

# Public Document Pack

Committee Administrator  
Sally Gabriel  
Tel: 01884 234229  
E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 6 March 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 3 April 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### **STEPHEN WALFORD**

Chief Executive  
26 February 2019

**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 5 - 12*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 6 February 2019.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.

- 6        **ENFORCEMENT LIST** *(Pages 13 - 22)*  
To consider the items contained in the Enforcement List.
- 7        **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 8        **THE PLANS LIST** *(Pages 23 - 64)*  
To consider the planning applications contained in the list.
- 9        **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 65 - 68)*  
List attached for consideration of major applications and potential site visits.
- 10       **APPEAL DECISIONS** *(Pages 69 - 70)*  
To receive for information a list of recent appeal decisions.
- 11       **APPLICATION 18/02080/FULL - DEMOLITION OF GROUND FLOOR SHOP, INSTALLATION OF EXTERNAL CLADDING, SIGNAGE, CANOPY AND DISPLAY WINDOWS, ERECTION OF A MIXED USE BUILDING OF 3 APARTMENTS WITH GROUND FLOOR RETAIL UNITS WITH ASSOCIATED WORKS - 34 FORE STREET AND LAND TO REAR OF 36 FORE STREET, TIVERTON.** *(Pages 71 - 88)*  
To consider a report of the Head of Planning, Economy and Regeneration regarding the above application.
- 12       **COSTS IN THE PLANNING SERVICE** *(Pages 89 - 110)*  
To consider a report of the Head of Planning, Economy and Regeneration highlighting some of the headline findings of the recent costs exercise to provide Members with background information on suggested service improvements and changes.

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

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

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

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

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

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

Tel: 01884 234229

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 6 February 2019 at 2.15 pm

### **Present**

#### **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

### **Also Present**

#### **Councillor(s)**

Mrs J B Binks and Mrs M E Squires

### **Present**

#### **Officers:**

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Adrian Devereaux (Area Team Leader), Alex Marsh (Conservation Officer), Chris Shears (Economic Development Officer) and Sally Gabriel (Member Services Manager)

## 101 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 102 **PUBLIC QUESTION TIME (00-02-53)**

Cllr Mrs J B Binks referring to item 1 on the Plans List (Wisteria House, Morchard Bishop) stated that her co-ward member had called the application in with support from herself and the Parish Council; it concerned her that the interpretation of planning law could cause conflict between officers and residents. She informed the meeting that there would be a spate of applications for Listed Building Consent coming from Morchard Bishop, with a view to this, a site visit of all such listed properties in Morchard Bishop had been organised with the Conservation Officer for 2.00pm on 21 February, she asked whether the committee felt that this was a good idea and whether they would like to attend as well.

The Chairman indicated that she would consult with the committee and correspond further with Cllr Mrs Binks.

Dr Manning again referring to Item 1 on the Plans List stated that when he bought the property a survey had identified that there had been listed building consent granted for the annex which had double glazing. He asked whether the committee were aware that some of the seals in the upstairs windows were made of MDF and that this swelled with the condensation and would need to be replaced, with double glazing there would not be any condensation.

Mr Veltink referring to item 10 on the agenda (Whitehall Farm, Morebath) asked whether the additional units in the new application which were situated further down the village should be considered as over-development, if the application was approved would this set a precedent for further development in the area? He continued stating that the area was of great landscape value, what consideration had been given to this; also that the area had reduced signage and any signage would require planning permission, residents did not want people knocking on the door asking for directions but residents didn't want lots of signage everywhere either.

The Chairman indicated that answers to questions would be provided when the items were debated.

### 103 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

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

### 104 **MINUTES OF THE PREVIOUS MEETING (00-10-35)**

The minutes of the meeting held on 9 January 2019 were approved as a correct record and signed by the Chairman.

### 105 **CHAIRMAN'S ANNOUNCEMENTS (00-11-00)**

The Chairman had the following announcements to make: she informed the meeting that the following posts had been filled within Development Management – Jake Choules, Planning Assistant would start on 18 February and Oliver Dorrell – Planning Officer would start on 11<sup>th</sup> March.

### 106 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

### 107 **THE PLANS LIST (00-12-14)**

The Committee considered the applications in the plans list \*.

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

(a) No 1 on the Plans List (***18/01467/LBC – Listed Building Consent for the replacement of 11 windows with new hardwood timber windows – Wisteria House, Fore Street, Morchard Bishop***)

The Conservation Officer outlined the contents of the report highlighting by way of presentation the location of the listed building in the village of Morchard Bishop and photographs of the windows taken from various angles and compared with those taken in 1916. Members also received photographs of the street frontage and the details of each window which the Conservation officer felt could all be repaired rather than replaced. He outlined the guidance given by Historic England and the national policy which sort to conserve the original windows in the listed property.

Consideration was given to:

- The technical risk to the dwelling of replacing the windows.
- Whether double glazed hardwood windows were appropriate.
- Whether just repairing the windows would stop the issues with condensation and draught and whether the impact/harm of new windows to the listed building outweighed the benefits.
- The impact of the condensation on the fabric of the property.
- The views of the applicant's agent, with regard to the listing and the fact that the new windows had been designed to retain the 19<sup>th</sup> Century style and would stop the threat to the fabric of the building, the current windows were not original and the new windows would be more suitable and would match the 1916 windows shown in the photographs.
- The views of the Parish Council with regard to the visual impact of new windows on the property; other properties in the village had double glazed hardwood windows and that the new windows would benefit the property in the long term.
- The views of one of the Ward Members with regard to the condensation problems, the windows had been updated in the 1960's and that the replacement bars could match the existing.
- The porch had not been present in the early pictures but had been in place for many decades.
- The use of hardwood windows in listed properties was acceptable, with only the double glazing being the issue

**RESOLVED** that:

- a) Listed Building Consent be granted for the following reason: the design detail and material of the replacement windows conserved the character of the conservation area and therefore was deemed acceptable;
- b) Delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions to include a condition which stated that the glazing bars of the windows be the same as the existing design.

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

Notes:

- i) Mr Lewin (agent for the applicant) spoke;
- ii) Cllr Grant (Morchard Bishop Parish Council) spoke;
- iii) Cllr Mrs M E Squires spoke as Ward Member;
- iv) The following late information was provided, the reason for call in by Cllr Mrs M E Squires had been omitted from the report: which read 'To discuss the issue of conservation and how that sits with climate change and the need to conserve our energy needs coupled with insulation for residents and affordability with running costs in the future.'

## 108 MAJOR APPLICATIONS WITH NO DECISION (00-54-35)

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

It was **AGREED** that:

Application 19/00038/MOUT – Culmbridge Farm, Hemyock be brought before the committee if minded to approve and if that was the case then a site visit take place.

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

## 109 APPEAL DECISIONS (00-55-37)

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.

## 110 APPLICATION 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/ADJOINING GARDEN FOR THE SITING OF ONE CABIN, ALL FOR HOLIDAY USE - LAND AT NGR 295315 124977 (WHITEHALL FARM) MOREBATH (00-56-50)

The Committee had before it an \* implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at the meeting on 9 January 2019, were minded to refuse planning permission, but a final decision was deferred pending consideration of an implications report.

The Area Team Leader addressed the meeting highlighting the additional responses from the Highway Authority on the update sheet following concern raised by Ward Members over the practicality of the access proposed and the possible addition of a further condition to address this. In respect of the questions posed in public question time, he provided the following responses: whether the application would result in overdevelopment and would this set a precedent – overdevelopment had been addressed in the report and each application was dealt with on its individual merits. With regard to designations, Morebath was not in an area of great landscape value but the site was in an area for control of advertisements, therefore signage with deemed consent would be based on reduced sizes in this area.

The Officer then informed the meeting of the planning history on the site and outlined the contents of the report by way of presentation, highlighting the site location plan on the western edge of the village of Morebath, the elevations of the building that had been approved and the block plan of the current proposals for the tree houses and replacement of the existing summerhouse, the entrance plan, sewage plan, the elevations and proposed floor plans of the holiday units, the detailed plans of the tree houses and a plan identifying the nearest neighbours and the distances between those properties and the development site. He referred Members to the implications report and the four reasons for refusal for consideration.

Consideration was given to:

- The views of the Ward Members with regard to the inadequate design of the proposal, the narrow and steep access, the dramatic topography and the fact that the proposal with regard to the tree houses was out of character for the local area, the increase in traffic movement as there were no local services in the village, possible issues with the treatment plant flowing into Shuttern Brook and the impact of this on Bampton. Consideration was also given to the character of the site and impact upon the visual amenity of this part of Morebath, as well as impact on neighbouring properties. Further, whether the proposal was viable and whether it was in line with policy DM24, was there a long term business case and was there any benefit to the local community.
- The views of the Economic Development Officer outlining the need for the tourist accommodation in the area and that he had worked with the applicant and was satisfied with the nature of the proposal. Whilst the success of the business could not be guaranteed such a project should be supported.

It was therefore

**RESOLVED** that planning permission be refused on the following grounds:

1. The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area and the visual amenity of the area in general representing overdevelopment of the site. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
2. In the opinion of the Local Authority, the proposed development would prejudice road safety due to the proposed widening of the access and level changes involved resulting in a steep gradient and through the increase in traffic travelling along a narrow congested lane without a public footpath. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM24 of the Mid Devon Local Plan part 3 (Development Management Policies).
3. Insufficient information has been submitted to demonstrate a business case has been justified for holiday accommodation on this site which would provide economic benefits to the community and represent sustainable development. Therefore the development is considered to be contrary to DM24 of the Local Plan Part 3 (Development Management Policies).
4. The proposed development would result in a detrimental impact on the amenity of occupiers of neighbouring property through overlooking and increased disturbance through noise and light pollution. The development is therefore considered to be contrary to Policy DM2 of the Local Plan Part 3 (Development Management Policies).

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

(Vote 6 for: 5 against)

Notes:

- i) Cllrs 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 knew several of the objectors;
- ii) Cllr B A Moore declared a personal interest as his property had a building with a holiday let, this was not used and there was no intention to use it;
- iii) Cllr Mrs H Bainbridge declared a personal interest as she owned a holiday letting business 8 miles from the site;
- iv) Cllr Mrs F J Colthorpe declared a personal interest as she had attended Morebath Parish Council meeting as a the County Councillor;
- v) Cllrs Mrs C A Collis, Mrs F J Colthorpe, G Doe, P J Heal and D J Knowles requested that their vote against the decision be recorded;
- vi) Cllrs Mrs H Bainbridge, B A Moore and R L Stanley to be available should the applicant appeal the decision;
- vii) The following late information was reported: 5 February 2019

One letter of objection has been received from a Mr Edwards  
One letter of support has been received from Bell Cornwell Charter Town Planners acting on behalf of the applicant.

Both letters have been circulated to Members ahead of the Planning Committee Meeting.

A response has been received from Ian Sorenson from the Local Highway Authority in answer to an email from Cllr Moore highlighting concern raised over the practicality of the access proposed. Ian Sorenson outlines that he would support a condition requiring the access details being submitted for approval.

The following comment was made:

‘It is fair to say that an initial look at the landscape plan conditioned by the LPA shows the access edge closest to Morebath village being 1 in 10 and the levels on the plan are prominent, but as the road descends to the bend the access steepens dramatically and unless all the levels were considered this steepening of the access may not have been picked up. Looking at this plan the access appears to rise to a maximum height some 3.0m in from the road and then drops away again into the site. The access would benefit from a lowering of the western access edge to provide an improved gradient, but should be done in such a way as to not provide an adverse cross fall’.

- viii) Note: \*Report previously circulated copy attached to signed minutes.

111 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1ST OCTOBER- 31ST DECEMBER 2018 (1-31-00)**

The Committee had before it and **NOTED** a \* report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for quarter 3 of 2018/19

The Group Manager for Development outlined the contents of the report stating that national planning performance indicators continued to be met and exceeded in the majority of areas measured. He highlighted the many changes within the team and the proposed new staff which would help to improve performance statistics.

Note: \*Report previously circulated copy attached to signed minutes.

(The meeting ended at 3.50 pm)

**CHAIRMAN**

This page is intentionally left blank

## PLANNING COMMITTEE – 6 March 2019

### ENFORCEMENT REPORT LIST

1. ENF/17/00326/RURAL – Unauthorised operational development in the permanent fixing of a shipping container on the land; and unauthorised material change of use from agriculture to a mixed use for agriculture and the storage of materials not required for agriculture - Bradford Farm, Uplowman, Tiverton, EX16 7DQ
2. ENF/19/00036/LB - Without listed building consent, the insertion of uPVC sliding doors and windows to the 20<sup>th</sup> century rear single storey extension and uPVC dormer windows to south elevation. Loram Cottage, Copplestone, Crediton, Devon

This page is intentionally left blank

**Case No.** ENF/17/00326/RURAL

**Grid Ref:** 299304 114336

**Address:**

Bradford Farm, Uplowman, Tiverton, EX16 7DQ

**Alleged Breaches:**

- 1 Unauthorised operational development in the permanent fixing of a shipping container on the land; and
- 2 Unauthorised material change of use from agriculture to a mixed use for agriculture and the storage of materials not required for agriculture

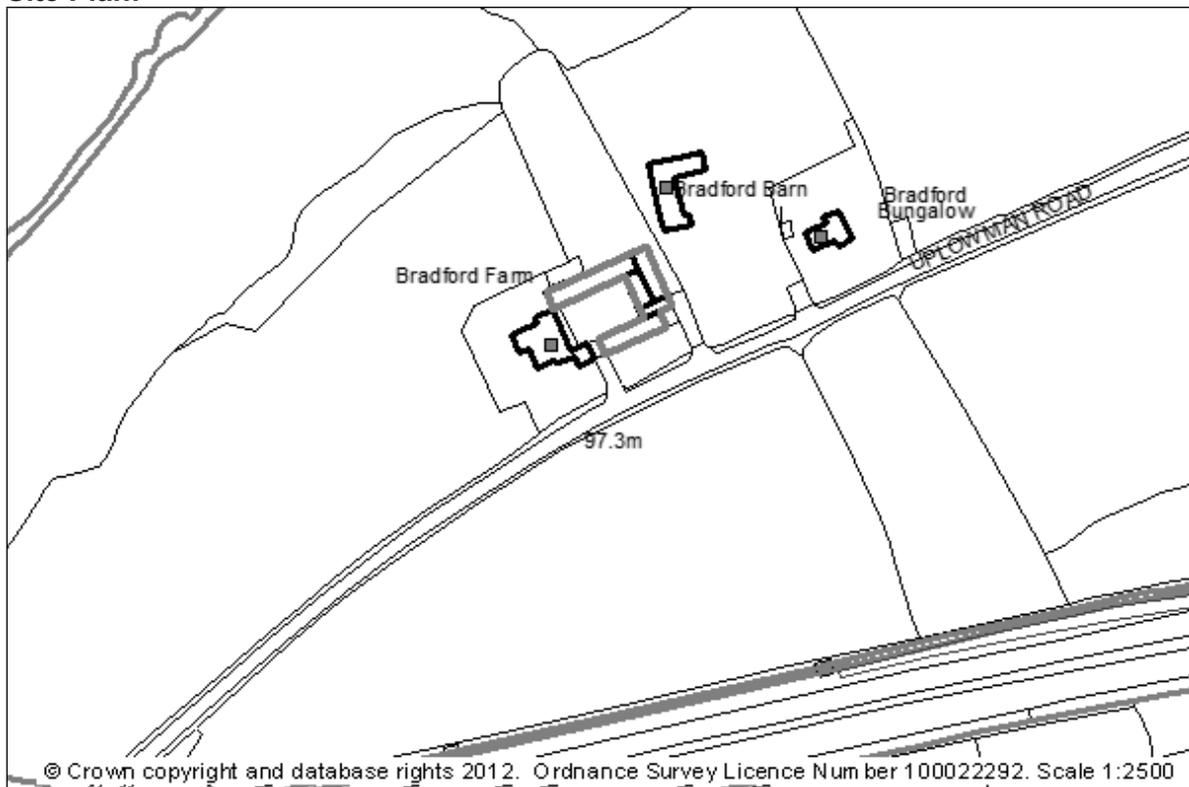
**Recommendation:**

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

**Site Description:**

Bradford Farm comprises an existing residential dwelling which sits to the east of a collection of agricultural buildings that form an enclosed courtyard. The unauthorised shipping container is situated on land to the north of these agricultural buildings, behind a timber fence forming the western boundary of the rear car parking area.

**Site Plan:**



**Relevant Site History:**

None

**Development Plan Policies:**

National Planning Policy Framework

**Mid Devon Core Strategy (Local Plan 1)**

COR18 – Countryside

**Mid Devon Local Plan Part 3 (Development Management Policies)**

Policy DM2 – High quality design

Policy DM31 – Planning enforcement

**Reasons/Material Considerations:**

In December 2017, a complaint was received by the enforcement team alleging unauthorised activities taking place at Bradford Farm, Uplowman. Discussions are ongoing in regard to regularising several of the issues raised, therefore, this enforcement report deals only with the specific issue to which it refers.

In June 2018, while visiting the site on an separate matter, the case officer noted that a shipping container had been placed on the agricultural land to the rear of Bradford Farm. The shipping container had been placed on a concrete base and behind a new boundary fence which separated the agricultural land from a recently formed car parking area and had been attached to the main services. When questioned, the landowner's agent advised that the shipping container represented a temporary structure that was being used in association with the building works being undertaken to the existing barns.

In September 2018, the case officer contacted the landowner's agent requesting a timeframe for the removal of the temporary shipping container as the permanent retention of the structure would require planning consent. A further site inspection on 29 October 2018 confirmed that the shipping container remained on site and was now being used as a secure chemical store. An email sent to the landowner's agent on 12 November 2018 confirmed that the design of the shipping container was out of keeping with the appearance, scale and character of the existing buildings and contrary to adopted policy. A request was made that the landowner's agent provide a timeframe for its removal by 23 November 2018.

On 25 November 2018, the landowner sent an email to the case officer stating that the shipping container was a portable container on moveable skids and as such, was not deemed a permanent structure that required planning consent. The landowner went on to confirm that he did not intend to provide a date for its removal.

It is your officer's view that the shipping container, by virtue of its size and physical attachment to the land, including its connection to the main services, represents a permanent structure which would require planning consent. The shipping container has remained in the same location in excess of 6 months with no indication that it is to be relocated. This form of development is not considered acceptable in this location owing to its detrimental impact on the visual amenity of the surrounding area.

Your officers do not consider that the breach of planning control will be resolved voluntarily, therefore, it is proposed that an Enforcement Notice (Operational Development) should be served to secure the removal of the unauthorised shipping container and the associated concrete base.

## **Human Rights and Equality Issues:**

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

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

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

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

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

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

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

### **Reasons for issuing the Notice**

It appears to the Council that this breach of planning control has occurred within the last four years. This breach concerns unauthorised operational development in relation to the siting of a permanent structure, in this case a shipping container, without the benefit of planning consent.

The operational development, by virtue of its design, scale and degree of permanence represents an incongruous feature on the site which results in a detrimental impact upon the visual amenity of the immediate area. The development is, therefore, considered to be contrary to policy COR18 of the Mid Devon Core Strategy and policies DM2 and DM31 of the Mid Devon Local Plan Part 3

This page is intentionally left blank



## Site History:

18/01983/LBC      Listed Building Consent for installation of replacement windows on North elevation      PERMIT

## Development Plan Policies:

National Planning Policy Framework

## Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

## Mid Devon Local Plan Part 3 (Development Management Policies)

DM31 - Planning enforcement

DM27 – Development Affecting Heritage Assets

## Reasons/Material Considerations:

Loram Cottage a grade II listed property. The property is a former Post Office and dates from the 18<sup>th</sup> century, which was modernised and extended in the mid twentieth century with a setback west end garage and porch

The building is two storey constructed from rendered cob on rubble plinth and rubble stone stack with early 19<sup>th</sup> brick chimney and thatch roof. The principle elevation has regular openings with standard double glazed uPVC windows identified in the listing to the first floor and more recently inserted without listed building consent, uPVC windows to the ground floor openings.

Listed Building Consent 18/01983/LBC was granted on 5<sup>th</sup> December 2018 for the replacement of the uPVC windows to the front elevation (north) and their replacement with timber flush fitting casement windows to the first floor and timber sliding sash windows to the ground floor.

At the time of the application it was identified that the rear (south) twentieth century single storey extension and elevation had uPVC replacement windows and sliding doors in place. It was negotiated with the owner that should they seek to replace the unauthorised uPVC window to the front (north) ground floor and include the replacement of the first floor uPVC windows, despite the fact that these were in place at the time the building was listed – but that the Local Planning Authority would then not find it expedient to take further enforcement action against the existing unauthorised doors and windows to the south elevation, as it was considered they did not harm the architectural or historic interest of the building.

## Human Rights and Equality Issues:

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

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

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to

planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

## **Reason**

### **for action or remedy:**

The Local Planning Authority shall not find it expedient to take further enforcement action against the existing unauthorised doors and windows to the south elevation, as it has been considered they do not harm the architectural or historic interest of the building.

This page is intentionally left blank

## PLANNING COMMITTEE AGENDA - 6th March 2019

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	18/00874/FULL - Conversion of artists studios to 3 holiday lets at Cleave Barton, Bickleigh, Tiverton. <b>RECOMMENDATION - Refuse permission</b>
02.	18/02024/FULL - Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL at Land and Buildings at NGR 301270 112834, (Orchard House), High Street. <b>RECOMMENDATION - Grant planning permission subject to conditions</b>
03.	18/02071/FULL - Retention of Log store at Bradford Farm, Uplowman, Tiverton. <b>RECOMMENDATION - Grant permission subject to conditions</b>

Application No. 18/00874/FULL

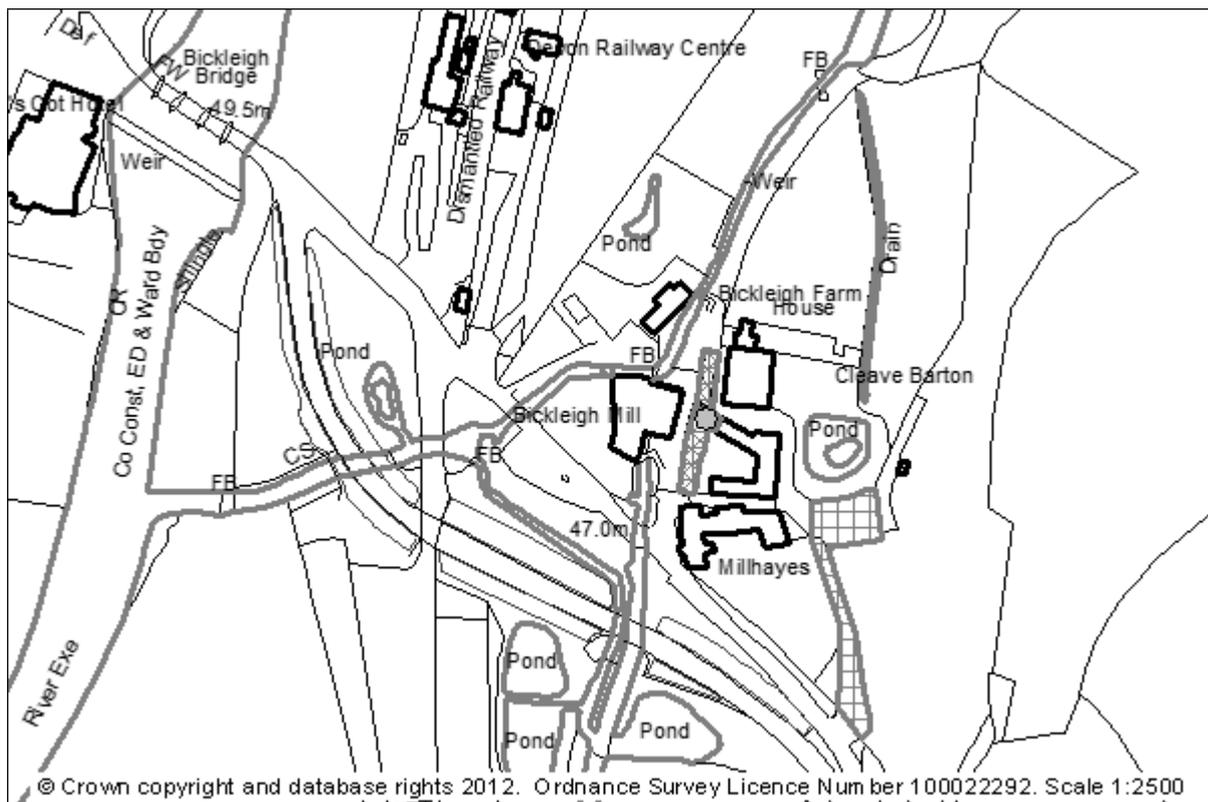
Grid Ref: 293920 : 107454

Applicant: Mrs E Wright, Cleave Barton Partnership

Location: Cleave Barton  
Bickleigh  
Tiverton  
Devon

Proposal: Conversion of artists studios to 3 holiday lets

Date Valid: 25th June 2018



**APPLICATION NO: 18/00874/FULL**

**MEMBER CALL-IN**

The application was called in by Cllr Deed in order for the Planning Committee to consider whether further development of this residential property, it being within a flood plain, would create an acceptable risk to the occupants of the property – namely Cleave Barton.

**RECOMMENDATION**

Refuse permission

**PROPOSED DEVELOPMENT**

Conversion of artists studios to 3 holiday lets

**APPLICANT'S SUPPORTING INFORMATION**

Design and access statement  
Ecological survey  
Foul Drainage Assessment  
Heritage Assessment  
Structural report  
Business plan  
Transport Statement  
Flood risk assessment  
Plans

**RELEVANT PLANNING HISTORY**

18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
19/00040/DET - PCO date  
Licensing application  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date  
Conversion of artists studios to 3 holiday lets  
18/00874/FULL - PCO date

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 Sustainable communities  
COR2 Local distinctiveness  
COR9 Access  
COR11 Flooding  
COR18 Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM7 Pollution  
DM8 Parking  
DM11 Conversion of rural buildings  
DM24 Tourism and leisure development

## **National Planning Policy Framework**

### **Planning Practice Guidance 2014 'Flood risk and coastal change'**

## **CONSULTATIONS**

**Highway Authority** - 4th July 2018

Standing advice applies please see Devon County Council document

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

## **ENVIRONMENT AGENCY – 15.01.2019**

Thanks for reconsulting us on this application. Further to the November 2018 Flood Risk Assessment (FRA), and letter dated the 28 November 2018 we make the following comments. This letter should be read in conjunction with our previous responses and national planning policy contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

We maintain our position as laid out in our formal responses. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime.

### **1. Access/Egress and Flood Warning and Evacuation Plan**

The submissions make no mention, especially in light of specific local circumstances, of the policy requirement for residents and users to safely access and exit a building during a 'design' flood and to evacuate before an 'extreme' flood. Neither do they mention the absolute policy requirement for a Flood Warning and Evacuation Plan to be produced in this instance. There is sufficient evidence available to prove that water would not be 'tranquil on the edge of the floodplain to the immediate east of Cleave Barton' during a 'design' and 'extreme' flood, or indeed more frequent floods. The FRA includes reference, and assumptions, regarding the 1965 flood, including a possible flood level that occurred. It should be recognised that the 1965 flood had an approximate return period of 1 in 50 (2% annual probability). As such water levels in this flood would have been lower than a 'design'

and 'extreme' flood. Available evidence confirms that the combination of depth and velocity of flooding, reference Table 13.1 Ref R&D Technical Report FD2320 TR2 Defra, would pose "Danger for all" including emergency services in future 'design', 'extreme' flood, or indeed more frequent floods.

## 2. Bickleigh Farm House

In terms of Bickleigh Farm House it should be recognised that there was no change of vulnerability classification when its then established residential usage was changed to holiday let usage in the early 2000's. A change of use from 'less vulnerable' to 'more vulnerable' is being sought regarding the current application.

## 3. Bickleigh Mill

With regard to the proposed Bickleigh Mill workers accommodation application in 2012 it should be recognised that there was no specific requirement within the National Planning Policy Framework for a 'Flood Warning and Evacuation Plan' for the usage then sought. There is an absolute requirement for such regarding the current application.

## 4. Cleave Barton Flood Resistance measures

The flood gate at the entrance to Cleave Barton, which forms part of the resistance measures that were instigated when it was converted from an outbuilding to a residence, is approximately 1m high. As such it is very unlikely that Cleave Barton is flood resistant up to a level of 48mA.O.D, as is suggested in the November 2018 FRA, and as such the resistance measures in place do not offer a 1 in 100 year level of protection as is suggested in Mr Milverton's letter of the 28 November 2018.

## 5. Statement 5 of letter dated 28 November 2018

We take this opportunity to challenge statement 5 of Mr Milverton's letter of the 28 November 2018 that 'The FRA identifies that the depths of flood waters in a 1 in a 1,000 year flood are no different to a 1 in a 100 year flood due to the width of the floodplain and the speed at which flood waters abate;..'.  
Flood depths and velocities would be higher in a 1 in 1000 year (extreme flood) flood than a 1 in 100 year (design flood), as shown within the November 2018 FRA, by virtue of the fact that more water would be passing through the narrow, and heavily constricted, floodplain at the application site.

Flood depths and velocities would be higher in a 1 in 1000 year (extreme flood) flood than a 1 in 100 year (design flood), as shown within the November 2018 FRA, by virtue of the fact that more water would be passing through the narrow, and heavily constricted, floodplain at the application site.

Advice to the LPA

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **ENVIRONMENT AGENCY 29.10.2018**

Further to the letter dated 8 October 2018 from Mr Milverton we write to confirm our position and clarify the points raised. This letter should be read in conjunction with our previous responses and national planning policy contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

## Environment Agency position

We maintain our position as laid out in our formal responses dated 3 October 2018 and 23 July 2018. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. Due to the severity of the flood risks in this location we consider that it is unlikely that this objection can be overcome. However, if the Local Planning Authority are minded to approve the application contrary to this advice, we strongly recommend that you consult your emergency planners in respect of emergency evacuation from the building. It will be their role to advise you on whether they consider the proposed arrangements for access/egress to be acceptable in these circumstances.

We provide below clarification on the points raised in Mr Milverton's letter and additional advice in respect of flood insurance and the flood risk Sequential and Exception Tests. We hope this will be sufficient information to enable you to determine this application.

### 1. The role of the Environment Agency

Our role is to provide technical advice to decision-makers to enable them to make informed decisions based on evidence. We have reviewed the information contained within the submitted Flood Risk Assessment (FRA) dated May 2018 by Dennis Gedge and other flood records to advise the local authority of the flood risks affecting the site. We have advised that, in our view, the evidence indicates that the hazard to the site is very high and that the development would result in unacceptable flood risks to people and property.

We have also advised your Authority that there would be no safe access/egress route to and from the site during the design flood event. Planning policy is clear that a Flood Warning and Evacuation Plan (FWEP) must be submitted in such circumstances. However, it is not our role to consider the adequacy of the FWEP or to make an assessment of the structural stability of the building should a 'stay put' proposal be the only option. Our only role during an emergency will be endeavouring to deliver flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their ultimate decision. We have therefore advised your Authority to consult with your emergency planners before determining the application. It will be their responsibility to advise you on matters of safety relating to emergency evacuation. They will need to consider the technical advice we have given regarding the hazard to the site when reaching their decision.

Given the evidence of the significant flood risks affecting the site, the absence of any information that your Authority's emergency planners consider that the risks to occupants are acceptable and the absence of a report confirming the structural stability of the building, we consider that we have no option but to maintain an objection to this planning application.

## 2. Significance of the August 1952 and 4 December 1960 floods

We assume that the mention of 'the data released' in Mr Milverton's letter refers to the plans and photographs included on pages 8 to 12 of the FRA report dated May 2018. We refer you to the plans shown on pages 11 and 12 of the FRA which indicate potential flood depths during a 1% annual probability flood (without any allowance for climate change) and 0.1% annual probability flood (without any allowance for climate change). These are derived using the latest best estimate of flood flows, which would have been derived using data from the relevant flow gauges on the River Exe catchment.

Evidence relating to the August 1952 and 4 December 1960 floods, when considered against evidence from more recent floods, for example, the photograph at the top of page 9 of the FRA which shows the aftermath of the 23 Dec 2012 flood, arguably demonstrates that these two floods had the potential to cause risk to life irrespective of their return periods.

Evidence on the Hydrology National River Flow Archive web site, which is freely available, clearly identifies that the 1960 flood was the largest recorded since the Stoodleigh gauge was installed.

In terms of the 1952 flood, we advise that a resident of Bickleigh Cottage, who has been resident at the property since 1933, confirmed several years ago when the EA were carrying out a flood history findings exercise, that the 1952 flood was similar in magnitude to the 23 Dec 2012 flood.

In light of the above, we consider that the August 1952 and 4 December 1960 floods are material factors in this instance.

## 3. Data from the Centre for Ecology and Hydrology National River Flow Archive

The responsibility of demonstrating compliance with the NPPF rests firmly with the developer. It is normal practice for the developer to supplement any data the Environment Agency may issue with freely available data from other organisations e.g. the Centre for Ecology and Hydrology National River Flow Archive, for the purpose of demonstrating whether or not a development proposal would be acceptable.

## 4. Structural stability of the building

The potential combination of depths and flood velocity poses a risk of structural damage. We do not consider that this statement is generic or unreasonable, particularly in light of evidence regarding from previous floods in Bickleigh, and risks posed by climate change. For example, the photograph at the top of page 9 of the FRA which shows the aftermath of the 23 Dec 2012 flood, arguably demonstrates the power of flood water in what was not a design event.

If the developer wishes to challenge this assessment, they may wish to submit a structural survey of the building to demonstrate whether it will be safe during the design flood event over the lifetime of the development. As highlighted above, it will be for the local authority to make the final decision in respect of the safety of any residents who remain within the building.

## 5. Flood Hazard, Warning and Evacuation

Flood Hazard: Danger to all - including the emergency services

We refer you to Table 13.1 of the R&D FRA Guidance for New Developments Study: Phase 2 FD2320/TR2 which, when in consideration of evidence of the 23 Dec 2012 flood and Stoodleigh Gauging Station data, clearly identifies the flood risk around the properties and land in question would, in certain instances (including the 23 Dec 2012 flood) represent 'Danger to all - including the emergency services'. We take this opportunity to reiterate that the 23 Dec 2012 flood was an event that is likely to occur more frequently than a 'design' flood or an 'extreme' flood.

The emergency planners will need to take account of this information when advising you on the adequacy of any procedures proposed on emergency evacuation.

### Flood Warnings

The flood warning area that covers Bickleigh is the 'River Exe from Tiverton to Exeter, including Bickleigh'. This Flood Warning Area has approximately 125 properties at risk within it. The threshold for this flood warning area is based on flooding to the first property to flood.

The list of river gauges above Bickleigh, is as follows; Exford, Pixton, Exebridge, Stoodleigh, Tiverton on the River Exe; Bampton Bridge on the Bathern; Craze Lowman and Tiverton Lowman on the River Lowman. Wimbleball on the Haddeo. and Simonsbath and Brushford on the River Barle.

Flood Warnings for the River Exe at Bickleigh are primarily based off our Tiverton River Gauge. This is because we have good level to level correlation between the first property to flood in Bickleigh (that being Bickleigh Cottage) and a level at Tiverton. This relationship, in conjunction with our flood forecasting model, will provide over our National aim of 2 hours lead time before flooding to the first property in Bickleigh occurs.

We use our Thorverton gauge (which is downstream of Bickleigh) as a contingency gauge using our flood forecasting model providing the lead time.

The remainder of the gauges on the list are used to provide warnings on the upper reaches, and tributaries of the River Exe, level data from which does not provide a good level to level correlation between the first property to flood in Bickleigh and, thus, we do not issue flood warnings for Bickleigh from these gauges.

Flood Warnings are used to warn customers that flooding is expected and they should take immediate action to protect themselves and/or their property. Severe Flood Warnings are reserved for exceptional flooding situations where there is significant risk to life or disruption to communities.

There is always a risk warnings may not be issued (due to telemetry failure), received, understood, or acted upon in time especially if evacuation is necessary to render a development as being safe.

## FWEP

Flood depths to the east of Cleave Barton, i.e. closest to the edge of the floodplain, would be dangerous in a design flood, and floods of greater frequency (please refer to our reference to Table 13.1 of the R&D FRA Guidance above). Paragraph 7-056-20140306 of the Planning Practice Guidance states that a FWEP is a requirement for sites at risk of flooding used for holiday or short-let caravans and camping and are important at any site that has transient occupants (e.g. hostels and hotels). We consider that the same principles would apply to a holiday let.

However, we need to highlight that the production of a FWEP would not eliminate the flood risks in this location. The risks to people in this location remain very high. The risk of property damage will also remain.

### 6. Flood depths within the site

With regard to the flood depths that can be expected within the site, this depends what part of the site is being considered. We kindly refer you to the plans included on pages 11 and 12 of the FRA.

We confirm that as well as significant flooding around the building, during the design flood event there will also be flooding within the building. The FRA refers to shallow flooding on the first floor in such an event.

### Additional Advice - Flood insurance

It is important that applicants/developers consider whether their proposals will be eligible for insurance against flood damages. The Flood Re scheme is a joint Government and insurance industry initiative to help property owners find affordable insurance in areas at risk of flooding. The scheme only applies to dwellings built before 2009. However, for changes of use to residential, the scheme may be available if there is evidence to demonstrate that the property was built and used as a private residence before 2009.

### Additional Advice - Flood risk Sequential and Exception Tests

Given that the proposal appears to be for a conversion of the building rather than a change of use, your Authority will need to consider whether the flood risk Sequential and Exception Tests need to be applied in this instance in accordance with the NPPF. If you consider that these tests are applicable, you will need to determine whether you are content that they have been satisfied before the application is determined. As you will be aware, failure of the Sequential Test or either part of the Exception Test is sufficient justification to refuse a planning application.

It is your Authority's role to consider the Sequential Test and the first part of the Exception Test. If you consider that the Exception Test is applicable, our advice is that insufficient information has been provided to demonstrate that the second part of the Exception Test has been passed.

Advice to the LPA

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

### **ENVIRONMENT AGENCY – 3rd October 2018**

Thank you for reconsulting us via the email and letter from John Milverton dated 6 September 2018

We maintain our position as laid out in our formal response of 23 July 2018. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. Due to the severity of the flood risks in this location we consider that it is unlikely that this objection can be overcome. However, if the Local Planning Authority are minded to approve the application contrary to this advice, we strongly recommend that you consult emergency planners in respect of emergency evacuation from the building. It will be their role to advise whether they consider the proposed arrangements for access/egress to be acceptable in these circumstances.

The detailed reasons for this position are set out below.

#### Reason - Flood Risk

As advised previously, the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the buildings in question. Over the lifetime of the development, potential depths of flooding at, or in the vicinity, of the building in question could reach, or possibly exceed, 2m in depth.

This advice is provided on the basis of evidence, including reconnaissance photos following the previous flood events and the data from the Stoodleigh gauging station. In terms of recent flood history at the site we draw your attention to evidence from Stoodleigh gauging station, which is located approximately 7 miles upstream of Bickleigh, which indicates that the statement 'The site is known to have flooded three times in the last 50 years - in 1965, 1994 and 2012', is factually incorrect. We refer you to the Centre for Ecology and Hydrology National River Flow Archive which can be found on-line, which includes flow data for Stoodleigh Gauging Station since 1960.

We also take this opportunity to state that the floods of August 1952 and 4 December 1960 are material factors and should be considered for the purposes of determining the application.

With regard to the content of the letter in the section titled 'Discussion of flood risk' we respond by referring you to our formal response dated the 23 July 2018 which highlights the risks flooding poses including what in this instance the developer should demonstrate to the decision makers.

The NPPF clearly highlights the need to produce a 'flood warning and evacuation plan' given the proposed usage of the site for holiday occupancy. The particular risks as highlighted, to date, indicate that it would not be possible to safely evacuate the site during a 'design' flood ahead of an extreme flood an issue we consider is fundamental given the particular circumstances in this instance. Indeed evidence shows that it would not be possible to safely

evacuate the site ahead of floods that can occur more frequently than a 'design' flood. This will leave any occupants who remain within at significant risk. The evidence suggests that the upper floors of the building may be affected by flooding and the depths and velocity of the water may result in structural failure of the building.

We trust you appreciate that it is not the role of the Environment Agency to comment upon whether or not the measures proposed to date to manage risk to life would render the proposal as being safe. We therefore recommend that you consult with your Authority's Emergency Planners before determining the application so they can advise you further on the matters relating to emergency evacuation of the building in light of the evidence we have presented above.

We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. We recommend that the application is not permitted unless the applicant can supply information to demonstrate that the flood risks posed by the development can be satisfactorily addressed.

#### Reason - Flood risk

The development site lies within Flood Zone 3 (identified as having a high probability of flooding) in accordance with the Environment Agency's indicative flood risk maps. The proposed development would increase the vulnerability category of the site from 'less vulnerable' to 'more vulnerable' in accordance with Table 2 of the Planning Practice Guidance (PPG) associated with the National Planning Policy Framework.

The particular circumstances at Bickleigh mean that the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the buildings in question. The floods on 23 December 2012, which affected the buildings and floodplain in question, and other numerous documented floods, clearly demonstrate the risks. The risks will increase over the lifetime of the development, should permission be granted, when taking climate change into account. Potential depths of flooding at, or in the vicinity, of the building in question could reach, or possibly exceed, 2m in depth.

#### Advice - Access/egress

The ability to safely access and exit the buildings in question during a 'design' flood i.e. a flood likely to occur with a 1% annual probability (a 1 in 100 chance each year), or indeed a more frequent flood, would not be possible given the dangerous combination of water velocity and speed to which the Bickleigh floodplain is vulnerable. The FRA states that an extreme flood event will inundate the upstairs of the units. Given the particular circumstances we advise that safe access and egress to high ground ahead of an extreme flood must be provided and you will need to consult internally with your Emergency Planners to determine their views on emergency evacuation. They will need to confirm that they can incorporate the additional occupants into their emergency evacuation plans.

#### Advice - Flood warning

A 'flood warning and evacuation plan' must be drawn up for any proposed development given that the site is proposed to be used for holiday occupancy. We draw your attention to

paragraphs 56 and 57 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) which highlights this requirement. In this instance the scale of any rescue that might be required will further increase the risk to life.

In addition to the real danger to life, the fabric and contents of the ground floor areas would be subject to an arguably unsustainable frequency of flooding.

**ENVIRONMENT AGENCY** - Environment Agency position

We maintain our objection as the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. We recommend that the application is not permitted unless the applicant can supply information to demonstrate that the flood risks posed by the development can be satisfactorily addressed.

Reason - Flood risk

We have reviewed the additional information submitted by the agent (John Milverton, 10 August 2018) and confirm that our stance remains unchanged from that laid out in our letter (ref. DC/2018/119898/01-L01 dated 23 July 2018).

Despite the measures detailed in the correspondence the proposed development would be unacceptable in this location and there remains a very real risk to life as a result of this proposal.

**BICKLEIGH PARISH COUNCIL** - 20th December 2018 - We have read the applicant's latest submission - the rev'd flood risk assessment etc..

This Parish Council feel that there is much to be said but having also read letter of the 10th Dec. we can only reiterate what they have submitted, for they have covered the matter in considerably more detail and with more expertise than we possibly could have.

10th August 2018 - Please note that this Parish Council object to this proposal and recommend that it be refused. The reasons for our objection are that we have significant concerns regarding possible safety issues in connection with both additional traffic movements it will surely generate and difficulties associated with the question of potential flooding.

The site is within the river Exe flood plain and, going back over just the last 30 or so years, has been flooded on numerous occasions, more than once requiring residents to have to be physically rescued, an act which itself is challenging in what are fast flowing waters.

With regard to the traffic movements question, the access to this site runs through both the access to the Devon Railway Centre and the middle of the car park to Bickleigh Mill business where there are, a good deal of the time, numerous people, including children and the elderly, milling around. This road is also used daily by parents and children on their way to and from school and from time to time by the school children themselves in the form of a 'walking bus' to gain access and from their sports field.

The problem here is that the access to the application site is primarily from the western or Bickleigh bridge end feeding this traffic through the abovementioned area. Access to the site from the eastern, or Bickleigh Village end is only achievable when travelling from a southerly

direction and that is itself fraught with difficulties being right on the outside of a right angle bend in the main road. There have indeed, over the years, been many accidents at this very spot.

It is to be noted that this site is within a conservation area.

**FLOOD and COASTAL RISK MANAGEMENT TEAM - 27/07/2018** - Due to this application being a minor we are not a statutory consultee and therefore have made no plans to comment on it. However, if there is a specific need/concern for us to comment please let us know and we may be able to provide comments.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system

**PUBLIC HEALTH - 5th July 2018**

Contaminated Land - No objections to these proposals

Air Quality - No objections to this proposal

Environmental Permitting - No objections to this proposal

Drainage - No objections to these proposals

Noise & other nuisances - No objections to these proposals

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 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 there would be no comment.

Health and Safety No objection to this proposal enforced by HSE. Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/>. If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at

<http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

Constraints Affecting Site:

Area of Special Control of Adverts Area of Special Control of Adverts

Cobacombe Cross Air Safeguarding Zone Consult on: Consult MOD on all buildings\_structures\_works over 45.7 m AGL

Conservation Area Bickleigh

Exeter Airport Air Safeguarding Zone Consult on: Consult EASC on all wind turbine development

Exeter Airport Air Safeguarding Zone Consult on: Consult EASC on all buildings\_structures\_erections\_works over 15m

Flood Zone 2 Risk: 0.1% or greater per annum

Flood Zone 3 Risk: 1% or greater per annum

Historic Flood Mapping Risk: Combined extent of known flooding

Hamlet/Open Countryside Outside Settlement

Public Right of Way Type: Footpath

Unclassified Road

River Bank Planning Consultation Zones Consult on: Consult Env. Agency on all works or operations

Strategic Nature Area\_Site Site Name:

Strategic Nature Area\_River Site Name: Exe

Surface Water Flooding\_Intermediate Susceptibility: intermediate

Surface Water Flooding\_Less Susceptibility: less

Surface Water Flooding\_More Susceptibility: more

**NATURAL ENGLAND** - 19th July 2018 - No comments

**RIGHTS OF WAY OFFICER EAST** - 2nd July 2018

It would appear from the documents that the public footpath that runs adjacent to the buildings proposed for development remains unaffected. However, if permission is given to allow the development to proceed, there may be a health and safety risk to users of the public footpath during these works. If this is the case, and the risks cannot be mitigated, then before any works take place a temporary closure must be applied for and made. The application would have to be made to this Authority.

## REPRESENTATIONS

Three objections have been received as well as one general comment.  
The objections received are summarised below:

### Flooding

- The site is in Flood zone 3 – flood waters could be 2.3m high with high velocity, enough to lift tarmac and move vehicles
- During the 2012 flood event the emergency services could not reach the site;
- Floods arrive quickly with insufficient time to escape;
- During 2000 flood a woman and baby were rescued from Bickleigh farmhouse;
- In times of flood the driveway to Cleave Barton becomes isolated with no immediate safe escape until flood waters recede;
- The courtyard and buildings flood during a flood event;
- If the buildings are converted then they should only be used outside of the flood season (Holiday accommodation would be uninhabitable after a flood);
- Need evacuation measures during flood event if permission approved;
- 2012 floodwaters were approx. 5ft high in courtyard of Cleave Barton and this was a significant but not design flood event;
- Flooding to Cleave Barton not only as a result of water diverting to mill leat but also comes across the fields;
- The buildings at Cleave Barton and the track between Cleave Barton and Bickleigh Mill have a funnelling effect on flood waters;
- Flood waters that enter Cleave Barton courtyard are impeded by the courtyard gate on western elevation;
- Bickleigh Bridge acts as a dam in a high river event – when at capacity huge volumes of water are held back and spill across land to Bickleigh Mill and Cleave Barton in order to get back to lower flood plain area;
- Flash flooding would occur if the flood bank failed;
- It is necessary to protect the health and safety of holiday makers – to protect them from flooding.

### Access

- If approved access to the holiday accommodation should be via the old dairy at Cleave Barton to protect residential amenity of Millhayes;
- Access to southern side of the site is on a blind bend and can only be used to travel south on the A396 from the site, there have been accidents on this bend;
- If using southern access cannot go north, all traffic heading north from the site would have to go past Bickleigh Mill, Devon Railway Centre and Millhayes;
- Additional use of the access points to get to Cleave Barton would increase traffic and increase risk to visitors;
- Section of access past Millhayes, single track and no pathway which could lead to conflict between pedestrians, horse riders, cyclists and vehicles

### Amenity

- Object to flue on west elevation of the holiday accommodation as Millhayes windows look toward it, it is below head height which is hazardous as daily access is required to property next to the flue, it is unsightly and does not enhance building;
- Cleave Barton buildings and courtyard visible from four windows at Millhayes (neighbours windows).

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The proposed development seeks the conversion of existing buildings to form two self contained units of holiday accommodation. The buildings have previously been used as a craft workshop and gallery. The buildings form part of the complex of buildings at Cleave Barton, Bickleigh and are within a conservation area. The application buildings form the western boundary of the courtyard of Cleave Barton buildings. The applicants dwelling is on site and forms the eastern side of the courtyard. The site is adjacent to Bickleigh Mill and a residential property called Millhayes. There are two points of access from the A396 to the site, however due to local highway alignment the northern access close to Bickleigh bridge is safer in order to access the site and the southern access is more convenient as an exit if travelling south from the site. Parking is proposed to be provided within an existing car parking area to the east of the building complex, accessed from the existing driveway. The parking area also serves the three glamping/safari tent pitches within the applicant's ownership which are located on higher land to the east of the application site. The application buildings have two storeys and are constructed predominantly of stone with areas of horizontal timber cladding with a clay pantile roof. The two units would each have three bedrooms. There is a public right of way along the track that separates Cleave Barton from Bickleigh Mill that's runs immediately adjacent to the west elevation of the application buildings.

### **The main issues in the determination of this application are:**

1. Principle of tourism accommodation in the countryside
2. Flood risk
3. Access and parking
4. Design and impact on historic environment
5. Impact on residential amenity
6. Ecology
7. Other matters

### **1.Principle of tourism accommodation provision in the countryside**

The NPPF (para 83) states 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..." Policy COR18 of the Mid Devon Core Strategy 2026 supports the principle of appropriately scaled tourism accommodation in the countryside, which is reinforced by policy DM24 of the Local Plan Part 3 (Development Management Policies) which notes: 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 the conversion or replacement of existing buildings; and c) Demonstrate the need is not met by existing provision within nearby settlements. The above criteria will be addressed below.

- a) As a result of the approach to the design of the proposed conversion and the limited visual change to the wider rural area it is considered that the proposal would respect the character and appearance of the location.
- b) The proposal does involve the conversion of an existing substantial building that is capable of being converted without significant alteration or rebuilding.

- c) Sustainable tourism is supported by national and local planning policies and the growth of the tourism industry is encouraged in Mid Devon. In all respects, other than in relation to flood risk, the building is considered to be in a suitable location for tourism development close to other tourism facilities and destinations as well as with access to public footpaths. The proposal would also be an expansion of a small scale glamping enterprise that is in operation at Cleave Barton.

The NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to require that “in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).” The proposal does offer more opportunities for sustainable modes of travel than found with most tourism accommodation proposals and these opportunities are discussed below.

Overall it is considered that the proposal is in accordance with the NPPF as well as policy COR18 Mid Devon Core Strategy and policy DM24 Local Plan Part 3 (Development Management Policies) save for the flood risk to the development as discussed below.

## **2.Flood risk**

The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.

The National Planning Policy Framework explains that, “flood risk” is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

The current planning policy framework for assessing the risk of flooding to proposed development is provided in section 14 National Planning Policy Framework (NPPF), planning practice guidance ‘Flood risk and coastal change’ and policy COR11 Mid Devon Core Strategy (MDCS).

Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. “

A site specific flood risk assessment has been submitted and the Environment Agency has been consulted more than once regarding the application. The application has been assessed against the above criteria.

a) The proposal seeks permission for two units of holiday accommodation. Each self-contained unit would comprise of kitchen/sitting and dining spaces on the ground floor and three bedrooms on the first floor. The accommodation and access to it are orientated to face east, into the Cleave Barton Courtyard. The use of the building as holiday accommodation is a ‘more vulnerable’ use as set out in the Planning Practice Guidance’ Flood risk and coastal change 2014. The previous use of the building as a craft workshop and gallery would be classified as a ‘less vulnerable’ use. The whole of the courtyard at Cleave Barton, including the application building and the existing dwelling are considered to be within Flood Zone 3, there are no other areas within the courtyard setting that are at a lower risk of flooding than the application site, albeit the flood risk assessment identifies that the application building may be affected by a deeper level of flooding than the existing dwelling on site. The local planning authority considers that as the proposal would result in the change of use of an existing building that the proposal is not subject to the sequential or exception test as set out in the NPPF and Planning Practice Guidance. However, the NPPF demonstrates an overarching sequential, risk-based approach to the location of development. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The local planning authority conclude that the application cannot demonstrate that the ‘more vulnerable’ use (holiday accommodation) has been proposed in the area with the lowest possible risk of flooding as the whole of the building and associated courtyard is within flood zone 3, in an area that is at risk of flooding.

b) Providing flood resistance involves stopping water entering a building and/or dry-proofing, a building. Flood resilience, or wet-proofing, accepts that water will enter the building, but through careful design will minimise damage and allow the re-occupancy of the building quickly. It would be possible to include elements of flood resistance and flood resilience into the development, however, due to the level of flood risk it is considered unlikely to be able to stop flood water entering the building. The Planning Practice Guidance indicates that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

c) The application form indicates that surface water will be discharged to an existing watercourse. This may reflect the existing arrangements and would be preferable to it being connected to a mains drainage system. Due to the location in flood zone 3 it is perhaps unlikely that another form of sustainable surface water drainage would be achievable.

d) The NPPF indicates that where development that is at risk of flooding is necessary, the development should be made *safe for its lifetime* without increasing flood risk elsewhere. The local planning authority cannot state that the development proposed is ‘necessary’ and therefore the development can be argued to be contrary to paragraph 155 of the NPPF.

For the purposes of residential development a lifetime is considered to be 100 years. The form of development proposed is residential albeit it would be restricted by condition to prevent it being a person’s sole place of residence.

In order to demonstrate that a development is safe the NPPF and Planning Practice Guidance advises that the developer's site-specific flood risk assessment should demonstrate that the site will be safe and that people will not be exposed to hazardous flooding from any source. This includes showing that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event (refer to discussion under (e) below). The NPPF and PPG suggest that new development may be able to be made safe by:

- designing buildings to avoid flooding by, for example, raising floor levels;
- providing adequate flood risk management infrastructure which will be maintained for the lifetime of the development, for example, using Community Infrastructure Levy or planning obligations, or Partnership Funding where appropriate
- leaving space in developments for flood risk management infrastructure to be maintained and enhanced, and;
- mitigating the potential impacts of flooding through design and flood resilient and resistant construction.

With regards to the proposed development, the floor levels cannot be raised without harm to the buildings historic interest and character, it is not proposed to provide flood risk management infrastructure, but it would be possible to incorporate some flood resilience measures into the overall design of the conversion such as raising cill levels of all first floor windows; replace doors on Mill side of building with windows with a minimum cill height of 500mm but these are not considered to be sufficient to reduce the overall level risk to the development.

The NPPF and PPG advise that when considering safety, specific local circumstances need to be taken into account, including:

- the characteristics of a possible flood event, eg the type and source of flooding and frequency, depth, velocity and speed of onset;
- the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment. This includes the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood;
- the structural safety of buildings, and;
- the impact of a flood on the essential services provided to a development.

The Environment Agency was consulted on the application and has commented that the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. The Environment Agency have stated that over the lifetime of the development (considered to be 100 years in this instance), potential depths of flooding at, or in the vicinity of the building in question could reach, or possibly exceed 2m in depth. The Environment Agency consider that the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the application building. They state that their advice is provided on the basis of evidence, including reconnaissance photos following the previous flood events and the data from the Stoodleigh gauging station. The Environment Agency have also stated that available evidence confirms that the combination of depth and velocity of flooding ( reference Table 13.1 Ref R&D Technical Report FD2320 TR2 Defra) would pose "Danger for all" including emergency services in future 'design', 'extreme' flood, or indeed more frequent floods. They conclude their advice by stating that in their view the evidence indicates that the hazard to the site is very high and that the development would result in unacceptable flood risks to people and property.

A structural report was submitted with the application; however, this does not include details of whether or not the application building would be capable of withstanding the forces upon it in either a design or extreme flood. Some information has been submitted by the Agent indicating that the applicant's dwelling at Cleave Barton has previously been tanked and toughened and would be structurally strong enough to remain standing and dry upstairs during a flood event. Cleave Barton dwelling is the intended refuge point for occupiers of the proposed holiday accommodation and it is proposed to provide a first floor link to the dwelling from the accommodation. While this is helpful it does not provide evidence that the application building nor the link building between the accommodation and Cleave Barton (house) are capable of withstanding stress and forces of flood waters.

Having considered the requirements of the NPPF, the Planning Practice guidance and the advice of the Environment Agency it is considered that the residual flood risk is unlikely to be adequately or safely mitigated through the inclusion of flood resilience measures in the design of the development. It is concluded in accordance with the Environment Agency advice that the proposed development poses an unacceptable risk to life and property. It cannot therefore be concluded that the development is *safe for its lifetime* and is therefore contrary to the NPPF.

e) The NPPF states that development should only be allowed where it can be demonstrated that safe access and escape routes are included, as part of an emergency plan.

The Planning Practice Guidance indicates that access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be functional for changing circumstances over the lifetime of the development. The PPG specifically requires that:

- Access routes should allow occupants to safely access and exit their dwellings in design flood conditions. Vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required.
- Wherever possible, safe access routes should be provided that are located above design flood levels and avoiding flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention).

The Environment Agency have advised that it would not be possible to safely evacuate the site during a 'design' flood ahead of an extreme flood and it would not be possible to safely evacuate the site ahead of floods that can occur more frequently than a 'design' flood. They consider that this will leave any occupants who remain in the buildings at significant risk. The Environment Agency have indicated that the evidence suggests that the upper floors of the application building may be affected by flooding (and this is included in the flood risk assessment submitted with the application) and the depths and velocity of the water may result in structural failure of the application building.

The Planning Practice Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. It has not been indicated whether or not the emergency services were consulted prior to the submission of the flood warning and emergency plan. In addition to this the Environment Agency has advised that where warning

and emergency response is fundamental to managing flood risk, that the emergency planning and rescue implications of new development should be considered. The LPA does not have an emergency planner/relevant department to provide comments or assessment on an individual flood warning and emergency plan. The Council have a strategic corporate approach to planning for an emergency, but do not provide resources for the assessment of individual private development projects. The Environment Agency will not conclude whether a development is safe or not (taking into account a flood warning and emergency plan) and the LPA does not have access to an emergency planning resource to ascertain whether the conclusions of the Flood Risk Assessment and associated FWEP indicate that the development will be safe for its lifetime. The Environment Agency do state that in considering whether or not a development meets the NPPF test, that the decision maker will need to take the technical advice they have provided regarding the hazard to the site into account when reaching their decision and note that the production of a flood warning emergency plan would not eliminate the flood risks at the application site.

Despite the submission of a FWEP that indicates that the applicants would: sign up to the Environment Agency's Flood Warnings Direct service; keep a record of flood warnings issued, identify any patterns and tailor their bookings accordingly; plan ahead in times of prolonged and heavy rainfall; ensure no sleeping accommodation on ground floor; limit number of occupants to number of bedspaces; provide clear instructions to guests regarding risk of flooding and escape routes; prepare an emergency kit; alert guests of a flood threat; vacate the premises if a flood warning issued for River Exe and/or Bickleigh area and monitor Environment Agency's website, there is always a risk flood warnings may not be issued (due to telemetry failure), received, understood, or acted upon in time especially if evacuation is necessary to render a development as being safe and that mitigation measures would not be safeguarded and maintained effectively through the lifetime of the development. In addition, these warnings may not cover exceptional events or circumstances.

Overall, given the evidence from the Environment Agency of the significant flood risks affecting the site, the absence of a report confirming the structural stability of the application building being able to withstand the forces and stresses of flood waters and the absence of consultation with the emergency services regarding the FWEP, the local planning authority cannot conclude that the risks to occupants are acceptable. When combined with the previous findings that the residual flood risk to the development cannot be safely managed it is concluded that the development cannot demonstrate that it would be *safe for its lifetime* and is therefore contrary to the NPPF and the Planning Practice Guidance.

Policy COR1 Mid Devon Core Strategy and COR11 Mid Devon Core Strategy also require development to ensure that flood risk is managed and to reduce the risk of flooding to life and property where possible. Policy COR11 follows the overarching approach of guiding development to areas least likely to be affected by flooding and ensuring that development in areas of higher risk of flooding only occur where the benefits outweigh the risk of flooding. It has been demonstrated in the discussion above that the development is at risk of flooding and a potential risk to life and it has not been demonstrated that it would be safe for its lifetime. The development is also, therefore, contrary to policies COR1 and COR11 Mid Devon Core Strategy.

### **3. Access and parking**

Policy COR9 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies) require development to create safe, attractive and accessible environments while enhancing road safety through managing traffic and car parking. They also require development to encourage sustainable modes of travel such as walking and cycling.

There are two access points to the application site from the A396 which is both south and west of the site. Due to the alignment of the A396 road close to the site, the access to the west of the site, close to Bickleigh bridge has better visibility of oncoming traffic and is therefore preferable in order to access the site whether approaching from the north or the south. To reach the application site, traffic using the access to the west would then pass the Devonshire Railway Centre, Bickleigh Mill and Millhayes before turning into the shared driveway that serves both Cleave Barton and Millhayes. When exiting Cleave Barton vehicles heading south would be likely to use the southern access from the site onto the A396, and vehicles heading north would use the western access where the access alignment and visibility provides an easier exit route for northern bound traffic.

Policy DM8 requires a development of two holiday accommodation units to demonstrate the provision of 4 parking spaces. There is an existing car park east of Cleave Barton that serves the existing 3 glamping pitches owned by the applicants that would also serve the proposed holiday accommodation. There is sufficient space in the car park to accommodate the additional vehicles that would be associated with the proposed development. The development is therefore in accordance with policy DM8 Local Plan Part 3.

The highway Authority was consulted on the application and has raised no objections to the proposed development.

Policy DM2 includes within its requirements that new development creates safe and accessible places. The vehicular accesses to the site have been described and commented on above and their use to access the proposed development has not been objected to by the Highway Authority. In addition to this, the site is within a short walking distance of Bickleigh Mill, Devonshire Railway Centre and a public house. It is also possible to reach Tiverton (to north) and Exeter (to south) by bus, with bus stops also within a short walking distance of the application site. There are public footpaths close to the site, one of which runs alongside the western elevation of the application building and into the farmland to the north.

Concerns have been raised regarding the number of vehicular movements that would be associated with the holiday accommodation and the increased use of the two access points from the A396. The access point to the west of the application site (close to Bickleigh bridge) is already used to access the Devonshire railway centre, Bickleigh Mill as well as to provide an onward access to Millhayes and Cleave Barton. There is also a Devon County Council car park that is accessible from this access. The additional use of the access to serve the holiday units would be minimal in comparison to the number of vehicles that are likely to already use this access to reach the current business premises, tourist attraction and the Devon County Council car park.

Concerns have been raised that the increased use of the narrower and more private access road past Millhayes and into Cleave Barton would lead to conflict between vehicles and other road users including pedestrians, cyclists and horseriders. In particular it has been mentioned that parents and school children often park close to Bickleigh Mill to walk to Bickleigh Primary as parking within the vicinity of the school is difficult. While it is likely that the use of the building for holiday accommodation would result in additional traffic being attracted to the site, traffic speeds on this stretch of the lane would be expected to be low and additional traffic movements at school arrival and departure times also expected to be low. Holiday accommodation is often considered to generate fewer additional trips than a full residential use as holidaymakers tend to go out for a day rather than making frequent, shorter journeys. They also generate fewer incidental trips associated with deliveries etc.

Overall the development is considered to be able to demonstrate the provision of safe and accessible accommodation that could also encourage sustainable modes of travel such as walking in a location where there is also some access to public transport. The proposal is therefore in accordance with policy DM2 Local Plan part 3 (Development Management Policies).

Overall, it is considered that the development would be in accordance with the requirements of policies COR9 Mid Devon Core Strategy and policies DM2 and DM8 Local Plan Part 3 (Development Management Policies) as acceptable access can be provided to serve the development, sufficient car parking can be provided and sustainable modes of travel can be encouraged in association with the development without having a significant impact on the access, parking or amenity of neighbouring properties or other road and carpark users.

#### **4. Design and impact on the historic environment**

The NPPF (para 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health.

These national policies are reinforced by policy COR2 Mid Devon Core Strategy which requires high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places, as well as policy DM2 Local Plan Part 3 (Development Management Policies) which requires new development to be high quality showing understanding of the characteristics of the site, its context and area; efficient and effective use of the site; positive contribution to local character including heritage assets; creation of safe and accessible places; create visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

In addition to the above policies, policy DM11 guides the conversion of rural buildings. It states that redundant or disused rural buildings of substantial permanent construction which positively contribute to an area's rural character for tourism uses will be permitted where:

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

The proposed development has been assessed against this policy below.

- a) As described above there is a suitable access to the buildings that is already in place. No further work is proposed to the access in order to accommodate the proposed development. The Highway Authority have not objected to the development or suggested that the road network cannot support the proposed use. The proposed use is sited adjacent to two other tourism businesses in a location where there is some access to public transport and ability to walk to some tourism facilities and to reach public footpaths.
- b) A structural report was submitted with the planning application along with existing and proposed plans which indicate that the buildings can be converted to form holiday accommodation with limited rebuilding, or extension and with an acceptable number and form of alterations. It is proposed that existing openings will be reused, mostly to be glazed to form windows. Some additional openings are proposed but these are considered to be acceptable.
- c) The buildings that are proposed for conversion are two storey and have been previously used for storage, craft workshops and a gallery. The southern building is constructed of stone and horizontal timber boarding and has a clay pantile roof. The external appearance of this building would retain the current mix of materials. The northern building is partly open on the ground floor with a room at first floor. The external appearance of this building is proposed to be altered with a ground floor element of the building to have a stone façade similar to the adjoining buildings horizontal boarding above and a new standing seam metal roof covering. Existing openings will be reused and new openings minimised. It is proposed to add two flues to serve proposed log burners. An objection has been received regarding the position and height of the flue on the southern gable end stating that it is a safety risk as access is required past the flue. There is no current evidence that the flue is not acceptable in its current location and this is likely to be assessed as part of any future Building Regulations assessment. Revised plans are expected that will show the flues within the building rather than being attached to the outside of the building, improving the overall design. It is considered that the design approach does demonstrate an understanding of the site and the surrounding area and would result in a place that would be well integrated with surroundings buildings. The external

appearance, layout, fenestration and external materials are all considered to be acceptable subject to the receipt of the revised plans.

The building is not listed but is within a conservation area. The conservation area is a heritage asset which the NPPF states are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Advice in the NPPF indicates that the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; and the desirability of new development making a positive contribution to local character and distinctiveness should all be taken in to account. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 193 states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This policy approach is reinforced by policies DM2 (c) and DM27 Local Plan Part 3 (Development Management Policies) which apply a presumption in favour of preservation in situ in respect of the most important heritage assets and require proposals to consider the significance, character, setting and local distinctiveness of heritage assets. A heritage statement was submitted with the application. This identified the key character areas within the conservation area and identified the contribution of the application buildings to the character of the conservation area. It concludes that the proposal will not have an adverse impact on the conservation area and that there would be little to no harm to the heritage asset.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF 196). It is agreed that the proposals will not significantly alter the envelope of the buildings and that the buildings can accommodate the proposed changes. However, the alterations to the external appearance will result in an element of harm to the appearance of the buildings and consequently to the conservation area. However, securing a future use of the buildings is important to ensure their upkeep and therefore to preserve the wider interest of the groupings of older buildings at Cleave Barton, Millhayes and Bickleigh Mill and their relationship to one another. The public, in the form of holiday makers, would have access to the buildings as a result of the proposed development and the change of use and conversion would be likely to result in the future maintenance and preservation of these buildings. It is therefore considered that the limited harm to the external appearance of the buildings is acceptable and that the overall character of the conservation area would be preserved in accordance with the NPPF and policy DM27.

- d) At the time of writing it cannot be concluded that the development will retain biodiversity interest associated with the building as bat emergence surveys are required. Please see the discussion below regarding ecology and protected species.

While the physical alterations to the building are considered to be acceptable overall and the character of the buildings and conservation area would be retained (in accordance with policy COR1, policy DM27) the proposal cannot be considered to be wholly in accordance with policy DM11 as questions remain regarding the impact of the development upon protected species.

## **5. Impact on residential amenity**

Policy DM2 states that proposals should demonstrate that development will not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. The application site has three residential properties in close proximity. The dwelling at Cleave Barton is on the east side of the courtyard onto which the holiday accommodation would look. The building (as well as the proposed fenestration) is orientated to look into the courtyard. Although the courtyard would become a shared space between the applicants dwelling and the holiday accommodation, it is not considered that the provision of the holiday accommodation would have any unacceptably adverse impacts on the amenity of the occupiers of Cleave Barton and that sufficient privacy would be provided for the occupiers of the holiday accommodation.

To the west of the site lies Bickleigh Mill. While a majority of Bickleigh Mill is a commercial property there is a managers flat at first floor level on the north side of the property. Bickleigh Mill buildings and the application building effectively have their backs to one another. There is no direct relationship between the buildings. The proposed conversion of the application building would result in some openings on the west facing elevation of the building. A vast majority of the openings already exist and would be glazed to provide light into the accommodation. It is not considered that the proposed windows on the west elevation of the building would result in any loss of privacy to the occupiers of the flat at Bickleigh Mill due to the height difference between the buildings and the intervening building elements between the two sites.

To the south of the application site there is a residential property (not associated with the application site) called Millhayes. Millhayes shares an entrance driveway with Cleave Barton, albeit it is not considered that the additional traffic associated with the two units of holiday accommodation would have any significant impacts on the access or parking facilities for Millhayes.. The occupiers of Millhayes have highlighted that their property has 4 windows that look toward the application site and the courtyard at Cleave Barton. The plans demonstrate that in places the rear of Millhayes is within 4/5m of the application site. The application building and the rear of Millhayes are in close proximity to one another with a private pathway indicated on to the plans between the two properties. However, although the buildings are close, any views from Millhayes would be either into the courtyard at Cleave Barton or of the gable end of the application building within which there are no windows currently or proposed. It is not considered that the conversion of the building would have any significant detrimental effects on the amenity of the occupiers of Millhayes.

Overall the proposed development is not considered to have an unacceptably adverse effect on the amenity of occupiers of nearby properties and is in accordance with policy DM2 Local plan Part 3 (Development Management Policies).

## **6. Ecology**

The NPPF (para 174) indicates that local plans should promote the conservation , restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. This national policy requirement is reiterated in Policy DM2 Local plan Part 3 (Development Management Policies) which states that development should demonstrate a positive contribution to biodiversity assets. An ecological survey which was

as submitted with the application that was carried out in November 2017 concludes that three bat surveys comprising two dusk emergence surveys and one dawn re-entry survey should be undertaken between May and September with at least one undertaken between May and August to identify any further species, the numbers of bats using the buildings and the roost types and to ascertain whether the proposed works i.e. the conversion of the buildings will cause the destruction/damage of a bat roost and result in killing and injuring bats. The report found evidence that the building had been used by bats. The emergence surveys do not appear to have been carried out although the original report indicates that the additional surveys had been booked in for commencement of the 2018 bat survey season. The results of these additional surveys, if they have been carried out have not been submitted to the local planning authority for consideration. Without this additional information it is not possible to conclude that the conversion would not have an adverse impact on protected species and the development is considered to be contrary to the NPPF and policy DM2 (c) of the Local Plan Part 3 (Development Management Policies).

## 7. Planning balance and conclusion

The application has demonstrated that aspects of the proposed development are in accordance with planning policies.. However, the site is in flood zone 3 and it is at risk of flooding and the local planning authority consider that it has not been demonstrated that the development would be flood resistant, that any risk associated with flooding could be safely managed for the lifetime of the development or that safe access and escape routes can be provided. It has not been demonstrated that the risk of flooding of the development would not present a risk to life. The proposal is therefore considered to be contrary to paragraph 163 NPPF, planning practice guidance "Flood and coastal change" and policies COR1 and COR11 Mid Devon Core Strategy. Additionally the local planning authority have concluded insufficient evidence has been submitted to demonstrate that the development will not have an adverse impact on protected species and is therefore contrary to the NPPF and policies DM2 (c) and DM11(d) of the Local Plan Part 3 (Development Management Policies). The proposal cannot therefore be concluded to be a sustainable form of development and is contrary to both national and local planning policies. It has therefore been recommended for refusal.

## **REASON FOR REFUSAL**

1. The application site is in flood zone 3 and it is at risk of flooding. The application proposes the conversion of the buildings into two units of holiday accommodation which is a 'more vulnerable' use as set out in the 'Flood risk and coastal change' planning practice published by the MHCL 6<sup>th</sup> March 2014. The local planning authority consider that it has not been demonstrated that the development would be flood resistant, that any risk associated with flooding could be safely managed for the lifetime of the development or that safe access and escape routes can be provided. It has not been demonstrated that the risk of flooding of the development would not present a risk to life. The proposal is therefore considered to be contrary to paragraph 163 NPPF, planning practice guidance "Flood and coastal change" and policies COR1 and COR11 Mid Devon Core Strategy.

2. The NPPF (para 174) indicates that local plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. This national policy requirement is reiterated in Policies DM2 and DM11 Local Plan Part 3 (Development Management Policies) which states that development should demonstrate a positive contribution to biodiversity assets. An ecological survey which was as submitted with the application that was carried out in November 2017

concludes that three bat surveys comprising two dusk emergence surveys and one dawn re-entry survey should be undertaken between May and September with at least one undertaken between May and August to identify any further species, the numbers of bats using the buildings and the roost types and to ascertain whether the proposed works i.e. the conversion of the buildings will cause the destruction/damage of a bat roost and result in killing and injuring bats. The results of these additional surveys, if they have been carried out, have not been submitted to the local planning authority for consideration. Without this additional information it is not possible to conclude that the conversion would not have an adverse impact on protected species and the development is considered to be contrary to the NPPF and policies DM2 (c) and DM11(d) of the Local Plan Part 3 (Development Management Policies).

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

Application No. 18/02024/FULL

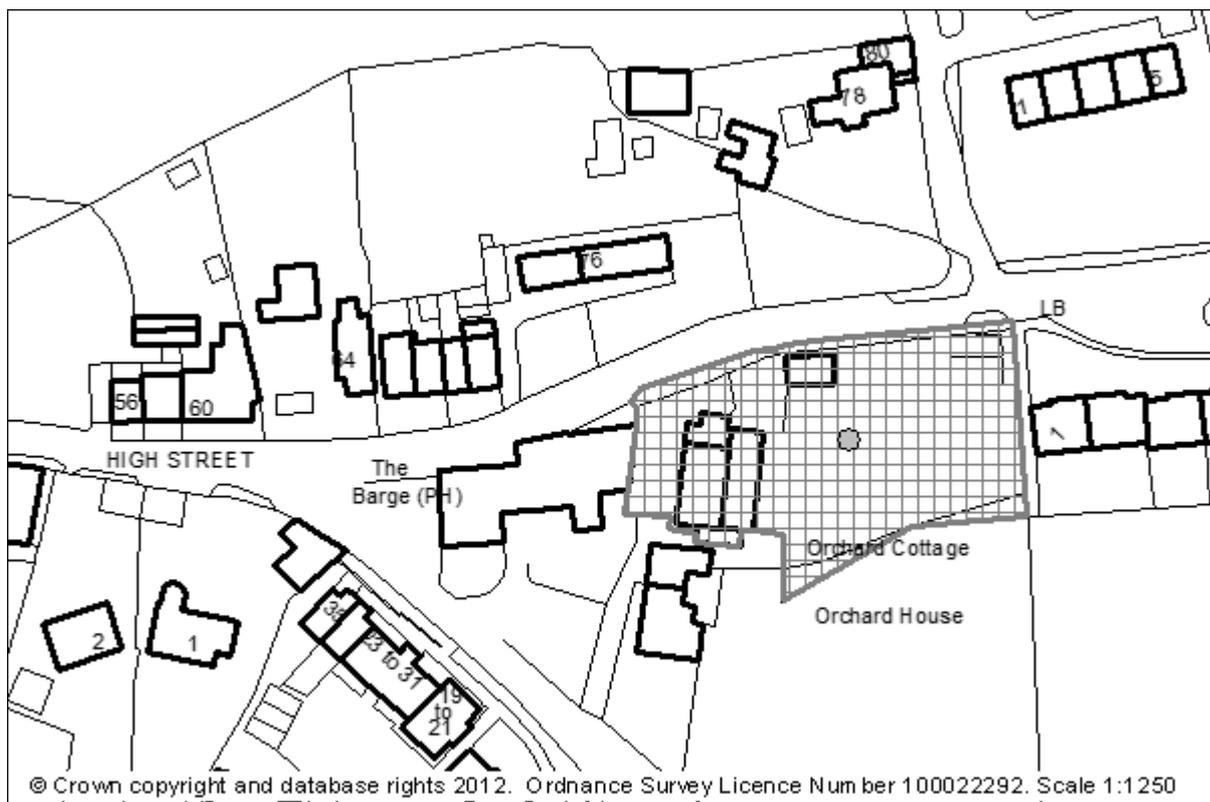
Grid Ref: 301270 : 112835

Applicant: 3 Rivers Developments Ltd

Location: Land and Buildings at NGR 301270 112834  
(Orchard House)  
High Street  
Halberton

Proposal: Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission  
17/00711/FULL

Date Valid: 12th December 2018



## **APPLICATION NO: 18/02024/FULL**

### **RECOMMENDATION**

Grant planning permission subject to conditions

### **PROPOSED DEVELOPMENT**

Planning permission 17/00711/FULL granted consent for the erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access on a site located to the east of the public house in Halberton with access off High Street. This is a s73 application for variation of conditions 2, 5, 7, 8, 9, 10 and 15 of that planning permission.

The conditions relate to:

Condition 2: approved plans

Condition 5: submission of boundary treatment

Condition 7: requirement for a sample panel of stonework to be provided on site

Condition 8: Submission of materials for external surfaces and hardsurfacing

Condition 9: Requirement for further land contamination assessment

Condition 10: Requirement for a land remediation scheme for contamination

Condition 15: Programme of archaeology work

The application seeks to vary details on the plans which affects conditions 2, 5, 7 or submit information discharging the conditions which affects conditions 8, 9, 10 and 12. The effect of a grant of planning permission is to issue a new planning permission.

The amendments to the approved scheme relate to the erection of a rendered wall along the site frontage and round the rear boundaries of the properties, in place of a stone wall along the site frontage and brick wall round the rear boundaries. There are minor changes to some of the detailing on the elevations of the properties including detailing of the ridge tiles, bargeboards and canopies over the doors.

With regards to condition 7, the application seeks to remove this in its entirety as they no longer propose a stone wall

With regards to conditions 8, 9, 10 and 12, the applicant has submitted the required details, land contamination and archaeology assessments with this current application and seeks discharge of the conditions

### **APPLICANT'S SUPPORTING INFORMATION**

Applicants covering letter dated 11<sup>th</sup> December 2018

Amended plans

Archaeology assessment

Phase 2 Geotechnical Investigation and contamination assessment report

### **RELEVANT PLANNING HISTORY**

17/00711/FULL - PERCON date 4th July 2017

Erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access

18/02024/FULL - PCO date

Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL

### **OTHER HISTORY**

None

## **INFORMATIVES**

None

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan Part 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR17 – Villages

### **Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 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

DM27 - Development affecting heritage assets

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 13.12.18

No Comments

HALBERTON PARISH COUNCIL - 09.01.2019

Halberton Parish Council considered this application at their meeting on 8th January 2019.

The Council objects to the proposals in this application, with the exception of the amendments to the tactile paving made after the applicant took advice from Devon Highways. In particular the Council objects to:

the proposal to render the wall as the Council believes the stone faced wall in the original application is more in keeping with the vernacular and with the Conservation Area status.

the proposal for the neighbourhood parking area to be changed from tarmac to gravel/shingle. The applicant themselves state the ground has poor permeability and dismisses permeable solutions as not being "an effective solution" (para 6 to their letter of 11 December 2018) so a gravel/shingle surface on this parking area will cause it to become waterlogged.

The Council notes the objections of local residents regarding the neighbourhood parking and is making enquiries as to the future of the space, as the Council agrees this should be a residents parking area.

PUBLIC HEALTH – 06.02.19

The contaminated land assessment identified asbestos fibres on the site and that further investigations were required. These could be conditioned as follows:

Following the demolition of the barn the front and side amenity areas to plot 1 require shallow soil sampling to assess for the presence of asbestos fibres.

Additional testing must be carried out in the area of TP1 in order to determine the presence or absence of volatile organic compounds and semi-volatile organic compounds.

Where contamination is identified a remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

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

DCC HISTORIC ENVIRONMENT TEAM - The Historic Environment Team has received from AC archaeology a copy of the report for planning application 17/00711/FUL, Land at Orchard House, High Street, Halberton. I recommend that the condition be signed off by the LPA.

## **REPRESENTATIONS**

2 letters of objection have been received raising the following issues:

- parking surface needs to be usable to all
- parking needs to be reserved for residents
- what provision will be made for residents parking during construction?
- concerned that the residents parking area will be boggy
- inadequate replacement provision

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1) Policy and procedure
- 2) Impact of proposed changes on the character and appearance of the area including the Conservation Area
- 3) Impact of proposed changes on the nearby residents

### **1) Policy and procedure**

The application site is located within the settlement limit of Halberton and also within its Conservation Area. The site was granted planning permission in July 2017 and therefore it is not proposed to repeat the whole policy background here, as that permission is still valid and it is minor changes which are proposed. Since that time, a revised NPPF has been issued but this does not fundamentally change the policies against which the development was assessed.

The main issue therefore is the impact that the proposed changes have on the character and appearance of the area, the Conservation Area and the living conditions of the residents adjacent

### **2) Impact of proposed changes on the character and appearance of the area including the Conservation Area**

With regards to the impact on the character and appearance of the area and therefore the Conservation Area, the proposal has been discussed with the Conservation Officer. The current site boundary with High Street is a concrete block wall. The approved scheme

replaces this with a lower stone wall, which picks up on the material of construction of many boundary walls in the Conservation Area. The proposed amendment to a rendered block wall is unfortunate but this is still considered to be an improvement over the existing concrete block wall at the site and therefore the character and appearance of the Conservation Area is still enhanced. The provision of new boundary walls to the barn conversion and the dwellings at the rear are considered acceptable in block and render rather than brick. These are set well back from the road with limited visibility of them and in any event, rendered boundary walls are a feature of many dwellings in Halberton

The application seeks to remove condition 7 which required a sample panel of stone to be agreed on site before its use in the construction of the boundary wall. As a stone wall no longer forms part of the proposals, this condition is no longer necessary and can be removed

With regards to the changes to some of the detailing on the properties (intricate bargeboards on main roofs and porch roofs and crested ridge tiles and finials on main roofs and porch roofs) the Conservation Officer has advised that he has no objection to these amendments as whilst there are these details within the Conservation Area, there are many buildings with much plainer detail and subject to the depth of the bargeboards and the soffit detailing being correct (amended details awaited at the time of writing this report), it is not considered that these alterations would detract from the Conservation Area

Details of external and hardsurfacing materials were required by condition 8 and would normally be dealt with via a discharge of condition request but have been submitted with this application. The choice of brickwork, window detailing, roof material, chimney detail etc are all considered acceptable in the context of the scheme and its location in the Conservation Area

The application includes with it a Land contamination/geophysical report to seek to discharge condition 9. The Public Health team are satisfied with the content but are advising that further assessment is still required and this will need to be subject to further conditions on any consent issued

The application also includes the submission of an archaeological assessment which DCC Historic Environment Services have advised is acceptable to discharge the condition.

### **3) Impact of proposed changes on the nearby residents**

The main issue raised in the 2 letters of objection received, relate to the car parking provision.

The previous application included the provision of a parking area for existing residents, who currently park on the road frontage in the vicinity of the site.

The proposed development provides additional parking over and above that required by the proposed development itself. Therefore in granting consent back in 2017, the LPA noted that the creation of the neighbourhood parking area was not to mitigate the proposed development but rather a community benefit. The previous proposals included a tarmac surface to the parking area but the current application seeks to amend this to gravel/shingle. Given that it will be located behind a 1m high wall and located approx. 1m lower than the pavement outside the site, it is not considered that the change in material will have an adverse impact on the character and appearance of the conservation area. The objections received also refer to the gravel surface becoming waterlogged and unusable. However, a porous material will assist with natural drainage of the surface and should prevent this from happening

## Summary

Therefore, whilst some of the changes proposed appear to be a slight 'watering down' of the agreed detail, it is not considered that the proposed changes are such that the development would detract from the character and appearance of the Conservation Area. The proposal therefore remains in conformity with policy DM27 and the other policies considered at the time of the previous application in 2017

## CONDITIONS

1. The development hereby permitted shall be begun before 4<sup>th</sup> July 2020.
2. Subject to the effect of any condition of this permission, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the development hereby permitted is first brought into use, the access and its associated visibility splays, parking and turning areas shall be provided and surfaced to avoid surface water discharge onto the highway. Following their provision these details shall be so retained and maintained.
4. All telephone, electricity and mains gas services to the building shall be placed underground.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E and F of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, erection of a porch outside any external door, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil or liquid petroleum gas, provision of a hard surface or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
6. The materials to be used for all the external surfaces of the buildings and hardsurfaced areas shall be as shown on the approved drawings and set out in the letter submitted with the application dated 11<sup>th</sup> December 2018.
7. Following the demolition of the barn in the north east corner of the site, shallow soil sampling in the areas identified as amenity space for plot 1 shall be carried out to assess for the presence of asbestos fibres. Additional testing shall also be carried out in the area marked TP1 in the Phase 2 Geotechnical Investigation and Contamination Assessment report carried out by Ruddlesden geotechnical dated December 2018, in order to determine the presence or absence of volatile organic compounds and/or semi-volatile organic compounds. Where contamination is identified a remediation statement shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site to erect any of the approved dwellings. The approved remediation scheme shall be carried out in accordance with its terms. The Local Planning Authority shall be given two weeks' written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, and before any dwelling is first occupied, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.
8. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local

Planning Authority in writing before their construction begins, such details to include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.

9. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

11. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or

other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

12. No development shall begin on the conversion of the barn until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include:

- (a) Details of any demolition or removal of any building fabric and any rebuilding or repairing works required to convert the building;
- (b) Details of all measures required to support any wall, floor, roof or other vertical or horizontal surface
- (c) Details of measures required to provide protection for the building against the weather during the conversion works.

The agreed schedule shall be strictly adhered to during the course of the conversion works.

13. The mitigation and enhancements proposed in the Ecological Appraisal (February 2017) prepared by Green Ecology shall be implemented and completed before any dwelling is first occupied and shall be retained in accordance with the requirements of that report.

#### **REASONS FOR CONDITIONS:**

- 1. This is a s73 application and therefore the date for implementation is unchanged from the original consent granted.
- 2. For the avoidance of doubt and in the interests of proper planning.
- 3. To ensure adequate facilities are provided and retained for vehicles attracted to the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).
- 4. In order to safeguard the historic visual amenity of area - Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM27.
- 5. To protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and turning areas and amenity space are maintained for the proposed dwelling in accordance with policies DM2 and DM14 of the LP3 DMP
- 6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1)

policy COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM14, DM27.

7. In the interests of public health and the protection of the environment.

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

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

10. To protect water quality and minimise flood risk in accordance with Flood Management Act.

11. To protect the privacy and amenities of neighbouring occupiers in accordance with policies

DM2 and DM14 of the LP3 DMP.

12. To ensure the character of the building is retained and to protect the building during conversion works in accordance with policy DM11.

13. To ensure the protection of any ecological interests at the site in accordance with policy DM11.

### **REASON FOR GRANTING PLANNING PERMISSION**

The proposal is acceptable in principle as the site is within the defined settlement limit of Halberton and there is an extant planning permission on the site. The proposal would bring important social benefits in terms of delivering market housing and it would also promote economic activity. The proposed development will reasonably complement the appearance of the street scene and would have an acceptable impact on the character and appearance of the Halberton Conservation Area. Adequate onsite parking with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwelling and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. The proposal is therefore in accordance with policies COR9, COR2, and COR13 of the Mid Devon Core Strategy 2007, together with policies DM1, DM2, DM3, DM8, DM14 and DM27. Therefore no environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and a S106.

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

Application No. 18/02071/FULL

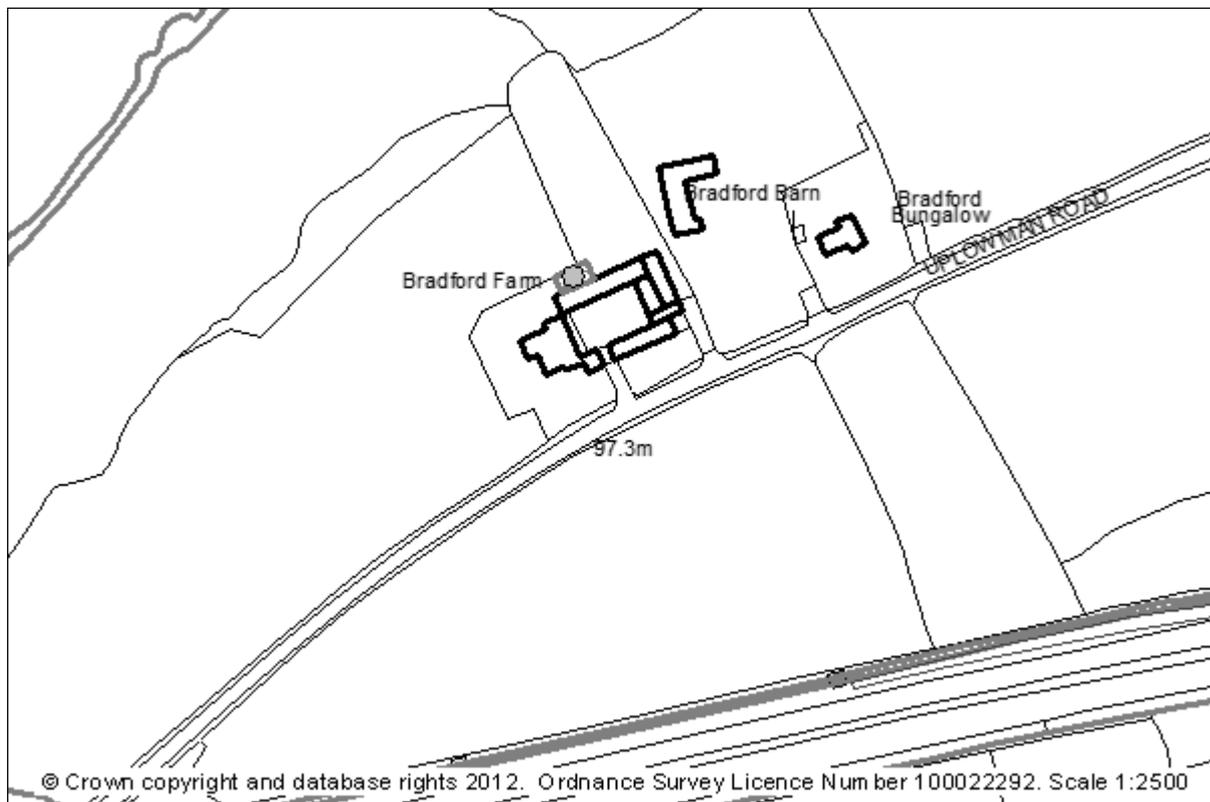
Grid Ref: 299312 : 114301

Applicant: Mr Andy Fields

Location: Bradford Farm  
Uplowman  
Tiverton  
Devon

Proposal: Retention of Log store

Date Valid: 8th January 2019



## **APPLICATION NO: 18/02071/FULL**

### **MEMBER CALL-IN**

Called in by Councillor Slade to consider:

1. Whether there is a planning justification for the need for the log store and whether there are adequate buildings on site to accommodate the storage of logs.
2. Whether the design and materials for the log store are of an acceptable quality and appearance taking into account the quality of the stone barns and their setting.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the retention of log store at Bradford Farm, Updown. The building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The log store constructed incorporated part of a previous building utilising existing stone walls within the build.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form, Site Location Plan, Block Plan, Elevations Plan, Floor Plan, Roof Plan and Historic Aerial Photograph taken of Bradford Farm.

### **RELEVANT PLANNING HISTORY**

00/01037/FULL - PERMIT date 31st January 2001

Conversion of barn to dwelling (amended scheme to that approved for unit 4 under planning permission reference number 4/52/94/536)

94/00536/FULL - PERMIT date 3rd November 1995

Conversion of redundant farm buildings into four dwellings and formation of new access

94/02187/FULL - PERMIT date 26th January 1995

Erection of two storey extension comprising of sitting room, bedroom and bathroom

18/00657/FULL - WDN date 16th October 2018

Retention of change of use of an existing agricultural building to office with parking

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 – Local Distinctiveness

COR9 – Access

COR12 – Development Focus

COR18 – Countryside

#### **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  
DM13 – Residential extensions and ancillary development  
DM20 – Rural Employment Development

National Planning Policy Framework

## **CONSULTATIONS**

Tiverton Town Council - 5th February 2019  
No objections

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

## **REPRESENTATIONS**

One letter received from occupiers of Bradford Barn noting that the works undertaken are those of a new build and not repairs to an existing building with photographs provided to demonstrate this and raising concern to the materials used and overall need for the building.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Policy and procedure**
- 2. Design of the works and the impact on the character of the area**
- 3. Impact on amenity of occupiers of residential property**
- 4. Other planning matters**

- 1. Policy and procedure**

This planning application follows an enforcement investigation relating to authorised works with the outcome being the submission of this application seeking planning permission for the retention of the log store building erected at Bradford Farm. 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 July 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. The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities and protecting the countryside under COR18. Policy DM2: High Quality Design of the Local Plan Part 3 - Development Management Policies is particularly relevant to this application. This policy states:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;

- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
  - i) Architecture
  - ii) Siting, layout, scale and massing
  - iii) Orientation and fenestration
  - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Policy DM13 to a lesser degree is also considered relevant in that it relates to ancillary development to the main farmhouse being used to store logs and a secure store. The requirement of this condition is that it should respect the character, scale, setting and design of the existing dwelling, will not result in over-development of the dwelling curtilage and will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

The above criteria relating to policies DM2 and DM13 are considered in further detail below.

## **2. Design of the works and the impact on the character of the area**

Bradford Farm is not a listed building with the structure of the log store being single storey located centrally to the rear of the existing barn complex not easily visible from public vantage points given its position and the existing boundary treatments adjacent the road. There was an existing building to the rear of the existing barn complex which has been incorporated into the log store building, so it is not a completely new structure. There is no foul drainage associated with this building and the overall size of the building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The materials are not considered to be out of keeping for a rural building within a rural setting especially as existing stone walls of an existing structure having been incorporated into the log store building with timber cladding installed above an area of stone wall.

The layout of the log store is separated into two parts, with an open log store to one side and an enclosed store to the other with a central access which leads into the inner courtyard and on to the entrance to the main property. The open log store is being used to store logs with no windows within this part of the building facing any neighbouring property. The enclosed store is being used to store machinery and equipment having a window in the rear elevation overlooking land in the control of the applicant. It is noted that there is a wood burner within this room with the associated flue extending up through the roof. The applicant's agent has been asked to amend the plans to show this flue but the wood burner is used to heat the room when in use by the applicant.

In respect to the need for the development which is a concern raised by the Ward Member and the occupier of the neighbouring property, need is not a requirement of Policy DM2 or DM13 and but it is noted that the log store is being fully utilised for the storage of logs and this part of the log store has been designed to be an open area. The area to the side is just a covered access leading through an existing area between the barns into the internal courtyard. The other part of the log store is the enclosed store which utilises an existing structure so cannot be claimed to be a completely new building. Having visited the site it is noted that other barns are used for storage purposes with the remaining empty barns being

subject to the previous change of use application to office accommodation which was withdrawn.

### **3. Impact on amenity of occupiers of residential property**

The occupiers of the nearest neighbouring property reside at Bradford Barn further to the east with the distance from the log store to the boundary being approximately 25 metres and as commented above has no windows directly facing the neighbouring property. Therefore it is not considered that the log store building as erected would result in a significant adverse impact on the amenity of the occupiers of the neighbouring property.

### **4. Other planning matters**

I would note that there are a number of enforcement matters outstanding on this site mainly relating to the siting of a shipping container to the north of the log store building and the creation of the rear car parking area to the east of the log store which is currently being used by tradespeople working on repairs to the existing barn structures. The fact that this is a retrospective application alone would not be sufficient reason to warrant a refusal of this application and I would comment that the determination of this planning should not be assessed in addition with these other matters which are currently being pursued and are to be dealt with separately.

The development of the log store in itself is not considered to result in a significant increase in traffic to the site with access arrangement into the site already existing with ample parking facilities within the inner courtyard.

## **CONDITIONS**

1. The date of commencement of this development shall be taken as 8th January 2019, the date the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

## **REASONS FOR CONDITIONS**

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt in the interests of proper planning.

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

Given the position, overall design and appearance of the log store constructed on site at Bradford Farm and the relative distance between this site and the nearby neighbouring residential property, it has been concluded that there would not be a significant detrimental impact on the living conditions of any occupants of nearby residential properties nor the visual amenity of the locality harmed as a result of the proposal to an extent that would justify withholding planning permission. It is not considered that the proposal would result in any significant adverse environmental or highway impacts. Having regard to all material considerations the application is in accordance with the requirements of policies COR2 and COR18 of the Mid Devon Core Strategy; policies DM2 and DM13 of the Mid Devon Development Management Policies; and the National Planning Policy Framework.

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

## 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	4	24/04/2019	19/00118/MOUT	Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane	Land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane Cullompton Devon	Mrs Alison Fish	DEL	
2	6	10/04/2019	19/00038/MOUT	Outline for a mixed use development of approximately 40 dwellings, 600 sq. m. of B1 employment space, public open space, access, and associated works, following demolition of existing poultry sheds	Land and Buildings at NGR 314051 113316 (Culmbridge Farm) Culmbridge Road Hemyock Devon	Mrs Alison Fish	DEL	COMM
	9	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	COMM
	11	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	
	11	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	
	11	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	
	12	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	COMM
	12	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	DEL

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
9	13	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	COMM
10	13	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	COMM
11	14	12/02/2019	18/01634/MFUL	Erection of 19 dwellings (6 affordable)	Land at NGR 310020 113953 Linhay Close Culmstock Devon	Mrs Alison Fish	COMM	COMM
12	14	08/02/2019	18/01739/MARM	Reserved Matters for the erection of 60 dwellings (Revised Scheme)	Land at NGR 305658 112080 (Harvesters) Uffculme Devon	Miss Hannah Cameron	DEL	
13	19	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
14	26	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	
15	32	09/10/2018	18/01091/MOUT	Outline for the erection of up to 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	
16	38	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 Adrian Devereaux	COMM	COMM
17	42	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 Adrian Devereaux	DEL	DEL
18	45	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

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
19	45	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
20	47	27/06/2018	18/00504/MOUT	Outline for the erection of 2 dwellings	Land at NGR 307538 116626 (North of Town Farm) Burlescombe Devon	Mr Adrian Devereaux	COMM	DEL
21	47	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
22	56	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
23	59	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
24	70	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
25	76	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
26	79	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
27	81	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

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
28	83	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
29	102	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
30	118	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
31	120	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

## LIST OF APPEAL DECISIONS FROM 16.01.2019 -20.02.2019

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
17/00160/COU	Appeal against	NGR 300441 125017 Land Lying to The North of Petton Cross Shillingford Tiverton Devon				Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

18/00027/OUT	Outline for the erection of a bungalow with access	Little Chace Upplowman Tiverton Devon EX16 7DW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
--------------	--	--	-------------------	--------------------	-------------------	----------------------------	---------------------

### Summary of Inspectors Comments

This page is intentionally left blank

Application No. 18/02080/FULL

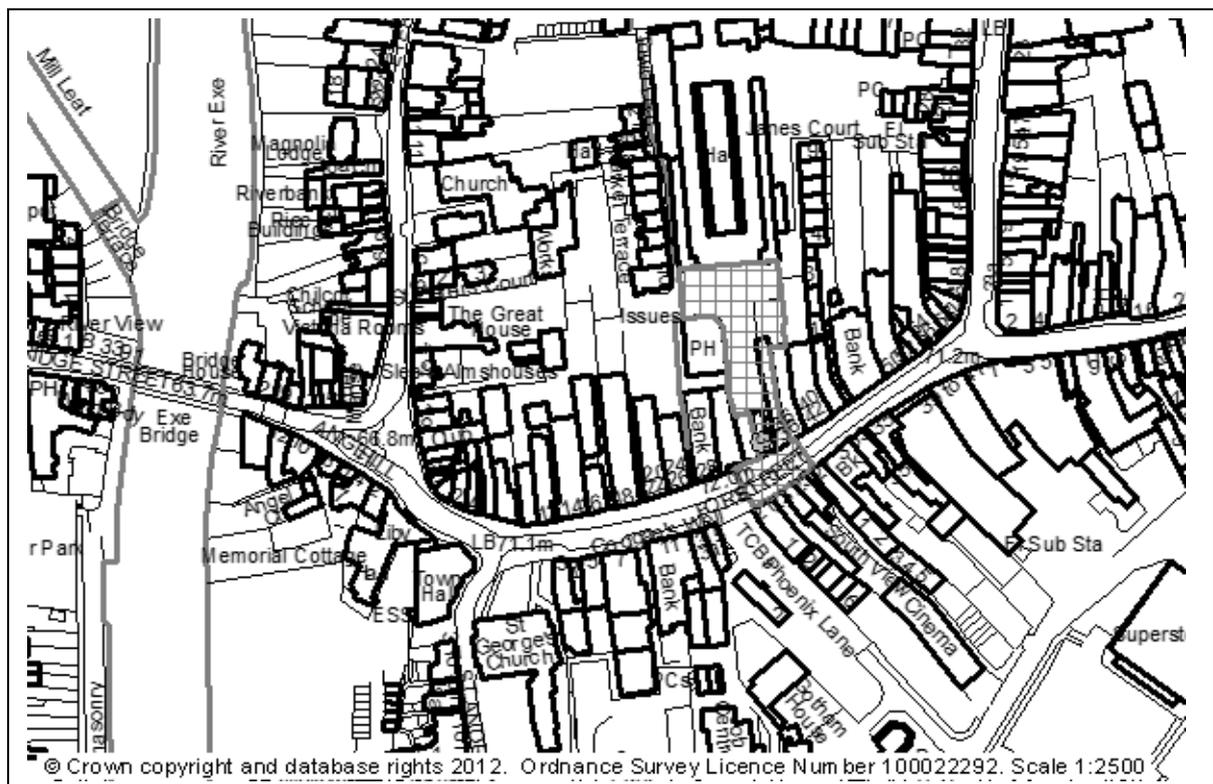
Grid Ref: 295512 : 112531

Applicant: Mr Andrew Busby

Location: 34 Fore Street and Land to Rear of 36 Fore Street  
Tiverton  
Devon  
EX16 6LD

Proposal: Demolition of ground floor shop, installation of external cladding, signage, canopy and display windows, erection of a mixed use building of 3 apartments with ground floor retail units with associated works

Date Valid: 28th December 2018



**APPLICATION NO: 18/02080/FULL**

**THIS APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE  
AS THE APPLICANT IS MID DEVON DISTRICT COUNCIL**

### **RECOMMENDATION**

Grant permission subject to conditions and the signing of a S106 agreement  
• £2,700 – Towards provision of youth equipment at west Exe Neighbourhood Park

### **PROPOSED DEVELOPMENT**

Demolition of ground floor shop, installation of external cladding, signage, canopy and display windows, conversion of store to form retail unit, erection of a mixed use building of 3 apartments with ground floor retail units with associated works.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and access statement  
Heritage statement  
Flood risk assessment  
Existing and proposed plans

### **RELEVANT PLANNING HISTORY**

16/00850/FULL - PERMIT date 4th August 2016  
Erection of replacement door canopies

15/00945/LBC - PERMIT date 30th July 2015  
Listed Building Consent for alterations to provide additional trading unit and storage space

15/00944/FULL - PERMIT date 30th July 2015  
Alterations to provide additional trading unit and storage space

15/00578/FULL - DELETE date 15th June 2015  
Alterations to provide additional trading units and storage space

12/01435/ADVERT - REFUSE date 5th December 2012  
Advertisement Consent to display one non-illuminated fascia

10/00004/ADVERT - PERMIT date 4th March 2010  
Advertisement consent for the replacement of 1 non illuminated fascia sign

03/00590/CAC - PERMIT date 1st August 2003  
Conservation Area Consent to demolish wall

03/00589/FULL - PERMIT date 3rd June 2004  
Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping

01/00670/FULL - PERMIT date 9th August 2001  
Installation of CCTV cameras

00/00303/ADVERT - PERMIT date 20th April 2000  
Advertisement Consent for the display of illuminated fascia

00/00302/FULL - PERMIT date 27th April 2000  
Installation of new shopfront

99/03243/CAC - PERMIT date 21st December 1999  
Conservation Area Consent for the demolition and re-building of a 16 metre length of masonry wall

99/02464/FULL - PERMIT date 25th June 1999  
Construction of external access stairs at rear to serve first and second floors and facilitate internal alterations at ground floor level

95/01163/FULL - PERMIT date 25th August 1995  
Installation of CCTV Surveillance cameras (nine number)

95/00160/ADVERT - PERMIT date 20th April 1995  
Consent to display an illuminated shop sign and projecting sign

93/00334/FULL - PERMIT date 15th October 1993  
Installation of security roller shutters

90/00890/FULL - REFUSE date 16th August 1990  
Erection of shopping development

89/00738/FULL - PERMIT date 12th July 1990  
Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall

89/00740/LBC - PERMIT date 17th August 1989  
Conservation Area Consent for demolition of buildings and walls (as defined on the submitted drawings)

89/00738/FULL - PERMIT date 12th July 1990  
Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall

87/01992/FULL - DEMCON date 17th May 1988  
DEEMED CONSENT for alterations to vehicular access and accommodation works

86/01163/ADVERT - PERMIT date 9th September 1986  
Consent to display one illuminated shop sign and one hanging sign

86/01112/FULL - PERMIT date 29th August 1986  
Installation of shopfront, internal alterations

83/01918/ADVERT - PERMIT date 31st January 1984  
Consent to display non-illuminated information board (40" x 30")

83/00418/ADVERT - REFUSE date 18th April 1983  
Consent to display an illuminated projecting sign, 940mm x 455mm

78/00435/FULL - DEMCON date 25th May 1978

DEEMED CONSENT for the change of use from back yard to public car park, construction of access and enclosure

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR4 – Meeting Employment Needs

COR6 – Town Centres

COR7 – Previously Developed Land

COR9 – Access

COR11 – Flooding

COR12 – Development Focus

COR13 – Tiverton

### **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

DM6 – Transport and Air Quality

DM7 – Pollution

DM8 – Parking

DM16 – Town Centre Development

DM27 – Development affecting Heritage Assets

## **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 2 January 2019 - no observations to make

**TIVERTON TOWN COUNCIL** - Town Council is disappointed with these plans for the rejuvenation of this part of the town. It is felt that the proposal is aesthetically displeasing and does not fit in with the Conservation Area and the many historic building in the area, including the market building. We would have liked to have seen the opportunity used to replace the horrible flats above the shops by the entrance to the market. Whilst liking the idea of opening up the entrance from Fore Street we feel there is a lost opportunity with this proposal.

The design of the mixed building of shops and residential use is out of keeping with the area and looks more like a warehouse

We feel that the designers should be asked to look again at this proposal and come up with something more in keeping with the area. We therefore cannot support the application

#### **PUBLIC HEALTH - 7 January 2019**

Contaminated Land	No objections to this proposal
Air Quality	No objections to this proposal
Environmental Permitting	No objections to this proposal
Drainage	No objections to this proposal
Noise & other nuisances	Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
Housing Standards	No comment
Licensing	No comments
Food Hygiene	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 Not applicable

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

Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/>. If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

#### **ECONOMIC DEVELOPMENT - 02.01.2019**

Economic Development is fully supportive of this application. There will be a net increase of commercial space created through this redevelopment, and the impact it will have of opening up access to the Pannier Market will be an improvement to the town centre. The development could be used to provide good quality space, particularly for young businesses (1-3 years) growing into their first commercial units.

#### **REPRESENTATIONS**

One letter of objection has been received and summarised as follows:

- There is no need for additional retail space in this area except possibly in the Pannier Market itself;

- The fairly recent reduction of retail space in the market was a particularly ill-advised move;
- The proposed alterations to the Fore Street frontage will only serve to draw attention to 1960s buildings. Why not remove the offending buildings altogether so as to make this approach to the Market really open?

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The development proposes to deliver the following:

- Provision of four additional retail units;
- Provision of three, two bedroom flats;
- Improved public realm on Fore Street and link to the Pannier Market;
- Improved signage and wayfinding advertising the Pannier Market;
- Improved streetscape between Fore Street and the Pannier Market.

In order to complete this development it is proposed to demolish the ground floor area of 34 Fore Street to provide a much wider, modern and attractive entrance/passageway from Fore Street to the Pannier Market.

The site is in the primary shopping area of the town centre of Tiverton. The site is close to the bus station as well as a number of public car parks. The site is easily accessible to those using the existing services and facilities on offer within the town centre. The site is in a conservation area and close to a number of listed buildings.

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

- 1. Policy**
- 2. Implications of proposed demolition and impact of additional retail units on the Town Centre**
- 3. Design and appearance of development and visual impact on the built environment**
- 4. Provision and design of residential units in the town centre**
- 5. Impact on Heritage Assets**
- 6. Access and parking arrangements**
- 7. Drainage**
- 8. Ecology**
- 9. S106 Obligations**
- 10. Planning balance**

### **1. Policy**

The NPPF sets out the Government's planning policies for England and it sets out a presumption in favour of sustainable development. It sets out the three objectives to sustainable development which are economic, social and environmental and seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Since the introduction of the NPPF in 2012 and its revision in 2018, full weight can continue to be given to policies in Local Plans adopted in accordance with the Planning and Compulsory Purchase Act 2004. These policies are those in the Mid Devon Core Strategy (LP1), the Allocations and Infrastructure DPD (LP2) and those within the Local Plan Part 3 Development Management Policies. Less weight can be given to policies that are considered out of date (i.e. not adopted in accordance with the Planning and Compulsory Purchase Act 2004), particularly where these policies are in conflict with the NPPF.

It is considered that this development should be assessed in terms of policies COR1, COR2, COR4, COR6, COR7, COR9, COR11, COR12 and COR13 of the Mid Devon Local Plan Part 1 (Core Strategy). COR1 (Sustainable Communities) stresses the need for development to meet sustainability objectives, Policy COR2 seeks development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, Policy COR4 (meeting employment needs) states that employment 'retail' needs of the community will be met through the provision of 10,000 square metres of retail (A1) sales floorspace, COR6 (Town Centres) states that new shop uses should contribute to the vitality and viability of Town Centres, COR7 (Previously Developed Land) seeks to guide development towards the most sustainable locations available, COR9 (Access) aims to reduce the need to travel by car and increase public transport, COR11 (Flooding) outlines the need ensure that development does not increase flooding to properties elsewhere, COR12 (Development Focus) states that development should be concentrated at Tiverton where of an appropriate scale and Policy COR13 further deals with development within the settlement of Tiverton.

With regard to the Development Management Policies, Policy DM1 picks up on sustainable development principles, Policy DM2 requires design of new development to be high quality and demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places that are well integrated with neighbouring properties, and appropriate drainage. Policy DM6 relates to transport and air quality considerations for any development and Policy DM7 outlines the assessment required on pollution. Policy DM8 states the required parking levels for a use. DM14 and DM15 concern the design and sizes of housing (DM15 has been superseded by the Nationally prescribed space standards). Policy DM16 covers town centre developments. Policy DM21 deals with the protection of employment land, Policy DM27 outlines the assessment required for development which affects heritage assets. An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

## **2. Implications of proposed demolition and impact of additional retail units on the Town Centre**

The NPPF, policy COR6 MDCS and policy DM16 LP3 overtly encourage the development of town centres, in this case the town centre of Tiverton. Policy COR6 (town centres) states that the viability and vitality of the Tiverton will be protected and enhanced by positive management so economic regeneration and heritage reinforce each other, through: positive measures of enhancement and regeneration including the promotion of new shops. This policy approach is echoed in policy DM16 LP3 which promotes sustainable growth of Tiverton and supports the provision of retail development where it retains or enhances the town centre's historic character and appearance, vitality and viability; sustains or enhances diverse town centre uses, and customer choice, specifically referring to and encouraging the incorporation of residential accommodation above ground floor level where possible and where development is accessible by public transport, walking and cycling.

The Council's Economic Development officer was consulted on the application and he stated that he supported the application *"as there will be a net increase of commercial space created through this redevelopment, and the impact it will have of opening up access to the Pannier Market will be an improvement to the town centre. The development could be used to provide good quality space, particularly for young businesses (1-3 years) growing into their first commercial units"*.

The development would result in the loss of the ground floor retail area of 34 Fore Street as this would be demolished to make a wider and more attractive entrance into the Pannier

Market to the north of the site. However, the development would also result in the construction of three new retail units in a single building to the north of the site, the conversion of an existing store to form a retail unit and improvements to the display window arrangements of another retail unit, resulting in the use of previously used land as promoted by policy COR7 MDCS. While one retail unit would be lost, 4 new retail units would be provided, resulting in a net increase of commercial retail floorspace in the primary shopping area of Tiverton town centre.

The provision of additional retail floorspace does not conflict with either national and local planning policies and the principle of the retail provision is supported.

### **3. Design and appearance of development and visual impact on the built environment**

The development proposes to deliver the following:

- Provision of four additional retail units;
- Provision of three, two bedroom flats;
- Improved public realm on Fore Street and link to the Pannier Market;
- Improved signage and wayfinding advertising the Pannier Market;
- Improved streetscape between Fore Street and the Pannier Market.

In order to complete this development it is proposed to demolish the ground floor area of 34 Fore Street to provide a much wider, modern and attractive entrance/passageway from Fore Street to the Pannier Market.

Policy COR2 MDCS requires that development will sustain the distinctive quality, character and diversity of Mid Devon's assets through: high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy DM2 LP3 repeats the requirement for high quality design and seeks development that indicates an understanding of the site and surroundings; makes efficient and effective use of a site; contributes positively to local character; creates safe and accessible places and visually attractive places that integrate well with surrounding buildings and streets. Development must also include appropriate drainage (see section 7).

The physical works to 34 Fore Street include the demolition of the ground floor retail unit, provision of a new entrance canopy (ultimately with signage) to the front of no.34 to project into Fore Street, and provision of Corten steel panels to provide high level signage advertising the 'Pannier Market', with letters running vertically reaching a height that is greater than the flat roof of the building and a similar height to the parapet of 36 Fore Street. The proposals would provide a wider, more modern and attractive entrance to the Pannier Market and Market Walk shopping area beyond while also providing a fresher look to this part of Fore Street. A comprehensive review of the illumination within the new passageway and to the west of the new building will also help to improve the overall appearance of this area of the town centre.

It is also proposed to insert two new display windows into the west elevation of 36 Fore Street (currently 'The Works'). These display windows would look into the widened passageway and provide an active frontage on the west elevation which is currently a blank wall. The display windows are proposed to be powder coated aluminium of a simple design, the final colour of which will need to be determined.

Toward the rear of 36 Fore Street it is proposed to convert an existing store into a retail unit. This would require the provision of openings into an old, currently rendered wall. The principle of the openings is acceptable subject to agreeing details of the fenestration. The conversion of this space to form a smaller, separate retail unit would help provide a more diverse commercial opportunity within the town centre.

A further new opening is required within the existing west elevation of 36 Fore Street. In the area that currently forms the rear yard of no.36 it is proposed to provide a new gated access, to replace the existing access that would be lost as a result of erecting the proposed mixed used building. The configuration of this gated access is considered to be acceptable.

At the northern end of 36 Fore Street it is proposed to erect a mixed use building to comprise of three retail (A1) units on the ground floor with three flats above. The building has a cohesive design that responds well to the character and appearance of the surrounding built environment. The building is tall as it would contain three floors of accommodation, albeit that the third floor is within the roof space. The land level is higher at the northern end of the site and as a result the building would be approximately the same height as the full height three storey buildings that front onto Fore Street to the south.

The ground floor (retail element) has a distinctively different character and appearance to the flats above, however the two uses of the building are brought together in a cohesive and attractively designed building. Two of the retail units on the ground floor are predominantly glass, with the steel supports likely to be visible within the building. The third unit (southern end) forms a link between the older parts of 36 Fore Street and the new development by retaining a stone façade with more traditional door and window arrangement, as well as having a stone facade on the southern gable end at ground floor level. Due to the levels change across the site it is currently unclear how unit 3 would be accessed as the door threshold would be higher than the adjacent walkway. None of the three retail units are proposed to have traditional fascia signage, it is suggested through the design of the facades of the retail units that advertisement would be either within store or involve glass etching.

The first and second floors of the building incorporate the use of traditional materials (facing brick and slate roof) with a contemporary, asymmetrical shaped building in order to maximise the available space within the building. The result is considered to be a design that successfully combines traditional materials with a modern shaped building which incorporates a desired mix of retail and residential uses in this town centre location.

The fenestration on the building enables the development to address the street frontage with first floor windows providing natural surveillance of the public realm below. The pattern and design of the fenestration is considered to be acceptable and reflects the contemporary design elements of the building. All windows and doors are proposed to be powder coated aluminium, final colour to be agreed. The fenestration detailing is similar across the site, with simple additional display windows for the existing retail units in the west elevation (passageway facing elevation) of 36 Fore Street and more detailed, yet similar approach to fenestration for the 4 new retail premises. The flats are proposed to have windows that have detailing more akin to a residential appearance.

The proposed design respects its surroundings and can create a high quality place which takes into account the physical context, local character and surrounding density and land use mix. The design will create a building with character and provide improved views from a listed building. The development as a whole, including the proposals to the Fore Street

elevation of 34 Fore Street will provide an active street frontage that overall will improve the streetscene and public realm. The remaining external appearance of no.34 is not architecturally inspiring and provides future opportunities for improving the appearance of Fore Street.

Overall, the site layout is considered to create a high quality place which takes into account the physical context, local character and surrounding density and land use mix, in accordance with policy COR2 MDCS and DM2 LP3.

#### **4. Provision and design of residential units in the town centre (including impact on occupiers nearby residential properties)**

Policies COR1, COR3, COR6, COR12 and CO13 of the MDCS all encourage the provision of new homes within Tiverton. Specifically policy COR6 (town centres) states that the viability and vitality of the Tiverton will be protected and enhanced by positive management so economic regeneration and heritage reinforce each other, through: positive measures of enhancement and regeneration including the promotion of new homes. This policy approach is echoed in policy DM16 LP3 which promotes sustainable growth of Tiverton and supports the provision of residential development where it retains or enhances the town centre's historic character and appearance, vitality and viability; sustains or enhances diverse town centre uses, and customer choice, specifically referring to and encouraging the incorporation of residential accommodation above ground floor level where possible and where development is accessible by public transport, walking and cycling.

The three flats are in the town centre and meet the policy aspirations of DM16 as the building would have a mixed use; providing three retail (A1) premises on the ground floor and three 2 bedroom flats/maisonettes above.

Policy DM14 LP3 refers to the design of new housing and requires design to take account of the physical context of the site and local character as well as delivering: adequate levels of daylight and sunlight; suitably sized rooms, adequate storage, external space for recycling, refuse and cycle storage, adaptable accommodation, private amenity space an sustainable approach to design. Policy DM15 refers to the overall size of dwellings and is considered to have been superseded by the nationally prescribed space standards. Each of the flats meet or exceed the National floor space standards in terms of the overall floor space provided and the properties are provided with inbuilt storage.

Within the proposed 3 flats it is proposed to provide living space on the first floor and two bedrooms and bathroom on the second floor. The location and orientation of the flats will maximise natural surveillance of the public realm to the west and north of the development. The flats would be accessed from a communal entrance onto the Pannier Market. Each of the flats will have access to external storage for bikes and bins in the form of hardstanding to the rear of the building to ensure the Pannier Market and walkways are not blighted with bins. These points are easy to access for all of the flats. A stairwell rises to first floor level, from which each of the flats are accessed. Due to the layout, unit 1 would benefit from an outside seating/balcony that would be screened from the Pannier Market to the north by a suitable screen, details of which are to be agreed. Units 2 and 3 would not have any private amenity space which is not uncommon in a flatted development. However, due to the town centre location of the development occupiers would be able to reach public parks and open spaces readily easily.

Overall, the dwellings provide adequate and adaptable space for future occupiers in accordance with policies DM14 and DM15 (superseded by the National Space Standards).

Policy DM2 LP3 requires development to demonstrate a clear understanding of the characteristics of the site, its context and surrounding area as well as making a positive contribution to local character and resulting in visually attractive places that are well integrated with surrounding buildings, streets and landscapes that do not have unacceptably adverse effects on the privacy and amenity of the proposed or neighbouring properties that takes account of architecture; siting, layout, scale and massing, orientation and fenestration and materials, landscaping and green infrastructure. The plans and design and access statement indicate that the materials proposed reflect the locality with a simple palette comprising of predominantly facing brick and stone walls and slate roof. Two of the new ground floor retail units will be predominantly glazed with the steel columns visible internally. The design is intended to provide contemporary and interesting retail spaces on the ground floor while providing 3 residential properties above in a single building that is attractive, the external appearance of which sits comfortably alongside the surrounding historic built environment. The design is aimed to give the new streetscene within this part of the conservation area some variation, adding interest and character to the development. The windows and doors of the flats are proposed to be powder coated aluminium, final colour to be agreed. The fenestration detailing is similar across the site with the fenestration of the flats having a slightly more residential character.

The nearest residential properties are within the upper floors of Fore Street properties and a linear building to the north of Fore Street and east of the application site. Due to the orientation of the flats and the placement of fenestration it considered that the development will not have adverse impacts on the occupiers of nearby residential properties and access to existing residential properties will not be prevented by the proposed development.

The overall design is generally good, in accordance with policies DM2 and DM14 LP3.

### **5. Impact on Heritage Assets**

The site is within the conservation area and is close to listed buildings and has an effect on the setting of one listed building, the Pannier Market. Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).

The Court of Appeal has made it clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so. Applicants for consent that affects a heritage asset must be able to justify their proposals.

The NPPF says that the LPA should require an applicant to describe the significance of any

heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, **great weight** should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset). This approach is reinforced by policy DM27 LP3 and it requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. It also goes on to state that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.

There are a number of listed buildings close to the application site, both to the south and north of the site. The listed building with the closest relationship to the application site is the Pannier Market immediately north of, but separated from the application site by, an area of existing hard landscaping. The significance of the Pannier Market is in the historical use, fabric and setting of the building. There is also significance to the Pannier Market associated with its town centre location.

Historic England's Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets, requires that we consider views from and to heritage assets. The application site has been visited and views include those from and toward publicly accessible places. It is not unreasonable to consider that the proposed 3 storey mixed use building at the northern part of the site (retail with residential above) would be similar in height to the ridge height of 34-36 Fore Street. The new development will be clearly visible from the listed Pannier Market and surrounding conservation area. There will be a noticeable change of the views from the grade II listed Pannier Market to the south toward Fore Street and the setting of this listed building and the appearance of the conservation area would be affected.

Revised plans of the proposed development have been received following positive discussions with the Agent. Prior to the application being considered by the Planning Committee it is expected that the comments of the Conservation Officer will be received, these will be provided to the Planning Committee to assist with their assessment of the proposed development.

A heritage statement has been submitted with the application. This report concludes that the application site is situated within the centre of the medieval, and potentially Saxon, core of Tiverton, within the Tiverton Conservation Area which is identified as an asset of **high significance**. It highlights that almost all of the data on the Devon Historic Environment Record is related to this historic settlement with a few relating to earlier activity. With regards to the demolition of ground floor of 34 Fore Street the report indicates that associated groundworks have the potential to expose remains associated with earlier buildings along the street frontage, but that proposed alterations to the front of the building will **enhance** the character of Fore Street and the Tiverton Conservation Area. The report also identifies that the new mixed-use building is located within the historic rear of no. 36 Fore Street, and groundworks have the potential to expose rubbish pits, the demolished western boundary wall of no. 36 Fore Street, and the remains of the outbuildings attached to the north and west boundary walls (an archaeological condition is to be required to ensure any archaeology found is accurately recorded). The building is located within the setting of the Grade II Listed Market Hall (Pannier Market) and Market Booths West of the Market Hall, with the market buildings dating to 1830 which are assets of **medium significance**. The report concludes that whilst the new building will represent a change to the setting of these

buildings it is not considered that it will change any element of their setting that contribute towards their significance and **no change** to their significance is predicted.

Further comments are awaited from the Conservation Officer and the Devon Historic Environment team have been consulted. Planning Committee will be provided with these comments and any additional conditions prior to the discussion of the application.

## **6. Access and parking arrangements**

Policy COR9 MDCS development to improve accessibility for the whole community, reduce the need to travel by car and increase public transport use, cycling and walking; including by meeting the social and economic needs of the community in locations most accessible to those who need to use them. This approach is reinforced by policy DM2 LP3 that requires development to create safe and accessible places that encourage sustainable modes of travel.

The application site is in the town centre and is therefore easily accessible to those who use the services and facilities within the town. It is partially within the primary shopping area of Tiverton. The provision of new retail units will add to the commercial opportunities and retail experience within the town, and access to these for deliveries etc would be the same as for the existing units of Fore Street and as those within the Pannier Market. Access to Fore Street provides only restricted traffic, however the proposed retail units would be accessible via the Panier Market to the rear of Fore Street as is currently the case for 34 -36 Fore Street. The Highway Authority have not objected to the development. The access of additional retail outlets from the pannier market is considered to be acceptable and requires the use of private land rather than highway. The retail element of the proposal is in accordance with policy COR9 MDCS and policy DM2 LP3.

Policy DM8 LP3 requires development to provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. It also requires that sites encourage the maximum use of sustainable modes of transport, including provision for bicycles. In this instance there is no allocated parking proposed for either the retail or residential elements of development. However, the site is in the town centre where there is easy access to the services and facilities of the town. It is also very close to the bus station and other bus routes. It is not considered necessary or appropriate to provide parking facilities in this location for this specific development, however, future occupiers would be able to pay to park their vehicle in one of the public car parks close to the site if required.

With regards to access and parking the development is considered to be in accordance with policy COR9 MDCS and policies DM2 and DM8 LP3.

## **7. Flooding and drainage**

Policy COR11 MDCS requires that development does not increase the risk of flooding of properties elsewhere. The site is within Flood Risk Zone 1, and the Flood Risk Assessment (FRA) submitted with the application indicates there is no identifiable risk of flooding. The FRA for the development has been assessed in line with NPPF and it concluded that the development can be undertaken in a sustainable manner, without increasing the flood risk to existing properties.

Policy DM2 LP3 requires development to include appropriate drainage and sustainable drainage systems and connection of foul drainage to a mains sewer where available. The FRA indicates that the development will not put any additional risk onto third parties. Should there be an exceedance storm event or failure in the storm water drainage network, the site will be designed to ensure that water is carried away from the proposed dwellings, but due to

the very level nature of the site and it being enclosed by other development, water will pond on the surface.

The FRA indicates that the proposed development would not create any increase in flood risk to the local area or downstream or indeed to the proposed development. The new drainage network for the site will have capacity to deal with greater storm events, and subject to further on site investigations it is proposed to, where possible, remove existing impermeable paving and replace it with permeable or tanked permeable paving which will reduce the discharge off site of storm water drainage to the SWW combined sewer network. The report recommends mitigation measures to help ensure that the development does not lead to an increased risk of either on site or offsite flooding. Details of the mitigation measures to be incorporated in the development will be required by condition.

It is considered that the development of the site will not lead to increased flood risk to other properties and that the site can be suitable drained with some drainage improvements through the use of permeable or tanked permeable paving. Overall the application is considered to be in accordance with policy COR11 MDCS and policy DM2 LP3.

## **8. Ecology**

The application is supported by a completed wildlife trigger list. Although the application refers to demolition, which can often result in ecology surveys being required, the only demolition to take place is the ground floor of 34 Fore Street. As the whole building is not being demolished (perhaps importantly the roof is not being removed), it is not considered that any further information is required regarding potential impact of the development on biodiversity assets.

## **9. S106 Obligations and local finance considerations**

Policy AL/IN/3 Allocations and Infrastructure Development Plan Document (AIDPD) and the Supplemental Planning Document "Funding public open space through development" indicate that developments including new housing will provide 60 squared metres of equipped and landscaped public open space per market dwelling, to include children's play areas, sports areas, informal open space and allotments in appropriate proportions, with safe and convenient access on foot or cycle. Where it is more appropriate for open space to be located off the site, contributions are sought per dwelling. In this instance a financial contribution of £2700 is required toward the provision of youth equipment at West Exe neighbourhood park. This contribution is to be secured via a Section 106 agreement. Subject to the signing of a agreement for the contribution toward public open space provision the application will be considered to be in accordance with policy AI/IN/3 AIDPD and the SPD "Funding public open space through development".

## **10. Planning balance**

The development would provide improvements to the public realm in Fore Street, provide an improved and more attractive entrance to the Pannier Market as well as provide four new retail units in the primary shopping area and three flats within a sustainable location in the town centre within an attractive building the design of which will sit comfortably alongside the existing built environment in accordance with policies COR1, COR2, COR3, COR6, COR12, COR13 MDCS and policies DM2, DM14, DM15, DM16 LP3, nationally prescribed space standards and the NPPF. Additionally the development will not result in any increased flood risk to other properties and could result in some improvements to the surface water drainage system currently in place on the site in accordance with policy COR11 MDCS and policy DM2 LP3. The development can be suitably accessed and there is no requirement for

parking provision in accordance with policies COR9 MDCS and DM8 LP3. The development would not have any adverse impacts on the ecology of the area and appropriate financial contribution toward the off site provision of public open space will be secured in accordance with policy AI/IN/3 AIDPD and policy DM2 LP3. The development will have an impact on the setting of a listed building and the character and appearance of the conservation area and in this regard the application partially conflicts with the requirements of policy COR2 MDCS, policy DM27 LP3 and section 16 NPPF. On balance the public benefits associated with the proposed development, including the provision of 4 new retail units that would be of benefit to the economy of the town, as well as the provision of three flats in a sustainable town centre location is considered to outweigh the conflict with heritage policies and the application has been recommended for approval subject to conditions.

## **CONDITIONS**

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

implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

5. Arrivals of deliveries or collections of goods to and from the retail units including the collection of packaging, waste or other items shall only take place between the hours of 07:00 and 22:30 Monday to Saturday and 08:00 – 21:00 on Sundays and bank holidays.

6. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings (including the Corten panel, and projecting canopy on 34 Fore Street) shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

7. A scheme for the illumination of the passageway between 34 and 36 Fore Street and the hard landscaped area to the west of the new mixed use building passageway between 34 and 36 Fore Street and other external areas within the application site hereby approved shall be submitted to, agreed in writing by the local planning authority and implemented, prior to the first occupation of either the retail or residential units. The illumination scheme shall thereafter be retained and maintained.

8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without notification), express planning permission shall be obtained for any development within Class D (change of use to Class A2 financial and professional services), G (change of use to a mixed use), J (change of use to Class D2 assembly and leisure) and M (change of use to Class C3 dwellinghouses) of Part 3 of Schedule 2 of the Order.

9. Prior to the commencement of construction of the new building hereby approved, a detailed design of the proposed permanent surface water drainage infrastructure/system shall be submitted to and approved in writing by the local planning authority. The proposed system shall include the mitigation measures set out in the submitted flood risk assessment where possible. The development shall be carried out in accordance with the approved details and thereafter be so retained.

10. Prior to the first occupation of the three flats hereby approved, the privacy screen proposed on the north and east elevations of the mixed use building shall be erected in accordance with details of the materials, height, design and method of permanent fixing of that shall first have been submitted to and agreed in writing by the local planning authority. Once provided the screen shall be permanently retained 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 and in the interests of proper planning.

3. In the interests of highway safety and to safeguard the amenities of the occupiers of neighbouring properties and pedestrians moving through the town centre in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).

4. To safeguard the amenities of the occupiers of neighbouring properties and people using the facilities and services in the town centre in accordance with policies DM2 and DM7 of the Local Plan Part 3: (Development Management Policies).
5. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with policy DM2 Local Plan Part 3: (Development Management Policies).
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].
7. In the interest of pedestrian safety and to ensure that adequate illumination is provided during dark hours that reinforces the quality of design of the development in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of Local Plan Part 3: [Development Management Policies].
8. In order to minimise the impact of the proposed development on the vitality and viability of Tiverton Town Centre and maximise the economic potential of the new retail units, due to the position of the development close to other commercial uses in accordance with Policies DM2 and DM16 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
10. To safeguard the amenity levels enjoyed by the occupiers of the proposed flats and to ensure that this element of the development positively contributes to the overall character and appearance of the new building in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## **INFORMATIVES**

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/>.

There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/>. If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

## **REASON FOR APPROVAL OF PERMISSION**

The proposed development is considered to be supportable in policy terms. It is considered that the development will have a positive impact on the viability or vitality of the town centre. The retail use of the units proposed will contribute to customer choice within the town of Tiverton. The development is considered to be well designed and is not considered to result in a detrimental impact on the character of the area or result in adverse impacts on amenity

levels of occupiers of residential property. Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole, as well as being in accordance with Policies COR1, COR2, COR6, COR7, COR9, COR11, COR12 and COR13 of the Mid Devon Core Strategy [Local Plan Part 1] Tiverton and Policies DM1, DM2, DM6, DM7, DM8, DM16, DM21 and DM27 of the Mid Devon Local Plan Part 3 [Development Management Policies].

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

## PLANNING COMMITTEE

6<sup>TH</sup> MARCH 2019

### REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

#### COSTS IN THE PLANNING SERVICE

**Cabinet Member(s):** Cllr Richard Chesterton  
**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

#### Reason for Report:

In 2018 a cost analysis of planning service and recording of officer time was carried out in partnership with Chartered Institute of Public Finance and Accounting (CIPFA). A report by CIPFA was subsequently produced on the 30th October 2018 and is attached as **Appendix 1**. Analysis of the data in this report has enabled the Development Management Service to identify areas of focus to deliver greater efficiencies, service improvement and in some instances opportunities for the recovery of costs in discretionary areas of service. This report highlights some of the headline findings of the recent costs exercise to provide Members with background information on suggested service improvements and changes. It also demonstrates that the Planning Service is actively assessing the level of customer care, performance improvement, cost recovery and process efficiencies.

#### RECOMMENDATION:

**That the contents of this report and the CIPFA report of 30<sup>th</sup> October 2018 be noted.**

#### Relationship to Corporate Plan:

The core of the Planning Service is a statutory service, although some of the work undertaken, particularly before the formal planning application stage is discretionary and carried out for customer service reasons as well as seeking to secure higher quality planning outcomes through positively influencing development schemes at an early stage. The effective operation of the Planning Service delivers not only the processing of planning applications in line with the Government's performance targets, but also customer care and high quality development. The Planning Service directly contributes to the Corporate Plan priorities of community, housing, economy and environment, together with many of the aims under each of these priorities.

#### Financial Implications:

The introduction of service efficiencies and exploring cost recovery opportunities will improve the service for customers whilst reducing the costs of the operation of the service. Underpinning the cost of discretionary services through charging that seeks to recover the cost of providing that service will reduce the extent to which the Service budget is currently subsidised and will instead transfer more of the cost onto the users and beneficiaries of the service.

The CIFA report also considered the fee income received for certain application types and compared it with the cost to the Council of processing those applications by type. This is considered in more detail below and in the attached report.

**Legal Implications:**

The provisions of the Local Government Act 2003 are relevant to any consideration of charging for discretionary services as this must be on a cost recovery basis (s93). Planning fees for formal application processing are set nationally by the Government via Fee Regulations.

**Risk Assessment:**

This evidence based report is providing the focus for improvements to the Planning Service by aiding understanding of the amount of staff time spend in different activity areas, the cost of providing different parts of the service in relation to income (either as set by the Government in the case of the formal planning application process or discretionary for non-statutory areas). The time recording exercise and cost analysis undertaken reduce risks associated with either over or under-recovery of the costs of the service and will lead to targeted service improvements on an evidenced basis.

Improvements to efficiency and greater opportunities for cost recovery (where appropriate) will lead to less financial risk going forward, better customer focus through underpinning the cost of service resourcing. Having an appropriate and funded level of resource in place will allow for a sustained level of service delivery for customers that also reduces the risk of Government performance requirements not being met.

**Equalities Impact:**

There are no equality issues identified in this report.

**1.0 BACKGROUND.**

- 1.1. In 2018 a cost analysis of planning service and officer time was carried out in partnership with Chartered Institute of Public Finance and Accounting (CIPFA). The report by CIPFA incorporated data obtained from a four week time recording exercise, information on the costs of operating different parts of the service and the application of corporate on costs for support services. This resulted in annualised information on the cost and time spend of different activities and is being used as a basis for the service to identify and prioritise efficiency opportunities and areas of discretionary activity suitable for the recovery of costs through locally set fees.
- 1.2. Similar costs exercises were undertaken in 2011-2013 at a time when the Government was considering the introduction of local fee setting for planning. At that time local authorities worked with the Planning Advisory Service and CIPFA to establish the level of fees that would be applied by each Council by application type based upon activity levels, time taken and costs of service provision. Through this exercise benchmarking information was gained with a range of other councils both within the local area and on a more national basis. The Government did not introduce local fee setting for applications, these still being set nationally by fee regulations.
- 1.3. The 2018 exercise sought to undertake a similar approach to give an updated picture of costs in order to drive service improvement. Unfortunately it was not part of a wider exercise with other councils on this occasion and hence no benchmarking of the outcomes has taken place against other councils. However the information gathered in 2018 has been compared to that of 2013

to provide a limited comparative analysis. Outcomes from the study are informing the Development Management service improvement plan.

## **2.0 SERVICE COST HEADLINES**

- Pre-application and duty planning officer services currently include time for which a fee is not charged. Based upon the time recorded and annualised, the currently non-fee generating aspects of this service costs the Council £109,000 pa to deliver.
- The assessment and processing of applications on a delegated basis (as compared with via Planning Committee) costs £137,000pa and represents 94% of decisions.
- Planning Committee reports and decisions cost £174,000pa and represents 6% of decisions. In cost terms, 16 delegated applications may be processed for the equivalent of each application that is considered at Planning Committee. However Planning Committee items are by their nature usually the most significant and complex applications.
- The percentage of delegated decisions is the same as it was in 2013(94%)
- The cost of customer care in Planning Enforcement has increased by £18,000pa compared to 2013.This indicates a greater amount of staff time being recorded to customer care than previously.
- Running the planning application consultation process costs £111,000pa.
- Evaluation and negotiation costs on planning applications cost the service £236,000pa.
- The percentage of planning approvals is slightly up, to 94% from 91% in 2013.
- The number of planning appeals allowed in 2018 is down to 36% compared to 38% in 2013.
- The cost per hour of handling planning applications has increased from £30 to £36 per hour.

## **3.0 FEE INCOME HEADLINES**

There has been a 29% increase in planning fee income since the 2013 data was gathered. This can partly be explained by the 20% increase in planning fees introduced by the Government on 17<sup>th</sup> January 2018. It has also been established through this process that in some instances fee income does not cover the costs of dealing with a particular type of planning application:

- Non-residential planning applications currently cost £68,000pa more to determine than the fees they generate.
- Householder planning applications cost £19,000pa more to determine than the fees they generate. This disparity between the cost of determining this application type in comparison with the fee income gained is significantly narrower than in 2013. This indicates that they are being processed with greater efficiency than previously, but that further efficiencies are still required.
- Heritage planning applications (for which the council is not able to generate a fee) cost £72,000pa. The introduction of greater efficiencies for this application type will reduce the financial extent to which the council must cover the cost of processing such applications.

Whilst there is a significant shortfall in the 18/19 planning fee income against target, this has primarily been due to a drop off in the receipt of major fee earning applications. This is mainly due to uncertain economic conditions that are outside the control of the service, but it does not mean there is a drop off in officer workload as lower fee earning applications can often generate significant work for officers and do not give the opportunity for Planning Performance Agreements (PPAs) to be entered into. PPAs are agreements between the council and applicant that lay out agreed timescales, actions and resources to process an application. They give greater certainty to the applicant and Council that technical issues will be addressed within a timely manner and the application will be processed to an agreed timescale. They do not commit to a particular outcome or decision, the Council retaining full discretion over the determination of the application in the usual way.

#### **4.0 HEADLINE COST RECOVERY OPPORTUNITIES**

- The target income for PPAs in 2018/19 is £20,000 and is in addition to the national planning fee. More efficient processes will ensure greater engagement in PPA's as they are very dependent on officer capacity to provide this additional service for applicants.
- The currently unpaid element of the duty planning officer service costs £46,000 per annum. The introduction of a £30 fee for each duty enquiry could bring in revenue of £21,420pa taking into account the expected demand for such a service. This is the subject of a separate report to this meeting of Cabinet.

#### **4.0 EFFICIENCY SAVINGS IN PROCESSES**

- A virtual sign off basket has already been created for the electronic checking and signing off of both delegated and committee decisions.
- The CIPFA report has identified the need to improve Planning Committee processes in order to reduce costs whilst still recognising the importance of this vital democratic process.

- All Development Management activities have now been process mapped with the aim of setting out procedures for each element of the service. Process mapping is seen as a priority in order to challenge established practices, ensure service resilience through clear well documented processes and result in greater efficiencies.
- The service will continue to look at opportunities to streamline the consultation process whilst still ensuring the provision of excellent customer care. This is being explored through consideration of the Council's Statement of Community Involvement (SCI).
- The service will continue to explore opportunities to streamline the simplest planning applications such as householder planning applications. Efficiency savings in processing times can lead to improved customer care, reduced costs to the Council and improved performance statistics. More efficient processes on simpler planning applications will result in more officer time to deal with the higher fee generating major planning applications and to secure and resource other services such as PPA's and the paid for pre-application advice service. It will also give more time for officers to assist service users.
- A reduction in the time spent on negotiation can reduce service costs by taking less staff time. An example is where a refusal could be issued in lieu of seeking to negotiate several rounds of application revisions. However, this must be balanced against the impact on customer care, the potential increase in appeal rates and associated costs and the fact that a quick refusal will result in a free resubmission as a new application.

## 5.0 SUMMARY

- 5.1 The time recording exercise and subsequent CIPFA report of 30th October 2018 has provided benchmarking evidence to show that in many areas the service is operating more efficiently than in 2013. It has also provided the service with evidence of officer time and overheads to help drive forward efficiency and cost savings whilst improving customer focus. Work of this nature is providing a more cost and commercially aware approach to service delivery. The Development Management service will utilise this information to drive further service improvement and efficiencies including assessing opportunities for cost recovery in areas of discretionary service provision. It is intended that a staff time recording exercise is undertaken annually to provide up to date intelligence on the time taken on different service activities.

Contact for more Information: Mr David Green, Group Manager for Development  
01884 234348  
[dgreen@middevon.gov.uk](mailto:dgreen@middevon.gov.uk)

Mrs Jenny Clifford, Head of Planning, Economy and Regeneration 01884 234346  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)

Circulation of the Report: Cabinet Members  
List of Background Papers: CIPFA Report Oct 2018

Report for:  
**Mid Devon District Council -  
Comparative Analysis of the  
Planning Service**

8<sup>th</sup> October 2018

**Contact details**

In the first instance please direct all enquiries to:  
**Vijay Pillai, Analytics Manager – CIPFA**

020 7543 5755

Email: [vijay.pillai@cipfa.org](mailto:vijay.pillai@cipfa.org)



## Table of Contents

Introduction.....	3
Project Leads: .....	3
Key project timescales & milestones:.....	3
Coding Changes .....	3
Performance measurement range: .....	4
Key project deliverables: .....	4
Overview Analysis.....	5
Cost per application for major non-residential dwellings .....	5
Cost per application for all dwellings.....	6
Cost per application for local non-residential dwellings .....	6
Cost per application for all other application categories .....	7
Cost per application for householders .....	8
Cost per heritage applications.....	8
Overall cost per hour for handling applications .....	8
Analysis of performance .....	9

## Introduction

This report provide an analysis of Mid Devon District Council's planning service by comparing its relative costs and performance attained in 2013 with that of the current data set (2018). This report should be read in conjunction with the analytical summary attached (Appendix A).

## Project Leads:

- a) **CIPFA**  
Vijay Pillai - Analytics Manager  
James Martin - Service Lead  
Alex Wilkinson - Senior Data Analyst
  
- b) **Mid Devon Metropolitan District Council**  
Jenny Clifford - Head of Planning Services  
David Green - Group Manager Development Management  
Ruthie Pollington - Admin Team leader

## Key project timescales & milestones:

- c) Data gathering questionnaire initiated on the: 22<sup>nd</sup> June 2018
- d) Test run completed: 25<sup>th</sup> – 29<sup>th</sup> June 2018
- e) Formal collation period: 2<sup>nd</sup> July 2018 – 27<sup>th</sup> July 2018
- f) Data reconciliation: 30<sup>th</sup> July 2018 – 10<sup>th</sup> August 2018
- g) Data submitted to CIPFA: 15<sup>th</sup> August 2018
- h) Data validation completed: 16<sup>th</sup> August 2018
- i) Final data set received: 17<sup>th</sup> August 2018
- j) Draft analysis report issued: 11<sup>th</sup> September 2018
- k) Final report issued: 8<sup>th</sup> October 2018

## Coding Changes

The following activity coding amendments/additions were made to ensure the Mid Devon County coding structure were reflective of current practices; 110a, 110b referring to Customer care and GDPR activities. Other codes amendments/additions were; 312 (pre-application-unpaid), 480a (Section 106 management, 212 (Neighbourhood-evidence and policy, 214 (Neighbourhoods; forums, examination and referendum, 482, 484, 485 (compliance and delivery). In addition new codes (500-599) relating to various Economic Development were also added to monitor these new activities (see appendix 5 for details).

## Performance measurement range:

The performance measurement period remained the same as it was for 2013 to enable direct comparability (1<sup>st</sup> May 2017 to 30<sup>th</sup> April 2018).

## Key project deliverables:

1. Provision of draft questionnaire workbook with draft changes as agreed.
2. Provision of final an Excel questionnaire workbook to be completed by planning staff to record their use of time between the periods of 2<sup>nd</sup> July 2018 – 27<sup>th</sup> July 2018.
3. Provision of an Access database to help with data collation process for performance 1 and 2.
4. Processing and analysis of the recorded data.
5. Delivery of a benchmarking report comparing Mid Devon non-metropolitan district council 2018 date set with that of 2013.
6. Provide an Excel spreadsheet to enable Mid Devon non-metropolitan district council to produce their own analysis of the data included in the final report.

## Overview Analysis

In terms of costs a key point to note is the fact application handling costs remain more or less the same, albeit a 25% increase in terms of indirect planning applications received by the authority.

The number of full time equivalent (FTE) staff responsible for planning is again fairly stable although the FTE numbers for generic work has gone up from 4% in 2013 to 11% in 2018.

A key point to note is the significant (29% point) increase in income from application fees. Also of interest is the improvement in the productivity cost of the Planning Policy, which has gone down from £21 to £4 per hour, a decrease of 80% since 2013.

A detailed look of application handling costs by activity would suggest costs have increased in relation to the following categories:

- a) Committee reports & decisions– by 107%
- b) Running the consultation process - by 36%
- c) Evaluation & negotiation – by 29%

**Planning Expert Comments**  
This suggests potential confusion over whether to allocate time to this category or b) below where there has been a reduction in time

Conversely, there are also costs reductions in relation to:

- a) Planning appeals – down 84%
- b) Responding to internal consultation – down 83%
- c) Decision notice, agreements – down 76%

A comparison of 2018 data with 2013 on unit costs would suggest that costs have increased, varying upwards between 9% (overheads) to 51% (other costs). However full costs have increased by 20% since 2013.

Analysis of the application costs by type would suggest overall costs have increased by 3% since 2013. However what is significant is the cost increase of Major non-residential (112%) and dwelling applications (70%) since 2013.

## Cost per application for major non-residential dwellings

A more detailed look of application processing costs based on the analysis of 20 applications reveals where the cost increases have occurred. By far the biggest increase in costs is attributed to:

- Planning appeals - up by (739%)

- Committee reports & Decisions – up by (270%)
- Evaluations & Negotiations – up by (112%)

Planning Expert Comments

Cheaper? Or are the processes used less?

However on a positive front the delegated reports and decisions cost are much cheaper.

In terms of net income received this analysis suggests Mid Devon has made a surplus income of £146K based on 20 applications received in this category.

Planning Expert Comments

The reference to increase in income may also need to be set in the context of the 20% increase in application fees which came in for the last 3.5 months of the reporting period.

## Cost per application for all dwellings

The overall cost of handling for the category of applications ‘all dwelling’ appears to have decreased from £1,179 in 2013 to £359, based on the analysis of 135 applications received in 2018 (70%). Looking at specific elements with the exception of the consultations process major reduction apply to the following application stages:

Evaluation & negotiation  
 Delegated reports & decisions  
 Committee reports & decisions  
 Decision notice, agreements  
 Planning appeals

This is clearly an area requiring further investigation given the considerable variation in cost reduction, this may however be due to data quality issues.

The total value of income generated in this category if £46K based on a total of 135 applications received during the period.

## Cost per application for local non-residential dwellings

The table below shows the relative application costs of non-dwellings. Overall costs for key activities have increased by 39% (£160) since 2013.

	£/App	2013
Receipt & validation	£70	£70
Consultation	£72	£43
Evaluation & negotiation	£138	£91
Delegated reports & decisions	£158	£83
Committee reports & decisions	£117	£33
Decision notice, agreements	£14	£41
Planning appeals	£4	£53
<b>Total</b>	<b>£573</b>	<b>£413</b>

**Planning Expert Comments**

Decrease in hours spent on appeals suggests time now spent negotiating, and also show negotiating may be more expensive than refusing and appealing (although awards of costs by PINS would affect this).

With the exception of; receipt and validation, decision notices, agreements and planning appeals, all other processes are showing significant increases ranging from 52% (evaluation & negotiation) to 251% (committee reports & decisions), hence these key processes are the major contributors to the overall cost increase.

Based on 307 applications received in this category the net effect of income versus expenditure would suggest this category of applications have made a loss of £68K.

### Cost per application for all other application categories

The overall costs for this category is showing an increase of 34% since 2013. However the key drivers for cost increase are processes such as; committee reports, decisions (219% increase) and consultation showing a 101% increase in cost.



**Planning Expert Comments**

. Difference appears to be very big and not clear what this includes. Further detailed analysis is required to understand the high costs

Three out of four of the seven key processes are however showing varying degree of decreases in costs, with planning appeals showing a decrease from £44 per application in 2013 to just £6 in 2018, representing decrease of 86%.

Based on the analysis of 612 applications received in this category the overall impact is a surplus in income of £127K. Comparing this with 2013 when income was in deficit by £287, this would suggest the overall net effect is a boost in income levels by £160K.

## Cost per application for householders

A total of 346 applications were received during this period, based on this with the exception of category (evaluation & negotiation) all other stages are showing cost reductions. Overall costs for householders have therefore decreased by 30% since 2013.

However, unit income levels are showing an increase from £131 in 2013 to £171 in 2018. Despite the increase in income the net effect of this is a short fall of £19K for this category of applications.

## Cost per heritage applications

Overall costs for this category of applications has gone up by 4% since 2013, with the key process cost of evaluation and negotiation more than doubling in value. This has therefore contributed to an overall net loss of £72K based on the receipt of 140 applications received in period. Again there was no income recorded for this category either now or in 2013.

	£/App	2013
Receipt & validation	£53	£73
Consultation	£9	£141
Evaluation & negotiation	£372	£153
Delegated reports & decisions	£75	£83
Committee reports & decisions		£12
Decision notice & agreements	£4	£30
Planning appeals		
<b>Total</b>	<b>£513</b>	<b>£492</b>

## Overall cost per hour for handling applications

During the current period (2018) the total number of productive hours were 21,476. Based on this a comparisons of costs with 2013 suggests total cost has increased from £29.9 to £35.8 and increase of nearly £6. The key driver for cost increase is other costs, although direct staffing costs is also a factor.

Further analysis of overhead charges suggests big increases in generic overhead charges (466%), although management charges have decreased by 163% since 2013. The overall net effect is a 12% decrease in charges over the last 5 years.

Planning Expert Comments

Could this be 20% of staff on sick leave?

	£'000	£/hour	2013	Overhead Charges	£'000	% staff	2013
Direct staff	441	£20.5	£16.6	Away from work	91	21%	13%
Other costs	58	£2.7	£1.8	Generic overhead	304	69%	12%
Overhead charge:	270	£12.6	£11.6	Management	-124	-28%	45%
Total cost	769	£35.8	£29.9	Total	270	61%	70%

## Analysis of performance

The tables below provide a summary of key statistical outturns based on the performance figures reported. In terms of determining how efficient Mid Devon are at processing applications at a national level where applicable we have also used the CIPFA's Nearest Neighbour Model to identify the top ten nearest Non-Met District Councils to Mid Devon and compared the relative performances using the local planning authority performance Tables published by Ministry of Housing, Communities & Local Government (MHCLG) in accordance with section 62B of the Town and Country Planning Act 1990.

The CIPFA Nearest Neighbour Model is based on certain social and physical characteristics to provide a balanced scientific representation of each local authority's traits. The technique used by CIPFA follows the tradition of 'distance' approach using the Euclidean distances between all possible pairs of local authority standard characteristics. The calculation provides a final distance measure between authorities by assigning a distance of 0 to 1, with zero being the closest the 1 being the furthest. The characteristic measures used in the calculation includes factors such as; population, Area, density, space and household information etc the table below summarises the top ten Nearest Neighbour rankings:

<u>Mid Devon</u>		
1.	Torrige	0.032
2.	West Lindsey	0.038
3.	Babergh	0.040
4.	North Dorset	0.045
5.	Mid Suffolk	0.047
6.	Melton	0.050
7.	Craven	0.050
8.	West Devon	0.052
9.	Richmondshire	0.056
10.	Hambleton	0.061

For more information on using the CIPFA Nearest Model please click on the link: [CIPFA Nearest Model](#).

### Applications valid on receipt

The proportion of valid applications received based on a total of 1,560 applications received in 2018 is 37%. Compared with 2013 the position remains the same. Looking at the different categories major non-residential and local non-residential applications had the lowest proportion of valid applications compared with other types.

Table 1

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Applications received	20	135	307	346	140	n/a	n/a	n/a	612	1,560
Valid on receipt	3	37	78	111	40	n/a	n/a	n/a	307	576
% valid on receipt	15%	27%	25%	32%	29%	..	..	..	50%	37%
2013	27%	19%	26%	33%	21%	100%	..	..	59%	37%

### Applications withdrawn

In terms of application withdrawal rates the percentage withdrawn in 2018 is 5% compared with 8% in 2013, whilst the change is relatively minor it does still represent an improvement. Factors such as better guidance and improved on-line support and assistances can influence withdrawn rates, although this can also have an impact on time spent negotiating.

Table 2

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Applications received	20	135	307	346	140	n/a	n/a	n/a	612	1,560
Applications withdrawn		12	14	12	4	n/a	n/a	n/a	36	78
% withdrawn	na	9%	5%	3%	3%	n/a	n/a	n/a	6%	5%
2013	11%	17%	11%	4%	7%	n/a	n/a	n/a	6%	8%

### Zero fee applications

Proportionally the percentage of zero fee applications have remained the same as it was in 2015, albeit there does appear to be a downward trend in terms of each category of applications and this can be influenced by local planning policies on charges that are outside the scope of the fee regulations e.g. pre-application advice.

Table 3

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Applications received	20	135	307	346	140	n/a	n/a	n/a	612	1,560
Zero fee applications	1	10	15	30	140	n/a	n/a	n/a	238	434
% zero fee	5%	7%	5%	9%	100%	..	..	..	39%	28%
2013	8%	17%	6%	13%	100%	100%	..	..	32%	28%

### Pre-application advice

This was a new category introduced in 2018, hence there are no comparable data sets with 2013. However the proportion of people seeking pre-application advice does vary significantly between major non-residential and all dwelling applications as compared with other types of applications. This may be due to the fact major non-residential and all dwelling applications being more technical than the other categories of applications.

#### Planning Expert Comments

If the LPA didn't offer pre-app advice in 2013 or just that it didn't charge for pre-app advice in 2013? If the former then a comparison with the levels of pre-apps would be helpful. Certainly when we introduced pre-app charges the number of pre-apps fell by approximately 50%.

#### Planning Expert Comments

It is important to analyse time spent on this to see if it is cost effective to consider whether the service is worthwhile and/or needs to change

Table 4

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Applications received	20	135	307	346	140	n/a	n/a	n/a	612	1,560
Pre-application advice	12	85	9	2	4	n/a	n/a	n/a	73	185
% receiving	60%	63%	3%	1%	3%	..	..	..	12%	12%
2013	..	..	..	..	..	..	..	..	..	n/a

### Delegation

The rates remain consistent compared with 2013. Although major non-residential dwelling delegation rates appears to show an increase of 24% for 2018.

Table 5

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Delegated decisions	12	106	278	324	133				526	1,379
Committee decisions	8	17	15	9	3				31	83
Delegation rate	60%	86%	95%	97%	98%	..	..	..	94%	94%
2013	48%	83%	95%	97%	96%	100%	..	..	96%	94%

## Permissions

The comparative permission rates remains fairly consistent with 2013, above the 90% range.

Table 6

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Total decisions	20	123	293	333	136	n/a	n/a	n/a	557	1,462
Permissions granted	20	102	281	328	127	n/a	n/a	n/a	513	1,371
% Granted	100%	83%	96%	98%	93%	..	..	..	92%	94%
2013	86%	77%	97%	95%	95%	100%	..	..	85%	91%

## Overturns

Application overturn rates runs at a ratio of 3:1 compared with 2013.

Table 7

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Total decisions	20	123	293	333	136	n/a	n/a	n/a	557	1,462
Overturns	4	10	11	1	6	n/a	n/a	n/a	12	44
Overturn rate	20%	8%	4%	0%	4%	n/a	n/a	n/a	2%	3%
2013	10%	4%	0%	0%	1%	n/a	n/a	n/a	1%	1%

Based on the Local planning authority performance Table P152a (percentage of applications overturned at appeal on major development July 2015- June 2017), which measures the quality of decisions made by Mid Devon compared with its nearest neighbours, this shows that Mid Devon is ranked third in comparison with its nearest 10 peers and is performing well above the upper quartile position (see table P152a below).

The second table P154 provides data on district planning matters performance for quality of non-major decisions (July 2015 to June 2017). The performance here is somewhat better with Mid Devon being ranked second and well above the upper quartile range.

### Planning Expert Comments

It might be helpful to identify whether any service improvements have been implemented over the last 5 years that might have resulted in some of the differences - e.g. greater focus on electronic working, new IT systems/process, amendments to the constitution to allow for more delegation or variation to the call in to committee procedures, etc.

P152a: Planning Authority		Performance in %	Quartile & Rankings	
Richmondshire		0.00		
Babergh		0.68		
Mid Devon		2.08	Upper Quartile	2.15
North Dorset		2.22	Median Quartile	2.70
Hambleton		2.63	Lower Quartile	3.68
West Lindsey		2.70	Group Avg	3.47
Mid Suffolk		3.13		
Torridge		3.45	Mid Devon Rank	3
Melton		3.92		
Craven		4.84		
West Devon		12.50		

P154: Planning Authority		Performance in %	Quartile & Rankings	
Richmondshire		0.26		
Mid Devon		0.33		
Hambleton		0.71	Upper Quartile	0.77
West Dorset		0.83	Median Quartile	0.93
Babergh		0.89	Lower Quartile	1.32
Melton		0.93	Group Avg	0.96
Craven		0.99		
North Dorset		1.28	Mid Devon Rank	2
West Lindsey		1.36		
Mid Suffolk		1.39		
Torridge		1.62		

## Appeals and Local Reviews (Performance)

This table provides the ratio of decisions made and the number of appeals against it. Again this remains fairly consistent at 2% compared with 2013.

Table 8

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Total decisions	20	123	293	333	136	n/a	n/a	n/a	557	1,462
Application appeals	3	14	6	1	1	n/a	n/a	n/a	n/a	25
Appeal rate	15%	11%	2%	0%	1%	..	..	..	n/a	2%
2013		9%	2%	1%	1%	n/a	..	..	3%	2%

## Appeals allowed and Local Reviews

Based on the total appeals made (table 8 above) table 9 provides the total appeals allowed and its running rate. There are no major differences compared with 2013, with appeals running at a rate of between 36% and 38% over the 5 year period.

Table 9

	Major non-residential	All dwellings	Local non-residential	House holder	Heritage	Waste	Minerals	Electricity	All others	Total
Appeals allowed	2	1	6	n/a	n/a	n/a	n/a	n/a	n/a	9
Appeal allowed rate	67%	7%	100%	n/a	n/a	..	..	..	..	36%
2013	..	38%	67%	50%	50%	..	..	..	18%	38%

## Speed of Processing

During the period analysed Mid Devon made a total of 1,462 planning decisions. From end to end the average number of weeks taken to make a decision was 0.6 weeks compared with 1 week in 2013. This represents an overall improvement of 34% over the five year period.

Table 10

	Major non-residential	All dwellings	Local non-residential	Householder	Heritage	Waste	Minerals	Electricity	All others	Total
Total decisions	20	123	293	333	136	na	n/a	n/a	557	1,462
Av end-to-end weeks	17.6	12.6	9.8	9.2	10.6	na	na	na	7.7	0.6
2013	12.5	14.3	9.7	8.6	9.7	7.9	na	na	7.5	1.0

Table P151a (speed of decisions on applications for major development at district level - July 2016 to June 2018) provides a summary of the key performance stats for the percentage of applications processed within 13 weeks or within agreed time without penalty for missing data. This analysis would suggest Mid Devon's performance is ranked sixth against its nearest neighbouring non-metropolitan district councils using the CIPFA Nearest Neighbour model and in terms of quartile rankings Mid Devon's performance of 86.8% of applications processed on time is above the median quartile.

Similarly, for Table 153 performance non-major development the percentage of applications completed within 8 weeks or within agreed time without penalty for missing data decisions, suggests Mid Devon is ranked in the same sixth position at the median quartile. Therefore in both of these categories Mid Devon's standing is good and well above the group average. However in terms of future targets the aim here should be to reach the upper quartile position.

P151a: Planning Authority		Performance in %	Quartile & Rankings		P153: Planning Authority		Performance in %	Quartile & Rankings	
Richmondshire		100			Richmondshire		96.00		
Hambleton		91.4			Hambleton		89.50		
Melton		91.2	Upper Quartile	90.8	West Lindsey		89.50	Upper Quartile	88.05
Babergh		90.4	Median Quartile	85.45	North Dorset		86.60	Median Quartile	85.70
West Devon		88.9	Lower Quartile	83.9	West Dorset		86.40	Lower Quartile	80.65
Mid Devon		86.8	Group Avg	85	Mid Devon		85.70	Group Avg	83.95
West Lindsey		84.1			Babergh		82.60		
Mid Suffolk		83.9	Mid Devon Rank	6	Torridge		81.50	Mid Devon Rank	6
North Dorset		82.4			Melton		79.80		
Craven		68.3			Mid Suffolk		76.60		
Torridge		67.6			Craven		69.30		

## Enforcement

Enforcement allegation investigations	410
---------------------------------------	-----

	N	%	2013
Enforcement actions	320	78%	95%
Notices served	34	11%	8%
Enforcement prosecutions		n/a	16%
Enforcement appeals	2	..	100%
Appeals upheld	1	50%	14%

As shown above the total volume of planning enforcement investigations for 2018 is 410. In terms of enforcement activity, actions have reduced by 18% since 2013 although the number of notices issued has increased by 28%. Interestingly though the number of appeals upheld has increased by as much as 250% compared with 2013.

### Enforcement- Costs

The above table provides a summary of enforcement costs. Cost of investigations have nearly doubled since 2013 with costs rising from £178 to £303 per allegation. Unfortunately there were no comparable data for 2018 in relation to prosecutions and appeals.

Cost of allegation investigation	£124k	Cost of prosecutions	£14k	Cost of enforcement appeals	n/a
Cost per allegation received	£303	Cost per prosecution	..	Cost per appeal	n/a
2013	£178	2013	£6,371	2013	£263

Published by:

**CIPFA \ THE CHARTERED INSTITUTE OF PUBLIC FINANCE AND ACCOUNTANCY**

77 Mansell Street, London E1 8AN

020 7543 5600 \ [www.cipfa.org](http://www.cipfa.org)

© 2018 CIPFA

No responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication can be accepted by the authors or publisher.

While every care has been taken in the preparation of this publication, it may contain errors for which the publisher and authors cannot be held responsible.

Apart from any fair dealing for the purposes of research or private study, or criticism or review, as permitted under the Copyright, Designs and Patents Act 1988, this publication may be reproduced, stored or transmitted, in any form or by any means, only with the prior permission in writing of the publishers, or in the case of reprographic reproduction in accordance with the terms of licences issued by the Copyright Licensing Agency Ltd. Enquiries concerning reproduction outside those terms should be sent to the publishers at the above mentioned address