

PLANNING COMMITTEE AGENDA - 16th May 2018

Applications of a non-delegated nature

UPDATES

ENFORCEMENT LIST	
1.	<p>ENF/17/00072/RURAL – Land at NGR 317450 110777 (Tickle Penny) Clayhidon</p> <p>16th May 2018</p> <p>On page 17 add the following sentence in terms of the scope of the alleged breach:</p> <p><i>,and cessation of the use of the land for the storage of materials.</i></p>

THE PLANS LIST	
1.	<p>18/00214/MFUL - Erection of 14 dwellings with associated roads, garages and parking to include improvements to the existing footpath network - Land at NGR 310280 114261 Hunters Hill Culmstock.</p> <p>16th May 2018</p> <p>One additional letter of representation has been received raising the following points:</p> <ul style="list-style-type: none">• Question 24 on the application form states the site cannot be seen from public land.• The site is not highly visible at the moment as it is a green field, but if development takes place it will be clearly visible from Hunters Hill, the Community Garden, the minor road leading to Pitt Farm and Culmstock Beacon.• The suburban nature of the existing development already has a huge visual impact, MDDC should visit and observe the site from viewpoints in the surrounding area.• Should the development be approved, the roofs should be constructed of brown tiles and grey slates, with brick and stone walls to blend in with Culmstock village. Orange tiles and white render are not in keeping with the surrounding area. <p>A map has been sent by the Parish Council, identifying the designated village green (attached) forming part of the area proposed for footpath improvements, the details of which are to be agreed as secured by condition and in the S106.</p> <p>The numbering of the reasons for conditions on page 42 and 43 is incorrect, below condition 5 on page 42 there is a reason without a number, all other reasons to be adjusted by 1. There are no reasons missing.</p>

2.	<p>18/00283/OUT - Outline for the erection of a dwelling and alterations to vehicular access - Jaspers Green Uplowman Tiverton.</p> <p>10th May 2018</p> <p>1 The report to members failed to mention the recent approval of a dwelling located adjacent to this site by the committee on the 4th October 2017 plans list no 3 application number 17/01108/OUT. The application was submitted to committee to consider with an officer recommendation for refusal. The committee considered the application the aspects considered were whether the proposal was defined a s infill, the school, public house and post office in the village, whether there was any physical harm using the land for development of one dwelling, planning policy with regard to development in unsustainable villages, Repercussions of allowing such a site to be developed, previous appeal decision, and concluded that the proposal is considered to be acceptable in that it falls to be in accordance with the provisions of NPPF paragraph 14, the benefits of the provision of a single dwelling that respects the existing development pattern of Uplowman and has no unacceptable impact on highway safety, visual amenity and amenity of neighbouring residents, are considered to outweigh the harm caused by new residential development in a countryside location that is considered to be unsustainable in planning policy terms. The proposed was recommended for approval with conditions to be delegated to the Planning Manager.</p> <p>2 Appeal Decision recently received ref APP/Y1138/W/17/3189570 The Beeches, Road from Stag Mill Cross to Lowman Cross, Uplowman EX16 7DW The proposal was for the creation of 8 dwellings, the application 17/00033/OUT; dated 8th January 2017 was considered and refused on the 19th May 2017. The application was submitted in outline with access and scale to be determined. A signed and completed unilateral obligation. The main issue in this case is whether the site would be a suitable location for 8 dwellings having regard to the policies of the development plan and, if harm arises, whether this is outweighed by other material considerations. The appeal site comprises a field and paddock, along with a</p>

	<p>large agricultural type building and stables. Access to be off an existing road adjacent to Crosses Farm which serves a small number of dwellings. The dwellings would adjoin Uploman which is a small settlement, and considered by the inspector as not isolated.</p> <p>Policy COR1, COR9, and COR17 were all considered by the inspector in this proposal. The applicant put forward a number of arguments to support the proposal, the key points being;</p> <ul style="list-style-type: none"> a) Facilities within Uploman and proximity to Sampford Peverell which have regular bus and train services b) Accessible location, the village hall and public house are well used c) The local school has capacity for additional pupils <p>The inspector concluded the range of services in the settlement is limited with the post office only open 12 hours a week, with no shop and that there is little evidence to suggest the facilities are under threat or that the proposal would enable a shop to open, or public transport to be enhanced.</p> <p>The inspector concluded that there would be a high probability that residents of the new dwellings would drive into neighbouring settlements. As such the location of the appeal site would generate an appreciable amount of additional car borne travel and associated greenhouse gases.</p> <p>Uploman is not defined as a village and that the proposal provides no evidence to indicate that the development would meet the remaining criteria of COR18.</p> <p>Therefore judged against CS policies COR1, COR9, COR12 and COR18, the proposal would not be a sustainable location.</p> <p>The planning application referred to in part 1 above was considered in respect of this proposal and the inspector considered this and stated that whilst there are many parallels in relation to the accessibility of the dwellings and the settlement, the scale of the proposal is significantly greater than that permitted.</p> <p>The inspector considers that due weight should be given to the relevant policies according to their consistency with the framework. The policies are also broadly consistent with Paragraph 55 of the framework which advises that to promote sustainable development in rural area, housing should be located where it would enhance or maintain the vitality of rural communities.</p> <p>The proposal would have a limited biodiversity gain. Modest</p>
--	---

	<p>economic benefits, any Council Tax revenue would be offset by the new population to serve and would therefore be a neutral factor.</p> <p>The conclusion is that the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.</p> <p>3 Application 18/00027/OUT has recently been considered for the erection of a single dwelling, previous application have been undertaken at this site (Large section of garden in connection with Little Chace set to the rear of the property) which have been refused including an appeal. The conclusion was that the proposed residential use of the land would conflict with national and local policy which seeks to restrict residential development in rural areas, unless there is specific justification, and in this case, the Authority has not identified any special circumstances which would outweigh the conflict with the development plan.</p> <p>16th May 2018</p> <p>4 Within reason 4 for refusal the Monitoring fee has been included (Along with a monitoring fee of £110.80.) which should be removed from the reason as it is dealt with under separate legislation, and does not form part of the reasons associated with this planning application.</p>
5	18/00002/TPO - 2 Quarry View Burlescombe Tiverton

AGENDA REPORT	
1.	<p>17/01411/FULL - Retention of slurry lagoon - Land at NGR 276429 99746 (Adjacent to Mardles Gate) Colebrooke Devon.</p> <p>11th May 2018</p> <p>Additional Information from applicant</p> <p>I refer to our earlier correspondence and discussions regarding this application.</p> <p>I have now had the opportunity to look at and consider your report for the planning committee meeting on 16 May and I felt it might be useful to have</p>

	<p>my further observations on that which you can if you wish report to members of the planning committee.</p> <p>I comment as follows:</p> <p>1. Reason for refusal 1</p> <p>1.1 The wording for the refusal is clearly contrary to your recommendation for approval as set out in the previous report to committee. The reason also is contrary to the recommendation made by your public health officer.</p> <p>1.2 It appears that committee members are unconvinced that the scope of the mitigation measures as proposed are sufficient to address any odour nuisance and impact on air quality in a robust and satisfactory manner. The fitting of a cover across the lagoon and importation and extraction of dirty water from the lagoon in accordance with the management plan submitted as part of the application will in my opinion overcome such concerns. Should there be a breach of any of the conditions that you proposed then appropriate enforcement action by service of a breach of condition notice could be implemented.</p> <p>1.3 I am instructed that in the event that the committee refuse the application next Wednesday an appeal should be lodged in very short order against that decision, the basis of the argument to be presented will be fundamentally that a negotiated compromise to overcome concerns had been agreed with the council.</p> <p>1.4 My client has also commissioned me to try to secure planning consent at an alternative location some 250 metres to the southwest of the current site in accordance with the preliminary plan that I have previously sent you.</p> <p>1.5 A topographical survey for that site has now been completed and I hope to be able to produce a design for the lagoon and to submit a formal application to you within a period of approximately 15 working days.</p> <p>1.6 Because of the distance of that alternative location from the closest residential property and also because of intervening features such as ground levels, hedgerows, tree planting, etc. and prevailing wind direction, it is not considered necessary for that lagoon to have a fitted cover. In this regard my client draws attention to the other unauthorised slurry lagoon just along the road which I gather has now been recommended for consent without a cover.</p>
--	---

	<p>1.7 In terms of timescale, I would hope that if the application for the alternative location can be submitted to you before the end of May your authority may be able to reach a decision on that before the end of July. That would then just about give time for the construction of the new lagoon prior to the autumn season when storage facilities for slurry will again be required at the farm holding.</p> <p>1.8 In the event that planning consent is granted for the alternative location the appeal against the present location would then be withdrawn.</p> <p>2. Threatened enforcement action</p> <p>2.1 I am instructed that in the event that an enforcement notice is served by your authority against the current lagoon I am to appeal that on Ground A - planning consent should be granted subject to installation of a fitted cover and subject to conditions relating to the odour management plan, possibly also on the basis that the requirements of the notice exceed what is required to remedy the breach of control and also against the time for compliance set out on the notice.</p> <p>2.2 I would respectfully suggest that as there is more than adequate time left under the 4-year rule the matter of serving an enforcement notice could be delayed until the issue of the alternative location has been resolved. That would save both parties considerable time, trouble and costs.</p> <p>3. Service of a stop notice</p> <p>3.1 The service of a stop notice against the existing lagoon could prove to be disastrous for the farming enterprise and have very significant and major financial implications. I would urge that very careful consideration should be given by officers of the council to that matter and I am instructed that should you feel it necessary to have a further meeting or discussion with regard to the potential implications of such action I am to assist you as far as possible.</p> <p>4. Precedent</p> <p>4.1 Both I and my client are aware that there appear to be a number of unauthorised slurry lagoons on dairy holdings within Mid Devon. Those have resulted because of changes in farming practice. Traditionally (as I am sure you know) animals were wintered on straw bedding but that is no longer the case.</p> <p>4.2 I know that some slurry lagoons have been granted planning</p>
--	--

	<p>consent and I personally was involved in a major proposal for such a facility a few years ago at West Sandford but equally I am aware that some lagoons on farms in the area have been constructed without planning consent because farmers believed that their construction was permitted development not requiring planning permission.</p> <p>4.3 My client is one such farmer and had it not been for the close proximity to an agricultural worker's dwelling which was until recently not occupied in accordance with the condition, it is perhaps questionable whether the matter would ever have come to the notice of your authority. That would appear to be the case with many other such lagoons in the Mid Devon area. Notwithstanding the above, my client is keen to try to resolve the issue of his essential slurry lagoon with your authority as swiftly as possible.</p>
--	--