

Public Document Pack

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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 21 March 2018 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 18 April 2018 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
13 March 2018

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 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 26*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 28 February 2018.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

- 6 **ENFORCEMENT LIST** *(Pages 27 - 40)*
To consider the items contained in the Enforcement List.
- 7 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 8 **THE PLANS LIST** *(Pages 41 - 112)*
To consider the planning applications contained in the list.
- 9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 113 - 116)*
List attached for consideration of major applications and potential site visits.
- 10 **APPEAL DECISIONS** *(Pages 117 - 118)*
To receive for information a list of recent appeal decisions.
- 11 **CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES.** *(Pages 119 - 120)*
To receive a report of the Head of Planning, Economy and Regeneration requesting the Planning Committee to consider whether it wishes to continue to determine all solar photovoltaic (PV) panel schemes that are ground mounted and recommended for approval, irrespective of the scale of the proposal.
- 12 **RECOMMENDATION FROM THE STANDARDS COMMITTEE**
To consider a recommendation from the Standards Committee with regard to procedures (to follow).
- 13 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER 3 OCTOBER - DECEMBER 17/18** *(Pages 121 - 126)*
To consider 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 3 17/18.

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 28 February 2018
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,
P J Heal, F W Letch, B A Moore, J D Squire,
R Evans and Mrs J Roach

Apologies

Councillor(s)

R J Dolley, R F Radford and R L Stanley

Also Present

Councillor(s)

R J Chesterton and R M Deed

Present

Officers:

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader), Adrian Devereaux (Principal Planning Officer), Maria De Leburne (Solicitor) and Sally Gabriel (Member Services Manager)

114 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from:

Cllr R J Dolley who was substituted by Cllr Mrs J Roach.

Cllr R L Stanley who was substituted by Cllr R Evans.

Apologies were also received from Cllr R F Radford.

115 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

The Chairman reminded Members of the need to make declarations of interest.

116 **PUBLIC QUESTION TIME (00-03-50)**

Mr Cashmore referring to Item 4 on the Plans List (School Lane, Thorverton) made the following statement:

Thank you chair and members for the opportunity to raise some concerns regarding the current planning process, a written response would be appreciated

in due course. I am grateful to Councillor Deed for calling in agenda item 7. 4 that I may facilitate this.

We have also shared a number of photos of the site.

At face value, this application is about simple access to a field in my village of Thorverton.

- 1) On the portal there is an unattributed, hand drawn, layout sketch with no point of reference, measurements, elevations or sections. This has been approved by Highways, subject to conditions. A study of their own Planning Design Manual however confirms that this proposal bears little resemblance to their own standards, for example "field access must be square to the road" Further, the conditions called for are also mathematically and physically impossible to achieve, specifically a gradient not to exceed 1in10, a useable sweep radius and a workable drainage solution.
- 2) There are important concerns regarding public safety. School Lane is simply too narrow to provide a sweep radius to turn a modern tractor and trailer and as the applicant does not own the land immediately to the North of this entrance it is therefore not possible to achieve either the vertical or horizontal visibility splays required by highways to achieve SSD.
- 3) The report suggests that the applicant owns land at Shobrooke and that this application will ease the journey to his farm. Not true, the applicant does not own any land but actually rents land and buildings at Shobrooke, the owner confirms it is self-contained and needing no external traffic movements at all.
- 4) The report further suggests that this application is needed in order to reduce the journey distance to the applicant's farm near Woodbury. Note: the applicant's latest map has chosen not to advise you that there are in fact Three further gateways available to him a little further South onto School Lane, all closer to Woodbury and that for the last 4 years his preferred route has always been South, through Bramford Speke, St David's Station, Western Way and onto junction 30. There never have been any 3 point turns conducted at Yellowford.
- 5) Finally, even if a tractor did exit North onto School Lane into the village, photos confirm that it is impossible then to turn left to Shobrooke and this has never ever been attempted.

Committee, to summarise I believe your planners need a better support framework, one that will allow them to conduct much higher levels of diligence. The residents of Thorverton also deserve a far better planning service than this, and are entitled to understand how the council planning process could possibly allow these situations to occur? I feel fully justified in requesting the committee to overturn spurious approvals such as this.

Finally, we are perplexed as to why a farm gateway needs the support of the National Planning Policy Framework, and that this application may well turn out to be the precursor for a much bigger planning event sometime in the near future.

We hope this is not the case, but, if proved otherwise, and having now pointed out to you that we believe the council may have been deliberately misled and that this application is unsafe, impossible to achieve and that there is no real agricultural need, then this attempt to pass off this application as being essential for agriculture, is not just disingenuous, but is downright deceitful, and will be construed by many to be a clear abuse of the planning system, for which those responsible should be held to account.

Karen Massey referring to Item 11 on the agenda – (Tree Preservation Order at Aubyns Wood Avenue, Tiverton) stated my question is : the Local Government Association stated in 2017 that "Taxpayers to subsidise planning application costs by £1bn over next five years" and of 26 February 2018 the association stated that "Extra council tax income in 2018/19 will not protect under-pressure local services"

Current legislation exempts any local authority from charging for applications to undertake work on trees covered by a preservation order. As a result there is a shortfall to all authorities. There is a lengthy document on the local authority website to provide a breakdown of costs and the lack of satisfaction by the users of the planning system.

Is this now the time to reconsider the number of TPOs which are handed out in this area which would help balance the accounts and also help consumers with the planning system?

Cllr Warren (Willand Parish Council) referring to Item 10 on the agenda (land North of Rydon House, Willand) stated:

At the Planning Committee on 31 January 2018 a question was asked as to why this application had taken over 9 months to come to committee when the last communication between an officer and the applicant agent had been on 22 May 2017. The minuted answer given by the officer stated: "With regard to the delay in determining the application, the validation of the application had taken place on 24 April 2017 but it had been submitted after the application for the 259 dwellings on the adjacent site and that there had been a need to determine that application first and to await the outcome of the appeal." That decision has led to an appeal to the Planning Inspectorate on the grounds of non-determination although the Inspectorate have declined to accept it.

Who decided that there was a need to determine that application for 259 houses first and await the outcome of the appeal?

What was the detail of that need bearing in mind that the officer has stated in the implications report that "Members will be well aware of the need to consider only the current proposal at this present time". That being the case why an unacceptable delay in relation to waiting for another application decision?

Was that need, and the decision to cause the delay beyond the regulatory time scale for determination, documented as a decision and recorded for future reference should the need arise in relation to any appeal or costs claim?

Was the Cabinet Member for Planning consulted?

Was the Chair of Planning Committee consulted?

Were our Ward members consulted?

The Chief Executive recorded the decision to delay the local plan, his reasons and who he had consulted and it is in the public domain.

Cllr Grantham (Willand Parish Council) referring to Item 10 on the agenda (Land north of Rydon House, Willand) stated:

The Planning Committee has already approved 35 houses to be built on an exception site which under the emerging local plan was to be replaced by the referred to site for 42 houses. We are told that that site will not be removed from the plan and therefore Willand will have 77 houses instead of the planned 42. If this 30 are approved then Willand will be faced with 107 more houses instead of the planned number of 42. Will members please accept that this unplanned development will put further pressure on an already fragile, modest and basic provision of facilities? Please stand by your original decision to consider refusal.

Andrea Glover referring to Item 10 on the agenda (Land north of Rydon House, Willand) stated:

The Officer gives his view as to the findings of the Planning Inspector in relation to an adjoining site. Will members please note that the Inspector in his findings in paragraph 10 found that policies COR 17 and COR 18 were relevant to his considerations? In paragraphs 13 and 14 he found that the application was in conflict with both policies – no mention of scale at this point. He also found that there was conflict with COR 1 and COR 12 as the intention was that the main development of housing should take place around the main larger settlements. In paragraph 55 he writes of current policies, “I consider them to be in general conformity with the broad sustainable development objectives of the Framework. I therefore give significant weight to the appeal scheme’s conflict with these development plan policies.” Will members please stand by the findings that this application is outside of the local plan and it will be an isolated development compared with the main part of the village?

Mr Ison referring to the proposed Tree Preservation Orders within the agenda stated that he wished to offer his support to the Tree Officer in order to preserve the wooded areas around Howden Court. The Local Plan had requested the retention of the woodland belts in the allocation for development in this area. He cited examples where some of the trees had been removed before the blanket Tree Preservation Order had been put in place. The Planning Officers had felt that the loss of the trees was not considered to be lawful for the visual amenity of the site. He emphasised the need for reasonable preservation of the wooded area.

Sue Leach referring to Item 10 on the agenda (Land North of Rydon House, Willand) stated:

On page 98 of your bundle at Suggested Reason for refusal 2 it refers to ‘car mechanics’. That needs to be removed as they have relocated elsewhere in the village. In considering the balance of community facilities will members also please take account of the fact that the Coop, although approved has shown no sign of

being built at this time so that did not ought to be taken into account if this application has to be considered in isolation?

On page 95 in your bundle at 2 the officer refers to the site being connected to the village by continuous footways. Will members please note that that is not correct. The Old Village Road from the site to the post office and church has no footways other than a short area near to Elmside and Townlands? Pedestrians have to walk in the road and it is a bus route. There is a footway on the main road on one side. It is a 40mph speed limit most of the way and recommendations are that this footpath should ideally be 2m wide – it is not? Is public safety part of the planning considerations of this committee?

David Marrow referring to Item 10 on the agenda (Land North of Rydon House, Willand) stated:

At the last meeting on 31 January, it was stated by the committee that this application had to be considered in isolation and that potential influencing factors (such as the 125 houses application) should not be taken into account.

My question is, why not?

Having just retired from 44 years in the commercial world, in my experience, no professional organisation would consider significant projects or decisions in isolation when it was known or suspected that there could be other significant events that might add to the impact of the project under consideration.

Any one project can have a significant impact but, the impact of several projects could well be greater than the sum of each one. Hence the need for a longer term 'vision' and a rolling 3 or 5 year plan, against which the merits of each project can be judged.

Mr Trump referring to Item 4 on the plans List (School Lane, Thorverton) stated that he lived opposite the site and that he owned the land next to the site, he was concerned about damage to his property, the lane and the wall. He felt that the whole scheme seemed impracticable and invited Members to come and see for themselves.

The Chairman indicated that answers would be provided to questions when the items were debated. Mr Cashmore would receive the written response he requested.

117 MINUTES OF THE PREVIOUS MEETING (00-25-16)

The minutes of the meeting held on 31 January 2018 were approved as a correct record and signed by the Chairman.

118 CHAIRMAN'S ANNOUNCEMENTS (00-26-07)

The Chairman had no announcements to make.

119 DEFERRALS FROM THE PLANS LIST (00-26-11)

There were no deferrals from the Plans List.

120 THE PLANS LIST (00-26-11)

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 2 on the Plans List (**18/00033/HOUSE – Siting of 14 Renusol Console Mounting Bins for PV Solar panels, Bullock Barn, Bradiford Farm, Morchard Road, Crediton**) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(ii) No 3 on the Plans List (**18/00063/HOUSE – Erection of a two storey extension, 26 Greenaway, Morchard Bishop**) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: The following late information was reported: Down St Mary Parish Council have confirmed they have no objection to the proposal.

(iii) No 1 on the Plans List (**17/01939/FULL – Erection of a dwelling, East View, Buller Road, Crediton**).

The Area Team Leader outlined the contents of the report explaining the proposal for a single dwelling in the back garden of a property in Buller Road. He highlighted the site location plan, the association of the proposed dwelling adjacent to the established property and neighbouring properties, the size of the garden and parking proposal, the elevations and contemporary design of the proposal along with a roof plan showing the solar panels. Photographs were presented from various aspects of the site which highlighted the close proximity of the neighbouring properties and possible overlooking issues.

Consideration was given to:

- The proximity of the wall from the proposed dwelling
- The views of the applicant with regard to the location of the proposed dwelling, within walkable distance of the town, the contemporary design, the siting of the proposed dwelling so that any overlooking was limited.
- The views of the Ward Member who had visited the site and found that two dwellings in the space may be oppressive
- The size of the proposed dwelling and the size of the garden

RESOLVED that planning permission be refused as recommended by the Head of Planning, Economy and Regeneration

(Proposed by Cllr P J Heal and seconded by Cllr Mrs C A Collis)

Notes:

- (i) Mrs Wilder (Applicant) spoke;
- (ii) Cllr F W Letch spoke as Ward Member

(iii) No 4 on the Plans List (17/01716/FULL – Reinstate access and farm track to agricultural land – land at NGR 292482 101905, School Lane, Thorverton).

The Principal Planning Officer outlined the contents of the report by way of presentation explaining the proposal for access to agricultural land, the existing access which had turning issues and required an alternative route to be taken. He provided a block plan, front elevation and a gateway plan of the proposal and provided photographs from various aspects of the site. He added that the Highway Authority had not raised any objections to the application neither had the Conservation officer. He highlighted the updated information in the update sheet which raised further objections to the application and the response of the Highway Authority to those points.

Members were made aware through the presentation that with respect to the update from the Local Highway Authority dated 22 February 2018, that whilst the update was written as how the response was received, point 7 of the Local Highway Authority response should have read as point 8, with the seventh point raised by the objector relating to there being no footpath along School Lane which did not require a response whereas point eight of the objection related to drainage which was addressed within point 7 in the Highway Authority response.

Referring to the questions posed in public question time, the officer stated that a written response would be provided to Mr Cashmore; with regard to the issue raised regarding damage to property, this was not a material planning consideration.

Consideration was given to:

- The steepness of the bank
- Whether it was necessary to have an additional access to the field
- The concerns of the objectors with regard to pedestrian safety, whether the new access was a physical possibility, the number of traffic movements already taking place on the road and the view that the applicant had alternative plans for the site.
- The views of the applicant with regard to the need for the new access for health and safety reasons, with a new access there would not be the need to reverse onto the road or to seek an alternative route to exit the village.

- The views of the Parish Council with regard to road safety, the walking route to the school, the gradient of the proposed slope and drainage and surface water issues
- The views of the Ward Member with regard to highway issues and the inadequacy of the submitted information

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

- The steepness of the application site
- The visibility splay
- Whether additional conditions, uses or methods of construction were required
- Pedestrian Safety
- The consequences of the application on the local amenity

and that the Highway Authority Representative be in attendance.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, Mrs C Collis, Mrs G Doe, R Evans, P J Heal, F W Letch, B A Moore, Mrs J Roach and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Ms Greed spoke in objection to the application;
- (iii) Mr Parr (Applicant) spoke;
- (iv) Cllr Bright spoke on behalf of Thorverton Parish Council;
- (v) Cllr R M Deed spoke as Ward Member;
- (vi) The following late information was provided

Amendment to condition 2 as follows:-

Condition 2:

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice. Following the implementation of the planning permission both the southern splay of the existing access and that of the northern splay of the proposed access shall remain open and be available for use thereafter.

Reason:

For the avoidance of doubt and in the interests of proper planning and to achieve safe access to and from the site in a manner which does not cause significant danger and inconvenience to other road users in accordance with

Policy DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

Additional Parish Council response received:

Thorverton Parish Council – 14th February 2018

Thorverton Parish Council resolved to submit the following comments on this application:

- 1) The revised drawings do not provide the information required to address the objections raised by the local Highways Authority
- 2) No levels or sections have been shown and the drawings do not demonstrate that the access gradient can be achieved at one in ten
- 3) The retention of the bank appears to obstruct visibility above 600mm
- 4) Soakaway does not indicate a depth
- 5) An apron of 10 metres, as required by Highways, does not seem to have been addressed
- 6) Visibility splays should be shown in both directions and from both exits but are not.

Additional representation received:

Further 4 objections were received following receipt of the amended plans. Similar points have been raised as reported in the Committee Report but additional comments raised are summarised as follows:

- Drainage will run off the proposed concrete surface for both accesses into the highway
- How will soakaway and drainage be maintained and kept clear
- There are no details for the soakaway location/depth

One letter of objection as summarised below has been added as the Local Highway Authority has responded to the points raised:

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.

7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.

8. The proposed drains are totally inadequate to deal with the rain water and storm water run off from the concrete pad - soil and mud will also be dragged onto the highway. In addition where does the storm water and soil go once it enters the chamber on the plan?

Local Highway Authority - 22 February 2018

The Local Highway Authority response to the points raised in the additional letter of objection referred to above is as follows:

1. This is not for this application to consider and is speculation; however, the access being provided for agricultural use would not be suitable for a residential estate road and significant further works would be necessary along with suitable transport assessments for any housing generations will be necessary to determine suitability for the site for an increase in traffic.

2. Items 2, 3, 4 I have considered in the whole. The full width of verge and location of the realigned bank will be determined by the visibility splays. The current configuration with the retained bank was a desire from the Planning Authority to maintain the bank and general street scene. The Highway Authority are happy to accept this plan, albeit less than satisfactory, based on the need for the developer to enter into a licence with the Highway Authority where greater detail can be submitted in terms of technical aspects, but the layout, materials, visibility splay provision of drainage, radii and widths have been determined.

5. The swept path of agricultural vehicles entering the site from school lane from the north have been taken into consideration and that is why a 10m radii curve into the site and the lane /access width are as they have stipulated.

6. The gradient of the access has been stipulated as no greater than 1 in 10 for the new section which is the maximum gradient accepted by the Highway Authority and the hard surfacing of the access for the first 6.0m will cater for the skid resistance of the access.

7. The introduction of the drainage is a benefit over the existing access which is greater than 1 in 10 and has no restraint to water entering the highway. Details of the soakaway will be dealt with through the licence. The hard surface identified on the plan is the necessary requirement that allows a full wheel rotation and the reasonable removal of mud and stones before a vehicle enters the public highway. While greater detailed drawings would be desirable the plans submitted have sufficient annotation from a Highway Authority perspective to work with particularly given the need for a licence under the Highway Act.

(iv) No 5 on the Plans List (17/01751/FULL – Erection of 5 dwellings, land at NGR 295748 103455, south of 5 Old Butterleigh Road, Silverton).

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site in relation to the village of Silverton, the proposed layout of the 5 dwellings, the proposed street elevation which would include a wildlife zone, the floor plans, the contemporary design of each dwelling, the landscaping plans, surface water drainage plans, the street scheme and photographs from

various aspect so the site. He explained that the site was allocated within the emerging Local Plan (for 8 dwellings), but because of the lack of a 5 year land supply, the land had been put forward.

Consideration was given to:

- The dormouse mitigation area
- The history of the site
- The lack of affordable housing on the site
- The views of the objector with regard to road safety issues, possible flooding issues, disturbance on the site which would threaten the resident wildlife, the impact of the development on the Devon Bank and the lack of affordable housing on the site.
- The views of the local Ward Member: the lack of a 5 year land supply, paragraph 14 of the NPPF, Policy DM2, the possible demonstrable harm of the proposal to the village, design issues, the need for affordable/social housing in the village and the need for people to be consulted with regard to the Local Plan allocations.
- 5 dwellings on the site overcame the need for affordable housing on the site
- The fact that the ecology and flood risks had been considered and that this had reduced the number of dwellings on the site

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure financial contributions towards public open space and education provision; the section 106 agreement would provide for the following payments to be made by the applicant:

- Public Open Space contribution of £6,826 allocated to Phase 2 - improvements to School Lane War Memorial OS, Silverton
- 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.

And conditions as recommended by the Head of Planning, Economy and Regeneration.

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

(Vote 6 for 5 against – Chairman’s casting vote)

Notes:

- (i) Cllr Mrs J Roach made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as she had attended a meeting with the applicant and objectors;
- (ii) Mrs Lane spoke in objection to the application;

- (iii) Cllr Mrs J Roach spoke as Ward Member, and wished it to be noted that the application would not affect her personally and that she had no interest to declare;
- (v) The following late information was provided:

Recommendation should read prior to conditions:

Grant permission subject to conditions and the prior signing of a S106 agreement to secure financial contributions towards public open space and education provision.

The section 106 agreement would provide for the following payments to be made by the applicant:

- Public Open Space contribution of £6,826 allocated to Phase 2 - improvements to School Lane War Memorial OS, Silverton
- 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.

Condition 15 (as written in the report):

Before the dwelling on plot 5 hereby permitted is first occupied, the first floor window in the north elevation serving the en-suite shall be glazed with translucent glass and shall be non-opening below a height of 1.7m measured from the floor level of this room and shall be so retained in this condition thereafter.

For the avoidance of doubt, translucent means permitting light to pass through but diffusing it so that persons, objects, etc. on the opposite side are not clearly visible such as through the use of obscure or frosted glazing.

(vi) No 6 on the Plans List (17/01517/FULL – Erection Of a dwelling and alterations to existing vehicular access – 27 Downeshead Lane, Crediton).

The Area Team Leader explained that the application had been deferred from the previous meeting to allow a visit by the Planning Working Group to take place. He outlined the contents of the report providing updated information on the scope of the Conservation Area and stated that the allotments were not within this area. He also provided the distances between the 3 houses in Downeshead Lane that had received planning permission and the listed building.

He continued by outlining the proposal, highlighting the proposed floor plan and elevations and provided photographs from various aspects of the site.

Consideration was given to:

- The views of the applicant in that the application would have very little impact on the Conservation Area, the site was not visible from the other side of the town, the house and the garden had been enhanced since the fire in Buller

Square and that work had taken place with a Heritage Consultant to make the application compliant with the local environment.

- The fact that the area around Buller Square had changed since the fire.
- The renovated houses in Buller Square now had slate roofs

RESOLVED that planning permission be granted for the following reasons: Members felt that the application was appropriate and that there would be no detrimental impact on the listed building or the Conservation Area. The scale, design and massing of the proposal was considered to be appropriate within the context of the built environment. Delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions and seek any necessary Section 106 requirements.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, Mrs C Collis, Mrs G Doe, P J Heal, F W Letch, B A Moore and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Cllr F W Letch declared a personal interest as the applicant and her partner were known to him;
- (iii) Ms Partridge spoke as the applicant.

(vii) No 7 on the Plans List (17/01427/FULL – Change of use of agricultural land to domestic garden and retention of play/exercise equipment – Land at NGR 310904 109604, The Shippens, Blackborough).

The Area Team Leader outlined the contents of the report by way of presentation explaining the history of the site and providing a plan which highlighted the various buildings on the site and identified the area for the play equipment. She informed the meeting that a late representation had been received from the Blackdown Hills AONB Partnership which confirmed its concern regarding the impact of the proposal on the AONB

Consideration was given to:

- The views of the agent with regard to the users of the equipment and the safe environment where it had been placed, she stated that the equipment was vital to the users and did not feel that it was an undesirable encroachment on the AONB
- The possible need to re-site the equipment closer to the formal buildings on site
- Policies to protect the AONB
- Whether it was acceptable to provide a temporary permission
- The need for the officers and the applicant to work together to seek an alternative site.

RESOLVED that planning permission be refused as recommended by the Head of Planning Economy and Regeneration. An advisory note be added to the decision to state that there was a desirability for a solution to be found for the equipment to be placed in a position that would reduce the impact on the AONB.

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

Notes:

- (i) Ms Marlow (Agent) spoke;
- (ii) Response from Blackdown Hills AONB Partnership - I've had a look at the application and can confirm that my views haven't changed about this encroachment of the garden area and the impact of the equipment.

121 **MAJOR APPLICATIONS WITH NO DECISION (2-59-05)**

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

It was **AGREED** that

Application 18/00133/MARM (Land at Uplowman Road, Tiverton) be brought before the committee for determination.

Application 18/00175/MOUT (Silver Street, Willand) be brought before the committee for determination and that a site visit take place.

Application 17/01904/MFUL (Blackborough House, Blackborough) be brought before the committee for determination and that a site visit take place.

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

122 **APPEAL DECISIONS (3-02-19)**

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

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

123 **APPLICATION 17/00652/MOUT - OUTLINE APPLICATION FOR A MIXED DEVELOPMENT OF 30 DWELLINGS, COMMERCIAL BUILDINGS, ACCESS, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS AT LAND AT NGR 303116 110179 (NE RYDON HOUSE) WILLAND (3-02-46)**

The Committee had before it a * report of the Head of Planning Economy and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

The Chairman informed the meeting that the application to appeal the decision for non-determination had not been validated by the Inspectorate as the appeal was outside the time limit. The application therefore had to be determined by the Committee.

The Area Planning Officer outlined the contents of the report by way of presentation providing a site plan and an indicative layout of the proposal and provided photographs from various aspects of the site.

She provided answers to questions posed in public question time:

With regard to why the application had taken so long to come to Committee:

The application for 259 houses on the adjacent site went to appeal and that start date for the appeal was 17th July 2017.

The current application which was the subject of this implications report was received on 24th April 2017 with a 13 week determination target of 24th July.

Appeals can be costly processes, requiring lots of officer resource and sometimes the use of outside consultants. Applicants also incur costs in the appeal process and have the ability to make cost applications to the Planning Inspectorate to recover some or all of their costs where the LPA has been found to act unreasonably. Officers felt that it was reasonable to delay determination of the application before Members today and to await the outcome of the appeal on the adjacent site as the Inspectors decision was very likely to provide guidance on the level of development which may be considered acceptable on the site.

I think I'm right in saying that the Cabinet Member was advised of this approach but I'm not aware of the Parish Council or Ward Members being formally advised but we would have advised them of this approach if asked.

Cllr Grantham's questions regarding exception sites and the Local Plan: The 35 dwellings permitted under the exception policy were not required to contribute towards any infrastructure due to the delicate balance of financing such projects. The LPR sets out that development of the site for 42 dwellings will require that the developers provide affordable housing, landscaping and other mitigation, a transport assessment and enhancement of a public right of way. They will also be required to provide POS (or a contribution) and other financial contribution such as AQ and education where there is felt to result a deficiency in provision as a result of the development. Similarly the proposal Members are considering today need to make provision towards affordable housing, air quality and public open space. The cumulative number of dwellings, being 107 is still far less than half of the proposal considered by the Inspector at appeal.

Cllr Glover's questions relating to the Inspector's decision: It is correct that the Inspector found that 259 dwellings at Willand did conflict with development plan policies where they were relevant to 'scale and distribution of housing in Mid Devon.

However, he also makes it clear that this is very much on the basis of the number of dwellings involved as he also makes the point that (at para 13) it is reasonable to conclude that there is a vast gulf between the scale of development proposed and what the development plan envisages for villages such as Willand. He also makes the point (at para 16) that in order for the Council to meet its aspirations for development it has allocated land outside the settlement limit as not all development can take place within the existing built confines of the settlement.

Mrs Leach's question regarding the car mechanics site, the coop and the pavements: Your officers understand that whilst the car repair business has moved from the application site recently, the premises are still there. Yes the co-op had not been built on site but the co-op have been seeking to discharge conditions to enable start on site. With regards to the footways, Mrs Leach is also correct that there is only a footway at the very start of the Old Village which disappears but the fact remains that the majority of services within the village are capable of being accessed by footways. Public safety is a consideration and is considered by the Highway Authority too in their consideration of the application and no improvements are sought as a result.

Mr Marrow's questions regarding the consideration of the adjacent site: This application must be considered on its own merits. If approved, it will be necessary for officers to consider this application in the determination of the 125 dwelling application but Members cannot predetermine another application which is in the system and currently the subject of public consultation.

Consideration was given to:

- The views of the Ward Members with regard to the number of houses approved and those proposed within the village and those outlined within the emerging Local Plan and that the site failed the sustainability test
- The loss of employment opportunities within the village

RESOLVED that the application be refused on the following grounds:

1. The application site is outside the current settlement limit boundaries of the village of Willand and is in a countryside location. 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 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 accordingly 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 in terms of the loss of community facilities and the poor form of development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The proposed application requires the demolition of commercial and retail buildings amounting to 420sqm comprised of garage and shop, hairdressers, restaurant and car mechanics. Whilst the proposal includes the provision of a replacement facility of 340sqm this represents a short fall of 80sqm along with the loss of the petrol filling station and car sales which are considered to be community facilities as set out in Policy DM25. In a community which has been identified as having a 'somewhat basic and modest level of provision' [appeal ref: APP/Y1138/W/17/31723], the net loss of community facilities is considered to damage the settlements ability to meet its day to day needs contrary to policy DM25 of the Local Plan Part 3 (Development Management Policies) and results in a development which is considered unsustainable given the economic and social harm which would result.
3. The application site only forms a contiguous boundary with the settlement limit of Willand on its eastern boundary. As a result it is considered to form an isolated, unusual development pattern at the southern end of the village with an essentially stand-alone parcel of residential development which has little or no relationship in terms of built form to the existing village contrary to policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr B A Moore and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs Mrs G Doe and R Evans made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had been involved in the application as Ward Members;
- (ii) Cllrs Mrs G Doe and R Evans spoke as Ward Members;
- (iii) Cllrs Mrs G Doe, R Evans and B A Moore would represent the Council if the application was appealed;
- (iv) The following late information was reported:

22nd February 2018 - Since the agenda was published, the Planning Inspectorate have written to the agent for the application confirming that the appeal against non-determination was not received by them within the valid timeframe and therefore they are unable to take action on it. As a result, the application falls to be considered by Planning Committee

REASON FOR REPORT: To consider the reasons for refusal proposed by the Planning Committee at the meeting of 31st January 2018 in light of further advice from Officers.

RECOMMENDATION(S)

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

1. 35% affordable housing on-site

2. 21 dwellings x £5,218 = £109,578 air quality contributions
3. 5 dwellings x £1,205 = £6,075 open space contributions together with the provision of onsite LEAP and sports facilities to provide for refurbishment (of Chestnut Drive Play Area Willand)
4. £102,390 toward improved primary education facilities ((£3,413 per dwelling)

The phasing of the works to provide for the commercial units prior to demolition of the existing and prior to the occupation of the 5th Market dwelling.

Email received from DCC (Special Projects and School Infrastructure Development Officer) to advise:

Since the county council submitted its education response to the application, the baseline data has been updated. This demonstrates that a contribution towards primary education, as previously requested, would no longer be requested. This is consistent with the response to the recent application in Willand. As such, we wish to withdraw our previous request for a contribution.

As a result of this revised response from DCC, the Officer recommendation has been revised to take account of this

REVISED RECOMMENDATION:

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

1. 35% affordable housing on-site
2. 21 dwellings x £5,218 = £109,578 air quality contributions
3. 5 dwellings x £1,205 = £6,075 open space contributions together with the provision of onsite LEAP and sports facilities to provide for refurbishment (of Chestnut Drive Play Area Willand)
4. The phasing of the works to provide for the commercial units prior to demolition of the existing and prior to the occupation of the 5th Market dwelling.

A full copy of the Inspectors Appeal Decision will be available for Members.

124 APPLICATION 17/00006/TPO - AUBYN'S WOOD AVENUE, TIVERTON (30-24-25)

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

The Area Team Leader outlined the contents of the report stating that a blanket Tree Preservation Order had been placed on the site during development to protect the trees. The Tree Preservation Orders before Members today were to revisit the areas of trees and woodland on the site. This particular order covered the site frontage and the woodland in this area. She provided a plan which highlighted the area within this specific case and photographs of trees behind the house and frontage along Exeter Road.

In answer to the question posed in public question time regarding the reconsideration of the number of Tree Preservation Orders: Yes, there is a cost implication to a LPA in dealing with applications for works to trees covered by TPO's, as there are for applications for works to trees in Conservation Areas. However, your officer's views are that this should not prevent LPA's from considering the confirmation of TPO's where it is in the public interest to do so to protect the visual amenity of the area and where to not do so, puts the trees at risk of being felled.

Consideration was given to:

- The views of the property owner with regard to the public benefit of the trees, management of the trees, concerns about home insurance and good tree management.
- Concern that the trees would be removed without a Tree Preservation Order.
- The need to reassess the blanket order.
- Management of the trees.

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- (i) Mrs Massey spoke in objection to the application;
- (ii) Cllr Mrs J Roach requested that her vote against the decision be recorded;
- (iii) The following late information was reported: The application number is incorrect – it should read 17/00006/TPO;
- (iv) *Report previously circulated, copy attached to minutes.

125 **APPLICATION 17/00008/TPO, ST AUBYNS WOOD RISE, TIVERTON (3-37-32)**

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

The Area Team Leader outlined the contents of the report stating that a blanket Tree Preservation Order had been placed on the site during development to protect the trees. The Tree Preservation Orders before Members today were to revisit the areas of trees and woodland on the site. This particular order covered the top end of the development which she highlighted via a plan, the Tree Preservation Order would protect the woodland area in this location.

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllr Mrs J Roach requested that her vote against the decision be recorded;
- (ii) The following late information:

2 further letters of representation were received but have not been included on the agenda. They can be summarised as follows:

- a) Support the preservation of woodland and no desire for trees to be removed but should be able to cut back overhanging or dead branches when necessary
- b) No objection subject to the woodland being pro-actively managed as there are dead trees, overhanging branches and ivy covering the trees. An Arboriculturalist should inspect and verify current state of trees

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

126 **APPLICATION 17/0009/TPO HOWDEN HAYES, TIVERTON (3-40-17)**

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

The Area Team Leader outlined the contents of the report stating that a blanket Tree Preservation Order had been placed on the site during development to protect the trees. The Tree Preservation Orders before Members today were to revisit the areas of trees and woodland on the site. This particular order covered a group of trees within an existing property of Howden Hayes, this was a large group of trees which was thought to add to amenity value.

Consideration was given to:

- A letter read by the Chairman on behalf of Mr Dawson which stated that the trees at Howden Hayes should never have been included in the blanket Tree Preservation Order, a new Order would have no benefit to the setting of Howden Court and questioning why the trees at Howden Hayes required protection.
- Whether the gentleman's views were valid
- The need to protect the trees in the area.

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- (i) The Chairman read a letter on behalf of Mr Dawson;
- (ii) Cllr Mrs J Roach requested that her vote against the decision be recorded;
- (iii) The following late information: The application number is incorrect – it should read 17/00009/TPO.

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

127 APPLICATION 17/00015/TPO ST AUBYNS RISE, TIVERTON (3-37-32)

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

The Area Team Leader outlined the contents of the report stating that this application was slightly different to the previous ones before Members today; this Order was to protect trees in the long term to be used as screening. The Tree Preservation Order would be new trees along the boundary for the longevity of the development

Consideration was given to:

- The type of trees to be used for screening
- Whether the trees put in place were suitable and whether they could be replaced with something more suitable
- Consideration of a S73 application to vary the planning condition
- The views of a resident with regard to whether the trees had been placed in the right place, the suitability of the trees, the possible damage the tree roots could cause his property and whether the developer had planted the correct trees and the height of the trees.
- The need to find a solution to the planting of incorrect trees
- The need for officers to work with the residents within a restricted period of time to overcome the issues raised
- Financial implications for the landowner

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning, Economy and Regeneration. Within a period of one (1) month from the date of this meeting the Local Planning Authority is to enter into a dialogue with the landowners to sympathetically consider the Tree Preservation Order.

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

Notes:

- (i) Mr Austrin spoke in objection to the application;
- (ii) Cllr Mrs J Roach requested that her vote against the decision be recorded;
- (iii) Cllr Mrs G Doe requested that her abstention from voting be recorded;
- (iv) * Report previously circulated, copy attached to minutes.

(The meeting ended at 6.42 pm)

CHAIRMAN

Agenda Item 6

PLANNING COMMITTEE AGENDA – 21st March 2018

Enforcement List

<u>Item No.</u>	Description
1.	17/00070/RURAL - Gaddon Down Plantation Ashill Devon
2.	17/00160/COU - NGR 300441 125017 Land Lying to The North of Petton Cross Shillingford Tiverton
3.	17/00266/RURAL – Land and Buildings at NGR 307589 114376 (Land On Escotts Farm) Uffculme Devon

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Case No. ENF/17/00070/RURAL

Grid Ref: 307033 111196

Address:

Culm Wood (Gaddon Down Plantation), Ashill, Cullompton

Alleged Breach:

Unauthorised building operations concerning the extension of a former tractor storage shed and the unauthorised change of use of the land from woodland to a mixed use of woodland and recreational use.

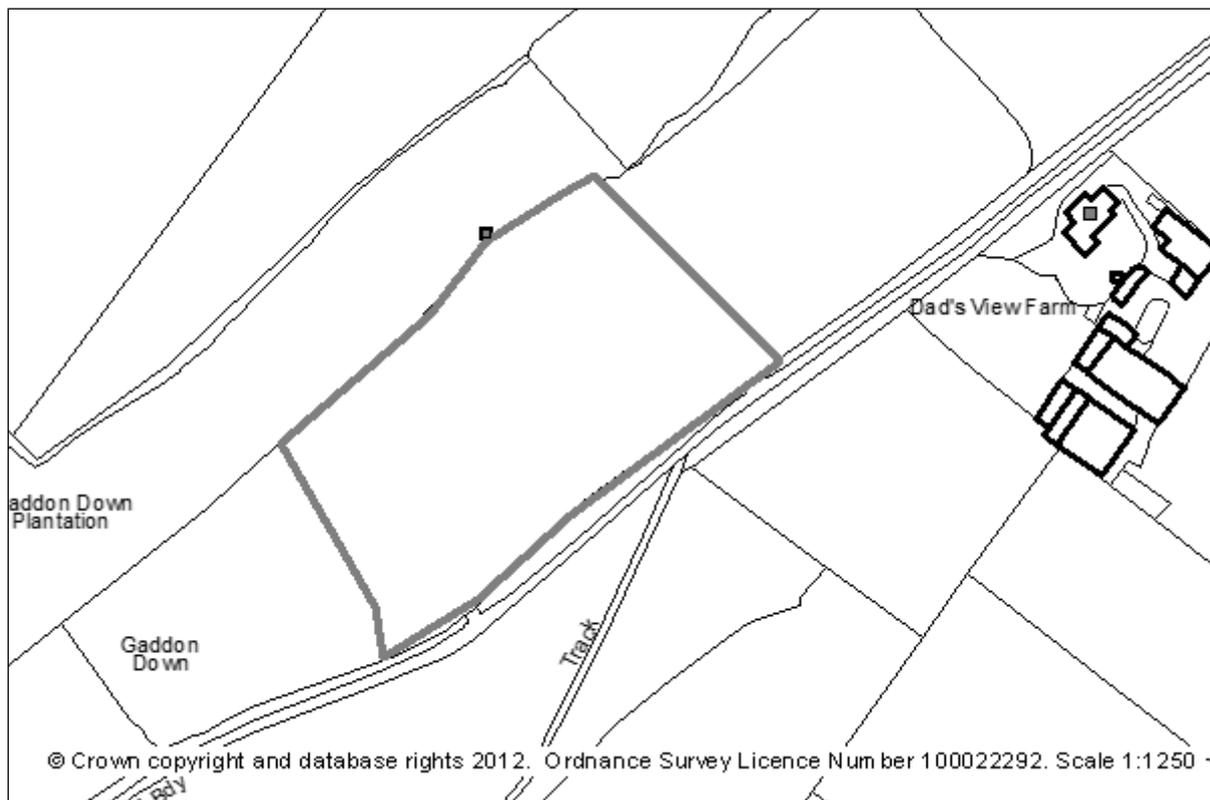
Recommendation:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, ("the Act") should grant authority to the Legal Services Manager to take all such steps and action necessary to secure the demolition and removal of the unauthorised operational development, the cessation of the unauthorised use and the removal of the items of domestic paraphernalia on the land, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

Site Description:

The site occupies an area of land that extends to approximately 1.3ha and sits to the north of the road from South Hill past Gaddon Down Plantation, and 5 miles southwest of Cullompton. The woodland, which is the subject of an area Tree Preservation Order (57/00005/TPO), occupies the site of a former local tip. The topography of the land is such that it comprises two distinct levels, the upper level being predominantly woodland and the lower section comprising both woodland and a former tractor storage shed at the west corner of the site.

Site Plan:



Site History:

None

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM 2 – High Quality Design

Policy DM11 – Conversion of Rural Buildings

Policy DM31 – Planning Enforcement

Reasons/Material Considerations:

In March 2017, a complaint was received by the enforcement team regarding unauthorised building works taking place on the land, together with the siting and occupation of a caravan for human habitation.

An initial site visit established that the woodland floor of the upper section of the site had been cleared and the land was being used as a form of encampment comprising a caravan and associated awning, a tent, tables, chairs, BBQ's, several cars, a motorbike and various other items of domestic paraphernalia. Furthermore, on the lower section of the site, significant ground works had taken place around a former tractor storage shed including the excavation of the land, the removal of trees, the laying of concrete and the construction of several retaining walls, without the benefit of planning permission.

The landowner attended a meeting with your officers at Phoenix House in June 2017 and was advised that the unauthorised residential occupation of the land must cease and no further building work should be undertaken until such time as the necessary planning consents were in place. The Council received confirmation at the end of July 2017 that the residential occupation of the land had ceased and the unauthorised caravan had been removed from the site, however, much of the domestic paraphernalia remained on the land, despite the Council's request that it be removed.

The domestic paraphernalia was extensive and in addition to various materials and items strewn across the site, included:

- Seating – picnic bench, recliner
- Shelter (tarpaulin) and parasol
- Camp chairs
- Greenhouse
- Small shed
- Hammock
- Mobile water storage

The enforcement team received further complaints that building works were continuing on site and a further site visit undertaken during September 2017 confirmed that the former storage (a utilitarian building of no particular merit in design terms) shed was being extended without the benefit of planning consent. Your officers have entered into lengthy and protracted discussions with both the landowners and their son with regard to how they might seek to regularise the situation on site, but at the time of writing, no progress has been made.

It is your officer's view that the unauthorised operational development represents a breach of planning control which could, if no action is taken, become immune from enforcement action through the passage of time. In addition, the site is classified as "High Risk Contaminated Land" and your officers have significant concerns about works continuing on site without the necessary land contamination reports being undertaken.

Your officers do not consider that the breach of planning control will be resolved voluntarily; therefore, it is proposed that an Enforcement Notice (Operational Development) should be served to secure the demolition of the unauthorised development and an Enforcement Notice (Change of Use) to secure the removal of the items of domestic paraphernalia and restore the land.

Human Rights and Equality Issues:

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

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

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

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

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

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

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

Reasons for issuing the Notice

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

This breach concerns unauthorised operational development in relation to an extension to a former storage shed, without the benefit of planning consent, and an unauthorised change of use of the land from woodland to a mixed use of woodland and recreational use. The building itself is not considered to be a building which positively contributes to the rural character of the area, and furthermore the operational development that has been undertaken by virtue of its scale and massing represents an incongruous addition. The Council has concerns that the building may now, or in the future, be occupied as a separate unit of residential accommodation. The development is, therefore, considered to be contrary to Policies DM2, DM11 and DM31 of the Mid Devon Local Plan Part 3 and Policy COR18 of the Mid Devon Core Strategy.

The recreational use of the land, and the paraphernalia associated with it, fails to preserve or enhance the distinctive quality and character of the open countryside by introducing a scattered domestic appearance to the land. The unauthorised change of use of the land results in a visually unattractive site which fails to protect the characteristics of the surrounding area and the Council does not consider that the harm caused by the recreational use of the land could be overcome by the granting of conditional planning permission. The change of use of the land is, therefore, considered to be contrary to Policies DM2 and DM31 of the Mid Devon Local Plan Part 3 and Policies COR2 and COR18 of the Mid Devon Core Strategy.

Case No. 17/00160/COU

300441 125017

Address:

Land lying to the North of Petton Cross, Shillingford, Tiverton, Devon.

Alleged Breach:

Change of use of land from agriculture to mixed use agriculture and the siting and use of a caravan for human habitation together with domestic paraphernalia ancillary to such use and the storage of two non-agricultural motor vehicles.

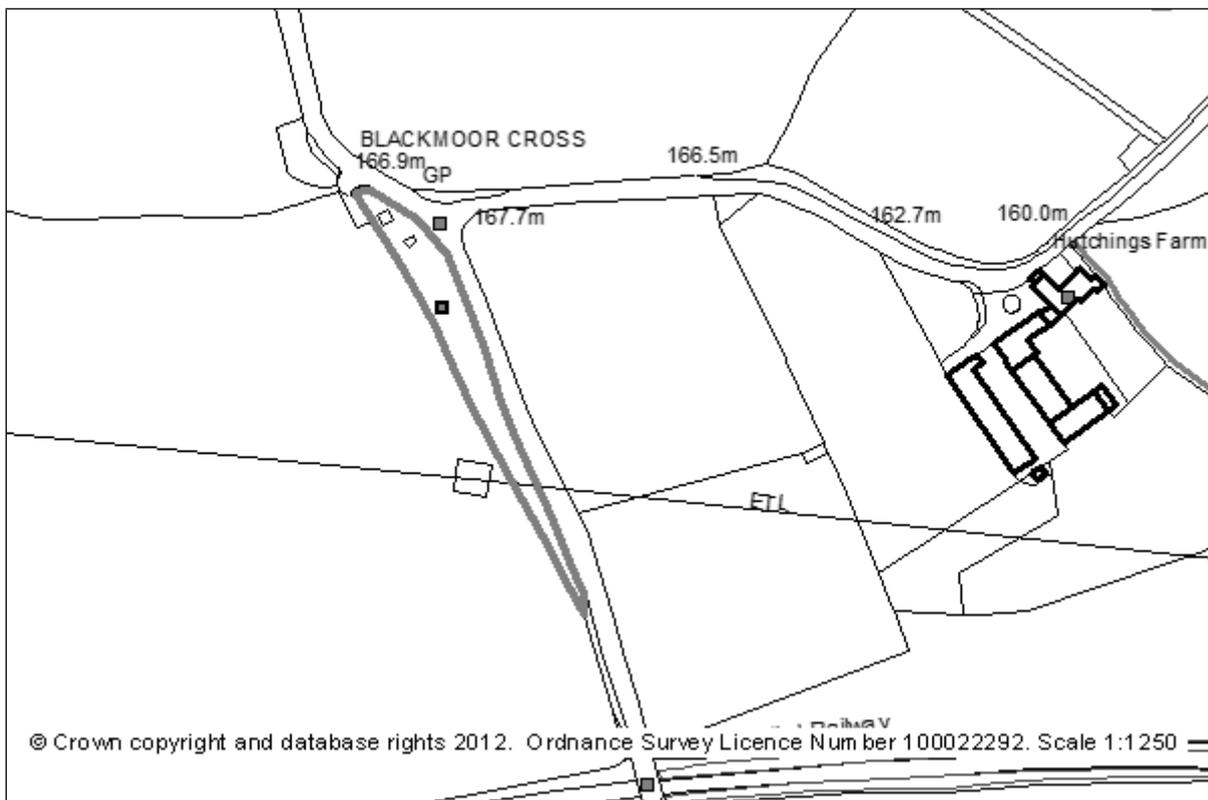
Recommendation:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, ("the Act") should grant authority to the Legal Services Manager take all such steps and action necessary to secure the cessation of the unauthorised change of use by the removal of the caravan and associated domestic paraphernalia a long with the two non-agricultural motor vehicles from the site. This could include the issue of an enforcement notice, followed by prosecution and/or Direct Action in the event of non-compliance with the notice.

Site Description:

The site is located within the Parish of Bampton; on an intersection known as Blackmoor Cross, approximately 0.2 mile north of the Petton Cross Intersection on the B3227, Shillingford to Waterrow Road. It is a long, thin piece of land that is in the open countryside.

Site Plan:



Site History:

None

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM31 - Planning enforcement

Reasons/Material Considerations:

The above breach of planning control has occurred within the last 10 years. Evidence strongly suggests that this caravan and two vehicles were not on the site prior to February 2016. This is clearly evident from the aerial photographs and records held by Mid-Devon District Council.

The Planning Enforcement Team was made aware of the situation in June 2017 and, having confirmed that a breach of planning had occurred, contacted the owner of the land to discuss the removal of the caravan and vehicles. The owner of the land was advised by telephone, e-mail and letter that the change of use of the land (from agriculture to a mixed use agriculture and the siting of a caravan for human habitation) along with the keeping/storage of two non-agricultural motor vehicles was unauthorised-and that the use should cease immediately and the caravan and two non-agricultural motor vehicles removed from the land.

In September 2017 the owner was given a deadline of November 2017 by which to resolve the breach. At the request of the Land owner this deadline was extended through to the end of December 2017.

A further site visit was undertaken on 3rd January 2018 and it was recorded that the caravan and two non-agricultural motor vehicles remained in situ on the land.

Communication was entered into again advising that the breach of planning was still evident and that the use of the land remained unauthorised until such time as the unauthorised use ceased and the caravan and two non-agricultural motor vehicles were removed from the land.

To date the Caravan and two non-agricultural motor vehicles remain on site. It is your officer's view that the unauthorised change of use represents a breach of planning control which results in detriment to the overall character and appearance of the open countryside, and could if no action is taken, become immune from enforcement action through the passage of time.

Human Rights and Equality Issues:

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

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

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998.

Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

Reasons for issuing the Notice

The Council does not consider the unauthorised use has been carried on continuously for a period of 10 years and therefore the serving of an Enforcement Notice is necessary to have the breach resolved by means of the removal of the caravan, domestic paraphernalia and the two non-agricultural motor vehicles.

The current unlawful use of the site, for the siting of a caravan for human habitation along with the keeping and storage of the two non-agricultural motor vehicles is considered to be contrary to policy COR18 of the Mid Devon Core Strategy 2026 and policy DM31 of the Mid Devon Local Plan Part 3 in that it does not enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of the Local Planning Authority and undermine public confidence in the planning system.

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Case No. ENF17/00266/RURAL

Grid Ref: 307589 114376

Address:

Land and Buildings at NGR 307589 114376, (Land On Escotts Farm), Uffculme, Devon

Alleged Breach:

Unauthorised material change of use of land from agriculture to a mixed use for agriculture and the slaughtering, processing, packing, freezing, storage and distribution of meat, together with ancillary operational development comprising the erection of two structures and a concrete base.

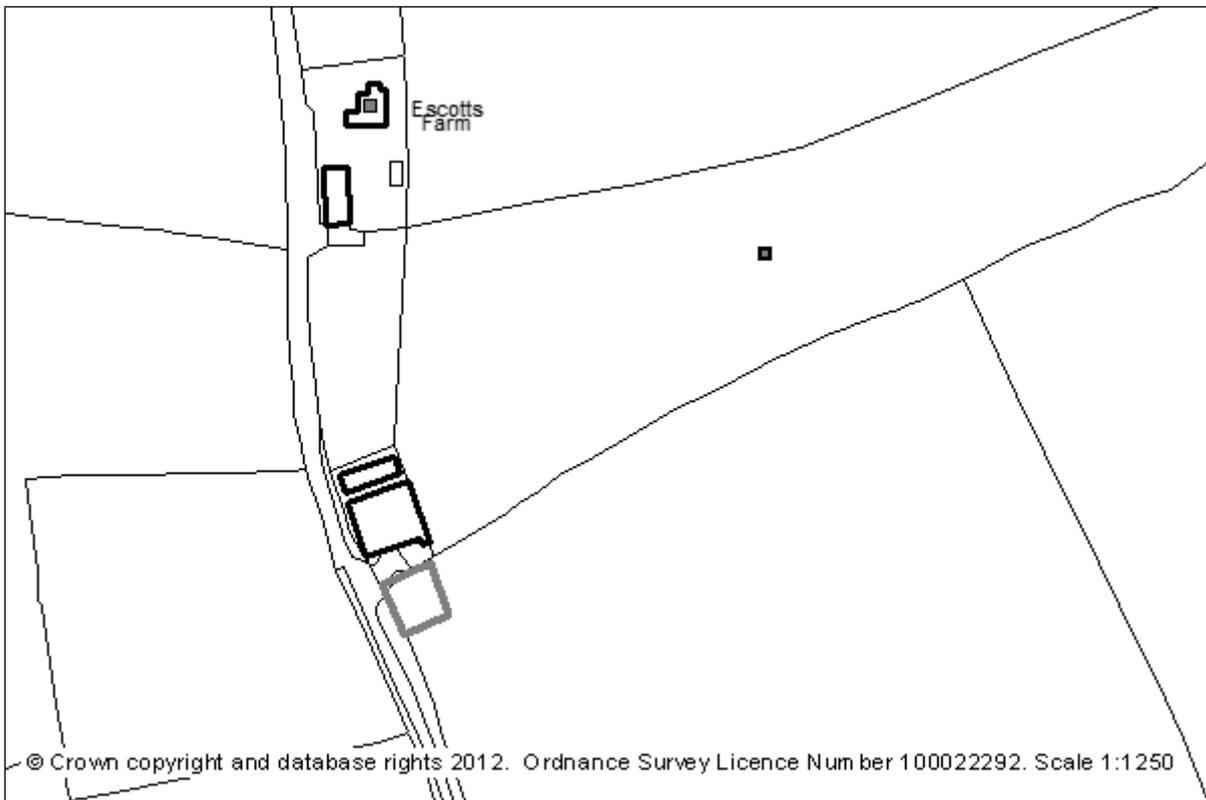
Recommendation:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, ("the Act") should grant authority to the Group Manager for Legal Services to take all such steps and action necessary to secure the cessation of the unauthorised use and the demolition and removal of the unauthorised ancillary operational development, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

Site Description:

The site is located within the Parish of Uffculme, approximately 0.6 mile east of the A38, 0.1 mile to the north of Penslade Cross. The site occupies an area of land that is in the open countryside adjacent to an un-named lane.

Site Plan:



Site History:

None

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM31 – Planning Enforcement

Reasons/Material Considerations:

In October 2017, a complaint was received by the enforcement team regarding unauthorised building works taking place on the land.

An initial site visit established that the site had been cleared and that a walled hardstanding along with two structures had been built without the benefit of planning permission.

The landowner was advised that the unauthorised works must cease and no further building work should be undertaken until such time as the necessary planning consents were in place. The landowner agreed to submit said planning application within the time frames given.

On the 23rd November 2017 a Full Planning Application was received for the “Retention of walled hardstanding for agricultural use”. This application was invalid for a number of reasons that included documents missing, insufficient information and an unpaid fee. A letter was sent explaining that the landowner had until 18th December 2017 to submit a valid application.

After a long discussion with the landowner a further extension period was given until 19th January 2018, this was to enable the correct documents, information and fee to be paid. The application remained invalid after this second deadline date had passed.

On the 22nd January 2018 a further site visit was conducted and it became apparent that further building work had been carried out on site. There now appeared to be two refrigerated units in situ and the open loading bays had now been enclosed. It appeared that from this second site visit that this facility was now up and running and being used as a transfer station for frozen meat products/food distribution Unit. The labelling on the waste bins outside state “Animal By Products Category 3 - Not fit for human consumption”.

The landowner was again spoken with and a final deadline was set of March 1st 2018 in order that the Planning Application be amended to reflect the changes observed.

On the 5th March 2018 Mid-Devon Planning became aware that the Food Standards Agency approved a cold store at the location. It now appears that the site is being used to slaughter, process, package, store and distribute meat. Further investigations are on-going, but the change of use to a mixed use (as described in the Alleged Breach above) has taken place.

Members are advised that their consideration of this matter should be confined to planning considerations only. Other statutory regimes are there to address any other issues which arise from the development, e.g. environmental health and the environment agency.

Human Rights and Equality Issues:

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

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

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

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

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

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

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

Reasons for issuing the Notice

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

The Food Standards Agency has now approved a cold store at the location. The change of use of the land from agriculture to a mixed use for agriculture and the slaughtering, processing etc. of meat has now taken place – and the meat is then frozen and stored on site before onward distribution. The destination of the meat is not yet clear

In the absence of a valid planning application and any planning permission which might be granted in respect of such application, the Council is unable to understand the full nature and scale of the unauthorised development and whether it is an appropriate rural use within the meaning of policy COR18 of the Mid Devon Core Strategy 2026 or whether the development meets the development management policies in the Local Plan Part 3, including DM1 (sustainable development), DM4 (waste management), DM7 (pollution), DM20 (rural employment development). Furthermore, in

the absence of planning permission, the Council is unable to control the development through conditions.

It appears to the Council that the unauthorised development does not enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy DM31 recognises that a failure to address unauthorised development can reduce the effectiveness of the Local Planning Authority and undermine public confidence in the planning system.

It appears that it is both proportionate and expedient to take enforcement action to address the harm caused by the unauthorised development.

PLANNING COMMITTEE AGENDA - 21st March 2018

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	17/01511/MOUT - Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure at Land at NGR 282065 100892 (Chapel Downs Farm), North of Queen Elizabeth Drive, Barnstaple Cross. RECOMMENDATION Refuse permission
02.	17/01090/MOUT - Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure at Land and Buildings at NGR 281938 100425, (Adjacent Brookdale, Threshers), Hollacombe. RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.
03.	17/02014/FULL - Retention of log cabin for storage, shelter and education at Castleland House, Bampton, Tiverton. RECOMMENDATION Grant permission subject to conditions.
04.	18/00100/HOUSE - Conversion of garage to a self contained annexe and erection of a porch at Station House, Culmstock, Cullompton. RECOMMENDATION Grant permission subject to conditions.
05.	18/00023/FULL - Permanent retention of log cabin for use by full time worker at Land at NGR 295174 103122, The Orchard, Great Pitt. RECOMMENDATION Grant permission subject to conditions.

Application No. 17/01511/MOUT

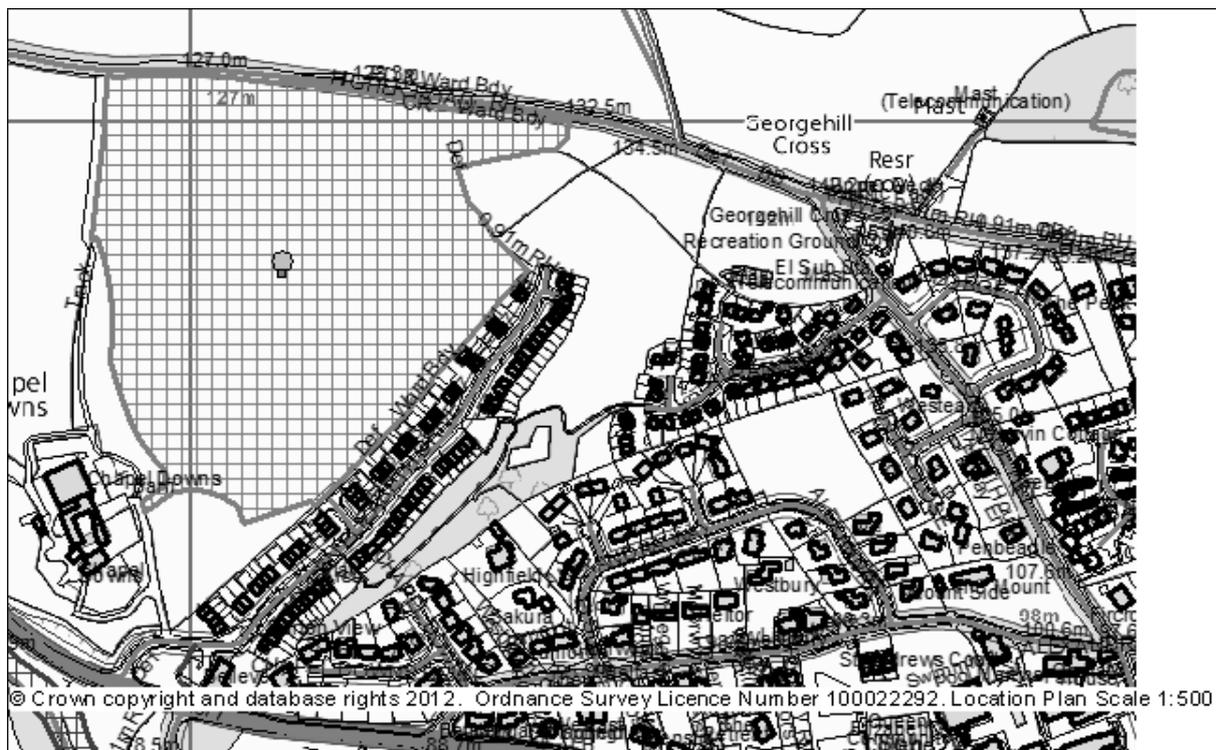
Grid Ref: 282065 : 100892

Applicant: Barratt David Wilson Homes

Location: Land at NGR 282065 100892 (Chapel Downs Farm)
North of Queen Elizabeth Drive
Barnstaple Cross
Devon

Proposal: Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure

Date Valid: 19th September 2017



APPLICATION NO: 17/01511/MOUT

RECOMMENDATION

Refuse permission for the following reasons;

1. The application site is outside the current settlement limit boundaries of Crediton and is in the open countryside and is not currently allocated for development. 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 considers that the adverse impacts of the proposed development, as set out in reasons 2, 3 and 4 below, would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
2. The Local Planning Authority considers that by virtue of the elevated and sloping nature of the site the development (of an agricultural field) to include a new section of highway and associated pavement will have a harmful impact to the visual amenity of the area at the western entrance to the town and along Higher Road. By virtue of the topography the development will appear as an incongruous extension adjacent to the existing built development which is set down within the valley cutting. The site is widely visible from the south and development will significantly alter the unspoilt and open qualities of the site and result in the loss of grade two agricultural land forming an important part of the rural setting at this edge of Crediton. Despite the shortfall in housing supply the harm arising to the character and visual appearance of the area is considered to significantly and demonstrably outweigh the benefits derived from the scheme and on this basis the application scheme is considered to be contrary to policies COR2 and COR18 (Local Plan 1) and policy DM2 Local Plan part 3 (Development Management Policies) which seek to protect the character and appearance of the countryside.
3. In the opinion of the Local Planning Authority the development would result in harm to the setting of the Grade II listed Chapel Downs Farmhouse. The agricultural field is considered to form part of the setting of the listed building, and the proposed scheme will alter the character and appearance of the setting of the listed building given the intrusion of built development at a raised level within the setting of the heritage asset.

Although the harm is considered to be less than substantial in National Planning Policy Framework terms, in addition to the other identified harmful impacts of the scheme it is not considered that the public benefit arising from the scheme would outweigh the identified harm to the designated heritage asset and therefore the proposal is considered to be in conflict with the aims of policies DM27 Local Plan part 3 (Development Management Policies) and part 12 of the National Planning Policy Framework which seek to conserve and enhance the historic environment.

4. In the opinion of the Local Planning Authority it has not been demonstrated that development can be accommodated on the site without resulting in unacceptable harm to the amenity of occupiers of neighbouring properties. By virtue of the difference in levels the proposal is likely to result in a form, scale and mass of development that is overbearing to occupiers of residential properties located in Queen Elizabeth Drive and would be detrimental to the amenity they currently enjoy contrary to policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

Outline application for the erection of up to 120 dwellings, public open space, vehicular access and associated infrastructure at Chapel Downs Farm, Crediton. The application is in outline form with details for the access to be agreed, all matters relating to appearance, landscaping, layout and scale are reserved for future consideration.

The site extends to 7.22 hectares of agricultural land located at the western edge of Crediton. It is broadly triangular in shape with the northern edge abutting Higher Road and the southern tip extending towards Chapel Downs Farmhouse and its associated outbuildings. The eastern boundary of the site sits adjacent to the existing residential development of Queen Elizabeth Drive. The site is located just beyond the settlement boundary for Crediton. The site slopes steeply from north to south with gradients ranging from 1:3 at its steepest to 1:15 along the ridge line to the north, with a level difference of 55m across the site. The northern half of the site is grade 2 agricultural land.

The new vehicular access is proposed onto Higher Road at the north west corner of the site. A pedestrian, cycle and emergency access is also proposed at the north west corner onto Higher Road. There is an existing access at the southern edge of the site from the lane of Chapel Down Farm, however this is shown on the indicative plan as pedestrian/cycle access only.

An indicative layout showing the areas of built development, road layout, public open space and landscaping has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

APPLICANT'S SUPPORTING INFORMATION

Flood Risk Assessment
Landscape and Visual Impact Assessment
Transport Assessment
Ecological Appraisal
Drainage Strategy Plan

Site Location Plan
Indicative Masterplan
Statement of Community Involvement
Desk Survey and Ground Investigations
Historic Environment Assessment
Design and Access Statement
Draft Heads of Terms

Following assessment of the application as submitted the applicants were advised that the proposal would be recommended for refusal. In light of this the following additional information was received by the Local Planning Authority in support of the application on 19th January 2018. Analysis of this further information is considered at the key issues section of the report.

- Covering letter addressing areas of concern raised by officers
- Transport statement addendum note
- Heritage statement
- LVIA audit
- Photomontages

RELEVANT PLANNING HISTORY

77/01829/FULL - DEMCON date 16th March 1978 DEEMED CONSENT for the erection of high and low voltage overhead lines

80/01684/OUT - REFUSE date 31st December 1980 Outline for residential development

OTHER HISTORY

16/01026/PREAPP – Advice was provided at the pre-application stage for a development comprising between 130-149 dwellings. A summary of the advice provided is set out below.

The provision of new dwellings on the site would be contrary to policy based on the current development plan policy and the proposed direction for development in Crediton as set in the proposed Local Plan 2013- 2033. In completing an assessment of a planning application; the transport and movement, air quality, surface water drainage and education provision impacts will be key issues that would need to be considered and positively redressed as well as the usual site planning and design considerations.

Summary of Design Review Panel Comments

Prior to submission of this outline application, the applicants elected to present the proposal, including an indicative layout, to the Creating Excellence Design Review Panel. The comments of the design panel are summarised below:

- The emerging layout is well considered, avoiding building on the very steep gradients and leaving opportunity for a landscape led scheme

- The four perimeter blocks are well placed and the ‘Spanish steps’ approach is interesting and could be extremely attractive but there needs to be a strong frontage on these and enough space allowed in each block to accommodate that relationship.
- The views will become the key driver of the site embedded into and looking out onto the landscape.
- Trees will be crucial to the success of the site, and to block views into neighbouring properties, and they need to be organised and planned to be consistent with the Devon landscape.
- The panel recommended that the scheme should not be reliant on the suburban building references used nearby but to consider a Devon Woodland theme to make this edge of Crediton distinctive but in keeping with its countryside edge.

Local Plan Review Process

The site has previously been submitted as part of the Local Plan review process but was not included as an allocated site within the proposed Local Plan. It was excluded through the Sustainability Appraisal which concluded that development of the grade 2 agricultural land will impact on the setting of the listed farmhouse with the potential to reduce its significance. In particular the site scores negatively in respect of:

A. Protection of the natural environment: “The site is more prominent, and would visibly extend the building environment, with the potential for it to be seen from distant viewpoints. A lower density of housing has been assumed, which could ensure that the development is focused away from the most prominent elements. Generally though, there would be a large landscape impact as a result of developing this site”.

B. Protection and promotion of a quality built and historic environment: “Development of the surrounding agricultural land will further impact on the setting of the building, with the potential to reduce its significance”.

D. Safeguarding and minimising resource use: “The loss of several hectares of this valuable land is a sustainability concern for the long-term retention of quality agricultural land within the district”.

I. Infrastructure: The addendum to the sustainability appraisal further reduces the score for this category having fully considered the impact on the high street of additional traffic resulting from developing to the west of the town.

The site scored positively in respect of promoting economic growth, supporting retail and meeting housing needs.

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
 COR12 Development Focus
 COR15 Crediton
 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
 DM2 High quality design
 DM27 Development affecting heritage assets

CONSULTATIONS

MDDC HOUSING NEEDS MANAGER- 20th September 2017-

Housing Need demand for Crediton as of September 2017. Devon Home choice as follows:

Crediton Banding	Bedroom Need					Grand Total
	1	2	3	4	5	
Band B	14	8	2	1		25
Band C	11	13	22	4	2	52
Band D	42	12	7	1		62
Band E	53	53	19	2		127
Grand Total	120	86	50	8	2	266

DEVON AND CORNWALL POLICE - 25th September 2017 - The police have provided specific comments and guidance as to the detailed layout and design of the scheme to ensure safe and sustainable communities. As the proposal is outline only these comments are not relevant at this stage.

SOUTH WEST WATER - 28th September 2017 - No objection.

HISTORIC ENVIRONMENT (DCC) - 3rd October 2017 -

The archaeological geophysical survey undertaken has indicated the presence of a prehistoric or Romano-British enclosure within the proposed development site. In addition,

several linear anomalies in the survey may indicate the presence of contemporary or later field boundaries in the surrounding area. The Masterplan and Design and Access Statement indicate that the site of the enclosure will be protected within a central public open space. However, the plan shows the open space as being planted with trees, crossed by paths and hard-standing - all of which will have a belowground impact. Despite the geophysical survey demonstrating the presence of heritage assets that will be affected by the proposed development no intrusive archaeological investigations have been undertaken to determine the significance and quality of survival of these archaeological deposits. It is not possible to determine the significance of these heritage assets through non-intrusive technique or the efficacy of the survey itself. As such, I do not regard the information submitted in support of this application as being adequate to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

7th December 2017- Following submission of revised masterplan drawing and site sections (received by the Local Planning Authority 6th December 2017)- The proposed development now allows the heritage asset to be preserved in situ with the central green space and, as such, I would like to withdraw my previous objections and suggest conditions relating to the provision of a programme of archaeological work, construction methodology for the creation of the central green space, provision and detail of a Heritage Interpretation Board.

NATURAL ENGLAND - 3rd October 2017 - No comment.

ENVIRONMENTAL HEALTH - 4th October 2017 -

Contaminated Land- The Phase 1 and 2 (T&P) investigation reports are noted. The scope and methodology of these are consistent with national CLR11 guidance and current risk assessment criteria. In accordance with the investigation conclusions no further assessment is required and no adverse risks have been identified.

Air Quality- The scope and methodology of supporting (WSP) air quality assessment were discussed and agreed in advance. Accordingly, the assessment conclusions are noted and there is a requirement to condition (for pre-approval) a residential travel plan and low emission strategy for the proposal. I would suggest these two requirements are inherently linked and need to be integrated.

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

HISTORIC ENGLAND- 5th October 2017- No comments.

SANDFORD PARISH COUNCIL- 9th October 2017 -

The Parish Council agreed to object to this application on the following grounds:-

- access on to higher road
- traffic issues in this area, which has become the unofficial Crediton bypass, and the extra vehicles this will produce to travel through Crediton.
- lack of infrastructure in Crediton to support this development
- air quality
- light pollution
- sustainability

CREDITON HAMLETS PARISH COUNCIL - 10th October 2017 - met on 2nd October and resolved that it was neutral in respect of this application. The Council however wished to express a number of concerns: about the single vehicular entry and exit from the site; dark skies and the need to minimise light pollution; increased volumes of traffic particularly on those parts of the road that need to be widened; the need for more bungalows in the area and the pressure on existing services e.g. local schools, doctors and the need for the provision of a safe play area and improved public transport provision.

6th November 2017- Crediton Hamlets Parish Council met on the 6th November and resolved that they were neutral in respect of this application. They however offered the following additional comments to those they made in October 17: Of particular concern was the increased volume of traffic from the proposed development site which would significantly exacerbate the problems at pinch-points in the road particularly at the Forches Cross junction, Alexandra Road junction & at the bottom of Jockey Hill. Any increased development north of Crediton should contribute to road widening at these points. The open space

contribution from this development should be used to create a play park on the site for use by new residents & children in the existing area.

CREDITON TOWN COUNCIL - 18th October 2017 - OBJECTS to the applications as it is not in conformity with the Local Plan and there is a lack of connectivity to the rest of the settlement.

DCC EDUCATION - 23rd October 2017 - The proposed increase of 120 family-type dwellings will generate an additional 30 primary pupils and 18 secondary pupils. There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought for this development. However, a contribution towards Early Years education is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost £30,000 (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.

ENVIRONMENT AGENCY - 23rd October 2017 - No substantive comment, the site is entirely within flood zone 1.

CONSERVATION OFFICER - 1st November 2017-

A summary of the comments provided by the Conservation Officer are set out below, with the detailed assessment points discussed further at section 4 of the report.

The application is in outline only. The master plan is indicative but does not form part of the formal application. Therefore the applicants have not formally addressed point 4 of the 4 steps of assessment in the Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets - where significant effects on the setting are identified consideration is given to means of mitigation or enhancement of the heritage asset. While I accept that this proposal will result in 'less than substantial harm' (within the meaning of para 134 of the NPPF and DM 27) it will nevertheless have the potential to be significant based on the red line not the master plan. The applicants have not formerly addressed the nature of the impact or the mitigation as required in Step 4- both in terms of impact on Chapel Down farm or the historic town. The notion that this will not be negative but will be 'negative negligible change' is tautological and without meaning. For these reasons I am unable to support the proposal in its present form.

1st February 2018- following consideration of the additional information submitted by the applicants, the Conservation Officer has confirmed that his comments are remain as set out above.

LEAD LOCAL FLOOD AUTHORITY - 9th November 2017 - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission: detailed design of permanent surface water drainage management system, details of adoption and maintenance arrangements and details of temporary drainage system during period of construction.

HIGHWAY AUTHORITY - 6th December 2017 -

The Highway Authority are happy to accept the details submitted in the transport assessment and the mitigation measures should be implemented prior to the occupation of any dwelling such measures should be subject to suitable planning and /or Highway Agreements for the detail and delivery. The applicant has demonstrated a suitable access onto Higher road with appropriate visibility and dimensions, at Forches corner a suitable change of priority has resulted in additional safety benefits with appropriate visibility being demonstrated but due to land constraints additional priority works are provided. At the junction of Higher Road and Jockey Hill the existing junction in 2021 would be close to capacity without development but still acceptable, with the development but without alteration would place the junction at point considered as overcapacity, the inclusion of the proposed measures reduce the levels to a point where the junction is below this threshold but only just. Notwithstanding this, future allocations have the ability to improve capacity further at this junction. The junction of Jockey Hill with Blagdon Terrace operates at a suitable capacity albeit pedestrian facilities should be addressed and the measures sought through the Pedlerspool planning application should be sought through this application too and a section 106 agreement or similar legal agreement should be required for all the mitigation measures and provision of the travel plan.

The applicants have identified capacity issues at the junction of Blagdon terrace, Exhibition road and Mill Street with or without the development in future years and to mitigate this it is proposed to introduce a mini roundabout which will allow the development and not extend beyond capacity. Therefore the proposed development as indicated in the transport assessment is acceptable and the Highway Authority would make no further observations, but request that the offsite highway works and the travel plan are contained in a suitable legal agreement under the Town and Country Planning Act. The above does not appear to have taken into consideration the sites identified in the Local plan as allocated and the Local Planning Authority may wish to have the assessments recalculated with such growth included rather than just growth factors. The Highway Authority have sought confirmation as previous assessments at preapplication had included such numbers. Of particular concern would be Pedlerspool and Cromwell Meadow which are both subject to a planning application and while not determined their figures will not have taken into account this site which has been submitted post registration of Pedlerspool in particular. This will influence the capacity findings at Blagdon, Exhibition road and Mill Street.

5th February 2018 - following submission of the supplementary technical note:

I have been through the technical note and the following junctions have been reassessed and I have the following observations.

- Higher Road/ Jockey Hill: with the cumulative traffic added to the 2021 and development traffic the junction appears to be a better balance from that of the original TA and while the capacity of the junction is close to capacity thresholds it is not of a level that would trigger the need for significant improvement, more over as the allocated sites come on line there will be an opportunity to review the junction and further improve on capacities.
- Jockey Hill junction Blagdon Terrace: with the cumulative traffic the junction remains at level where there is significant capacity available.

- Blagdon Terrace junction with Mill Street: The existing highway arrangement in 2021 will be over capacity without the development, but with the provision of the mini roundabout the traffic generation of the proposal and cumulative traffic from allocated development will provide for an improvement of capacity to a level which is better than the junction without any development.

Therefore the Highway Authority are happy to accept the findings of the transport assessments and the mitigation measures identified and requested by the Highway Authority in its previous response.

REPRESENTATIONS

66 objections to the application scheme have been received at the time of writing this report. A summary of the key concerns expressed is set out below:

1. Harm to the character and appearance of the site.
2. Surface water drainage exasperating existing drainage issues downstream.
3. Impact on air quality in the town centre.
4. Road infrastructure not suitable to accommodate the additional traffic- especially Higher Road, the junctions around Jockey Hill, George Hill,
5. Access onto Higher Road is likely to be dangerous due to fast moving traffic using it as a bypass.
6. The existing road network does not provide safe movement for children to walk to school and therefore additional traffic at Landscore School will add to the congestion issues there.
7. Existing schools in Crediton are full to capacity.
8. The site is not allocated within the development plan and is contrary to the development strategy for the town which promotes development to the east.
9. There is no need for these homes in addition to the planned development for the town.
10. There are many vacant one bedroom properties in the town.
11. The site is not suitably located to encourage sustainable travel, particularly for cycling/walking given the steep topography.
12. Existing infrastructure and facilities are not suitable to support an increase in population.
13. Impact on amenity of neighbouring occupiers.
14. Harm to the setting of the listed building Chapel Downs Farmhouse.
15. The tree planting would not provide any notable level of screening for at least 15 years.

16. Development puts at risk archaeological features and historic sites.
17. There are few jobs in Crediton and residents would most likely need to commute to Exeter.
18. Agricultural land is needed to provide food.
19. Loss of wildlife.
20. Light and noise pollution.
21. Photomontages are an inaccurate representation of the impact of the development.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and principle of development, including five year land supply**
- 2. Highways, movement and air quality issues**
- 3. Impact on landscape character, visual amenities and loss of agricultural land**
- 4. Impact on heritage assets**
- 5. Impact on neighbouring properties**
- 6. Flood risk and drainage**
- 7. Affordable Housing and S106 matters**
- 8. Other matters- ecology, land contamination, new homes bonus**
- 9. Additional supporting information**
- 10. Planning balance**

1. Policy

Policy COR12 of the Core Strategy set out the development focus for the district, concentrating development around the towns of Tiverton, Cullompton and Crediton with more limited development elsewhere. 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 120 dwellings and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside the defined settlement boundary of Crediton. Policy COR15 recognises that Crediton is a sustainable location and supports the provision of new residential development within its settlement limit. However as the application site is beyond the settlement boundary of the town the proposal is considered to be contrary to policies COR15 and COR18 of the adopted development plan.

In terms of determining how much weight can be given to the fact that the application site is not as a matter of principal supported by development plan policy, members will be aware that Mid Devon has been found not to be able to demonstrate a five year housing land supply. The National Planning Policy Framework 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 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 where specific policies in the Framework indicate development should be restricted. This is reflected in policy DM1 of the Local Plan part 3 (Development Management Policies) which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) which seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the district. COR8 and 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 at AL/DE/3 (AIDPD) which requires a general requirement of 35% affordable housing on sites of more than two dwellings. Policy AL/IN/3 requires development to contribute towards 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 towards the implementation of the mitigation measures contained in the Crediton Air Quality Action Plan and in accordance with adopted SPD on Air Quality.

Policy COR2 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable development which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. It seeks to preserve and enhance the distinctive qualities of Mid Devon's natural landscape and the cultural and historic environment of the district. This is reflected by DM2 which requires development to be of high quality demonstrating a clear understanding of the characteristics of the site and its wider context, providing a positive contribution to local character and the setting of heritage assets and providing visually attractive places that are well integrated with surrounding buildings, streets and landscapes and do not have an unacceptable adverse effect on the privacy and amenity of neighbouring properties. Policy DM27 requires development proposals that affect heritage assets to consider their significance, character, setting and local distinctiveness and opportunities to enhance them.

The following sections of this report consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies and finally weigh in the balance the benefits of the proposal against identified harm.

2. Highways, movement, connectivity, and air quality issues

The site is located to the western side of Crediton. The development strategy for the town seeks to promote development to the eastern side to reduce the impact of traffic travelling through the town centre particularly in order to reduce the air quality impacts associated with the additional travel. On this basis the allocated sites within the adopted and emerging local plan are focused to the east side of Crediton. As stated above this is one of the reasons the

site was not supported to be allocated at the Local Plan Review stage, however as set out above, this does not constitute a justifiable, standalone reason for refusal in this instance.

The site abuts the settlement boundary for Crediton. There are a number of services and facilities within reasonable proximity of the site including primary and secondary schools and the local hospital within 800m. Crediton High Street is located within 800 to 1500m of the site providing a further range of key services and facilities for future occupiers. The proposals includes a footway/ cycle link from the development area to the south west corner of the site linking to the existing farm lane to the highway at Queen Elizabeth Drive. At the northern edge of the site, the applicant has indicated that a footway link along Higher Road to connect to the top of George Hill could be provided (blue line land). The nearest bus stop is located on Western Road approximately 80m from the southern edge of the site, the buses that stop here provide a regular service to travel into town and beyond to Exeter. Similarly there is a service running approximately every half an hour in the other direction towards North Devon.

A number of objections have raised concern that the site is too far from the town centre and by virtue of the topography is not realistically likely to enable residents to walk or cycle to local facilities. It is noted that the topography surrounding Crediton provides a significant constraint to providing development that is easily accessible.

The applicants have sought to mitigate the impacts of the development upon highway movement and air quality issues in the high street by providing access to the site at the northern side. As set out above, the vehicular access to the site will be via a new junction onto Higher Road at the north east edge of the site. As such, whilst some traffic will disperse to the west towards Barnstaple Cross the primary route of traffic arising from the development is likely to head towards Exeter via Higher Road, Jockey Hill and Blagdon Terrace. It is proposed that Higher Road be widened to 5.5m between George Hill and the site access with provision of a 1.5m wide footway as set out above. However there are no controls that are considered practicable to prevent journeys along the High Street and onto Exeter Road.

The supporting evidence base in respect of the highway impacts have specifically assessed the impact of the development upon junctions through the Higher Road- Jockey Hill- Blagdon Terrace- Mill Street route. The analysis concludes that

- Higher Road/ Jockey Hill junction will operate close to capacity in the am peak future scenario. However the proportional impact of development traffic on the junction is relatively low and the queue only reaches just over six vehicles.
- Jockey Hill/ Blagdon Terrace mini roundabout is operating well within capacity and the additional traffic will only have a limited impact.
- Blagdon Terrace/ Mill Street would be operating above capacity during am peak in the future scenario.

Given the implications the following improvements are proposed to the highway network to enable it to accommodate the increase in traffic arising from the development:

- Widening of Higher Road to 4.1m in the vicinity of Forches Corner Cottage (option 1) or provision of a passing place (option 2).

- Change in priority at the junction of Alexandra Road and Higher Road to allow traffic from Alexandra Road to have priority and safely access Higher Road where visibility is currently poor.
- Higher Road/ Jockey Hill junction- upgrade to junction to improve visibility for traffic from the Higher Road direction and enable the junction to operate within acceptable levels of capacity.
- Blagdon Terrace/ Mill Street/ Exhibition Way junction to be replaced with a mini roundabout.

The Transport Assessment does not raise any capacity issues at the junction of Higher Road/ George Hill, there is concern with regard to the narrowness of the road further down the hill and the alignment at the junction with Alexandra Road, the applicant has not sought to assess this part of the network.

The Highway Authority are satisfied with this approach on the basis that most of the traffic will travel via the most direct route along Higher Road in the direction of Exeter and whilst the routes into town will be used for some journeys they do not consider that the development will generate significant daily movements over their junctions that would warrant concern from a highway safety or capacity perspective. The Highway Authority have confirmed that they are satisfied with the findings of the transport assessments and the mitigation measures proposed and on this basis they do not raise an objection to the scheme on technical grounds (i.e. NPPF test of resulting in severe harm) in terms of highway safety and or capacity grounds.

Policy AL/CRE/8 requires that development in or adjoining Crediton will be required to mitigate its likely impact on air quality in the Crediton Air Quality Management Area (AQMA) by contributing to the cost of implementing the Crediton Air Quality Action Plan in accordance with the Council's SPD on air quality. The application submission includes an air quality assessment that considers the potential air quality impacts during both the construction and operational phases of the proposed development. The report finds that there is a high risk of dust soiling impacts and low risk of particular matter concentrations during construction activities. However through suitable mitigation and good practise the effect of dust and particulate matter generated by construction activities would be considered negligible. In terms of the operational phase the report considers that the development would result in an increase in pollutant concentration at all receptors although at the majority of receptors the increase would be very small. As such it concluded that the residual effect of the proposed development is classed as negligible.

Environmental Health have raised no objections in respect of the air quality assessment subject to the provision of a Residential Travel plan and Low Emission Strategy. The applicant has agreed to a financial contribution in respect of £345,852 in accordance with policy AL/CRE/8 and the adopted SPD. At this stage a suitable project has not been identified, however in the event that the application is approved, if a suitable project is identified the contribution could be secured by legal agreement.

The development proposes a significant level of unplanned development to the west of the town contrary to the development strategy proposed for Crediton within the existing and emerging Local Plan. Despite local concern regarding the impacts of additional traffic, the

evidence base has demonstrated that the highway network, with the improvement works proposed, has sufficient capacity to accommodate the additional traffic arising from the development. The statutory consultees have not raised any technical objection to the scheme on the basis of the highway safety/movement issues or air quality impacts. On this basis it is not considered reasonable to raise an objection on the grounds of highway capacity and/or movement issues.

3. Impact on landscape character, visual amenity and loss of agricultural land

The application scheme is an outline application and proposes a maximum of 120 dwellings across a gross site area of 7.22ha. As it currently exists the site is a greenfield site with existing mature hedgerow boundaries apart from the eastern boundary, abutting the existing residential development, which is less substantial and formed with a mix of fencing with some shrubs and tree planting. The applicant's planning statement states that the residential development area is 3.62ha. The indicative layout plan demonstrates the built development being accommodated in five blocks located around a central green space with planted landscape buffers at the edges of the site which the applicant's state has been included to "mitigate potential effects on views and to protect and enhance the character of the semi-rural edge of Crediton".

The Council's Landscape Character Assessment seeks to identify the special qualities of Mid Devon landscape to inform planning decisions and manage change to the landscape. The site falls within the Landscape Character Area 3E Lowland Plains which is described generally as an open, low lying flat landscape and is a prosperous agricultural area primarily managed as arable farmland with some areas of improved grassland. The key characteristics of this landscape type are summarised as:

- Gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes
- Characterised by Red Devon Sandstone giving great soil fertility
- An agrarian landscape with medium to large scale field patterns
- Fields divided by hedgerows and hedgebanks which are distinctive in their regularity and simplicity.
- Hedgerow trees are infrequent
- Copses and discrete woodland
- Generally a sparsely populated area
- Dotted with large scale farm steads
- Some traditional orchards remain
- Views are highly variable, landscape is semi open with some long extensive views
- Landscape has typically short vistas terminated by a backdrop of curving hills with occasional long views from prominent locations giving rise to a patchwork of irregular shaped fields with green pastures.

The site demonstrates a number of these characteristics and given the elevated and sloping nature of the topography is widely visible as an unspoilt and open site at the western entrance to the town.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) with the proposal which considers the potential effects of the development on the character of the landscape including the physical, aesthetic and perceptual qualities. The LVIA considers that the site makes a positive contribution to the local landscape character by virtue of a number of positive landscape attributes including; underlying geology of Red Devon sandstone resulting in grade 2 agricultural land, presence of probably relict prehistoric feature, Higher Road being narrow hedge banked and gentle winding rural character, distinctive steep topography, strong boundary vegetation and the availability of long extensive views to distant countryside including Dartmoor.

Views towards the site from the north are likely to be concealed by the ridgeline topography and existing hedgebanks. Views from the east are restricted by virtue of the existing built development of the town and to the west by the surrounding topography. Close, middle and long distance views are available from the south and south west including views from public right of way at the south west edge of Crediton and users of the Devonshire Heartland Way. The LVIA has considered a range of viewpoints and considers that the likely significant effects of the proposed development are of "slight beneficial effect". The report suggests that the only long term significant adverse visual impacts are found for occupiers of certain dwellings on Queen Elizabeth Drive and Avranches Avenue. For the remainder of viewpoints the LVIA concludes that, as the planting on site establishes, it is unlikely that there would be any significant adverse long term visual effects arising from the development.

The additional documents provided by the applicant in an effort to overcome officer concerns included a review of the LVIA that was originally submitted with the application. The review considers that the LVIA over-simplifies the assessment of the impacts of the development, in particular it does not entirely agree with the assessment of effects on views from viewpoints 1, 2a, 2b and 6b:

- The review considers that the LVIA understates the visual effects of development from viewpoints 1 (view north east from unnamed rural lane), 2a and 2b (north from Devonshire Heartland Way) and the visual effect during construction and at completion would be seen as an adverse change. Although the proposed landscape mitigation would help to soften the appearance of the development it is still considered that the development would remain as an adverse effect to this view. The significance of visual effect of 'slight adverse'.

- VP6b from public open space north of Avranches Avenue does not present the worst case available view of the site which would be achieved by going beyond the brow of the hill and particularly along the track from the pedestrian gate towards the play area. The review considers that the visual effect at this view point would at least be 'slight adverse' rather than negligible as suggested by the LVIA.

Notwithstanding these comments the review concludes in agreement with the LVIA that the site has very limited visual influence and that the development of the site would result in adverse local and medium distance landscape and visual effects during construction and on

completion of the development, but that these could be effectively mitigated in the longer term.

Notwithstanding the conclusions of the LVIA and supplementary assessment as presented above, it is considered that the proposed development will significantly alter the character and appearance of the site at the rural edge of Crediton and result in the permanent loss of grade 2 agricultural land. Although the eastern boundary of the site partially adjoins existing residential development, Queen Elizabeth Drive, those dwellings are arranged in a linear form set down in a cutting between the elevated land forming the application site and the residential development further east. As such the existing edge of the built form of Crediton is defined by Queen Elizabeth Drive which is set down within the fold in the landscape and the proposed development will sit prominently within the local context given its elevated topography. The use of native woodland as a landscape buffer could help to soften the impact of the development. However the site is a productive arable field with very limited tree planting, the level of planting envisaged would appear somewhat alien as a landscape feature, and whilst a limited degree of softening is recognised, it is not considered that the tree planting will overcome the significant and harsh change to the visual amenity of the site and the immediate area. The provision of new buildings, estate roads, street lighting and other inevitable domestic paraphernalia would markedly erode the unspoilt qualities of the site. As such it is considered that the development would appear as an unnatural extension to the town which encroaches into the countryside and diminishes the rural edge and setting of the town.

As set out above, a substantial section of the site is formed of grade 2 agricultural land. The NPPF promotes the use of poorer quality land in preference to that of higher quality. As highlighted above, a key reason for this site not being favoured in the site selection process for the Local Plan Review was the loss of grade 2 agricultural land. The permanent loss of some of the best and most versatile agricultural land erodes the environmental credentials of the scheme and further amplifies the erosion of the recognised landscape quality of the site.

The proposed access works would require the removal and reconfiguration of a sizeable length of established hedgerow along Higher Road. In addition, it is proposed to provide a footway along Higher Road between the site access and the junction at George Hill (Blue line site area). Higher Road is relatively narrow, gently winding and enclosed to both sides by well-established hedgerows. The junction at Georgehill Cross approximately 200m to the east of the proposed access, is the last junction allowing traffic to travel down into the residential properties at the edge of the town. From here, moving west the road takes on a distinctly rural character framed by the existing hedgerows with agricultural land to both sides and some views of the wider rural landscape. In this respect the new access and associated footway would present as a clearly urban intrusion to the rural character of Higher Road. The new junction arrangement, visibility splays, pedestrian footway and view of the development would detract from the rural scene and character of Higher Road contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (LP2).

4. Impact on heritage assets

There are a number of heritage assets within the vicinity of the site. The closest, Chapel Downs Farmhouse is located at the south west corner of the site, approximately 40m from the site boundary. The property is a grade 2 listed, early 18th century farmhouse with

associated outbuildings to the rear. The farmhouse is accessed via a private lane that adjoins the unclassified road at the entrance to Queen Elizabeth Drive. The property faces south east such that the development site is located on the rising land to the side/rear.

Policy DM27 of LP3 (Development Management Policies) requires development proposals to consider the significance, character, setting and local distinctiveness of heritage assets and the opportunities to enhance them. Similarly the National Planning Policy Framework at part 12 seeks to conserve and enhance the historic environment. Paragraph 132 requires that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. “Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. Similarly paragraph 131 requires Local Planning Authority’s in determining applications to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

The Historic Environment Assessment submitted with the application considers that the principal component of the significance of Chapel Downs farmhouse is its architectural value and historical illustrative value in the sense that the building can be easily discerned as a farmhouse by virtue of its association with the nearby agricultural buildings. Its setting within the rural landscape also forms part of its significance although this has been eroded by the existing 20th century residential development to the east of the site. The indicative plan shows the provision of woodland planting around the southern edge of the site to provide a visual buffer between the proposed development and the listed building.

The findings of the Heritage Statement, which was submitted as additional supporting information, do not differ significantly from the Historic Environment Assessment originally submitted. In relation to the site it specifically acknowledges that it has a mildly positive contribution to the significance of the farmhouse. The assessment concludes that there will be no more than a minor impact on the setting and the contribution it makes to the significance of the farmhouse. It concludes that the harm is not substantial (in the context of the NPPF) and therefore it must be balanced against the public benefits of the proposal, the planning balance is further considered in section 10.

The LPA’s Conservation Officer has provided the following detailed comments response, which are offered without prejudice to the fundamental planning land use issues. The site poses considerable typological challenges and these challenges have the potential to cause serious impact to the setting of the whole town and to the LBs close by. I have read the Design Review Panel comments which pick up on this very question. The comments of the Design Review Panel highlight the key issue is that the scheme needs to be led primarily by landscape/topography questions which must then dictate density. However this application is in outline only and the indicative master plan layout which does address the landscape /topography issues does not form part of the formal submission. For that reason it is not possible for the applicants to formally address point 4 of the 4 steps of assessment in the Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets. The reference to the Master plan in para 8.12 of the applicant’s heritage statement is therefore disingenuous and can’t be used as evidence that step 4 has been addressed. The suggestion that the impact will not be significant is not conclusive. The statement accepts that there will be change to the setting of Chapel Down Farm (para 8.11) but

concludes that this will not be negative but will be 'negative negligible change'. This phrase is tautological. The evidence for this conclusion is not to be discovered in the outline application. In my view this change will not be neutral or even negative as suggested. There will in my view be harm. The applicants, must therefore fully address the question of harm and balance this against any public benefits, as required by para 134 of the NPPF and deal with step 4 in terms of mitigation. Similarly I am of the opinion that there will be harm to the setting of the historic town of Crediton which is aggravated by the adverse topography and having regard to the scale and visual impact of the development. This harm also has the potential to be significant and also need to be addressed in Step 4 and be balanced against the public benefits of the proposal.

The site is considered to form part of the setting of Chapel Downs Farmhouse by virtue of its visual relationship and traditional functional association in terms of the agricultural connection. The proposed development will significantly alter the character and appearance of the agricultural field within the setting of the listed building. The Council's Conservation officer considers that the development would result in harm to the setting of the listed building. In addition he questions the validity of the approach with an outline submission to be able to fully assess the impact of new development on the setting of the heritage asset, as stated above in his specific comment in relation to the four stage assessment as advocated by Historic England. Following consideration of all the matters in relation to this part of the assessment the following conclusion is reached:

The development, by virtue of the rising topography, will be dominant within the setting of the heritage asset and will irreversibly change the character of the setting from a rural setting at the edge of the town to a suburban housing estate. It is recognised that the proposed tree planting may in the long term provide a visual buffer between the development and the listed building. However by virtue of the rising level of the land the development will still present as a clearly dominant feature within the setting of the heritage asset and it is considered that the proposed landscaping will provide very limited effect in terms of mitigating the visual harm arising from the proposal. The development will significantly alter the character of the setting of the listed building. The presence of the suburban form of development is considered to harm the significance of the listed farmhouse by virtue of the destruction of its rural setting contrary to the aims of policy DM27 and the NPPF. The harm is considered to be less than substantial in the context of the NPPF and therefore the benefits of the scheme must be weighed against the harm in the overall planning balance that is considered at section 9.

The conservation and enhancement of heritage assets also includes archaeological interests. The site contains evidence of Romano- British occupation in the form of a Romano- British ditched enclosure with possible terraces of huts within the enclosure and further evidence of a possible pre-historic or Romano-British hut outside the enclosure. The indicative layout suggests that the site of the enclosure will be retained in situ with open space located over it. The indicative masterplan (drawing no. 0594-1000) and site section drawings (0594-1004-1 and 0594-1004-2) are considered to overcome the concerns of DCC Historic Environment team in demonstrating that the proposed development allows the below ground heritage asset to be preserved in situ. Subject to appropriate conditions it is considered that the proposed development can be accommodated on the site whilst satisfactorily conserving the archaeological interest at the site in accordance with policy DM27 LP3 (Development Management Policies) and part 12 of the NPPF.

5. Impact on neighbouring properties

The site is elevated in relation to the nearest neighbouring properties within Queen Elizabeth Drive to the eastern boundary of the site. There are approximately 88 properties within QE drive which are arranged in a linear format with those on the west side of the road abutting the boundary of the site being generally two storey. They are generally arranged in terraces of three with some set with rear elevations towards the site and others in an east-west orientation with the side elevation abutting the site boundary. Those on the east side of the road are mainly three storey and orientated to outlook towards the site and set into the rising land at the rear.

The application is at outline stage only and therefore there are no details in respect of the layout, design or scale of the proposed dwellings. Notwithstanding this, by virtue of the difference in levels the proposed dwellings are likely to be significantly higher than the adjacent development in QE drive. From the site there are clear views towards the principal windows at first and second floor level in many of the properties in QE drive and therefore the proposal is likely to result in overlooking towards neighbouring properties. The presence of two and three storey dwellings on the elevated level of the site would be overbearing to residents of the neighbouring properties, particularly in views from principal windows and within garden areas abutting the site boundary.

The provision of tree planting would break up views towards the neighbouring properties once established. However by virtue of the change in levels the planting would need to be of significant height to prevent views from the first and possibly second floors of proposed properties. The presence of this tree planting in close proximity to the boundaries of the neighbouring properties is also likely to alter the environment within their dwellings and rear gardens in terms of reducing light and creating an oppressive environment.

It is considered that the proposal would result in a form, scale, and mass of development that would result in a detrimental impact on the amenity of neighbouring occupiers contrary to the requirements of policies COR2 Mid Devon Core Strategy (LP1) and DM2 of LP3 (Development Management Policies).

6. Flood risk and drainage

The site is located entirely within flood zone 1, as such the Environment Agency have not raised any objection to the proposal.

It is proposed to manage the surface water from the site via the existing surface water sewer. Underground attenuation tanks will be provided at the southern edge of the site and discharge will be restricted to the equivalent of Greenfield run off rate. The applicants have submitted the infiltration test results to demonstrate that the use of soakaway drainage is not viable on the site. The Lead Local Flood Authority have confirmed this arrangement is satisfactory in principal.

Concern has been raised by objectors as to the capacity of the sewerage network to accommodate the discharge from the additional dwellings. However South West Water have not raised any objection and therefore it is not considered that there are any substantive grounds for objection on this basis.

On the basis of the information submitted and having regard to the comments of the statutory consultee it is not considered that the proposal raises any flood risk or drainage concerns.

7. Affordable housing provision and Section 106 matters

Policy AL/DE/3 of AIDPD (LP2) requires the provision of 35% affordable housing on open market housing sites of more than 2 dwellings. The applicant's submission proposes the delivery of 35% affordable housing, comprising a mix of rented and shared ownership dwellings. On this basis the proposal could deliver up to 42 affordable dwellings, this carries some weight in the planning balance.

Public Open Space: Policy AL/IN/3 requires new housing developments to provide at least 60 square meters of equipped and landscaped public open space per market dwelling, to include children's play areas (10sqm), sports areas (40sqm), informal open space (10sqm) and allotments in appropriate proportions with safe and convenient access on foot or cycle. The application includes the provision of onsite public open space facilities including 0.29ha community gardens, 0.06ha of children's play area and 0.65ha informal open space, totalling 10,000sqm. The onsite provision is sufficient to meet the requirements in respect of children's play areas and informal open space. However no provision is made for sports pitches. In order to avoid inefficient provision the policy requires that sports pitches of less than 2 hectares should not be provided within housing sites. Furthermore, recognising the topography of the site an offsite contribution is likely to be more appropriate in this respect. At this stage a suitable project has not been identified, however in the event that the application is approved, if a suitable project is identified the contribution could be secured by legal agreement. The applicants have agreed to a contribution of £67480 in line with the methodology set out in the Council's Supplementary Planning Document to support AL/IN/3.

Education: Devon County Council have requested a contribution of £30000 (£250 per dwelling) towards additional early years provision for pupils likely to be generated by the development. Despite concerns raised by objectors, the assessment by the County Council in accordance with their guidance for education provision confirms that there is capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. The applicants have agreed to this requirement which could be secured as part of a Section 106 agreement.

8. Other matters- ecology, contaminated land, new homes bonus

Ecology: An ecological appraisal has been completed by Greenecology and submitted in support of the application, the appraisal included an extended phase 1 habitat survey, dormouse survey, breeding bird survey and bat activity surveys. The site comprises mainly arable, poor semi-improved grassland, hedgerow, small areas of shrub vegetation. The nature of the main part of the site as an arable field is considered to be of low ecological value. However the key habitat features are identified as: the mature boundary hedgerows and trees which provide some suitability for protected species, particularly bats, birds and dormouse. The survey work concluded that a low level of bats use the site and two dormouse nests were found in the site boundary. The site is also likely to provide a suitable opportunity for foraging badgers and bird species. The site was considered to be of low value to reptiles and common toad given its intensive arable management. The development

is likely to have some impact on protected species and result in the loss of some habitats, particularly through the removal of hedgerow at the northern edge of the site to accommodate the new access. Notwithstanding this, the ecological appraisal considers that given the extent of habitat creation on site by virtue of the large areas of green infrastructure and tree planting the proposal is unlikely to have a significantly harmful impact on biodiversity interest at the site. The appraisal provides a mitigation strategy and concludes that the adverse impacts of the proposal due to habitat loss are considered to be insignificant.

Contaminated land: no objections are raised in this respect.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus and this is a material consideration in the determination of planning applications. If the New Homes Bonus is distributed across Council Tax Bands in the same way as last year, the award for each marker house is estimated to be £1208 per year (each affordable house attracting a further £350 bonus), paid for a period of 5 years at the present time. 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 as previously discussed.

9. Planning balance

The overall thrust of Government policy as set out in the National Planning Policy Framework is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The National Planning Policy Framework requires that where Local 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 National Planning Policy Framework as a whole.

The benefits of the scheme include the provision of 120 dwellings to boost the housing supply in the district, with 35% of these being affordable homes. This is a reasonable contribution to the overall housing supply and weight must be given to this, however given that is an outline application it is unreasonable to expect delivery on site for occupation much before the end of 2019 (at least 2 years away). There may also be some benefits to the local economy arising from construction and sales, increased revenues to the Council in terms of New Homes Bonus and additional spending on local facilities and services in the town from future occupiers. No significant harm has been identified in respect of biodiversity interests at the site or contaminated land issues.

It is considered that by virtue of the elevated and sloping nature of the site, the development will have a harmful impact to the visual amenity of the area at the western entrance to the town. The development results in the loss of grade 2 agricultural land and will significantly alter the unspoilt and open qualities of the site which forms an important part of the rural setting at this edge of Crediton. The harm identified in respect of the visual amenity and landscape impacts is contrary to policies COR2 and COR18 which seeks to protect the character and appearance of the countryside.

The development will result in a detrimental impact to the setting of the heritage asset at Chapel Downs Farmhouse. The development of the agricultural field will irreversibly change

the rural setting of the farmhouse to a suburban housing estate which, by virtue of the rising topography, will be a dominant feature within the setting of the heritage asset and is considered to result in detrimental harm to the significance of the listed farmhouse contrary to policies DM27 and part 12 of the NPPF which emphasise the importance of sustaining and enhancing the significance of heritage assets.

It is considered that by virtue of the difference in levels, the proposed redevelopment of the site would be likely to result in a form, scale and mass of development that is overbearing to occupiers of the existing residential properties located in Queen Elizabeth Drive, and would result in unacceptable harm to the amenity of occupiers of these properties contrary to policies DM2 and DM14 of the Local Plan part 3 (Development Management Policies). Given the extent of the properties affected this harm carries significant weight.

Overall it is considered by officers that the substantial harm that has been identified in respect of the landscape and visual impacts, harm to the setting of the heritage asset at Chapel Downs Farm and the adverse impact to the amenity of neighbouring properties is considered to significantly and demonstrably outweigh the benefits of the scheme. The proposal would result in unacceptable harm and is considered to be contrary to policies: COR1, COR2, COR9, COR18 of the Mid Devon Core Strategy (Local Plan part 1) AL/DE/3 of Local Plan part 2 (AIDPD) and DM1, DM2 and DM27 of the Local Plan part 3 (Development Management Policies) and the thrust of the NPPF to deliver sustainable development and is recommended for refusal.

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. 17/01090/MOUT

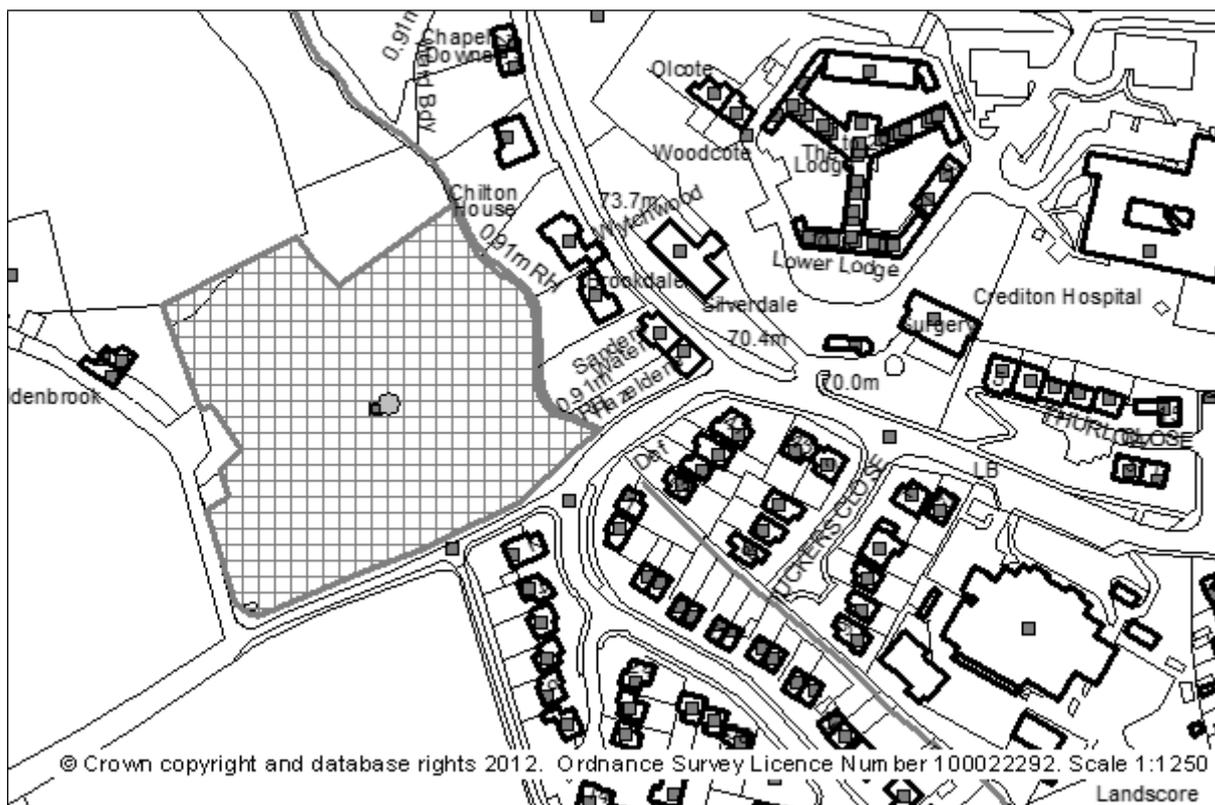
Grid Ref: 281938 : 100425

Applicant: Mr Ben Lee

Location: Land and Buildings at NGR 281938 100425
(Adjacent Brookdale, Threshers)
Hollacombe
Devon

Proposal: Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure

Date Valid: 5th July 2017



APPLICATION NO: 17/01090/MOUT

RECOMMENDATION

Grant planning permission subject to conditions and the signing of a S106 agreement to secure the following:

1. Affordable Housing: 35% affordable housing on site (13 units)
2. Education: a contribution of £10,000.00 towards early years provision
3. Air Quality: a contribution of £119, 718.00 to contribute towards the community car share schemes and clubs for Crediton- phase two, for the provision of bike storage facilities at Crediton railway station and to contribute towards the subsidised bus scheme for Crediton Town Centre.
4. Public Open Space: a financial contribution of £32,535.00 towards improvements to the open space and play area adjoining Queen Elizabeth Drive, Crediton Hamlets
5. Safeguarding of the land and a scheme of works to deliver the car park as shown on drawing number CAM XX GF GA I SK004 Rev P3
6. Monitoring and legal costs

PROPOSED DEVELOPMENT

When the application was first registered it was an outline for up to 60 dwellings, however during the assessment the applicant has reduced the numbers of houses for which permission is sought as clarified below.

This is an outline application for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure at land and buildings adjacent to Brookdale, Threshers, Crediton. The application is in outline form with details for the access to be agreed at this stage, all matters relating to appearance, landscaping, layout and scale are reserved for future consideration.

The site extends to approximately 1.1ha of agricultural land located at the western edge of Crediton. The site slopes from the highest point at the west down to the east. The southern edge abuts Pitt Hill, an unclassified highway leading from Crediton towards Hollacombe and the western edge is bordered by a private lane leading to Chiddenbrook Cottages. To the north there is a further agricultural field. The eastern edge is bound by a watercourse which separates the site from the rear gardens of existing residential properties, the eastern edge of the site falls within flood zone 3. The site is currently accessed via a field gate entrance at the south eastern corner of the site close to the entrance from Pitt Hill into the Westernlea residential estate.

The proposed access arrangements will provide a new priority junction from the site onto Pitt Hill, with Pitt Hill being widened between the Westernlea Junction and the site access so that a 5.5m wide carriageway and 1.8m wide footway can be accommodated.

It is proposed that a proportion of the site to the north-eastern edge of the site will be safeguarded and remodelled to increase flood storage capacity and provide an area for a community car park. An indicative illustrative masterplan has been submitted showing areas of built development, road layout, indicative new tree planting/ landscaping and the areas as referred above (flood storage /car parking area) has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Design and Access Statement
Air Quality Assessment
Ecological Impact Assessment
Flood Risk Assessment
Landscape Assessment
Draft Heads of Terms
Transport Statement
Waste Audit Statement
Surface and Foul Drainage Strategy
Ground Conditions Assessment and Report on Preliminary Investigation (Contaminated Land)

The following amended /additional plans were received on the 9th January.
Illustrative Masterplan (revision A)
Drawing number CAM XX GF GA I SK004 Rev P3
Revised Flood Risk and Drainage Strategy

RELEVANT PLANNING HISTORY

87/00262/FULL - REFUSE date 30th June 1987
Erection of nine dwellings with garages and construction of vehicular access

87/00330/OUT - WD date 24th February 1987
Outline for the erection of agricultural dwelling

88/00466/FULL - REFUSE date 25th May 1988
Erection of nine dwellings, garages, access road and drainage thereto

OTHER HISTORY

17/00133/PREAPP- Proposed development of up to 130 residential units, associated access, parking, infrastructure, open space and landscaping

Local Plan Review Process

The site was promoted as part of significantly larger parcel of land, extending to 12.7 hectares, as part of the LPR process. In addition to the site area covered by this application, the scope of the area that was unsuccessfully promoted included the adjoining field to the north and a substantial portion of land on the other side of Pitt Hill, behind the Westernlea estate. The key concerns raised by the SHLAA assessment were in respect of the landscape impact and relationship with existing built development given the elevated nature of the site. However, it was noted that the northern part of the site is more contained and would offer a lesser degree of impact. The sustainability appraisal also raised concern with regard to the position of the site to the west of Crediton and the associated air quality issues.

Officer comment: The case officer is mindful of the concerns raised at the LPR stage, however this largely relates to a significantly larger site area. The impact of the application site in relation to neighbouring properties and landscape character is discussed further in the relevant sections of this report.

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
COR12 Development Focus
COR15 Crediton
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
DM2- High quality design

CONSULTATIONS

DEVON AND CORNWALL POLICE - 6th July 2017 - the reserved matters design should consider the principles of Crime Preventing through Environmental Design.

ENVIRONMENTAL HEALTH - 13th July 2017-

Drainage - No objections.

Housing Standards- No comment

Health and Safety- No objections

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. 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.

Air Quality- The scope and methodology of the supporting assessment report (Kairus Ltd AQ051501 V1) were agreed in advance following consultation with the Environmental Health team. On review of the submission I can confirm that the assessment therefore confirms with the requirements of Policy DM6 and Low Emissions Partnership Emissions Assessment Guidance. The report conclusions in respect of the site emission, concentration and construction phase assessments are therefore supported. Consequently, the following recommendations apply:

Construction Phase

The requirement to produce a Construction Environmental Management Plan (CEMP) should be conditioned within any grant of approval including a provision for the CEMP to be approved by MDDC prior to commencement of any works on-site. The CEMP should set out appropriate control measures, management provisions, hours/days of operation and other mitigation techniques to reduce dust emissions in order to limit dispersion beyond the site boundary. Given the sensitivity of the site location (17 existing residential dwellings within 20-50m) then consideration is given to registration and inspection of the development under the Considerate Constructors Scheme - see <https://www.ccscheme.org.uk/>

Officer Comment; Please refer to condition 6

Operational Phase

The annual total emissions and calculated damage cost arising from the development are noted. It is considered probable these can be managed by a combination of on-site design and implementation of mitigation measures and off-site measures to compensate for the impact. As the application is at outline stage then the possible scope of this is not known and cannot therefore be assessed at this stage. Accordingly, it's recommended that a low emission strategy (LES) be conditioned within any grant of approval with a provision for the LES to be approved by MDDC prior to any commencement of work on-site or sign-off on detailed design work for the development. The LES should consider as a minimum the following options. All on-site measures when implemented should result in a reduction in total emissions arising from the operational development.

- Detailed site travel plan including support for/access to public transport
- Provision for electric vehicle infrastructure at a rate of 1 charging point per house (with a driveway or garage)
- Measures to encourage low and ultra-low emission vehicles and discourage high-emission vehicles
- Support for community car schemes and electric bikes (e.g. co-bike type schemes)
- Financial contribution to off-site measures within the Crediton Air Quality Action Plan secured via planning obligation

Officer comment: Please refer condition 15 and Section 106 recommendations.

Contaminated Land- The Landmark Sitecheck web-sourced desk-study report is noted. However, the Landmark product is not designed to meet the full scope of a Phase 1 contaminated land risk assessment as is required given the sensitivity of this development.

31st August 2017- following submission of additional information in relation to the land contamination Environmental Health have confirmed that they have no objection to the proposed development.

DCC ARCHEOLOGY- 20th July 2017- Assessment of the Historic Environment Record 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 HE team has no further comments to make.

CREDITON TOWN COUNCIL- 20th July 2017 -Recommend OBJECTION, on the following grounds:

- The development will exacerbate the existing traffic and parking congestion in the area.
- The site is a flood plain and there are concerns regarding the mitigation of surface water run-off.

- There are questions regarding the ecological study as it is understood there are protected species living at the site including bats and newts.
- The increased traffic flow this development will create will exacerbate the already high levels of air pollution in the St Lawrence Green area of Town.

21st February 2018- Recommend OBJECTION on the following grounds:

- There is no clear plan to address water run-off. The application requires a properly engineered sustainable drainage scheme (SuD scheme) that anticipates the impact of water run-off on the site and in the whole area.
- The increased traffic generated from the site will have a negative impact on the town, in particular the highway system and air quality.
- The increased traffic generated from the site will have a significant detrimental impact on Threshers and its surrounding junctions.
- There is no consideration for sustainable transport i.e. walking and cycling routes
- The car park with 12 allocated parking spaces is not practical for use by the school
- There is no public amenity space allocated on the site.

NATURAL ENGLAND - 26th July 2017 -

Statutory nature conservation sites- no objection. Protected species- standing advice should be applied.

HISTORIC ENGLAND - 27th July 2017 - no comment.

DCC LEAD LOCAL FLOOD AUTHORITY - 31st July 2017/5th September 2017/ 25th January 2018 -

Observations; The applicant has submitted a revised Surface and Foul Drainage Strategy (Ref; CC1577-REP01-, Rev.G, dated 08/01/2017) to reflect changes in the propose layout. The strategy has a discharge rate to 2l/s which is acceptable considering the ground conditions, the applicant has now included permeable surfacing's to add water quality benefits to the storage provision. It is noted that below ground attenuation storage is proposed due to the constraint of the site together with the proposed flood plain mitigation works which is acceptable in this instance. Therefore from a surface water management perspective we have no objection to the proposals. At detailed design the application should consider the use of a variety of above-ground source control components across the whole site, in addition to the permeable surfacings, to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. attenuation tank). Examples of these source control components could include permeable paving (which could be under drained, formalised tree pits or other bio retention features such as rain gardens, as well as green roads, swales and filter drains.

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 (conditions summarised by case officer):

1. Detailed design of the proposed permanent surface water drainage management system to be submitted to and approved by the LPA.
2. Detailed design of the proposed surface water drainage management system to serve the development site for the full period of its construction to approved in writing by the LPA.
3. 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.

SOUTH WEST WATER- 14th August 2017

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). 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.

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).

11th Jan - no further comments. The trunk water main passing through the site will require diversion at the full cost of the applicant/ developer.

HOUSING AND ENABLING OFFICER- 14th August 2017-

August Housing Need Figures – CREDITON Bedroom	BANDING			(Total B+C+D)	Band E	Grand Total
	Band B	Band C	Band D			
1	14	11	42	(67)	53	120
2	8	13	12	(33)	53	86
3	2	22	7	(31)	19	50
4	1	4	1	(6)	2	8
5		2		(2)		2
Grand Total	25	52	62	(139)	127	266

I would like to see a split of affordable rented as follows:

- 1 Bed = 20%
- 2 Bed = 32.5%
- 3 Bed = 32.5%
- 4 Bed = 15%

DCC EDUCATION - 22nd August 2017 - The proposed increase of 60 family-type dwellings, will generate an additional 15 primary pupils and 9 secondary pupils. There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought for this development. However, a contribution towards Early Years education is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost £15,000 (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.

ENVIRONMENT AGENCY - Following initial objection to the scheme various responses have been received from the EA in relation to the additional work undertaken by the applicant. The latest response (16th January 2018) confirms that the masterplan arrangement as shown on drawing CAM XX GF GA I SK004 rev P3 'Floodplain Area and Additional Storage Volume' would be acceptable subject to the level of the access road off Pitt Hill being set no lower than 70.1m AOD. A condition should be included to secure the flood risk protection measures detailed on the aforementioned drawing to protect floodplain storage and reduce flood risk to the development.

27th February 2018 - In response to your query regarding the flood risk protection measures we advise that the provision of additional floodplain storage as shown on Rev P3 is not required to mitigate against the impacts of the proposed development. We sought for this floodplain storage to be provided on the basis that numerous properties are currently at risk, an indeed some have been affected. The development of the application site, now that the layout has been revised to ensure no properties are in the floodplain, provides an opportunity to reduce current levels of flood risk; albeit the potential benefits have not been expressly quantified. The provision of additional storage is in line with the government's strategy of making space for water, and flood risk policy contained within the NPPF of seeking to reduce flood risk overall.

CREDITON HAMLETS PARISH COUNCIL - 5th September 2017- met on 4th October and resolved to object to this application because of the increased congestion and the risk of flooding.

27th Feb – The Council noted that the risk of flooding may have been addressed but they would still wish to object because of the increased congestion and the risk of flooding.

HIGHWAY AUTHORITY- 24th July 2017-

The applicant has submitted a transport assessment which is acceptable to the Highway Authority and demonstrated that the junction and road have the capacity to cater for the development. However the parking along Threshers is cause for concern and the transport assessment shows this to be close to capacity. The Highway Authority has identified a highway safety scheme at the school which will necessitate the removal of parking spaces adding more pressure to the parking along the road which would increase safety concerns with the increase in traffic from the development. To mitigate the increase in traffic coupled with the displaced parking and its subsequent burden on parking, the Highway Authority would seek the provision of a small car park of up to 12 spaces incorporated into the design for use by the school for staff parking. This will cater for the displacement of spaces and allow a scheme for improved crossing facilities to encourage walking to the school. Therefore the Highway Authority will seek an appropriate legal agreement under the Town and Country Planning Act for its provision and should consent be granted the following conditions (summarised by case officer below):

1. Details of surface water drainage scheme to prevent surface water run off

2. Submission of further details in relation to estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins,
3. The laying out of access road to base course level, visibility splays, footway on public highway and a site compound and car park to be completed prior to commencement.
4. Completion of the highway and parking arrangements and associated facilities should be provided prior to occupation of any dwelling.

LANDSCORE PRIMARY SCHOOL HEAD TEACHER- 27th February 2018

(This is a summary of discussion between the case officer and head teacher, and agreed as an accurate record by both parties)

It was acknowledged that the school pick up and drop off times result in congestion and parking difficulties outside the school. However apart from at these times, it was considered that the road is generally quiet and the additional traffic associated with the development was not a specific concern in terms of operations at the School. The parking spaces outside the school are utilised by parents for drop off and pick up but outside of these times there are generally spaces available for visitors to the school. The proposed provision of a car park within the site, although not an obvious and indisputable solution to the drop off/ pick up congestion, could provide some benefit and if the facility was available for use by parents at the School it could assist with the congestion immediately outside the school. The development site is well related to the primary school and would hopefully in future help to increase pupil numbers at the school (which is currently significantly under capacity) and increase the catchment of pupils within a walkable distance of the school.

REPRESENTATIONS

Letters of notification were sent to local residents when the application was first submitted and following the revisions to the application scheme to reduce the number of dwellings proposed to 40.

In total 76 letters of representation have been received, of which 74 object, the planning issues are summarised below;

1. Additional flood risk arising from development of the site.
2. When it rains the water thunders through our section of the stream and we are worried that the infrastructure of the retaining mud banks would not cope with even more water thundering through.
3. The culvert which runs under many of these houses is only adequate for the natural run off we experience at present.
4. The site is very steep and throughout the year the lower part is very wet and acts like a mini flood plain for the water course that runs along the lower boundary, the existing water course often floods, developing the site will worsen the situation.
5. Westernlea has an historic record of flooding due to the amount of water from the fields above Pitt Hill and behind the estate.
6. Following the completion of Chapel Downs some years ago the 'Chiddenbrook' was subject to modification during heavy run off. The ditch on the south western side of the boundary was widened. A structure was built to divert extra water flow from Queen Elizabeth Drive estate and to take the marshy run off and experience has shown that the modification has not worked with considerable rising of levels in the Chiddenbrook as it flows on regardless and no diversion of flow. It often causes flooding on the Yeoford road near 'The Smithy'.
7. Should the stream be supplemented with surface water drainage from this

development and the potential one at Chapel Downs then the situation downstream could well be intolerable to properties further downstream.

8. The flood risk assessment that has been carried out does not appear to examine the potential for flooding downstream of the development, it focuses on the site.
9. There is existing problems with rain running down Pitt Hill this will result in more problems.
10. The school, pre-school, doctors surgery and chemist all attract significant traffic to the area and result in severe congestion and on street parking.
11. Parts of Threshers are sometimes not passable by larger vehicles.
12. All the traffic would have to travel along either Threshers or Westernlea or up to the dangerous Threshers/ A377 junction. All these routes are unsuitable for an increase in traffic and would become highly dangerous if used by the contractor's vehicles during the construction phase.
13. The traffic would lead to more traffic jams and pollution in the High Street.
14. MDDC has consistently adopted the view that additional houses for the area should be built to the east of the town in order to limit the possibility of increased traffic congestion and air pollution in the town centre.
15. The developer's proposals to introduce electric cars and bikes will not solve any congestion issues.
16. Disused brownfield land should be used before even more green field is destroyed.
17. The site offers a haven of peace and tranquillity contributing greatly to the village like feel in the area. Building on it would have a hugely negative impact on the quality of life for the residents that currently enjoy overlooking it.
18. The wildlife survey is inaccurate- the site is abundant with wildlife.
19. The development does not conserve or enhance the natural environment.
20. Landscore and Haywards schools are already full to capacity. The only solution is for a new primary school which I believe is planned for Creedy Bridge at the opposite end of the town.
21. The site is outside that proposed in the Mid Devon Development plan for Crediton and as sufficient space has been identified at Wellparks, Creedy Bridge, the Rugby Club and Exhibition Road, all of which would not affect the town centre air quality. These sites have easy access to Exeter via the new link road.
22. We don't have the pre-school places or capacity at the Doctors surgery to cope with the additional people.
23. Concerns over the new development overlooking neighbouring properties.
24. Noise impacts to neighbouring dwellings arising from the additional dwellings.
25. There are numerous inconsistencies within the documentation including different numbers of dwellings.
26. Reference to the Uffculme appeal decision is irrelevant given the unique characteristics and needs of every area which must be considered on their merits.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and principle of development, including five year land supply**
- 2. Highways, movement and air quality issues**
- 3. Flood risk and drainage issues**
- 4. Impact on landscape character, visual amenities and loss of agricultural land**
- 5. Affordable housing and s106 matters**
- 6. Other matters- impact on neighbouring properties, ecology, land contamination, archaeology, new homes bonus**
- 7. Summary and planning balance**

1. Policy

Policy COR12 of the Core Strategy set out the development focus for the district, concentrating development around the towns of Tiverton, Cullompton and Crediton with more limited development elsewhere. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The application scheme as it has been revised is for up to 40 dwellings and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside the defined settlement boundary of Crediton. Policy COR15 recognises that Crediton is a sustainable location and supports the provision of new residential development within its settlement limit. However as the application site is beyond the settlement boundary of the town the proposal is considered to be contrary to policies COR15 and COR18 of the adopted development plan.

In terms of determining how much weight can be given to the fact that the application site is not as a matter of principal supported by development plan policy, members will be aware that Mid Devon has been found not to be able to demonstrate a five year housing land supply. The National Planning Policy Framework 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 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 where specific policies in the Framework indicate development should be restricted. This is reflected in policy DM1 of the Local Plan part 3 (Development Management Policies) which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) which seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the district. COR8 and COR9 seek to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. COR11 seeks to manage the risk of flooding including guiding development to the lowest flood risk area and ensuring development does not increase the risk of flooding to properties elsewhere. Policies relating to affordable housing are set out at AL/DE/3 (AIDPD) which requires a general requirement of 35% affordable housing on sites of more than two dwellings. Policy AL/IN/3 requires development to contribute towards 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 towards the implementation of the mitigation measures contained in the Crediton Air Quality Action Plan and in accordance with adopted SPD on Air Quality.

The following sections of this report consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies and finally weigh in the balance the benefits of the proposal against any identified harm.

2. Highways, movement and air quality issues

The site is located to the western side of Crediton. The development strategy for the town seeks to promote development to the eastern side to reduce the impact of traffic travelling through the town centre particularly in order to reduce the air quality impacts associated with the additional travel. On this basis the allocated sites within the adopted and emerging local plan are focused to the east side of Crediton, however as set out above, this does not constitute a justifiable, standalone reason for refusal in this instance.

The site abuts the settlement boundary for Crediton and there are a number of facilities within reasonable proximity of the site including primary school, surgery and hospital within 500m. The secondary school and High Street shops are located within 800m- 1300m of the site. The proposed access arrangements, including provision of a short footway at the entrance to the site would enable the proposed development to connect into the existing footway network in the immediate area. In addition to this, the nearest bus stops are provided at Westernlea, approximately 30m from the site entrance and at Tuckers Close (on Threshers) approximately 110m to the east of the site. These stops provide access to an hourly town circular route and a regular service to Exeter (at least hourly) which also links to the Crediton railway station at the opposite end of town. On this basis, it could be considered that the site is relatively well connected to the services and facilities within the town, particularly given the opportunity for public transport provision in the immediate area.

The development will generate traffic which will join the existing network with the opportunity to travel east bound along Threshers or Westernlea, to the north adjoining the A377 or to the southwest via Pitt Hill. Local objectors have raised concern with regard to the impact on the local highway network arising from the additional traffic associated with the development. The applicant has submitted a transport assessment which has been reviewed by the Highway Authority and their comments set out above. Although the scheme is now presented for up to 40 dwellings, the transport assessment is based on the development providing 70 dwellings and therefore the conclusions relate to a larger volume of traffic and therefore a worse scenario than is likely to arise from the current scheme. The transport assessment includes surveys of peak hour traffic surveys at the junctions of Threshers/Landscore, Landscore/ A377, Threshers/A377, the scope of which was agreed with the Highway Authority at pre-application stage. The survey work found that each of these junctions operate within capacity during the future year scenario, including with the addition of traffic generated by the development. The Highway Authority have confirmed they are satisfied with the findings of the Transport Assessment and consider that the highway network has sufficient capacity to satisfactorily accommodate the traffic arising from the development.

In addition, the traffic assessment considers the impact of the development on on-street parking along Threshers. Threshers is an unclassified highway serving a predominantly residential area, however it also provides access to Landscore Primary School and the Chiddenbrook Surgery. A survey of on street parking was undertaken and found that during school drop off and pick up time approximately 85% of the on-street parking capacity was

occupied, this reduced to approximately 70% during the school day. After 1700 hours the parking levels fall to approximately 45% of the overall capacity. The lack of available on street parking, particularly at peak school times, is highlighted as a concern locally and by the Highway Authority. The Highway Authority has identified a highway safety improvement scheme at Landscore Primary school which would necessitate the removal of some of the on-street parking spaces outside the school. At this stage the Highway Authority is not seeking to secure delivery of the highway safety scheme, however they have requested that the development provide a small car park for use by the school for staff parking which would mitigate the loss of spaces from outside the school and the impacts of the additional traffic arising from the development. The applicant has agreed to delivery of a 12 space car park as part of the development in accordance with the request of the Highway Authority. Notwithstanding whether the spaces outside the school are lost, the existing on street parking conditions are an issue of concern locally and therefore the provision of 12 additional off street spaces provides an alternative to parking and could assist in reducing the level of on street parking which would assist with improving perceived congestion issues in the Landscore/ Threshers area. Although it is recognised that the proposed car park is situated some distance from the primary school, this matter was discussed with the Landscore Primary Head Teacher who has expressed some support for the facility which they could seek to encourage parents to use as a benefit to the congestion issues and to enable children to get some exercise on their way to school where they are not able to walk from home.

Whilst it is recognised that the car park facility may not provide an obvious and indisputable solution compared to if it were located in immediate proximity of the school, it is within a short walking distance (approximately 2 minutes) and therefore is considered to be a benefit that carries some weight in the planning balance given in that it could help to alleviate congestion and on street parking concerns within the locality.

Policy AL/CRE/8 requires that development in or adjoining Crediton will be required to mitigate its likely impact on air quality in the Crediton Air Quality Management Area (AQMA) by contributing to the cost of implementing the Crediton Air Quality Action Plan in accordance with the Council's SPD on air quality. The application submission includes an air quality assessment that considers the potential air quality impacts during both the construction and operational phases of the proposed development. The report finds that there is a likely minor to moderate adverse impact to receptors arising from the construction activities associated with the development, however appropriate mitigation measures could be secured through a construction management plan such that the impacts would not be significant. The concentrations assessment demonstrates that the additional traffic arising from the development will have a negligible impact on levels of NO₂ and PM₁₀ within the Crediton AQMA. The exposure assessment found that the development would not introduce new receptors into a location of poor air quality and impacts associated with new exposure would be negligible.

The Council's Environmental Health team are satisfied with the findings of the Air Quality Assessment and therefore have no objections to the scheme subject to provision of a construction management plan to limit dust emissions during the construction stage and a low emission strategy to demonstrate mitigation of the development impacts through on site design. A financial contribution would also be required to help deliver off site mitigation measures in accordance with the Crediton Air Quality Action Plan. The applicant has agreed

to make the necessary financial contribution in accordance with AL/CRE/8, this is discussed further in section five below.

3. Flood Risk and Drainage Issues

The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy COR11 of the Mid Devon Core Strategy (Local Plan part 2) seeks to manage the impacts of flooding by reducing the risk of flooding to life and property where possible, guiding development to sustainable locations with the lowest flood risk and ensuring that development does not increase the risk of flooding of properties elsewhere. The site is mainly located within flood zone 1, however the eastern boundary of the site falls within flood zone 3.

Originally the proposal was for 60 dwellings incorporated dwellings and gardens within the flood zone at the eastern part of the site. Following discussions with the Environment Agency and additional assessment of the flood risk, the applicants have revised the proposal to exclude the eastern part of the site from built development (as shown on drawing number CAMXX GF GA I SK004). On this basis the built development will be solely located within flood zone 1 and therefore it is not necessary to apply the sequential test.

In addition the application scheme has been amended to include remodelling works to part of the area on the eastern boundary, adjacent to the watercourse, in order to create additional flood plain storage. Whilst originally the Environment Agency objected to the application, they have since confirmed that, on the basis of the flood protection measures proposed, they have no objection to the scheme. Furthermore, they consider that the provision of the additional flood storage provides an opportunity to reduce current levels of flood risk to surrounding properties. This is a matter that has been raised by local stakeholders, however given that the flood risks are considered to have been satisfactorily addressed by the Environment Agency and it has been demonstrated that the scheme can deliver benefits in terms of alleviating flood risk to other properties, it is therefore considered that the proposal complies with the NPPF and policy COR11 in seeking to reduce flood risk. In addition the betterment to flood plain storage capacity provided by the development is considered to be a public benefit that can be attributed positive weight within the planning balance.

It is proposed to manage surface water from the site via an attenuation tank system which will discharge to the nearby watercourse. A vortex flow control mechanism will restrict peak discharge to 2 litres per second. The attenuation storage will be sufficient to accommodate the 1 to 100 year storm event plus a 40% allowance for climate change. Given the ground conditions and local geology it is not anticipated that sustainable systems such as soakaways will be feasible on the site. It is proposed that permeable surfaces will be used on driveways to promote water quality benefits where possible, further details of this to be secured through the detailed design stage. Foul drainage will be managed via a connection to South West Water's foul sewer.

Devon County Council Lead Local Flood Authority have confirmed that they have no in-principle objections to the proposed drainage arrangements as set out above. Additionally, South West Water have not raised objection to the proposal.

4. Impact on landscape character and visual amenities

The application is an outline submission with a maximum of 40 dwellings (as now revised) proposed across a site area of approximately 1.1ha, providing a density of approximately 36 dwellings per hectare in accordance with the guidelines provided at policy COR1 of the Core Strategy (LP1). The 'development free zone' at the eastern edge of the site occupies approximately a fifth of the site area. The illustrative masterplan as revised demonstrates how 40 dwellings could be accommodated on the sloping area of the site, outside of the 'development free zone'.

The site is currently an agricultural field, bordered to the south by a hedgerow. The eastern edge of the site has some existing vegetation surrounding the watercourse, beyond which the rear gardens of the residential properties at the end of Threshers are visible. To the west the boundary with Chiddenbrook Lane and Cottages is formed with a mixture of fencing and hedgerow planting. The surrounding residential development to the east of the site is relatively modern, 1980's style, comprising a mixture of detached and semi-detached, mainly two storey, properties. The development is relatively low density, edge of town character with a material palette primarily comprising brick and render walling and tiled roofs.

The design and access statement submitted in support of the application suggests that the proposed dwellings will be two storey, or three storey where the ground levels change. The existing site boundaries will be strengthened with additional planting and improved hedgerows. It also suggests that the scheme will utilise natural materials to reflect local vernacular.

The Mid Devon Landscape Character Assessment identifies the application site within the landscape character type 3E Lowland Plains. The key characteristics of this character type are summarised below:

- Gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes
- Primarily managed as arable farmland with some areas of improved grassland
- Characterised by Red Devon Sandstone giving great soil fertility for arable farming resulting in Grade 1 and Grade 2 agricultural land classification
- An agrarian landscape with medium to large scale field patterns
- Fields are divided by hedgerows and hedge banks
- Copses and discrete woodlands are characteristic
- Generally a sparsely populated area
- Some orchards, once typical of the area, remain and there are small areas of market gardening
- Landscape is dotted with large scale farm steads
- Views are highly variable. The landscape is semi-open with some long extensive views afforded from on top of hill tops. Where hedges are high views are mostly framed or confined with glimpses into and out only present from field gate openings
- Roads are straight or very gently winding in nature and characterised by narrow routes that are lined with traditional hedgebanks
- The landscape typically has short vistas terminated by a back drop of curving hills with occasional long views from prominent locations, giving rise to a patchwork of

irregular shaped fields with green pastures

In terms of the built form of Crediton, by virtue of the steep topography surrounding the historic core of Crediton, much of the built development is located upon steep slopes. The site itself demonstrates some of the above qualities particularly being a sloping agricultural field forming part of the wider patchwork of field patterns enclosed, to the south boundary, by an established hedgebank.

The development site slopes above the level of the residential development to the immediate east of the site, however given the context of the town it is not out of keeping for the development to be accommodated on a sloping site. The applicants have submitted a Landscape Visual Impact Assessment study (LVIA) which considers the potential landscape and visual impacts of the proposed development. In terms of visual impacts, it demonstrates that views are typically restricted to local views within the surrounding urban context due to the enclosure of the site provided by landform and surrounding vegetation. Where views are available the existing vegetation provides some screening, and the development would be viewed in the context of the existing urban development to the east of the site. The site enjoys a greater level of visual enclosure than is normal within the surrounding landscape character. The LVIA considers that the site is of a partially transitional character given its edge of town location, with clear visual links to the existing urban character. As such it considers that the development would not give rise to any significant adverse impacts to wider landscape character, furthermore the proposals to enhance the existing vegetation around the site will help to reinforce local character and further contain the visual impact of the development.

It is considered by officers that, notwithstanding the sloping topography, the development site is relatively well contained from the wider landscape and is substantially less elevated than existing development to the northern side of the A377. Views to the site from the A377 will be available, however the site is separated by a further parcel of agricultural land and the existing planting provides some screening which would be enhanced by additional landscaping. To the south and west views are limited by virtue of the natural topography and network of hedgerows. The most prominent views will be experienced from the urban area to the east, by virtue of the proximity, topography and boundary treatment the site is relatively well contained from the wider rural landscape and will present as a relatively well related extension to the existing residential development.

In summary, at this stage the applicant is not seeking to achieve approval in respect of the siting, layout or design of the scheme. However in completing this part of the assessment taking into account the information submitted within the Design and Access Statement and the illustrative masterplan (as revised) it is considered by officers that if the application were to be supported at outline stage, the level of development proposed (up to 40 dwellings) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing residential development and not result in unacceptable harm to the character and/or visual amenities of the area.

5. Affordable housing and section 106 matters

Policy AL/DE/3 of the AIDPD requires open market housing sites in rural areas of more than

two dwellings to provide 35% affordable housing, the target of 35% to be applied to the number of dwellings by which the site exceeds this threshold. The applicant has agreed to 35% delivery of affordable housing on site, which in accordance with AL/DE/3 would correspond to the provision of 13 affordable dwellings. With regards to the tenure of affordable housing, the Housing Options Manager, on behalf of the Head of Property Services, has confirmed that the affordable housing should be provided on an affordable rented tenure with the following split on house type: 20% x 1 beds, 32.5% x 2 beds, 32.5% x 3 beds, 15% x 4 beds. It is recognised that this is at odds with the provisions of AL/DE/2 but is commensurate with current market conditions and current demand as indicated in the Devon Home Choice data base.

Air Quality: as discussed in section 2 above, the applicant has agreed to provide the necessary contribution to mitigate the air quality impacts of the development in accordance with policy AL/CRE/8. On the basis of £4434 x 27 market dwellings the required contribution will be £119, 718. 00. This will be utilised to contribute towards the community car share schemes and clubs for Crediton- phase two, for the provision of bike storage facilities at Crediton railway station and to contribute towards the subsidised bus scheme for Crediton Town Centre.

Public Open Space: Policy AL/IN/3 requires that new housing development will provide at least 60sqm of equipped and landscaped public open space per market dwelling, to include children's play areas, sports areas, informal open space and allotments. In accordance with the Council's SPD the public open space will be provided off site, and on this basis a contribution of £32,535.00 towards improvements to the open space and play area adjoining Queen Elizabeth Drive, Crediton Hamlets has been agreed with the applicant.

Education: Policy AL/IN/5 requires that where development results in educational facilities being oversubscribed the development will cover the cost of the additional facilities necessary. DCC have confirmed that there is capacity at the nearest primary and second schools to accommodate the likely level of students arising from the development, based on their standard methodology. A contribution towards Early Years education is required to ensure delivery of provision for 2, 3 and 4 year olds as a result of the extra demand arising from the development. The specified contribution is based on £250 per dwelling and would therefore be £10,000,00. The applicant's agent has confirmed they would provide the necessary contribution.

Car Park: As discussed in section two of this report, the scheme will deliver a community car park on the site. As such it will be necessary to safeguard the provision of this through the s106 agreement.

6. Other matters

Amenity of neighbouring occupiers: The site is surrounded by existing residential development to the east and north east. There are further dwellings set down Chiddenbrook Lane to the west of the site. In terms of the properties to the north/east of the site, whilst the development will be visible from their properties and rear gardens, it is considered that, given the eastern part of the site will remain free from built development, the likely layout will retain sufficient separation distance (approximately 60.0 metres) to those properties such

that it would not result in a significant adverse impact to their amenity. Similarly it is considered that an acceptable level of amenity will be retained for the properties in Westernlea given the separation distance. The boundary hedging will also help to provide some screening to those properties. The properties at Chiddenbrook (2 cottages) currently enjoy a relatively isolated location and the development will alter this to some extent, however with appropriate boundary treatments it is considered that the amenity of those properties will not be adversely affected.

Landscape Primary School: Discussions with the Head Teacher have suggested that, notwithstanding the other planning considerations, the provision of 40 new dwellings in close proximity to the primary school would provide some benefit in securing the future cohort for the school, which is currently significant under capacity, with dwellings within a short walk from the school premises. The development would provide an opportunity to enhance the future sustainability of the school and this carries some weight in the planning balance.

Heritage assets: The site does not contain any designated heritage assets. It is acknowledged that there are heritage assets within the wider environs of the site, including the grade II listed Chapel Downs Farm House and Western Lodge Hospital. Whilst it is recognised that there would be a limited visual connection between the site and those heritage assets, given the separation distance, intervening built development, vegetation and topography, it is not considered that the proposal would have a significant harmful impact to the setting of those heritage assets. This view is supported by both Historic England and DCC Historic Environment Team who have not raised objection to the application. In summary, it is considered that a sympathetically designed scheme could be accommodated on the site without resulting in substantial or less than substantial harm to designated heritage assets.

Ecology: As part of the application submission EPS Ecology have completed survey work to establish the impacts of the proposal on ecology, the findings are set out in their report (January 2017). The key habitat species within the site were identified as the species rich hedgerows (primarily at the boundary with Pitt Hill and at the south west corner of the site close to Chiddenbrook Cottages) and the willow scrub (at the northern tip of the site) which is of low botanical value but provides a habitat for dormouse. In relation to protected species, evidence of bats, nesting birds and dormouse were found to be utilising the site mainly within the boundary habitats as described above. The development has potential to adversely affect protected species and their habitats, particularly through loss of hedgerow (approximately 20m) and indirect impacts such as inappropriate artificial lighting and general disturbance. The report sets out a number of mitigation measures to protect the biodiversity interests at the site and further details of this could be secured through a construction environmental management plan (CEMP) and an ecological mitigation and enhancement strategy (EMES). Apart from the loss of approximately 20m of hedgerow, the important habitats are located to the boundaries of the site and will be retained, and potentially enhanced by the provision of the additional flood plain area and enhanced landscape planting. The report confirms that the development could be accommodated without resulting in significant adverse impact on the ecological value of the site. On the basis that CEMP and EMES are conditioned to be agreed at a later stage, it is considered that the development would be compliant with part 11 of the NPPF in seeking to minimise impacts on biodiversity and provide net gains where possible.

Land Contamination: Environmental Health officers have confirmed that they have no objection to the proposal on the basis of any concerns relating to land contamination issues.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus and this is a material consideration in the determination of planning applications. If the New Homes Bonus is distributed across Council Tax Bands in the same way as last year, the award for each market house is estimated to be £1208 per year (each affordable house attracting a further £350 bonus), paid for a period of 5 years at the present time. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is considered limited.

7. Summary and planning balance

The overall thrust of government policy as set out in the NPPF is to encourage sustainable development and requires local authorities to boost significantly the supply of housing. The NPPF advises that where Local Plan policies are considered to be out of date, planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

The development would provide up to 40 new dwellings, 13 being affordable, which would provide some economic and social benefits for Crediton. (General guidance within the NPPF). In addition it would provide a contribution to overcoming the under supply of housing in a sustainable location.

Although it is recognised that the site falls outside of the recognised settlement boundary of the town, it sits immediately adjacent to it. It is considered that the site is relatively well located to the town facilities, particularly given the proximity to public transport facilities. In terms of assessing the application at this outline stage, it is not considered that it would result in significant harm to the character or visual amenity of the area and it is considered that a detailed design could be achieved that would sit comfortably in terms of its impact on the visual amenity of the area and the amenity of nearby properties.

Despite local concern with regard to the impacts of additional traffic arising from the development, the Highway Authority have not raised objection to the proposal and is satisfied that the existing road network has capacity to accommodate the additional traffic arising from the development. The scheme includes provision of a small car park within the site. Given the concern regarding the level of on street parking in the Threshers/ Landscore area it is considered that this carries some merit in seeking to alleviate congestion in the area arising from the high demand for spaces, particularly at peak school times. Although it is recognised that the car park does not provide an obvious and indisputable solution to alleviate on-street parking issues, it is only a short walk from the primary school and, bearing in mind the comments of the Head Teacher, it is considered that the provision of the car park could be considered to be a benefit of the scheme that carries some weight in the planning balance.

There is also significant local concern with regard to the existing and future flood issues in the area and particularly down stream of the site. The concerns of the Environment Agency

have been addressed and it is considered that the proposal would not increase flood risk elsewhere. Furthermore, the Environment Agency considers that the remodelling works to increase flood plan capacity at the eastern edge of the site provides an opportunity to reduce current levels of flood risk. The ability of the scheme to deliver public benefits in terms of alleviating flood risk to other properties is considered to be a benefit that should be attributed positive weight in the planning balance. It has been demonstrated, to the satisfaction of the appropriate statutory consultees, that the surface and foul drainage arising from the development can be satisfactorily managed.

It has been demonstrated that the proposal can mitigate its impacts in terms of ecology, air quality, demand for public open space and education facilities. The impact of the development has been very carefully considered reflecting on the advice provided by a range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved through on-site or off-site mitigation. Furthermore, it is recognised that the amount of weight that can be afforded to the provisions of policy COR18 is reduced given the circumstances relating to the supply of land for housing and the delivery of housing across the district. Overall it is considered by officers that the proposal could be considered to amount to sustainable development in accordance with the overall thrust of the NPPF, and on balance, it is considered that the benefits of the scheme are not significantly outweighed by any adverse impacts.

On the basis of this assessment as set out above it is therefore recommended that the application be approved in accordance with paragraph 14 of the NPPF.

CONDITIONS

1. Before any development of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale, appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years of the date of the approval of the last of the reserved matters.
4. The detailed drawings required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, retaining walls, sections through the site demonstrating the relationship of the proposed development with existing development, details of the proposed community car park and additional flood storage.
5. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

6. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, this shall include:
 - a. The timetable of the works;
 - b. Daily hours of construction;
 - c. Any road closures;
 - 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 all building materials, finished or unfinished products, parts, crates, packing materials and waste;
 - g. Details of wheel washing facilities and road sweeping obligations
 - h. Measures to manage dust, noise, vibration and waste disposal resulting from site preparation, groundwork and construction phases of the development and measures to manage heavy/large goods vehicle access to the site.
 - i. 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 the site boundaries.
 - j. Details of the amount and location of construction worker parking

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

7. Prior to construction of any built development in relation to the new dwellings and/or estate roads hereby approved the flood risk protection measures as indicated on drawing CAM XX GF GA I SK004 rev P3 and in accordance with the further details required by condition 4 shall be implemented in accordance with approved details. The scheme shall be retained in perpetuity for the lifetime of development.
8. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local 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.
9. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall first be submitted to and approved by the Local Planning Authority.
10. No development in relation to any of the new houses 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.
11. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority beforehand:
- 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.
12. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system including the adoption and maintenance arrangements, 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 the Surface and Foul Drainage Strategy (Ref: CC1577-REP01-, Rev G, dated 08/01/2018). Once agreed, the development shall be constructed in accordance with the approved scheme which shall be fully operational before any of the proposed dwellings are first occupied. Once provided the drainage scheme shall be permanently retained, managed and maintained in accordance with the approved details.
13. 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 and shall be implemented and maintained as operational during the build.
14. No development shall begin until an Ecological Mitigation and Enhancement Strategy, including a timetable for implementation of measures, for the site have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by the recommendations for ecological mitigation and enhancement contained in the submitted Ecological Impact Assessment by EPS Ecology (dated January 2017). The development shall be carried out in accordance with the approved details.

15. Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - a. A Detailed site travel plan including support for/access to public transport
 - b. Provision for electric vehicle infrastructure at a rate of 1 charging point per house (with a driveway or garage).

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 4 & 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To enable the Local Planning Authority to consider the impact of the development in accordance with policies DM2 and DM14 of Local Plan part 3 (Development Management Policies).
5. For the avoidance of doubt and in the interests of proper planning.
6. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 and DM& of the Mid Devon Local Plan part 3 (Development Management Policies).
7. To protect floodplain storage and reduce flood risk to the development.
8. To protect water quality and minimise flood risk in accordance with Flood Management act
9. To ensure that adequate information is available for the proper consideration of the detailed proposals.
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
11. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
12. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
13. 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.

14. To protect ecological interests at the site in accordance with part 11 of the National Planning Policy Framework.
15. To reduce emissions arising from the proposed development in accordance with policy AL/CRE/8

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing, affordable housing, increased flood plain storage and a community car park carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and the amenities of local residents within the locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space, early years education facilities and off –site works to facilitate improvements to air quality across the Air Quality Management Area in the Town. Finally the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with policies COR1, COR2 and COR9, COR11 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/CRE/8 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 COR15 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the AIDPD as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However the benefits of the scheme are considered to outweigh any harm taking into account the tilted balance in National Planning Policy Framework at paragraph 14.

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. 17/02014/FULL

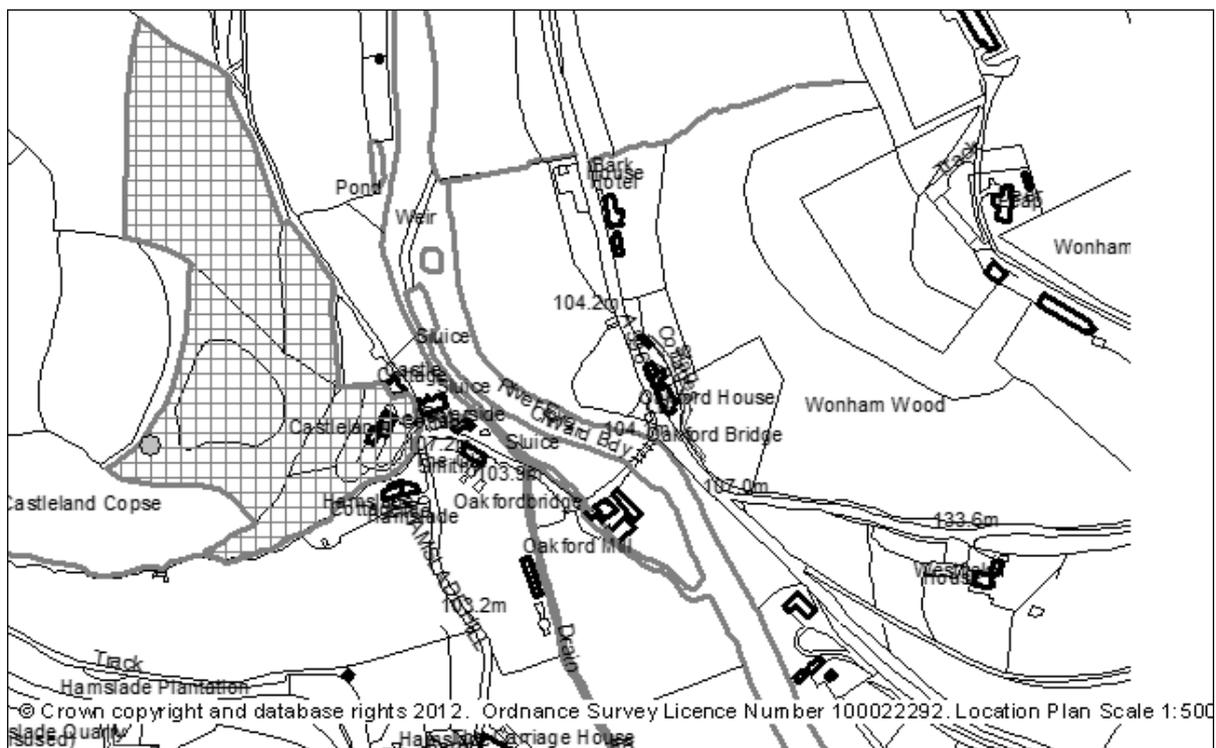
Grid Ref: 291829 : 121947

Applicant: Mrs G Laurence

Location: Castleland House
Bampton
Tiverton
Devon

Proposal: Retention of log cabin for storage, shelter and education

Date Valid: 2nd January 2018



APPLICATION NO: 17/02014/FULL

MEMBER CALL-IN

The Ward Member Cllr Andrew Moore has requested that this application be determined by Planning Committee for the following reason:

- To review whether access is appropriate and there are sufficient controls on building use to protect consequential amenity and traffic impacts on the local community.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of log cabin for storage, shelter and education purposes at Castleland House, Bampton. The building as erected is located within woodland with the building consisting of an open room with shower/toilet. The applicant has confirmed that they train gundogs within the grounds of their property, primarily within the woodland and the building as erected is proposed to be used as a shelter and storage facility for essential tools required to maintain the 8-acre wood. The use of the log cabin would also be for education purposes in addition to the use as a shelter, allowing for workshops for a maximum number of 4 handlers with their dogs. Parking by visitors takes place on the existing drive to Castleland House.

APPLICANT'S SUPPORTING INFORMATION

Completed Application Form
Site Location Plan
Block Plan
Floor Plan and Elevations
Drainage Plan
Foul Drainage Assessment
Supporting Information and Photographs

RELEVANT PLANNING HISTORY

84/01281/FULL - REFUSE date 17th October 1984
Erection of extension and alterations to enlarge living room and bedroom

85/00063/FULL - PERMIT date 20th March 1985
Installation of first floor bay window

87/00634/FULL - PERMIT date 24th June 1987
Erection of extension to form bedroom

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR9 – Access

COR11 – Flooding
COR18 – Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development
DM2 – High Quality Design
DM7 – Pollution
DM8 – Parking
DM20 – Rural Employment Development
DM22 – Agricultural development
DM27 – Development Affecting Heritage Assets

National Planning Policy Framework

CONSULTATIONS

Oakford Parish Council – No response received at the time of writing this report.

Highway Authority: 11th January 2018 – Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

The Local Highway Authority has informally advised that they would have no objection with this proposal given the existing access arrangements for the site, level of parking available at the property and scale and nature of the use.

Environmental Health – 21st February 2018

Having looked at this application I would recommend approval with conditions:

The building shall only be used for the storage of equipment. It shall not be used in connection with any wood production activities.

Environment Agency - Operation development less than 1ha. Flood zone 1 - No consultation required.

REPRESENTATIONS

Eight letters of objection were received with the objections being summarised as follow:

- The training of gun dogs by its very nature requires a device that replicates a gun in order to train the dog to be gun tolerant and not gun shy. This will result in noise disturbance to close neighbours.
- Question is raised as to how sheep dogs can be trained in woodland without sheep.
- A new track was excavated on site to access this site which has resulted in a detrimental impact on the woodland and plant species within.
- The applicants already run a business from the property so this would result in a further increase in traffic to the site.
- This is an area outstanding natural beauty.
- Health and Safety concerns given that the access into Castleland House is on a blind bend of this road which is frequently used as a rat run in the morning and in the afternoons. Increase use could result in a highway danger.
- Impact on occupiers of neighbouring property through noise and disturbance associated with the development.
- A path could be created within the property to reduce noise and disturbance through use of the lane.

- Increase in traffic to the site with the associated noise.
- The building will add to light pollution which in turn will impact on wildlife.
- Impact on neighbours Human Rights regarding the right of peaceful enjoyment of all their possessions which includes the home and land.
- The increase in use of the lane will result in damage to the surface.
- If the toilet facilities have been in use in the log cabin, where has the sewage and waste water been going?
- Concerns are raised to the location of the proposed septic tank and its soakaway as the properties on the lower levels of Oakfordbridge are all prone to flooding and potential landslide.
- Given the wet and muddy conditions in Castleland Copse, is this the right location for a septic tank?
- In response to Devon County Council comment that Standing advice applies, Hamslade Hill needs to be reassessed by the Highway Authority due to the increase in traffic Castleland House has brought to this rural road.
- Oakfordbridge is a very small hamlet with lots of Conservation Areas, very narrow access points and only one passing area.
- Surface water continuously runs down Hamslade Hill, as well as from the drive of Castleland House, making this rural lane even more potentially dangerous.
- Hamslade Hill is a very narrow rural lane running through Oakfordbridge with vehicles using the drive to Hamslade Cottage as a turn-in spot or passing area.
- Gun Dog training is noisy and can easily frighten the ponies on neighbouring land making them dangerous.
- Supporters to this proposal do not live in Oakfordbridge.
- This application has been made retrospectively.
- No photographs were provided of the log cabin in the submission but it was noted that it has the appearance more akin to residential/leisure use.
- The siting of the cabin appears unsuitable for the use outlined given the distance from Castleland House and the proposed car parking and the existing woodland and topography.
- The site is close to fields which have been used for grazing and the introduction of dogs could lead to trouble.
- The cabin seems a strange place to store machinery and this machinery could be taken by vehicle from the main property when needed.
- Increase in traffic and the vehicle type from the site results in mud being deposited on the surrounding roads.

Seven letters of support were received with the comments summarised as follows:

- The type and quality of dog training offered at Castleland House is not readily available in other locations with this being quite a unique training facility.
- The applicants are honest and responsible property owners who have a deep sensitivity to the natural world and a real desire to live in harmony with the environment and with their neighbours.
- This attractive but secluded log cabin which is not visible from any neighbouring properties is important for storage and temporary shelter for the dog training business which the owners run.
- The applicant is involved in training dogs and children to interact safely and appropriately and work with schools to this end. It is an important and responsible venture.
- It is a great place for teaching dogs and children with no fear of traffic.
- Having a cabin in the woods would only enhance the opportunities on offer, enabling shelter and space for the dogs to rest or shelter from the weather when needed.
- One to one lessons are far more beneficial than group classes.

- The training sessions teach a dog how to behave not just around its owner and family but with strangers and in public.
- You cannot train a dog how to behave with distractions outside the home, in a village hall or in your home. They need to experience these distractions for real and they need to do it in a safe environment.
- Benefits have been seen to dogs by those attending through working in the woodland when dogs are off the lead both in recall and behaviour around other dogs / people.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Need for the development**
- 3. Highway matters**
- 4. Design of Log Cabin**
- 5. Impact on the character of the area**
- 6. Impact on amenity of occupiers of residential property**
- 7. Availability of alternative premises**
- 8. Other planning matters**

1. Policy and procedure

The application seeks planning permission for the retention of log cabin for storage, shelter and education at Castleland House, Bampton. The log cabin is located within woodland to the northwest of the property, being sited on a higher level of land than the existing property of Castleland House. The site is outside of any settlement therefore being countryside in policy terms and is also outside but close to a Conservation Area.

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.

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], COR9 [Access], COR11 [Flooding], COR18 [Countryside] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM7 [Pollution], DM8 [Parking], DM20 [Rural Employment Development], DM22 [Agricultural development] 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. 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 COR18 seeks to control development outside defined settlement limits to appropriate rural uses.

In addition to the Core Strategy policies referred to above, the main policies used for determination are considered to be those of DM20 (Rural employment development) and to

a lesser degree Policy DM22 (Agricultural Development) of Local Plan Part 3 Development Management Policies. Whilst COR18 establishes the principle of appropriately scaled employment related development, agricultural buildings and educational facilities in the countryside, Policy DM20 allows for new businesses provided that the development is of an appropriate use and scale for its countryside location. To be allowed under this policy, the development should not lead to an unacceptable adverse impact on the local road network, should not have an unacceptable adverse impact to the character and appearance of the countryside and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

DM22 specifies that agricultural development will be permitted where the development is reasonably necessary to support farming activity on that farm and in the immediate agricultural community, the development is sensitively located to limit any adverse effects on the living conditions of local residents and is well designed, respecting the character and appearance of the area; and the development will not have an unacceptable adverse impact on the environment or an unacceptable traffic impact on the local road network. Whilst this development does not specifically relate to a farming enterprise, the maintenance of woodland could fall within the definition of forestry work, so consideration is given to this proposal in light of the criteria outlined within the policy.

In addition to the above, the NPPF indicates at paragraph 19 that 'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.' The Framework also requires that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic and other forms of sustainable development.

In terms of the relevant policy criteria, the main issues for assessment are considered to be those relating to the need for the development, highway matters through any impact on the surrounding highway network, the overall design of the building, impact on the character of the countryside, impact on amenity of occupiers of neighbouring residential properties and the availability of other site/premises in the immediate area. These matters and other planning considerations are considered further below.

2. Need for the development

Regarding the need for the building, the applicant has commented that living in a community based in agriculture, they have found a niche for educating working gundogs of a variety of breeds with the applicant devising and delivering a programme via DHK to teach 4 children, over a 15-week period, with regard to Respect, Communication, Bond and the Needs of a working dog. The applicant comments that they realised a need for their highly trained certified school dogs and the children to experience the training outdoors and what actually happens when a dog works and is in a habitat with the distractions of other wildlife with the applicant able to educate, and give a hands-on experience of an instant whistle recall, a wait and a stay in case of emergency and focus work for a dog including 'marking' a flying bird, steadiness so that the dog doesn't 'run in' to 'peg' a live pheasant. One of the purposes outlined by the application for the log cabin is that they can teach more regularly and offer attendees, in particular children, a bit more comfort and protection from the elements, especially in the Winter months.

Another reason for the building is to store equipment relating to the upkeep of the woodland area. These uses as outlined for education purposes, shelter and storage of equipment in association with the upkeep of the land are all considered to be acceptable in policy terms.

3. Highway Matters

With respect to highway matters, a number of objections received are on the basis of an increase in traffic to site as a result of the proposal, this being in addition to traffic already associated with an existing business run from site and that the access arrangements and surrounding highway network are substandard to deal with this traffic. The Local Highway Authority has stated that standing advice should be used but through informal discussions with the Highway officer following receipt of concerns from neighbours, the Highway Officer informs that no objections would be raised on the basis of the existing access and proposed parking arrangements or to the traffic generation associated with the development given the nature of the business and estimated visitors/users to the business.

The applicant has outlined the small scale nature of the business for gundog training which is on an appointment basis with parking taking place to the front and side of the existing property of Castleland House, off the existing drive. In respect to the existing business being run from the site, the applicant has outlined that there are no visiting members of the public or trade deliveries with the business being office based. The use of part of the existing dwelling for B&B purposes would also not require planning permission subject to no more than 50 percent of the bedrooms being used for this purpose. One other note to take into consideration is that the use of the building for the storage of equipment associated with the upkeep of the land would not result in additional traffic movements, as these can happen currently.

It would appear that the use of the cabin for storage of equipment or as a shelter for gundog training or workshop purposes alone would be unlikely to have an unacceptable impact on the road network. The existing onsite parking provision is more than sufficient to accommodate all existing employees and visitors with ample space on site. As such, in highway safety terms the proposal is considered to be acceptable and no further parking spaces are required, meeting policy DM8 of the Mid Devon Development Management Policies (Local Plan Part 3).

4. Design of Log Cabin

The design of the building is that of a timber log cabin with profile metal roof. It includes a shower/w.c but the rest of the building is an open area. Concerns have been raised that the building would not be suitable for the storage of equipment and that it is more akin to a residential/leisure use. With regard to the use of the building, it is considered that the building as constructed could be used for the purposes outlined by the applicant. In light of comments received from Environmental Health and the location of the building within a countryside location, a condition is recommended to prevent other business uses from this building or use as a separate self-contained residential unit of accommodation. The log cabin is therefore considered to comply with DM2 (High quality design) of the Local Plan part 3 (Development Management Policies).

5. Impact on the character of the area

Impact on the character of the countryside is one key consideration, but the development is screened by existing woodland with agricultural fields to the rear being located higher up with vegetation along the boundaries. There will be no views from public vantage points with the only real view likely to be that from the adjacent field, especially in the summer months when tree screening will be thickest. The site is outside of the Conservation Area and given the distances involved and the existing topography and woodland screening the development, it is considered that the log cabin does not result in harm to the character of

the heritage asset, being in accordance with DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. Impact on amenity of occupiers of residential property

There are a few residential properties located to the south and east of the application site, but these are also some distance away and sited lower down the hillside with woodland in between. Concerns have been raised to the potential impact on amenity of occupiers through this development but a number of these relate to matters which can occur without the need for planning permission such as the use of a lane by the applicant in order to maintain the woodland or from gundog training within the woodland area.

The consideration is rather one of whether the siting and use of the log cabin for the purposes outlined would result in a significant detrimental impact on the amenity of occupiers of neighbouring property. The applicant has outlined that the use of the log cabin is also for education and shelter purposes while using working dogs, who will then be prepared to work in the field of agriculture and as a place to shelter from the weather and have workshops (maximum of 4/6 per year stated), providing some seats to listen to a lecture or watch a Power Point presentation. By having the log cabin, the working dogs are taught to settle, be calm and rest with their owners while they are learning and at no time are guns or pistols used. Parking takes place on the drive for the existing property and visitors have no need to travel up the lane past neighbouring properties.

Therefore it is not considered that there would be significant noise or other disturbance as a result of this development with the consideration made that the proposal will not significantly affect the amenity of any nearby residential properties.

7. Availability of alternative premises

In terms of the availability of other site/premises in the immediate area, it is considered that there are no other buildings on site or within the immediate area which could be used for this purpose, with the gundog training taking place with the site curtilage of Castleland House and adjacent woodland. The storage of equipment would also be associated with this woodland only.

8. Other planning matters

In respect to other planning matters, concerns have been received with respect to foul and service water drainage with objectors enquiring whether a septic tank in this location would be suitable given existing ground conditions and that given the topography water currently runs downhill and a number of properties lower down are prone to flooding. It is noted that the site is located within flood zone 1 where this type of development is acceptable, with foul sewage to be disposed of by a septic tank (which is likely to be the subject of an EA Permit application) and surface water disposed of by a soakaway. The development therefore complies with Policy COR11 of the Core Strategy and DM2 of the Mid Devon Development Management Policies (Local Plan Part 3). It is understood that the Environment Agency have been contacted generally in respect to possible pollution of The Leat nearby but this would be a matter for them as the relevant authority and is not directly related to this application.

CONDITIONS

1. The date of commencement of this development shall be taken as 2nd January 2018, the date the application was registered by the Local Planning Authority.
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 log cabin hereby approved shall be used for the purposes of storage, shelter and education as outlined within the supporting documentation accompanying the planning application allowing for a maximum of four handlers and their dogs in addition to the applicant to occupy the log cabin at any one time. The log cabin shall not be used for additional residential accommodation (C3) or be let, sold or otherwise occupied independently of the dwelling known as Castleland House and the storage use of the building shall be limited to the storage of equipment and machinery relating to the upkeep of the land and shall not be used in connection with any wood production activities.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. The site is in a location within which new permanent residential use would not be acceptable in policy terms and any further business/storage use would need to be assessed in terms of its acceptability within this location, in accordance with policies COR1 and COR18 of Mid Devon Core Strategy (Local Plan 1) and guidance in the National Planning Policy Framework.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

With significant weight placed on the need to support economic growth, together with the overall design and appearance of the log cabin including the relative distance between this site and any nearby residential properties, it has been concluded that there is no demonstrable harm to the living conditions of any occupants of nearby residential properties and the visual amenity of the locality would not be harmed as a result of the proposal to an extent that would justify withholding planning permission. The design and scale of the building as erected is considered to result in less than substantial harm to the character and appearance of the nearby conservation area and it is not considered that the proposal would result in any significant adverse environmental or highway impacts. Having regard to all material considerations the application is in accordance with the requirements of policies COR2, COR11 and COR18 of the Mid Devon Core Strategy; policies DM1, DM2, DM8, DM20, DM22 and DM27 of the Mid Devon Development Management Policies; and the National Planning Policy Framework.

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. 18/00100/HOUSE

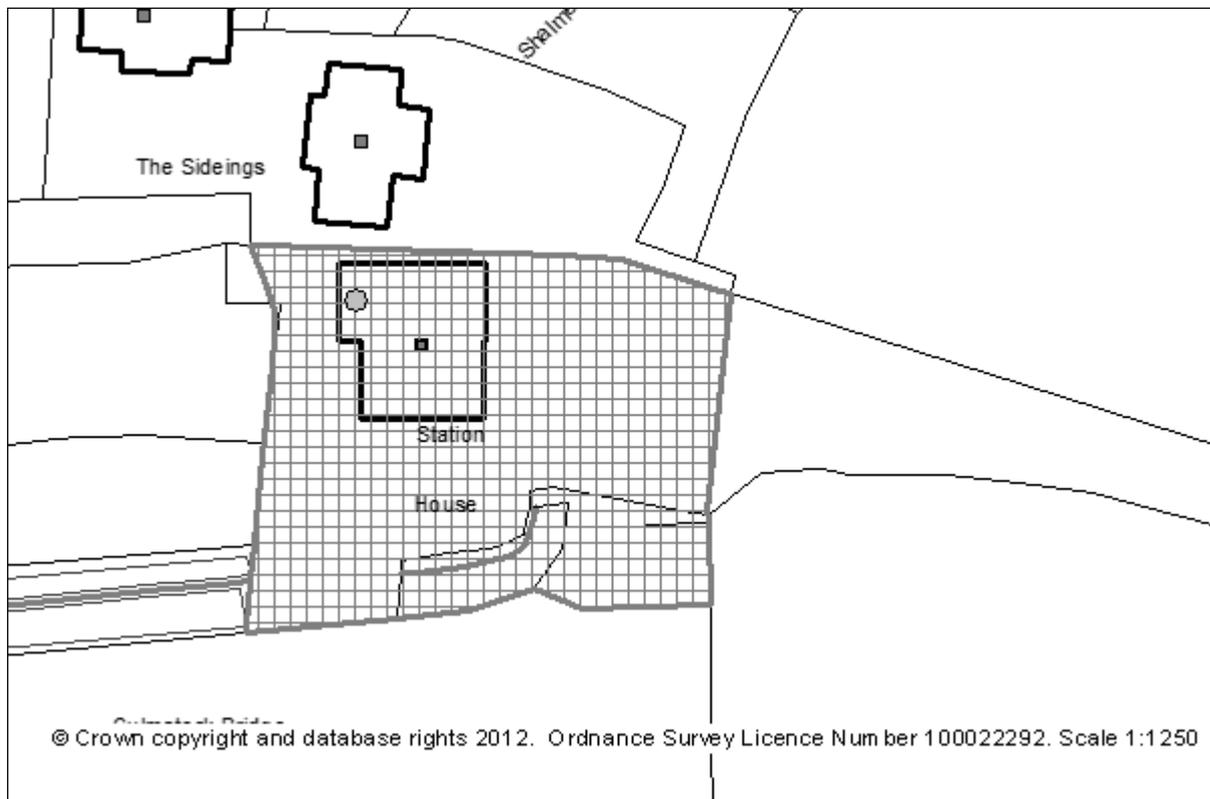
Grid Ref: 310181 : 113793

Applicant: Mr Mike Rowe

Location: Station House
Culmstock
Cullompton
Devon

Proposal: Conversion of garage to a self-contained annexe and erection of a porch

Date Valid: 24th January 2018



APPLICATION NO: 18/00100/HOUSE

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Conversion of garage to a self-contained annexe and erection of a porch

APPLICANT'S SUPPORTING INFORMATION

Plans
Application form

RELEVANT PLANNING HISTORY

00/00335/OUT - PERMIT date 5th May 2000
Renewal of outline planning permission no. 4/22/97/358R for the erection of a dwelling

03/00325/ARM - PERMIT date 13th June 2003
Reserved Matters for the erection of a dwelling

93/01625/OUT - REFUSE date 23rd November 1993
Outline for the erection of a dwelling APPEAL ALLOWED

97/00358/OUT - PERMIT date 25th April 1997
Renewal of outline planning permission 4/22/93/1625 for the erection of a dwelling.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)
COR2 – Local Distinctiveness
COR17- Villages

Mid Devon Local Plan Part 3 (Development Management Policies)
DM2 - High Quality design
DM13 - Residential extensions and ancillary development
DM27 - Development affecting heritage assets

CONSULTATIONS

Highway Authority - 12th February 2018 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

Culmstock Parish Council: No response at date of report

EA: no response at date of report

REPRESENTATIONS

None received

MATERIAL CONSIDERATIONS

Station House is located close to Culmstock Bridge accessed through the Public House entrance and set behind the main carpark of the public house. It is partially enclosed by hedging that forms the front boundary. There are a few mature trees that may partially screen the house site when viewed from the south.

The existing property is modern in design and detached. The Proposal is to convert the existing garage to provide additional space as an annex to the main house along with a covered area to the side of the house. The double doors will be removed and windows set in place to reflect that of the existing house, a small lean-to area is intended to be located to the side. However the lean-to area will cause no significant impact on the setting of the building within the Conservation area. The alteration is proposed to provide accommodation as part of the dwelling for the owner's parents. The alteration incorporates a small kitchen area along with lounge bedroom and bathroom. Access is to be from the main house and used in connection with the house.

DM2 of the Local Plan Part 3 deals with High Quality design and sets out a number of good design principles that should be demonstrated in each development.

The proposed alteration to the property is considered to be sympathetic to the design of the original, the change to the garage and its design is also of an appearance which will not adversely impact on the surrounding area.

The site is part of a small collection of three dwellings and whilst the dwelling is not a listed building the house is within the conservation area and set behind the carpark of the public house.

It is considered that the proposed alterations and extensions to the property are sympathetic to the design of the existing house and therefore will retain the overall character of the historic environment, coupled with this the proposed works are located behind a hedge and will not be highly visible in the street scene.

In view of the above the proposed is considered to be acceptable and provides good additional accommodation.

DM13 of the Local Plan part 3 deals with residential extensions and ancillary development, more specifically it supports this development subject to certain criteria.

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

The proposed change to the dwelling is to be located to the integral garage area of the building mainly with a small area to the side to create a covered external outside space.

The external appearance of the proposed works sits comfortably with the building and the proposed fenestration will complement the existing.

The proposal is to provide additional living accommodation in respect of a bedroom and ensuite kitchen lounge area and covered outside space to the side of the property.

The property has a reasonable size curtilage around the property which is considered large enough to accommodate the proposed alterations. It is therefore considered that the proposed development will not result in the over-development of the dwelling curtilage.

The property is a detached property and the scale and orientation of the proposed works will have no impact on the neighbouring properties. As such it is considered that there is likely to be no potential for overlooking of the neighbouring properties.

The proposed works will be mainly contained within the garage area with the exception of a small lean-to to the side. On this basis the scale and massing of the proposed works is not considered to have any adverse impact on the living conditions of neighbouring properties.

Policy DM27 of the local plan which relates to Development affecting heritage assets also needs to be considered. It is considered that the proposed works will lead to less than substantial harm and the design will be sympathetic to the existing building.

In view of the above it is considered that the proposed development accords with local plan policy and is therefore recommended for approval.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The external finishes of the developments hereby permitted shall match in material, colour, style, bonding and texture those of the existing residential building and be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building and character and appearance of this part of the conservation area in accordance with Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM13 and DM27.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of a single storey side extension and alteration to garage, at Station House Culmstock and is considered to be acceptable. The overall scale and design of the scheme is considered to respect the character, scale, setting and design of the existing house and having regard to the setting within the Conservation area. The proposed development would not result in the over development of the curtilage.

Overall, it is not considered that the application scheme would result in any significant adverse impacts on the living conditions of occupants of any neighbouring properties.

On this basis the proposals are considered to sufficiently comply with the following policies: Mid Devon Core Strategy (Local Plan Part 1) COR2, COR17, Local Plan Part 3 (Development Management Policies) DM2, DM13, and DM27 DM29 and the National Planning Policy Framework.

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. 18/00023/FULL

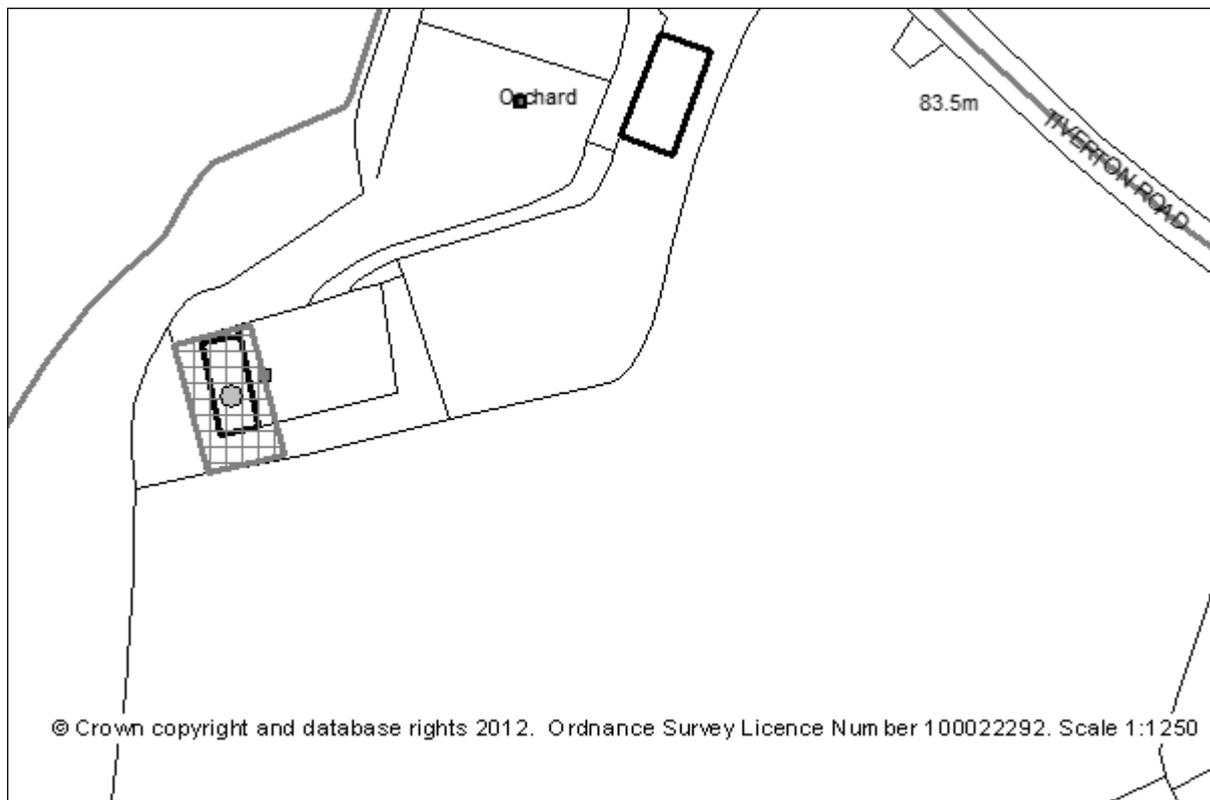
Grid Ref: 295221 : 103171

Applicant: Ms J Tye

Location: Land at NGR 295174 103122
The Orchard
Great Pitt
Silverton

Proposal: Permanent retention of log cabin for use by full time worker

Date Valid: 3rd January 2018



APPLICATION NO: 18/00023/FULL

MEMBER CALL-IN

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

To assess the business case as it did not meet the requirements last year and to consider the evidence to show that a full time worker is needed.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The application seeks planning permission for the siting of a caravan, in the form of a mobile log cabin, to serve as the dwelling associated with an existing equine business and charity in Silverton. Temporary permission was granted in 2013 and again in 2017 for the provision of the log cabin (which replaced a caravan on site) to serve the equine business. The applicant wishes to remain living on site and this application seeks permanent permission for the siting of the log cabin. The business is now well established and is registered as a charity. Accounts have been provided to demonstrate the financial viability of the business and charity as an ongoing venture.

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

In addition to the log cabin and domestic waste treatment plant present on the site there is also a barn containing 5 loose boxes and storage area positioned roughly in the centre of the land owned by the applicant, as well as a horse exercise arena in the south west corner of the site. The current application seeks permanent permission for the siting of the log cabin to provide the residential accommodation on the site to support the equine business. The log cabin is on site and is proposed to be retained in its south western position adjacent to the horse exercise area. The log cabin is surrounded by trees and shrubs on the north and western boundaries.

APPLICANT'S SUPPORTING INFORMATION

Application form
Site location plan
Block plan
Floor plans and elevations of log cabin
Existing and proposed site profiles
Details of pad foundations
Business and charity commission accounts from September 2014 – September 2017
Letters from Charity benefactors
Confirmation email from Vet
Email from Dartmoor pony supplier

RELEVANT PLANNING HISTORY

01/01410/PNAG - NOBJ date 23rd August 2001
Erection of shed for storage of machinery

03/00105/FULL - PERMIT date 20th March 2003
Formation of agricultural access onto classified highway including excavation of bank and provision of hardstanding

03/01855/FULL - PERMIT date 9th October 2003
Retention of stable building and manege/horse riding arena

06/02480/FULL - REFUSE date 26th February 2007
Siting of static caravan and installation of treatment plant - APPEAL DISMISSED

07/01011/FULL - REFUSE date 23rd July 2007
Temporary siting of mobile home and installation of treatment plant

09/00831/FULL - PERMIT date 5th August 2009
Change of Use of stables and ménage to non-domestic equestrian purposes

09/01271/FULL - PERMIT date 17th November 2009
Retention of change of use of land for the siting of a caravan and sewage treatment plant

17/00318/FULL - PERMIT date 20th April 2017
Temporary retention of log cabin (caravan) for 3 years (Members resolved that temporary planning permission be granted for a period of 2 years 19.04.2017)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR18 - Countryside

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

Highway Authority - 11th January 2018 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SILVERTON PARISH COUNCIL - 7th February 2018 - The Parish Council recommends refusal of the above application on the grounds there is already an extension of time in place

which allows Ms Tye to use the building for another 2 years during which she must prove a business case.

ENVIRONMENTAL HEALTH - 26th January 2018 - No objection

Air Quality - No objection

Environmental Permitting - No objection

Drainage - No objection

Noise & other nuisances - No objection

Housing Standards - No comments

Licensing - If this is for an agricultural worker a licence will not be required. For more information contact licensing via email licensing@middevon.gov.uk

Food Hygiene - N/A

REPRESENTATIONS

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

- The previous shortfall in earlier accounts could have been covered by a further donation from one of the charity benefactors, there is now no shortfall as the accounts indicate;
- Confirmation from a charity benefactor that if the business should experience a shortfall that they would pay any shortfall up to an amount equal to the salary of an employee to assist the charity;
- Have seen how New Life Horse Care helps learners and how much time the ponies need due to their health conditions;
- The vet has been called out to the site on many occasions during the night due to health problems associated with the ponies;
- Having someone on site full time is essential for the health and wellbeing of the ponies;
- Have seen learners shine while working with the ponies;
- Ponies arrive on a rolling basis including vulnerable foals for handling and training;
- New Life Horse Care provide a fostering service for Dartmoor ponies (approximately 12 per year) who are vulnerable young stock and in a high stress situation, sent two at a time for intensive handling and training.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Essential need**
- 3. Design and impact on the countryside**
- 4. Other issues – Access, Trees, Public Open Space, New Homes Bonus, S106**

1. Policy and procedure

National Planning Policy Framework (NPPF)

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

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

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

Mid Devon Core Strategy (LP1)

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

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

Those relevant are:

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

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

Local Plan Part 3 (Development Management Policies)

Policy DM1 establishes the presumption in favour of sustainable development.

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

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

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

2. Essential need

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

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

A previous appeal decision relating to the establishment of residential accommodation on this site (in association with this business) was dismissed. However, the Inspector in that case concluded that the "needs of the business would justify a residential presence as it had been justified that a full-time worker needs to be available at most times, i.e day and night, in case animals require essential care at short notice". Following the appeal dismissal, the Local Planning Authority granted temporary planning permission for the applicant to live on site in association with the business in 2009 and granted a further 3 year temporary period in 2013. In 2017 the applicant made an application for the log cabin to be retained on a permanent basis, however, during the assessment of the application it was considered that a further temporary permission would be more suitable as although the accounts showed year on year improvement no profit had been made. At the time the applicant was certain that the charity accounts for 2016-2017 would show considerable improvement and that a profit had been made that year, however, with the accounts not being available at the time of the determination of the application a further temporary permission was granted. The applicant has chosen to submit the current application within the temporary 2 year period that was granted rather than to wait until the two year period had ended on the basis of the financial accounts that are now available.

The core elements of the business have not changed since temporary planning permission was granted in 2013 in as much that ponies that are not owned by the applicant arrive at the premises to be rehabilitated and cared for. However, the emphasis is now more toward working with children/young people/young carers and the rescued/long term ponies and horses rather rehabilitating horses belonging to private clients.

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

New Life Horse Care is a Registered Charity, now in its fourth year of charity status. The NLHC website states that its objectives are to care for and rehome if possible, vulnerable equines, and that they provide a service for young people with disabilities and special needs. The Articles of Association are on the Charity Commission website.

The Local Planning Authority have been informed that there are 3 charity ponies on site, all with chronic medical and behavioural issues, needing regular assistance from vets and specialist behaviourists. There is a further horse, with Post Traumatic Stress Disorder, who

does not belong to the charity, and foster foals from Friends of the Dartmoor Hill Ponies Charity, who are at NLHC for safe guarding, handling and training for 2 years on a rotation basis. The Foster Foal program is stated to be an integral part of the work carried out by NLHC.

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

Maintaining a safe and quiet environment is considered to be essential for the care and recovery of the animals. To ensure this the applicant maintains that a person is required to be readily available on the site at most times. A vet that has attended the site in order to provide treatment to the ponies and horses has confirmed that he has been required to attend to ponies/horses at the premises with chronic medical problems.

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

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

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

The applicant has submitted financial information for New Life Horse Care, including audited accounts from September 2014 – September 2017. The audited business accounts indicate that the business has made a profit in the year 2016 – 2017. These accounts were not available when the previous planning application was determined in April 2017. The accounts from 2014 onwards indicate that the income has increased year on year and due to the ongoing support of the charity benefactors there is no reason to assume that the business will not continue on a sound financial basis in the future.

In summary, it is considered that there is an essential need for a full time worker to live on site in order to continue to run the business. The business has proven that it has made a profit in the last financial year and that the income has been increased year on year in the past few years.

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

3. Design and impact on the countryside

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

This area is screened from the west by trees and a manmade bank formed when the arena was created. The site is lower than the land to the south and there is a tall hedgerow on the southern boundary which screens views of the site from this direction.

To the north of the site (looking toward the highway from the site of the log cabin) there is a steep drop to a stream and a row of trees. The site of the log cabin is not obvious in the landscape when viewed from the highway to the north. The log cabin has a timber exterior and is not be obvious within the landscape. It is not in an elevated position within the site. The log cabin has minimal impact on the character or appearance of the surrounding rural area and is positioned to provide a view toward the stables as well as being within sound of the stables.

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

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

Neither the access nor the parking provision at The Orchard are proposed to change as a result of this application. Both are currently considered acceptable to serve the business and the log cabin. The access and parking provision are in accordance with policy DM8 Mid Devon Local Plan Part 3 (Development Management Policies). The development would, if approved, provide permanent residential accommodation on the site. The log cabin is connected to a private foul drainage treatment plant. There is already a consent to discharge to the watercourse which runs alongside the northern boundary of the site. There are no known concerns regarding the existing drainage arrangements.

CONDITIONS

1. The siting of the caravan and use of the land shall be considered to have commenced on the 3rd January 2018, the date the application was registered.
2. This permission shall only authorise the use of the application site for the stationing thereon of one caravan which complies with the description 'caravan' as defined by Section 29(1) of the Caravan Sites and Control of Development Act 1960 (revised 1977) and Section 12 (1) (2) of the Caravan Sites Act 1968.
3. The occupation of the log cabin [caravan] shall be limited to the Applicant, a widow or widower of the Applicant or to any resident dependants.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. No external lighting shall be provided at the site unless the lighting has first been approved in writing by the Local Planning Authority.
6. There shall be no retail sales from the application site or adjoining land or buildings owned by the applicant.

REASONS FOR CONDITIONS

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

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

The current proposal is acceptable in that it has been demonstrated that there continues to be an essential need for a full time worker to live on site in order to operate the business. The permanent permission will enable the business and charity to continue on what is considered to be a sound financial basis.

The site is suitably screened and the log cabin has a minimal visual impact on the rural area. The proposal will have no additional impact on the highway network or on neighbouring residents. The proposal is considered to be in accordance with the relevant policies: COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM1, DM2, DM8, DM10 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.

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.

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Major Applications with no Decision

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	1	28/05/2018	18/00299/MOUT	Outline for the erection of mixed use business units (Classes B1, B2 & B8), cafe (Class A3) and managers office (1.9ha) with associated highway and drainage works	Quad World Bradninch Exeter EX5 4LB	Mr David Green	DEL	
2	2	23/05/2018	18/00091/MFUL	Conversion of former redundant care home to provide 22 residential units, and external landscaping	St Lawrence Home Churchill Drive Crediton Devon EX17 2EF	Mr Simon Trafford	DEL	
3	2	22/05/2018	18/00214/MFUL	Erection of 14 dwellings with associated roads, garages and parking	Land at NGR 310280 114261 Hunters Hill Culmstock Devon	Miss Hannah Cameron	DEL	
5	5	02/05/2018	18/00133/MARM	Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure	Land at NGR 298617 113487 Uplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM
5	5	27/04/2018	18/00175/MOUT	Outline for the erection of upto 125 dwellings with public open space and associated infrastructure	Land at NGR 303288 110467 Adj Meadow Park Silver Street Willand Devon	Mrs Alison Fish	COMM	COMM
6	6	24/04/2018	17/01904/MFUL	Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house	Blackborough House Blackborough Cullompton Devon EX15 2HJ	Mr Daniel Rance	COMM	COMM
7	9	03/04/2018	17/02020/MFUL	Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping	Astra Printing and Crown Works Site Willand Road Cullompton Devon EX15 1AP	Mrs Alison Fish	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	20	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
9	24	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
10	24	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
11	26	04/12/2017	17/01359/MOUT	Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site	Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon	Mr Daniel Rance	COMM	COMM
12	28	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
13	29	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
14	31	22/11/2017	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
15	33	03/11/2017	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	35	04/10/2017	17/01090/MOUT	Outline for the erection of up to 40 dwellings with associated access, parking, open space, landscaping and supporting infrastructure	Land and Buildings at NGR 281938 100425 (Adjacent Brookdale, Threshers) Hollacombe Devon	Miss Helen Govier	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
17	36	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	37	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	DEL	DEL
19	40	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
20	52	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
21	68	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
22	70	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

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LIST OF APPEAL DECISIONS FROM

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01604/MFUL	Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton Devon	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed
16/01400/PNCOU	Prior Notification for the change of use of an agricultural building to dwelling under Class Q	Land at NGR 291002 107345 (East Dunster Farm) Cadeleigh Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
17/00782/FULL	Removal of condition 2 of planning permission 08/00597/FULL - building shall be used for agricultural purposes only	Land at NGR 291002 107345 East Dunster Farm Cadeleigh Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Allowed
17/00600/FULL	Retention of an office, workshop and restroom	Green Acres Farm Coldridge Crediton Devon EX17 6BW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
17/00395/FULL	Erection of a barn to house flexible generation and energy storage plant with associated infrastructure, access, cable route and landscaping	Land and Building at NGR 280066 113155 (Woodford Farm) Witheridge Devon	Refuse permission	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed
17/01109/PNCOU	Prior notification for the change of use of a building from office use (Class B1(a)) to 2 dwellings (Class C3) under Class 0	Land and Buildings at NGR 306735 107685 (1-4 Warren Units) Kentisbeare Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
17/01296/FULL	Removal of condition 2 of planning permission 10/00646/FULL pertaining to removal of agricultural building within 3 years of cessation of use	Land at NGR 266917 112551 Rashleigh Lane Wembworthy Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions
17/00313/FULL	Change of use of vehicle workshop and MOT centre to 2 dwellings and formation of vehicular access	Taw Valley Garage Chawleigh Chulmleigh Devon EX18 7JX	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

AGENDA ITEM

PLANNING COMMITTEE

DATE: 21st March 2018

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

CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES.

RECOMMENDATION:

That with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended by Officers for approval be brought before the Committee for determination.

REASON FOR REPORT:

To consider whether Planning Committee wish to continue to determine all solar photovoltaic (PV) panel schemes that are ground mounted and recommended for approval, irrespective of the scale of the proposal.

MATTERS FOR CONSIDERATION:

The current arrangements for the determination of such applications and that the scale of proposals and hence impact may vary widely.

RELATIONSHIP TO CORPORATE PLAN:

One of the Corporate Plan priority areas is Environment, including focus upon reducing carbon footprint and protecting the natural environment.

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.

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making.

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.

1.0 BACKGROUND.

1.1 At the meeting of Planning Committee on 20th February 2013 it was debated whether all future planning applications for photovoltaic (PV) panels that are ground mounted be determined by Planning Committee, rather than being considered by officers under delegated powers given to the Head of Planning and Regeneration. It was resolved as follows:

***RESOLVED** that only applications for ground mounted solar PV arrays that were recommended by Officers for approval be brought before the Committee for determination. If Officers were minded to refuse ground mounted solar PV array applications then the specific Ward Member be informed of the proposed reasons for refusal before the decision is issued.*

1.2 This resolution was reviewed at the meeting of Planning Committee on 21st October 2015. Members did not feel it was appropriate to amend the resolution at that time. In light of the fact that recent planning applications for small scale solar PV arrays have

been approved without discussion at Planning Committee it is felt that the time is right for further consideration of this issue.

2.0 APPLICATION CONSIDERATION BY PLANNING COMMITTEE.

2.1 At present all ground mounted solar PV planning applications are determined by Planning Committee if recommended for approval. This is irrespective of the scale of the application. Accordingly domestic, small-scale solar PV schemes are considered by Committee if they are ground mounted rather than being located on buildings. This can result in a delay in the determination of such applications due to the need to schedule it for a meeting of the Committee and additional work for officers in writing a Committee report. Additionally there is currently inconsistency in that a building-mounted solar PV scheme of the same scale is not automatically considered by Planning Committee if recommended for approval.

2.2 Planning applications for solar PV panels may vary widely in scale and accordingly impact. This is reflected in the range of applications submitted since February 2013. All are currently dealt with in the same manner, in that if recommended for approval they are determined by Planning Committee. Members are requested to relook at the resolution in respect of such applications and to consider whether it should continue to apply to all scales of proposal if recommended for approval, or if small-scale proposals could be excluded and hence determined under delegated powers. The normal opportunity for Ward Members to call a planning application into Planning Committee for a decision, having given planning reasons for doing so, would still apply.

2.3 To give context for Members, since January 2017 3 such applications, all considered to be at the small / domestic scale have been considered at Committee:

17/00445/FULL determined as recommendation (granted)

17/01732/FULL determined as recommendation (granted)

18/00033/HOUSE determined as recommendation (granted)

There has been little 'major' scale ground mounted solar PV application activity within the last year.

2.4 Members are therefore asked whether small scale proposals may be considered under delegated powers irrespective of the recommendation. Members may wish to consider whether you wish a more specific definition of 'small scale'. Officers would suggest that it be to serve a domestic property or a single farm holding. Alternatively Members may wish to consider 'minor' scale applications (up to 1,000 sq m site area).

Contact for Information: David Green, Group Manager for Development
dgreen@middevon.gov.uk 01884 234348

List of Background Papers: Planning Committee 20th February 2013
Planning Committee 21st October 2015

Circulation of the Report: Cllr Richard Chesterton
Members of Planning Committee

PLANNING COMMITTEE
DATE: 21ST MARCH 2018

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

PLANNING PERFORMANCE AGAINST TARGETS QUARTER 3 OCTOBER – DECEMBER 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 3 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	17/18		
				Q1	Q2	Q3
Major applications determined within 13 weeks	60%	*47%	90%	75%	75%	86%
Minor applications determined within 8 weeks	65%	68%	80%	82%	96%	76%
Other applications determined within 8 weeks	80%	86%	89%	91%	91%	91%
Householder applications determined in 8 weeks	85%	93%	98%	94%	94%	93%
Listed Building Consents	80%	71%	84%	81%	81%	90%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	96%	88%	99%	94%
Delegated decisions	90%	94%	94%	95%	95%	90%
No of applications over 13 weeks old without a decision	Less than 45 apps	40	29	41	42	43
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	53%	82%	83%	83%	83%
Major applications overturned at appeal as % of all major decisions over preceding 2 years	Less than 10%	10%	7%	4%	3.5%	4%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	N/A	77%	79%	79%	78%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	N/A	<1%	<1%	0.2%	0.2%

Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	99%	100%	99%	99%	100%
Building Regulations Applications examined within 3 weeks	95%	72%	88%	96%	86%	98%
Building Regulation Full Plan applications determined in 2 months	95%	97%	91%	84%	95%	96%

*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 December 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 December 2017 was **78%**.

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 December 2017 was **4%**.
- 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 December 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 3 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 100%. 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 A 20% increase in national planning fees was introduced by the Government in January 2017.
- 2.5 At the time of writing this report one Conservation Officer post is vacant. The recruitment process is advanced with the post having been offered to a candidate. It is hoped that a new postholder will be in place in May 2018.

3.0 PLANNING ENFORCEMENT.

3.1 Activity within the enforcement part of the planning service by quarter is as follows:

Enforcement	2015/16				2016/17				2017/18		
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3
New enforcement cases registered	14	71	54	83	69	75	35	73	53	89	85
Enforcement cases closed	47	53	39	62	63	58	56	22	23	127	114
Committee authorisation sought	3	2	1	2	4	10	6	3	0	3	3
Planning contravention notices served	From Qu 2	9	5	10	5	3	2	1	3	2	2
Breach of condition notices served	0	1	0	0	0	0	0	1	0	0	0
Enforcement notices served	2	1	0	3	3	2	1	1	6	3	3

The total number of open enforcement cases:
 At time of writing this report (9th March 2018): 151
 20th November 2017: 164
 Late September 2017: 160
 Early June 2017: 226.

This represents the number of alleged breaches of planning control being investigated at any one time.

3.2 A Local Enforcement Plan has been prepared and publically consulted upon, setting out how planning enforcement will be managed, how the implementation of planning permissions will be monitored, how alleged cases of unauthorised development will be investigated and action taken where it is appropriate to do so. This document was agreed by Council on 21st February 2018. It also sets out a prioritisation criteria for compliant investigation together with performance standards. These will be monitored. Reporting on them will be from the beginning of the new financial year.

4.0 **BUILDING CONTROL.**

4.1 Building Control performance in the assessment of full plans applications was met for this quarter (96%), as was also that for plan checking within 3 weeks (98% against a target of 95%). The Building Control service is now exceeding performance against targets following a period of bedding in following the new partnership being set up.

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. A joint committee oversees the delivery of the functions of the partnership service.

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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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