

PLANNING COMMITTEE AGENDA - 29th November 2017

Applications of a non-delegated nature

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

08. 17/00826/MFUL - Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units at Land at NGR 291466 112201, Jurishayes, Witleigh.

RECOMMENDATION

Grant permission subject to conditions.

Application No. 17/00982/MFUL

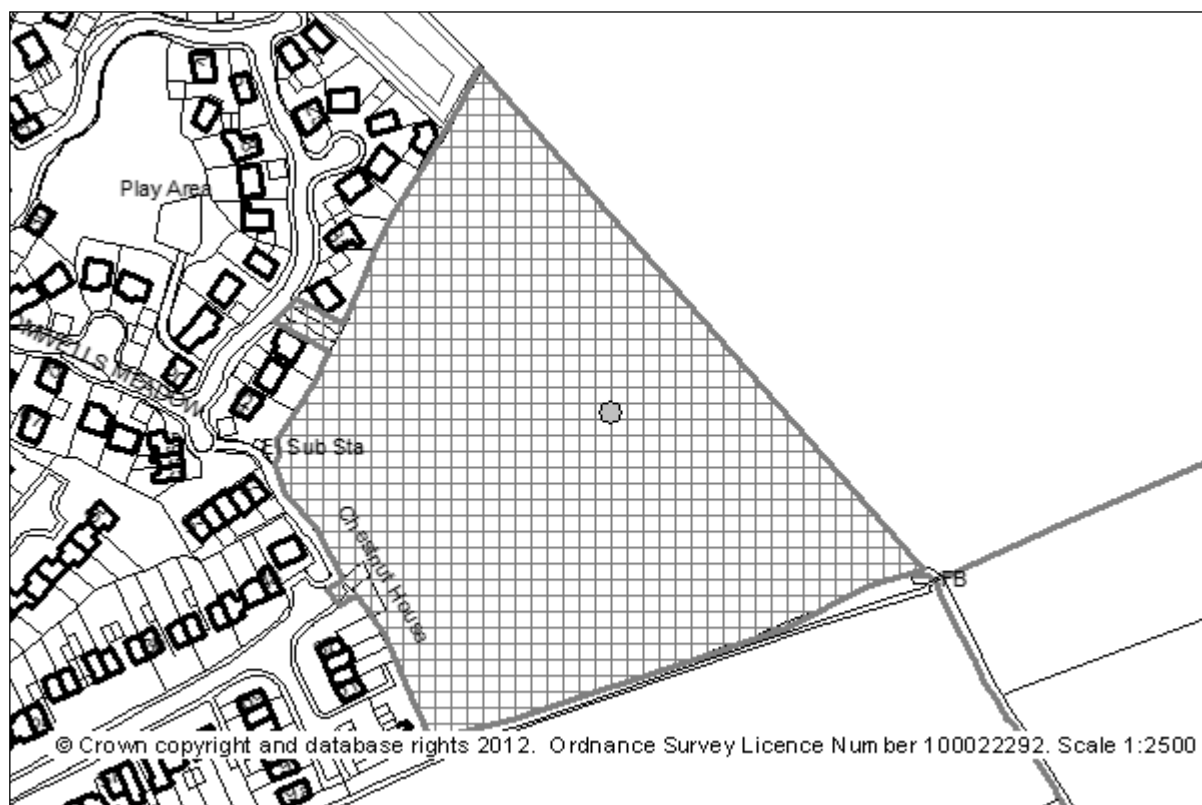
Grid Ref: 284671: 100838

Applicant: Mr A West, Persimmon Homes South West

Location: Land at NGR 284671 100838
Cromwells Meadow
Credton
Devon

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

Date Valid: 28th June 2017



Application No. 17/00982/MFUL

RECOMMENDATION

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

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

Grant subject to conditions.

PROPOSED DEVELOPMENT

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR15 - Crediton

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

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/5 - Education Provision
AL/IN/3 - Public Open Space
AL/CRE/3 - Cromwells Avenue
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

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

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

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

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

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

ENVIRONMENTAL HEALTH (MDDC) - 8th November 2017

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

Noise & other nuisances - Recommend approval with conditions:

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

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

Housing Standards No comment

Licensing - No Comments

Food Hygiene -Not applicable

Private Water Supplies - Not applicable

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

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

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

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

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

Recommended conditions:

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

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

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

before complying with these conditions.

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

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

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

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

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

Advice- Formal revisions

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

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

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

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

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

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

DEVON COUNTY EDUCATION - 27th October 2017 - No objections

The proposed 49 family-type dwellings will generate an additional primary pupils 12.25 and 7.35 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The primary contribution sought is £167,237 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the Crediton area. There is currently capacity at the designated secondary school and therefore a contribution towards secondary education would not be sought.

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

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

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

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

Observations:

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

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

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

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

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

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

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

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

surrounding landscape.

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

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

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

Reason

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

Wales & West Utilities Gas Network - 23rd August 2017

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: to deter crime and reduce the fear of crime

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

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

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

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

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

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

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

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

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

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

Observations:

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

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

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

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Officer note - please refer to conditions 8-11.

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

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

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

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

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

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

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

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

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

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

NATURAL ENGLAND - 10th July 2017 - No comments

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

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

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

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

1. Policy

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

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

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

50 dwellings with 35% affordable housing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

policies DM2, DM8 and DM14 of the development plan.

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

3. Section 106 / Affordable Housing issues.

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

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

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

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

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

4. Highway & Movement issues

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

The application proposes the following:

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

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

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

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

5. Flood Risk & Drainage Issues

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

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

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

6. Ecology/Biodiversity and Impact on Trees

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

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

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

7. Other Issues

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

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

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

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

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

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

Summary & Planning balance

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

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

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

CONDITIONS

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

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

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
5. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

- C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
6. No development in relation to the residential units hereby approved shall be commenced until:
- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level;
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme, and prior to the occupation of any the dwellings hereby approved.
8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. Land off Cromwells Meadows - Flood Risk Assessment and Drainage Strategy; Rev. 3; dated 9th November 2017), Drainage Strategy (drawing No. 172904-PDL-01; Rev. D; dated 9th November 2017) and the submitted Micro Drainage model outputs (File 172904_NT1_V1.mdx; dated October 2017). The approved details shall be implemented accordingly and maintained as operational in accordance with the approved details thereafter and prior to the occupation of any the dwellings hereby approved.
9. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving culvert is undertaken, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This detailed assessment must also identify, and propose specific repair and/or improvement works to the receiving culvert as required facilitating the development. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.
10. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and

volumes, and quality, of the surface water runoff from the construction site. The approved details shall be implemented accordingly in accordance with the approved details and prior to the occupation of any the dwellings hereby approved.

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To minimise the impact on the local highway network and local residents.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To protect water quality and minimise flood risk in accordance flood management act.
8. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
9. To ensure that the receiving culvert is of a satisfactory condition to receive the surface water runoff generated from the proposed development, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
10. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
11. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area, in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
12. To protect floodplain storage and in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
13. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.
14. In the interests of public health and the protection of the environment for future residents.
15. To safeguard the amenities of the existing residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
16. To ensure the specified materials are appropriate and in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.

17. To ensure the specified materials are appropriate and in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
18. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
19. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of the Local Plan Part 3: (Development Management Policies).
20. To ensure that appropriate measures are in place for the long term maintenance and management of the Sustainable Urban Drainage Systems within the site to ensure that it performs its intended function for the lifetime of the development and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
21. To ensure the discharge of the drainage from the proposed development shall not be prejudicial to the public sewerage system and ensure that there are adequate public foul sewerage facilities to receive foul water flows, and in order to safeguard the residential amenities and the local environment in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for 49 new dwellings with a proposed means of access to service the site from Willow Walk is considered to be supportable in development plan policy with the density and quantum of development in accordance with the adopted policy position as promoted by adopted policy AL/CRE/3. Overall the layout is considered a positive design response to the site. The design and housing mix is considered acceptable in terms of the unit sizes, how they will relate to the existing properties adjacent to the site, and will help to create a mixed and balanced community for future occupiers are the only issues for consideration through this application. The access and parking arrangements are considered acceptable, and there are no objections in terms of the proposals to deal with surface water management arrangements and flood risk impacts on the neighbouring flood plain. Subject to the satisfactory completion and resolution of a Section 106 Agreement to include the heads of terms as set out in this report the application scheme is considered acceptable and in compliance with the requirements of with Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/ 1-5, AL/IN/ 3 and AL/IN/CRE8 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Mid Devon Local Plan Part 3 (Development Management Policies) DM1, DM2, DM8 and DM14, and guidance in the National Planning Policy framework and the Governments National Space Standards.

Application No. 17/01487/HOUSE

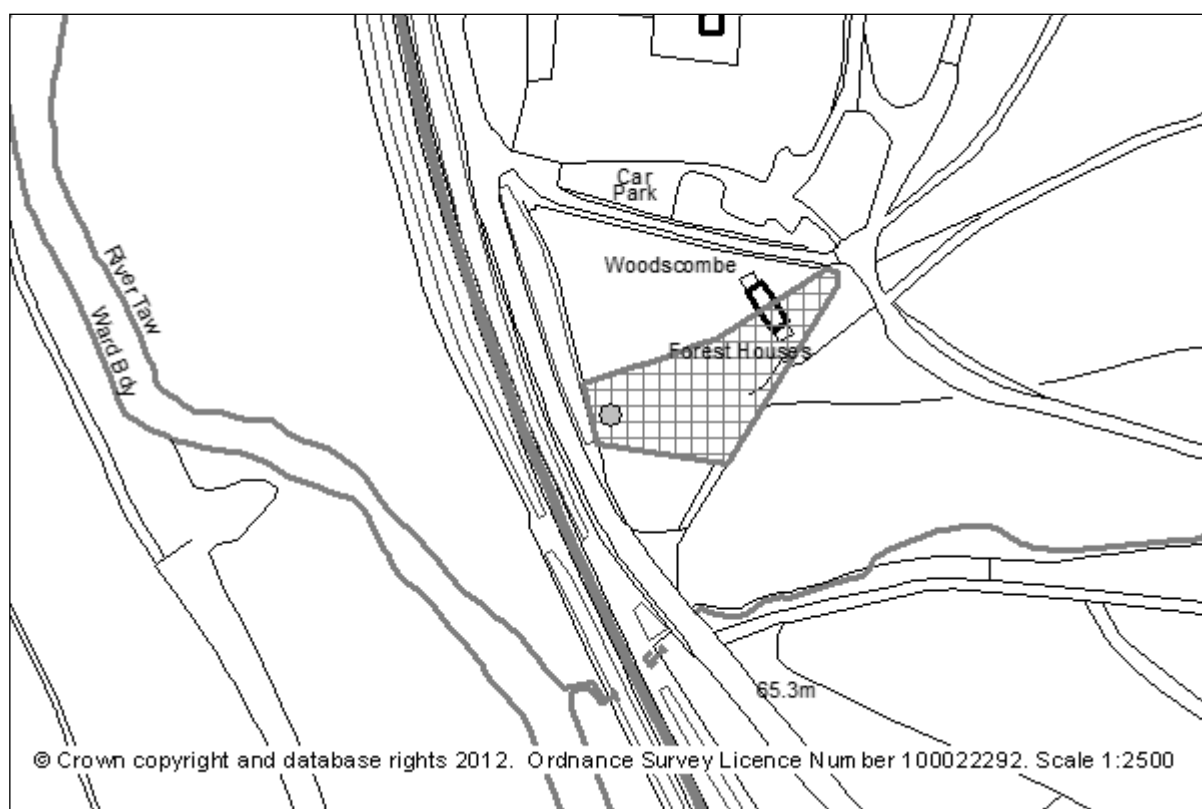
Grid Ref: 269352: 110488

Applicant: Mr & Mrs D Hall

Location: 6 Forestry Houses
Chenson
Chulmleigh
Devon

Proposal: Retention of replacement two-storey outbuilding

Date Valid: 3rd October 2017



Application No. 17/01487/HOUSE

RECOMMENDATION

Refuse permission.

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

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

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

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

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

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM13 - Residential extensions and ancillary development

CONSULTATIONS

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

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

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

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

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

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

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

2. The siting, scale and design of the building

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

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

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

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

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

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

4. The impact of the development on residential amenity

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

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

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

5. Planning Balance and Summary

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

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

the appearance of countryside.

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

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

REASONS FOR REFUSAL

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

Application No. 17/01414/FULL

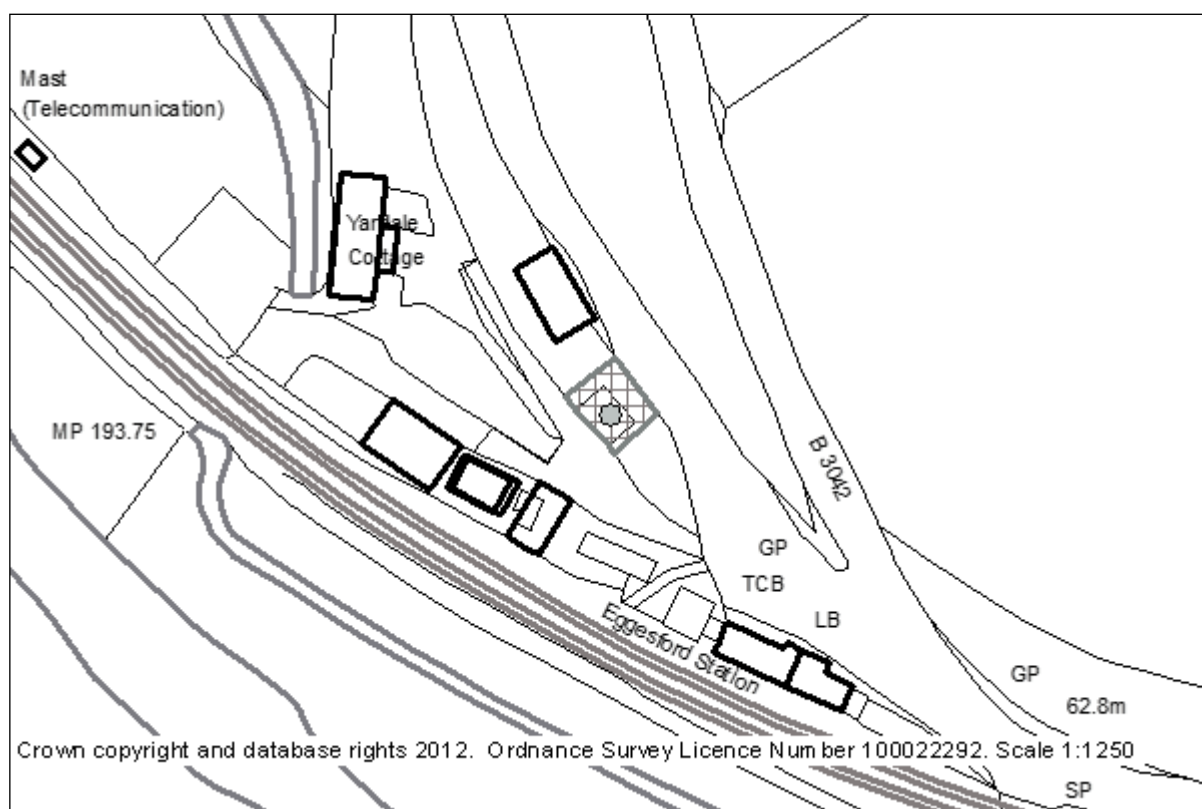
Grid Ref: 268200: 111519

Applicant: Mr D Churchill

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

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

Date Valid: 10th October 2017



Application No. 17/01414/FULL

RECOMMENDATION

Refuse permission.

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

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

PROPOSED DEVELOPMENT

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

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

APPLICANT'S SUPPORTING INFORMATION

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

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

PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

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

AL/IN/3 - Public Open Space

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

CONSULTATIONS

HIGHWAY AUTHORITY - 16th October- standing advice.

ENVIRONMENTAL HEALTH- 24th October 2017-

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

Recommended conditions:

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

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

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

No further issues were raised by Environmental Health.

NATURAL ENGLAND - 24th October 2017- No comments.

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

space for these facilities.

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and principal of development

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

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

However Mid Devon is not able to demonstrate a five year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements. Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Applications therefore need to be considered in the context of supporting sustainable development unless specific policies indicate development should be restricted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Highway and parking arrangements

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

3. Amenity of future occupiers

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

4. Impact on neighbouring properties

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

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

5. S106 obligations, public open space

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

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority by virtue of the isolated location of the building its conversion to a dwelling would not represent sustainable development in accordance with the NPPF. Furthermore the existing building is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. It is therefore contrary to the initial test of policy DM11 of the Local Plan part 3 [Development Management Policies]. No substantial case has been submitted for the provision of a dwelling in this rural location. Therefore it is not considered that the proposal amounts to special circumstances and considered to carry sufficient weight so as to override local and national policy. On this basis the proposed development is considered to be contrary to the requirements of Policies COR1 and COR18 of the Mid Devon Core Strategy [Local Plan Part 1], Policy DM11 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework [notably paragraph 55].
2. In the opinion of the Local Planning Authority the scheme of works as proposed includes significant alteration, extension and potential rebuilding of the existing building. Therefore the application scheme is not considered to be in compliance with criterion B and C of Policy DM11 of the Local Plan Part 3 (Development Management Policies).
3. The application proposals do not include a contribution towards the provision of public open space. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan [Local Plan Part 2] and Supplementary Planning Document: the provision and funding of open space through development (May 2008).

Application No. 17/01179/MFUL

Grid Ref: 303340: 110341

Applicant: Nicola Thorogood

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

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

Date Valid: 28th July 2017



Application No. 17/01179/MFUL

RECOMMENDATION

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

PROPOSED DEVELOPMENT

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

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

- AL/W1/2 - Willand, West of B3181
- AL/DE/6 - Exceptions Policy
- AL/IN/3 - Public Open Space
- AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

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

Other Policies

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

CONSULTATIONS

Willand Parish Council - 14th NOVEMBER 2017

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

specifically allocated for affordable housing to meet local needs;

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

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

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

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

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

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

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

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

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

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

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

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

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

AL/WI/2. Willand, West of B3181

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Willand Parish Council - 14th AUGUST 2017

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

1. The Site Location.

1.1 The site is outside of the designated Settlement Area of the village of Willand although under the existing local plan this is part of an Exception Site allocated under policy AL/W1/2. There are restrictions on the use of such exception sites which are referred to under paragraph 2 below. Seven (7) affordable houses have already been provided on part of the site.

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

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

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

a) Affordable and low cost housing to meet local needs

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

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

2. Exception Sites.

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

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

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

3. The Proven Local Need?

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

3.2 The key findings showed the following:

- o The survey found 12 households in housing need who could not afford to buy or rent in the open market.
- o 17 additional replies were received from households on Devon Home Choice who had not completed the survey but were eligible for affordable housing in the village.
- o 25 of the households in need qualified for affordable rent, 4 may be able to afford a shared ownership property.

Although publicity was given through the press and local social media and a survey was delivered to every household in the parish only 12 people actually responded identifying a need. A further 17 were 'canvassed' and it is questioned as to whether some or all of them will have a proven need or qualification.

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

- o 7 houses have now been brought into use in Ash Close part of the exception site;
- o 13 Affordable houses should be delivered as part of the site planned in the Emerging Local Plan;

- o Properties let/re-let by the council and housing associations appear to average about 7 per year in the village and so over the 5-year period 35 properties will change hands.

These figures more that cater for the 29 needed.

3.4 It should also be noted that the following applications are in the process of appeal or determination which will, if approved, bring further affordable housing on line in the village or in the immediate surrounding area:

- o 259 Houses Silver Street - 78 affordable;
- o 30 houses and some commercial on Esso site - 9 affordable;
- o 60 (approved) - possibly 90 - Uffculme Straight at Uffculme end - 27 affordable.
- o 400 houses as part of the North East Cullompton site - affordable may be lesser percentage due to infrastructure contributions and viability but still 60 affordable if only 15% are viable due to required

infrastructure provision.

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

4. Implications or Suggested Needs if Approved.

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

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

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

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

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

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

5. Housing design/materials/style.

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

6. General Observation and comment.

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

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

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

7. Conclusion.

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

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

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

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

Highway Authority - 8th November 2017

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

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

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

South West Water - 17th August 2017 - No objection

Natural England - 18th August 2017 - No comments

Lead Local Flood Authority - 10th November 2017

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

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

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

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

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

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

DCC Archaeology - 9th August 2017

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

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

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

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

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

7th August 2017 - The proposed additional 21 family-type dwellings will generate an additional primary pupils 5.25 and 3.15 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The primary contribution sought is £71,673 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the local area. There is currently capacity at the designated secondary school and therefore a contribution towards secondary education would not be sought.

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

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. **Policy and procedure**

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

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

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

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

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

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

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

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

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

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

2. Need for affordable housing

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

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

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

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

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

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

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

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

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

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

3. Site layout

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

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

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

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

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

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

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

4. Dwelling design

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

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

5. Highways and Parking

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

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

6. Site drainage

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

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

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

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

7. Waste

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

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

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

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

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

8. Ecology and landscaping

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

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

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

9. Financial contributions and S106

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

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

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

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

5. The proposed estate road, cycleways, footways, footpaths, verges, Junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. No part of the development hereby approved shall be commenced until:
 1. The access road has been laid out, kerbed, drained and constructed up to base course level for first 20.00 metres back from its junction with the public highway
 2. The ironwork has been set to base course level and the visibility splays required by this permission laid out
 3. The footway on the public highway frontage required by this permission has been constructed up to base course level
 4. A site compound and car park have been constructed in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.
7. No development shall begin until the trees and hedgerows to be retained on the site have been protected in accordance with a tree protection plan and arboricultural method statement which shall have previously been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection measures shall be retained during the period of construction of the development.
8. The development shall at all time be carried out in accordance with the ecological mitigation strategy and enhancement measures contained within submitted Ecological Appraisal dated October 2017 by Green Ecology.
9. The proposed development shall be carried out in accordance with the submitted drainage strategy contained within the Flood Risk Statement prepared by Fairhurst consulting engineers and received by the Local Planning Authority on the 8th of November 2017. The drainage scheme shall be fully operational before any of the proposed dwellings are first occupied, and shall be permanently retained and maintained in accordance with the submitted details.
10. Prior to their first use on the buildings details and a sample of the proposed materials to be used on the walls and roofs of the proposed dwelling house shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be so used and retained.
11. Within 6 months of the commencement of development, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme shall include details of hard and soft landscaping proposed, including any changes proposed in existing ground levels and a sample of the paving proposed in the parking areas. All planting, seeding, turfing, earth reprofiling and hard landscaping comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
12. No external lighting shall be installed on the rear of plots 1 to 7 [inclusive] and plots 18 to 26 [inclusive] unless details and an ecological appraisal as to the impacts of the lighting have been previously submitted to and approved in writing by the Local Planning Authority.
13. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D, or F of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of the house (including the installation of new windows or doors or the replacement of existing windows and doors), alterations to the roof of the dwelling house, the erection or construction of a porch outside any external door, provision of hard surfaces, or the erection construction, maintenance, improvement or

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
4. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
5. To ensure that adequate information for the proper consideration of the detailed proposals.
6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To ensure the development makes a positive contribution to the landscape character and visual amenity of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
8. To ensure the site makes a positive contribution to biodiversity in accordance with Policy DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To ensure the development is of a high quality and respects the character and appearance of its surroundings, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
11. To ensure the development makes a positive contribution to the character and amenity of the area in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
12. To ensure the dark corridor is retained on the north western and western boundaries of the site to protect the ecological interests of the site, in accordance with Policies DM2 of the Local Plan Part 3 (Development Management Policies) and AL/WI/2 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
13. To safeguard the visual amenities and the character and appearance of the area, the amenities of the occupiers of the dwellings proposed and neighbouring properties, and to safeguard against the overdevelopment of the site, in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Application No. 17/01292/FULL

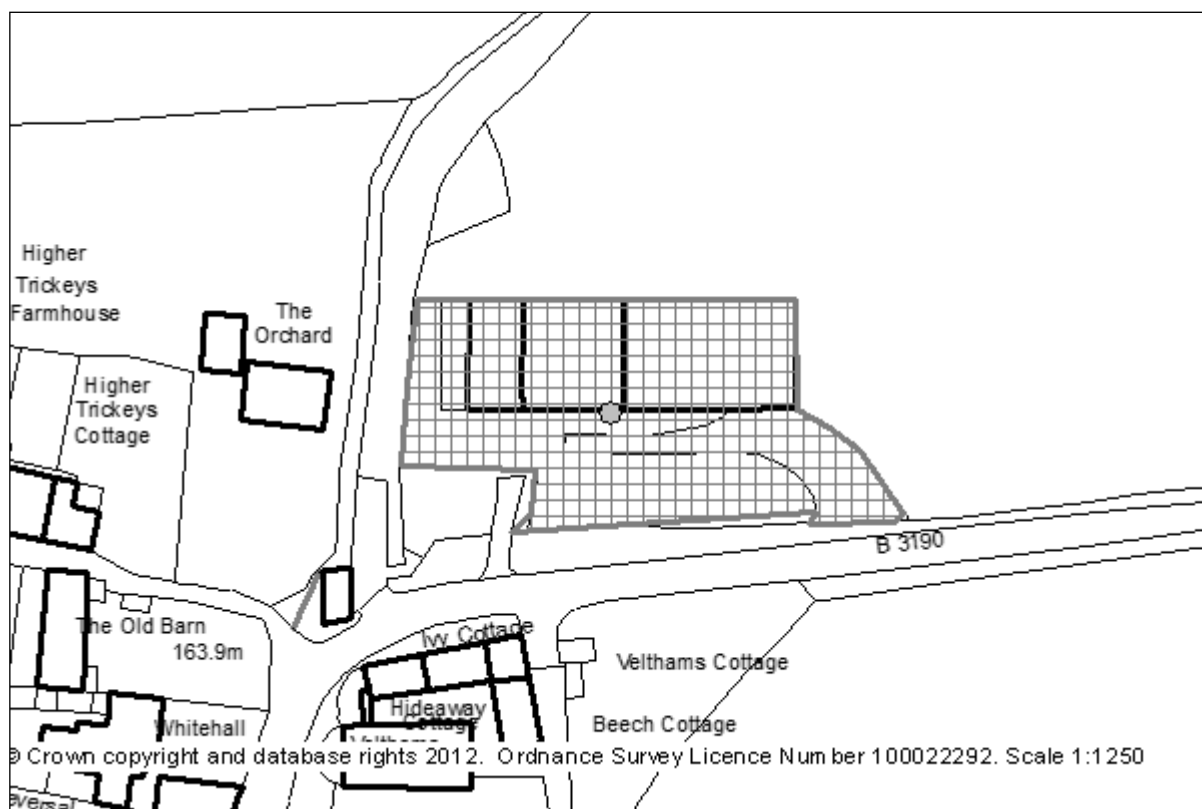
Grid Ref: 295636: 125070

Applicant: Mr C Rowland

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

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

Date Valid: 26th September 2017



Application No. 17/01292/FULL

RECOMMENDATION

Refuse permission.

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

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

PROPOSED DEVELOPMENT

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

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

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

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

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

Environmental Health - 5th October 2017:

Contaminated land - No objection

Air quality - No objection

Environmental permitting - No objection

Drainage - No objection

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

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

Housing standards - No comment

Licensing - No comments

Food hygiene - N/a

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

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

Health and safety - No objections

Natural England - 6th October 2017 - No comments

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

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and procedure

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

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

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

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

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

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

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

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

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

The development is on agricultural land [albeit on a smaller area having agricultural buildings on] and at present the whole of the site lies in the countryside in planning terms. The site is not allocated and is not being proposed for 100 percent affordable housing. The proposal is therefore considered to be contrary to policy COR18 of Mid Devon's adopted development plan. However, at appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply and in the interim, that position has not changed substantially. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. Policy COR18 is directly relevant to the supply of housing in the District and is now considered to be out of date in this regard. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework [NPPF].

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

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

3. Highways and highway safety

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

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

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

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

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

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

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

5. Living conditions of the occupiers of nearby residential properties

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

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

6. Loss of agricultural buildings/land

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

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

7. Drainage

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

8. Planning Obligations

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

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

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

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

9. Ecology

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

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

10. Sustainable development balance

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

It is acknowledged that the Council is presently unable to demonstrate that it has a 5 year supply of housing land and that policies relating to rural restraint are therefore out-of-date and the application needs to be assessed against the provisions of paragraph 14 of the Framework and DM1 of the Local Plan Part 3 [DMP]. Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The proposal would make a welcome, albeit small contribution towards increasing housing supply in Mid Devon and weight must be given to this. There could also be some modest benefits to the local economy, arising from construction and sales, increased revenues to the Council in a New Homes Bonus, and additional spending by local residents on local services and facilities particularly in the village of Bampton. It is also understood that some residents may prefer for the site to be developed for small scale housing scheme which results in the removal of agricultural buildings actively used from these nearby residents. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

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

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

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

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

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

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

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

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

accommodation ancillary to a dwelling.

Therefore it is concluded that the application site is not an appropriate location for the development proposed with regard to relevant provisions of the Local Plan and elements of the NPPF cited above. For the avoidance of doubt, and on the basis that the Council are unable to demonstrate a five year land supply of deliverable housing sites, the adverse effects of the development proposed would significantly and demonstrably outweigh its benefits. Having regard to all material considerations, it is concluded that the application does not accord with the presumption in favour of sustainable development as the harm identified would significantly and demonstrably outweigh the benefits of the proposal. Therefore the development proposed is considered to be contrary to the policies of the NPPF as a whole, as well as being contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy [Local Plan Part 1] and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 [Development Management Policies].

REASON FOR REFUSAL

1. The proposed residential development is located on a site outside of any recognised settlement limit, therefore sited within a countryside location in policy terms where the Local Planning Authority will only permit development which is necessary in the interests of agriculture or forestry or where special justification exists such as an affordable dwelling meeting an identified need. No justification has been submitted to substantiate a case that there is a functional need for this accommodation within the area. The location of the proposed residential development is considered unsustainable contrary to the National Planning Policy Framework. The Framework aims to guide development to sustainable solutions [paragraph 8] and reduce the need to travel and facilitate sustainable modes of transport [paragraphs 29 and 30]. Access to public transport is extremely limited and the site is remotely located from services, schools and shops which occupiers might need, with the nearest town centre with a wide range of facilities being either Dulverton to the north west or Tiverton to the south, approximately 5 and 10 miles away respectively. Therefore occupiers of the development are more likely to be dependent on private transport. When the development is considered against Paragraph 14 of the Framework with regard to the presumption in favour of sustainable development, the harm identified would significantly and demonstrably outweigh the benefits of the proposal. Therefore the development proposed is considered to be contrary to the policies of the National Planning Policy Framework as a whole, as well as being contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy [Local Plan Part 1] and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 [Development Management Policies].

Application No. 17/01395/FULL

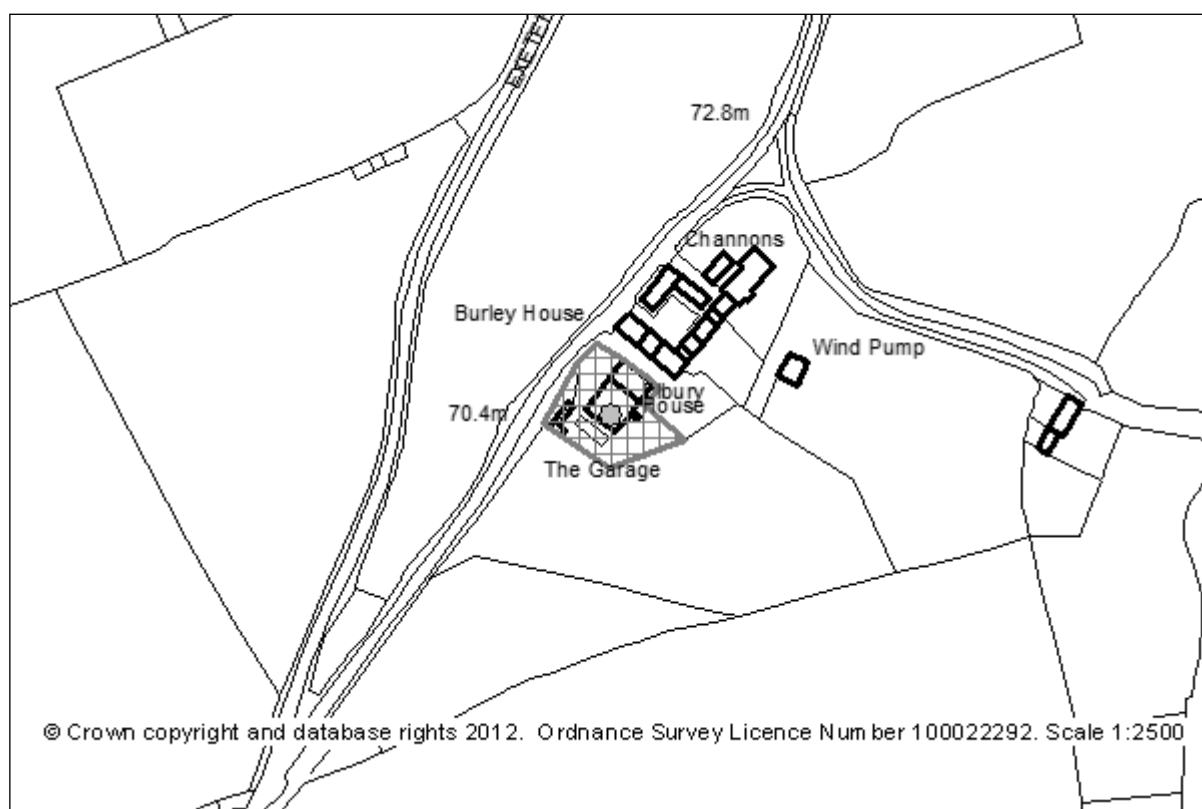
Grid Ref: 295524: 102476

Applicant: Mr Dennis Murphy

Location: M H West & Son
The Garage
Silverton
Exeter

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

Date Valid: 8th September 2017



Application No. 17/01395/FULL

RECOMMENDATION

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

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

To consider whether:

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

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

PROPOSED DEVELOPMENT

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

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

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

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

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

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

APPEAL WITHDRAWN 9th July 2010

OTHER HISTORY

16/01628/PREAPP - CLO date 7th November 2016
Proposed erection of 5 dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR5 - Climate Change
COR7 - Previously Developed Land
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR17 - Villages
COR18 - Countryside

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

AL/DE/3 - Affordable Housing Site Target
AL/IN/2 - Development Without Community Infrastructure Levy
AL/IN/3 - Public Open Space
AL/IN/4 - Green Infrastructure
AL/IN/5 - Education Provision

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM9 - Cross subsidy of affordable housing on exception sites
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

CONSULTATIONS

Highway Authority - 21st September 2017

Observations -

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

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

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission:

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway

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

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

REASON: To minimise congestion of the access

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

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

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

REASON: For the avoidance of doubt

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

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

Highway Authority - 8th November 2017

Observations:

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

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission:

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

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

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

Silverton Parish Council - 3rd October 2017

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

Silverton Parish Council - 7th November 2017

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

Historic Environment Team - 2nd October 2017 - I refer to the above application and your recent consultation. Assessment of the Historic Environment Record [HER] and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

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

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

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

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

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

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

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

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

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

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

Air Quality No objection to this proposal

Environmental Permitting - No objection to this proposal

Drainage - No objection to this proposal

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

Housing Standards - No comment

Licensing - No comment

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

Conservation Officer - 15th September 2017

I have no observations to make.

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

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

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

1 secondary pupil

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

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

REPRESENTATIONS

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

1. Highway safety

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

2. Overdevelopment of the site.

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

3. Appearance

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

4. Detrimental impact on residential amenity

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

5. Impact on existing infrastructure

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and Procedure

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

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

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

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

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

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

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

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

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

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

The development is on land of a garage/workshop and whilst the site lies in the countryside in planning terms, it is on previously developed land where Policy COR7 supports development considered to be in a sustainable location. As referred to earlier, the site is not allocated within the existing Local Plan but is within the emerging local plan but this only has limited weight. As the development proposed is not for 100 percent affordable housing, the development would be considered to be contrary to policy COR18 of Mid Devon's adopted development plan. However, at appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply and in the interim, that position has not changed substantially. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. Policy COR18 is directly relevant to the supply of housing in the District and is now considered to be out of date in this regard. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework [NPPF].

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

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

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

3. Highways and highway safety

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

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

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

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

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

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

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

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

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

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

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

5. Living conditions of the occupiers of nearby residential properties

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

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

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

is acceptable.

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

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

6. Flooding, drainage and site contamination

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

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

7. Ecology

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

8. Impact on Heritage Assets and Archaeology

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

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

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

9. S106 Obligations and local finance considerations

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

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

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

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

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

10. Sustainable development balance

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

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

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The proposal would make a welcome, albeit small contribution towards increasing housing supply in Mid Devon and significant weight must be given to this. There could also be some modest benefits to the local economy, arising from construction and sales, increased revenues to the Council, and additional spending by local residents on local services and facilities. The site is identified for development within the Local Plan Review [draft policy SI2 for 5 dwellings].

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

CONDITIONS

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

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

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

REASONS FOR CONDITIONS

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

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

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

INFORMATIVE NOTES

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole, as well as being in accordance with Policy COR1 of the Mid Devon Core Strategy [Local Plan Part 1] and Policy DM1 of the Mid Devon Local Plan Part 3 [Development Management Policies]. The application has therefore been recommended for approval.

Application No. 17/01464/FULL

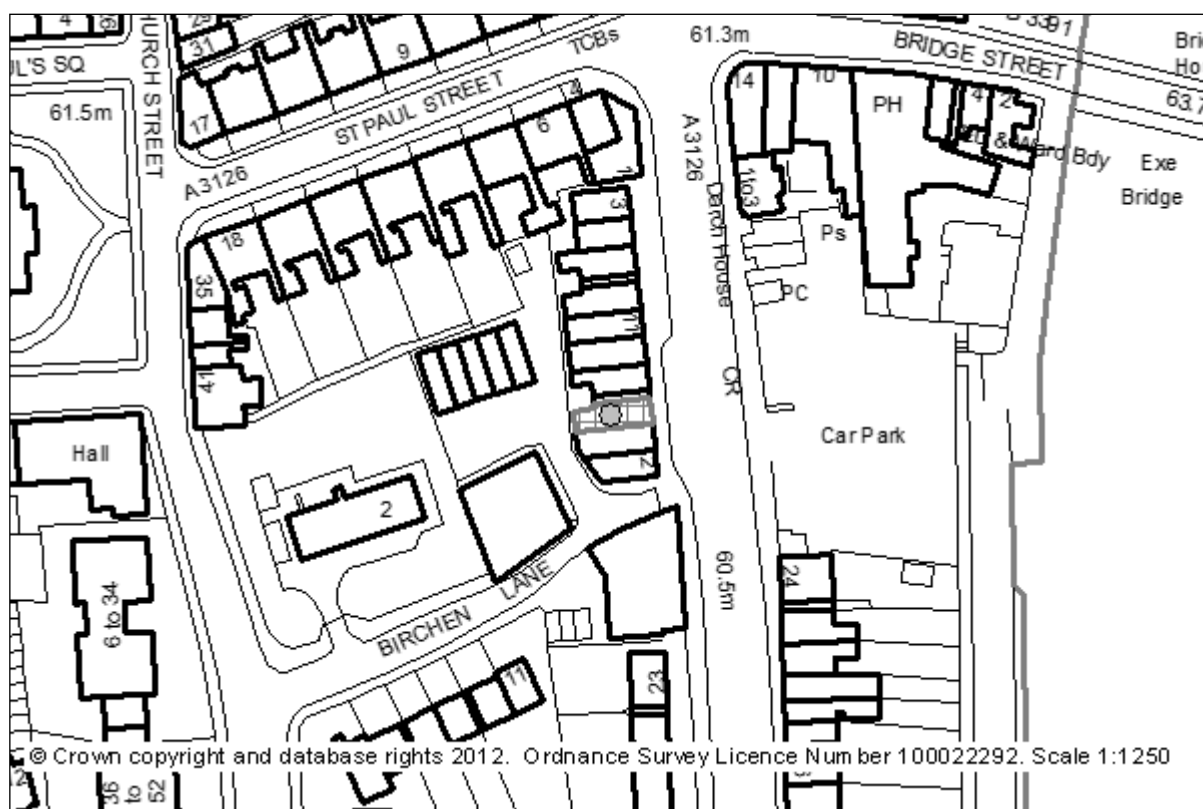
Grid Ref: 295225: 112497

Applicant: Mr S Holme

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

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

Date Valid: 13th September 2017



Application No. 17/01464/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

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

APPLICANT'S SUPPORTING INFORMATION

Location Plan
Block Plan
Supporting Letter
Flood Risk Assessment

PLANNING HISTORY

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

Highway Authority - 25th September 2017 - No comments

Tiverton Town Council - 3rd October 2017 - Support

Environmental Health - 4th October 2017:

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

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

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

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

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

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

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

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

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

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

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

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

3. Flood Risk Issues

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

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

CONDITIONS

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

REASONS FOR CONDITIONS

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

INFORMATIVE NOTE

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Application No. 17/00826/MFUL

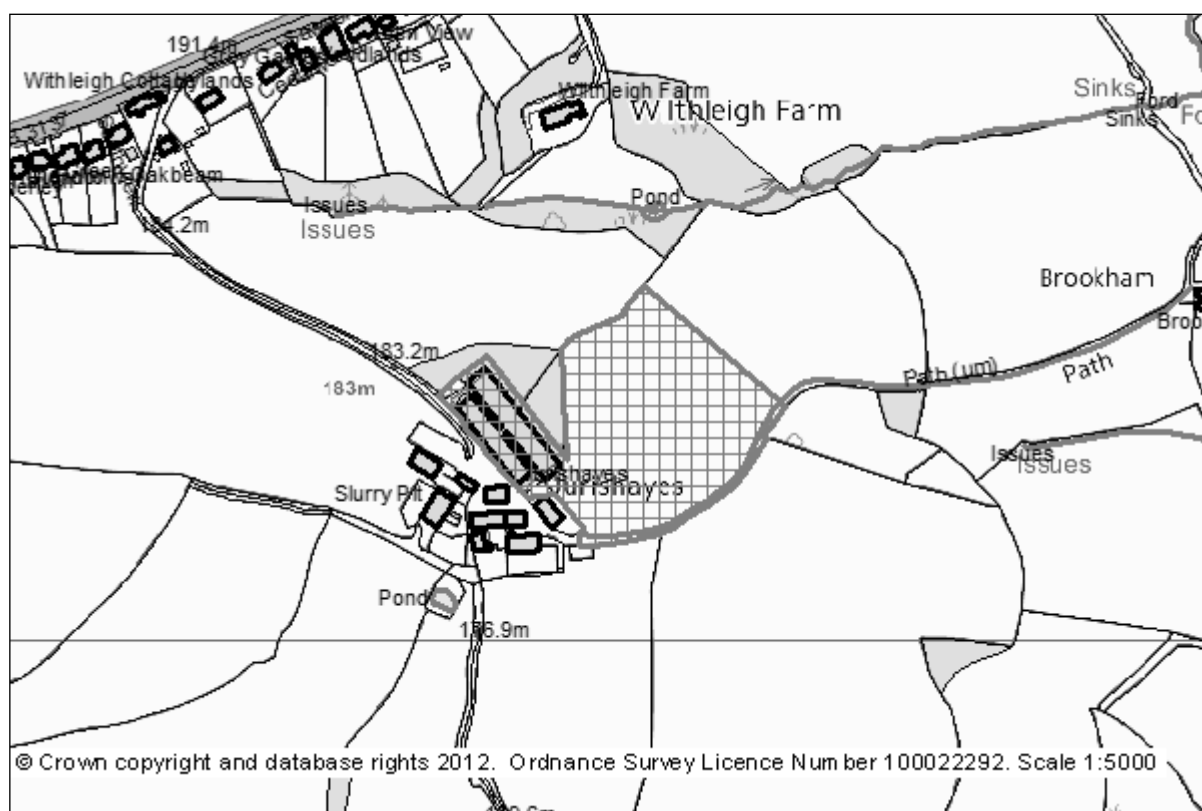
Grid Ref: 291467: 112201

Applicant: Mr M Frankpitt

Location: Land at NGR 291466 112201
Jurishayes
Witleigh
Devon

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

Date Valid: 20th June 2017



Application No. 17/00826/MFUL

RECOMMENDATION

Grant permission subject to conditions.

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

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

PROPOSED DEVELOPMENT

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

16/00647/PREAPP - 10th June 2016

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

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

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

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

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

26th July 2017 - Recommendation:

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

Observations:

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

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

TIVERTON TOWN COUNCIL - Support

HIGHWAY AUTHORITY - 30th October 2017

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

4th July 2017

Standing advice applies

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

HISTORIC ENVIRONMENT SERVICE - 4th July 2017 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

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

ENVIRONMENTAL HEALTH - 23rd October 2017

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

this development.

6th July 2017

Contaminated Land: I have no objection to this proposal

Air Quality: I have no objection to this proposal

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

Drainage: I have no objections to this proposal

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

This information is required before I can make any recommendation.

Housing Standards: No comment

Licensing: No Comments

Food Hygiene: Not applicable

Private Water Supplies: Not applicable

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

NATURAL ENGLAND - 7th July 2017 - No comments

RIGHTS OF WAY OFFICER EAST - 29th June 2017

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

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

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

REPRESENTATIONS

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

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and procedure

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

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

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

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

2. Impact on visual amenity

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

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

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

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

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

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

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

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

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

3. Potential for impact from additional noise and smell

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

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

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

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

4. Impact on the amenity of nearby residential properties

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

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

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

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

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

5. Impact of local highway network

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

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

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

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

DM2 Local Plan Part 3 [Development Management Policies].

6. Drainage/Ecology/Waste management

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

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

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

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall be commenced until details of the surface water drainage management system,

which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The approved temporary drainage scheme shall be fully implemented before any part of the development is first brought into use. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policy COR11 of the Mid Devon Core Strategy [Local Plan Part 1] and Policy DM2 of the Local Plan Part 3 [Development Management Policies].
4. To ensure the development will not harm to protected species or their habitats in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and habitat regulations.
5. To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To ensure the development integrates with the surrounding landscape in accordance with Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
7. To protect the amenity of the occupiers of nearby residential properties in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Mrs Jenny Clifford
Head of Planning and Regeneration