

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, 9 January 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 6 February 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

21 December 2018

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

A G E N D A

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **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 3 - 24*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 5 December 2018.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

- 6 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 7 **THE PLANS LIST (Pages 25 - 66)**
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION (Pages 67 - 70)**
List attached for consideration of major applications and potential site visits.

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

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Agenda Item 4

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 December 2018 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal (Vice Chairman, in the Chair), F W Letch, B A Moore, J D Squire, R L Stanley and R Evans

Apologies Councillor(s)

Mrs F J Colthorpe, D J Knowles and R F Radford

Also Present Councillor(s)

Mrs J B Binks, D R Coren, Mrs C P Daw, F J Rosamond and Mrs M E Squires

Present Officers:

David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Maria De Leiburne (Solicitor), Alison Fish (Area Team Leader), Adrian Devereaux (Principal Planning Officer), Ian Sorenson (DCC Highway Authority) and Sally Gabriel (Member Services Manager)

81 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs F J Colthorpe, D J Knowles and Cllr R F Radford who was substituted by Cllr R B Evans.

82 VICE CHAIRMAN

In the absence of the Chairman the Vice Chairman took the Chair and requested that a Member of the Committee take the role of Vice Chairman for the meeting.

It was **AGREED** that Cllr B A Moore act as Vice Chairman for the meeting.

83 PUBLIC QUESTION TIME (00-04-32)

Mr Wood – referring to the Crediton Garden Centre proposal he asked please can the planning officer inform us why this application has not been treated as the very large retail development which it clearly is? Independent legal advice shows that this development is undisputedly A1 retail and councils must apply all relevant retail policies to determine the retail planning application for a garden centre. Due to limited time since the last meeting all of our independent reports have been

submitted at the last minute, but we have previously submitted most of this information earlier in the summer and it was largely ignored by the planning officers and also by highways. We would also ask why this very clear legal advice has been ignored. Additionally could the planning officer please answer on landscape, why was it concluded that there will be no harm to the landscape and can he answer why a full landscape assessment was not conducted? The independent landscape report from Canbion Landscape Architects concludes that there would be significant harm from this proposal.

Kirsten Spronson – speaking with regard to the Lidl proposal asked, firstly are members aware that there is only one food discounter in Devon presently? The second being, are members aware that supporters of this proposal currently travel between 20 to 30 miles out of Tiverton to shop at a Lidl's food store?

Cllr Judi Binks – referring to the falconry (Upton Hellions) proposal stated two members share my concerns that it is at the heart of a small but vibrant community of permanent resident's not second homers. The site is a green field site of under 2 acres with no existing buildings. I have scoured all similar applications nationally and the minimum size for a small rural holding of similar building is between 7 and 22 acres, exceptionally 5 acres never 1.5 acres. Do members feel that the employment of 1 on-site worker justifies this encroachment to village life? Has the case for an essential permanent dwelling been made? Again my research into applications has shown that where permission is granted for an associated dwelling it is for the siting of a temporary mobile home for 5 years to allow for sufficient time for the business to become viable. Do you think that the presentation of the 3 year business accounts relating to a far more diverse enterprise in Powys, Wales provides sufficient like for like evidence of the viability of the proposed narrow focus of this application? Members would you if you are minded to approve this recommendation please recommend the siting of a temporary mobile home not a permanent residence.

Holly Adams – referring to the Crediton Garden Centre proposal she asked if it was reasonable in planning terms to restrict the sale of traditional garden centre merchandise from the site for instance Christmas trees and tropical fish? Modern garden centres have evolved in the same way as any other successful business model due to customer requirements. The phrase 'evolve or die' is the testament to the success of garden centres. As every other business has cherry picked parts of the garden centre such as Christmas trees, plants, chemicals and pots to name but a few it is only fair that garden centres should have looked to protect their business and their employees. It is as well that they have, otherwise staff would be laid off or their hours reduced which has been the case in Crediton Garden Centre in the past which is incredibly unfair as they work incredibly all spring and summer to be rewarded with less or no income in the quieter months. If you read any list of the best garden centres you won't find any dilapidated shed, customers demand a destination garden centre to find plants and products to enhance their homes and gardens and enjoy a sit down with some refreshments and a chat. Despite the best efforts of huge department stores, shopping centres and supermarkets nobody restricts their shopping habits to a single one stop shop and it is ridiculous to suggest that this is the case with garden centres. With this in mind I would like to hear the arguments backed with evidence as to why councillors believe that a reasonable case for restrictions to be made on the trading of this development and if the application is turned down how they will defend their decision to appeal?

Mrs Tucker – referring to the Crediton Garden Centre proposal stated at the October planning meeting the committee members were minded to refuse the application and made a decision to refer it for the harm it would create and requested an implications reports. Why was the applicant then allowed to resubmit the revised plans for the same application? Is this not frustrating the planning process overriding committee members' decisions? Normally a substitute application would have been made. Please can the planning officer explain why this has not been done?

Cllr Chris Daw – referring to the Lidl proposal stated, I have come in this afternoon to represent Lidl's because Cllr Jenny Roach and myself were sent out by the Scrutiny Committee to do a survey in the town and I would like to say that every person we spoke to that day (and the survey was not about Lidl's) all asked that we have a Lidl's or a store like it in our town and we are still getting that kind of response. I would like you to support this application in the town.

Adam Kuzara – Speaking about the falconry (Upton Hellions) proposal stated: I have 3 short questions why has the applicant been given several opportunities to refute her own claims about how noisy the raptors are? How can it make sense to duplicate the facilities and rear chicks in Devon when the facilities are well established in Wales? How would the business benefit Upton Hellions?

Steve Adams – Referring to the Crediton Garden Centre proposal said: do councillors think that it is fair to restrict the sale of merchandise at Crediton Garden Centre and if so what restrictions apply to other stores in the town who sell garden products which are not traditionally considered part of their businesses such as Tesco, Morrison's and Mole Avon and also what restrictions have been applied to other garden centre expansions in the area? Much has been made of the presumption that this development will lead to the demise of the High Street but it is not based on hard facts or figures despite a small group of objectors' tactics of hiring supposed independent studies one of which claims that Crediton Garden Centre is not a garden centre at all but a plant nursery, when it is clear that we don't grow any plants on the site and haven't done for a year. Following a feasibility study carried out by myself over 6 months last year which showed it to be impracticable, unprofitable and in parts loss making as will be borne out by the previous owner and that the business only sustained 3 staff, two of them part time and involved reducing their hours over the winter. A garden centre attracts completely different customers than any other business. The very presence of an anchor centre at the western entrance to town would create a suction effect and draw customers into Crediton. It is in no one's best interest to close down other businesses and Homeleigh is not a greedy corporate body out to do that. In fact we actively seek to work with suppliers within the South West whenever possible many of these very local to Crediton such as Lidcot and Albion Nurseries and we are currently speaking to suppliers in Crediton itself such as the Crediton Coffee Company and Coxes Butchers regarding the possibility of using their products in the proposed café should it go ahead. In addition, any building work which is done will be offered to local firms and individuals not a national contractor. Do councillors also understand that if the sale of merchandise is restricted or the size of the building reduced further there will be a natural knock on effect with the amount of jobs we are able to offer. With the potential of hundreds of new houses planned for the area, many classified as affordable housing it would be interesting to know where the extra employment need will come from, especially if companies are willing to plough millions into the town's economy, are to be restricted and objected to at every turn. I have here a list of 200 signatures from customers

who have enquired about this planning application and when told of these latest referrals they have asked how they could demonstrate their frustrations. These customers were not cajoled, fed propaganda or half-truths and freely offered their support. So to conclude with my question again, do the councillors think it fair to restrict the sale of merchandise at Crediton Garden Centre compared to restrictions applied to other stores and expanding garden centres in the area?

Mr Bond – referring to the Crediton Garden Centre proposal stated can the planning officer please advise why he says there will be no harm to the town centre from this development? Our retail impact report indicates that the effect will be more like 20% rather than the 1% the applicant has stated. When Tesco opened, the High Street lost 20% of trade and footfall that was a direct result. Tesco did not close the whole High Street but it did create closure of some businesses. A similar sized development at the other end of town will unfortunately create another 20% of decline in footfall and thus a 20% loss in sales. If this is the case the viability of key retailers in the town such as Adams, such as Tuckers and other related shops who sell garden related goods would be threatened. Other retailer's livelihoods would be threatened. I would also say on a personal note I have 10 local suppliers to my own shop, they will all be threatened and many other shops and the jobs which will be lost, not just on the High Street but its subsidiary companies and agricultural workers.

Lindsay Kuzara – speaking about the falconry (Upton Hellions) proposal said why has a video provided by the applicant of only 2 Harris Hawks been accepted as a starting point to work out noise level when it is not a realistic portrayal of a busy working falconry? Why didn't the applicant make a recording of all the birds together? Also where is the sound recording that the applicant said she could provide when it suited her to say that the Raptors are notoriously noisy and thirdly how can the incubation of eggs be a good enough reason to build a house on a green field site when there are already the facilities for this in Wales?

John Moore - speaking about the Crediton Garden Centre proposal stated are members aware of the local issue in Higher Road of increasing traffic volume comes at peak times, one vehicle every 6 seconds are using Higher Road which is very narrow 4.2 metres at that point. The situation for our pedestrians whenever they access the bus services on the main road, the situation has been widely discussed for a period of time in the media and at HATOC to no avail. This application has addressed this situation both widening Higher Road and providing a footpath, a real community benefit. But if this application is not approved will our highways concerns be resolved by the local authority? Our prior discussions would indicate that this is unlikely.

Mr Adams - speaking about the Crediton Garden Centre proposal said please can the planning officer answer why this proposal has not been deemed as an inappropriate scale for the location? Total buildings in this application are 3 times larger than the existing horticultural structure on site and 10 times larger than the 2003 permission. This scale and massing of buildings is out of context for the area.

Sue Keogh - speaking about the falconry (Upton Hellion) proposal stated she wanted to ask a question about sustainability and its ability to be future proof. We sent a clip to all the councillors and the planning authority about the introduction of Roe birds that is drone technology that does exactly the same thing which is pest control of birds, that's what the falcons are going to be doing, who are bred and reared and

trained in Upton Hellions. Our question is do you think that this drone technology which is so much less expensive than the live falcons will very quickly make this business redundant.

Mr Tucker – referring to the Crediton Garden Centre proposal he asked, please can the planning officer explain why his report states that the limited 2003 planning permission is sufficient to develop the site further? How is this limited permission being relied upon to justify development of a major destination garden centre? The report independently from Xcel Planning clearly shows that this 2003 permission was for a small scale expansion of a nursery operation up until 2017. Since that time the new owner has not grown anything. The 2003 application just had a small shop and tea room although this was never formally legally commenced because conditions were not discharged. Xcel Planning's report shows the 2003 permission does not in any way establish to garden centre use. The mere fact that the 2003 application is drawn round the whole of the site does not establish a planning consent for anything set out in the 2003 decision notice and approved plans. There is also no evidence in the planning history of the applicant stating a starting point of 6000sqm of development. Therefore the proposal represents a massive increase in retail space which is there today. Why is the planning officer now supporting the development which is so much larger than the 2003 application and so much larger than what has been on the site previously? And finally please can the planning officer advise why they classified the whole site as brownfield with development on it? This ignores 45% of the site which has never ever been developed upon. This 45% strip of land was only purchased in 2017; it had planning permission refused 6 times plus twice on appeal due to being in open countryside. We believe this is a clearly defined open countryside location that should be regarded as a material consideration for this proposal. Can the planning officer therefore please confirm that the whole site is not brownfield which he has previously said it is?

Diane Fyfe – Referring to the falconry (Upton Hellions) asked why this application is being recommended when the applicant herself said a site in a village with close neighbours is unsuitable because Harris hawks are notoriously noisy and the fledglings screech continuously, that's her words. As part of the business plan how has the applicant researched and taken into consideration the number of dogs and free roaming cats which already live within a quarter of a mile of this proposed falconry within the village of Upton Hellions. These are the very animals which she stated in her initial application would cause disturbance and risk to her birds. Are we therefore likely to be treated to a spiralling cacophony of very loud hawk screeching and dogs barking each time the 24 dogs that live permanently in Upton Hellions, plus the dogs which walk through from Sandford walk down the lane as they do at present. Do the resident cats in the village which currently number 12, are they in danger of the person who holds the shotgun licence to ward off predators.

Mr Schofield - peaking with regard to the Crediton Garden Centre proposal asked can the planning officer please tell us how this development can be sustainable? It will not be possible to walk or cycle from the town as it cannot be reached safely. Buses do not run on Sundays, one of the busiest days for garden centres. Most of the journeys to this site would be by car. The independent report by Mark Baker Consulting concludes the site is not sustainable. Please can the planning officer inform us why this application is not being treated as a change of use from a nursery to a garden centre? Up until 2017 the previous owners operated this site as a nursery, all evidence presented by Xcel Planning shows that sales were ancillary to

the nursery's activity. However, what is now proposed is an activity where the selling of the plants is ancillary to an A1 retail use and there is a very big difference.

Ian Cole - Referring to the falconry (Upton Hellions) said with regard to wild birds the planning officers report says that there is the possibility of disturbance to native wildlife and admits that there has been no research done on this topic. How can this be acceptable evidence of minimal impact?

Mr Webber – referring to the Crediton Garden Centre proposal stated can the planning officer please advise how the 420sqm retail restriction could possibly protect town centre retail outlets such as Adams and Tuckers which both sell garden related products already? How does the planning officer propose to force these restrictions on A1 retail space? We have been told by the planning officer that we personally would have to report any breaches to the planning officer which is just not practical.

Karen Cole - Referring to the falconry (Upton Hellions) said my question is in regard to the visual impact and why can't the house have a lower roof to reduce the visual impact?

Ms Holloway - speaking about the Crediton Garden Centre proposal stated could the planning officer please tell us the impact of a massive café on the local economy it has hugely been under estimated again. The café would become the largest in Crediton with a turnover of around £1m. This is bound to have a major negative effect on all the cafes and pub's in Crediton and could lead to up to 50 job losses from catering alone.

Ms Hutchings - speaking about the Crediton Garden Centre proposal stated can the planning officer please answer why the proposal 's new entrance has not been judged as a major safety concern? The independent highways report from traffic engineer and transport planning expert Mark Baker Consulting states that the road layout and visibility splays are not sufficient for a 60mph road and say the access is fundamentally unsafe. In addition lorries and coaches have to use the whole site access width and this would also not be safe. It means large vehicles could still be sticking out in the east bound lane before a vehicle travelling 50-60mph coming over the brow of the hill with a high risk of an accident. We also ask why no proper speed survey was done at the site. This means that the observed speed of the highways officer of 50mph cannot be relied upon. We believe that the application should be refused on safety grounds alone.

Mr Peacock – referring to the Crediton Garden Centre proposal stated can the planning officer please tell us how air pollution from the development would be dealt with? Around 80% of the traffic for this development will go through Crediton town centre creating extra pollution which is against policy DM6?

Mr David Counter asked can the planning officer please ask why the ten year retail impact assessment full analysis was not carried out. Previously the officer stated that there was only a small increase in the scale and they would not be required. However Xcel Planning showed the size of the development is over the 500sqm threshold which triggers a need for a 10 year retail assessment and over the 2500sqm for a sequential test. Why are these key developments of the National Planning Policy Framework not carried out?

Ms Green - Speaking about the Crediton Garden Centre proposal stated can I ask the planning officer to comment on how the highways impact has been judged. The independent highways report from Mark Baker Consulting concludes there would in reality be a severe and unacceptable impact on the road network as a result of this development. The applicant's traffic report has clearly shown by this independent report to have dramatically underestimated the traffic impact. Mark Baker concludes that these original reports should not have been relied upon by highways. In reality traffic flows are forecasted to increase by a massive 12 times. Parking spaces grow from 12.5 times from 20 to a whopping 255 spaces. Based on this independent report there will be major traffic congestion in the area and it is clear that the highways authority conclusion that the impact is permissible is wrong. I would like to know why highways did not sufficiently interrogate the reports to notice that they were grossly inaccurate.

Mr Steve Adams on behalf of Cllr Stuart Penny and referring to the Crediton Garden Centre proposal stated that the expansion of the Homeleigh Garden Centre can only be beneficial to our rural community. Not only will it bring revenue and jobs to the area but also a pleasant visiting experience. I have heard not one negative comment or objection to the proposal on the street or at my council meetings. My question is what other gardens centres in the district have expanded in size and by how much?

84 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-39-24)

Members were reminded of the need to declare any interests when appropriate.

85 MINUTES OF THE PREVIOUS MEETING (00-39-35)

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

86 CHAIRMAN'S ANNOUNCEMENTS (00-40-29)

The Chairman had no announcements to make.

87 DEFERRALS FROM THE PLANS LIST (00-40-37)

There were no deferrals from the Plans List.

88 THE PLANS LIST (00-40-52)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 5 on the Plans List (**18/00284/ADVERT – Advertisement consent to display 8 non-illuminated heritage trail information panels – St Boniface Church, East Street Junction with Charlotte Street, Crediton Parish Church Car Park (The Old Organs House), Newcombes Meadow Park, Crediton Methodist Church, Town Square, Crediton Congregational Church and St Lawrence Green, Crediton)** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 2 on the Plans List (**18/00915/MFUL –Erection of Lidl food store (Class A1) and non-food unit (Class A1) with associated parking, landscaping and access arrangements following demolition of existing buildings – Foundry Estate, Blundells Road, Tiverton).**

The Principal Planning officer outlined the contents of the report acknowledging the support for the application during public question time and highlighting the additional information within the update sheet: the latest representation from the Environment Agency; a further letter from the planning consultant acting on behalf of the objector; a letter of response received from the landlord; a response from the Local Highway Authority with regard to the submitted HGV plan; a further letter of support and amendments to condition 5 and 14.

The officer then outlined by way of presentation the site location plan, the existing site plan where the original buildings would be demolished, the proposed site layout with buildings, service yard and car park, work to the northern boundary to improve flood risk mitigation, floor plans for the food and non-food buildings, the elevations of the food and non-food store, proposed boundary treatment plans, the HGV tracking plan and how deliveries would be made to the service yard, the tree protection plan, detailed landscape proposals and photographs from various aspects of the site. He reported that the Local Highway Authority and the Environment Agency were happy with the proposals. He continued outlining the delivery yard, the lighting scheme, the ecology issues which had been addressed, the view of the Conservation officer and the details of the S106 agreement.

Consideration was given to:

- Safety issues with regard to the movement of heavy lorries
- Whether the proposal would increase traffic in the area
- The opening hours and delivery times
- The views of the objector with regard to the impact of the development on MST and the legal issues surrounding this, the area being used currently for storage and the implications for the business whilst the development was taking place
- The views of the applicant with regard to the application being policy compliant, the improvements to flood risk mitigation, the S106 contribution, the provision of new jobs, the visual improvement of the area following demolition of the existing buildings on the site and the support that the application had received from local residents.

- The suitability of the access
- The design of the proposal and the contributions via the S106 agreement
- The lighting scheme and the impact of the development on neighbouring properties and the hotel

It was therefore:

RESOLVED that planning permission be granted subject to the signing of a S106 agreement to provide the following:

- £13,000.00 – towards works identified by the Tiverton EU to come forward at an earlier trigger time due to the impact of the development on the Heathcote away roundabout and Lowman way roundabouts
- £30,000.00 - Tiverton Shop Front Enhancement Scheme
- £30,000.00 - Tiverton Town Centre Public Wi-Fi Project
- £10,000.00 - Public Realm Improvements (signposting and seating)
- Inclusion of the Travel Plan

and conditions and informative notes as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 5 to state: 5. Arrivals of deliveries or collections of goods to and from the stores including the collection of packaging, waste or other items shall only take place between the hours of 7 am and 10.30pm Monday to Saturday and 8 am - 9 pm on Sundays and bank holidays and an amendment to Condition 14 to state 14. Notwithstanding details as submitted allowing for changes to the embankment along the northern part of the site, all existing trees identified to be retained on the Tree Protection Plan, drawing no. **3026 TPP Rev B**, shall be protected throughout the construction of the development hereby approved with protective barriers to be erected in the areas shown prior to construction works being undertaken on site. Any trees shown for retention that within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding this application.
- ii) Mr Miller spoke on behalf of the objectors;
- iii) Mr Daly spoke on behalf of the applicant;
- iv) The following late information was reported: 5 December 2018

First Update:

Letter received from Environment Agency dated 30th November commenting as follows:

'We are satisfied the applicant has demonstrated that an appropriately graded access can be constructed from the edge of the application site into the neighbouring land to the south as shown on drawing Proposed Site Plan AD 205. We advise that the final details of this arrangement will need to be secured by planning condition. We also advise that it will be necessary to have a gate included on the northern boundary visi rail fence to provide pedestrian access to the steps on the Moorhayes Stream. Our suggested wording for these conditions:

Condition

Prior to the commencement of development the final details of the graded access shown on drawing Proposed Site Plan AD 205 shall be submitted to and agreed in writing by the LPA. The graded access shall be fully implemented as approved prior to first use of the site.

Reason

To ensure access (on foot, with vehicles, plant and equipment) for the Environment Agency to the River Lowman for the purposes of inspecting, maintaining, repairing and construction of existing and new flood risk management works.

Condition

The visi rail fence on the northern boundary shown on drawing Proposed Boundary Treatments AD 114-Rev C shall include a gate for pedestrian access to the new access steps on the Moorhayes Stream.

Reason

To ensure access on foot, with equipment, for the Environment Agency to the Moorhayes Stream for the purposes of inspecting, maintaining, repairing and construction of existing and new flood risk management works.

Informative to applicant:

We note that the revised drawings do not show an extension to the corridor improvements opposite the sub-station near the confluence of the River Lowman as advised in our last consultation response. We would strongly encourage the applicant to provide minor river corridor improvements at this far downstream extent which would optimise the performance of an improved corridor. Whilst the proposed site plan drawing does not show a route for access through the non-food retail unit car park our expectation is that the road through the car park will remain free of obstruction between the two sites to allow for movement of cars around the car park. We would request that a car parking space, closest to the gate and access steps on the Moorhayes Stream, is marked out / hashed for the Environment Agency's use to ensure we have access at all times.

Second Update:

Letter of objection received from Planning Consultant acting on behalf of MST outlining the following:

- That MST's 'warehouse' lease provides for two means of access to its site but the proposal results in a less than commodious access arrangement whereby articulated vehicles would be required to reverse back into the access road to Lidl which is not safe or a practical solution.
- It is commented that the landlord has suggested that they could grant MST more area as part of their lease at the South West corner to enable a turning circle be created so that HGVs could turn and exit by the North gate but this has not been done.
- Therefore access arrangements should be available through the car park of the non-food store with swept path analysis provided in order that the existing two way access is continued allowing for the operational and financial viability of an existing major employer and supply chain provider.

Third Update:

Letter of response received from the Landlord, Lowman Manufacturing Company Limited advising:

- Lease granted to MST in 2011 which states that the Landlord "reserves the right to re-route any means of access to or egress from the Property and to change the areas over which the Rights ... are exercised; Provided that...the new routes to the Property shall be no less commodious and adequately surfaced than those existing at the date of the Lease..."
- Rights under the 2011 lease are commercial matters and if MST thinks rights have been breached then that is a matter for discussion at Law, not at Planning. Nevertheless we can confirm that in conjunction with Lidl there has always been a clear intention to safeguard any leasehold rights benefitting the Property.
- The new arrangement has been explained to MST whereby the route available would be the spine road under the Lidl application, entering the MST site at the north east corner, approximately as now, and that extra land would be made available on land at the far end of the Property (the west end) which was not part of the 2011 lease but is adequate to turn lorries around so they can drive back out the way they came in.
- The new access route would be commodious as would be a two way road to highway standards

Fourth Update:

Response from the Local Highway Authority in terms of the submitted HGV Plan:

'I have checked the swept path analysis which is accurate and the turning circles work, more over both the MST Yard and the non-food retail can accommodate other turning circles. However it is for the Local Planning Authority to consider if the change to MST is an impact on amenity as the swept paths would be reliant on the areas remaining free from obstruction so

outdoor storage would possibly be lost and the swept path area should be conditioned to be kept clear. It would be down to the legal rights of the land owner/ tenants which you may consider to be a civil matter'.

Fifth Update:

A letter of support has been received from H.J. Bedward with grounds of support similar to those appearing within the committee report.

Sixth Update:

Amendments to conditions as stated within Committee Report:

Condition 5 – Reference can be included to relate to bank holidays so new wording would be:

5. Deliveries or collections of goods to and from the stores including the collection of packaging, waste or other items shall only take place between the hours of 7 am and 10.30 pm Monday to Saturday and 8 am - 9 pm on Sundays and **bank holidays**.

Condition 14 – The new tree plan needs to be referred to so new wording would be:

14. Notwithstanding details as submitted allowing for changes to the embankment along the northern part of the site, all existing trees identified to be retained on the Tree Protection

Plan, drawing no. **3026 TPP Rev B**, shall be protected throughout the construction of the development hereby approved with protective barriers to be erected in the areas shown prior to construction works being undertaken on site. Any trees shown for retention that within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

(c) No 1 on the Plans List (**17/02061/MFUL –Remodelling and modernisation of existing garden centre follow demolition of existing structures, to include erection of retail areas, café and warehouse, formation of new vehicular access, provision of parking areas and landscaping – Crediton Garden Centre, Barnstaple Cross, Crediton**).

The Area Team Leader outlined the contents of the report stating that this was a revised scheme to that previously considered. He outlined the contents of the late information within the update sheet, that of continued letters of support, further submissions from the objectors with regard to independent reports and the views of Crediton Town Council.

The officer outlined the application by way of presentation highlighting the location of the proposal, the highway improvements proposed, an overview of the site identifying the storage and retail areas and the key changes between the present and previous applications, the fact that the scope of landscaping had been improved and that the building fitted much better on the site, the block plan which identified the buffer

around the site, the ground floor plan and the scope of the floor space, section drawings and the proposed highways works along with photographs from various aspects of the site.

Addressing the questions posed in public question time he sought to provide answers: In terms of whether the application was for a retail use and/or a change of use – the Local Planning Authority had assessed the scheme in the same way as other garden centre applications; an appropriate response had been given with regard to a full landscape assessment, whether it was reasonable to restrict merchandise to be sold: it was not reasonable to impose a restriction with regards to the ranges of merchandise that you would expect to be sold at a garden centre; with regard to an amended application, the applicant was entitled to amend the application as a decision had not been made at the previous meeting; regarding a restriction on garden products that could be sold: there would not be any restriction on the sale of garden products at Tesco. At the Mole Avon store, the terms of the planning permission restricted the amount of floorspace within the unit that could be used for unrestricted retail sales as is the case with this application in terms of how the development may impact of the vitality and viability of Crediton High Street, and that this had been covered in Conditions 13, 14 and 15 as set out in the report; with regard to the highway improvements, this would only be delivered as part of the proposal, the Highway Authority would not deliver this as part of ordinary transport plans. Whether the development was sustainable it was noted that the number of car parking spaces had been increased but this was a typical arrangement for a garden centre where the majority of trips tended to be by car. Whether the proposed café would have an impact on the cafes in the high street, the conditions addressed this by only allowing the café to open when the garden centre was open. Whether this was a brownfield site; the site was an existing garden centre and the application had been tested against planning policy.

Mr Sorenson (Devon County Council, Highway Authority) stated that he had been in discussions with local residents and that it was unlikely that any road improvements would come forward as part of planned work, improvements would only take place through development and would include land owned by the applicant, there would be a new footpath and a relocated bus stop, the provision of a footpath would improve visibility, the trip status was reasonable and with regard to highway safety, the visibility splays were appropriate. The views of the Highway Authority remained unchanged.

Consideration was given to:

- The location of the bus stops
- Comparisons between the original and amended scheme
- In comparison with other garden centres, the distance of locations from main towns
- Whether the impact on other local garden centres was a material consideration and that the sale of garden centre material could not be restricted
- The impact of the development on air quality issues in Crediton
- The views of the objectors with regard to the garden centre being a massive retail unit and that the proposal would be a significant impact on the local shops in the area; the establishment of Tesco in the town had had major

implications and the garden centre application would further the damage to independent shops.

- The views of the applicant with regard to the application, other garden centres in the area had been a success, online shopping impacted on high street sales, not just garden centres, the application was policy compliant and he urged the committee to let him grow his business.
- The views of the local parish council who supported the proposed safer access and felt that the proposal would improve the viability of the rural community.
- The views of the ward member with regard to the improved proposal and the fact that garden centres are not classed as retail outlets.
- Road safety issues and the history of the site.
- Whether the proposal would really have an impact on the high street.
- The concerns of Crediton Town Council
- The size of the development
- Whether the proposal would actually benefit the town, which it might

It was therefore:

RESOLVED that members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- Whether the application proposal would result in harm to the vitality and viability of the Crediton Town Centre and surrounding villages which would be contrary to policy DM17 and DM19.
- Whether given the size, scale and massing of the proposed buildings and the scope of hardscape introduced to accommodate the car parking requirements the application scheme would be detrimental to the visual amenities and overall character of this site in the open countryside which would be contrary to DM2, DM19 and DM20.

In addition concern was expressed about the level of lighting that would be required and how this would affect the overall character of the site especially given it is in open countryside.

- Whether given the amount of car parking proposed and the increase in number of vehicular trips on the highway network travelling to and from the application site as it proposed to be remodelled, the application scheme is considered to be an unsustainable form of development which would be contrary to DM2, DM6, DM19 and DM20.
- Whether there would be a likely increase in traffic to the destination site and whether it would impact on the air quality of Crediton High Street.

(Proposed by Cllr F W Letch and seconded by Cllr R L Stanley)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, P J Heal, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding this application;
- ii) Cllr Mrs J Doe made a further declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as she had had discussions with the objectors;
- iii) Cllrs D R Coren and P J Heal made a further declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had had discussions with both sides as Ward Members;
- iv) Mr Adams spoke on behalf of the objectors
- v) Mr Broad (applicant) spoke;
- vi) Cllr Mortimer (Crediton Hamlets Parish Council) spoke;
- vii) Cllr D R Coren spoke as Ward Member;
- viii) A proposal to support the application was not supported;
- ix) The following late information was reported:

3 December 2018

Page 17: Since the report was drafted additional letters of representation have been received confirming support for the application scheme (38 now in support) outweighing the number of comments objecting to the application.

5 December 2018

Mr Tucker from the Bow Garden centre, and writing on behalf of the objectors group, has submitted a number of reports from consultants covering the following topics, the legal position regards the basis for the assessment, an independent appraisal of the planning application submission, and an independent highways and transport assessment and a landscape review. Each of the reports presents the view that the planning application should be refused without providing any detailed analysis of the officer recommendation as presented in the report pack.

Mr Tucker in his letter states that: Because we do not feel that objectors concerns have been sufficiently taken into account we hereby provide independent reports. Many of the issues highlighted in these report have been previously raised via our objectors letter, our direct meeting with the Council, and in the last planning meeting.

Officer comment: Following a review of the documentation no further comments are provided supplementary to the report as already circulated. As stated the application presents a scheme to improve and modernise the

trading/customer environment at an existing garden centre and the policy framework against which it has been assessed is the same as other applications to extend and improve other garden centres in the district as confirmed in the report. Members' attention is drawn to conditions 13, 14 and 15 of the recommendation in terms of building in safeguards to protect the vitality and viability of the Crediton High Street.

The documents as submitted have been uploaded against the application record.

5 December 2018

Comments from Crediton Town Council received on 5/12/2018 at 11:56 am:

It was resolved to strongly support the comments made by the Mid Devon District Council's Economic Team in that the A1 retail offer is limited to garden and garden related products as this should not result in a negative impact on Crediton High Street. If the A1 retail offer cannot be limited to garden and garden related products the Town Council would strongly object to the application.

The Town Council is also very concerned about the level of hard surfacing and the lack of green landscaping at the site. The site will also generate increased traffic through the High Street which will negatively impact on the air quality issues that Crediton already has.

(d) No 3 on the Plans List (**17/02034/FULL – Change of use of land for the siting of premises for falconry business and 1 associated dwelling – land at NGR 283959 102949 (Barton Cross) Upton Hellions**).

The Area Team Leader outlined the contents of the report highlighting the late information available on the update sheet which included additional information from residents in Upton Hellions and local stakeholders.

The officer outlined the proposal by way of presentation highlighting the site location plan and access to the site and the position of the nearest neighbouring properties. He provided a block plan of the proposal which identified the area of residence and the hawk building, floor and section plans, an aerial photograph and further photographs from various aspects of the site. In the absence of the Environmental Health Officer he informed the meeting about noise levels and how they were measured.

Referring to questions posed in public question time: with regard to the size of the application site and the proposal for a dwelling to support the rural business, the applicant had submitted enough evidence to meet the recommendation of approval. With regard to noise issues and why it had taken so long to resolve the issues of noise impact: there was a need to work with the applicants through their evidence base. What were the benefits of the application to Upton Hellions, this was not a policy requirement. Question with regard to noise levels and how the levels were recorded, whether future technology would supersede the need for birds, he did not feel that this was applicable. With regard to the impact of the presence of the birds

on local animals, there should be no issues with how the birds reacted to local animals and with regard to the visual impact of the development, he reported that the proposal was for a low impact building.

Consideration was given to:

- Why firearms would be needed
- The position of the footpath
- Whether the business was sustainable
- The views of the local Parish Meeting with regard to noise issues, the proposal was in the middle of the village, 20 raptors would be exercised separately; it was a good proposal in the wrong place and would have an impact on local residents and impact on local animals.
- The views of the applicant who informed the meeting with regard to her profitable business and how it had grown in the south west, she identified local businesses who had used her hawks as part of their pest control.
- The views of the Ward Member highlighting the local footpaths in the area, how the birds would be exercised, whether Upton Hellions was the place for such a proposal and whether a temporary dwelling would be more appropriate.
- Natural noises in the countryside

It was therefore:

RESOLVED that planning permission be granted subject to: the signing of a S106 agreement to include:

- a) Tying the dwelling to the relevant holding so that the land within the holding and the dwelling can be safeguarded as a single unit.
- b) To provide a contribution of £1160.00 towards the provision of improvements to Play Area facilities including new adult exercise equipment at Sandford Play Area, Sandford.

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

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs G Doe, R Evans, P J Heal, F W Letch, B A Moore, J D Squire, Mrs M E Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding this application;
- ii) Mr Fyfe (Upton Hellions Parish Meeting) spoke in objection to the application;
- iii) Ms Bennett (applicant) spoke;

- v) Cllr Mrs M E Squires spoke as Ward Member;
- vi) Cllr J D Squire requested that his vote against the decision be recorded;
- vii) The following late information was reported: 3 December 2018

Page 80: In addition to the letter already circulated to members (dated 30 November 2018) the parishioners of Upton Hellions have submitted an additional representation (dated 28 November 2018) to the planning application that questions the robustness of the assessment that has been undertaken by the LPA team in terms of the noise impact of the development, suggesting that further impartial independent research should be undertaken to confirm the likely noise impacts of the development. The officer report presents the conclusion on this matter at page 89/90 of the report pack.

Additional comments: There are no further conclusions to present on this matter at this stage; however the Environmental Health Officer will be present at the meeting on Wednesday to clarify any outstanding concerns that members may still have.

Furthermore two additional letters from stakeholders, who have already made representations against the application, have been received expressing concern about the noise impacts and the potential use of electronic robot type birds which to question the validity of the proposed scheme in terms of the use.

The following correction to the report:

On page 88 – paragraph 3:

Furthermore the noise produced by the birds themselves is such that close proximity to neighbouring occupiers within a village and/or more urban location would **not** be sensible and/or practical. Please also refer key issue 4 below.

- ix) Cllr Mrs C A Collis left the meeting at this point.
- (e) No 4 on the Plans List (**18/01260/FULL – change of use of agricultural land to mixed agricultural and equestrian, erection of a timber framed barn and construction of a ménage – land at NGR 316219 116022 (Poachers Rest), Clayhidon**).

The Area Team Leader outlined the contents of the report highlighting by way of presentation the detail of the proposal, the change of use of the land, the barn and the ménage. She identified the landholding, the existing site plan, and explained the dimensions of the proposed barn and ménage, the floor plans and elevations and indicative floor and ménage plans as well as photographs from various aspects of the site. She informed the meeting of a late submission by the applicant's vert with regard to animal welfare and the need for stabling.

Consideration was given to:

- The views of the applicant with regard to management of manure, the proposal was for agricultural buildings on agricultural land which was surrounded by agricultural land with agricultural buildings, the proposal met policy requirements and that there was a need for stabling for the horses.
- The views of the Parish Council who wanted a new and fully documented planning application, the fear that this would be a rural strip development, additional piecemeal applications could follow, there had been no scrutiny of their financial, environmental or agricultural sustainability or viability, the future expansion of the business, the harm to the visual amenity and issues with drainage.
- The views of the Ward Member with regard to the integrity of the AONB, there was a fear that an application for a dwelling would follow, there needed to be an effective process in place to safeguard the AONB.
- There was a need to consider animal welfare
- The contents of Policy DM29.

It was therefore:

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

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

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs G Doe, R Evans, P J Heal, F W Letch, B A Moore, J D Squire, Mrs M E Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding this application;
- ii) Mr Fairhurst (Applicant) spoke;
- iii) Cllr Langford (Clayhidon Parish Council) spoke;
- iv) Cllr F J Rosamond spoke as Ward Member;

89 MAJOR APPLICATIONS WITH NO DECISION (4-27-42)

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

It was **AGREED** that:

Application 8/01800/MFUL –East of Lords Meadow Industrial Estate, Crediton be brought before the committee for determination and that a site visit take place.

18/01711/MFUL – Gibbet Moor Farm, Rackenford – if minded to approve, be brought before the committee for determination and that a site visit take place.

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

90 APPEAL DECISIONS (4-30-07)

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.

91 TREE PRESERVATION ORDER 18/00004/TPO - HAWTHORN CLOSE, MEAD CLOSE, CLOVER DRIVE, CULLOMPTON (4-31-25)

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

The Area Team Leader outlined the contents of the report highlighting the location of the tree and that it had no owner. She showed those present photographs from various locations from where the tree could be seen.

Discussion took place regarding:

- The views of the objector in that the tree was overbearing and there was risk to property and lives should it fall. The tree had to be maintained at the cost to local residents. There were overshadowing issues and the tree was in the wrong place and whether the local authority had a duty of care.
- How the Tree Preservation Order was served.
- Some of the residents were in support of the Tree Preservation Order.

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr R L Stanley and seconded by Cllr F W Letch)

Notes

- i) Cllrs Mrs H Bainbridge, P J Heal, F W Letch, B A Moore and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as they had all received correspondence regarding this application;
- ii) Mr Smith (objector) spoke;
- iii) The Chairman highlighted a statement by a supporter on the update sheet.
- iv) The following late information was reported: Representation in support of the Tree Preservation Order

Mrs Rachel Glover, resident in favour of the TPO.

Good afternoon

Firstly, my apologies for being unable to make today's meeting in person. In my absence, I've asked if it is possible for my representation to be read out on my behalf in support of this Tree Preservation Order. Thank you for this opportunity.

I firmly believe that the mature old Oak tree in question is worth preserving for now and for future generations, not only for its beauty but the invaluable contribution it makes to the local landscape.

In addition to providing very necessary screening in the housing development, I would argue that this tree is integral to the character of the area. When I decided to buy my house here, it was important that the surrounding area had greenery and trees nearby – this Oak tree was a key deciding factor.

Without this tree, it will make the area much less attractive by exposing rows of brick houses and increasing noise nuisance. The tree in question is a haven for wildlife in the locality, including bats and many species of birds. It provides the surrounding houses with the wonderful amenity of garden birds and wildlife visiting gardens.

This tree is publically visible in the Padbrook area of Cullompton and its removal would leave a large adverse hole in the landscape.

I accept that the few residents who object to the Tree Preservation Order may find that the tree drops leaves and will block out some light, and that it may need occasional pruning. However, it is a fact that the tree was boldly standing there when we all made the decision to buy our houses. I have no doubt that many other people will share my interest in nature, wildlife and the screening privacy offered by this tree. This will inevitably include future residents who move to this area and, for them, having this tree nearby will be of the same large benefit. How sad if this tree can be so easily felled by the decision of a few current residents, without the need for any consent, when the loss of the tree would impact on so many, both currently and in the future.

In view of all of this, I urge the Planning Committee to decide to confirm this Tree Preservation order – it is a tree with many benefits to the locality and, without being protected by this order, there are likely to be serious negative consequences for this area.

- v) *Report previously circulated copy attached to signed minutes.

**92 TREE PRESERVATION ORDER 18/00005/TPO - LAND AT NGR 295283 121659
(SCOTTS BUSINESS PARK) BAMPTON**

This item had been withdrawn from the agenda.

(The meeting ended at 7.21 pm)

CHAIRMAN

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Agenda Item 7

PLANNING COMMITTEE AGENDA - 9th January 2019

Applications of a non-delegated nature

| <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 01. | 18/00171/FULL - Change of use of agricultural land for the erection of a dwelling with associated garden area and access, formation of ponds, and creation of access tracks at Land at NGR 316200 113609 (Adjacent to Carlingwark), Clayhidon, Devon. RECOMMENDATION Refuse permission. |
| 02. | 18/01598/FULL - Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use at Land at NGR 295315 124977 (Whitehall Farm), Morebath, Devon. RECOMMENDATION Grant permission subject to conditions. |
| 03. | 18/01685/FULL - Change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site at Land at NGR 278407 93548 (Adjacent Crooked Chimneys Cottage), Cheriton Bishop, Devon. RECOMMENDATION Grant permission subject to conditions. |

Plans List No. 1

Application No. 18/00171/FULL

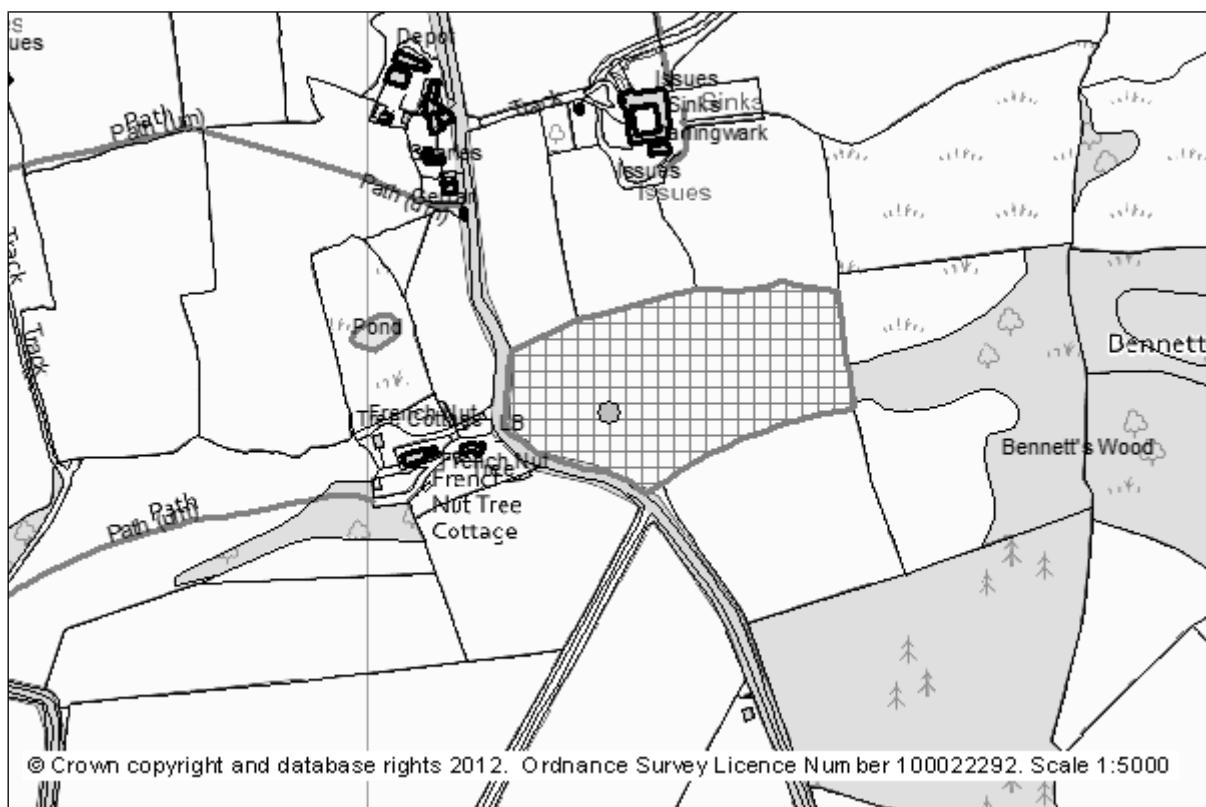
Grid Ref: 316200 : 113609

Applicant: Susan Annett & Richard Brown

Location: Land at NGR 316200 113609 (Adjacent to Carlingwark)
Clayhidon
Devon

Proposal: Change of use of agricultural land for the erection of a dwelling with associated garden area and access, formation of ponds, and creation of access tracks

Date Valid: 13th February 2018



APPLICATION NO: 18/00171/FULL

MEMBER CALL-IN

**COUNCILLOR FRANK ROSAMOND HAS REQUESTED THAT THE APPLICATION BE
CONSIDERED BY PLANNING COMMITTEE:**

**To consider whether the proposal complies with para 79 of the NPPF and in particular
whether the design is of exceptional quality, in that it:**

- is truly outstanding or innovative, reflecting the highest standards in architecture, and
would help to raise standards of design more generally in rural areas; and**
- would significantly enhance its immediate setting, and be sensitive to the defining
characteristics of the local area.**

RECOMMENDATION

Refuse planning permission

PROPOSED DEVELOPMENT

This application proposes the erection of a detached two storey dwelling with ancillary single storey offshoots, attached carport, storage and workshop and associated parking (including access track) and garden (including ponds) on greenfield site. This application is seeking planning permission for an open market dwelling in the open countryside under para 79 of the NPPF.

APPLICANT'S SUPPORTING INFORMATION

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

Wildlife Checklist

Foul Drainage Assessment Form (FDA1)

Design and Access Statement

Planting and Landscape Management Strategy

Landscape Masterplan

Ecological Enhancement and Management Plan

Preliminary Ecological Appraisal

Planning Statement

Planning Statement Annex

Building Material Schematic

Topo Survey

Landscape Impact Appraisal

Design Review Panel Report

Note on Innovation

Summary of background to the proposal provided by the agent - The proposed house has been brought forward by local residents who have lived in Mid-Devon for many decades and 11 years at Carlingwark adjacent to the site, restoring the house and planting 53 indigenous trees. They were inspired to build a new lifetime home having seen another house of the highest architecture built elsewhere in the Blackdown Hills, under the national policy which allows houses of innovative or outstanding houses ('Grand Designs') to be built outside of settlements. The national policy allowing new country houses to be built, in a small number of cases, based on the high quality of their design does not create any precedent for further building in the countryside. The applicants discussed the proposal with their neighbours who were all in favour in principle of the proposal and the Parish Council before making a pre-application enquiry with Mid-Devon District Council and

the Blackdown Hills AONB Team which raised no in principle objection to an innovative or outstanding house. The dwelling will not only provide a new lifetime home for the applicants, but will also deliver:

- i)A new contemporary house that has been designed to be both exceptional in design yet sensitive to the Culm valley and Blackdown Hills AONB.
- ii)Within Mid-Devon, the first ever UK example of a house built using beech as an ancient material, as a structural material.
- iii)Opportunities for local tradesmen and companies, including Buckland Timber to work on a ground breaking new house.
- iv)Substantial ecological enhancements and habitat creation on the land increasing its ecological value by 120%.
- v)A best practice example of sustainable development in terms of the use of renewable energy and the use of local materials.
- vi)A project which is supported by the Blackdown Hills AONB Team, supported by the Parish Council and welcomed wholeheartedly by the local community.

RELEVANT PLANNING HISTORY

No relevant history

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable communities
COR2 Local Distinctiveness
COR3 Meeting housing needs
COR9 Access
COR12 Development focus
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
DM3 Sustainable design
DM8 Parking
DM14 Design of housing
DM15 Dwelling sizes
DM29 Protected landscapes

CONSULTATIONS

HIGHWAY AUTHORITY - 28th February 2018 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

CLAYHIDON PARISH COUNCIL - The parish council supports the application.

BLACKDOWN HILLS AONB PARTNERSHIP - 14th June 2018 - The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to

ensure that any development in or affecting the AONB conserves and enhances the natural beauty of this nationally designated landscape.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance:

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

PD 2/A Encourage new developments or conversions to use traditional and local materials, to be as carbon-neutral and water-efficient as reasonably practicable, and to incorporate appropriate renewable energy sources where these do not cause visual intrusion or detract from historic character.

As you will be aware from the application supporting material there are examples of 'PPG7/PPS7/Paragraph 55' dwellings that have been developed within other AONBs, and there is already such a house in the East Devon part of the AONB. The designation should therefore not be seen as a barrier to such proposals, however, crucially I would note that with being in the AONB it is imperative that any such scheme progressed under the 'exceptional' approach certainly does fulfil all of the design criteria set out in paragraph 55 of the NPPF as well as other planning requirements. By definition, I would also expect such cases to occur only exceptionally, and as more examples are permitted, be truly outstanding or innovative in nature.

I would accept that the design process and iterations of the proposal has involved considerable attention to the defining characteristics of the local area - to the site, its setting and broader landscape context, resulting in a scheme that is sensitive to the location within the AONB in respect of scale, relationship to other development, and materials. I also welcome the fact that the potential for light pollution/glint and glare across the valley has been addressed as part of the design process.

From the aerial photos and maps submitted with the application it is clear that there is scope at the site to enhance and strengthen landscape character by adding to the 'necklace' of small woodland around the springline, and to restore historical landscape features such as orchards. The intention to create species-rich grassland and enhance the hedgerow network is also noted and these associated landscape and biodiversity aspects of the proposal are to be welcomed.

The proposed use of engineered beech as one of the construction materials could be of broader relevance and benefit, given the extensive coverage of beech woodland in the Blackdown Hills.

As always matters of detail in relation to access, surfacing and enclosure will be important in order to minimise any negative landscape and visual impacts.

I trust that these comments are helpful to your consideration of this application.

PUBLIC HEALTH - 8th March 2018
Contaminated land - No objection
Air quality - No objection
Environmental permitting - No objection
Drainage - No objection

Noise and other nuisances - No objection

Housing standards - No comments

Licensing - No comments

Food hygiene - N/a

Private water supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

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

Health and safety - No objection - enforced by HSE

NATURAL ENGLAND - 1st March 2018

No comments.

SOUTH WEST WATER - 15th March 2018 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3.5 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

Clean Potable Water

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

Surface Water Services

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

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable,
Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

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

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

REPRESENTATIONS

11 letters of support have been received raising the following matters;

- Beautiful building, totally appropriate
- The design contains echoes of a modern barn, so it would blend well
- Like the use of locally sourced beech and other materials which makes it sustainable and of benefit to the local economy
- If every new house in the Blackdowns were forced to conform to some idealised image of an olde world cottage it would have a deadening effect on the local environment. Future generations would have no clue as to what we in the 21st century are capable of.
- This innovative design is utterly brilliant and if built would be a source of pride and interest for the whole area
- Timber Strategies specialised in developing high-value uses for home-grown timber and the teaching of timber technologies for architectural uses
- Beech was originally planted for the furniture industry and leaving a redundant resource
- Modern building techniques mean beech could now be considered an important building material. This is recognised in Europe.
- In the UK the only 6 examples of beech in structural use are at the Architectural Association School of Architecture. The proposed development provides a significant shift in the use of beech from research projects to commercial development. This project has the potential to be a pioneering building.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

- 1) Policy**
- 2) Para 79 of the NPPF**
- 3) Details of the scheme**
- 4) Assessment against para 79**
- 5) Highways**
- 6) Other issues**

1) Policy:

The main issue is whether or not the proposal accords with local and national planning policy which seeks to restrict new residential development in the open countryside.

The Development Plan in force consists of the Mid Devon Core Strategy 2007, the Allocations and Infrastructure DPD (2010) and Local Plan Part 3 (DM policies). The Local Plan Review (which does not propose to allocate any part of the site as a residential allocation) has not yet been subject to examination. Accordingly only limited weight can be attached to its policies and proposals, which may be subject to change.

The NPPF requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration.

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives, with Policy COR12 concentrating development principally on the 4 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets', particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is located within the Blackdown Hills AONB and therefore great weight should be given to preserving or enhancing its special characteristics under DM29. Blackdown Hills AONB 2014-2019 Management Plan and Delivery Plan contains policies which although not development plan policies carry some weight in the determination process. Policy PD 1/B seeks to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity. Policy PD 1/C seeks to protect the AONB from inappropriate and unnecessary development. Further, Policy PD 2/A encourages new developments to use traditional and local materials, to be as carbon-neutral and water-efficient as reasonably practicable, and to incorporate appropriate renewable energy sources where these do not cause visual intrusion or detract from historic character.

Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principle and this does not include unrestricted new open market dwellings.

The application site is in the countryside distant from any sizeable settlement. One of the nearest settlements with services and facilities is Hemyock which is some 2.5 kilometres to the west. The connecting route has no footway or streetlighting. The occupiers of the application proposal would be reliant on the use of the private car for essential day-to-day activities.

The application scheme would lead to the provision of a new dwelling in the countryside. The proposed dwelling would be part of a very small cluster of residential development in the countryside and not part of any tangible community, distant from services and facilities, which would in most circumstances be contrary to the policies of restraint in the Development Plan.

In view of the above and have regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite this conflict with the development plan.

2) Paragraph 79 of the NPPF

Para 79 of the NPPF (previously para 55 of the NPPF 2012) sets out circumstances where the restrictions on new dwellings in the open countryside may be set aside. It states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Members will be familiar with some of the above exceptions such as a) which relates to agricultural workers dwellings and c) which relates to barn conversions.

However Members attention is drawn to para e) which relates to dwellings of exceptional quality and it is under this exception that the application has been made.

In the first instance, it is necessary for the Local Planning Authority to consider whether the site is considered to be 'isolated'. A High Court case concluded that the term 'isolated' was in the sense of being separate or remote from a settlement and 'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.' Your officers acknowledge that in this instance the site is isolated and therefore the proposal can be correctly assessed against the criteria in paragraph 79 (previously paragraph 55) of the NPPF.

Your officers have therefore considered the scheme against the criteria in para 79 (e).

3) Details of the scheme

The proposed dwelling consists of a kitchen, sitting room with double doors to a deck, 2 en-suite bedrooms, boot room, shower room, w.c and plant room at ground floor level with attached

external workshop, garden equipment store and 3 bay car port with stairs to a first floor area over the bedrooms to provide 2 further en-suite bedrooms.

Vehicular access is to be provided at the existing access point to the field but will necessitate the removal of a Scots pine which is to be reused to create the dwelling entrance canopy.

The new house has been designed based on extensive research of the site and the local area and its building techniques. The design and access statement submitted with the application is very detailed (143 pages).

The proposed house is known as 'Springline House' on the basis that the site straddles the springline, a unique geological feature of the Blackdowns, which influences the orientation, construction and materials of buildings and land management along it. Based on the detailed historic research, proposals for the site include the reinstatement of historic field boundaries and orchards on the land.

The agent advises that Springline House has been designed to be architecturally interesting and contemporary but at the same time sensitive to the local area. Springline House takes its inspiration from farm buildings found within the Culm valley in terms of design and materials rather than being a highly prominent 'white box' in the landscape. The house has been deliberately designed to minimise light loss from the building so it will not be obtrusive in the landscape.

The agent considers that the house will be genuinely innovative as it will be the first ever house in the UK to use the ancient material of beech as a structural material. The architect has engaged with a local firm who it is understood, will take forward the construction of the dwelling if approved. In Europe beech is used in house construction but it has never been used as a structural material in a house in the UK despite the Forestry Commission stating that there are over 94,000 Hectares of beech in the country.

Springline House will include locally sourced materials such as chert from the land and local timber. The house has been designed to minimise energy requirements, which will be far lower than for a standard house, but also includes renewable energy sources including photovoltaic panels and heat pumps and new trees will be grown on the land to provide a future fuel source.

In addition to siting the house on the land, the proposals for the land around it have been guided by an ecologist and landscape architect and the proposals include the:

- Creation of 5,055m² (1.2h acres) of flower-rich meadow;
- Enhancement of existing marshy grassland to create a wetland area totalling 1,230m² (0.3 acres);
- Planting 208m of native, species-rich hedgerows and 61m of beech hedgerows at historic hedgerow boundaries;
- Planting of 3,503m² of broadleaved woodland (0.86 acres); and, Planting of 1,200m² of orchard (0.3 acres).

The ecologist has calculated that there will be a 120% increase in the ecological value of the land following all the habitat creation proposed as part of the application

4) Assessment against para 79

Is the design truly outstanding or innovative and represent the highest standards in architecture and help to raise standards of design more generally in rural areas?

Paragraph 122 of the NPPF recognises the importance of well designed, attractive and healthy places whilst paragraphs 124, 125, 127 all seek quality in design. Paragraph 130 states that design should not be used as a valid reason to object to development whilst paragraph 131 requires great weight should be given to outstanding or innovative designs, which amongst other matters help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings. Therefore, there is a general presumption at both national and local policy level for good design; paragraph 79 demands a scheme that is truly outstanding or innovative, raising the bar very high.

The policy test is as much about the context of the site as the architecture, requiring significant enhancement of its immediate setting and being sensitive to the defining characteristics of the local area. The NPPF makes it clear that AONBs have the highest status of protection in respect of landscape and scenic beauty.

With regards to assessing the design quality of proposals, the NPPF advises:

129. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

As an Authority, we actively encourage applicants to pursue review of their schemes (pre-application) with the Design Review Panel. This is a panel of multi-disciplinary professionals (architects, urban designers, landscape architects etc) who offer design critique together with guidance and suggestions with a view to raising the standard of design in the South West. Para 129 of the NPPF advises LPA's that they should have regard to the outcome of these processes.

With regards to this application, the proposal was reviewed twice by the South West Design Review Panel.

The applicant has emphasised that the first requirement of para 79 is that the proposal is to be truly outstanding or innovative, with the emphasis on 'or'. They have also advised that 'innovation' does not have to relate to new technologies. It could equally relate to the use of historical materials or resources being utilised in a new way. Equally, it doesn't have to relate to new technologies and can take on many different guises including methods of construction. In this instance, they consider that the use of beech as a structural material (an ancient indigenous material in the AONB) when it has never been used to construct buildings in the UK, to be innovative and the consultation response from the Blackdown Hills AONB supports this view. The AONB Officer advises that 'The proposed use of engineered beech as one of the construction materials could be of broader relevance and benefit, given the extensive coverage of beech woodland in the Blackdown Hills.'

The DRP on the other hand, felt that this aspect of the proposal was where the application failed to comply with para 79 of the NPPF. They were satisfied that there were potential innovative qualities

of the proposed cruck frame but they weren't satisfied that these had been fully explored or demonstrated with it remaining unclear how the proposed cruck structure had informed the roof and building form.

They were concerned that the very strong initial concept of a spine wall and cruck frame has been diluted along the way, and become something of a hybrid so that the cruck is not acting as a primary structural form, rather as a purely conceptual device. As a result they weren't satisfied that it represented a truly innovative proposal which may help to raise standards of design more generally in rural areas by informing a new vernacular.

In addition, they weren't satisfied that the applicant had proactively proposed specific long term commitments in regard to learning outcomes on how the building may be used to help to raise the standard of design more generally in rural areas. The applicant has put forward a response to this stating that the architect is a lecturer at Oxford Brookes University and the house will form the basis of research and as a learning tool. They also advise that the house will be a visible example of contemporary design which can inspire others to do something out of the ordinary and an opportunity for local tradesmen to employ traditional skills in a new way e.g. traditional walling techniques will be employed in a contemporary building. Finally, a website is proposed whereby people will be able to see details of the house and its innovative use of beech and other merits. The applicants have put forward suggested wording for 2 conditions to secure this. However your officers do not consider that these measures alone would help to raise standards of design more generally in rural areas and that nothing suggested here is either innovative and new so as to result in the sea change required by Para 79 nor is it clear how the principles used can be demonstrably scaled down for use in rural housing projects.

Therefore, in regard to the first criterion of paragraph 79, the Design Review Panel are of the opinion that the design is not truly outstanding or innovative, reflecting the highest standards in architecture and would not help to raise standards of design more generally in rural area. The Local Planning Authority have been supplied with no substantive evidence (including the applicant's "note on innovation") to draw any other alternative conclusion.

Therefore, the proposal does not comply with the first bullet point of paragraph 79.

Would the design significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area?

It is difficult to see how the introduction of any dwelling with its associated access (necessitating the loss of an existing pine tree), driveway and curtilage paraphernalia could enhance the setting of a steeply sloping greenfield site in a visible location in the AONB. Intrinsic to the assessment of the application under this part of para 79 is the impact of the proposal on the AONB, to which policy DM29 refers.

There is agreement between the applicants and your officers that the character and appearance of the site will be altered as a result of the development.

However, it is the applicant's opinion that "*The character of the site is enhanced by the introduction of sensitively designed and innovative architecture of the highest quality combined with an enhanced landscape which introduces biodiversity and reflects the unique variety and character of The Blackdown Hills.*"

The Design Review Panel has also advised that in their professional view the proposal has successfully demonstrated sensitivity to the defining characteristics of the surrounding area and

that the conclusion in the supporting Landscape and Visual impact assessment illustrates this sensitive approach.

The Blackdown Hills AONB Partnership have advised that in their view ‘the design process and iterations of the proposal has involved considerable attention to the defining characteristics of the local area - to the site, its setting and broader landscape context, resulting in a scheme that is sensitive to the location within the AONB in respect of scale, relationship to other development, and materials.’

The scheme itself also encompasses a detailed landscaping scheme aimed at reinstating some indigenous features and species at the site which have been lost/removed over the years and keeping the formal domestic curtilage to a minimum. The DRP consider this element of the proposal could be a ‘valuable example of what can be done on a site of this scale’. The scheme proposes ecological and biodiversity enhancements along with productivity in a move towards sustainable rural land management and this approach was considered to be integral to the scheme as a whole and a positive aspect of the overall proposal.

Whilst the Design Review Panel acknowledges and welcomes the proposed ecological measures, Members should be mindful that some of the ecology measures are good practice/mitigation rather than all true enhancements. Nevertheless, based on the views of the DRP, this is considered to be an aspect of the proposal which does significantly enhance its immediate setting

The applicant’s Landscape Impact Appraisal notes that the site is within character area NCA 147: Blackdowns. At a more local level The Mid Devon Landscape Character Assessment identifies geographically specific areas of landscape in more detail LCT 2A: Steep Wooded Scarp Slopes (within which the site is set). This landscape forms the steep upper edges of the river valleys on land which falls steeply away from the plateaux. All land drains to the River Culm. Hanging woods skirting the plateaux edge are common with some areas of gorse and scrubby vegetation. There is a strong sense of dampness particularly at the Springline which follows the contours around the slopes. A remote landscape with few isolated farmsteads.

In considering the effect on view, the applicants LIA concludes at page 39 that “*The landscape is highly sensitive to change and the magnitude of change is relatively low in the majority of views. Overall the measure of visual effect is slightly positive.*”

In considering the effect of the proposal on landscape character, the applicant’s LIA concludes that “*The magnitude of change in relation to National Character Area: Blackdowns 147 is negligible and the effect on landscape character is therefore neutral. In relation to the local character types of the Mid Devon Landscape Character Assessment and taking into account the proportion of change, the introduction of a new building of the highest quality into an existing field, the physical landscape and ecological enhancements in line with AONB Management Plan guidelines, the magnitude of change is low but with high sensitivity the overall effect is judged as moderately positive.*”

The AONB Management Plan indicates that the special qualities (including distinctive characteristics and key features) of the LCT 2A are;

- A narrow band of steeply sloping land immediately below a plateaux edge
- Mixed woodland and semi improved or unimproved pasture
- Pastoral cultivation, with small-scale irregular field pattern
- Lightly settled
- Narrow winding lanes with well treed banks
- Occasional long views out over adjoining valleys

- Many patches of semi-natural habitats, including springline mires and scrub.

The site and its surrounding do exhibit these defining characteristics, including being lightly settled.

The response of the DRP indicates that it is satisfied that the landscapes defining characteristics have been fully assessed and that the dwelling house scheme has been developed and evolved to the extent that the design significantly enhance its immediate setting and is sensitive to the defining characteristics of the local area. For these reasons your officers are of the view that it complies with this requirement of paragraph 79. In addition, the proposal has the support of the Blackdown Hills AONB Partnership and has been assessed against the policy requirements of DM29 and as such, is not considered to detrimentally affect the AONB.

5 Highway safety

The means of access effectively utilises the existing access from the unclassified road which is subject to the national speed limit outside the site. However, the observed speed of traffic passing the site was significantly slower than that. Being on the outside of a slight bend, the existing access provides adequate views of oncoming traffic at these observed speeds. For the reasons above, the proposed development would not be harmful to the safety and convenience of road users.

6 Other issues

Policies DM14 and DM15 seek to ensure that dwellings have an appropriate size and minimum level of amenity to suit its location etc. Since the publication of the dwelling size policy, the Government have produced national dwelling size guidance which supersedes this policy. The layout for the dwelling delivers habitable accommodation which exceeds the space requirements established by the national standards.

It is not considered that the development would have an adverse impact on any adjacent residential occupiers. The dwelling to the North West is sufficiently far enough away so as to not be affected by the proposed development. Overall, the application will not cause harm to the privacy or amenity of any neighbouring property and the application therefore meets with policies COR2, DM2 and DM14 in this respect.

Policy DM14 (e) requires that private amenity space should reflect the size, location, floorspace and orientation of the property. The residual amenity area for the proposed development is acceptable.

These are all neutral factors and therefore they neither weigh in favour nor against the development.

REASON FOR REFUSAL

The NPPF sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances apply in para 79 of the document. In this instance, the applicants are seeking to demonstrate that the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area (criteria e). Whilst the LPA are of the view that this is a high quality proposal which has been developed to take into account, reflect and enhance its immediate setting and be sensitive to the defining characteristics of the Blackdown Hills AONB within which it sits, they are not satisfied

that the design is of exceptional quality, truly outstanding or innovative reflecting the highest standards in architecture to help raise standards of design more generally in rural areas. As such the proposal is not considered to fully satisfy the criteria set out in para 79 (e) of the NPPF to the extent that an approval for an open market dwelling in an isolated location in the open countryside can be justified. Therefore the proposed development is not considered to be in accordance with policies COR1, COR9, COR18, DM1, DM2 and paragraph 79 of the NPPF.

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.

Plans List No. 2

Application No. 18/01598/FULL

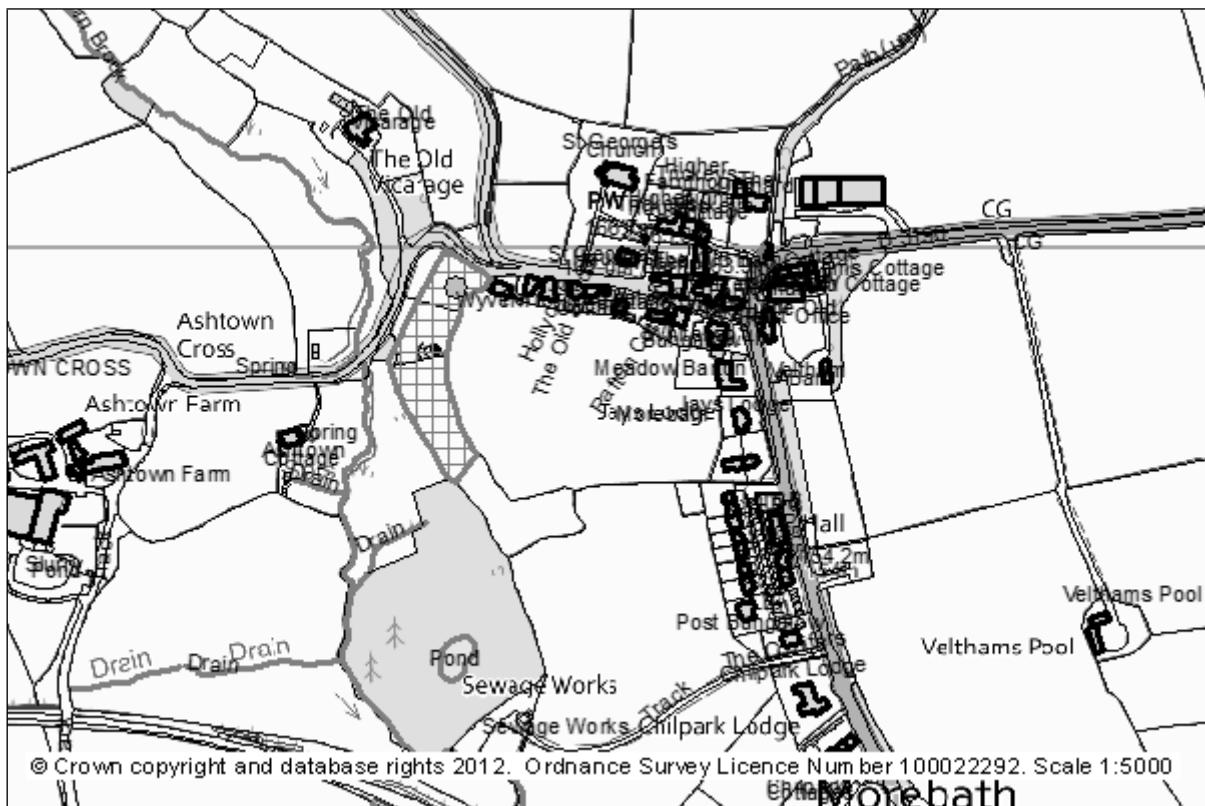
Grid Ref: 295315 : 124977

Applicant: Mr & Mrs Reynolds

Location: Land at NGR 295315 124977 (Whitehall Farm)
Morebath
Devon

Proposal: Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use

Date Valid: 12th October 2018



APPLICATION NO: 18/01598/FULL

MEMBER CALL-IN

COUNCILLOR STANLEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING TO CONSIDER WHETHER:

- a) the development will have environmental and amenity impact given its scale and adjacency to the village**
- b) access and traffic concerns have been properly assessed**
- c) the proposal is economically sustainable, and the likely benefits to the local community.**

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use on land at NGR 295315 124977 (Whitehall Farm), Morebath. The proposal scheme is outlined as an alternative holiday use on site to the existing planning permission for a holiday let/workshop/therapy room (Outline permission 16/00422/OUT and reserve matters permission 17/01062/ARM).

The proposal is outlined as the construction of low scale, high quality, unique holiday accommodation development. There would be a bespoke tree house design which has been influenced by the geography of the site and surrounding woodland, designed independently of any trees and would be supported by timber stilts. The timber support posts would be secured in concrete pad foundations with the structure being constructed of timber, cedar tiles with willow made 'bird nest' style roof. The proposal to replace the existing summerhouse situated on decking would be with a cabin style structure on timber stilts, constructed from natural woods with the cabin to incorporate a small star gazing pod / snug, accessed from a mezzanine bedroom floor in the main structure of the cabin. At the southern end of the site, there would be the replacement of an existing shed with a temporary removable timber cabin/structure for holiday let use.

APPLICANT'S SUPPORTING INFORMATION

Application Form and Plans
Marketing Strategy and Tourism Statement
Business Plan

RELEVANT PLANNING HISTORY

04/02414/FULL - WD date 17th December 2004
Retention of a sectional timber shed

05/00845/CLU - PERMIT date 13th July 2005
Certificate of Lawfulness for continued use of land as garden

15/01588/OUT - WDN date 30th November 2015

Outline for the erection of a holiday let/therapy workshop

16/00442/OUT - PERMIT date 12th May 2016

Outline for the erection of a holiday let/workshop/therapy room

17/01062/ARM - PERMIT date 2nd October 2017

Reserved Matters for the erection of a holiday let/workshop/therapy room following Outline approval 16/00442/OUT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 (Local Distinctiveness)

COR18 (Countryside)

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 (High quality design)

DM3 (Sustainable design)

DM5 (Renewable and low carbon energy)

DM8 (Parking)

DM20 (Rural employment development)

DM24 (Tourism and leisure development)

DM27 (Development affecting Heritage Assets)

NPPF

CONSULTATIONS

Morebath Parish Council – 23rd November 2018

This application came before a public meeting of the (Morebath) PC on the 20th November and it was unanimously agreed that based on a number of critical issues (supported by parishioners) the PC opposes approval.

Background. Whist approval has been granted for a specific scheme on part of the site with a detailed section 106 agreement the objections to this new proposal and change of use can be summarized as follows:

1. The application proposes a change of use resulting in considerable expansion and over development of the small site, disproportionate in its location in the ancient and historically important settlement of Morebath, with many listed buildings, potentially to create an unregulated campsite.
2. The environmental impact on the local community is considered disproportionate in terms of the projected activity, the resulting noise (relative to structures, traffic) and light/ fuel emissions affecting privacy and residents enjoyment of their domicile, the lack of onsite management exacerbates the issue.
3. The formulation of the business case does not satisfy either the benefit to the local economy or the projected employment claimed.
4. Considerable concerns have been expressed, supported by the PC, as to the safety of access to the site and the volumes of proposed activity, both in construction traffic and its later use, suggesting the need for an onsite review of this aspect, considering the change of use proposed.

Highway Authority – 26th October 2018

Standing advice applies please see Devon County Council document
<http://www.devon.gov.uk/highways-standingadvice.pdf>

The following informal response was received after additional comments were sought:

3 Holiday lets will generate an average of between 9 -15 movements per day, I would anticipate the existing consent would be a similar number. Access should comply to Manual for streets for visibility, I would suggest a minimum width of 4.1 for 1st 6.0m and hard surfaced but if it is a replacement to the existing permission there is unlikely to be any change to traffic generations and it would be unreasonable to expect further junction improvements over those required by the original consent.

Economic Development - 29th November 2018

MDDC's Economic Development service supports the application for the erection of 3 tourism units at Whitehall Farm, Morebath. The Economic Development Officer has worked extensively with the applicant to develop their business idea and to apply for grant funding to support the development of the structures.

The grant application has been scrutinised by DEFRA's RDPE team, who assessed the business proposal as eligible for grant funding. As part of this process the Economic Development Officer scrutinised the business before agreeing to support the project, including in its grant application, and agreed that it would provide benefits to the wider local economy (not just to be considered as Morebath, but to the wider district) and would add to the tourism offer within the district. It is worth noting that if the project is refused planning, the business will lose out on the possibility of obtaining Government grant funding which is available to support developing tourism businesses.

The Heart of the South West LEP identifies tourism as a strategically significant part of the South West Economy, and is a sector which should be nurtured and supported across the region. There is potential for growth within the sector, particularly in relation to those offering unique and different experiences to visitors.

Locally, Mid Devon has identified tourism as an area with growth potential, as the district currently attracts a lower than expected proportion of the visitor economy to the South West. It also attracts a low proportion of overnight visitors to the area in relation to the other local authority areas in Devon and Somerset. By supporting businesses in the tourism sector, particularly those which are trying to attract more affluent visitors to the district (with greater spending power), the whole of the economy should benefit, including the retail sector and the food and drink industry.

The USP for the business is that it will provide rural retreats for people wishing to get away from the hustle and bustle of daily life, providing them with a high quality, tranquil setting in which to relax and rejuvenate. It would be counterproductive for the business to attempt to attract parties and large volumes of guests into their premises, as this would undermine the USP. Mid Devon's tourism offer differs to the offers provided by the rest of the county. Other areas promote their coastline, or offer weekend city breaks and a thriving night time economy. Mid Devon's offer is much more focused on getting in touch with nature, a peaceful, relaxing experience with opportunities to explore the countryside. This proposal is entirely complimentary to this experience, and would be more likely to fail if it tried to create a "remote party" atmosphere, which people don't search for when considering Mid Devon as a destination.

The business is going to be marketing itself to potential visitors from a number of Acorn Marketing categories (these are categories of people who marketing companies use when determining who

their target audience will be). These marketing groups are more likely to seek out a high quality experience and countryside breaks:

Affluent Greys
Wealthy Executives
Prosperous Professionals
Educated Urbanites
Aspiring Singles

The structures will be situated so that they are not facing towards the nearby residential premises, and have been designed instead be pointed towards the idyllic countryside views that Morebath provides. The one unit with the potential to look out towards the existing residential properties is proposed to be facing perpendicular to them, and would be located approximately 30m down a hill from them.

Concerns have been raised about the number of visitors (and car movements) to the village on an annual basis. While the total number of visitors over the course of a year could be as high as 600, according to the business plan it is more likely that there would be up to 6 extra people in the village at any one time, a gross increase of 3%.

Public Health – 2nd November 2018

Contaminated Land - No objection to the proposal
Air Quality – No objection to the proposal
Environmental Permitting – No objection to the proposal
Drainage – No objection to the proposal
Noise & other nuisances – No objection to the proposal
Housing Standards – No comment
Licensing – No Comments
Food Hygiene – No objection to this proposal.

Informative: If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/>.

Private Water Supplies – If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. 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, would have no comment.

Health and Safety – No objection to this proposal.

REPRESENTATIONS

At the time of writing this report, 13 letters of objection (with 2 letters being received in response to additional information submitted) have been received with the grounds of objection summarised as follows:

- There is no mention of secure fencing separating the properties on adjoining land as there is only a low sheep fence which is not sufficient.
- The proposed siting of the septic tank appears to be very close to the boundary of neighbouring land which is not well draining. Has the Environment Agency being consulted?
- The proposed development is inappropriate for this small rural hamlet on the grounds of environmental impact noise and disturbance to local residents, road safety aspect of traffic and access to site from narrow country lane, size of proposed development in relation to nearby properties and inappropriate character of proposed buildings.
- There is a real risk of creating a precedent with this development.
- The application suggests a blanket use of the area as a campsite thus placing no restriction on its growth and occupancy.
- There are examples of holiday accommodation been refused consent in the local vicinity.
- The prior approval for use of the site is based on Section 106 Agreements suggesting special consideration of an individual case, there is a risk that this carried forward to a subsequent application compromises the planning process.
- The proposed site sits within close proximity to existing residences and will result in noise considerations and loss of privacy from the single point of access.
- The suggested use is in conflict with the existing settlement and proposes over development of the area with Morebath being a tiny rural hamlet.
- The number of units suggests considerable traffic activity with intrusive parking in an area of AONB.
- The site is distant from services and facilities, and public transport services are infrequent. Occupiers of the development are likely to be dependent on private vehicles. There is limited off road parking or public amenity to the site.
- The Ancient settlement of Morebath consists of a large number of listed properties not least the parish church of St George which is in close proximity to the site.
- The site exit has a poor sight line to the east and suggests traffic will have to enter the narrow lane to obtain vision, questioning the safety aspect of the access proposed.
- The design of units proposed will have limited sound insulation and use suggests external activity /wood fires thus carrying noise and smoke with the prevailing wind into The Valley View area of the village.
- The proposal outlines that each unit will accommodate 2 people, with typical stays of around 2-3 days, and projects high levels of occupancy; assuming 80% occupancy, this would see circa 600 tourists (transported in 300 cars) drawn to the tiny community.
- The impact on local residents and their peaceful way of life will surely be considerable.
- The village network of tiny single lane roads cannot support the proposal with the site being located off a dangerous bend on top of a steep hill.
- The design of accommodation is incongruous with the local architecture.
- There are currently few glamping sites in mid-Devon with there already being a vast number of holiday-lets of other natures in the area, so question the claims made for need.
- Whilst it is noted that some economic benefit may be derived for nearby settlements like Bampton and Dulverton it must be noted that Morebath has no shops, pubs or local amenities, nor is it a good place from which to walk, with very limited access to footpaths.
- There would be the prospect of loud music and other antisocial behaviour late at night which would be clearly audible to the whole village.

- Unit 1 & 2 can each comfortably accommodate 4 people maybe even more. Lodge no. 3 is advertised on the website as being able to accommodate up to 30 people for 'lively parties' and can sleep more than 4 people comfortably.
- Three parking spaces are identified on plans which will not be sufficient resulting in parking on the public highway.
- Safety issues as emergency vehicles need to get past the narrow street where houses have no off-road parking spaces. Visibility in the junction is already limited also.
- Morebath is a small village which is built in an L shape, surrounded by green fields with the listed church at the top of the Hill overlooking the village. The new buildings will take this charm away as they are not fitting in with the wider landscape.
- Prior plans were for only a single building, of single story, and with a grass roof to as much as possible blend in with the landscape.
- Cabins 1 and 2 are for two story buildings which will have a significant visible impact to the wider landscape, viewed above the existing hedgerow and will overlook neighbouring gardens.
- There will be light pollution associated with the development from parking areas, access ways and from the accommodation.
- Concerns the development could block existing water services running across field.
- The proposal could lead to further accommodation in the future.
- Low level lighting on site would not work in this location still resulting in light pollution.
- The development would be overdevelopment compared to the existing permission for one unit.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application seeks planning permission for the erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use on land known as Whitehall Garden in Morebath to establish a holiday business which would operate all year round. Following concerns raised to the cabin structure proposed to the lower part of the site which was shown as a Reindeer Lodge (given the numbers of people who could occupy it), this has been amended to a Koto Cabin which contains only a double bed and shower room.

The application site is situated on the western edge of the village of Morebath, which lies about 2 miles north of Bampton. The site extends to approximately 1.26 acres and contains some existing development in the form of sheds with the site being well screened by established hedgerow and trees. The land slopes downhill from the north eastern corner to the south and west. The site is not located within any landscape designation. It should be noted that the site already has planning permission for holiday accommodation approved as part of 16/00442/OUT and 17/01062/ARM.

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 holiday accommodation
 5. Impact on the character of the area
 6. Impact on amenity of occupiers of residential property
 7. Other planning matters
1. Policy and procedure

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, published by the Government in March 2012 and revised in 2018, 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 COR2 (Local Distinctiveness), COR16 (Bampton), COR18 (Countryside) of the Core Strategy and DM2 (High quality design), DM3 (Sustainable design), DM5 (Renewable and low carbon energy), DM8 (Parking), DM20 (Rural employment development) and DM24 (Tourism and leisure development). 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.

Within the NPPF, paragraph 83 with respect to supporting a prosperous rural economy outlines that:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

It is considered that there is no objection in principle to the creation of a tourist facility in this location as outlined within the supporting documentation submitted subject to meeting other adopted policy criteria which is considered below. The Local Authority has approved a number of planning applications for various types of holiday accommodation within the District. The forms of holiday accommodation have included numerous barn conversions, log cabins, shepherds huts, yurts, safari tents, a treehouse (13/00003/FULL – Fox & Hounds Country Hotel, Eggesford) and a tree tent (17/00317/FULL - Dunscombe Farm, Cheriton Fitzpaine).

2. Need for the development

In rural areas of the district, the strategy as outlined within the Core Strategy is that whilst there is to be strict control over development, the emphasis will be on promoting environmental enhancement including landscape and biodiversity and encouraging appropriate economic diversification with eco-tourism highlighted. Therefore subject to the development being justified through a sound business case and any impact on the landscape kept to a minimum with appropriate mitigation provided where required; a case to support this proposal could be made.

As far as policies within the Core Strategy are concerned, COR 18 (Countryside) states that 'development outside the settlements defined by COR13 -COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.' Criteria 'B' outlines that any development needs to be of an appropriate scale. Whilst the site is located outside of the Market Town of Bampton, it is noted that COR 16 comments that Bampton will provide a focal point for housing and employment development and local services and facilities to serve the nearby rural area, encouraging greater local self-sufficiency, social provision and economic regeneration. Criteria 'E'

of this policy states that there is a requirement of development to enhance the tourism role of the town and area at the gateway to Exmoor.

With regard to the Development Management Policies, Policy DM24 (Tourism and leisure development) states:

'Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

- a) Respect the character and appearance of the location;
- b) Where possible, involve conversion or replacement of existing buildings; and
- c) Demonstrate that the need is not met by existing provision within nearby settlements.'

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure developments should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside of settlement limits, applicants should have regard to the Council's Tourism Study.

The first point to make is that there is an existing permission for a holiday let on site which includes a workshop and therapy rooms and this would be replaced by a smaller holiday unit. As part of the application submission, a Marketing Strategy and Tourism Statement and a Business Plan have been provided which outlines that the luxury glamping project proposed would be operated by Sawday's Canopy & Stars, outlining the growing market for this type of holiday accommodation and the expected revenues. The research for the need of this development has been provided and the Council's Economic Development Section has noted that they are generally supportive of this proposal.

The Economic Development Team support these proposals noting that they have discussed the business proposal with the applicant and the amount of money they were looking to invest in the project, and advised them of the Rural Payments Agency (RDPE) grant option which could offer grants of between £35k - £175k to businesses starting up in rural locations within the tourism sector. The Economic Development Officer has worked with the applicant on their grant application to ensure that it met strategic alignment criteria with the LEP and with the Government's tourism agenda (guidance was provided on the LEP website and on the Gov website highlighting priorities etc.). This includes looking at the viability of the business idea and whether or not it is felt to be realistic that it could receive funding. The Economic Development Officer comments that this is not a case of promoting the business, but rather supporting legitimate business growth. It is noted that confirmation has been provided from the applicant of the application having made for this grant funding and that subject to a planning approval it could be applicable for this funding.

The applicant has commented that they have undertaken extensive research into this sector of the holiday accommodation letting market over a considerable period of time, including speaking with several specialist letting agents and building contractors / suppliers to gain a good understanding of likely income and cost levels. In addition to this, they have commented that they have adopted realistic occupancy rates of 50%, whereas the reality is that these types of holidays achieve much higher occupancy rates. The business is structured around a Partnership Agreement and they

have financial backing in place for the project. Therefore in light of the above, it is considered that a business case for this application can be supported.

In terms of benefits to the local community, the applicant comments that the project would benefit Morebath parish, with direct and indirect employment opportunities with the creation of jobs, as they will be requiring assistance with the gardening and cleaning of the units.

3. Highway matters

On the matter of the impact on the surrounding highway network, the previous approved scheme on the site which allows for a holiday let/workshop/therapy room has an approved plan showing 5 parking spaces. Within the application form it is stated that there would be three allocated parking spaces for the holiday accommodation although the plans show a space for two additional spaces. It is considered that a scheme which could provide up to five parking spaces to serve three units of holiday accommodation would be in accordance with Policy DM8.

No objections have been received from the Local Highway Authority noting standing advice should be used, although they have informally commented that 3 Holiday lets will generate an average of between 9 -15 movements per day which is unlikely to be a change to traffic generations from the existing use allowed through permission. Whilst they would prefer the access to have a width of 4.1m for a distance of 6 metres and hard surface, given the existing permission they note it would be unreasonable to expect further junction improvements over those required by the original consent.

The applicant has confirmed that with regards to the car parking their scheme requires less car parking than the existing consented development and they have sought to position two of the parking spaces further away from the neighbouring property of 'Wyvern' which they believe would have less disturbance on the neighbours. The proposal is for 3 small scale holiday let units, each to sleep 2 people (couples only), as is indicated on the layout plans and the applicant has suggested that they would be prepared to consider a reasonable planning condition restricting occupation to 2 people per unit i.e. 6 guests in total on the site at any one time, and also a restriction on any additional holiday let units on the application site. It is considered that a condition restricting the number of people to six would fail the required tests being difficult to enforce and potentially unreasonable. The layout plans would be conditioned to the three units of accommodation.

In regard to the access arrangements, the applicant has confirmed that they intend to improve, widen and alter this as per the detailed plan submitted with the previously approved reserved matters planning application.

4. Design of holiday accommodation

In terms of this planning application, the proposal is for the creation of three units of holiday accommodation whereby the land use is supported by adopted policy and it would represent a small scale tourism proposal across the site. As referred to earlier, a number of different types of holiday accommodation have been approved within the district and tree houses being one, although not at significant numbers.

The proposal is for a bespoke tree house designed unit of holiday accommodation in the area of the existing planning permission having a reduced scale than that approved, a cabin style structure on timber stilts in the area of the existing summerhouse and a temporary log cabin type structure further down the site in an area of existing sheds. It is considered that a case can be made that the development would comply with policies DM2 (High quality design), DM3 (Sustainable design) and DM5 (Renewable and low carbon energy). The scale of development for

a total of 3 holiday units is considered to be in accordance with Policy DM20 (Rural employment development).

5. Impact on the character of the area

Impact on the character of the area and surrounding countryside is one key consideration. In terms of the impact on the landscape, the Landscape Character Assessment 2011 outlines the Landscape Character Type as 3E Lowland plains. The assessment concludes that a future force for change in these locations would be from an 'increase in domestic tourism with associated demands for new facilities and infrastructure, as well as an increase in traffic levels, farm conversions and the siting of caravan/camping sites'. Given the topography of the site and the existing boundary treatments and adjoining woodland area, it is considered that large areas of the site would be screened from public vantage points.

The site is not within a Conservation Area and whilst it has been noted that there are a number of listed buildings within Morebath such as St George's Church, these are located further way to the east and northeast on higher land with existing residential development in between. Therefore it is considered that the holiday accommodation 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

Given the distances involved from the proposed holiday units to neighbouring residential properties, it is not considered that there would be a significant detrimental impact on the amenity of neighbouring residents. Concerns were raised to noise and light pollution but the applicant notes that the accommodation is only to be for couples, with low level illumination for health and safety reasons only operating on sensors as Exmoor Dark Sky Status with Unit 2 marketed for star gazing. A condition is recommended for any low level lighting scheme to be submitted and approved. The Public Health Team has assessed the application and has raised no objections to the proposals.

The applicant outlines that the intention is to offer a quiet retreat for couples who wish to relax without being in a noisy environment. Amended plans were received which relocates the Tree House (Unit 1) slightly further west, further away from the only nearby dwelling known as 'Wyvern'. In terms of overlooking, the applicant comments that have already planted additional new trees to screen Unit One with existing trees/hedges on site to be retained. With regard to outside cooking, the applicant states that there would be a gas BBQ but no other outside cooking facilities for Unit 1.

7. Other planning matters

In respect to other planning matters, concerns have been received with respect to foul and surface water drainage with objectors enquiring whether a septic tank in this location would be suitable giving existing ground conditions and that given the topography water currently runs downhill. The applicant has confirmed that a package treatment plant is proposed and it is noted that the site is located within flood zone 1 where this type of development is acceptable 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).

An Ecological Impact Assessment has been submitted which outlines that no protected species would be impacted but mitigation measures have been outlined which can be conditioned such as bat boxes.

CONDITIONS

1. CD1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. CD7 Approved Plans
3. (i) The holiday accommodation units shall be occupied for holiday purposes only.
(ii) The holiday accommodation units shall not be occupied as a person's sole, or main, place of residence.
(iii) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation unit on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. The development hereby approved shall only be occupied for holiday purposes only, limited to three units of holiday accommodation on site. When the holiday units become redundant for such purposes, they shall be demolished and all resultant materials removed from the site within 6 months of them becoming redundant for their approved use.
5. The development of the three holiday units hereby approved shall not be occupied until such time as the vehicular access, parking and turning areas indicated on the approved location plan have been provided on site, surfaced and drained. Following their provision, these facilities shall be so retained.
6. Prior to the first occupation of the holiday accommodation hereby approved, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
7. The improvements to the access from the highway as shown on the site entrance alteration plan received from the applicant on the 17th December 2018 shall be completed prior to the occupation of the first holiday unit hereby approved and shall be so retained thereafter.

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 in the interests of proper planning.
3. The use of the holiday let accommodation as a separate dwelling would require planning permission whereby the location, relationship to surrounding dwellings, parking facilities and areas of amenity would need to be considered further. However the application for holiday let accommodation is considered to be in accordance with Policy DM24 of the Local Plan Part 3 (Development Management Policies).
4. To ensure removal of the holiday units if no longer required for holiday occupation in order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with DM8 (Parking) of the Local Plan Part 3 Development Management Policies with the National Planning Policy Framework.
6. In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);
7. To ensure a safe and suitable vehicular access to serve the development in accordance with policy COR 9 Local Plan Part 1 and DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVES

1. If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/> .

2. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. 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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposals for the holiday let accommodation is considered to be acceptable with the tourism use being acceptable not resulting in a detrimental impact to the rural character of the area. It is not considered that the proposal would have an unacceptable impact on the environment or nearby heritage assets and the proposal is considered to be suitably designed and any impact on amenity of neighbouring occupiers is not considered significant given the existing boundary treatment and degree of separation involved. The development complies with the requirements of relevant policies: COR2 and COR18 of the Mid Devon Core Strategy (LP1), DM2, DM8, DM20, DM24 and DM27 of the LP3 DMP 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.

Plans List No. 3

Application No. 18/01685/FULL

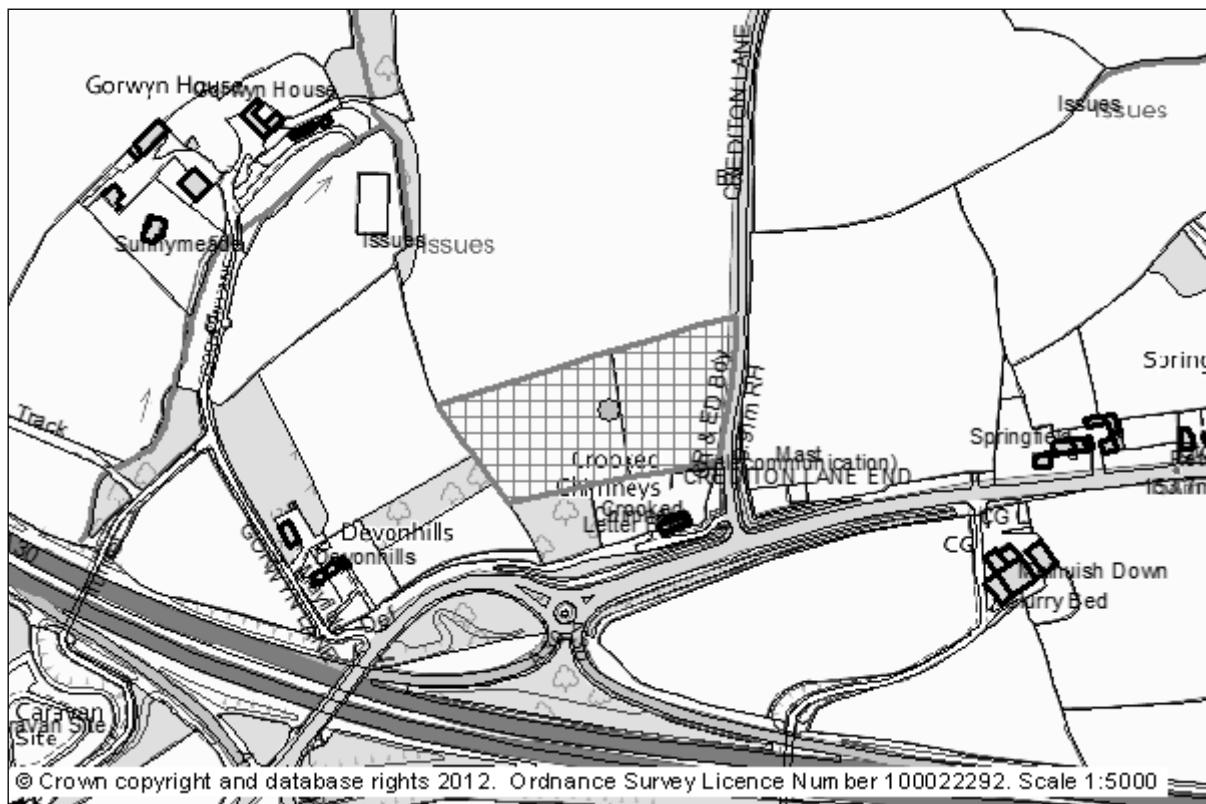
Grid Ref: 278407 : 93548

Applicant: Mr C & Mrs N Knott

Location: Land at NGR 278407 93548 (Adjacent Crooked Chimneys Cottage)
Cheriton Bishop
Devon

Proposal: Change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site

Date Valid: 18th October 2018



APPLICATION NO: 18/01685/FULL

MEMBER CALL-IN

Councillor Heal has requested that this application be determined by the planning committee in order that Members are able to consider:

1. Need for the holiday accommodation within this area
2. Highway access and parking arrangements
3. Impact on the landscape

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for a change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site. The tents would measure approximately 10.5 x 5.5m with an overall height of 3.8m but there will be an additional overhang of approximately 1.5m over an area of decking. The colour of the glamping tents would be the more muted natural colours such as green or brown and they would sleep up to 6 guests in what is described as 5* holiday accommodation. Each unit would have its own hot tub, fire pit and BBQ facilities. They would be separated from one another by small earth bunds and planting and would be serviced with hot and cold running water, electric, flushing toilets, showers, cooking facilities and wood burners. The site would operate between 1st March and 31st October each year.

The existing access would be widened to 3.8m which would result in the removal of two oak trees to provide the required visibility splay from a position 2m back from the edge of the carriageway with 2 no. *Quercus petraea* to be planted to new internal hedge banks to replace trees removed from existing bank. The grass verge would be maintained to a height of 300mm. Part of the car park would be made from compacted stone with another area being of a grasscrete construction. The formulation of the site includes the introduction of a new woodchip path to connect the safari tents to the new permeable car park. Around the carpark, woodland planting is proposed to a raised earth mound, approx. 1m-1.5m high to provide buffer to curtilage of listed building, screen car park and provide privacy between 'Glamping' field and garden of dwelling.

APPLICANT'S SUPPORTING INFORMATION

Application Form and Plans

Design and Access Statement (Marketing Strategy and Tourism Statement Business Plan)

Historical Impact Assessment

Wildlife Survey

RELEVANT PLANNING HISTORY

77/01712/FULL - REFUSE date 31st March 1978

Change of use of land to touring caravan and tented camp site of fifty pitches, including erection of toilet block and sewage treatment block (biological disc)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 (Local Distinctiveness)

COR18 (Countryside)

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 (High quality design)

DM3 (Sustainable design)

DM5 (Renewable and low carbon energy)

DM8 (Parking)

DM20 (Rural employment development)

DM24 (Tourism and leisure development)

DM27 (Development affecting Heritage Assets)

NPPF

CONSULTATIONS

Cheriton Bishop Parish Council – No response received at the time of writing this report

Highway Authority - 8th November 2018

Standing advice applies please see Devon County Council document

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

An informal response was received from the Local Highway Authority advising they had no objections with sufficient parking to be provided with surrounding road network adequate to serve the proposed development.

Public Health - 20th November 2018

Contaminated Land - No objection to this proposal

Air Quality - No objection to this proposal

Environmental Permitting - No objection to this proposal

Drainage - No objection to this proposal

Noise & other nuisances - Recommend approval with conditions:

Due to the close proximity of existing residential properties it's essential that the applicant takes reasonable steps to protect the neighbouring dwellings and amenity areas from unreasonable noise. In order to achieve this, a Management Plan will need to be approved by Public Health prior to the sites first use.

The aim of the Management Plan should be to put in place reasonable measures to reduce the noise impact of sources associated with the premises and the related activities. Since people are generally less tolerant of avoidable noise, particular attention must be paid to reducing or eliminating avoidable noise.

The Management Plan should cover the following areas:

1. Possible restriction on group numbers
2. A restriction on stag or hen parties
3. The location of fire pits in relation to nearby dwellings
4. Hot tub usage (possible restriction on hourly use for those in close proximity to nearby dwellings)

5. No fireworks or Chinese lanterns
6. Effective management control on music, musical instruments or radios
7. To operate as a quiet site between the hours of 11pm and 7am and to detail how this will be managed

Housing Standards - No comment

Licensing - This development may require a tent site licence. Please contact the licensing Team for more information licensing@middevon.gov.uk

Food Hygiene - No objection to this proposal.

Informative: If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/>.

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. 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.

Health and Safety - No objection to this proposal.

Conservation Officer - 29th November 2018

On the Safari huts this depends on how effective the landscaping is but as land slopes away from the cottage, located on the ridge and there is a hedge line rear boundary that could be strengthened the harm to setting is not significant and the benefits economically and subject to landscape scheme should outweigh the harm.

Economic Development – 13 December 2018

Though we have not had any direct contact with the applicants, we have reviewed the application based on the information provided. The site appears to lend itself well to this type of business; it has excellent transport access, it is a relatively secluded location (something people seek out for this type of accommodation) and will not overlook other properties or businesses, and it is a short distance to the village of Cheriton Bishop which has a decent village shop and pub facilities. Both Exeter and Dartmoor are also easily accessible, which will add to the visitor appeal of the site. There is a recognised need for greater and more diverse opportunities to attract overnight visitors to Mid Devon, which would help to increase our proportion of the visitor economy venturing into Devon each year. On the basis of the comments above, we support this application.

Natural England - 19th November 2018

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available online at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation required

REPRESENTATIONS

No letters of representation have been received as part of this planning application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application seeks planning permission for the change of use of agricultural land for the siting of 3 safari tents, formation of car park and formulation of the site on land to the north of Crooked Chimneys Cottage, Cheriton Bishop which is a Grade II listed building. The application site is located in the open countryside adjacent to Goldcross Hill and close to the A30 relating to 1.4ha field which has an existing field access on to Crediton Lane. The applicant owns the detached Grade II listed cottage and approximately 0.2 hectare of amenity woodland to the west with the application site separated from the dwelling by a mature hedge.

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 holiday accommodation
5. Impact on the character of the area
6. Impact on amenity of occupiers of residential property
7. Other planning matters

1. Policy and procedure

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 and revised in 2018, 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 COR2 (Local Distinctiveness), COR18 (Countryside) of the Core Strategy and DM2 (High quality design), DM3 (Sustainable design), DM5 (Renewable and low carbon energy), DM8 (Parking), DM20 (Rural employment development) and DM24 (Tourism and leisure development). 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.

Within the NPPF, paragraph 83 with respect to supporting a prosperous rural economy outlines that:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

It is considered that there is no objection in principle to the creation of a tourist facility in this location as outlined within the supporting documentation submitted subject to the scale and design of the development and the provision of a robust marketing strategy and business plan demonstrating the suitability of the location for the venture and demonstrating how the development will achieve a high quality tourism product that meets demand. These matters are considered below. The Local Authority has approved a number of planning applications for various types of holiday accommodation within the District. The forms of holiday accommodation have included numerous barn conversions, log cabins, shepherds huts, yurts, safari tents, a treehouse (13/00003/FULL – Fox & Hounds Country Hotel, Eggesford) and a tree tent (17/00317/FULL - Dunscombe Farm, Cheriton Fitzpaine).

2. Need for the development

In rural areas of the district, the strategy as outlined within the Core Strategy is that whilst there is to be strict control over development, the emphasis will be on promoting environmental enhancement including landscape and biodiversity and encouraging appropriate economic diversification with eco-tourism highlighted. Therefore subject to the development being justified through a sound business case and any impact on the landscape kept to a minimum with appropriate mitigation provided where required; a case to support this proposal could be made.

As far as policies within the Core Strategy are concerned, COR 18 (Countryside) states that 'development outside the settlements defined by COR13 -COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.' Criteria 'B' outlines that any development needs to be of an appropriate scale.

With regard to the Development Management Policies, Policy DM24 (Tourism and leisure development) states:

'Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

- a) Respect the character and appearance of the location;
- b) Where possible, involve conversion or replacement of existing buildings; and
- c) Demonstrate that the need is not met by existing provision within nearby settlements.'

The supporting text to this policy outlines that the justification for the development will be provided through a marketing strategy and business plan to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure developments should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside of settlement limits, applicants should have regard to the Council's Tourism Study.

Within the wider locality of the site is Springfield Leisure Park which is located approximately 400m to the east. The designated village of Cheriton Bishop is approximately $\frac{3}{4}$ of a mile to the south west. The village has services including a shop, pub and post office. The proposal is to locate three safari glamping tents with a second phase for two additional safari tents (subject to further application), in an east west direction in the field to the rear of Crooked Chimneys cottage and reference is made to a treehouse style self-catered holiday chalet within a small area of amenity woodland but this does not form part of this application and again would need to be submitted under a separate planning application. The site proposed would operate between 1st March and 31st October each year.

Supporting evidence describes that the development will offer a unique five star glamping experience which is rare in this area with interest in the glamping industry increasing. The business plan identifies 5 other sites within the Crediton and Exeter area that offer specialist glamping accommodation. The closest of these being Windout Farm, which is 3.7 miles from the site in Tedburn St Mary. Springfield Caravan and Leisure Park is also located 400m to the east of the site. This site comprises of caravans and seasonal pitches for tourers which cater for a different part of the holiday market.

The Business Case put forward states that '*In the context of the wider area, GL Hearn on behalf of Mid Devon District Council produced a Mid Devon Tourism Study (2014). Figure 5 in the study shows the breakdown in the number of rooms and bed spaces in Mid Devon in 2010 based on Visit England data. The study outlines that serviced accommodation in Mid Devon tends to take the form of small and mid-sized hotels and bed and breakfast accommodation. What the Mid Devon Tourism Study (2014) demonstrates is that there is a severe lack of self-catering accommodation throughout Mid-Devon. What little self-accommodation there is takes the form of holiday dwellings and tourist campsites. The proposal aims to cater for a different market offering a luxury self-catering glamping unit that blends the luxuries and home comforts of holiday dwellings with the outside and adventurous nature of tourist campsites.*'

In addition to this it was commented that '*A search on Canopy and Stars, an established tourist accommodation provider specialising in glamping and unusual places to stay with a portfolio of over 500 sites in the UK, Ireland, France, Spain, Portugal and Italy reveals the following glamping sites in close proximity as well as the wider area:*

- *Fairfield – Shepherd's huts - Acorn Farm, Spreyton, Crediton, Devon, EX17 5AL,*
- *Big Sky Retreat – Holiday Cabins - Hookhill Plantation, Woolfardisworthy East, Crediton, Devon EX17 4RX,*
- *Upcott Roundhouse – Roundhouses - Upcott Barton, Cheriton Fitzpaine, EX17 4LF,*
- *The Old Piggery – Holiday cottages - Windout Farm, Tedburn St Mary, Exeter, EX6 6DR,*
- *Old Orchard – Shepherd's huts - West Town Farm, Ide, Exeter, Devon, EX2 9TG. 6.22 The closest of these being Windout Farm, which is 3.7miles from the site in Tedburn St Mary.'*

The case is made that this proposal for safari glamping tents will fulfil a different niche to that of the holiday cottages on offer at Windout Farm. Therefore, while Windout Farm and the proposal both come under the heading of 'glamping' the proposal will attract a different market to that of Windout Farm and as such will not adversely impact upon this site. None of the glamping accommodation sites listed above include safari tents and as such the proposal will meet a need that is not met by existing provisions within nearby settlements.

The supporting business plan states that the site is in close vicinity to Dartmoor and the direct access to the A30 makes it an ideal location for a small tourism development. Local to the site are Exeter, Dartmoor, national trust sites including Castle Drogo and Fingle Bridge nature reserve in addition to a large number of public rights of way which are all considered to be desirable for tourists. The revenue generated by tourism can also support and enhance local services and facilities such as shops and pubs in the area.

It has been outlined that guests on arrival will be greeted with a welcome book encouraging them to utilise the local businesses and restaurants.

The statement is made that the applicants will endeavour to source everything as locally as possible during the construction and set-up of the unit and that the setup of a glamping business will generate two direct employment opportunities; one for the landscaping and maintenance of the site and one for the cleaning of the safari tents. There will also be indirect employment opportunities during the construction of the tents and the site.

3. Highway matters

Due to the location of the development visitors will be predominantly reliant on the use of motor vehicles. No objections have been received from the Local Highway Authority noting standing advice should be used, although they have informally commented that 3 Holiday lets will generate an average of between 9 -15 movements per day and that they have no objections to the proposal in terms of highway safety.

Within the application form it is stated that there would be 14 parking spaces for the holiday accommodation to serve the initial three safari tents. It is considered that this provision would be in excess of the requirement in Policy DM8.

4. Design of holiday accommodation

In terms of this planning application, the proposal is for the creation of three units of holiday accommodation, whereby the land use is supported by adopted policy and it would represent a small scale tourism proposal across the site. As referred to earlier, a number of different types of holiday accommodation have been approved within the district with safari tents being one, although not at significant numbers.

The proposal would change the appearance of the field through the introduction of the glamping

tents which are semi-permanent structures with permanent ancillary infrastructure. The colouring for the tents would be either of a brown or green colour and a condition is recommended to approve the details of the final colour. It is considered that a case can be made that the development would comply with policies DM2 (High quality design), DM3 (Sustainable design) and DM5 (Renewable and low carbon energy). The scale of development for a total of 3 holiday units is considered to be in accordance with Policy DM20 (Rural employment development).

5. Impact on the character of the area

The site itself is relatively flat and benefits from mature screen planting although the hedge along the northern boundary had been reduced in height by the farmer of the adjoining field. A consideration of this development is in respect of the visibility of the development in the immediate locality and impacts on the setting on the Grade II listed building at site (policy DM27 (e)). In the wider locality Springfield Caravan Leisure Park and the A30 trunk road are significant landscape features, and based on the information provided when viewed in the context of these features the presence of the glamping tents is unlikely to result in significant adverse impacts to the wider landscape. Landscaping is proposed for the site with native species and there would be scope to increase planting if felt that this would be beneficial.

In terms of the proposal on the setting of the listing building, Paragraph 193 states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 195 highlights that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The Conservation Officer has viewed the proposals and outlines that subject to appropriate landscaping on site of native species, there would be no significant harm to the heritage asset. The benefits to the economically and to community businesses through increased tourism to the area is considered to outweigh any harm. Therefore it is considered that the holiday accommodation would be in accordance with DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. Impact on amenity of occupiers of residential property

Given the distances involved from the proposed holiday units to neighbouring residential properties, it is not considered that there would be a significant detrimental impact on the amenity of neighbouring residents. At the date of writing this report no concerns have been received by any occupier of a neighbouring property. A condition is recommended for any low level lighting scheme to be submitted and approved and the Public Health Team has assessed the application and has raised no objections to the proposals but recommend a condition requiring the submission and approval of a management plan for the development.

7. Other planning matters

The applicant has confirmed that a package treatment plant is proposed and it is noted that the site is located within flood zone 1 where this type of development is acceptable 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).

A Preliminary Ecological Appraisal produced by Western Ecology dated May 2018 which outlines that no protected species would be impacted but mitigation measures have been outlined for the provision of bird boxes and that if any site construction is likely to impact potential bird nesting habitats along the southern site boundary in the period March to August, these habitats should be thoroughly inspected, prior to the start of work, for nesting birds by a suitably qualified person. If nesting birds are found, all activities likely to damage or disturb the nesting area should be delayed until chicks have fledged. A condition is recommended to ensure this happens.

CONDITIONS

1. CD1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. CD7 Approved Plans
3.
 - (i) The holiday accommodation units (safari tents) shall be occupied for holiday purposes only.
 - (ii) The holiday accommodation units (safari tents) shall not be occupied as a person's sole, or main, place of residence.
 - (iii) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation unit on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. The development for the three safari tents hereby approved shall only be occupied for holiday purposes only, limited to three units of holiday accommodation on site with any further safari tents requiring subsequent planning approval. On the holiday units becoming redundant for such purposes, they shall be demolished and all resultant materials removed from the site within 3 months of them becoming redundant for their approved use.
5. The safari tents hereby permitted shall be of a green or brown colour with final details of the colour to be used to be submitted to, and be approved in writing by the Local Planning Authority prior to its use on the site. The approved colour for the safari tents shall be so used and retained thereafter.
6. The development of the three holiday units safari tents hereby approved shall not be occupied until such time as the vehicular access, parking and turning areas indicated on the approved location plan have been provided on site, surfaced and drained. Following their provision, these facilities shall be so retained.
7. Prior to the first occupation of the holiday accommodation safari tents hereby approved, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
8. Prior to occupation of the holiday accommodation safari tents hereby approved, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Management Plan shall be adhered to at all times, unless

otherwise first agreed in writing with the Local Planning Authority. For the avoidance of doubt the Management Plan should cover the following areas:

- A restriction on group numbers
 - A restriction on stag or hen parties
 - The location of fire pits in relation to nearby dwellings
 - Hot tub usage (restriction on hourly use for those in close proximity to nearby dwellings)
 - No fireworks or Chinese lanterns
 - Effective management control on music, musical instruments or radios
 - To operate as a quiet site between the hours of 11pm and 7am and to detail how this will be managed
9. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or within the first planting season following completion (whichever is sooner) and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
10. The development hereby approved shall be carried out in accordance with the mitigation and enhancement recommendations outlined within the Preliminary Ecological Appraisal dated May 2018 and prepared by Western Ecology whereby if any site construction is likely to impact potential bird nesting habitats along the southern site boundary in the period March to August, these habitats should be thoroughly inspected, prior to the start of work, for nesting birds by a suitably qualified person. If nesting birds are found, all activities likely to damage or disturb the nesting area should be delayed until chicks have fledged. Prior to occupation of the first holiday unit, details of the position of bird boxes shall be submitted to and approved in writing by the Local Planning Authority with the development implemented in accordance with these approved details and maintained thereafter.

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 in the interests of proper planning.
3. The use of the holiday let accommodation as a separate dwelling would require planning permission whereby the location, relationship to surrounding dwellings, parking facilities and areas of amenity would need to be considered further. However the application for holiday let accommodation is considered to be in accordance with Policy DM24 of the Local Plan Part 3 (Development Management Policies).
4. To ensure removal of the holiday units if no longer required for holiday occupation in order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
5. To ensure the colour of safari tents are appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the listed church in accordance with Local Plan Part 3: (Development Management Policies) DM2 and DM27.

6. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with DM8 (Parking) of the Local Plan Part 3 Development Management Policies with the National Planning Policy Framework.
7. In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);
8. To safeguard the amenities of the occupiers of any neighbouring property in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
9. To ensure that the development makes a positive contribution to the character and amenity of the area and to protect the setting of the listed building in accordance with policies DM2 and DM27 of Local Plan Part 3: [Development Management Policies].
10. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

INFORMATIVES

1. This development may require a tent site licence. Please contact the licensing Team for more information licensing@middevon.gov.uk

2. If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/>.

3. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. 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.

REASON FOR/ APPROVAL OF PERMISSION/GANT OF CONSENT

The proposals for the change of use to allow for the siting of three safari tents for holiday let accommodation is considered to be acceptable with the tourism use being acceptable not resulting in a detrimental impact to the rural character of the area. It is not considered that the proposal would have an unacceptable impact on the environment or nearby heritage assets and the proposal is considered to be suitably designed and any impact on amenity of neighbouring occupiers is not considered significant given the existing boundary treatment, proposed planting and degree of separation involved. The

development complies with the requirements of relevant policies: COR2 and COR18 of the Mid Devon Core Strategy (LP1), DM2, DM8, DM20, DM24 and DM27 of the LP3 DMP 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 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

| Item No. | Weeks | TARGET DATE | REFVAL | PROPOSAL | LOCATION | NAME | Expected Decision Level | |
|-------------|-------|-------------|---------------|---|---|---------------------|-------------------------|-----------|
| | | | | | | | Delegated | Committee |
| 1 | 0 | 15/03/2019 | 18/02019/MOUT | Outline for the erection of up to 20 dwellings and associated access | Land at NGR 295508 103228 (Silverdale) Silverton Devon | Miss Lucy Hodgson | DEL | |
| 2 | 2 | 01/03/2019 | 18/01659/MFUL | Erection of a cow cubicle building (1054 sqm) | Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon | Miss Lucy Hodgson | DEL | |
| 3 | 2 | 01/03/2019 | 18/01666/MFUL | Erection of a poultry house (2) (1561sqm) | Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon | Miss Lucy Hodgson | DEL | |
| Page 67 | 2 | 01/03/2019 | 18/01668/MFUL | Erection of a poultry house (1) (1561sqm) | Land and Buildings at NGR 295161 114081 (Rix Farm) Bolham Devon | Miss Lucy Hodgson | DEL | |
| | 3 | 26/02/2019 | 18/01935/MFUL | Erection of 2-storey GP Practice | Land at NGR 284429 99439 Joseph Locke Way Crediton Devon | Mr Adrian Devereaux | DEL | |
| 6 | 3 | 20/02/2019 | 18/01814/MFUL | Change of use of agricultural land for the siting of 6 holiday lodges and alterations to existing access | Land at NGR 299541 113262 Crown Hill Halberton Tiverton Devon | Mrs Alison Fish | DEL | |
| 7 | 3 | 22/02/2019 | 18/01930/MARM | Reserved Matters for residential development of 30 dwellings (appearance, landscaping, layout and scale) pursuant to APP/Y1138/17/3178479 in relation to 17/00300/MOUT and discharge of outline planning conditions | Land at NGR 305578 112053 Uffculme Road Uffculme Devon | Miss Hannah Cameron | DEL | |
| 8 | 4 | 15/02/2019 | 18/01800/MFUL | Construction of an on-farm anaerobic digestion plant and associated infrastructure | Land at NGR 285024 100245 (East of Lords Meadow Industrial Estate) Crediton Devon | Mr Daniel Rance | DEL | |
| 9 | 5 | 12/02/2019 | 18/01634/MFUL | Erection of 19 dwellings (6 affordable) | Land at NGR 310020 113953 Linhay Close Culmstock Devon | Mrs Alison Fish | DEL | |

| Item No. | Weeks | TARGET DATE | REFVAL | PROPOSAL | LOCATION | NAME | Expected Decision Level | |
|-------------|-------|-------------|---------------|---|---|---------------------|-------------------------|-----------|
| | | | | | | | Delegated | Committee |
| 10 | 5 | 08/02/2019 | 18/01739/FULL | Variation of condition (1) of planning permission 17/01370/MARM to allow substitute plans and variation of condition (4) the Surface Water Drainage Scheme | Land at NGR 305658 112080 (Harvesters) Uffculme Devon | Miss Hannah Cameron | DEL | |
| 11 | 10 | 08/01/2019 | 18/01711/MFUL | Formation of an open clamp (4630m2) for the storage of silage and provision of new access | Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm) Rackenford Devon | Miss Hannah Cameron | DEL | COMM |
| 12 | 16 | 22/11/2018 | 18/00742/MOUT | Outline for the erection of 8 industrial units, access road, with parking and recycling areas | Land at NGR 284328 100184 Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon | Mr Simon Trafford | DEL | |
| 13 | 23 | 09/10/2018 | 18/01091/MOUT | Outline for the erection of up 10 dwellings including alterations to existing vehicular and pedestrian access | Land at NGR 300172 112650 West of Fishers Way Pethertons Halberton Devon | Mrs Alison Fish | DEL | |
| 14 | 24 | 26/09/2018 | 18/00915/MFUL | Erection of Lidl food store (Class A1) and non-food unit (Class A1) with associated parking, landscaping and access arrangements following demolition of existing buildings | Foundry Estate Blundells Road Tiverton Devon | Mr Adrian Devereaux | COMM | COMM |
| 15 | 28 | 29/08/2018 | 18/00786/MOUT | Outline for the erection of up to 65 dwellings, public open space, ancillary works and associated infrastructure, including access | Land at NGR 282727 100936 Higher Road Crediton Devon | Mr Simon Trafford | COMM | COMM |
| 16 | 32 | 01/08/2018 | 18/00680/MFUL | Extension and re-landscaping of car park, and alterations to hole 10 fairway and hole 12 tee and fairway | Land at NGR 284947 98978 (Downes Crediton Golf Course) Hookway Devon | Mr Simon Trafford | DEL | DEL |
| 17 | 35 | 12/07/2018 | 17/02061/MFUL | Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping | Crediton Garden Centre Barnstaple Cross Crediton Devon EX17 2ER | Mr Simon Trafford | COMM | COMM |
| 18 | 35 | 12/07/2018 | 18/00518/MFUL | Erection of 40 dwellings, conversion of barns to 7 dwellings, formation of new accesses and car parking areas, with associated works including access and landscaping | Halberton Court Farm High Street Halberton Tiverton Devon EX16 7AW | Mr Daniel Rance | DEL | COMM |
| 19 | 37 | 27/06/2018 | 18/00504/MOUT | Outline for the erection of 3 dwellings | Land at NGR 307538 116626 (North of Town Farm) Burlescombe Devon | Mr Adrian Devereaux | COMM | DEL |

| Item No. | Weeks | TARGET DATE | REFVAL | PROPOSAL | LOCATION | NAME | Expected Decision Level | |
|-------------|-------|-------------|---------------|---|---|-------------------|-------------------------|-----------|
| | | | | | | | Delegated | Committee |
| 20 | 37 | 27/06/2018 | 18/00414/MFUL | Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges | Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon | Miss Helen Govier | COMM | COMM |
| 21 | 47 | 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 |
| 22 | 50 | 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 |
| 23 | 60 | 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 |
| 24 | 67 | 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 |
| 25 | 70 | 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 |
| 26 | 71 | 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 |
| 27 | 74 | 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 |

| Item No. | Weeks | TARGET DATE | REFVAL | PROPOSAL | LOCATION | NAME | Expected Decision Level | |
|-------------|-------|-------------|---------------|---|---|-------------------|-------------------------|-----------|
| | | | | | | | Delegated | Committee |
| 28 | 93 | 05/06/2017 | 17/00348/MOUT | Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 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 |
| 29 | 108 | 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 |
| 30 | 110 | 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 |