly, glimpsed views from the Grand Western Canal and associated conservation area are not unacceptable.

More recent comments received have made reference to the possibility of the private drive serving the 5 dwellings being used to serve the building of 475 houses on Area B at a future date. A public consultation exercise on Area B of the Tiverton EUE was undertaken during June to July of this year. Consideration of a one way and two way access through Mayfair formed part of that consultation process. Local residents remain concerned that the layout presented through this application is capable of facilitating an access into Area B of the EUE. The triangular nature of the site, the location of the existing access and retention of the existing property has contributed to the layout presented. Whilst the wider context of the EUE is acknowledged, including the possibility of access into Area B through this site not forming part of adopted policy [including the Adopted Masterplan]; this application requires assessment on the basis of the application submitted. Similarly, no assurance can be provided through this application that no access will be provided into Area B through this site.

A number of comments have been received relating to covenants associated with the existing properties. This is a civil matter including any consultation, or lack of, that may have taken place with the local residents. Similarly, existing legal rights associated with access off the private drive are a civil matter.

Officers are satisfied that the proposal complies with Policy DM2 of the Local Plan Part 3 - that the proposal exhibits an understanding of the characteristics of the site and its wider context. Whilst not forming part of the Tiverton EUE, the scheme is not out of keeping with the principles of the Adopted Tiverton EUE Masterplan. Should planning consent be forthcoming it is recommended that a condition requiring full details of the landscaping be submitted for approval. Overall, subject to conditions, it is considered that the proposed development will preserve the street scene and is in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the Local plan Part 3 [Development Management Policies].

4. Social Infrastructure and services - affordable housing provision, sewage & water

A sewerage pumping station is identified within the scheme, adjacent to Plot 1. This will be the basis of discussions with the utility provider should planning consent be forthcoming. As regards to details of surface water it is recommended that a condition requiring full details is submitted for approval.

Concern has been expressed that there are insufficient community facilities to accommodate the proposed units until Area A of the Tiverton EUE is developed. The addition of 5 dwellings will not present an excessive burden on existing facilities including schools. Public transport is easily accessed to medical, shopping and leisure facilities located within the town centre.

A recent change in planning legislation [May 2016] indicates that Local Planning Authorities should only seek affordable housing contributions from developments of more than units. As such, affordable housing cannot be sought for this proposal of 5 units.

5. Ecology

The proposal included the demolition of the garage and annex. An extended Phase 1 Habitat Survey has been undertaken for the site including an assessment for bats and their roosting. Overall, the Ecological Appraisal outlines that the proposal would have a low to moderate impact on fauna and flora. A recommendation from the appraisal is for an endoscope survey of the weatherboarding on the gable end of the bungalow adjoining the annex building. It is now proposed that the inner hall of the Annex is to be retained. Confirmation received from the Ecologist indicates that as a result of this, additional survey work is not required. Similarly, a European Protected Species Licence is not required.

Concern has been expressed about the loss of five trees as a result of this proposal. In

acknowledging the retention of the larger group on the south eastern boundary and the retention of the hedge bank boundary, their loss is accepted. No breaches of the historic hedge banks are proposed through this application. As such, Officers are satisfied that the proposal complies with Policy DM2 [c] of the Local Plan Part 3 - relating to the contribution of biodiversity assets; the NPPF and Countryside and Wildlife Act.

The erection of five dwellings is in accordance with Policies COR1, COR2 and COR13 of the Core Strategy. Subject to conditions, the development is considered to be acceptable in terms of highway safety and the effect on the visual quality of the street scene and the effect on the amenity of neighbouring residents. The proposal is considered to comply with the relevant policies: COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy [LP1], AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan Document [LP2] and DM1, DM2, DM8 and DM14 of the Local Plan Part 3 [Development Management Policies].

6. Other Matters

The applicant has completed a deed under Section 106 of the Planning Acts to provide a contribution of £7,210.00 towards the creation of a new play area garden at Amory Park, Tiverton in accordance with policy AL/IN/3 [Public Open Space].

Each of the properties has a large curtilage and sufficient hardstanding area for bin storage.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
4. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
5. The proposed estate road, footways, 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.
6. 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

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
8. 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.
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out prior to the occupation of the development [or phases 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. The landscaping scheme shall be retained in accordance with the approved scheme.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] Order 2015 [as amended] [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling including an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk in accordance with Flood Management Act and in accordance with policy DM2 Local Plan Part 3 [Development Management Policies].
4. In the interests of public health and protection of the environment.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.
6. 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.
7. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework [2012] and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 [2013], that an appropriate record is made of archaeological evidence that may be affected by the development.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 [Development Management Policies].

9. To ensure the use of materials and detailing appropriate to the character and appearance of the building and boundary treatments in accordance with Mid Devon Core Strategy [Local Plan 1] policy COR2 and Local Plan Part 3: [Development Management Policies] DM2, DM14.
10. To safeguard the residential amenity of neighbouring residents in accordance with policy DM2 Local Plan Part 3 [Development Management Policies].

INFORMATIVE NOTE

1. This permission shall not constitute an approval of the layout plan No. A090871-Sk02 submitted with the application, because it has been treated as being for illustrative purposes only.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of five dwellings is in accordance with adopted planning policies. Subject to conditions, the development is considered to be acceptable in terms of highway safety, effect on the visual quality of the street scene and the effect on the amenity of neighbouring residents. The proposal is considered to comply with policies COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy [LP1], AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan Document [LP2] and DM1, DM2, DM3, DM8 and DM14 of the Local Plan Part 3 [Development Management Policies].

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. This report has 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.

Application No. 15/00108/MOUT

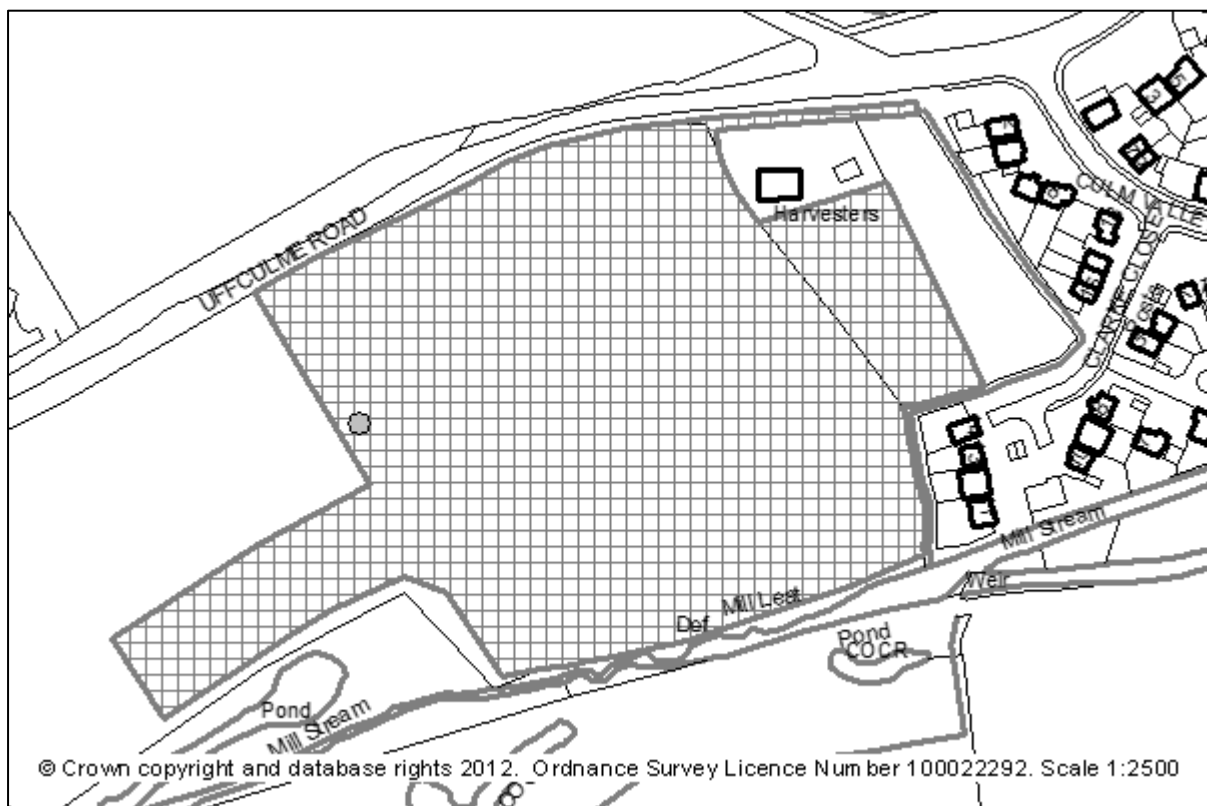
Grid Ref: 112080 : 305658

Applicant: DCH

Location: Land at NGR 305658
112080 (West of The
Harvesters) Uffculme
Road Uffculme Devon

Proposal: Revised S106 relating
to: Outline application
for up to 60 dwellings
with access onto
Uffculme Road, with
all other matters
reserved (APPEAL
ALLOWED WITH
CONDITIONS
11.04.16)

Date Valid: 27th January 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/00108/MOUT - OUTLINE APPLICATION FOR UP TO 60 DWELLINGS WITH ACCESS ONTO UFFCULME ROAD, WITH ALL OTHER MATTERS RESERVED (APPEAL ALLOWED WITH CONDITIONS 11.04.16) - LAND AT NGR 305658 112080 (WEST OF THE HARVESTERS) UFFCULME ROAD UFFCULME DEVON

Reason for Report:

Cllr Polly Colthorpe and Cllr Ray Radford have requested that this variation is considered by the Planning Committee in the interest of transparency.

RECOMMENDATION(S)

Grant permission to allow the replacement S106 agreement.

Relationship to Corporate Plan:

Provision of housing to include affordable housing.

Financial Implications:

None

Legal Implications:

Change to the original S106 agreement, replacing it with a new agreement.

Risk Assessment:

If this amendment isn't agreed, the residents of Uffculme will have no priority over the occupation of the affordable housing.

Consultation carried out with:

1. Chair of Planning Committee
2. Vice Chair of Planning Committee
3. Ward Member
4. Cabinet Member for Housing

1.0 PROPOSED DEVELOPMENT

- 1.1 An amended S106 primarily to allow Uffculme and Halberton residents to have joint priority in the affordable housing cascade and to reflect the single ownership of the site. The substitute S106 relates to the application 15/00108/MOUT: Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved (APPEAL ALLOWED WITH CONDITIONS 11.04.16).

2.0 APPLICANTS SUPPORTING INFORMATION

- 2.1 DRAFT S106

3.0 RELEVANT PLANNING HISTORY

- 3.1 15/00108/MOUT - REFUSE DATE 23RD APRIL 2015
OUTLINE APPLICATION FOR UP TO 60 DWELLINGS WITH ACCESS ONTO
UFFCULME ROAD, WITH ALL OTHER MATTERS RESERVED (APPEAL
ALLOWED WITH CONDITIONS 11.04.16)
- 3.2 17/00300/MOUT - REFUSE DATE 16TH JUNE 2017
OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND
PEDESTRIAN ACCESSES
- 3.3 (APPEAL ALLOWED 02.10.17)
17/00886/MOUT - WDN DATE 20TH SEPTEMBER 2017
OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND
PEDESTRIAN ACCESSES
- 3.4 17/01370/MARM - PCO DATE
RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS
- 3.5 14/01084/PREAPP - CLO DATE 18TH AUGUST 2014
PROTECT: ERECTION OF DWELLINGS
- 3.6 16/01253/PREAPP - CLO DATE 21ST OCTOBER 2016
PROTECT - PRE-APPLICATION RESERVED MATTERS ADVICE FOR THE
ERECTION OF 60 DWELLINGS

4.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

4.1 POLICY AND PROCEDURE

Policy COR1 relates to sustainable communities and seeks to meet the housing needs of all sectors of the community, including the provision of affordable housing. This is addressed more specifically in policy COR3 which concerns meeting housing needs, including a target of 30% affordable dwellings, and is also included in COR17 which concerns villages, including Uffculme.

The planning permission granted includes 35% affordable housing and is subject to a signed S106 agreement relating to amongst other things, the number and form of affordable housing, as well as the cascade for the allocation of the affordable housing. This request does not affect the ability to determine the live reserved matters application 17/01370/MARM. Subject to gaining reserved matters permission, the development could proceed in accordance with the existing approved S106.

The S106 is being replaced in this instance as the current agreement was signed by the previous owners when the site was not in a single ownership. Amending the agreement will allow the single ownership to also be reflected in the agreement, along with a revised cascade for the allocation of the affordable housing.

4.2 REASONS AND IMPACTS OF THE CHANGE TO THE AFFORDABLE HOUSING CASCADE

The current S106 agreement gives priority to the 'Parish' which in this case is Halberton. Despite the physical proximity of the development to the Uffculme, the proposal is not in the parish of Uffculme due to the current boundary arrangement. The cascade in the original S106 also includes residents in neighbouring parishes lower down in the priority scale, Uffculme is also omitted from the list of neighbouring parishes, but Halberton is included. Accordingly, it is reasonable to conclude that the original S106 assumes the parish is Uffculme.

However, in accordance with the current S106, Uffculme residents do not have priority over the occupation of the affordable dwellings, but would be included at the end of the cascade (under criterion 11 and 12) as Mid Devon residents and as Devon Home Choice applicants. Uffculme residents would only benefit from the affordable homes if the houses could not be filled by persons with greater priority (who meet criterion 1-10 of the agreed cascade).

The revised S106 agreement seeks to amend the cascade to give joint priority to the parishes of Uffculme and Halberton, so that residents in both can benefit from the affordable housing. Joint priority is considered appropriate in this instance due to the development being within the parish boundary of Halberton, but within close physical proximity of the village of Uffculme. The S106 also amends the ownership details to reflect the current ownership and in turn removes the restriction relating to the Harding land and removes the associated supplemental deed. In all other respects the S106 agreement reflects that previously agreed.

5.0 SUMMARY

- 5.1 The request vary the original agreement has been instigated by Council Officers and agreed by the applicants for the reserved matters application. The replacement S106 agreement will give joint priority over the affordable housing to the residents of Uffculme and Halberton. At present, the residents of Uffculme do not have priority, due to an error on the original S106 agreement. It is respectfully requested that Committee Members resolve to approve this amendment.

Contact for any more information

Hannah Cameron, Planning Officer
01884234218

Background Papers

N/A

File Reference

15/00108/MOUT; 17/01370/MARM

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

Application No. 17/01370/MARM

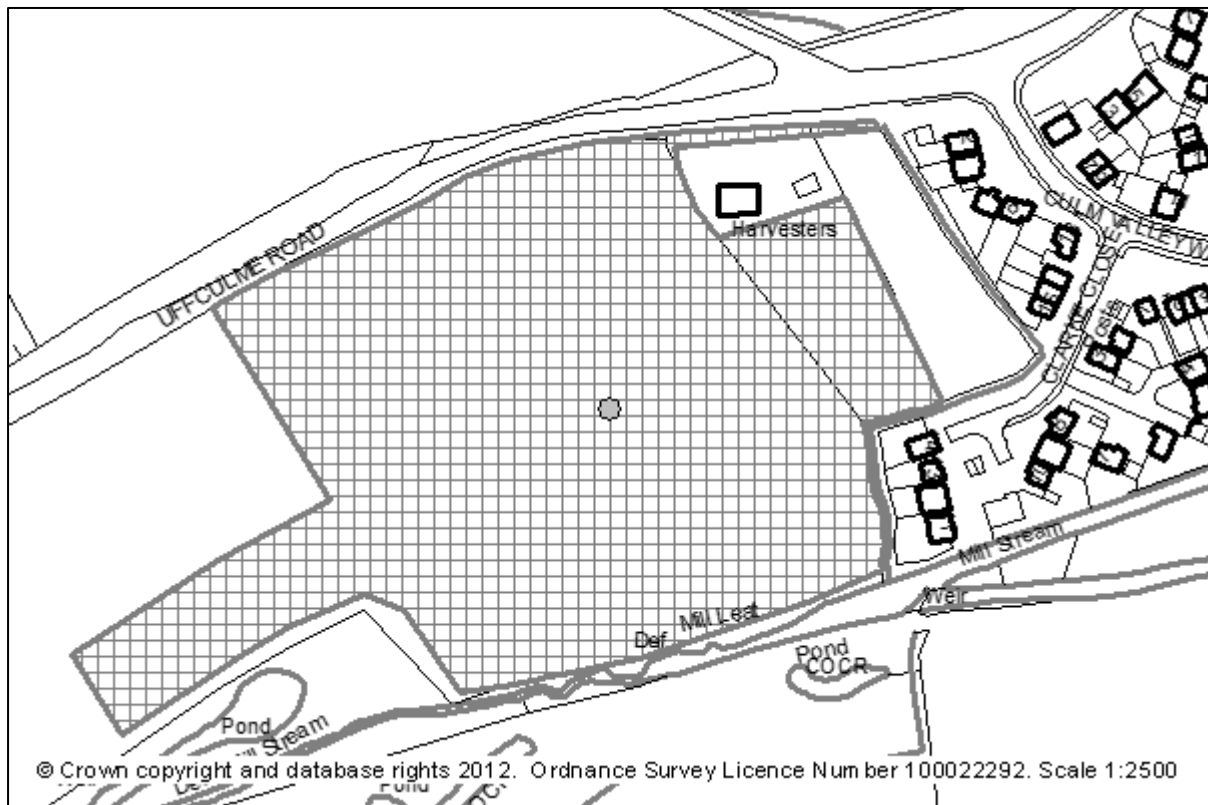
Grid Ref: 112080 : 305658

Applicant: DCH Group

Location: Land at NGR 305658
112080 (Harvesters)
Uffculme Devon

Proposal: Reserved matters for
the erection of 60
dwellings

Date Valid: 4th September 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/01370/MARM - RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS - LAND AT NGR 305658 112080 (HARVESTERS) UFFCULME DEVON

Reason for Report:

This is a major application that gained outline approval at appeal, the Planning Committee have requested that they consider the reserved matters application.

RECOMMENDATION(S)

Grant permission subject to conditions.

Relationship to Corporate Plan:

The provision of housing

Financial Implications:

Nil – however if members are minded to refuse the application there could be cost implications of defending an appeal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations.

Legal Implications:

Nil

Risk Assessment:

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

Consultation carried out with:

1. Uffculme Parish Council - 29th September 2017

Uffculme Parish Council has been very pleased to have worked with DCH and Consensus over the past few months in respect of the evolving planning application. The Council feels that the concerns raised by the Parish Council have been listened to and acted upon which is encouraging. The Council is also pleased that the application was sent to the Design Review Panel.

The Council supports in main the types and layout of houses and the use of footpaths throughout the site. The properties give a good selection of smaller, as well as larger houses and the use of 1-bedroom houses is a great attribute to the site. The Council has concerns about plot 5, the coach house, the Council feels that the risk of fire etc with the garages being below a dwelling, not with common ownership could present an issue. The mix and location of the shared ownership and rental properties will provide local residents an excellent opportunity. The Parish Council wishes the properties to be offered to residents who have had to relocate outside of the village due to housing prices, but are looking to relocate back to the village due to a village connection.

The Council has raised comments in respect of the properties not having chimneys - although we understand these will simply be provided for aesthetic reasons we feel that these should be considered, given the vast majority of properties in and around the village have chimneys.

The Council understands from the 'On Site Open Space Scheme and SUDS' the management of the site will remain DCH responsibility until 80% of the private dwellings are occupied, however at 5.3 it states the Management company must be fully established prior to the occupation of the final private dwelling. The Council wishes to ensure during the interim there is sufficient provision for maintenance for the site. The Council also wishes to ensure there is appropriate responsibility on the Management Company to adequately maintain the site. There are proposals in respect of maintenance schedules and we would require this to be sufficiently binding to ensure proper maintenance.

The Council is pleased with the large open green space at the bottom of the site. We feel this will add to the ecological diversity of the site and would promote the space to be left as open space, providing that suitable paths were mown for walking. In addition, the Council feels that the provision of at least one dog waste bin by the walk would be appropriate. The Council would like to see this area adequately managed to ensure appropriate habitats for wildlife and that any new saplings that do not survive the first few years to be replaced, as opposed to just removed.

The Council would like to see an off-road link to Langlands Business Park. We have concerns about residents walking along this stretch of road and the dangers this presents. The Council is pleased with the footpath link through to the village.

The Council understands that at present this land lies within the Parish Boundary of Halberton. However, as part of the permissions Uffculme Parish Council would like to see this parcel of land allocated to the Uffculme Parish. The Inspector, when granting outline permission on the site, made a number of references to the amenities within Uffculme and none of Halberton. Secondly the S.106 monies will be going to the Uffculme schools, we are not sure where the children would be expected to attend school.

The Parish Council would like to be involved in the naming of the roads within the site, along with Officers of the District Council.

2. Halberton Parish Council – 12th October 2017

The Council reiterates its previous comments regarding equipment within the green spaces and the need for a paved footpath between the site and Langlands Business Park. Following

an explanation from Ms Jenny Clifford, the Council is satisfied with the proposed distribution of affordable housing within the development.

13th September 2017 - Halberton Parish Council considered this application at their meeting on 12th September and has some initial comments (below) but may review the application again and submit further comments.

The Council wishes to see exercise equipment for adults and active play equipment for children included within the green spaces. It also wishes to see a paved footpath between the site and Langlands Business Park

3. Willand Parish Council – 13th November – No further comments.

2nd October 2017 - I am writing on behalf of Willand Parish Council with regard to the application in Halberton Parish for the erection of 60 dwellings at Harvesters. The Parish Council has not been formally consulted on this application but believe that it will impact on Willand as part of the local community.

The Council are writing to express concern on two aspects of the plan. Firstly, that the social housing element appears to be in two blocks rather than pepper potted which is thought to be policy.

Secondly to raise concerns about the parking provision for the social housing which is shown to be in a courtyard or at the rear of properties that are not over looked and could therefore encourage damage or anti-social behaviour. This is contrary to policy and normal advice from the police on preventing crime. The on-street parking areas shown on the plan are not supported by the Parish Council as this reduces road width and could cause problems for emergency vehicle access.

30th October 2017 - The Parish Council noted that some minor amendments had been made but that the concerns raised in their letter of 1 October 2017 do not seem to have been addressed.

These concerns regarding pepper potting of affordable housing and 'courtyard' parking still stand in spite of a diagram trying to show that the areas were in view.

It has also been brought to the Council's attention that there is a firework factory/store on the Langlands Business Park which may be of concern.

The minor amendments are not sufficient to make the Parish Council change its mind regarding the development.

4. Highway Authority – 6th and 14th November 2017

Generally happy with the amendments made, subject to conditions.

9th October 2017 - Observations:

The Highway Authority are generally happy with the design and layout submitted with this application, however there are a number of issues that need addressing and they can be addressed through the necessary legal agreement under the highways act, but the Local Planning Authority may wish to see the implications of the changes therefore the Highway Authority would raise the following observations;

1. There is some conflict on Drawing 16407-050rev A where annotation indicates that the surface water will be subject to a section 104 legal agreement with South West Water which is acceptable to the Highway Authority however the key indicates that the surface water will be adopted under section 38 of the Highway Act which would not be appropriate as private water is entering the system. The highway Authority would seek an amendment to the key to definitively show the drainage as adopted by SW Water. In addition no gullies have been shown on the drainage plan and the applicant will need to show these and suitable calculations as part of the drainage submission for Section 38 and given the shallow gradients may necessitate kerb details e.g. Beanie blocks.
2. Drawing 16407-003rev h. On road 1 and road 2 there is a 0.5m verge proposed around the open space, The Highway Authority would require any verge which it is expected to maintain to be a minimum of 1.0 m if in grass otherwise it should be in a hard material, in addition where a street light is sited there should be a minimum adoptable area of 1.0 m by 1.0m for services and installation with a 500 mm collar to aid grass cutting. The Lighting design will need to be approved by the Highway Authority and details design calculations will need to be submitted, however the Highway Authority will provide the appropriate design and specification at section 38 stage.
3. On the same plan Visibility to plot 42 will need to cross the frontage of the property and suitable covenants to prevent obstruction should be incorporated into ant deeds and the splays should be annotated on the drawing for avoidance of doubt, the remaining verges should also comply with the observation above.
4. At road 6 there is a build out which has two trees shown these should be removed particularly given the appeal consent for the adjoining site and replaced by shrubs with a mature height not exceeding 600mm.
5. Plots 38 and 39 visibility splays are required to be shown over the frontages for conditioning as will plot 41.
6. The Section 278 works are generally acceptable but will be subject to stage 2 safety audits and section 278/38 approvals.

The Local Planning Authority will be aware of the budgetary constraints on the Highway Authority and may wish to consider the inclusion of all grass verges and planting within the adoptable elements of the scheme as part of the open space management plan and there maintenance responsibility retained by the management company.

Therefore subject to the amendments to the drawing which can be considered at Section 38 submission stage the following conditions should be imposed.

5. **DCC Lead Local Flood Authority** – 9th November 2017

9th November 2017 - Further to the submission of the Construction Management Plan (Surface Water) (Ref: 16.407, dated November 2017) I can confirm that this removes the need to have the proposed pre-commencement condition in our recent consultation.

6th November 2017 - Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, provided that a pre-commencement condition is imposed relating to a construction surface water management plan.

The proposed surface water drainage strategy presented within Drawing No. 16407-050-B (13/10/2017) is acceptable and represents a betterment over the previously approved Flood Risk Assessment (Ref 0752, dated 04/12/2014); in which discharge rates have been significantly reduced.

6. **DCC Archaeology** – 5th September 2017 – the archaeological investigations are complete on site and no further mitigation is required.

7. **MDDC Tree Officer** – The site layout takes account of the existing mature and veteran trees on site. Adequate RPZs are provided in accordance with BS 5837:2012. Whilst ideally there would be no hard surfacing within the RPZs of any trees, the rearrangement of the path does insure that it is outside of the RPZ of T9 and the constriction details are provided. The arboricultural method statement must be conditioned and an arboricultural consultant must oversee and sign off the works.

8. **South West Water** – 15th September 2017 – Standard comment in relation to asset protection. Request a condition in relation to foul drainage that no other form of drainage shall be connected to the public foul or combines sewer. Surface water should be discharged as high up the hierarchy of drainage options as reasonably practicable, with discharge into the ground as the preferred method.

9. **Devon and Cornwall Police** – 14th of September 2017 - A key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. The seven attributes of Crime Prevention Through Environmental Design (CPTED) are access and movement; structure; surveillance; sense of ownership; physical protection, and; places with human activity. The physical security element should not be overlooked, including the PAS standards for windows and doors.

All rear boundary treatments should be a minimum of 1.8 metres high and be solid and robust to prevent being breached, but topography can impact on the need and suitability of boundary treatments. Close boarded fences or walls appropriate. 1.5m fencing with 0.3m trellis is acceptable to give more surveillance. Trees should be crown lifted to 2 metres when mature and shrubbery should not exceed 1 metre to ensure surveillance on approach by foot or vehicle. Ideally hedges should not act as a boundary treatment due to maintenance issues and potential conflict with neighbours. Cannot support parking courts which have little or no surveillance from active rooms, 1.5 metre boundaries with 0.3 metre trellis should be incorporated to increase surveillance.

Knee rail should be extended around visitor spaces. Front and side boundaries should be used to clearly define public and private space. The general layout proposed would appear to provide both active frontages and good overlooking to the new internal streets which is

welcome. The use of back to back gardens in some parts is also noted and supported. Assume development will be adopted.

10. **Environment Agency** – Revised comments to be provided as an update.

11. **Natural England** – 14th September 2017 – No comment.

12. **Environmental Health** – 18th of September 2017 - Having reviewed the additional investigation reports I can confirm we have no further recommended requirements in respect of contaminated land.

14th September 2017 - Contaminated land - Air quality - No relevant reserved matters.

Environmental permitting - N/a. Drainage - The submitted Sewer Capacity Assessment is noted and recommended for approval in respect of Condition 12 of the outline permission.

Noise and other nuisances - The submitted Construction Environment Management Plan (CEMP) is noted and recommended for approval in respect of Condition 8 of the outline permission. Housing standards - No comments. Licensing - No comments. Food hygiene - N/a. Private water supplies - N/a. Health and safety - No objection - enforced by HSE.

1.0 PROPOSED DEVELOPMENT

- 1.1 Reserved matters for the erection of 60 dwellings at Land at NGR 305658 112080 (Harvesters), Uffculme. This application follows the approval at appeal of the outline permission 15/00108/MOUT, access was determined under the outline application. This application seeks approval for following reserved matters: Appearance, landscaping, layout and scale. The application also seeks to discharge pre-commencement conditions: 6, 8, 9, 10, 11, and 12 of the outline permission. The conditions relate to: surface water drainage scheme [6], construction management plan [8], programme of archaeological works [9]; arboricultural method statement and tree protection plan [10], highways infrastructure details [11], foul sewage capacity details [12].

2.0 PLANNING HISTORY

- 2.1 15/00108/MOUT - REFUSE DATE 23RD APRIL 2015
2.2 OUTLINE APPLICATION FOR UP TO 60 DWELLINGS WITH ACCESS ONTO UFFCULME ROAD, WITH ALL OTHER MATTERS RESERVED (APPEAL ALLOWED WITH CONDITIONS 11.04.16)
2.3 17/00300/MOUT - REFUSE DATE 16TH JUNE 2017
2.4 OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND PEDESTRIAN ACCESSES
2.5 (APPEAL ALLOWED 02.10.17)
2.6 17/00886/MOUT - WDN DATE 20TH SEPTEMBER 2017
2.7 OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND PEDESTRIAN ACCESSES
2.8 17/01370/MARM - PCO DATE
2.9 RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS
2.10 14/01084/PREAPP - CLO DATE 18TH AUGUST 2014
2.11 PROTECT: ERECTION OF DWELLINGS
2.12 16/01253/PREAPP - CLO DATE 21ST OCTOBER 2016
2.13 PROTECT - PRE-APPLICATION RESERVED MATTERS ADVICE FOR THE ERECTION OF 60 DWELLINGS

3.0 APPLICANTS SUPPORTING INFORMATION

- 3.1 Affordable Housing Scheme
- 3.2 Arboricultural Impact Assessment
- 3.3 Archaeological Report
- 3.4 Construction Environment Management Plan
- 3.5 Construction Management Plan (Surface Water)
- 3.6 Design and Access Statement
- 3.7 Drainage and SUDS Maintenance Plan
- 3.8 Highway Construction Details
- 3.9 Letters
- 3.10 Micro Drainage 100yr Results
- 3.11 On site open space scheme and SUDS
- 3.12 Phase 2 Bat Survey
- 3.13 Planning Statement
- 3.14 Plans
- 3.15 Proposed Materials
- 3.16 Sewer Capacity Assessment
- 3.17 Soft Landscaping
- 3.18 Statement of Community Involvement
- 3.19 Tree Protection Signs
- 3.20 Waste Audit Statement
- 3.21 Wildlife Survey

4.0 REPRESENTATIONS

Four letters of objection and one neutral representation have been received in conjunction with this application, they are summarised as follows:

1. The development is on a flood plain. Concern over the surface water drainage and increased flood risk to existing properties.
2. Question if there are plans to reroute the road to make egress from the site safer?
3. Very few school spaces at local schools, are there plans to increase the number of school places?
4. Concern over highway safety and the volume of traffic created going through the village centre which can barely cope with the existing traffic.
5. Question where the sewage is being directed to as the existing system is overloaded.
6. 60 houses are too many for this small site.
7. It would be a shame to see the currently fallow field built on, as it is used by many animals.
8. Land to the north and west would be more appropriate for development and less liable to flooding.
9. Concerns over the location of the proposed drainage connection point for Harvesters.

One letter of support has been received and is summarised as follows:

1. Would love to own a house here.
2. With the development on the outskirts of the village it is likely residents will be more inclined to go to Willand or Cullompton for shopping needs and services (doctors).
3. Considers the flooding issues will be addressed, has seen less flooding in the area.

5.0 RELEVANT PLANNING POLICIES

5.1 MID DEVON CORE STRATEGY

- 5.1.1 COR1 SUSTAINABLE COMMUNITIES
- 5.1.2 COR2 LOCAL DISTINCTIVENESS
- 5.1.3 COR3 MEETING HOUSING NEEDS
- 5.1.4 COR8 INFRASTRUCTURE PROVISION
- 5.1.5 COR9 ACCESS
- 5.1.6 COR11 FLOODING
- 5.1.7 COR17 VILLAGES
- 5.1.8 COR18 COUNTRYSIDE

5.2 MID DEVON ALLOCATIONS AND INFRASTRUCTURE DEVELOPMENT PLAN

- 5.2.1 AL/DE/3 AFFORDABLE HOUSING SITE TARGET
- 5.2.2 AL/DE/5 INCLUSIVE DESIGN AND LAYOUT
- 5.2.3 AL/IN/3 PUBLIC OPEN SPACE
- 5.2.4 AL/IN/5 EDUCATION PROVISION

5.3 MID DEVON LOCAL PLAN PART 3 DEVELOPMENT MANAGEMENT POLICIES

- 5.3.1 DM2 HIGH QUALITY DESIGN
- 5.3.2 DM3 SUSTAINABLE DESIGN
- 5.3.3 DM4 WASTE MANAGEMENT
- 5.3.4 DM6 TRANSPORT AND AIR QUALITY
- 5.3.5 DM8 PARKING
- 5.3.6 DM14 DESIGN OF HOUSING
- 5.3.7 DM15 DWELLING SIZES (SUPERSEDED BY THE TECHNICAL HOUSING STANDARDS – NATIONALLY DESCRIBED SPACE STANDARD 2015).
- 5.3.8 DM28 GREEN INFRASTRUCTURE IN MAJOR DEVELOPMENT

5.4 SUPPLEMENTARY PLANNING DOCUMENTS

- 5.4.1 MEETING HOUSING NEEDS SPD (2012)
- 5.4.2 PARKING PROVISION IN NEW DEVELOPMENT SPD (2013)
- 5.4.3 REFUSE STORAGE FOR NEW RESIDENTIAL PROPERTIES SPD (2017)

6.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

6.1 POLICY AND PROCEDURE

The principle of the proposed development has already been established under planning approval 15/00108/MOUT, this is not a matter for consideration under the current application. This reserved matters application seeks approval in relation to the appearance, landscaping, layout and scale, along with the discharge of the pre-commencement conditions imposed on 15/00108/MOUT, relating to the surface water drainage scheme, construction management plan, programme of archaeological works, arboricultural method statement and tree protection plan, highways infrastructure details, and foul sewage capacity details.

The following suite of policies is relevant to the development proposal;

DM2 requires high quality design which demonstrates a clear understanding of the characteristics of the site and its surroundings, effective use of the site, the creation of safe and accessible places that are well integrated with neighbouring properties, and appropriate drainage, including SUDS and mains foul drainage where available.

DM3 concerns sustainable design which is largely replaced by building regulation requirements and DM4 requires sustainable waste management.

More specifically, DM14 and DM15 concern the design and sizes of housing, including the provision of private amenity space that reflects the size, location, floorspace and orientation of the properties, along with adaptable dwellings that can accommodate a range of occupiers and their changing needs, including 20 percent of dwellings to be built to the lifetime homes standard and parking in accordance with policy DM8.

In addition, policy DM28 concerns green infrastructure in major development and states that major development must demonstrate the incorporation of green infrastructure to include biodiversity mitigation and a net biodiversity gain where possible; flood water and resource management; green corridors to avoid habitat fragmentation, new green infrastructure where possible and public open space within housing developments.

A statement of community involvement [SCI] has been submitted in support of the application detailing the community involvement that has been carried out. This has included meeting with the Parish Council's to discuss engagement and the emerging proposals, as well as a briefing prior to the submission of the formal reserved matters application. The application was taken to the design review panel and their recommendations were incorporated where possible. The community engagement comprised of newsletters sent to over 1000 properties in Uffculme, with a freepost address for comments to record views for those without online access, 24 responses were received. Throughout the process the applicant is considered to have engaged well with the relevant stakeholders, as demonstrated by the submitted SCI.

6.2 SITE CONTEXT AND LAYOUT

The site is located on the western fringe of Uffculme and comprises of 3.49 hectares of agricultural land that slopes gently north to south. The access point is on northern side of the site and leads directly on to Uffculme Road (B3440), which bounds the site to the north. The south the site is bounded by the River Culm. The site layout has been carefully considered through an evolution process and has been taken to the South West Design Review panel prior to the submission of the current application, generally positive feedback was provided. The site layout seeks to reflect the locality and has been landscape lead; the existing landscape features have been designed into the scheme. The mature trees within the site have been incorporated into the design and are key features of the public open space areas, creating rural character and focal points when entering and moving around the site. The layout seeks to work with the existing topography which slopes towards the river in a southerly direction. The built form will be concentrated within the top northern portion of the site, with the southern section bounding the river being provided as public open space.

A footpath is proposed to run along the site frontage and will join up with the existing footpath network, ensuring a continuous footpath between the site and the centre of Uffculme village. There will also be a footpath set within the site frontage going in a westerly direction towards Langland's Business Park; this will serve a bus stop but stops short of the Business Park where the site boundary ends. A footpath will be extended to Langland's during the construction of the adjacent site, as required by condition 12 of permission 17/00300/MOUT, which specifies that no dwellings can be occupied before a footpath from the site to Langland's Business Park has been constructed and made available for use. The

site layout seeks to achieve safe and connected pedestrian movement throughout the site and legible spaces to help all users to navigate around the site.

The vehicular access has already been approved and there are no proposed changes to its location. The access provides a single point for vehicular access and egress. The internal road layout doesn't comprise of a loop and has hammerheads leading to private driveways. Given the low density of the site the proposed road layout works well and facilitates the positive integration of the southern dwellings which have a 'pirates tooth' arrangement, this positively blends the built form with the public open space in a low density manner that reflects the rural parkland character of this part of the site.

The site layout has been carefully designed to create active frontages to the streets and public spaces throughout the site and primary streets defined by built form. The site layout also facilitates an active street presence of dwellings on Uffculme road on the western portion of the site. The layout incorporates the highest density development within the centre of the site, with a lower density on the southern rural fringe. In addition, the bungalow plots [45, 36 and 35] bounding the north eastern corner of the site reduce the impact of the development on the existing bungalow and form a transition in dwelling design, integrating the existing with the new. The houses are well spaced within the site, and are provided with private amenity space, bin storage and designated parking. All of the dwellinghouses have private amenity space that is well located in relation to the dwelling, along with external storage for bikes and bins in the form of hardstanding and either a shed or garage. In addition, bin collection points have been designed in to the scheme to ensure the streets are not blighted with bins, these points are easy to access for all of the dwellinghouses.

The boundary treatments within the site include 1.2m high timber estate railings on the site entrance and around the public open space areas containing the mature and veteran trees; the railings are also used to clearly define public and private spaces when used on the frontage of numerous plots around the site. The railings are considered to give a high quality appearance to the public realm and entrance to the site. Where rear and side boundaries front public spaces [roads and parking areas], these boundaries comprise of walling, this varies between 1.8m walling and 1.5m walling with 300mm trellis above in the parking areas where additional overlooking is required for security purposes. For plots 17, 18, 19 and 23, the rear boundaries will comprise of 600mm high walling and pillars with infill 900mm hit and miss fencing, this lower boundary treatment reflects the site topography in this location. The walling will give a higher quality appearance to public spaces and ensures a secure boundary treatment that clearly defines private spaces. The hedge planning to the sides of plots 60 and 46 on the northern boundary of the site, and plots 32, 33 and 34 on the south eastern boundary of the site will be strengthened with native planting to reinforce the existing boundary to protect the amenity of the occupiers of the new and existing dwellinghouses; 1.8m chain link fencing will also be introduced inside the boundary to ensure the boundaries are secure without inhibiting the hedge growth. Rear gardens will be defined by close boarded fencing. Post and rail fencing will define the fronts of properties where a boundary is required between the properties and the public open space area, to maintain a rural character.

Overall, the site layout is considered to create a high quality place which takes into account the physical context, local character and surrounding density and land use mix, in accordance with policies DM2 and DM14.

6.3 SURFACE WATER DRAINAGE AND FLOOD ZONE CONSIDERATIONS

The southern portion of the site is located within Flood Zones 2 and 3. There will be no built development within the flood zones, but there will be some earthworks which extend into the flood plain. As a result, there is a reduction in flood plain storage. To mitigate the loss of

storage, a depressed area is proposed within Flood Zone 3 in the south western corner of the site. The depressed area has been designed for aesthetic appeal and will have a depth of 0.5m and will have an overall storage volume of 90m³, this will ensure the flood plain storage volume as a result of the proposal will remain unchanged. The applicant has been working with the Environment Agency [EA] to agree the site constraints and the flood zone capacity, following the submission of the further details discussed above, it is considered that the concerns raised by the EA have been addressed and that the proposal will not result in any increased flood risk elsewhere in accordance with policy COR11. Revised comments have been sought from the EA to confirm this position and will be provided by way of an update.

A surface water drainage scheme comprising of a Drainage Strategy, Floor Exceedance Plan, Micro-drainage Results and a Drainage and SUDS Maintenance Plan have been submitted. Surface water will be managed on site by a SUDS scheme; the proposal incorporates a network of pipes which will collect surface water in a detention basin located in the western corner of the site. The basin has been designed to manage surface water and cater for all storm events, up to and including the 1 in 100 year plus 40 percent climate change. The basin will discharge into the Mill Stream watercourse south of the site. The surface water and foul drainage systems will be adopted by South West Water [SWW]. In addition, a SUDS maintenance scheme has been submitted, detailing that SWW will be responsible for the continued maintenance of the network. The detention basin will be retained in a private ownership and will be maintained regularly in accordance with the details provided; ensuring the vegetation is managed and kept clear of litter to avoid debris and blockages and the structure and pipework is clear and undamaged.

In addition, a surface water construction management plan has been submitted detailing how surface water will be managed during the construction phase. The plan sets out the construction planning, erosion, sediment and pollution control measures.

The LLFA consider the details relating to the onsite SUDS scheme for the long term management of surface water and the scheme for the management of surface water during the construction phase to be appropriate to serve the site. Compliance with the details submitted will be conditioned. Overall, the proposed surface water drainage proposals are considered to be acceptable in accordance with policy DM2 and are sufficient to discharge condition 6 of permission 15/00108/MOUT.

6.4 HIGHWAYS WORKS

The site access was determined at outline stage and is not a matter for consideration. A number of highways plans have been submitted detailing the works proposed to the highway, the site roads and footpath arrangements within the site, which will all be to an adoptable standard. The highways works largely comprise of widening of the existing carriage way and the relocation of the crossing island to facilitate the new footway; the creation of a site access and visibility splays, two on road bus pull ins complete with signage and shelters, and; relocated bar margins and an extended 30mph zone beyond the site entrance.

The Highway Authority has confirmed that they are happy with the submitted proposal and that the comments made have been addressed. There is one outstanding matter raised, that the verge area to roads 1 and 2 is not to an adoptable standard; the applicants have confirmed that this area will be managed by the site management company, as they do not wish for this to be hard surfaced, which would detract from the rural character of this part of the site. The only serviced potentially required on this strip is for three street lights. On this basis the Highway Authority has confirmed that the 500m verge is acceptable. Overall the highway works are considered to be acceptable in accordance with policy COR9 and are considered adequate to discharge condition 11 of permission 15/00108/MOUT.

A construction management plan has been submitted to address the requirements of condition 8 of permission 15/00108/MOUT. This details the location of the site accommodation, storage of plant and material including the location for loading and unloading, and the parking for site personnel, operatives and visitors [on plots 29 to 32]. Details have been provided of [amongst other things] the programme of works, working hours, and measures to control noise and dust. The submitted details are considered to adequately address the requirements of condition 8 of permission 15/00108/MOUT.

6.5 PARKING

The application site provides 118 parking spaces to serve the dwellinghouses, along with three visitor spaces located fairly centrally to the site. Every dwellinghouse has allocated parking. The one bed units are allocated a single space; all other units have two or three allocated spaces. The total overall provision is 1.96 spaces per dwellinghouse, which exceeds the policy requirement contained within DM8, which requires 1.7 parking spaces per dwelling across the site as a whole.

The parking has been designed to present a practical solution to parking for residents and visitors without impacting on the aesthetics of the streetscape. Whilst this has resulted in two small parking courts, which can generally be considered as undesirable, this parking solution is acceptable in this instance. The parking courts provided will not dominate the street scene and will be adequately overlooked through the incorporation of dwellings with primary living space on first floor level, boundary treatments that incorporate trellis for increased overlooking and parking that is generally well related to the dwellings the spaces serve. In addition, the development includes the ability to charge electric vehicles within the integral garages, equating to 10 percent of the total number of homes provided.

6.6 DESIGN OF HOUSING

The design of the proposed housing has been carefully considered and seeks to positively contribute towards its location, incorporating design elements found within the immediate surroundings. The development proposes to deliver a broad mix of housing, from one to five bed units. The housing numbers mix comprises of 39 open market dwellings and 21 affordable homes. The market dwellings comprise of 65 percent of the total number of dwellings on site, including one 2 bed apartment, eleven 3 bed houses, three 3 bed bungalows, twenty 4 bed houses and four 5 bed houses. All of the dwellinghouses meet or exceed the National floor space standards in terms of the overall floor space provided. Despite this, a small number of dwellings do not meet the standards in respect of minimum bedroom sizes and not all of the properties meet the built in storage space requirements. Given that the dwellings meet the overall size standard, the conflict with these specific elements of the guidance isn't considered so fundamental as to warrant the refusal of the application. Overall, the dwellings provide adequate and adaptable space for future occupiers in accordance with policies DM2 and DM15 [superseded by the National Space Standards].

In respect of sustainable design, the proposed development takes a fabric first approach driven by the building regulations requirements and is considered to adequately satisfy DM3 in this respect. The dwellings have been designed to maximise natural surveillance of the public realm and to maximise natural light intake along with the sites natural assets.

The materials proposed are considered to reflect the locality with a simple palette comprising of predominantly grey roofing materials [concrete tile and natural slate], with some red/brown roof tiles. The majority of the dwellinghouses have render walling with a palette of pastel colours, including yellow, lilac, blue, grey and white. The colours intend to give the streetscene some variation, adding interest and character to the scheme. The windows are

proposed to be UPVC and will vary in colour; the majority are proposed to be white, with some anthracite and some pale green. The fenestration detailing varies across the site, with simple rural character areas comprising of casement windows and simple canopy porch detailing. In contrast there are areas with a more formal character, which incorporate sash windows and door surrounds with top lights.

Overall, subject to conditions relating to the approved materials details [which have been submitted for approval in conjunction with this application], the design of the dwellings is considered to be of a generally high quality, in accordance with policies DM2 and DM14.

6.7 AFFORDABLE HOUSING

The submitted scheme incorporates 21 affordable houses, equating to 35% of the total housing number. The dwelling sizes and numbers are in accordance with S106; this includes six 1 bed units, nine 2 bed units and six 3 bed units. DCH will retain ownership of the affordable rented units. The overall tenure mix is proposed to be 11 properties for affordable rent (52.4 percent) and 10 properties for shared ownership (47.6 percent); this is considered to be appropriate and acceptable.

Policy AL/DE/5 guides that affordable housing should benefit from an inclusive design and layout and should be indistinguishable from the market homes. In addition, the policy states that particular concentrations of affordable dwellings should be avoided. The affordable houses are distributed across the site in clusters of less than 10. The cluster in the centre of the site is designed as such for management purposes but will not appear as a cluster as the properties benefit from different outlooks across the site and are in a prominent position overlooking some of the key green spaces within the site. The 1 bed houses are a particular asset to the site, providing generous living accommodation that benefits from natural light, as well as providing the occupiers with private external amenity space. The remaining affordable units are located on the site's western boundary, with small pockets of affordable units next to the market dwellings. Overall, the distribution of the affordable units has been justified and is considered to adequately meet the policy requirement.

All of the affordable homes share the same palette of materials as the market housing and elevational details. In addition, all of the 2 and 3 bed affordable homes have been designed to the lifetime homes standard; this equates to 25% and exceeds the policy requirement contained within policy MHN/4. The design, materials, location and mix of affordable housing is considered to be acceptable in accordance with policies DM2, AL/DE/5 and MHN/4.

During the course of the reserved matters application it was brought to the attention of your Officers that the original S106 agreement in relation to the outline permission (15/00108/MOUT) doesn't include Uffculme within the cascade of parishes with priority for the occupation of the affordable dwellings. At the request of your Officers, a revised S106 has been drafted to include Uffculme and Halberton as the parishes with joint priority over the affordable dwellings. The revised S106 is being considered separately as an agenda item at this committee [29th November 2017]. The S106 also amends the ownership details to reflect the current single ownership and in turn removes the restriction relating to the Harding land and removes the associated supplemental deed. In all other respects the S106 agreement reflects that previously agreed.

6.8 LANDSCAPING, PUBLIC OPEN SPACE AND ECOLOGY

Landscaping:

A plethora of documents have been submitted relating to the site landscaping operations, maintenance, tree removal and retention, and tree protection. In summary, the landscaping operations comprise of a new hedge bank to the northern boundary with Uffculme road in

front of plots 1 to 6; a substantial amount of new tree planting is proposed in the public open space area, around the housing and to strengthen the existing boundaries to replace the trees lost at the entrance and to result in a net gain in trees on the site. The landscaping includes the planting of specimen shrubs and herbaceous planting, along with amenity grass mixes, wetland meadow grass, wildflowers and wetland shrubs within the public open space areas.

Condition 10 of the outline permission required the submission of an arboricultural report. An arboricultural report has been submitted in support of the current application, from which it is clear that the layout has taken consideration of the existing mature and veteran trees on the site. The key mature and veteran trees will be protected during and post-construction and will be incorporated into scheme with sufficient root protection zones that will remain undeveloped save for a footpath. While ideally there would be no hard surfacing within the RPA of any of the trees T8, T9 and T10, the rearrangement of the path does ensure that it is outside of the RPA of T9. The construction of the path is dealt with in the Arboricultural Method statement in chapter 4, with a porous non slip surface still to be determined. In addition future pedestrian access under the canopy of the trees will be discouraged. The Arboricultural Method Statement, the landscaping works and tree protection measures are considered to be acceptable, in accordance with policy DM2 and sufficient to discharge condition 10 of permission 15/00108/MOUT.

Public open space:

The proposed site incorporates a large area of public open space [POS] located on the southern boundary of the site, this area amounts to almost 30 percent of the total site area. The POS will create new habitats and is capable of generating a net biodiversity gain for the site. Pedestrian and ecological movements have been key drivers for the final scheme and the layout incorporating green infrastructure connects existing habitats, creates newly planted areas and provides a range of public spaces across the site.

Upon the completion of the development the open space area will be transferred to a management company who will be responsible for maintenance and management, details of the soft landscaping specification and maintenance operations have been submitted. The POS area will be allowed to grow in the summer to create a grass meadow, but is proposed to have cut paths and will provide seating in the form of benches and picnic tables and benches to encourage its use. The creation of this public open space area is a positive benefit of the scheme that will create a pleasant and useable space for residents and provides a buffer between the built form and the rural surroundings. The public open space provided is in compliance with the requirements of policy DM28.

Ecology:

In respect on ecological mitigation and enhancement, an Extended Phase 1 Survey and Phase 2 Bat Survey were submitted in support of the outline planning application. Walkover surveys were carried out in September 2016 and June 2017 to update the previous surveys details of which have been submitted.

The Phase 2 Bat survey submitted concerned a dying Oak tree on site with high bat roosting potential. No bats were observed emerging or entering the tree during the two dusk emergence surveys and the single dawn re-entry survey. The survey was to inform the removal of the tree on health and safety grounds, this work has since been undertaken.

The substantial amount of new tree planting within the POS is considered to mitigate the tree removal associated with the site access and will significantly increase the number of trees on the site. The trees in the POS area have been specifically chosen to thrive in this wetland

location. In addition, the grass will be allowed to grow and form a meadow in the summer, this will benefit wildlife and the previous land use was as an arable field.

The proposed scheme incorporates built in bird and bat boxes which seeks to achieve a net gain in biodiversity. Bird boxes will be provided on east and north facing elevations and bat boxes on the south and west elevations; they will be integrated into garages to avoid direct illumination and will be above 2 metres high in the apex. Overall, it is considered that the proposed measures are capable of resulting in a net gain to the biodiversity interests of the site in accordance with criterion [a] of DM28.

6.9 ARCHAEOLOGY

An archaeological report has been submitted in support of this application, detailing the results of a trench evaluation, used to establish the presence of any archaeological features within the site. The investigations comprised of 11 machine excavated trenches, totalling 520 metres in length. Only limited evidence for archaeology was present, comprising of three field boundaries and a small quantity of post-medieval artefacts. Consequently, the site is considered of low archaeological potential or interest. The archaeological investigations on the site have been completed, Devon County Council Historic Environment Team are satisfied with the work undertaken and have confirmed that no further mitigation is required. In this respect the proposal accords with policy DM27, the NPPF and condition 9 of permission 15/00108/MOUT.

6.10 SEWER CAPACITY

A report has been submitted in relation to sewer capacity. Hydraulic modelling analysis has been undertaken to determine the impacts of the proposed development on the existing sewerage infrastructure. Following this exercise, it is concluded that there are 3 locations where manholes are recognised to have a low risk, but are identified as flooding out significantly with the existing case. This is as a result of existing pipe incapacity. To mitigate the increase in flood volumes from these manholes an engineered solution on its own is not viable, due to their cover levels being significantly lower compared to the levels in upstream sewers. The levels prevent provision of a storage facility upstream. In order to have some form of control and mitigation South West Water (SWW) will require the developer to requisition the on-site pumping station to allow SWW to inhibit the pass forward flow to the Uffculme SPS.

In addition, in one location the surcharge level predicted is greater than 20mm, the freeboard in this location is 0.296m, however there are no properties in the vicinity of the manhole with any flooding history.

The report concludes that the connection of this development to the public foul sewerage system is not predicted to cause a significant deterioration in the levels of service currently afforded to existing SWW customers in the area. On this basis, there is considered to be adequate sewer capacity to dispose of foul sewage, in accordance with the requirements of policy DM2 and condition 12 of permission 15/00108/MOUT.

7.0 SUMMARY

The proposal is acceptable in principle; outline planning permission has previously granted [reference: 15/00108/MOUT]. The only matter for consideration at outline stage was access; all other matters were reserved. This is the reserved matters application that seeks such approval for the appearance, landscaping, layout and scale and as such, this assessment

has restricted itself to those matters.

The proposed layout and density of the site respects its rural surroundings, the site layout is considered to create a high quality place which takes into account the physical context, local character and surrounding density and land use mix. The site will be served by a suitable sustainable urban drainage system and will not increase flood risk elsewhere; in addition, there is sufficient sewer capacity to serve the proposed development. The dwellings provided are of a generally high quality design, are sufficiently sized to meet the changing needs of future occupiers, and will be served by adequate parking and private amenity space. In addition, the design, materials, location and mix of affordable housing is considered to be acceptable.

The scheme retains the mature and veteran trees on site and provides a comprehensive landscape and public open space proposal, which provides opportunities to enhance the biodiversity and ecological interests of the site.

Overall, the proposal is considered to be in accordance with policies DM2, DM3, DM4, DM6, DM8, DM14, DM15 and DM28 of the Local Plan Part 3 [Development Management Policies]; COR1, COR2, COR3, COR8, COR9, COR11, COR17 and COR18 of the Mid Devon Core Strategy; policies AL/DE/3, AL/DE/5, AL/IN/3 and AL/IN/5 of the Allocations and Infrastructure Development Plan Document; Meeting Housing Needs SPD [2012], Parking provision in new development SPD [2013], Refuse Storage for New Residential Properties SPD [2017], and; the National Planning Policy Framework.

8.0 CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASON: For the avoidance of doubt in the interests of proper planning.

2. Notwithstanding condition 1 above, the layout for plots 43 and 44 and their parking areas, the private driveway serving such properties and the fencing between T8 and plot 45 shall be constructed in accordance with the submitted Proposed Site Layout, drawing number P1545:03 Revision D, submitted to the Local Planning Authority on the 15th of November 2017.

REASON: To ensure the approved development is built out in accordance with correct approved plans to ensure adequate parking is provided and no fencing is within the root protection Zone of T8, in accordance with Policies DM2 and DM8 of the Local Plan Part 3 (Development Management Policies).

3. The construction phase of the development shall at all times be carried out in accordance with the Construction Management Plan [Surface Water] [Ref: 16.407, dated November 2017] and received by the Local Planning Authority on the 7th of November 2017.

REASON: To ensure surface water is appropriately managed during the construction phase of the development to ensure flood risk isn't increased elsewhere, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management

Policies) and COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

4. The approved Surface Water Drainage Scheme shall be fully operational prior to the occupation of any dwellinghouses on the site or part thereof and shall be maintained thereafter in accordance with the submitted maintenance details.

REASON: To ensure surface water is appropriately managed on site to ensure flood risk isn't increased elsewhere, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

5. 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.

6. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted 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 five 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.

REASON: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).

7. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works in accordance with drawing no. 16407-004-C have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of National Planning Policy Framework.

8. The following materials are considered to be acceptable: Redland Mini Stonewold roof tile in Slate Grey; Redland Mini Stonewold roof tile in Breckland Brown; Brazillian slate in Natural Green/Grey; Grecon Architectural Stone 'Minster' for cills and door surrounds; Ibstock Ivanhoe Katrina Multi bricks; Marshalls Brindle Block Paving. The approved materials shall be so used and retained.

REASON: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).

9. The development shall not be commenced until the trees shown for retention within the approved plans as detailed in the Arboricultural Impact Assessment Report prepared by Devon Tree Services have been protected in accordance with the Arboricultural Method Statement contained in Part 9 of the report dated 28th July 2017 reference DTS14.100.2.AIA. The tree protection measures shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and

5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

Contact for any more information

Hannah Cameron Planning Officer
01884234218

Background Papers

Local Plan, NPPF

File Reference

17/01370/MARM

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

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Application No. 17/01509/MFUL

Application No. 17/01509/MFUL

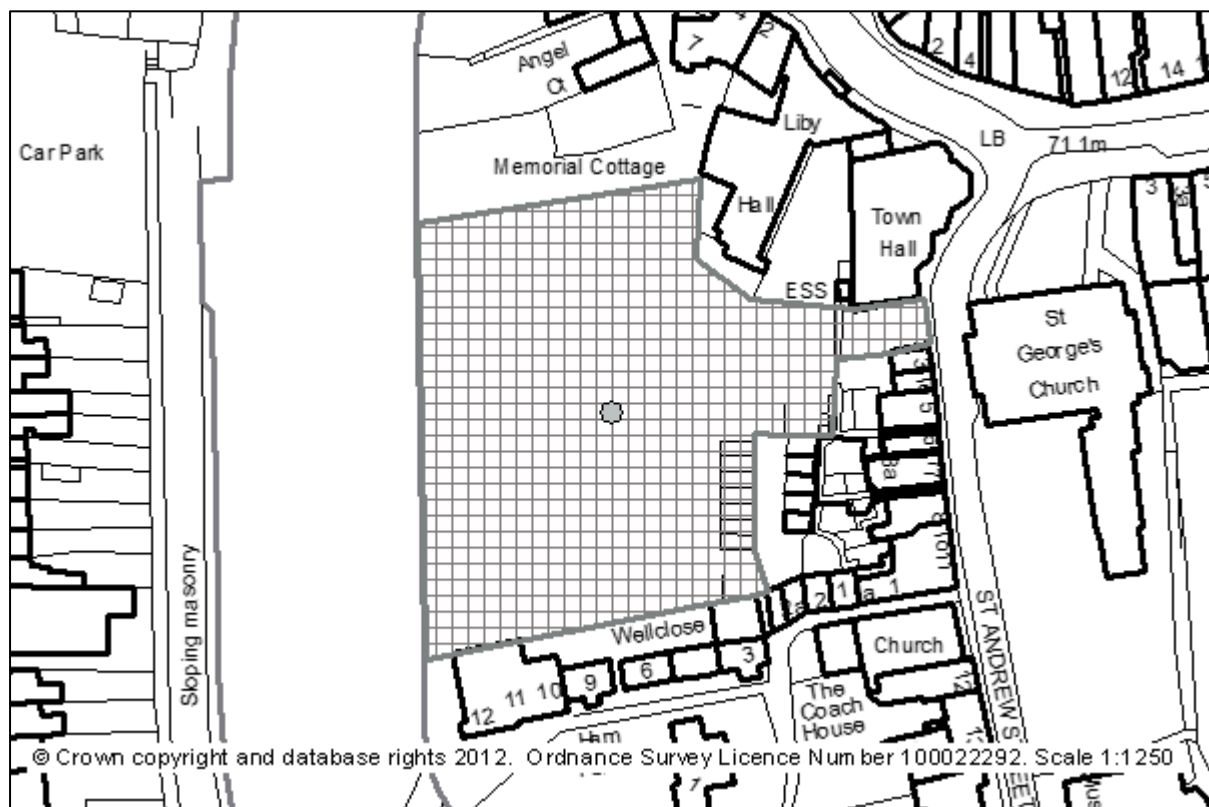
Grid Ref: 295350:112455

Applicant: Mr N Sanderson

Location: Land and buildings at NGR 295350 112455
Rear of Town Hall
Angel Hill
Tiverton
Devon

Proposal: Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works

Date Valid: 12th September 2017



AGENDA ITEM

**PLANNING COMMITTEE
29th November 2017**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/01509/MFUL – ERECTION OF 39 DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES AND ADJACENT SUBSTRUCTURE, TOGETHER WITH BIKE STORAGE, UNDERGROUND CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS – LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON DEVON

Reason for Report

This planning committee have requested that this application be determined by members of the committee.

RECOMMENDATION(S)

Planning Permission granted subject to conditions as set out in this report.

Relationship to Corporate Plan

Managing the environment

Financial Implications

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 refusal of the application, or failing to comply with the planning conditions imposed on any grant of planning permission would result in Enforcement action being undertaken.

Risk Assessment

None identified.

Consultations carried out with

1. Highway Authority
2. Environment Agency
3. Tiverton Town Council
4. Historic Environment Service
5. Historic England
5. Devon, Cornwall and Dorset Police
6. Environmental Health
7. Lead Local Flood Authority
8. Natural England
9. Tree Officer
10. Devon County Education
11. South West Water
12. RSPB

Representations received

3 letters of objection have been received. The issues raised are summarised below:

- The vehicular access from St Andrews Street is dangerous and vehicles using the access would have to cross a pavement creating a risk to pedestrians or other road users;
- No need for housing on the site as other sites for housing in the district;
- Buildings are overbearing and high density;
- The design is based on economics not on architecture or benefits to the town;
- The tallest buildings on the site overpowers the area when viewed from across the river and looks like a ridge of tombstones, it is imposing;
- Uninspiring, mediocre architecture;
- Very little planting in the scheme, mostly concrete and brickwork;
- View toward the town and town hall will be destroyed;
- The site is at high probability of flooding;
- An integrated garden renaissance plan for the site would be better for the town;
- Concerns regarding access for emergency vehicles;
- Difficult access to existing properties;
- Concerns regarding refuse collection;
- Impact on existing and old drainage system;
- Lack of car parking in the area;
- Access to existing residential properties needs to be retained/maintained.

Applicants Supporting Information

Application form

Plans

Proposed development

This is a full planning application for the redevelopment of the land to the rear of Angel Hill, the Town Hall and part of St Andrews Street. The site is 0.42 ha in size and is bounded on its western side by the River Exe. The site is predominantly on two levels. The highest part is towards the eastern side and is currently occupied by existing parking and garage buildings to the rear of St Andrews Street. The lower part of the site lies further to the west and fronts onto the river and in the past has been cleared. It is now overgrown and was last used as tennis courts. The site is located in Tiverton Town Centre, the Conservation Area and is located close to listed buildings including those in St Andrews Street, The Town Hall, The Royal British Legion building at Angel Hill and St George's Church.

The application seeks permission for 39 dwellings comprising 28 apartments and 11 houses. Planning permission has previously been granted for 44/45 new build units on the site under an earlier schemes 14/01847/Full and 13/00298/MFUL. The applicant site excludes the properties in St Andrews Street / Ham Place that have recently undergone renovation under separate permissions. The Council is the landowner of these properties and they are now occupied as 14 affordable dwellings. These 14 units do not form part of the current planning application.

The current proposal seeks to:

1. Erect 11 dwellings (9 x 2 bed dwellings and 2 x 3 bed dwellings) and 28 apartments (16 x 1 bed apartments and 12 x 2 bed apartments). The dwellings are proposed to be two storey and the apartments arranged within 2 blocks equating to 4 buildings, two of which are 3 storeys and 2 of which are 4 storeys. The apartment buildings are connected by first and second storey links.

2. An area of public open space with seating and landscaping adjacent to the wall with the River Exe alongside the western boundary of the site.
3. Access is to be gained from St Andrews Street through the demolition of numbers 1 and 2. This demolition work has already taken place. This access will link to the above ground parking spaces at the higher level of the site and to the lower ground floor parking area beneath the apartments. There is one space per unit within the application site. There are 4 loading spaces within the development.
4. There are lifts and stairs provided from the lower ground floor parking into the apartment buildings.
5. The main entrance to the apartment buildings is from the eastern elevation.
6. The dwellings form three terraces of three dwellings (gable end facing toward the River Exe) with a pair of semi detached dwellings in the north western corner of the site.

The site is allocated for development within the Allocations and Infrastructure Development Plan Document AL/TIV/12. This allocation covers 0.5ha and incorporates buildings in St Andrews Street and Ham Place that are not part of this current proposal. The policy refers to:

- 55 dwellings incorporating conversion of buildings adjoining St Andrew St, including 35% affordable housing.
- Design protecting the character of the adjoining Listed Buildings and enhances the setting of the River Exe.
- Archaeological investigation and appropriate mitigation.
- Ground floors to be raised and provision of flood evacuation / access routes.
- Provision of sustainable urban drainage scheme and arrangements for future maintenance.

The principle of the development of this site for housing is well established by the relevant planning policies and by the previous grants of planning permission for the residential development of the site.

Applicants supporting information

Design and access statement.
 Construction, design and management report.
 Archaeological report.
 Landscaping statement.
 Preliminary ecological appraisal and ecological appraisal update.
 Site investigation report.
 Assessment of arboricultural constraints.
 Flood risk assessment.
 Viability statement.

Planning History

77/01015/FULL - PERMIT date 16th September 1977

Certificate of Alternative Development for:

- (a) Car park and access road
- (b) Public open space
- (c) Town Hall Extension
- (d) Residential

87/01799/FULL - DEMCON date 12th November 1987

DEEMED CONSENT for the erection of prefabricated building for office purposes

90/00065/OUT - PERMIT date 3rd July 1990

Outline for the erection of offices and parking and construction of new and alteration to existing vehicular access

93/00348/FULL - PERMIT date 16th April 1993

Renewal of temporary permission 4/52/87/1799 for prefabricated office building

96/00520/FULL - PERMIT date 10th June 1996

Retention of temporary prefabricated office building (previously approved under reference number 4/52/93/348/R)

99/02595/FULL - PERMIT date 23rd July 1999

Retention of temporary prefabricated office building (previously approved under ref 4/52/96/520)

04/02120/CAC - PERMIT date 11th January 2005

Conservation Area Consent for the demolition of a derelict pavillion

08/00639/MFUL - PERMIT date 12th June 2009

Erection of 46 dwellings and cafe with associated carparking following demolition of 1 and 2 St Andrew Street, conversion of 3-10 St Andrew Street and 1, 2 Ham Place into 10 dwellings

08/00641/CAC - PERMIT date 13th August 2008

Conservation Area Consent for demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear

12/00745/MFUL - PERMIT date 1st November 2012

Application to replace extant planning permission 08/00639/MFUL (to extend time limit)

Erection of 46 dwellings and cafe with associated carparking following demolition of 1 and 2 St Andrew Street, conversion of 3-10 St Andrew Street and 1, 2 Ham Place into 10 dwellings

12/00755/LBC - PERMIT date 11th December 2012

Listed Building Consent for internal and external alterations - PERMISSION ALLOWED BY NATIONAL PLANNING CASEWORK UNIT - 11TH DECEMBER 2012

12/00756/CAC - PERMIT date 11th December 2012

Conservation Area Consent for demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear - PERMISSION ALLOWED BY NATIONAL PLANNING CASEWORK UNIT - 11TH DECEMBER 2012

13/00298/MFUL - PERMIT date 21st August 2013

Erection of 45 apartments for older persons, including communal facilities, associated car parking and landscaping, following demolition of 1 & 2 St Andrew Street

13/01600/LBC - PERMIT date 1st April 2014

Listed Building Consent for internal and external alterations

13/01601/MFUL - PERMIT date 6th March 2014

Conversion of 3-11 St Andrew Street and 1-2 Ham Place into 14 dwellings - NON

MATERIAL AMENDMENT GRANTED 24th April 2015

2ND NON-MATERIAL AMENDMENT GRANTED 18.06.2015

13/01601/MFUL/NMA - PERMIT date 24th April 2015

Non-Material Amendment for the alteration of windows - conversion of 3-11 St Andrew Street and 1-2 Ham Place into 14 dwellings

2ND NON-MATERIAL AMENDMENT GRANTED 18.06.2015

13/01601/MFUL/NMAA - PERMIT date 18th June 2015

Conversion of 3-11 St Andrew Street and 1-2 Ham Place into 14 dwellings - Non-Material Amendment to allow provision of render to walls on unit 10 and 14 in place of the existing uPVC cladding; provision of composite doors to non-listed units; retention of the small existing blockwork extension to the rear of units 9 and 10 with this being provided with a rendered finish; handing of the bedroom & lounge to Unit 9

13/01601/MFUL/NMAB - DELETE date 8th June 2015

Conversion of 3-11 St Andrew Street and 1-2 Ham Place into 14 dwellings (DELETED - SET UP IN ERROR)

14/01313/FULL - DELETE date 23rd September 2014

Variation of condition (2) of planning permission 13/00298/MFUL to allow the substitution of previously approved plans

14/01847/MFUL - PERMIT date 24th March 2015

Erection of 44 apartments for older persons, including communal facilities, associated car parking including construction of parking deck and landscaping (Revised Scheme)

15/00733/FULL - WDN date 13th November 2015

Variation of condition 13 (1) of planning permission 14/01847/MFUL to allow highway works to be submitted and provided prior to occupation rather than prior to implementation

OTHER HISTORY

12/01465/PREAPP - CLO date 1st November 2012

PROTECT - Redevelopment to form 45 retirement apartments for older persons with associated car parking

17/01028/PREAPP - CLO date 15th September 2017

PROTECT: Proposed residential development

CONSULTATIONS

ENVIRONMENT AGENCY - 17th November 2017

We advise that the proposed development demonstrates that it would meet the second part of the Exception Test subject to the inclusion of conditions on the grant of planning permission to ensure the provision of access through the development to the flood defence wall, the provision of an access strip along the length of the flood defence wall and flood signs in the below ground car park. Our advice in respect of flood risk and suggested conditions are provided below.

Reasons

The application site is located within Flood Zone 3 located adjacent to, and behind, the flood defence wall. We have a significant amount of data/modelling on the performance of the River Exe flood defence scheme at this location and we are confident that during a design flood event, with consideration of climate change, the flows stay within the bank. The layout proposed is sympathetic to the issue of flood risk posed by the River Exe, and possible risk from the River Lowman in extreme circumstances. Version 2 of the FRA identifies that the proposed finished floor levels of the residential units, walkway levels, and presence of defences, are such that the residential units would be sufficiently elevated above the design flood level and would remain dry, furthermore access and egress from, and to, high ground would be available. We advise that the lower parts of the car parking area would be up to 900mm below the theoretical 1% annual probability (plus 85% flow) flood level in an absolute worst case scenario. Whilst the defence wall, and threshold level of the car park entrance, should in theory preclude water we've assumed an absolute worst case scenario of waters backing up surface water drainage etc. We consider it necessary to include a condition on the planning permission to ensure flood signs are placed within the car park warning of the potential for flooding in extreme circumstances.

Condition: flood signs

Prior to occupation of the development hereby approved flood signs shall be erected in the below ground car park warning users of the potential for flooding in extreme circumstances.

Reason: To reduce the risk of flooding.

Advice to LPA- access route to flood defence wall

At this location we will require access through the development by small plant for the purpose of facilitating maintenance/repairs. We consider the narrow access strip in the southwest corner, as shown on the G Site Plan drawing ref. (00) 002 rev P0, through to the 8m exclusion zone is of sufficient width. We consider it is necessary for a condition to be included on the planning permission to secure this access route in perpetuity. Our suggested wording is as follows.

Condition: The area outlined in red and labelled as 'access route to EA flood defence' on G Site Plan drawing ref. (00) 002 rev P0, shall remain undeveloped and free of obstruction in perpetuity.

Reason: To ensure access for the Environment Agency to the River Exe Flood Defence wall on the site boundary for the purposes of inspecting, maintaining, repairing and construction of existing and new flood risk management works.

Advice to LPA - 8 metre exclusion zone

We welcome the provision of an 8m exclusion zone between the flood defence wall and the built development as shown on drawing G Site Plan drawing ref. (00) 002 rev P0 . Within this zone we require a 4m wide unobstructed corridor along the rear of the defence which is free of planting and any structures. We note from the Hardworks drawing L/S/002/17156/PH02 revPL02 and Planting drawing L/S/003/17156/PP03 revPL02 that planting and structures are proposed within 4m of the flood defence wall which we consider isn't appropriate because this would hinder asset inspection and any required maintenance/ improvement work. The layout of the garden landscaping and furniture must not compromise these activities and we advise that these are changed with the final details secured via planning condition.

Condition: planting and external hard-works 8m exclusion zone A scheme for planting and external hard-works within the 8m exclusion zone shall be submitted to and agreed in writing by the LPA. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the provision of unobstructed access to the River Exe Flood defence wall on the site boundary.

Advice to LPA– Flood risk sequential and exception tests

The application site is located within Flood Zone 3. In accordance with the National Planning Policy Framework (NPPF) paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. If your Council are content that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test would then need to be applied and passed. Your Authority will need to consider the first part, in respect of whether the development offers any wider sustainability benefits to the community that outweigh flood risk. Our comments on the proposal relate to the second part of the Exception Test that demonstrates the development is safe. The NPPF is explicit that both parts of the exception test must be passed for development to be permitted.

Advice to applicant – foundation design It is paramount that the western blocks of properties are built on piled foundations such that their structural integrity would not be dependent upon the presence of the existing flood defence wall. This is because it is possible that at some point in the future the flood defence wall would need extensive repairs/replacement.

Advice to applicant - Flood Risk Activity Environmental Permit The contractor who undertakes works within 8m of the adjacent flood defence wall, e.g. piling works, must obtain a Flood Risk Activity Environmental Permit from the Environment Agency prior to works commencing. This is a statutory requirement separate to obtaining planning permission. At this location the toe of the existing flood defence wall sits within 8m of the proposed structure. The aim of the permit will be to ensure that we can have an element of control over how the works are carried out, if deemed necessary, for the purpose of ensuring the form and function of the structure deemed necessary, for the purpose of ensuring the form and function of the structure is not compromised during construction of the development and associated infrastructure.

CENTRAL AREA CONSERVATION OFFICER - 13th November 2017

This is a piece of land which has remained substantially undeveloped historically – its post medieval use may have been for drying racks for the cloth woven locally. Prior to the introduction of flood defences this land will likely have flooded, which may be partly why it

has not had building on it. Two previous planning schemes have been granted consent, neither of which were built out due to the complexity of the site in terms of access, topography, drainage/sewers etc. The principle of development has therefore been accepted by the local planning authority.

HERITAGE IMPACT - The land is very visible from various vantage points within the conservation area, in particular from the Exe bridge and also from the riverside pedestrian walkway which forms part of the flood defences. The proximity of several listed buildings including the Church of St George (Grade 1) also forms the sites immediate setting. There is no doubt that there will be visual change – however, this is an urban area where change is inevitable and not necessarily harmful. Some views to St George's, which does have a formal western elevation and is clearly meant to be viewed, will be partially obscured however there will continue to be glimpses of the church and the rear of the town hall through the development. The materials selected for this development with their variation of tone, colour and texture coupled with the modern and unfussy design will complement the conservation area and introduce some positive change. In this regard I find that the proposal is in accordance with the NPPF and the heritage policy of the adopted local plan DM27.

DESIGN - The architect has clearly considered the development pattern of the town including the burgage plots and prevalence of small alleyways to the west of St Peter Street and St Andrew Street and has reflected this in the proposed pattern for the scheme. In this respect the proposal is a significant improvement on the most recent consented scheme which was in the form of two substantial and rather monolithic blocks. The use of the east-west terraces is a successful way of bringing the bulk of a high density development down to much more visually acceptable proportions. The advantage is also that views from the west are also broken down into smaller sections with variation in materials, heights and positions creating the visual interest and variation that is also reflective of the multi-phased development pattern of the centre of the town.

Windows and balconies have traditional proportions but modern articulation. The orientation of the housing will enable some balconies to be introduced without overlooking and privacy issues arising. Traditional roof shapes help ground the development in the traditions of the immediate area but wall treatments and other features identify the design as modern and elegant. Variation in materials and colours is reflective of the town.

Materials and detailing will be critical to the success of the scheme and it will be important to make sure these details are either conditioned or clearly defined at the time of consent.

Summary

This scheme is a vast improvement on the previous consents and is a respectful and well designed scheme with the potential to improve the site and encourage quality modern development elsewhere in the town. The heritage issues have been well considered and taken into account and I find that whilst there is change, no harm is caused to heritage assets. I recommend approval.

SOUTH WEST WATER - 29th September 2017 - the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

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

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

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

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

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

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

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

TIVERTON TOWN COUNCIL - Tiverton Council feels that the proposed dwellings are not in keeping, and are out of proportion to the Conservation Area and are not sensitive to the adjacent Grade 1 and 2 listed buildings

Highway Authority - 25th September 2017 - Comments to follow

HISTORIC ENVIRONMENT SERVICE - 3rd October 2017

I refer to the above scheme and your recent consultation. Previous archaeological work undertaken within the area indicated on your plans has demonstrated that this area is archaeologically sterile and, as such, any development here will have no impact upon any heritage assets with archaeological interest.

The Historic Environment Team would have no comments on any future has no comments to make on this planning application.

DEVON, CORNWALL & DORSET POLICE - 2nd October 2017 - I have read the comprehensive and detailed Design and Access (DAS) statement and am disappointed to find that there is little or no detail regarding Crime and Disorder.

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

- o Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.
- o Structure: Places that are structured so that different uses do not cause conflict
- o Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.
- o Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- o Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016
- o Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- o Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

My main concern with the site layout is the definition of public/private space around the housing, flats and riverside garden and the potential for crime and anti-social behaviour this may bring.

Consideration should be given to access control to the entrance points for communal stairs/lifts providing access to the upper floors of the proposed flats.

With regard to plots E - H, (proposed flats), there should be meaningful defensible space provided around the blocks to ensure security and privacy for residents. This must be clearly defined with perhaps suitable height railings or similar. This is especially important if there are ground floor bedrooms or for the ground floor rooms at the back of the block where natural surveillance will be limited from neighbouring dwellings. I advise that all doors and windows should be to an independently nationally recognised security standard such as PAS 24:2016.

Care must be taken that secure rear gardens of the proposed houses cannot be accessed easily especially from adjacent boundary walls or railings.

Having spoken with the architects it is my understanding that the proposed underground parking will benefit from some form of access control and CCTV. However, a simple barrier and CCTV alone are unlikely to deter or prevent crime and anti-social behaviour and I would advise gating that is only accessible to authorised residents for both the entrance and exit points.

The DAS indicates that 1 parking space per dwelling has been allocated and there is no visitor parking on site. Residents with 2 or more vehicles and visitors will look to park as near to their choice of main access point as possible, resulting in parking on footpaths and verges. This creates potential for community conflict between residents and motorists.

I note that the proposed riverside gardens are to be open to both residents and the public. The need for Public Open Space (POS) is fully appreciated, as long as it does not run the risk of becoming a problem area or capable of having a negative impact on quality of life issues for residents. With this in mind, I have concerns over the close proximity to block A of the indicated BBQ table and benches and would recommend these be moved into a space elsewhere in the gardens to reduce potential anti-social behaviour and noise conflict. I assume the development will be fully adopted and lit as per normal council standards? Please do not hesitate to contact me if any clarification is sought or I can assist further.

ENVIRONMENTAL HEALTH - 4th October 2017 - Contaminated Land - No objection to these proposals

Air Quality - No objection to these proposals

Environmental Permitting - No objection to these proposals

Drainage - No objection to these proposals

Noise & other nuisances -Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards -No comment

Licensing - No comments

Food Hygiene -Not applicable

Private Water Supplies - Not applicable

Health and Safety Health and Safety Executive enforced activity - No objections

DCC LOCAL FLOOD/COASTAL RISK MANAGEMENT - 20th October 2017 -

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to

submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should provide evidence of permission to drill through the flood defence wall to provide an outfall into the River Exe.

The applicant should provide calculations of the brownfield runoff rates.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains. The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

NATURAL ENGLAND - 3rd October 2017

No comments.

TIVERTON CIVIC SOCIETY - 20th October 2017 - This is undoubtedly an awkward site, posing considerable problems for potential developers, and it is also located in a sensitive position in the Tiverton Conservation Area. We have objected to previous planning applications, especially that submitted by McCarthy and Stone, for several reasons, including the very adverse impact on the settings of historic buildings, the potentially negative impact for existing residents and the unsuitable design and size of proposed buildings.

However, we consider the present proposal to be imaginative, with attractive, varied, designs and a good use of materials and colours. We also feel that the impact of the completed development on the setting of St George's Church and Tiverton Town Hall, when viewed from the west side of the River Exe, would be minimal. The east-west alignment of much of the development also respects the historical development of burgage plots and some of the existing older developments, including Ham Place.

We have no objection to this application and we consider the Tiverton Conservation Area, classified as 'Heritage at Risk' by Historic England, would be enhanced by this suitable development.

HISTORIC ENGLAND - 28th September 2017

Thank you for your letter of 19 September 2017 regarding the above application for planning permission. Historic England were consulted by the applicants at preapplication stage, and our advice to assist your authority in determining the application is the same as that provided to the applicant. Subject to confirmation that viability constraints prevent a reduction in height to better reveal the setting of the adjacent Grade I listed church, Historic England supports the proposals, which represent a considerable improvement on the consented scheme for the site.

Historic England Advice

These proposals are for the erection of 39 dwellings on land to the rear of Tiverton Town Hall. The site is within the Tiverton town centre Conservation Area and forms the setting to several listed buildings, notably the Grade I listed church of St George and the Grade II listed town hall itself.

The site has a long and complex planning history but has never been built upon. A map regression and records of a previous archaeological evaluation of the site that are lodged with the local historic environment record appear to validate this statement; noting that "no historic archaeological features were found during the evaluation, with all deposits associated with modern landscaping".

There have been several previous attempts to develop the site, with the most recent approval being a 2014 scheme for sheltered housing. We found little to commend in these proposals which would have created a wall of development in mock-Victorian style against the river. Unfortunately we were unable to make strong representations, due to the existence of a previous permission for an equally uninspiring scheme.

This being the case, we applaud the great deal of contextual analysis that has been undertaken to inform the latest proposals for the site. The long burgage plots of the town are correctly identified as a defining characteristic of the conservation area, many of which incorporate incremental pitched-roof extensions to the principal buildings. Narrow alleyways and glimpsed views to a wider landscape are also noted as an important attribute of the conservation area.

Drawing on this analysis, the proposals detail a series of buildings working with the steep topography of the site to step up the hillside set against the backdrop of the existing townscape. We are impressed with the proposed contextual yet contemporary approach to the architectural treatment of the proposed buildings, and the creation of intimate yet accessible public realm which references the tight urban grain of the locality. The detail of the scheme including the use of high-quality materials, will be a key part of its success.

The erection of four-storey apartments at the site's highest point will, however, have an impact upon the setting of the Grade I listed church and Grade II listed town hall. The church has a strong west-facing elevation, elegantly composed in a symmetrical neo-classical composition. However, while it may historically have been the original intention to open up views of the church from the river, the vernacular cottages opposite predate the building of the church. The visual primacy of the church in the townscape is also rather undermined by the civic bulk of the adjacent Grade II listed town hall; flamboyant in its architectural approach to the town centre but with less articulation to its river-facing elevation. We do not consider the partial screening of this elevation will harm the setting of the listed town hall.

Kinetic views of St George's church from the riverside walk will be lost, though partially compensated for by the disposition of the proposed buildings which would set up a series of more framed views. There is logic in placing the largest of the buildings at the centre of the site; moving the taller elements to the fringes would have the effect of blocking views from the bridge to the wider rural landscape beyond, to the detriment of the conservation area's character.

As a Grade I listed building, St George's church is a heritage asset of the highest significance, and the National Planning Policy Framework (NPPF) reminds us under paragraph 132 that the more important the asset the greater the weight that should be given to its conservation. The NPPF defines conservation as the process of managing a heritage asset in a way that sustains or where appropriate enhances its significance. Of course, part of the significance of St George's church is in its setting. We are content, however, that the harm to the setting of the church would be at the lower end of "less than substantial harm" (NPPF 134), and understand that a lower form of development at the top end of the site would render the project unviable. This should be verified by your authority as part of your assessment of the proposals.

Provided it is confirmed that the quantum of development cannot be reduced, you should balance the minor harm that we have identified to the setting of the church against the demonstrable heritage benefit of a contextual new development on a vacant and currently-unattractive site. Notwithstanding the modest impact on the setting of the church, the proposals may considerably enhance the character and appearance of the conservation area. There may be additional wider public (i.e. non-heritage) benefits associated with the

proposal that are beyond the remit of Historic England to comment upon, but your authority will need to weigh as part of the 'planning balance'.

Recommendation

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

DEVELOPMENT POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR6 - Town Centres
COR7 - Previously Developed Land
COR11 - Flooding
COR13 - Tiverton

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

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space
AL/IN/6 - Carbon Footprint Reduction
AL/TIV/12 - St Andrew Street

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM16 - Town centre development
DM27 - Development affecting heritage assets

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. History.
2. Policy.
3. Flood risk.
4. Highways and parking.
5. Impact upon existing residential properties.
6. Impact upon the Listed Buildings, Conservation Area and townscape of Tiverton.
7. Other design and layout issues.
8. Other site issues including ecology, trees, archaeology, contamination,

drainage.

9. Other issues including financial considerations

1. History

Planning permission has been granted on three separate occasions for the residential redevelopment of this site. The most recent application, 14/01847/MFUL was for the erection of 44 later living (retirement type) apartments.

Conservation Area Consent was previously granted under 12/00756/CAC for the demolition of 1 and 2 St Andrew Street and garages, sheds, buildings and north/south retaining wall on land to rear. This agreed demolition has already taken place.

Planning permission was granted under 13/01601/MFUL for the conversion of 3-11 St Andrews Street and 1-2 Ham Place into 14 affordable dwellings. These 14 dwellings sit within the site allocation under policy AL/TIV/12 and form the provision of affordable homes for the overall redevelopment of the site. The dwellings have been provided and are occupied.

2. Policy

The Allocations and Infrastructure Development Plan Document (Local Plan Part 2) allocates the site for residential development (55 dwellings) under policy AL/TIV/12. This allocation site as a whole has a policy target of 35% affordable housing.

Local Plan Part 1: Mid Devon Core Strategy 2007 Policy COR1 promotes managed growth to meet sustainability objectives including meeting housing needs, efficient use of land with densities of 50-75 dwellings per hectare in town centre locations, accessible development and managing flood risk. Local distinctiveness is sought in policy COR2 through high quality sustainable design reinforcing the character and legibility of the built environment and creating attractive places. Tiverton town centre's vitality and viability is to be protected and enhanced under policy COR6. This promotes enhancement and regeneration, well-designed new homes and key town centre uses and traffic management measures. A sequential approach to development seeks the development of previously developed or underused land in policy COR7. Policy COR11 seeks to manage the impact of flooding, reduce the risk of flooding and guide development to sustainable locations with the lowest flood risk by applying the sequential test and locate development in areas of higher flood risk only where the benefits outweigh the risk of flooding. Policy COR13 sets out the framework for the development of Tiverton. High quality development is sought in order to manage the town centre so economic success and heritage reinforce each other and promotes new homes and other uses contributing to vitality and viability of the town.

Local Plan Part 2: Allocations and Infrastructure DPD. The site is located in the settlement limits of Tiverton, the town centre and identified for residential development (55 dwellings) as an allocation within policy AL/TIV/12. There is therefore no objection in principle to the proposed redevelopment and the proposed use. 35% affordable housing is sought. 14 affordable dwellings have been provided which equates to 27% affordable housing (based on a total of 53 units within the allocation). Policies also make provision for inclusive design and layout of the market and affordable dwellings within a scheme (AL/DE/5) and financial contributions towards public open space (AL/IN/3).

Local Plan Part 3: Development Management policies

Relevant policies relate to the presumption in favour of sustainable development DM1 and a positive approach to sustainable development which works positively to find solutions which allow proposals to be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area. Planning applications according with policies should be approved without unnecessary delay unless material considerations indicate otherwise.

Policy DM2 requires high quality design that demonstrates a series of principles including an understanding of the characteristics of the site, its context and surrounding area; positive contribution to character safe and accessible places, visually attractive places that are well integrated and do not unacceptably effect privacy and amenity taking account of architecture, siting, scale, massing and scale, orientation and fenestration, materials, landscaping and green infrastructure. DM3 requires sustainable design for major housing schemes and DM4 requires waste management for major development proposals.

Policy DM8 requires appropriate levels of parking, taking into account the accessibility of the site including the availability of public transport and the type, mix and use of development. Bicycle parking should also be accounted for.

Housing design is addressed in policy DM14 and seeks to deliver high quality local spaces, adequate daylight, sunlight and privacy to principal windows, suitably sized rooms and floorspace, adaptable accommodation, private amenity spaces reflecting aspects of the property, external space for recycling and refuse storage, provision of lifts in homes with more than one storey and sustainable development that maximise the natural benefits of the site through design, materials and orientation. Minimum internal floorspace requirements are set out in DM15, however these have been superseded by the nationally described space standards.

DM16 supports sustainable growth and regeneration of Tiverton and supports residential development in the town centre where the character, appearance, vitality and viability is retained or enhanced, sustains or enhances diverse town centre uses and customer choice and are accessible by public transport, walking and cycling.

Development affecting heritage assets is addressed in policy DM27 which broadly reflects the requirements of the National Planning Policy Framework in this respect. It requires development proposals likely to affect heritage assets and their settings to consider their significance, character and setting and local distinctiveness and opportunities to enhance them. Where a proposal would lead to less than substantial harm, the harm will be weighed against any public benefit (including securing optimum viable use).

3. Flood risk

A Flood Risk Assessment in relation to the current application has been completed and reviewed by the Environment Agency. Policy COR11 Mid Devon Core Strategy (LP1) and guidance in the National Planning Policy Statement (together with its technical annex) apply. Most of the site is located within the flood plain of the River Exe. This area is categorised as being flood zone 3a 'high probability of flood' where flood risk is a 1 in 100 year (or greater) flood. National flood guidance advises that residential development is a 'more vulnerable' development type. The National Planning Policy Framework advises that for individual developments allocated in development plans through the sequential test, the applicants need not apply the sequential test. The allocation of this site for development within the Allocations and Infrastructure Development Plan Document incorporates the results of a strategic flood risk assessment and sequential test. This and an earlier application for

dwelling on the site have been assessed against both the sequential and exception tests and was considered to pass both. The Environment Agency have advised that they consider the development to be safe as provision has been made for dry access / egress routes from each dwelling to higher dry land in the event of flooding. The Environment Agency have not objected to the development of this site for the currently proposed residential development and it is considered that the development proposals meet the requirements of policy COR11 Mid Devon Core Strategy (LP1) and NPPF in terms of flood risk.

The current application takes account of the findings of the submitted flood risk assessment which indicates that the site is unlikely to be flooded during a 1 in 100 year event due to the presence of the defence wall and concludes that the flood risk to people when the site is complete is low. The development of the site and the reduction in impermeable areas on the site will lower the flood risk to the site and the sustainable drainage system will reduce stormwater outflow from the site into the existing sewers. Recent flood modelling has been carried out and this has indicated that flood risk to the site is not only from the River Exe (unless the existing defences failed) but in extreme events from flood waters from the River Lowman flowing overland along the A396, falling behind the River Exe defences at the West Exe bridge and then flowing north toward the site.

The FRA indicates that the minimum finished floor level should be 62.45m AOD and the proposals indicate that the minimum finished floor levels would be 62.70m (250mm above the required minimum FFL). The consultation reply from the Environment Agency confirms that these levels are acceptable. A condition safeguards minimum floor levels.

The FRA indicates that to mitigate the flood risk the site will: subscribe to the EA Flood Warnings Direct Service, place all utility services as high as practical, easy access to central heating pipework, ensure FFL are above the required minimum, keep the built development 8m from the River Exe flood defence wall and devise an emergency flood response plan in collaboration with the Environment Agency.

The Environment Agency have also indicated that it is satisfied with the design in terms of proximity to the flood defence wall and separating the site from the River Exe although prior formal written consent must be obtained from them for any works within 8m of this wall in order to safeguard its structural integrity. The Environment Agency have also suggested conditions requiring flood signs in the lower ground floor car park, the prevention of any development in the north west corner of the site to allow for access to the flood defence wall and a revised landscaping plan that prevents any formal planting or benches within 4m of the flood defence wall.

The proposal is therefore considered acceptable from a flood risk perspective and in compliance with policy COR11 Mid Devon Core Strategy (LP1) and guidance in the National Planning Policy Statement.

4. Highways and parking

Access to the development is proposed from St Andrews Street through the access created following the demolition of numbers 1 and 2. Although there would be no formal access to the development via the arch adjacent to the Town Hall, on Angel Hill, due to existing rights of access it is not possible to prevent access to the development via this route. The suitability of the access from St Andrew Street was established under the previous planning permissions and the Highway Authority have verbally indicated that the current proposals, taking into account revised plans received 16th November 2017 are acceptable.

The access from St Andrews Street is intended to serve the new build properties and will connect to the lower ground floor parking beneath the proposed apartment buildings.

The development proposes the provision of 39 parking spaces. There are 32 parking spaces proposed within the lower ground floor parking area below the apartments. There are 6 parking spaces close to the access from St Andrews Street (above ground) and 1 parking space close to the two semi detached houses in the North West corner of the site.

This current development scheme proposes significantly more parking spaces than earlier approved schemes. Policy DM8 Local Plan Part 3 (Development Management Policies) sets appropriate levels of parking. For residential schemes it sets a minimum standard of 1.7 spaces per dwelling, together with a minimum cycle parking standard and 1 electric vehicle charging point per 10 units in Tiverton. For this scheme, the standard would require 66 parking spaces instead of the 39 proposed for the use of this development. The parking associated with the scheme has increased to 1 space per residential unit from the 28 spaces previously granted to serve 44 apartments. However, the policy also allows for variation from the standard to be justified on a case by case basis and refers to taking into account the accessibility of the site including the availability of public transport and car parking; the type, mix and use of development. The site is considered to be an accessible town centre location in terms of proximity to a mix of facilities and services including public transport. With the provision of one space per dwelling and the other sustainable aspects of the development with regards to its location it is considered that the parking levels proposed are justified in this instance and in accordance with the requirements and terms set out within policy DM8. The current scheme provides 11 more parking spaces and 4 loading spaces above the provision of an earlier consented scheme which consisted of a greater number of residential units.

The proposal also includes cycle parking in the form of three bike stores. The dwellings each have a rear and front garden with gate access allowing for additional bike storage. The proposal does not provide for electric vehicle charging points as the parking is likely to be allocated to each of the units within the development. The lack of vehicle charging points is not considered grounds to justify a refusal of the application given the proximity of the development to the town centre and other sustainable forms of travel, while acknowledging that it is not fully compliant with policy DM8.

The development has been designed with vehicular access from St Andrews Street only. While the access to the site via the arch from Angel Hill (to the west of the town hall) will not be prevented, neither is it encouraged. It is a private right of way and should only be used by those that have a private right to use it for access.

To reduce traffic speeds along St Andrews Street (a no through road) and on approach to the access into the site, traffic calming measures are proposed on St Andrews Street adjacent to the south side of the new access. The Highway Authority are satisfied with this traffic calming feature and considers the proposal to be acceptable in highway safety terms.

Conditions will secure the provision of parking, access and traffic calming works. At the time of writing this report the Highways Authority have indicated that they do not object to the proposed development, however the details of the conditions that they require to be imposed on the development have not been received. These will be provided to the Planning Committee by way of an update.

In addition to other conditions to be requested by the Highway Authority, a condition is suggested that requires the submission of a construction method statement that will establish the principles of construction traffic management. The statement will need to include arrangements for pedestrian and vehicular access across the site during construction or alternative measures as well as the location of contractor parking.

Representations were received on the previous scheme relating to private rights of access and easements crossing the site in the area of the existing parking and garaging court, particularly as held by residents of Ham Place. These are not a material planning consideration to be taken into account in the determination of this application and would be addressed independently of the planning process in the event that it is implemented. The applicant is aware of these private rights and has taken them into account in the design of the proposal.

5. Impact upon existing residential properties

Previous applications received objections from residents of nearby properties in Ham Place, St Andrews Street and on the northern side of the site. Three objections have been received to the current scheme. Although a significantly lower number have been received, the current proposals represent a new scheme and it is important to consider the impact of the proposals on surrounding properties.

The site is currently vacant, and apart from existing garage structures on the top part, generally free from any buildings. Development on the site will by its nature have a marked impact upon surrounding dwellings, especially those in Ham Place which are located in close proximity to the site boundary and whose rear elevations and windows look towards the site. The small rear gardens to these dwellings also face the southern boundary of the site. These dwellings and gardens are set at a lower level than the application site.

The impact upon the occupiers of existing residential properties can be best considered in four areas:

- i) Relationship between the proposed building and dwellings in Ham Place.
- ii) Relationships between the proposed buildings and properties in St Andrews Street.
- iii) Relationship between the proposed building and Memorial Cottage / Royal British Legion.
- iv) Relationship of the proposed building to dwellings to the north.

Dwellings in Ham Place are generally located approximately 3 – 5 metres from the boundary wall with the site although extensions reduce this distance in places. The buildings proposed close to the southern boundary with Ham Place are approximately 14m away from the rear of a majority of Ham Place properties. One of the buildings is 2 storeys (8.5m) and the larger building is 3 storeys (15m). Windows are located on all floors of the proposed buildings facing Ham Place. There are limited windows at first floor on the southern elevation of the two storey houses but a greater number of windows within the apartment building that face south. However, a majority of the apartment windows that face south appear to serve bedrooms and bathrooms. The apartment building closest to Ham Place does have a south west corner feature that is repeated on each floor. This a small balcony that allows views toward the river and West Exe. There are window to window distances of approximately 14m although the plans suggest that the proposed windows would not be at the same level as windows in the Ham Place properties due to the significant difference in levels and height of these properties. The properties in Ham Place have a ground floor level approximately 2m lower than the level of the application site. There are therefore large differences in levels between the site and Ham Place. The plans indicate that trees are proposed to be planted on the southern boundary of the site that, over time, would help to soften views from Ham Place toward the new development. Further east in the site, where the land rises toward St Andrews Street, ornamental planting is proposed on the southern boundary.

The properties to the north of the site on St Andrews Street are set at a significantly higher

level than those in Ham Place. These properties have recently been converted into 14 affordable homes. The works are complete and the properties are occupied. From the rear windows of these St Andrew Street properties the development site would be clearly visible. The apartment buildings would be approximately 28m to the south of these properties. Due to the distance separating the St Andrews Street properties and the apartment buildings, and their higher topographical position, it is considered that the development will not have a detrimental impact on the amenity of the occupiers of these properties.

Memorial Cottage is located close to the application site being situated on the southern end of the Royal British Legion building. The distance between the gable end of this property and the closest of the apartment buildings is approximately 8m. This gable end contains the fire exit staircase from the Royal British Legion Hall on the first floor, but also a kitchen and lounge window to Memorial Cottage.

The gable end of Memorial Cottage would look toward the alleyway between the northern most pair of apartment buildings. However both of the apartment blocks would be considerably higher than the British Legion building and as a consequence significantly higher than Memorial Cottage. The proposed scheme is considered to have a detrimental impact upon the amenities of Memorial Cottage compared to the present situation due to the height and proximity of the apartment buildings which will appear overbearing. However this impact is to some extent reduced due to the presence of the fire exit staircase on the gable end closest to the proposed development.

No representations have been received relating to the relationship between the rear of Memorial Cottage / the Royal British Legion Hall building and the proposed development. Extensive windows are located on the rear elevation of the Cottage and hall together with a patio area. This is significantly raised in relation to the lower development site but lower than the apartment buildings. The outlook from the rear windows of the Hall / Cottage are angled slightly North West and as such they look across land to the north of the application site toward Angel Court rather than directly towards windows associated with upper floor accommodation in the application building. This reduces the impact of the scheme upon the outlook of the Hall / Cottage building. The relationship between these windows and those on the nearest apartment buildings is considered acceptable taking into account the orientation of the proposed buildings and the lack of windows in close proximity of Memorial Cottage.

Two of the proposed dwellings and one of the apartment buildings are located in close proximity with the northern boundary of the site beyond which is located the garden to an existing property. Windows are located within the rear elevation of the houses and in the side elevation of the apartment building. These windows would allow for views into the garden to the north. However this area of garden is at distance from the dwelling to which it relates and appears little used in comparison with the area closest to the dwelling. It is already overlooked from the rear windows of Angel Hill properties and is not considered to be a particularly private space.

It is acknowledged that there will be a detrimental impact upon the occupiers of certain dwellings around the site as identified within preceding paragraphs. In certain respects the degree of this impact has reduced in the current scheme in comparison with that previously approved, however in others the degree of impact would be worsened. The degree of impact must be taken into account in the planning balance when considering the negative impacts of the development and whether they are outweighed by the scheme's planning benefits. Also to be taken into account is the previously approved scheme, which also had similar impacts on properties surrounding the site. In respect of the relationships with certain properties, the application cannot be said to be in strict conformity with policy DM2 Local Plan Part 3 (Development Plan Policies) but in certain respects is an improvement over the

previous scheme.

Conditions will be required to establish boundary treatment between the scheme and adjacent dwellings as some of the details submitted on the proposals are unclear regarding the nature and intended height of boundary treatment.

6. Impact upon the Listed Buildings, Conservation Area and townscape of Tiverton, design approach.

The site is located within Tiverton Conservation Area, close to Listed Buildings - Town Hall Grade II, St George's Church Grade I, Tiverton Museum Grade II*, Memorial Hall and Cottage Grade II and other properties in St Andrews Street further south are Grade II. The site also lies adjacent to two Grade II Listed Buildings at numbers 9 and 10 St Andrew Street. The site occupies a prominent waterfront location readily visible within the townscape of Tiverton from the river bridge to the north and south, from across the river and the northern part of the site forms part of the existing streetscene in St Andrews Street. The site is therefore sensitive and important in historic building, wider conservation and townscape terms.

Prior to the submission of the current planning application pre-application discussions took place involving Historic England and officers of the Local Planning Authority, including the Council's Conservation Officer. The impact of the proposal upon Tiverton Conservation Area, including the waterfront and associated views together with the setting of multiple listed buildings formed part of these discussions.

The scheme has been supported by a comprehensive design and access statement which includes an examination of the heritage assets that provide the context of the site, the significance of these assets and the impact of the proposal upon them, together with the national policy context. Historic England have applauded the great deal of contextual analysis that has been undertaken to inform the proposals for the site and state that the current proposals represent a considerable improvement on the consented scheme for the site.

The National Planning Policy Framework is of relevance. Of particular importance are the following paragraphs:

Core planning principles refer to securing high quality design.. take account of the different roles and character of different areas.. conserve heritage assets in a manner appropriate to their significance.

56 - Great importance is to be attached to good design which is a key aspect of sustainable development.

126 - It is desirable to sustain and enhance the significance of heritage assets and to put them to viable new uses consistent with their conservation. That new development should make a positive contribution to local character and distinctiveness draw on the contribution made by the historic environment to the character of the place.

128 and 129 - These require the significance of the affected heritage asset to be assessed. The level of detail should be proportionate to the significance of the asset. When considering the impact of the proposal upon the heritage asset, its significance should be taken into account.

131 - In determining applications, account should be taken of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities and that new development should make a positive contribution to local character and distinctiveness.

132 - When considering the impact of the proposed development upon the significance of a heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight. Any harm or loss should have clear and convincing justification.

134 - Where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Historic England have stated that the long burgage plots of the town are correctly identified as a defining characteristic of the conservation area and the narrow alleyways and glimpsed views to a wider landscape are also an important attribute of the conservation area.

The response from Historic England identifies that the proposals detail a series of buildings working with the steep topography of the site set against the backdrop of the townscape. They comment that the proposed contextual yet contemporary approach to the architectural treatment of the proposed buildings, and the creation of intimate yet accessible public realm (which references the tight urban grain of the locality) is successful. They also comment that the details of the scheme and the use of high quality materials will be a key aspect of the development being a success.

Historic England acknowledge that the 4 storey apartments will have an impact on the setting of the Grade 1 listed St Georges Church and Grade II listed town hall. However, their advice concludes that the harm to the setting of the church and that of the town hall would be at the lower end of “less than substantial harm” (NPPF Para 134) and that the proposals may considerably enhance the character and appearance of the conservation area through the development of a vacant and unattractive site.

The Council's Conservation Officer has also provided detailed views in respect of the impact of the proposals on heritage assets and the design approach:

This is a piece of land which has remained substantially undeveloped historically – its post medieval use may have been for drying racks for the cloth woven locally. Prior to the introduction of flood defences this land will likely have flooded, which may be partly why it has not had building on it. Two previous planning schemes have been granted consent, neither of which were built out due to the complexity of the site in terms of access, topography, drainage/sewers etc. The principle of development has therefore been accepted by the local planning authority.

HERITAGE IMPACT - The land is very visible from various vantage points within the conservation area, in particular from the Exe bridge and also from the riverside pedestrian walkway which forms part of the flood defences. The proximity of several listed buildings including the Church of St George (Grade 1) also forms the sites immediate setting. There is no doubt that there will be visual change – however, this is an urban area where change is inevitable and not necessarily harmful. Some views to St George's, which does have a formal western elevation and is clearly meant to be viewed, will be partially obscured however there will continue to be glimpses of the church and the rear of the town hall through the development. The materials selected for this development with their variation of tone, colour and texture coupled with the modern and unfussy design will complement the conservation area and introduce some positive change. In this regard I find that the proposal is in accordance with the NPPF and the heritage policy of the adopted local plan DM27.

DESIGN - The architect has clearly considered the development pattern of the town including the burgage plots and prevalence of small alleyways to the west of St Peter Street and St Andrew Street and has reflected this in the proposed pattern for the scheme. In this respect the proposal is a significant improvement on the most recent consented scheme

which was in the form of two substantial and rather monolithic blocks. The use of the east-west terraces is a successful way of bringing the bulk of a high density development down to much more visually acceptable proportions. The advantage is also that views from the west are also broken down into smaller sections with variation in materials, heights and positions creating the visual interest and variation that is also reflective of the multi-phased development pattern of the centre of the town.

Windows and balconies have traditional proportions but modern articulation. The orientation of the housing will enable some balconies to be introduced without overlooking and privacy issues arising. Traditional roof shapes help ground the development in the traditions of the immediate area but wall treatments and other features identify the design as modern and elegant. Variation in materials and colours is reflective of the town.

Materials and detailing will be critical to the success of the scheme and it will be important to make sure these details are either conditioned or clearly defined at the time of consent.

Summary

This scheme is a vast improvement on the previous consents and is a respectful and well designed scheme with the potential to improve the site and encourage quality modern development elsewhere in the town. The heritage issues have been well considered and taken into account and I find that whilst there is change, no harm is caused to heritage assets. I recommend approval.

The site is allocated for housing in the Local Plan. It introduces 8 buildings, 4 of which are 2 storey and are placed close to the western side of the site on the flatter area of land. Each of these 4 buildings are subdivided to form either a terrace of 3 houses or a pair of semi detached houses. Of the other 4 buildings, two are 3 storeys high and two are 4 storeys high. The 4 storey buildings sit closest to the centre of the site. Each of the 4 storey buildings are linked to a 3 storey building. The 3 and 4 storey buildings contain apartments.

The apartment buildings are higher than the majority of riverside development in this area as a result of the number of storeys and the minimum floor levels required for flood risk reasons. The height of the 4 storey buildings is up to 18.5m to ridge and the 3 storey buildings are up to 15m to ridge. This maximum height includes the lower ground floor parking area. The height of the buildings echo those at the bottom of Angel Hill adjacent to the bridge and the higher, more formal scale of buildings in St Peter Street. The 11 houses on the western part of the site are 8.5m to ridge and the height of these buildings is more in keeping with the lower in height dwellings that form part of Ham Place, close to the riverside.

The Town Hall and St George's Church occupy important and skyline positions in the Conservation Area as well as being Listed Buildings. Views of these buildings will change as a result of the development and from certain vantage points their elevation will not be as visible as present, particularly the view from the directly across from the western side of the River Exe. However the scheme will retain framed views of the town hall and St George's Church through the positioning of the buildings on the site and the creation of alleyways between buildings. The impact of the scheme upon this view and those from the two river bridges either side of the site has been illustrated through the submission of accurate plans.

The scheme gives some emphasis to the river front although the larger scaled buildings are not adjacent the river frontage but step up through the site taking advantage of the topography. The backdrop of the development is the existing townscape of Tiverton. It is considered that the placement and form of the proposed buildings introduces a scheme that respects the form and character of Tiverton, it's conservation area and nearby listed buildings whilst also allowing for a contemporary form of architecture. The site is not considered to currently contribute positively to the character of the conservation area, being

derelict and overgrown. The scheme addresses these issues and provides an opportunity to regenerate this area. The scale and height of the development is considered to be acceptable and will proposals will compliment the conservation area.

The scheme represents a significant change to the appearance of this part of the conservation area. The design and detailing of this scheme seeks to deal with the difficult constraints of the site in a way which is respectful of surrounding heritage assets and provides a contemporary architectural response to developing the site. It is concluded that the proposals will be of benefit to the conservation area by improving a vacant and unattractive site. The Conservation Officer and Historic England have concluded that the impact of the proposed development will be less than substantially harmful. Paragraph 134 of the Framework establishes in such instances that this harm should be weighed against the public benefits of the proposal, including its optimum viable use. Accordingly the detrimental impact of the site upon these assets due to its condition and derelict state needs to be taken into account. The scheme will benefit the conservation area through regeneration while delivering 39 new dwellings.

The proposal is therefore considered acceptable in relation to heritage asset impact in accordance with the approach set out in the National Planning Policy Framework and DM27 of the Local Plan Part 3 (Development Management Policies).

The design approach to architectural style, scale, massing and location of the buildings on the site is considered acceptable and to be a significant improvement upon previously consented schemes for this site. The proposals have been supported by the Council's Conservation Officer and Historic England. In respect of the overall approach to scale, massing and location, the proposal is considered to be in accordance with policies COR2, COR6, COR13 Core Strategy (Local Plan Part 1); AL/TIV/12 Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and DM1, DM2, DM14 and DM27 Local Plan Part 3 (Development Management Policies).

7. Other design and layout issues

The site is a challenging one and is heavily constrained in terms of access location and significant levels differences between the eastern and western areas needing to be accommodated.

Areas around the buildings are to be laid out and landscaped as communal gardens. There is also an area of public open space adjacent to the river within the scheme. Additional off site provision of public open space is considered in the financial implications section of this report.

Policy DM14 assesses new housing design and requires the provision of certain elements of design taking into account the physical context, local character and density of the development. The current application seeks permission for a mix of two storey, family style dwellings and 1 and 2 bedroomed apartments. The apartments are in buildings of 3 and 4 storeys high and are accessible by lift or stairs. The dwellings each have a front and rear gardens with gated access. All of the residential units have access to the public open space proposed alongside the River Exe Flood Defence wall. The floorspace of the dwellings and apartments are considered to be acceptable and broadly in accordance with the nationally described space standards that have superseded the internal floorspace standards set out within policy DM15. The layout of the scheme and detailing are considered acceptable, but issues such as materials, surfacing and boundary features will need to be controlled by condition.

Representation from Police Architectural Liaison Officer has indicated a potential for fear of crime and anti-social behaviour in association with the lower ground floor parking area. They have suggested that some form of controlled access to this area may be appropriate and indicate that the car parking area could be gated. The comments have been forwarded to the Applicant's Agent to consider whether they wish to amend the plans in light of the Police Architectural Liaison Officer's remarks. A lighting scheme will also be required for the site, including the area within the lower parking area in order to balance the need to add to security without disturbing the amenities of the occupiers of nearby residential properties or bats. The issue of crime prevention / reduction measures within the development of the site has previously been addressed by condition and it is proposed to do so again.

8. Other site issues including ecology, trees, archaeology, contamination, noise, drainage

A preliminary ecological appraisal and an ecological update have been submitted with the application. Previous protected species reports are also available from the assessment of previous development schemes. The most recent assessments of the site have indicated that there is bat activity across the site and sensitive lighting will be required. Natural England have made no comments on the application.

With appropriate mitigation the proposals are not considered to have a detrimental impact upon protected species and would therefore be in accordance with Policy DM2 [c] Local Plan Part 3 (Development Management Policies) and the NPPF.

An arboricultural impact assessment was submitted with the application. It concluded that the trees that remain on the site (that has previously been cleared) should not be treated as a constraint to development. The few trees on site have been categorised as low quality and value as they were vegetation arising from the disuse of the site and had had no management. None of the few trees that remain on the site are considered to be worthy of a tree preservation order. The scheme is considered to be an opportunity to enhance the arboricultural value of the site through a landscaping scheme.

The Historic Environment Service has confirmed that development will not have a significant impact upon any known heritage assets and have no further comments to make. Archaeological investigation has previously taken place and the results were provided to the historic environment service. No archaeology condition is required.

A site investigation has been undertaken and a report submitted with the application. Contamination potential is thought to be low and Environmental Health have not objected to the proposed development. In this regard the proposal is in accordance with policy DM7 that prevents development that could have a negative impact on the quality of the environment or an impact on health or general amenity.

Due to the town centre location of the site and its proximity to existing residential properties, Environmental Health have recommended that a Construction Environmental Management Plan is submitted and approved prior to the commencement of development. The plan should identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from site preparation, groundwork and during construction. Environmental Health suggest that hours of operation are included in the plan as well as measures to prevent egress of mud and water onto any highway. The requirement for such a plan is considered to be a reasonable condition to ensure that the impacts on the occupiers of nearby residential properties are minimised during the construction of the development. It is not considered that the residential use of the site would result in noise pollution and the imposition of the condition suggested by

Environmental Health should also ensure that the amenity of nearby residents is protected during construction. With regards to noise, the development is therefore considered to be in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).

Policy DM4 Local Plan Part 3 (Development Management Policies) requires the provision of a waste management plan for the development. It must be compiled based on sustainable waste management principles as detailed in policy DM4. While the submitted plans indicate the provision of refuse storage areas for the apartments and there have been discussions regarding the collection of refuse, a waste audit statement is required to ensure the development is in accordance with policy DM4. The waste audit statement will be required by condition.

A foul and surface water drainage strategy has been provided. A combined sewer running through the site will accept foul drainage from the site. The sewer is proposed to be diverted through the site but with the development being connected into it. Surface water flows are to be discharged through an outfall discharge point into the River Exe. This would be fitted with a non return valve. The Environment Agency have previously agreed to this approach and have not objected to this proposal. Underground surface water storage is to be provided as part of the proposed scheme. Discharge from the underground storage tank would be flow controlled prior to discharge into the river. The management of the surface water from the site and its diversion into the River Exe (via the storage tank) is considered to be an overall improvement to the drainage arrangements of the site.

While the Environment Agency and South West Water have accepted the proposed drainage arrangements, the Lead Local Flood Authority have requested additional information. The Applicant's Agent will be supplying this additional information. Any further comments from the Lead Local Flood Authority will be provided by way of an update to the Planning Committee. Upon receipt of further information it is considered likely that the Lead Local Flood Authority will be in a position to remove their current objection to the scheme and for it to be concluded that the current drainage proposals are in accordance with policy DM2 (f) Local Plan Part 3 (Development Management Policies) that requires development to be served by appropriate drainage, including sustainable drainage systems where available.

9. Other issues: viability and impact upon the provision of affordable housing and public open space.

Policies AL/DE/3 and AL/TIV/12 set out the requirements for the provision of affordable housing. The size of the site and number of houses proposed dictate that 35% affordable housing is sought subject to maintaining a viable development and achieving other planning objectives. 35% across the whole allocation site would equate to a total of 18 units (53 units proposed in total: 14 previously approved and provided affordable units and 39 within current proposal). 14 (26%) have been provided on land now outside this application site, through the conversion of properties in St Andrews Street / Ham Place. No further affordable dwellings are proposed as part of this application, nor a financial contribution towards off site provision due to viability concerns.

A statement provided by the Applicant submitted as part of the current application sets out concerns relating to the viability of developing the site. Indeed it is acknowledged that two previously approved schemes were not implemented as neither were found to be viable in the latter stages of development preparations. The viability of redeveloping the site is based upon economic conditions and taking into account the costs associated with developing the site. The need to take account of market conditions and scheme viability is recognised in national and local policy. Additional affordable housing, or the provision of an off site contribution toward the provision of additional public open space would render the

development unviable. There are abnormal development costs associated with the development of this site including site clearance and access, sewer diversion and high build costs due to topography and the proximity to the River Exe flood defences.

It is agreed that this is a highly constrained site necessitating a high quality bespoke development and approach to access and parking in order to ensure its redevelopment does not have an adverse impact on the Conservation Area or the setting of listed buildings and other heritage assets. These constraints and abnormal costs have a significant effect on viability and increase developer risk. From reviewing the viability assessment it is concluded that the site cannot support the provision of further affordable housing or a financial contribution toward the off site provision of additional public open space. It is therefore considered to be justified to approve the current proposals while acknowledging that the scheme is not wholly compliant with policies AL/DE/3, AL/IN/6 or AL/TIV/12 of the Allocations and Infrastructure Development Plan Document.

11. Financial considerations

The Localism Act has introduced financial considerations as a material planning consideration. The money received under the New Homes Bonus can be taken into account under this provision. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each apartment 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 £200,460. Members are advised that this consideration has little weight in the overall assessment of the issues on this application.

12. Rights of way.

Private rights of way exist through the existing car park to the rear of the Town Hall and garage forecourt area. These rights of way are not material planning considerations, but relate to private legal issues between the owner of the land and the holder of the right of way. Their presence does not prevent planning permission being granted for the scheme and will need to be addressed separately from the consideration of this application.

The planning balance.

In coming to a recommendation on this application, its impacts must be considered and whether they are outweighed by the benefits. A detrimental impact has been attributed to the height of the apartment buildings and the impact on the setting of a listed building, but this is considered to be less than substantial harm by the Conservation Officer and Historic England (when taking into account the viability of the redevelopment of the site). However, the design quality of the scheme including architectural detailing has been identified as being very good by both the Conservation Officer and Historic Environment, a view supported by the Tiverton Civic Society.

The scheme will therefore deliver a marked benefit in the redevelopment of this currently derelict and unattractive waterfront site that is currently detracting from the character and appearance of the conservation area and setting of surrounding listed buildings. The site has remained undeveloped for a considerable period of time and is identified as suitable for residential development through its previous allocation.

There are likely to be negative impacts on the amenities of the occupiers of Ham Place and certain other surrounding properties, including Memorial Cottage. Their amenity would significantly change as a result of any scheme for this site that delivered the level of development for which it has been allocated. It is acknowledged that the impact of this proposal will in part be detrimental upon these dwellings. However the current scheme

represents an improvement over that previously approved as a result of the reduction in the bulk and mass of the development, the reduction in height of the development on the lower, western, part of the site and the distance between the rear/side of the new development and the rear of residential properties in Ham Place.

The scheme does not deliver the degree of affordable housing or public open space that would normally be sought. However viability information has been submitted that demonstrates that the cost of the scheme, including the abnormal construction cost, plus the requirements for Public Open Space contribution and additional affordable homes provision, will not be viable. The development of the allocated site has provided 14 new affordable dwellings equating to a 26% provision of affordable homes.

The proposal will deliver 39 new dwellings, including a mix of sizes of accommodation in a location that is allocated for residential development. with regards to its location it is a sustainable site in the town centre, close to a range of facilities, services and public transport. There are few such sites available within Tiverton or that provide a mix of accommodation as well as acceptable parking provision.

Within the National Planning Policy Framework, Local Planning Authorities are urged to deliver growth in the form of sustainable economic development and every effort should be made to objectively meet the housing, business and other development needs of an area. The site is allocated for residential development and is expected to be developed for this purpose. The delivery of new housing is encouraged through the NPPF which also states that significant weight should be placed on the need to support economic growth through the planning system. Taking into account all the material considerations, it is recommended that planning permission is granted subject to conditions.

Summary.

The site is allocated for residential development in the Allocations and Infrastructure Development Plan Document and has previously been granted planning permission. The scheme will secure the regeneration and environmental enhancement of a semi-derelict and mainly vacant site in a prominent waterfront location within Tiverton Conservation Area. The development will result in less than substantial harm to the Conservation Area and setting of listed buildings, including St Georges Church and the Town Hall. The design approach has been justified and applauded and considered to result in a development that will sit comfortably upon the site and provide wider benefits. The creation of the new vehicular access has previously been found to be acceptable and the associated buildings have been demolished under previous permissions. The impact of the development upon highway safety is acceptable and although less than standard, sufficient parking is provided taking into account its location in the town centre within walking distance of a range of facilities and services and type of accommodation. The lack of provision of affordable housing and other planning contributions has been financially justified. The site is located in flood zone 3a, the Local Planning Authority and Environment Agency have assessed it against the requirements of the National Planning Policy Framework and are satisfied that it is safe and does not increase the risk of flooding elsewhere. The impact of the scheme upon certain nearby existing residential properties has been assessed. Whilst there will be a loss of amenity due to the relative height and proximity of the development, this loss has been in part mitigated through reductions to the height of some of the units and is not considered so severe as to warrant refusing permission. The application has been assessed against development plan policies and guidance and it is recommended that planning permission, subject to condition, should be granted. The proposal is considered acceptable and to be in broad compliance with Policies COR1, COR2, COR6, COR7, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1); AL/IN/6 and AL/TIV/12 Allocations and Infrastructure Development Plan Document (Local Plan Part 2); DM1, DM2, DM3, DM4,

DM8, DM14, DM15, DM16 and DM27 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development shall take place in accordance with the contents of a phasing scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.
4. No development shall begin within each phase of the development until samples of all the materials to be used for all external surfaces of the buildings, boundary treatment and hard landscaping relating to that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved materials and shall be so retained.
5. No development shall begin within each phase of the development until details of the treatment of the boundaries (including height, design and materials) of the application site and any boundaries within the application site, relating to that phase have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments shall be in accordance with the agreed details and shall be so retained.
6. No development shall begin within each phase of the development until details of proposed external lighting relating to that phase have been submitted to and approved in writing by the Local Planning Authority. Installation shall be in accordance with the submitted details and so retained.
7. Notwithstanding the submitted plans, prior to the first occupation of any of the residential units hereby approved a landscaping scheme for the area of Public Open Space on the western boundary of the site (adjacent to the River Exe flood defence wall) to include details of all planting, seeding, turfing or earth reprofiling, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall not include any planting or recreational features, benches, or tables within 4m of the River Exe flood defence wall. The approved landscaping shall be carried out within 9 months of the substantial completion of the eleven, two storey dwellings toward the western side of the application site and shall be retained. Any trees or plants which, within a period of five years from the completion of the Public Open Space die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.
8. The landscaping scheme hereby approved, including all planting, seeding, turfing or earth reprofiling within each phase of the development shall be carried out within 9 months of the substantial completion of each phase of the development. Any trees or plants which, within a period of five years from the completion of the Public Open Space die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.
9. None of the apartments or dwellings shall be first occupied until the parking and turning facilities within the application site have been provided, laid out and are available for

use in accordance with the approved plans. The approved parking shall be retained for that purpose at all times.

10. Finished floor levels shall be no lower than 62.7m AOD.
11. Notwithstanding the submitted details, prior to the commencement of the development, details of a proposed surface water system and associated attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The foul and surface water system and attenuation shall be implemented in accordance with the approved details prior to the first occupation of each residential unit to which it relates and shall be so retained.
12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme together with time scale for their completion must be prepared which is subject to the prior approval in writing of the Local Planning Authority. The measures shall be completed in accordance with the approved remediation scheme. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
13. No development shall begin until a Construction Traffic Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zoneshas been submitted to, and agreed in writing by, the Local Planning Authority. The Construction Traffic Management Plan shall be adhered to throughout the construction period.
14. Prior to the commencement of the phase in which it relates, details of crime prevention and security measures in relation to the lower parking area shall be submitted to and approved in writing by the Local Planning Authority.
15. Prior to the installation of any door or window, working details including sections, mouldings, profile, means of opening and position in the reveal of all windows shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be fitted in accordance with the agreed details and so retained.
16. The off site highway works on St Andrews Street (to include raised traffic calming measures and all associated works) shall be provided and maintained in accordance with details that shall have been submitted to and agreed in writing by, the Local Planning Authority. The timing of such provision shall be in accordance with the phasing scheme to be agreed under condition 3.
17. Prior to the first occupation of any of the residential units hereby approved, signs warning users of the potential of flooding of the lower ground floor parking spaces (below the apartments) shall be erected within this parking area in accordance with details that shall first have been submitted to and agreed in writing by the Local Planning Authority.

18. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from site preparation, groundwork and construction phases of the development. It shall include hours of operation and measures to prevent the transfer of mud and water from the site onto any highway. The development shall be carried out in accordance with the approved Construction Environmental Management Plan.
19. Prior to the commencement of any site preparation, ground works or construction, a waste audit statement shall be submitted to and approved by the Local Planning Authority. The statement shall set out how during the construction and operation of the development waste will be managed according to the following hierarchy (in descending order of preference): Prevention, Preparing for re-use, Recycling, Other recovery, Disposal.

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. In the interests of safeguarding the amenities of the site and surrounding area due to the constrained nature of the site and sensitive location in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of this important riverfront location, the character and appearance of the Conservation Area and setting of nearby Listed Buildings in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM14 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. In the interests of reducing the impact of the scheme upon the privacy and amenities of the occupiers of the adjacent dwellings and to safeguard the visual amenities of this important riverfront location, the character and appearance of the Conservation Area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM14 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
6. To reduce the impact of the development upon the amenities of the occupiers of nearby dwellings, to reduce the impact of the scheme upon the bat population in the area and in the interests to preventing crime and creating safe places in accordance with Policies COR1 of the Mid Devon Core Strategy and DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
9. To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy DM8 of the Local Plan Part 3 (Development Management Policies).
10. In the interests of reducing the risk of inundation by flood waters and to ensure the safety of the occupiers of the proposed development in the event of flooding in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
11. In the interests of ensuring that adequate drainage is provided to serve the development and to reduce the risk of pollution in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
13. To minimise any disruption and inconvenience on the local highway network during the construction period in accordance with COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
14. In the interests to preventing crime and creating safe places in accordance with Policies COR1 of the Mid Devon Core Strategy and DM2 of the Local Plan Part 3 (Development Management Policies).
15. To ensure the use of details appropriate to the development in order to safeguard the visual amenities of this important riverfront location, the character and appearance of the Conservation Area and setting of nearby Listed Buildings in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM14 and DM27 of the Local Plan Part 3 (Development Management Policies).
16. To provide an adequate site access in accordance with Policies COR1 of the Mid Devon Core Strategy and DM2 of the Local Plan Part 3 (Development Management Policies).
17. To provide warning to residents and users of the car parking spaces that the area could be affected by flooding.
18. To minimise any disruption and inconvenience to the amenity of occupiers of nearby properties during the construction period in accordance with Policies DM2 and DM7 Local Plan Part 3 (Development Management Policies).
19. To encourage the most sustainable methods of waste management In accordance with the requirements of Policy DM4 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. You are advised that a Section 278 Agreement will be required for works on the highway. More information may be gained from the Highway Authority (Devon County Council).
2. You are informed that planning permission does not absolve compliance with the relevant law, including obtaining and complying with the terms and conditions of any European Protected Species Licence.

Destruction of a bat roost is an absolute offence and requires a mitigation licence from Natural England. Under the Conservation of Habitats and Species Regulations 2010 it is an absolute offence to damage or destroy a bat roost. The Regulations fully protect bats and their breeding sites or resting places making it an offence to:

Deliberately capture (take), injure or kill bats;
Deliberately disturb bats;
Damage or destroy a bat breeding site or resting place.

In addition the wildlife and Countryside Act 1981 (as amended) makes it an offence to:

Disturb any bat whilst it is occupying a structure or place which it uses for shelter or protection;
Obstruct access to any structure or place which any bat uses for shelter or protection.

Any work must be undertaken under the principle of Continuing Ecological Functionality (CEF) must be completed at a time of the year when bats are not present in a roost. The CEF concept may not be invoked to allow the taking and transporting of bats, or the permanent alteration or destruction of a roost.

3. You are advised that prior written consent must be gained from the Environment Agency for any works with 7 metres of the existing flood defence wall. You are advised that this is a statutory requirement, the purpose of which is to safeguard the structural integrity of and thus function of the existing flood defence wall during and after the construction of the development.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is allocated for residential development in the Allocations and Infrastructure Development Plan Document and has previously been granted planning permission. The scheme will secure the regeneration and environmental enhancement of a semi-derelict and mainly vacant site in a prominent waterfront location within Tiverton Conservation Area. The development will result in less than substantial harm to the Conservation Area and setting of listed buildings, including St George's Church and the Town Hall. The design approach has been justified and considered to result in a development that will sit comfortably upon the site and provide wider benefits. The creation of the new vehicular access has previously been found to be acceptable and the associated buildings have been demolished under previous permissions. The impact of the development upon highway safety is acceptable and although less than standard, sufficient parking is provided taking into account its location in the town centre within walking distance of a range of facilities and services and type of accommodation. The lack of provision of affordable housing and other planning

contributions has been financially justified. The site is located in flood zone 3a, the Local Planning Authority and Environment Agency have assessed it against the requirements of the National Planning Policy Framework and are satisfied that it is safe and does not increase the risk of flooding elsewhere. The impact of the scheme upon certain nearby existing residential properties has been assessed. Whilst there will be a loss of amenity due to the relative height and proximity of the development, this loss has been in part mitigated through reductions to the height of some of the units and is not considered so severe as to warrant refusing permission. The application has been assessed against development plan policies and guidance and it is recommended that planning permission, subject to condition, should be granted. The proposal is considered acceptable and to be in broad compliance with policies COR1, COR2, COR6, COR7, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1); AL/IN/6 and AL/TIV/12 Allocations and Infrastructure Development Plan Document (Local Plan Part 2); DM1, DM2, DM3, DM4, DM8, DM14, DM15, DM16, DM27 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Author and Contact for any more information

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Background Papers

None

File Reference

17/01509/MFUL
14/01847/MFUL
13/01601/MFUL
13/00298/MFUL
12/00756/CAC

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

PLANNING COMMITTEE

DATE: 29TH NOVEMBER 2017

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

PLANNING PERFORMANCE AGAINST TARGETS QUARTER 2 JULY - SEPTEMBER 17/18

RECOMMENDATION: For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for quarter 2 17/18

MATTERS FOR CONSIDERATION:

Performance against targets, the Government's performance assessment and resources within the Planning Service.

RELATIONSHIP TO CORPORATE PLAN:

The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

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

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. The targets of more than 60% and 70% respectively were met for the two year period ending March 2017. The Government's two year assessment period ended in September 2017. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures of not less than 10% were met over the Government's assessment period.

RISK ASSESSMENT: Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. However this risk is increasing with enhanced thresholds for intervention that also introduce measures for speed and quality of service to cover non-major applications. The speed and

quality of the determination of major applications has been the subject of Government performance indicators for some time.

The current absence of a 5 year housing land supply is resulting in speculative applications for major scale development on non-planned sites. Achieving the quality measure threshold for major application performance at appeal becomes more challenging within this context.

EQUALITY IMPACT ASSESSMENT: No equality issues identified for this report.

1.0 PLANNING PERFORMANCE

1.1 Set out below are the Planning Service performance figures for 2017/18 so far and showing a comparison against those achieved for 2015/16 and 2016/17. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	15/16	16/17 by quarter				16/17	17/18	
			Q1	Q2	Q3	Q4		Q1	Q2
Major applications determined within 13 weeks	60%	*47%	75%	100%	100%	100%	90%	75%	75%
Minor applications determined within 8 weeks	65%	68%	72%	72%	79%	82%	80%	82%	96%
Other applications determined within 8 weeks	80%	86%	76%	77%	73%	90%	89%	91%	91%
Householder applications determined in 8 weeks	85%	93%	86%	93%	93%	98%	98%	94%	94%
Listed Building Consents	80%	71%	78%	81%	89%	81%	84%	81%	81%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	92%	100%	89%	96%	96%	88%	99%
Delegated decisions	90%	94%	95%	94%	92%	95%	94%	95%	95%
No of applications over 13 weeks old without a decision	Less than 45 applications	40	37	39	33	29	29	41	42
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	53%	51%	80%	82%	82%	82%	83%	83%
Major applications overturned at appeal as % of all major decisions over preceding 2 years	Less than 10% (previously 20%)	10%	14%	6%	5%	7%	7%	4%	3.5%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	N/A	-	-	-	77%	77%	79%	79%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	N/A	-	-	-	<1%	<1%	<1%	0.2%

Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	99%	93%	100 %	100 %	100 %	100%	99%	99%
Building Regulations Applications examined within 3 weeks	95%	72%	96%	72%	83%	100 %	88%	96%	86%
Building Regulation Full Plan applications determined in 2 months	95%	97%	96%	84%	88%	98%	91%	84%	95%

*Important note on application statistic reporting: The statistics for applications determined within 8/13 weeks reported above within 15/16 includes all applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over these performance targets remove reporting applications with extensions of time or PPAs from the targets as they are reported separately. Once these have been removed the percentage of major applications determined within 13 weeks compared with the target 60% for **15/16** shows that this performance target was met. For **16/17** and **17/18**, the applications determined within 8/13 weeks figure now include those where there has been an extension of time and indicate performance targets have been met.

2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

2.1 As reported on previous occasions, the Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They are as follows:

Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of September 2017 was **83%**.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the 2 year period to the end of September 2017 was **79%**.

Quality:

- Majors: Previous assessment round -Applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. Current assessment period for the 2 years prior to the end of June 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the 2 year period ending September 2017 was **3.5%**.
- Non majors: This indicator of quality of decision making is measured over a 2 year assessment period to the end of June 2017: no more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the 2 year period ending September 2017 was **less than 1%**.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for Qu 2 17/18 indicate that the national planning performance indicators continue to be met and exceeded by the

service. However this does rely in part upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance.

- 2.3 The 'planning guarantee' of 100% of applications determined within 26 weeks was recorded at 99%. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.
- 2.4 The Group Manager for Development Management is now in post and will oversee the development management function of the service. At the time of writing this report one Planning Assistant post is vacant. The recruitment process is underway to fill this vacancy.

3.0 **PLANNING ENFORCEMENT.**

- 3.1 Activity within the enforcement part of the planning service by quarter is as follows:

	2015/16				2016/17				2017/18	
Enforcement	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2
New enforcement cases registered	14	71	54	83	69	75	35	73	53	89
Enforcement cases closed	47	53	39	62	63	58	56	22	23	127
Committee authorisations sought	3	2	1	2	4	10	6	3	0	3
Planning contravention notices served	From Qu 2	9	5	10	5	3	2	1	3	2
Breach of condition notices served	0	1	0	0	0	0	0	1	0	0
Enforcement notices served	2	1	0	3	3	2	1	1	6	3

The total number of open enforcement cases reported as at early June 2017 stood at 226 and at late September stood at 160. At the time of writing this report (20th November 2017) this figure is now 164. This represents the number of alleged breaches of planning control being investigated at any one time.

4.0 **BUILDING CONTROL.**

- 4.1 Building Control performance in the assessment of full plans applications was met for this quarter (95%), whilst that for plan checking did not meet the local performance target (86% against a target of 95%). The backlog impacting on performance figures as a result of the roll-out of new systems has now worked through the system. This is demonstrated by results for September being on target with 96% of application determined within 2 months and 95% of plans being examined within 3 weeks.

- 4.2 NMD Building Control, the partnership service with North Devon Council went live at the beginning of April 2017. The service is now being operated out of Tiverton and South Molton.

Contact for Information: Jenny Clifford, Head of Planning, Economy and Regeneration
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List of Background Papers: PS1 and PS2 returns
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury ‘Fixing the foundations – creating a more prosperous nation’ July 2015
Improving Planning Performance: Criteria for Designation, DCLG November 2016

Circulation of the Report: Cllr Richard Chesterton
Members of Planning Committee

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