

PLANNING COMMITTEE AGENDA - 13th June 2018

Applications of a non-delegated nature

| <u>Item No.</u> | Description |
|-----------------|--|
| 01. | 17/01716/FULL - Widening of the existing access to agricultural land at Land at NGR 292482 101905, School Lane, Thorverton. RECOMMENDATION Grant permission subject to conditions. |
| 02. | 18/00091/MFUL - Conversion of former redundant care home to provide 22 residential units, and external landscaping at St Lawrence Home, Churchill Drive, Crediton. RECOMMENDATION Grant permission subject to conditions. |
| 03. | 18/00062/HOUSE - Erection of a two storey extension at 18 Great Close, Culmstock, Cullompton. RECOMMENDATION Refuse permission. |
| 04. | 18/00328/FULL - Siting of cabin for use as hairdressing salon (Use Class A1) at 11 Redland Way, Cullompton, Devon. RECOMMENDATION Grant permission subject to conditions. |
| 05. | 18/00445/ARM - Reserved matters for the erection of 3 dwellings at Land Adj 25 Cowleymoor Road, Tiverton, Devon. RECOMMENDATION Grant permission subject to conditions. |

Application No. 17/01716/FULL

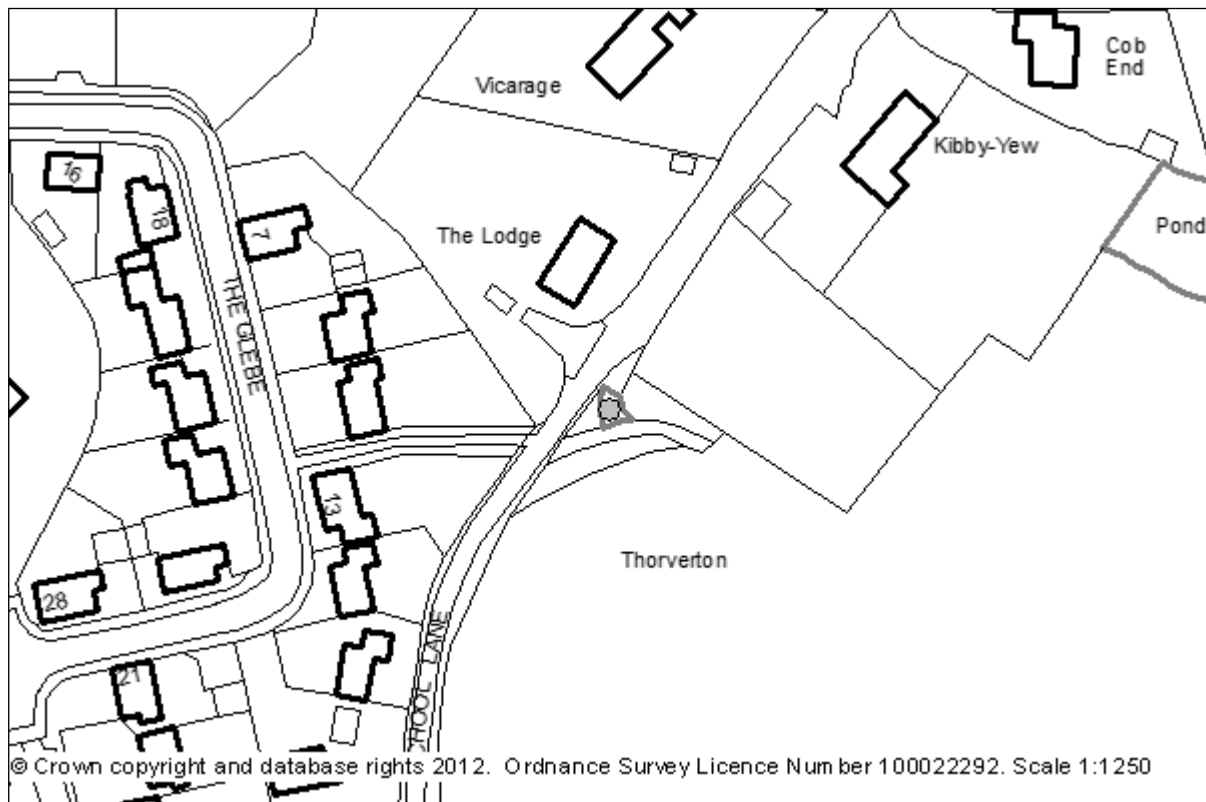
Grid Ref: 292482 : 101905

Applicant: Mr Richard Parr

Location: Land at NGR 292482 101905
School Lane
Thorverton
Devon

Proposal: Widening of the existing access to agricultural land

Date Valid: 19th October 2017



APPLICATION NO: 17/01716/FULL

MEMBER CALL-IN

Called in for consideration by Planning Committee by Cllr Bob Deed for the following reasons:

To consider whether there is an agricultural need for access and to consider matters relating to Highway safety.

RECOMMENDATION

Grant permission subject to conditions

PLANNING WORKING GROUP – 5 April 2018

Application 17/01716/FULL – Reinstate access and farm track to agricultural land – land at NGR 292482 101905, School Lane, Thorverton

There were 5 Members of Planning Working Group present.

Also present – the agent, an objector, a representative of the Parish Council, the Ward Member, the Case Officer and a representative from the Highways Authority (Ian Sorenson).

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

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

The Principal Planning Officer outlined the application providing plans which identified the new access; the 1 in 10 slope for the first 8 metres of the access, the original access and the proposal to move the new access 2 metres from the road with a grass verge and retaining wall. The initial part of the access would be formed in concrete and drainage channels provided. The current access would remain and with the proposed access, this would allow vehicles to exit the field by either turning right or left onto School Lane.

The Group moved further into the access to the field and discussed the access issues which had been approved by the Highways Authority.

A representative of the objectors spoke questioning the ownership of all of the land in question. He stated that the visibility did not meet the acceptable requirements and to enable the required level of visibility there would be a need to encroach onto the road. He questioned the 1 in 10 steepness into the site and voiced concerns regarding the modified plans which gave additional detail. There was a need to make decisions on facts and that the Portal stated that the Highway Authority had no objection to the application, this was a local Highway man and not Mr Sorenson.

Mr Sorenson (Devon County Council, Highway Authority) stated that the plans identified that the area would be built out to provide a suitable visibility splay, he stated that his colleague also found it to be acceptable. The Highway Authority accepted the plans as the proposal

would be covered under the Highway Act. The land covered within the application was already publically owned and did not step into privately owned land.

Mr Dyson (Agent) spoke stating that the steepness had been accepted by the Highway Authority, the slope would be graded and it would extend into the field, there was only a requirement for a 1 in 10 slope for the first 8 metres of the access. The visibility splay would be built out onto highway land which would achieve the visibility required and it would actually improve the visibility to the left looking out from the site, the bank would be reduced and a visibility splay would be achieved in both directions. The Devon Bank and the retaining wall would stop any movement of earth out into the road.

Cllr Bright (Chairman of Thorverton Parish Council) spoke stating that the main objections were that of the ability to access the field via a 1 in 10 slope, the issue of drainage on a concrete entrance that could be blocked by muddy tyres and the maintenance of any drains; he also had concerns regarding road safety as it looked like a pinch point would be created which would be situated by the footpath from The Glebe which was used by children attending the local school.

Mr Sorenson explained that the road would not be narrowed at this point.

Cllr R M Deed (Ward Member) questioned the position of the bank and whether the bank would be physically cut to reduce it and lower it. He also questioned whether the proposed access would reduce the area of road surface at this point as at the current time it was used as a passing place.

Mr Sorenson explained that the bank would be cut back, reduced and a retaining wall created, the new gateway could be used as a passing place.

Members discussed the issues and accepted that there was a need for an amendment to the drainage condition to change the style of drainage system from an "Acco" style to a channel block and that the landowner would be required to maintain the drainage system in perpetuity. It was suggested that traffic generated from the field would not cause any increase in traffic movement and that the access in and out of the entrance was sufficient. Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

FURTHER OFFICER COMMENTS:

Since the consideration of this application at an earlier meeting of Planning Committee, a further plan was submitted and consulted on which in affect relates to the widening of the existing access involving the removal of part of the earth bank to allow vehicles to leave in a north direction. Whilst the scheme for the access as previously proposed remains acceptable to the Highway Authority and Officers, following a meeting between Ian Sorenson (DCC Highways) on site with representatives of the local community an amended scheme has emerged which the Highway Authority considers preferable.

PROPOSED DEVELOPMENT

The applicant seeks planning permission to widen the existing access to agricultural land on land at NGR 292482 101905, School Lane, Thorverton. At the present time there is an existing access to the field which arcs to the south but this proposal is to widen the existing access rather than the previous proposal to create an additional access which arcs into the

site from the north which would have required a build out into the lane. The proposal is in order to allow agricultural vehicles to be able to leave the field in a north direction along School Lane without having to travel further south along the country lane before having to turn in order to allow travel northwards back along the lane.

The new access to be created would be 23m wide adjacent the lane before reducing to a width of 4 metres at a distance of 10 metres back from the lane with the access having a minimum radii of 10m to allow travel to the north whereas the radii to the south would be 21m. The access would have a tarmac finish for the first 10 metres with a surface water interception channel leading to a new soakaway after. The proposal alters the position of the existing farm track leading into the field but would have a minimum width of 3.5m. The gradient of the improved access would be 1 in 10 for the first 10 metres before rising up to the field. Visibility splays are shown in accordance with Highway Authority recommendations being 43m in each direction as taken from a point 2.4m back from the edge of the carriageway. The existing traffic sign would also be relocated slightly further over.

APPLICANT'S SUPPORTING INFORMATION

Completed application form
Location Plan,
Existing Highway Layout Plan
Proposed Highway Layout Plan and Profile
Agricultural Justification Letter

RELEVANT PLANNING HISTORY

90/01095/FULL - PERMIT date 17th August 1990
Construction of vehicular access

17/01456/PNAG - PNP date 10th October 2017
Prior notification for the re-instatement of farm access/track

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR17 - Villages
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM22 - Agricultural development
DM27 - Development affecting heritage assets

CONSULTATIONS

Thorverton Parish Council - 9th November 2017

At the November 7th 2017 meeting of Thorverton Parish Council it was resolved that the following comment be submitted to MDDC Planning Department objecting to this application: 'Thorverton Parish Council objects to this planning application on the grounds of road safety'
Thorverton Parish Council – 14th February 2018

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

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

Following the submission of additional information the following response was received:

Thorverton Parish Council - 14th February 2018

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

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

Following consultation on the proposal to widen the existing access:

Thorverton Parish Council – 9th May 2018

Thorverton Parish Council resolved to submit the following comments at its meeting on 8th May 2018:

- 1) This is a new scheme which no longer appears to be a reinstatement of the track.
- 2) The removal of the bank in-between is detrimental to the character of the Conservation Area and the street scape.
- 3) Residents have raised concerns in that the new drawing does not accurately represent the bend in the road to the south west and, therefore, the ability to have the correct visibility lengths in place which could require removal of further hedgerow and bank for this to be achieved.

Highway Authority - 9th November 2017

Observations:

I have visited the site which is located on a single track road and the current access is substandard in terms of alignment visibility and construction. The Highway Authority is aware of the objections submitted which make reference to the unit supplying fuel to an AD plant in Clyst St Mary. Before the Highway Authority can make a full assessment of this application the Local Planning Authority are advised to seek a response from the applicant into the figures identified. These figures would appear to be generations over a full year and over a much larger land take and while they may be from land in the control of the applicant elsewhere on school lane the traffic generations of this field need to be determined to consider this application on its own merits.

In addition to which the Highway Authority would seek the following details incorporated into a new design plan.

- Both accesses should remain open if consent is granted.
- The applicant would need to demonstrate access gradients for both the new and existing access of 1 in 10 maximum
- The access is hard surfaced in Tarmac or Concrete for the first 10.0m

- Visibility splays are provided with no obstruction greater than 600mm above the existing road surface taken from a point 2.4m back along the centre line of both accesses and extending to a point 25.00m to the north and 25.0m to the south,
- The access will need to demonstrate suitable drainage so as to prevent surface water, and detritus entering the public highway.
- Position of the relocated signage so that is visible to oncoming drivers for a distance of 25.0m and does not present an obstruction to visibility.

In addition to the above the Highway Authority may wish to place a restrictive condition on times of use to avoid conflict with school pick up and drop off such a restriction may require a suitable legal agreement. Upon receipt of the above information the Highway Authority will reassess the application

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, is likely to recommend refusal of planning permission, in the absence of further information:

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout, road construction, road gradients, and surface water drainage, contrary to paragraph 32 of the National Planning Policy Framework

Following the submission of additional information the following response was received:

Highway Authority - 8th February 2018

I can confirm that I have no objections in principle. I have forwarded the plan to neighbourhood engineer to see if he is willing to accept a licence application based upon this plan. His input will determine the conditions - if he accepts it I can accept the plan and he will deal with any further details in the licence, if he does not, he may require further plans being produced and a condition which will require discharging. If he is content I can condition the drawing as submitted.

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

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.
7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.
8. The proposed drains are totally inadequate to deal with the rain water and storm water run off from the concrete pad - soil and mud will also be dragged onto the highway. In addition where does the storm water and soil go once it enters the chamber on the plan?

Local Highway Authority - 22 February 2018

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

1. This is not for this application to consider and is speculation, however, the access being provided for agricultural use would not be suitable for a residential estate road and significant further works would be necessary along with suitable transport assessments for any housing generations will be necessary to determine suitability for the site for an increase in traffic.
2. Items 2, 3, 4 I have considered in the whole. The full width of verge and location of the realigned bank will be determined by the visibility splays. The current configuration with the retained bank was a desire from the Planning Authority to maintain the bank and general street scene. The Highway Authority are happy to accept this plan, albeit less than satisfactory, based on the need for the developer to enter into a licence with the Highway Authority where greater detail can be submitted in terms of technical aspects, but the layout, materials, visibility splay provision of drainage, radii and widths have been determined.
5. The swept path of agricultural vehicles entering the site from school lane from the north have been taken into consideration and that is why a 10m radii curve into the site and the lane /access width are as they have stipulated.
6. The gradient of the access has been stipulated as no greater than 1 in 10 for the new section which is the maximum gradient accepted by the Highway Authority and the hard surfacing of the access for the first 6.0m will cater for the skid resistance of the access.
8. The introduction of the drainage is a benefit over the existing access which is greater than 1 in 10 and has no restraint to water entering the highway. Details of the soakaway will be dealt with through the licence. The hard surface identified on the plan is the necessary requirement that allows a full wheel rotation and the reasonable removal of mud and stones before a vehicle enters the public highway. While greater detailed drawings would be desirable the plans submitted have sufficient annotation from a Highway Authority perspective to work with particularly given the need for a licence under the Highway Act.

Local Highway Authority – 5th April 2018

Observations:

Further to the Highway Authority responses to emerging plans and our emails and following the committee site meeting I am happy to offer the following conditions for consideration.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in a Northerly direction and 43.00 metres to the centre line of the carriageway in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

2. 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 8.00 metres back from its junction with the public highway

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

3. The frontage of the site shall be set back 2.4 metres from) the nearer edge of the existing carriageway and the land in front of this new boundary shall be cleared of any obstruction to visibility and the level reduced to no greater than 600mm above the carriageway level

REASON: To provide adequate visibility from and of emerging vehicles and to allow for future improvement of the road

4. In accordance with details that shall previously have been submitted to, and approved by, inclusive of but not limited to drainage channel (not Acco drainage), Soak away details and porosity rates 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

5. Off-Site Highway Works No Use of the new access shall take place on site until the offsite highway works for the provision of a build out to support the visibility splays has been designed, approved by the Local Planning Authority constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.

Following consultation on the proposal to widen the existing access:

Local Highway Authority – 1st May 2018

The Highway Authority has viewed the revised plan and can confirm that it has no objection subject to the plan being conditional of consent. The relocated sign would need to be positioned where there is sufficient visibility and this is feasible and can be assessed on site for optimum location.

Environment Agency – This is operational development less than 1 ha within flood zone 1 where no consultation is required.

REPRESENTATIONS

33 Letters of objection have been received following consultation on the revised proposal for the widening of the existing access to agricultural land. Previously, 37 further letters of objection were received following consultation on amended plans to the proposal to reinstate access and farm track to agricultural land (showing build out arrangement) with 42 letters of objection having been received prior as reported in the Officer Report to Planning Committee as considered previously by Members.

The objections on the revised plan to widen the existing access have been summarised as follows:

- School Lane has become a busy road since the closing of Hulk Lane which has impacted on those walking to the local school, particularly children, and dog walkers. The widening of the road will cause vehicles to travel even faster and allow larger vehicles access.
- The access point is located immediately after a particularly narrow part of the lane, around a relatively tight corner which is approached by a slope.
- The access point is directly opposite the pedestrian access to The Glebe, of which there is no pavement to enter / leave the road. An increase of agricultural machinery using this

access would pose significant risk to safety for those pedestrians using this entrance, particularly school children, in breach of NPPF Section 32

- The end of School Lane meets Bullen Street, which then results in a T-junction entirely impractical for large vehicles to navigate.
- There is no pavement along the narrow School Lane to the Bury.
- The drawings are deliberately misleading as School Lane has been straightened to meet Highways visibility compliance. The visibility splay can only be achieved by removing over 20 metres of ancient Devon hedgebank north and south of the access and re-siting a BT telegraph pole on the bank (breach of the Hedgerows Act 1997)
- 73 children are on roll at Thorverton CE Primary School, as well as 20-30 Preschool children on site at any one time with children's safety when using School Lane and the surrounding roads in the village being a major concern as there is no car parking or drop off sites therefore requiring children to walk to school.
- The school uses the community recreation ground for P.E during the summer, walking children along the road, past the proposed site and uses School Lane to access a number of facilities.
- An unintended consequence of this large tarmacked access will be its use as a turning point thus increasing the traffic in School Lane and increasing the risk to pedestrians.
- Enabling large agricultural vehicles to be able to turn north out of this field seems very problematic and likely to impinge on the driveway of the house opposite.
- The widening of the access is in order for the farmer to bring bigger farm machinery into the road that small school children use, which will put them in danger.
- The access is far too steep for use by vehicles which could descend out of control and injure pedestrians or collide with vehicles on the lane.
- The lane is simply too narrow to allow a less steep safe gradient
- School Staff park next the school for most of day restricting road width.
- There is to be an increase in traffic with the applicant now be regularly crop maize in this field to supply an anaerobic digester in East Devon at Clyst St Mary, a process which currently does not happen.
- A safe stopping distance will be impossible to achieve due to the blind corner and the steep Devon hedge bank.
- A road traffic accident occurred recently on May 9th 2018 within 100 metres of the proposed new access where a large van lost control, clipped the side of the hedge and ended up on its side in the lane. This could easily happen with this new access given the poor visibility, destabilising slope of the proposed new access and narrow blind corner, as well as increase in agricultural and school drop off traffic.
- Maintenance of this access will become a significant road safety issue as the applicant will not wish to maintain the entrance to the same standard as the highway in the future
- A traffic survey carried out in March 2018 demonstrated 495 movements in total, with 20% vehicle movements into School Lane and 80% of all pedestrian movements were to the School.
- The design of access is again non-compliant and unachievable regarding both slope and visibility. This new design bears no resemblance to the official Agricultural Access drawings in Appendix 4 page 321 of DCC Highways own reference manual2.
- If to be approved, cannot the applicant be obliged to make a contribution towards the cost of building a pavement from the Glebe footpath towards the school entrance?
- If approval is granted, is the planning authority willing to pick up the associated costs and risks of having to design, manage and enforce compliance of the Highways conditions and to also defend these conditions in the event of a possible challenge?
- This new design requires the applicant to place considerable additional new tarmac down to the level of the public highway in School Lane. Please clarify who is to assume responsibility for its compliance, future ownership and maintenance?

- There is no mention of moving existing South Facing road safety signs or consideration for additional possible new signage needed for North bound traffic approaching site from around the bend. If there are to be any changes, movements or additional road marking, who is responsible and who is expected to pay?
- We understand the new design calls for the complete removal of over 10 metre of Devon bank and field soil down to the level of school lane in an attempt to achieve the needed 2.4m visibility "X" distance.
- What is the expected depth of the kerb where it meets the public highway?
- The large expanse of concrete run off will lead to increased pooling at the pedestrian entrance to the Glebe during the winter.
- There are no SUDS design details and as there are no highways drains on this side of school lane, are planning able to clarify precisely how this design can be expected to prevent surface water and detritus from entering the public highway without the construction of a drain to the other side of school lane?
- Planning Policy DM22 requires "Agricultural Need" to be demonstrated - there is no evidence of this "Need" although it was quoted that this as one reason why MDDC are in support. Please can you clarify MDDC's evaluation criteria on this important part of Planning law.
- There are other accessible routes into this field for the applicant which could be utilised instead of removing a Devon hedge.
- The new plan has nothing to do with the widening or reinstatement of a farm access for agriculture but a housing estate, business park or even an industrial estate.
- The scale of it makes clear that the applicant's intentions are not limited to facilitating occasional egress from his field.
- The "farming" of this field has been successfully carried out for the last five years since the applicant purchased the land with the existing access so no need to change it.
- The entrance itself seems absurdly disproportionate in size akin to an industrial access
- The widening described is not appropriate for simple infrequent access to the field.
- The destruction of the ancient hedgerow and bank proximate to the conservation area will ruin the approach to this beautiful village.
- The site is on the edge of Thorverton conservation area and the design will not retain any visual amenity value for the community - it is urban in design not rural, fundamentally not in keeping with the School Lane rural features, the Lodge and its garden directly opposite in the Thorverton Conservation Zone contrary to policy on amenity value.
- Due the dramatic impact the new driveway will have on the "green environment and peaceful aspects" of School Lane, will the Conservation Officer re-visit the site?
- The new plan (5th) will mean the removal of large sections (20m+) of ancient Devon hedge bank 500 years old, creating an industrial urban design and huge expanse of tarmac right next to the Thorverton Conservation Zone.
- The proposed new access is directly opposite the historic Lodge and its Garden, both of which are listed in the TCZ of being exceptional merit.
- Proposal could result in the loss of hedgerows used by bats. A full environmental impact survey needs to be conducted to ensure that there are no protected species in the vicinity of the proposal.
- Noise, smell and pollution will result as a consequence of the increased use and nature of traffic using the widened entrance.
- There would be an increased risk of damage to the area around this entrance.
- The proposed development is opposed by the community and should be refused
- Does the change in description require a new application?
- The applicant is being afforded an amazing amount of tolerance by the Planning Officer when submissions of revised drawings exceed the stated time scale
- There are outstanding unresolved planning issues that this applicant has failed to make good.

The 37 objections received to the previous amended plans contained a number of objections as had previously been reported within the Officer report but the additional points of objection are summarised as follows:

- Following receipt of computer drawn plans, the previous hand drawn plans have been removed
- The plans produced are not by a recognised highways engineer qualified to deliberate on road design
- The revised plans are misleading with inaccurate information, particularly regarding visibility splays and inclines
- The access is not in accordance with D.C.C Highways Development Management Advice
- In order to achieve a 1 in 10 gradient, the access would need to extend a further 10 metres into the field
- The size of modern agricultural tractors and trailers (16m) means the stated sweep radius of 10 metres will be impossible to achieve without destroying the existing south entrance as well as driving onto the curtilage and driveway of the Lodge opposite
- The position of the relocated highway signs will not be seen by road users
- To be effective and prevent serious run-off, the proposed soakaway will need to re-engineered in order to below the level of the existing road. A percolation test will also be needed to confirm viability
- Without an artificial build out this application is completely unviable
- Object to the proposed narrowing of School Lane opposite the entrance to The Glebe which will make it dangerous to pedestrians, especially children and other road users.
- The build out will create a severe impact on pedestrian and other road user safety, contravening Section 32 National Planning Policy Framework and impact on the visual amenity of School Lane within the conservation zone.
- Traffic would be moved closer to the pedestrian access from The Glebe
- Traffic and pedestrian movements onto School Lane - A movement survey was conducted in the Bury on March 27th from 8 am - 9.30 am. There were a total of 495 vehicle and pedestrian movements, with 20% of vehicles entering or exiting School Lane and 80% of pedestrian movements to the School or to the school buses in the Bury.
- It is essential to maintain one of most effective and frequently used passing places along School Lane, especially for large vehicles
- The fact remains that agricultural vehicles have done significant and repetitive damage to boundary walls and vehicles along School Lane so this proposal would make the situation worse
- Any retaining wall should be constructed in Thorverton stone to be in keeping in the Conservation Area
- The applicant already has two other accesses leading to this field which are safer
- This application is not needed for agricultural purposes with the landowner's agricultural justification poorly evidenced.
- Concerns are raised that this application has received so many objections from Thorverton residents on the grounds of highway safety but is still being considered favourably
- The reopening of Hulk lane as part of a round walk from the village encourages people to get fit and this represents a highway danger to pedestrians.
- The Build-out will need to be urban designed and hard engineered to withstand mounted and driven over on a daily basis by agricultural vehicles and artic lorries as this critical passing place will be removed. The unsightly kerb edge will be 50mm in height rising to 600 mm against the orchard wall, which is not in the applicant's ownership but the Lodge

opposite, located in the Thorverton Conservation Zone. The 2 regulatory warning signs for 'road double bend' and 'road narrows on both sides' will be relocated to the kerb.

- Planning Permission already granted for a storage building for crops harvested from the applicant's holding. The applicant was granted planning permission under 15/007720/PNAG by MDDC on 3 June 2015 for a grain/crop storage building on his land at Yellowford Thorverton, serviced by the existing southern entrance from the steep field. There is no necessity therefore for a further access as planning permission has been granted for a storage building within a mile of the field on the basis of agricultural need with an existing and sufficient southern track for access.
- Since purchasing the field 4 years ago the applicant has rented the field out for 2 in 4 years to other farmers for sheep keep and swedes under plastic, bringing into serious question the justification for agricultural need.

The grounds for objection to the proposal to reinstate an access (new access to arc to the north) as outlined in the Officer Report considered previously by Members were summarised under the following issues.

Application form and plans submitted:

1. The new plan is not to scale with no details of any materials to be used in the construction and the proposed "channel drainage to soakaway" is lacking in any technical information.
2. Parts of the application form have been filled out incorrectly
3. The term re-instatement is misleading as whilst there may have been a field gate at one time, no powered wheeled vehicle has ever entered this unit from the north.
4. Level of detail. The current field access was installed under planning permission 90/1095/FULL which had a number of conditions regarding positioning of the field gate 5m back from highway, suitably hardened surface material, maintaining hedgerows etc. in order to improve visibility, protect the visual amenity of the area and prevent mud and stone debris being carried onto the public highway in the interests of public safety and convenience.

Need for access:

5. The applicant is named on a planning application approved by East Devon District Council as working under contract to grow bio feed to fuel an Anaerobic Digester located near Clyst St Mary. Land at Yellowford is identified as generating 1,530 tonnes of crop and in turn taking back 1,170 tonnes of digestate in order to "fertilise" the fields. These activities generate at least 350 journeys by tractor and trailer across narrow lanes. These journeys would be re-routed to the north, past the primary school and through the middle of the village whereas they have been successfully delivered in the past using the existing exits to the South down School Lane towards Brampford Speke & Exeter.
6. Other accesses have been opened up along School Lane (some without permission) to allow the large scale farm machinery to enter the field.
7. It will not improve road safety as all crop harvested this year from the whole plot (including this field) has all gone south down School Lane. It is understood that not one load has completed a 3 point turn at Yellowford and returned through the village.
8. The current owner has successfully operated all types of large agricultural machinery using the current access since acquiring the land over 4 years ago without apparent inconvenience.
9. Why would the landowner wish to add over 4 miles each way to a journey to his home farm while needing to negotiate a very tight turn in the centre of a village?

Practicability of access:

10. It would be unusable as the field is at least 5 meters above the level of School Lane with any new lane from the north needing to be a similar length of that to the south to prevent a steep slope and a steep bend.

11. A tractor is unlikely to negotiate this steep bend into the field and prevent debris from inevitably ending up in the public highway.
12. A new access may only be achieved by being engineered in concrete which would create significant extra surface water run-off and diffuse pollution through soil and mud dragged onto the highway by heavy agricultural vehicles, thereby increasing the risk of a road traffic accident.
13. The proposal would require more engineering works in the form of highway drainage to deal with surface water run off and mud. There is a constant run-off from the current access onto the lane with the existing drainage unable to take this extra water away.
14. The existing road signage would need to be relocated.

Highway Safety:

15. It will be an unsafe entrance due to the close proximity of neighbouring residencies and sited opposite a footpath from The Glebe to School Lane that is designed to provide primary school children an alternative safer route to the Thorverton primary school.
16. School Lane has no pavements and with the future new development in Broadlands for sixteen additional houses, the number of children using this route to access the school will increase. Young pedestrians would be sharing a narrow country lane with turning tractors and trailers which is not safe.
17. The new access would be off a blind muddy corner and will result in an increase in heavy large agricultural vehicles along School Lane which is narrow and sunken with poor drainage.
18. The application proposes to unnecessarily drive large heavy farm machinery through the village of Thorverton, past the village primary school to a sharp right angled bend in the middle of the village (junction of school lane and Bullen Street). The DCC School Transport Safety Officer has already expressed concerns over road traffic/parking issues.
19. Most buildings and many walls in both in School Lane and the middle of the village try to be protected by bollards. Unfortunately they are in regular need of replacement due to damage by farm machinery trying to negotiate these narrow roads. Driveways along School Lane are also used as a passing place to allow large vehicles to squeeze through. The implied additional minimum of 350 extra journeys through the middle of the village caused by this totally proposal will only exacerbate an already bad situation.
20. The ownership of West Raddon Farm is based in Netherex, meaning an inevitable level of farm traffic between the two, routed through Silver Street, The Bury and Bullen Street. This traffic has been compounded in the last few years by two other developments. First, the landslip and resulting closure of Hulk Lane to vehicles has meant that traffic between Fortescue Farm and Rewe Barton, traffic which formerly used Hulk Lane, is forced to use Silver Street, The Bury and School Lane. Second, Yellowford Farm is now in common ownership with Lynch Farm, and traffic between the two used Bullen Street and School Lane. Prominent among the latter are milk tankers; these navigate the corner between Bullen Street and School Lane only with difficulty, and have a history of causing damage to cobble, kerbs and pavements.

Impact on Heritage Assets:

21. Thorverton Conservation Area Appraisal and Management Plan describe School Lane as having a rural, tranquil character.
22. A new access may only be achieved by being engineered in concrete which would be completely out of character with the adjacent conservation zone, being unsightly.
23. MDDC have the duty to ensure that proposals for development within the conservation area either preserve or enhance character." The proposed application with the installation of a large concrete ramp directly opposite The Lodge, a quintessentially English thatched country cottage, and adjacent to the conservation area seems contradictory to these stated aims.

Impact on the environment:

24. This application, if granted, would be in direct contravention to Thorverton Parish Plan and Council's environmental aims.

25. The use of concrete for the proposed and existing access is not in keeping with the local environment and not in accordance with MDDC's stated vision to conserve and enhance the areas environment. Discouraging the use of School Lane by walkers and cyclists is also not in keeping with the spirit of MDDC's Greater Exeter Strategic Plan, especially in relation to transport issues.

26. The ostensible purpose of the development is to facilitate vehicle access for the movement of biomass for use in an anaerobic digester. Crops grown for this purpose [e.g. Maize] lead to soil structural degradation and lead to significantly higher surface-water runoff as clearly established by research published in Soil Use and Management in 2013. The runoff from the fields in question will adversely affect both School Lane and also the River Jordan and Silver Street due to the orientation of the slope of the field from the 77 Metre highpoint shown on the OS Map at N50:48:18 W3:31:32 (WGS84).

Potential use of access for future residential development:

- There have been enquiries made to Thorverton Parish Council by Devon and Cornwall Housing (DCH) regarding the possibility of building "30+ housing and car parking" on the land immediately surrounding this gateway on School lane.
- The proposal will lead to housing on site resulting in more traffic and pollution.

The following representations were reported on the update sheet to the Planning Committee on 28th February 2018:

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

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

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

1. This is a cynical Trojan horse application by the landowner to obtain a new access in the hope of residential development on a steep hillside, outside the 30 mph limit.
2. Measurements are not given for the retaining wall or the grass verge where the hedgerow is to be removed. The plan does not appear to be accurate on highway adjoining boundaries which may have been tweaked to fit the proposal.
3. The highway 'road narrows' sign and 'double bend' sign will not be properly visible to motorists in the relocated position.
4. The engineering works associated with this proposal are inadequate given the very steep incline particularly in wet weather.
5. To turn from School Lane into the new entrance with a 16m long tractor and trailer, grain trailer, or anaerobic digester waste trailer, will mean a wide turning circle and driving onto the curtilage of the listed Lodge opposite to achieve the turn, crossing from one side of the lane to the other and needing high revs to get up the very steep gradient.
6. Given the size and weight of vehicles and narrow width of turn and very steep incline, there would increase the health and safety risks.
7. There are no pedestrian pavements along the very narrow School Lane making the risk to villagers and children even greater walking to school and The Bury.

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Justification for the development**
- 3. Highway matters and highway safety**
- 4. Design and appearance of the development and its visual impact on the landscape**
- 5. Drainage provision**
- 6. Other matters**

1. Policy and procedure.

This is a planning application which the applicant outlines is to widen the access to agricultural land on land at NGR 292482 101905, School Lane, Thorverton. The original submission outlined a proposal to reinstate an access and farm track to agricultural land although it was noted that whilst there is an old gate post on site, there has been no access in any form for a significant period of time and therefore the proposal was being considered in the light of the creation of a new access to the agricultural land, in addition to improvements proposed to the existing access which arcs from the south off School Lane. However, since then the proposal has been revised to have a single access through the widening of the existing access which is a scheme preferable to the Local Highway Authority providing a betterment in highway terms providing an area which can be used as an additional passing place for larger vehicles, a refuge area for pedestrians and does not require any build out into the highway.

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [the Framework], published by the Government in March 2012, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. In this instance, the relevant policies are considered to include COR1 [Sustainable Communities], COR2 [Local Distinctiveness], COR9 [Access], COR17 [Villages], COR18 [Countryside] of the Core Strategy and DM1 [Presumption in favour of sustainable development], DM2 [High quality design], DM22 [Agricultural Development] and DM27 [Development affecting heritage assets] of the Development Management Policies [Local Plan Part 3].

Policy COR1 of the Mid Devon Core Strategy [Local Plan Part 1] seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. 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. 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 Thorverton.

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 relating to acceptable agricultural development, its design, highway safety and impact on the landscape and residential amenity. These matters and other planning considerations are considered further below.

2. Justification for the development.

COR18 establishes the principle of the types of development in the countryside and permits the provision of agricultural buildings/works. More specifically DM22 specifies that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm and in the immediate agricultural community.
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

The impact on the highway network, the environment and residential amenity are considered later in this report. In terms of the principle of this development, the proposal (as now submitted) is for the widening of an existing access requiring the removal of a bank of land in order to improve the existing access arrangements onto the field from the narrow road to allow improved access from the north. The field served by this access has a total area of 11.92ha (29.45 acres) of mainly arable land.

The applicant has confirmed that the maize grown on the holding is ensiled in silage pits at his home farm at Higher Bagmores and that the maize silage is to be consumed by cattle throughout the winter on that holding. It is therefore preferable to travel north through the village and then east to the main road network rather than south along narrow lanes. In addition to this, the applicant has commented that he farms land in the Shobrooke area, therefore being beneficial to be able to travel north through the village, the most direct route. In respect of the existing access onto site, the applicant's agent outlines that the current arrangements create a significant health and safety issue as tractors and trailers either have to reverse out onto the public highway or alternatively travel the distance to Yellowfiord farm whereby they are required to carry out a three point turn on the public road in order to travel back towards Thorverton. Both of these actions create significantly higher risk to the public and other road users than the proposed access.

Planning permission is required for this access due to School Lane being a classified road. In terms of ensuring the long term viability of an agricultural enterprise operating from this site, it is considered reasonable to permit this access to support the agricultural activity on the holding, with the proposal representing a betterment to access arrangements into the site.

An objection raised with respect to need is made on the basis that other accesses are available for use by the applicant further south along School Lane. On this point, it is noted that the existing access to this field which arcs from the south is the only direct access from a public highway. With respect to the use of alternative accesses, the first point that would need to be made is that the applicant is able to currently use the existing access to this field and leave in a south direction before legally turning further along School Lane in order to travel back north. The main purpose for this application is to provide a safe access for the main field, improving upon the current access arrangements given the applicant's preferred route to travel north through the centre of the village and then east along Silver Street to get

on to the A396 rather than travelling south along School Lane and onto Dunsford Hill which is narrow lane with limited passing places.

In terms of other accesses, there is an existing access point between this field and the adjoining field in which the applicant could navigate across the field toward another access. There is field access to the south of the residential property of Perles Hill, a distance of approximately 320m from the existing access to the application site, but this has limited visibility and is directly onto a narrow stretch of lane, but there is a wider access approximately 630m to the south from the existing access to the application site.

The factors which would deter the applicant from undertaking a route to the public highway via an adjoining field are considered to be on the grounds of the additional distance required across adjoining fields to existing accesses (approximately 245m and 405m), the current topography of the site with the land rising to the south of the application field before sloping back down within the adjoining field and that the closest alternative access is onto a narrower stretch of land with restricted visibility, especially to the north. With respect to the applicant traversing across fields to access the public highway rather than through an improved access arrangement for the main field, the applicant's agent has stated that whilst there are road accesses to the other arable fields along School Lane, they are of the view that a useable access is required to each arable field so in order to avoid having to drive over crops to access any fields without gateways onto the highway. Given the nature of the existing accesses into the adjoining field, the likelihood of an increase of mud onto the highway would also be a consideration.

3. Highway matters and highway safety.

The original plans provided as part of this planning application were considered insufficient to assess the impact onto the highway network with the Local Highway Authority requesting further information. Further plans were received for a new access which allowed travel north onto School Lane which was deemed to be acceptable by the Local Highway Authority subject to conditions.

Whilst the scheme for the access as previously proposed remains acceptable to the Highway Authority and Officers, following a meeting between Ian Sorenson (DCC Highways) on site with representatives of the local community an amended scheme has emerged for a proposal which in affect relates to the widening of the existing access involving the removal of part of the earth bank to allow vehicles to leave in a north direction. The Local Highway Authority has confirmed that the single point of access is the preferred Highway layout which would provide the most highway benefit.

Initially following the original submission, the Local Highway Authority noted objections making reference to the unit supplying fuel to an Anaerobic Digestion plant in Clyst St Mary and that before the Highway Authority could make a full assessment of this application recommended that the Local Planning Authority seek a response from the applicant into the figures identified. As reported earlier, the applicant has confirmed that the maize on this field is grown to be consumed by cattle. However, in any event the Local Highway Authority has further commented that they would discount this objection as the fields would be able to be used for crops without further planning consent and that looking at the figures to the annual generations the daily movements would be limited, albeit the land is going to be seasonal, but the generations would be the same as if the crop is used for fodder on any other part of the holding or sold to any other farming enterprise.

On this point, whilst these comments are noted from objectors, it is considered that the case can be made that this improved access would be beneficial to the farming enterprise of the applicant given that they want to travel through the village to get on to a main road rather

than use single narrow lanes. Movements which can take place today but require the turning of vehicles further south along School Lane. The applicant's agent has noted there is currently access to the field from the public highway and currently no restriction on transport movements and that this application seeks to improve the health and safety aspect of the field entrance and is required given that there are no existing farm buildings on site.

With respect to traffic generation, it is not considered that there would be a significant increase of traffic onto the site from what could take place now. The objections received are predominantly on the basis that the access as shown would allow for more heavy agricultural traffic to pass by the primary school and through the centre of the village which would represent a highway danger to all road users. It is noted that there has been conflicting reports received from residents of Thorverton through the objections received, some stating that no agricultural vehicles from the farming operations carried out on site have travelled north along the lane and through the village to those complaining of the size and frequency of agricultural vehicles travelling through the village as a result of the combined farming enterprise of the applicant. In any event, the direction of traffic is not a matter that can be controlled as the applicant can leave the site and then turn the vehicles around where possible in order to travel in the opposite direction and the Local Highway Authority do not object on highway safety grounds.

In terms of highway safety, the proposal as now submitted shows a single wider access having a minimum radii of 10m in order to allow vehicles to leave or enter from the north. Another requirement would be for the improved access is to achieve a gradient of 1:10 which the Local Highway authority believe can be achieved, allowing for this gradient to a distance of 10 metres back from the carriageway edge with the proposal representing an improvement to the existing access through the steep nature of the current access being reduced, having a tarmac surface and the introduction of a drainage channel to deal with surface water run-off. Visibility for the access as shown on the submitted plan is for 43m in each direction as taken from a point 2.4m back from the edge of the carriageway. Agricultural vehicles leaving the site would therefore be able to view pedestrians on the road in front.

4. Design and appearance of the development and its visual impact on the landscape and character of the Conservation Area.

The previous proposal to create a new access would have resulted in a new grass verge to be created with the lowering of an area of existing bank, with a retaining wall constructed having a rubble stone face. Following the original submission and requirements outlined by the Local Highway Authority, the applicant considered three alternative proposals, the first to create a larger single access onto site involving the removal of the complete bank, the second option being to keep the existing access from the south and have a new access to the north allowing the existing bank to be retained but lowered in height down to approximately 1 metre in order to achieve visibility in either direction, or to keep the existing access from the south and have a new access to the north but with the bank cut back approximately 2 metres allowing for a grass verge or increased carriageway width in front of the existing bank (kept at the height it is currently). The latter option was chosen as the creation of a grass verge was considered to be more in keeping with the small grass verge on the opposite side of the road.

However, concerns were received from members of the community that this proposal to create a new access would have required a build out into the highway which would have resulted in the loss of an existing passing place, the narrowing of the existing lane and movement of traffic closer to pedestrians using the public footpath link to The Glebe.

The site is opposite the conservation area with a number of objections received at the time of the original plan being on the basis that a new concrete access would detract from the character of the area. However as commented in the previous officer report, it was not considered that the new 3.7m wide access shown with the creation of grass verge would harm the setting of the heritage asset of the conservation area with the Conservation Officer raising no objection to the proposal on the basis that the development was implemented in accordance with the amended plans received, with the development therefore considered in accordance with policy DM27.

The revised proposal following the meeting of the Local Highway Authority and representatives of the local community is to create a larger single access into the site involving the removal of the complete bank which is preferable in highway safety terms. Further objections have been received that this proposal would result in a detrimental impact on the Conservation Area due to construction of a wider access with the removal of the earth bank with comments received that in order to achieve visibility to the south, further hedge bank will need to be removed.

On the matter of the removal of further hedge bank to the south, the proposed plans do not show any further removal of hedgebank but it should be noted that there is an existing access which arcs to the south with this proposal representing an improvement to the existing access arrangement. It is not considered that the works to the existing access results in any significant detrimental environmental impacts with the access being read in context with the purpose of being an agricultural access onto the farm land. An area of existing bank is to be removed but it is not considered that this alone would result in significant harm to the Conservation Area with the public benefits through the creation of an additional passing bay and refuge area for pedestrians along School Lane weighing in its favour.

5. Drainage provision

As referred to earlier in the report, a drainage channel is shown to be installed for the improved access with water to drain to a soakaway area as shown on the submitted plan. This detail is considered to be acceptable by the local highway authority with an improvement to the existing access arrangement onto the site. Therefore the drainage provision for the development is considered to comply with Policy DM2 of the Local Plan Part 3 Development Management Policies. An informative note has been included as part of this recommendation advising on the nature of the surface water drainage arrangements that will be sought.

6. Other matters

In terms of any impact on amenity of neighbouring residential properties, it is only considered that occupiers of The Lodge opposite the site could be affected, but given the gradient changes and frequency of use, it is not considered that there would be a significant detrimental impact on amenity. Agricultural traffic can pass the property currently and the sweep path of the access means that traffic will be concentrating on the access and views along the lane to oncoming traffic rather than directly into the property.

In terms of objections received relating to this development, it should be noted that the proposal is for an access into the agricultural land, not on how the land is to be farmed and for what purpose, or whether it is intended to be used for housing in the future, the latter requiring planning permission in any event. Water run-off from the agricultural activity taking place on the field is also not a matter to be considered as part of this application as this application only relates to the access arrangements onto the site and whether these would be acceptable in policy terms which they are considered to be.

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. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
4. No part of the access drive hereby approved shall be laid out at a gradient steeper than 1 in 10 for the first 10 metres back from the edge of the highway carriageway as shown on the approved plan, drawing no. TM81k.PH1d with the site access road to be hardened, surfaced, drained and maintained thereafter for a distance of not less than 8.00 metres back from its junction with the public highway.
5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in a Northerly direction and 43.00 metres to the centre line of the carriageway in the other direction.
6. Notwithstanding the submitted details, the surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Drainage shall be implemented in accordance with the approved details and 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 and to achieve safe access to and from the site in a manner which does not cause significant danger and inconvenience to other road users in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies DM2, DM22 and DM27 of the Local Plan Part 3: (Development Management Policies).

4. In the interest of highway safety and to prevent mud and other debris being carried onto the public highway in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

5. To provide adequate visibility from and of emerging vehicles in the interest of highway safety in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

6. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with Policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

INFORMATIVES

1. You are advised that surface water drainage details required under condition 6 shall be inclusive of but not limited to drainage channel (not Acco drainage), soak away details and porosity rates in order that provision be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the works to widen the existing access is considered to be supportable in policy terms. The new access arrangement is required in order to improve the current access arrangements into the field due to substandard nature of the existing access and the size and nature of agricultural vehicles accessing the farmland from a narrow lane. The development is reasonably necessary to support the farming activity on the holding with the applicant confirming that they farm this land to grow feed for cattle. Whilst the proposal represents an increased width of access into the site with an area of bank removed, it is not considered that the access as shown on the submitted drawings would result in significant harm to the character and appearance of this rural area including the adjoining conservation area. It is also not considered that the proposal results in any significant adverse impacts on the amenity of nearby occupiers, the environment or the highway network. Overall the proposal is considered to be compliant with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

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

Plans List No. 2

Application No. 18/00091/MFUL

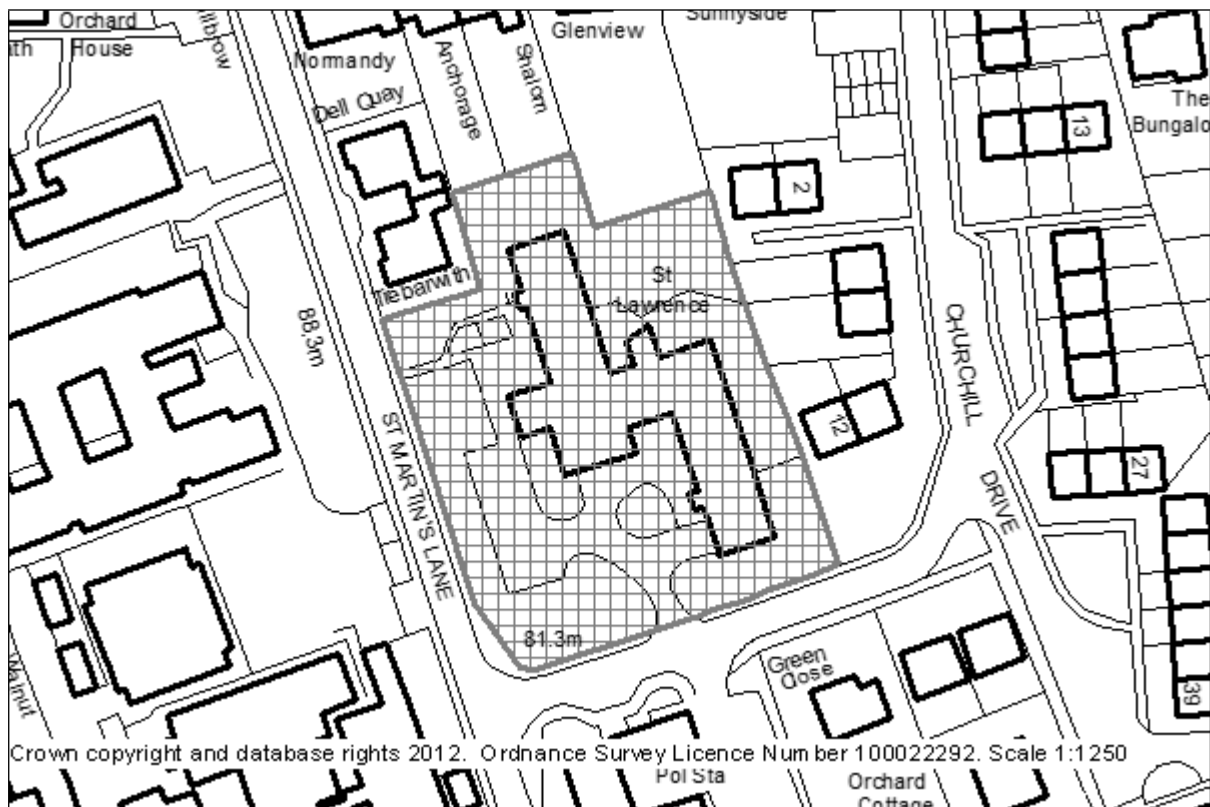
Grid Ref: 282715 : 100546

Applicant: Mr James Yorke

Location: St Lawrence Home
Churchill Drive
Crediton
Devon

Proposal: Conversion of former redundant care home to provide 22 residential units,
and external landscaping

Date Valid: 21st February 2018



APPLICATION NO: 18/00091/MFUL

RECOMMENDATION

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

A. To provide a contribution of £44,875.00 towards improving Air Quality within the Crediton AQMA, secured to deliver a footpath/cycleway connection between the two Secondary school campus areas in the Town.

B. To provide a contribution of £18,575.00 towards the provision of off-site open space, secured to deliver the installation of an all-weather cover over Lords Meadow Skate Park in the Town.

PROPOSED DEVELOPMENT

Conversion of former redundant care home to provide 22 residential units, and external landscaping.

The existing building is to be converted to provide 22 apartments. The apartments are arranged over the existing 3 floor as set within the existing building envelope on a horizontal arrangement (ie not spanning more than one floor) with access from 4 core entrance points. Each core stairwell is serviced by a front and back access. The exception is units 5 which is arranged over two floors and has its own front door. Units 1-7, and 16 have a self-contained garden space and units 10, 19 and 15 are afforded a balcony/roof terrace space. The units are arranged as follows with the following net internal space confirmed in square metres (sqm):

There are nine ground floor units of which 5 are two bedroom apartments (66 sqm, 56 sqm, 60 sqm, 86 sqm, 80 sqm) and 3 are one bedroom apartments (42 sqm, 48, sqm, 51 sqm) and unit 5 which provides 2/3 bedrooms and is 86 sqm.

There are nine first floor units of which 6 are two bedroom apartments (66 sqm, 56 sqm, 60 sqm, 77 sqm, 67 sqm, 61 sqm) and 3 are one bedroom apartments (42 sqm, 44, sqm, 47 sqm).

There are four second floor units of which 3 are two bedroom apartments (66 sqm, 72 sqm, 61 sqm) and a single one bedroom apartment (49 sqm).

Vehicular access is retained from Churchill Drive with a pedestrian access maintained from St Martins Drive. The area of hardstanding to the south west of the building is to be retained and extended as hardscape to provide parking and circulation space with 36 car parking spaces being provided, incorporating 2 spaces with electricity charging points. Dedicated provision using cycle racks is proposed to provide 34 communal cycle parking spaces and a further 16 provided within the dedicated garden areas.

A dedicated refuse/recycle storage area at basement level within the building with access from the circulation space is proposed (currently used as two garages). The area immediately in front of the building is to be re-landscaped to provide a feature courtyard, and the area to the north and north east of the building is to be landscaped to provide private gardens and/or communal open space.

With the exception of a projection to the south west corner and a ground floor projection across a section of the northern elevation (ground floor only) in relation to units: 6, 7, 15 and 19 (equal to less than 60 square metres of floorspace in total), the application scheme relates to a conversion of the existing building totalling just under 1600 square metres of floor space. The total site area is just over 4000 square metres.

The existing lawful use of the site is as a residential care home.

APPLICANT'S SUPPORTING INFORMATION

Existing and proposed plans, completed application form.
Arboricultural Constraints and Opportunities Plan, Impact Assessment and Method statement, Ecological Impact Assessment, prepared by Green Ecology.
Preliminary Contamination Assessment Report, prepared by Ruddlestone Geotechnical.
Supporting statement regarding: Proposal on the future of DCC Residential Care Services at St Lawrence, Crediton, prepared by Devon County Council.
Structural Design Statement prepared by Sands.
Surface Water Drainage Statement prepared by Sands (dated: 24th January 2018), and further information set out in email dated 16/04 incorporating micro drainage results.
Design & Access statement prepared by agent.
Transport statement prepared by TWP consultants.

RELEVANT PLANNING HISTORY

No relevant planning history is recorded.

97/01723/FULL - PERMIT date 23rd December 1997

Devon County Council consultation under Regulation 3 of the Town and Country Planning General Regulations 1992 - for alterations to doors and windows

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR15 - Crediton

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

AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/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

CONSULTATIONS

CREDITON TOWN COUNCIL - Recommend OBJECTION for the following reasons:

- Over development of the site with 22 family apartments accommodated in the original building and 35 parking spaces
- Unnecessary exterior cladding of the building which is not in the vernacular and will not complement the listed school buildings in the conservation area opposite.
- All hardstanding and driveways should be of porous materials to reduce run off

Highway Authority - 9th March 2018 - The proposed development provides for an appropriate number of car parking spaces at a site in close proximity to the town centre with all associated facilities and bus provision. The access and the generation would be acceptable to the Highway Authority in the existing highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

DEVON COUNTY EDUCATION - 12th March 2018

The proposed increase of 15 family-type dwellings, will generate an additional 3.75 primary pupils and 2.25 secondary pupils.

There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards education would not be sought for this development.

HISTORIC ENVIRONMENT SERVICE - 14th March 2018 - 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.

DEVON, CORNWALL & DORSET POLICE - 1st March 2018: Various comments have been made about the proposed alterations from a security point of view which are covered by the Building regulations: Residential - Building Regulations - Approved Document Q - Security.

Site specific recommendations considerations

The stated intention is to repair and retain the existing site boundary, but I can find no detail as to height or type? Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, 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 1.8m would feel too closed in for smaller gardens then a 1.2m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass. I would recommend that plot divisional fencing where required, is 1.5m close boarded topped with 300mm trellis. This combination would provide both security and privacy for residents but still allow neighbour interaction.

Comments were also made about the level of parking as proposed and cycle parking are set out below:

The on-site parking provision is noted and even though residents will have full knowledge of this, it is still reasonable to assume 22 residential units, some with 2/3 bedrooms, is likely to attract a significant number of extra vehicles to the area.

It is appreciated there are public parking areas nearby but in reality residents will want to park as near to their home as possible for ease of use and convenience in the transferring of bags, car seats, children etc. and in some cases this may result in chaotic, unsightly, illegal and inconsiderate parking on nearby narrow roads, public footpaths or any available space. This has the potential to exacerbate conflict and upset with existing businesses and residents and increase crime and ASB problems.

This is not always appreciated until full occupancy and at the most busy times such as evenings and at weekends when the majority of residents are at home. At this stage there will be little that can be done to remedy the situation and is likely to fall to the police, local authority, highways and other relevant agencies to deal with complaints and law enforcements.

I note the majority of cycle parking is provided by Sheffield Hoops. It is recommended that both the external cycle and bin stores are securely enclosed to prevent unauthorised access. The stores should have no windows and thumb turn locks fitted on the inner face of the access doors to prevent being locked in.

PUBLIC HEALTH - 17th April 2018 - Given that Crediton is in an Air Quality Management Area (AQMA), the proposed development may have the potential to impact on local air quality.

As stated in my earlier comment the development may contribute to a deterioration in air quality and in certain locations, exceedances of the national air quality objectives (Air Quality Regulations - Part IV of Environment Act 1995) for nitrogen dioxide and particulates. This is due to the mass of emissions arising from transport movements generated by the proposal during both construction and operational phases. An Air Quality Low emission assessment is required to be compliant with Policy DM6 of the Local Plan 3 Development Management Policies.

It is therefore requested that in association with this application a contribution towards carrying out a Crediton wide integrated Transport Assessment, traffic pollution mass emission assessment in order to form a low emission strategy (project based) is sought. It is understood that the Town Council are currently in the process of commissioning an assessment on this basis.

In addition the following condition is recommended:

Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- a. A Detailed site travel plan including support for/access to public transport.
- b. Provision for electric vehicle infrastructure at a rate of 1 charging point per house.

The terms of agreed strategy shall be implemented and maintained in accordance with the approved details.

Reason: In order to assist with minimising emissions arising from the proposed development in accordance with policy AL/CRE/8.

Environmental Permitting I have no objection to this proposal
Drainage I have no objection to this proposal
Noise & 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: Comments have been made about means of escape and the level of occupation that would be achieved – neither of which are matters for consideration as part of the planning application assessment.

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objection to this application enforced by HSE.

DCC - Flood/Coastal Risk Management Team - 25th May 2018 – No Objections

Following their initial comments as submitted on 15th March 2018 further comments have been submitted below:

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.

NATURAL ENGLAND - 19th March 2018 - No comments

REPRESENTATIONS

51 notification letters were sent out, and only 4 letters of representation have been received to the application with the following concerns/objections raised.

1. Insufficient car parking is proposed in an area of town where the roads are already carry heavy levels of on street car parking
2. The proposals will create an uncomfortable relationship for neighbouring occupiers.
3. Concern that no appraisal of the ecological impacts of the development have been undertaken by the applicant.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is located within the recognised settlement boundary of Crediton falling outside of the Conservation Area and just off of the main High Street. The site has historically provided accommodation in the form of supported care home type accommodation. The care home has not been operational for a number years. The applicant has undertaken a survey of the building to demonstrate that it is structurally sound to be converted as proposed. A detailed description of the scheme as the building is to be converted is set out above proposing 15 x two bedroom units and 7 x one bedroom units. As a comparison the care home operated with 29 bedrooms. The details as to how the building will be converted internally are indicated on the submitted plans by the blue and yellow shading. The scheme is considered to be a conversion and whilst there is additional floorspace proposed (as explained above), it is proposed to largely increase the size of the kitchen/living rooms for the flats as referred.

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Access and Parking**
- 3. Scheme Design Issues**
- 4. Amenity Impacts for Neighbours**
- 5. Section 106 Matters**
- 6. Other Issues**
- 7. Conclusion / Planning Balance**

1. Policy and Procedure

Policy COR1 of the Mid Devon Core Strategy (CS) 2007 seeks to deliver sustainable development including through meeting the housing needs of all sectors of the community and delivering development of an appropriate density for the location. Policy COR15 of the same document sets out that Crediton will continue to develop as a small market town, aiming to increase its self-sufficiency by improving access to housing as well as promoting a reduction of traffic on congested streets and improvements to local air quality.

Local Plan Part 3 (DMP) policy DM2 requires high quality design for new development, creating safe and accessible places that are visually attractive and well integrated with their surroundings and do not have an unacceptably adverse impact upon neighbouring properties and uses. Specific to new housing developments, Policy DM14 of the Local Plan Part 3 (DMP) aims to ensure that new houses have suitably sized rooms with adequate levels of daylight, sunlight and privacy are provided with private amenity space which reflects the size, location, floor space and orientation of the property. The National Space Standards establish that a one bedroom apartment should be between 37-50 square metres and for a two bed apartment between 61 -70 square metres and upto 79 square metres if it is a storey unit.

Policy DM2 and COR11 relate to surface water drainage issues and promote the use of Sustainable Urban Drainage schemes to manage the disposal of surface water drainage.

The proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with policies COR9 and DM8. The adopted parking standards would normally require 1.7 off street parking space per unit but allow for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and use of a site.

The principal of the proposed development is supportable in planning policy terms (COR15). Further consideration of the other issues raised by the policies as referred above are considered in the remaining sections of this report.

2. Access & Parking

Access to the site is as per the existing arrangements with the access route slightly widened at the junction of the highway. The proposed parking arrangements require the removal of one category 1 tree (refer to section 6 below).

As stated above 37 parking spaces are proposed with would provide 2 spaces for each of the 2 bedroom units and 1 space for each of the one bedroom units. In addition both communal and private cycle parking facilities are proposed.

The level of parking provision responds to the minimum standards ($1.7\text{spaces} \times 22 = 37$) as required by policy, although it is recognised that only space is provided for the one bedroom units. Notwithstanding, the policy framework allows for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and range of units proposed. On this basis that the level of parking provision is policy compliant and due to the proximity of the proposed dwellings to the services and facilities on Crediton High Street, the presence of on and off street parking in the wider locality, and the scope of public transport services that serve Crediton, the level of parking is considered acceptable and in accordance with policies COR 9 and DM8.

As stated above the Highway Authority are supportive of the application scheme.

3. Scheme Design Issues

From a design point of view the existing building is considered to be fit for purpose, without displaying any architectural features of merit that highlight it's position in the street scene.

As stated above and as shown on the approved plans the scheme seeks to utilise the footprint, scale and massing of the existing building. The roof covering (interlocking concrete roof tiles) are to be retained. The scope of changes externally are largely decorative with sections of insulated render proposed to break up areas of brickwork detail. The additional form and massing to the south west corner and the addition of balconies to the south east corner will help to add some visual interest without resulting in a significantly different building in either form and or appearance. Two trees are to be felled to accommodate the conversion as proposed.

The size of the units largely comply with the minimum space standards in terms of the National Floorspace standards with four of the two bedroom units falling short. Eleven of the units will benefit from private outside amenity space (garden and/or balconies) and there is a range of external communal spaces set around the building. Satisfactory provision is made for refuse and recycling storage in a communal storage space.

On this basis it is considered that the proposals comply with the relevant requirements of policies DM2 and DM14 in terms of the amenities and facilities that will be available for future occupiers.

4. Amenity Impacts for Neighbours

The existing building sits within a residential environment with houses along the northern and eastern boundary sharing a common boundary with the site, with the adjacent property on St Martins Lane (Trebarwith) and the properties on the eastern boundary being closest

(no's 2-12 Churchill Close). The datum of the surrounding properties to the north are above the application site with up to a 2.0 metre drop either side of the boundary. This reduces along the eastern boundary to reflect the topography of the site. Whilst areas of the site are to be re-landscaped to create new open space areas (private and communal) the areas immediately up to the site boundaries are to be left unaltered. The plans indicate that the boundary treatment will be retained and repaired as appropriate. Where private garden areas are proposed boundary treatments are integrated into the design (1.5 metre high close boarded timber fences plus 300 mm trellis). These details reflect the comments provided by Devon, Cornwall & Dorset police. Subject to the terms of condition 10 being complied with the proposed changes to the external environment within the site are considered to present a comfortable relationship with the neighbouring properties without resulting in any significant detriment to the amenities that the currently enjoy.

It is not considered that the proposed fenestration arrangements will be significantly different to that of the existing building. Therefore there are no concerns in terms of introducing overlooking from the building.

On this basis it is considered that the proposals comply with the relevant requirements of policies DM2 and DM14 in terms of the impact on the amenities of the neighbouring occupiers.

5. Section 106 Matters

Policies AL/DE/3, AL/IN/5, AL/CRE/8, AL/IN/3 are relevant in this regard.

Affordable Housing (Policy AL/DE/3): A nil contribution is recommended on the basis that the applicant is eligible for a vacant building credit as established by Central Government, given that the application proposals do not result in a material increase the amount of floor space at the site. As stated above where the modest build outs are proposed they are not to facilitate the delivery of additional units. For members information advice as published by Government is set out below.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may only be required for any increase in floorspace.

Education requirements: (Policy AL/IN/5): A nil contribution is recommended to reflect the advice provided by Devon County Council.

Air Quality Management requirements (Policy AL/CRE/8): A contribution of £44,875.00 (plus monitoring fee) has been agreed with the applicant. This reflects the provisions of policy in terms of the range of units sizes proposed and an allowance to reflect the impact of the application scheme against that of the existing use. The contribution will be utilised to deliver improved access between the two secondary school campus areas.

Public Open Space requirements (Policy AL/IN/3): A contribution of £18,575 (plus monitoring fee) has been agreed by the applicant. The sum agreed reflects the policy requirement, and will be utilised to deliver the installation of an all-weather cover over Lords Meadow Skate Park.

6. Other Issues

Surface Water Drainage Issues. Whilst the scope of hardscape across the site will marginally increase (39 square metres) in order to accommodate the additional car parking as proposed, Devon County Council as surface drainage authority are now satisfied (refer to Condition 7).

Landscaping / Ecological Impacts: As stated above the proposals result in the loss of 3 of the existing trees (Atlas Cedar, Laurel and a Hawthorn). The most prominent trees to be lost is the Atlas Cedar tree at the front of the site which is required to facilitate the proposed car parking arrangements. Two replacement trees are proposed either side of the site entrance to compensate. Where the proposed revisions to the hardscape across the site affect the route protection area of the retained trees appropriate measures are identified in the Arboricultural Impact Assessment submitted to support the application (refer to condition 5).

Notwithstanding the scope of the proposed changes to the site the site will remain verdant in character and continue to provide a green lung and area of local habitat. The applicant is reminded of the statutory requirements in relation to any unforeseen ecological impacts during the course of implementation.

7. Conclusion / Planning Balance

The proposals deliver a scheme for new residential apartments very close to the High Street in Crediton delivering an overall level of car parking which is policy compliant. The proposals bring back into use a vacant building and as such there is no requirement to control the occupation of any of the apartments and/or secure a contribution to assist with the delivery of off-site affordable housing.

The proposals offer apartment style living and whilst not all of the units benefit from private amenity space communal facilities are provided which are considered to be acceptable. The size of the units are generally in accordance with the Government's National Space standards in relation to new build residential development.

The site will be re-landscaped with the loss of a mature tree in order to facilitate the revised car parking facilities (and two other trees), however it will still retain a verdant character.

It is not considered that there are any technical and or policy reasons why the application should not be supported.

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 part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) The timetable of the works;
 - (b) Daily hours of construction;
 - (c) Any road closure;

- (d) Hours during which delivery and construction traffic will travel to and from the site;
 - (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) 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 Road sweeping facilities
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (i) Details of hoardings to be placed around the building/site.
4. The proposed site access arrangements, circulation route around the building and parking spaces shall be hardened, surfaced prior to the occupation of the proposed flats, and maintained thereafter to the satisfaction of the Local Planning Authority as indicated on drawing 1723-104 B.
 5. Details of the barrier to the root protection areas of all the trees to be retained on site shall be submitted to and approved before any of the approved works are undertaken. The approved details shall be retained for the duration of development and the recommendations of the The Arboricultural Impact Assessment Report prepared by Green Ecology Consultancy and dated February 2018 shall be adhered to during the implementation of the development at all times.
 6. The cycle parking facilities and the refuse/recycling store as shown on the approved plan shall be completed in accordance with the approved plans prior to the occupation of the units hereby approved and maintained as such thereafter.
 7. 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.
 8. Prior to commencement of the development a Low Emissions Strategy, including an implementation timescale, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
 - a. A Detailed site travel plan including support for/access to public transport.

The terms of agreed strategy shall be implemented and maintained in accordance with the approved details.
 9. 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.

10. Detailed drawings of the boundary treatments along the northern and eastern boundaries to the site shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved and the details for the proposed plot boundary treatments as shown on drawing no 1724-104 shall be carried out in accordance with the approved details prior to the occupation of any of the residential units hereby approved and maintained as such thereafter.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure safety of the public highway, the general amenities of the area and to seek to minimise the disruption to the locality and 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).
4. To ensure that adequate access and associated facilities are available for the vehicular traffic attracted to the site when the units are occupied and in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM8 of the Local Plan Part 3 (Development Management Policies).
5. To ensure that the proposed works hereby approved will not adversely affect the existing trees that are to be retained on the site in accordance with the Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. In accordance with details as submitted and in accordance with Policy DM14 of the Local Plan Part 3 (Development Management Policies).
7. 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 DM2 of the Local Plan Part 3 (Development Management Policies) and Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
8. In order to assist with minimising emissions arising from the proposed development in accordance with Policy AL/CRE/8 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
9. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
10. In the interests of visual amenity and the character of the area and to safeguard the amenities of neighbouring occupiers in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in that it is for the conversion of an existing vacant building to provide new housing in the form of apartments, on land which is within the settlement boundary of Crediton. Externally the building (height, scale and mass) as proposed is not considered to be materially different, and its' appearance will be improved as a result of the cosmetic changes that are proposed. The development is considered to be acceptable in terms of highway safety, parking provision, drainage, ecology and tree impacts. The proposal does not introduce an unacceptable relationship with the surrounding properties to the extent that it would adversely affect their living conditions. The applicant has agreed to make the necessary contributions to satisfactorily address Policies AL/IN/3 and AL/CRE/8

Accordingly, the proposal is in accordance with: Policies COR1, COR3, COR9, COR11 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM8 and DM14 of the Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

Advisory Note:

1. The applicant is advised that in carrying out the terms of the approval it will be necessary to comply with the Wildlife and Countryside Act 1991, and the Conservation of Habitats and Species Regulations 2010.

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

Application No. 18/00062/HOUSE

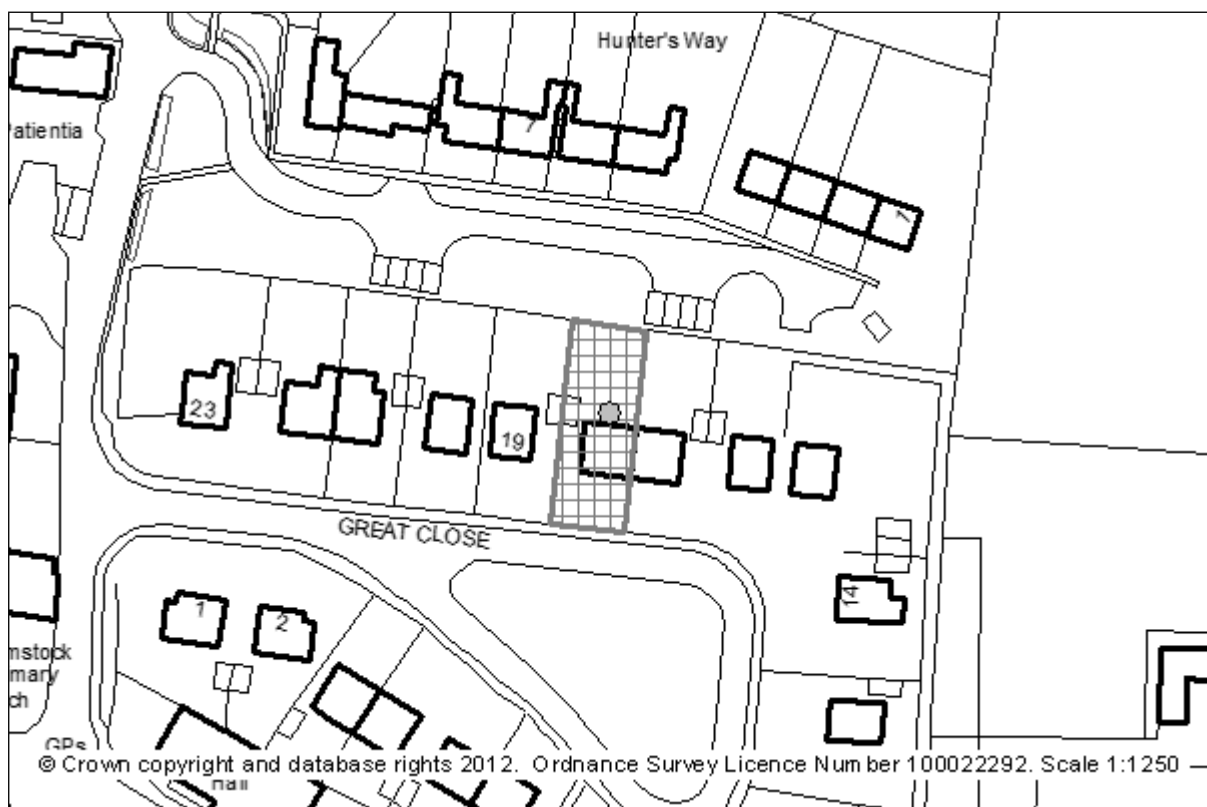
Grid Ref: 310217 : 114046

Applicant: Mr & Mrs Gubb

Location: 18 Great Close
Culmstock
Cullompton
Devon

Proposal: Erection of a two storey extension

Date Valid: 15th January 2018



APPLICATION NO: 18/00062/HOUSE

MEMBER CALL-IN Cllr Glanmor Hughes

To consider if the proposed two storey extension to the rear of the property will have any detrimental impact on the area, the dwelling and amenity of neighbouring properties

RECOMMENDATION

Refuse permission

PROPOSED DEVELOPMENT

Erection of a two storey rear extension

APPLICANT'S SUPPORTING INFORMATION

Plans

Application form

RELEVANT PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR 2 – Local Distinctiveness

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM13 – Residential Extensions and ancillary development

CONSULTATIONS

CULMSTOCK PARISH COUNCIL - 13th February 2018

No objections.

Highway Authority - 23rd January 2018 - standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

No comments received at time of writing report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Policy**
- 2) Design**
- 3) Impact on amenity**

1. Policy:

The proposal is to provide a two storey extension to the rear of this semidetached chalet bungalow. The property is set within a street of which the majority of the buildings are chalet style bungalows with a few traditional two storey dwellings. A number of the properties have extended to the rear incorporating flat roof dormer windows and single story flat roof extensions, generally under permitted development rights. The other semi of this pair has a rear extension of two storeys and which is considered to be of a design which compliments the style of the house and does not impose itself on the property or the adjacent property and provides a suitably scaled design.

The proposed extension to the rear of the application dwelling will cover almost the entire rear wall, be two storeys in height with a very shallow pitched roof.

The main policies associated with this proposal are COR2 and DM2 relating to design and DM13 relating to residential extensions

Core 2 seeks to reinforce the character and legibility of Mid Devon's built environment and create attractive places.

DM2 seeks high quality which demonstrates a clear understanding of the character of the site, its wider context and surrounding area and makes a positive contribution to local resulting in visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

DM13 of the Local Plan part 3 deals with residential extensions and ancillary development, and supports development which respects the character, scale, setting and design of existing dwelling; will not result in an over-development of the dwelling curtilage; and will not have a significantly adverse impact on the living conditions of occupants of neighbouring property.

2. Design

The property is a semidetached chalet-style dwelling with a steep pitched roof built originally as a rectangular building with front facing dormer windows, set back from the street. The property is part of a small estate of varying designs, the predominant being chalet bungalows. The main character of the properties are steep roofs to the main buildings.

The proposed extension does not respect the character of the existing building with its excessive width culminating in a very shallow roof design which is in conflict with the style and appearance of the building. Its scale is excessive and dominating, affecting the setting of the existing property. A more appropriate design of extension to the property could be created which resembles the neighbouring property. It is considered that the site is capable of providing for this size of extension and will not be seen as overdevelopment of the site.

Whilst the site is of reasonable proportions and provides appropriate garden space, the proposed extension is large and dominates the rear elevation of the property, and a narrow

gap is to be maintained between the side of the neighbours properties recent extension, which is of a more modest scale and size, more appropriate to the semi-detached property.

The proposal will be visible and in particular its dominating aspect will be its shallow pitched roof set against the more traditional steeper pitches of the properties. The proposed fails to meet the policy requirements of DM2 in terms of high quality design and DM13 in terms of it being out of character with the main dwelling.

3. Impact on amenity

Being located within 0.5m of the boundary fence with the immediate neighbours the proposed will create a highly over shadowed area for both properties which will be unusable as garden space other than for storage. It is considered the proposed will not have a significant adverse impact on the living conditions for the neighbouring property.

Reason for Refusal

The dwelling the subject of this application, has a simple rectilinear design with dormers and a steep pitched roof. The proposed two storey rear extension with a shallow pitch is considered to fall short of the high standard of design required of new development and would fail to take advantage of the opportunity to enhance the character and appearance of the property and the area. The proposed two storey extension to the rear of the property although not highly visible within the street scene does not provide a well-integrated scheme in terms of its scale, massing and design and is not considered to be subservient to the main dwelling, detracting from and dominating the chalet bungalow design of this semi-detached property.

In this respect, the proposal would not meet the criteria for good design and the reinforcement of local distinctiveness, set out in Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

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

Application No. 18/00328/FULL

Grid Ref: 301170 : 107445

Applicant: Mrs J Woodhead

Location: 11 Redland Way
Cullompton
Devon
EX15 1GJ

Proposal: Siting of cabin for use as hairdressing salon (Use Class A1)

Date Valid: 28th March 2018



APPLICATION NO: 18/00328/FULL

MEMBER CALL-IN

CLLR TERRY SNOW HAS CALLED-IN THIS APPLICATION TO BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

TO CONSIDER WHETHER THE DEVELOPMENT WOULD LEAD TO OVERDEVELOPMENT OF THE DWELLING CURTILAGE; TO CONSIDER THE PARKING PROVISION FOR THE DEVELOPMENT

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Siting of cabin for use as hairdressing salon (Use Class A1)

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan, proposed elevation plans, supporting documents.

RELEVANT PLANNING HISTORY

10/00040/MARM - PERMIT date 9th July 2010

Reserved Matters for the erection of 233 dwellings and associated works involving roads following outline approval 08/01879/MOUT
NON MATERIAL AMENDMENT - GRANTED

10/00040/MARM/NMA - PERMIT date 26th October 2010

Reserved Matters for the erection of 233 dwellings and associated works involving roads following outline approval 08/01879/MOUT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR14 - Cullompton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High quality design

DM8 – Parking

DM13 – Residential extensions and ancillary development

CONSULTATIONS

Public Health: 26th April 2018

| | |
|--------------------------|-------------------------------|
| Contaminated Land | No objection to this proposal |
| Air Quality | No objection to this proposal |
| Environmental Permitting | No objection to this proposal |
| Drainage | No objection to this proposal |
| Noise & other nuisances | No objection to this proposal |

| | |
|--|----------------|
| Housing Standards | No comment |
| Licensing | No comments |
| Food Hygiene | Not applicable |
| Private Water Supplies | Not applicable |
| Health and Safety | No objection. |
| Highway Authority: No comments received. | |

Environment Agency: Householder development and alterations within the Cullompton Critical Drainage Area - No EA consultation required.

Recommend that the surface water drainage system is designed to the appropriate standards. The appropriate standards are that all off-site surface water discharges from the development should mimic 'greenfield' performance up to a maximum 1 in 10 year discharge. On-site all surface water should be safely managed up to the '1 in 100+ climate change' conditions.

Cullompton Town Council: 30th April 2018 - Recommend refusal on the grounds of overdevelopment of site and the lack of customer parking available in a small cul-de-sac with little or no on street parking in the immediate vicinity. It is considered an inappropriate location for a Service Industry business of this type. It is requested that the South Ward Member for Mid Devon District Council (Councillor Terry Snow) calls in this application for determination by the Planning Committee.

REPRESENTATIONS

One letter of representation has been received at the time of writing the report. The letter raises objection to the parking arrangement in the residential estate and the potential pressure of additional parking on this current arrangement.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in the consideration of this proposal are:

- 1. Policy**
- 2. Parking**

1. Policy:

The site is located within the defined settlement limit of Cullompton. Development within Cullompton is supported in principle by policy COR14 of the Mid Devon Core Strategy (Local Plan part 1). Further to this, policy DM13 of the Mid Devon Development Management Policies (Local Plan part 3) provides in principle support for residential extensions and ancillary development. The proposed use of the cabin for hairdressing purposes will be ancillary to the use of the main house and as such is considered relevant to the consideration of this application. An assessment of the proposal against policy DM13 is set out below:

- a) The proposal is considered to respect the character, scale, setting and design of the existing dwelling. The proposed outbuilding which is domestic in scale measures 3.91m x 2.69m and is to be located to the rear of the property behind the existing detached garage. The height of the proposed flat roof outbuilding is 2.5m. The proposed materials for the outbuilding are typical to domestic type outbuildings including metal tin sheet walls, rubber membrane roofing. The scale of the building is considered to be acceptable and would fit well to the rear of the existing detached garage. The location of the outbuilding in the rear garden of the property will not be

visible from the street scene.

- b) The proposed outbuilding accounting for a modest 11 square metres of floorspace. The property enjoys a reasonable size curtilage. The outbuilding is to be located to the rear of the existing detached garage. The proposal is not considered to result in an overdevelopment of the dwelling curtilage.
- c) The proposed outbuilding is sensitively located and scaled so as not to result in any adverse impact on the living conditions of neighbouring residential properties in terms of loss of privacy, loss of light or overbearing impact. One letter of representation has been received from the occupant of a neighbouring property who raises objections to the parking provision for the proposed use. Parking will be considered separately later in this report.

2. Parking:

Policy DM8 of the Mid Devon Development Management Policies (Local Plan part 3) deals with parking provision. The policy requires 1.7 parking spaces per residential dwelling which is already provided for the dwelling in the form of 2 parking spaces. An A1 Use (non-food retail) would require 1 car parking space per 20 square metres of floor area. As the proposal is seeking permission for only approximately 11 sqm of floor space no additional parking provision is considered to be necessary. The applicant has further confirmed that parking will be available for visitors to the site via the existing parking provision to the front of the property. Due to the town centre location of the development, the site is within satisfactory walking distance from town centre public car parks and existing on-road parking provision in the area. As such the proposal is considered to comply with policy DM8. It is noted that the letter of objection received raises concern to the existing parking arrangements in the area. Officer's note that the residential estate provides 2 parking spaces per residential dwelling which is in accordance with the car parking standard set out within the policy text of policy DM8.

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.

REASONS FOR CONDITIONS

- 1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. For the avoidance of doubt in the interests of proper planning.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The siting of cabin for use as a hairdressing salon (Use Class A1) at 11 Redland Way, Cullompton is considered to be policy supportable. The proposed cabin accounts for an increase in floorspace of approximately 11 square metres which is not considered to result in an overdevelopment of the dwelling curtilage. The proposed cabin is considered to be well designed in terms of its scale and design. No issues have been identified in terms of significant negative impacts on occupants of neighbouring residential properties. The proposal is considered to therefore comply with Policies COR14 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM8 and DM13 of the Mid Devon Development Management Policies (Local Plan Part 3) and the National Planning Policy Framework.

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

Application No. 18/00445/ARM

Grid Ref: 296223 : 113283

Applicant: 3 Rivers Developments Ltd

Location: Land Adj 25 Cowleymoor Road
Tiverton
Devon
EX16 6HH

Proposal: Reserved matters for the erection of 3 dwellings

Date Valid: 6th April 2018



APPLICATION NO: 18/00445/ARM

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Reserved matters for the erection of 3 dwellings granted outline planning permission under reference 17/00715/OUT for the erection of up to 4 dwellings. The reserved matters application seeks approval in respect of access, appearance, landscaping, layout and scale.

The proposal is for 3 detached 4 bedroom dwellings with integrated garages, parking and gardens, accessed from Threwstones Close, a no-through road off Cowleymoor Road. Two parking spaces will be provided for each dwelling and there is sufficient private space to provide storage of cycles and refuse/recycling. An existing garage on the site is to be removed.

Foul drainage will discharge into the main sewer and surface water will be attenuated on site before discharging into the combined sewer.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Wildlife survey
Arboricultural report

RELEVANT PLANNING HISTORY

90/00494/OUT - PERMIT date 9th April 1991

Outline for the erection of three bungalows for the elderly, alterations to the adjacent road junction and re modelling of "Montserrat" to form two bedroom cottage

17/00715/OUT - PERCON date 7th July 2017

Outline for the erection of up to 4 dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy 2007

COR2 – Local Distinctiveness

COR9 - Access

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM8 - Parking

DM14 – Design of Housing

DM15 – Dwelling Size

CONSULTATIONS

HIGHWAY AUTHORITY - 24th April 2018 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL – 4th May 2018 - Support

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Design and layout including parking and landscaping
2. Access
3. Effect on neighbouring residents

1. Design and layout including parking and landscaping

Policy COR2 of the Mid Devon Core Strategy requires high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places.

Policy DM2 of the Local Plan 3 Development Management Policies requires the design of new development to be of high quality, demonstrating a clear understanding of the site and the surrounding area and making efficient use of the site. Development should make a positive contribution to local character and create safe and accessible places that encourage walking and cycling. Development should create attractive places that are well integrated with the area and which do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties.

Policy DM8 requires at least 1.7 parking spaces per dwelling that are well-related to the development, as well as 4 cycle parking spaces per dwelling.

Policy DM14 requires new housing development to be designed to respect local character and provide dwellings with adequate daylight, sunlight and privacy for future occupiers, as well as suitably size rooms, private outdoor amenity space and storage for recycling, refuse and cycles. Dwellings should maximise the benefits of the site, for example through design and orientation, and allow adaptation to meet future needs of the occupiers.

Policy DM15 provides for compliance with minimum space standards (now set through the Government's Nationally Prescribed Space Standards).

Each dwelling has a floor area of approximately 145 square metres and a height of approximately 8.5 metres to ridge. The dwellings have been designed to provide a good standard of internal accommodation with built in storage and meet the requirements of the Nationally Prescribed Space Standards. The garages are slightly under the 3 metres x 6 metres standard set by Mid Devon's Parking SPD at 3 metres x 5.6 metres; however, these are in addition to 2 parking spaces for each dwelling and are considered to be adequate.

Each dwelling has two parking spaces paved with permeable paving and small gardens to the front, side and rear. The dwellings are reasonably large for the size of the plots but the amenity space provided is considered to be adequate, bearing in mind the south-west facing aspect of these gardens, and are not out of keeping with surrounding development in this respect. There are parks and allotments nearby. Refuse/recycling stores are to be provided and secure cycle parking will be provided within the integrated garages.

The dwellings have been designed to pick up on architectural features in the surrounding area, for example bay windows to the front elevations, chimneys, and rendered walls with brick detail and tiled roofs. The dwelling on the corner with Cowleymoor Road has its gable end facing towards the road in a similar manner to the dwelling on the opposite side of Threwstones Close. It is recommended that details of materials and windows are conditioned for approval in order to ensure the design quality of the development.

The existing site was formerly used as a garden and has green boundaries (hedges, trees and shrubs). The proposal is to remove these green boundaries and replace them with boundary walls and fences. A new hedge is to be provided at the corner of Threwstones Close and Cowleymoor Road and ornamental tree and shrub planting provided to the front and rear of each dwelling. A large tree outside the site to the south is to be retained. Whilst the loss of the green character of the site is regrettable, this is necessary in order to maximise the size of the outdoor space. Some effort has been made to add interest with planting and boundary treatments and a condition is recommended to ensure that the landscaping is provided. It is recommended that materials for the boundary treatments are also conditioned for approval.

Subject to detailing, it is considered that the development is appropriately scaled and designed to provide good living standards and amenities for the future occupiers and to respect the character and appearance of the site and the wider area, in accordance with policies COR2 of the Mid Devon Core Strategy and DM2, DM8, DM14 and DM15 of the Local Plan 3 Development Management Policies.

2. Access

Policy COR9 of the Mid Devon Core Strategy seeks to enhance road safety through the management of parking and traffic and create accessible places.

Policy DM2 of the Local Plan 3 Development Management Policies requires new development to be safe and accessible.

Access to each dwelling will be provided from Threwstones Close. The Close is a no-through road and the off-road spaces are considered to comply with Highway Authority standing advice in respect of estate roads. Visibility at each access is adequate and the accesses have been located away from the road junction. Visibility from Threwstones Close into Cowleymoor Road has been improved with the boundary wall being set back from the highway.

The proposal is considered to comply with policies COR9 of the Mid Devon Core Strategy and DM2 of the Local Plan 3 Development Management Policies.

3. Effect on neighbouring residents

Policy DM2 of the Local Plan 3 Development Management Policies requires that development does not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties.

The dwellings have been designed so that as far as possible the impacts on neighbouring residents have been minimised. The front elevations face towards Threwstones Close. There are 3 dwellings on the opposite side of Threwstones Close: one has a blank gable facing the site and one is on the corner with Cowleymoor Road with no direct window to window relationship. The third is directly opposite Plot 1, however, there is approximately 21 metres between the two dwellings and the relationship is considered reasonable.

Similarly, to the rear of Plot 1 there is a dwelling with 2 upper floor windows facing towards the site. Plot 1 would have 2 bedroom and one bathroom windows at upper floor level facing towards the neighbouring dwelling, ground floor windows being screened by a new boundary fence. There is approximately 15 metres between these two dwellings with an access road between. The area of garden serving the neighbouring dwelling that is visible from the site is used for parking. Whilst the development may introduce some perceived loss of privacy for the occupiers of this dwelling, it is not considered that this would be significant enough to warrant refusal of the application. No objections have been received from neighbouring residents.

No windows in the new development face towards existing dwellings on Cowleymoor Road and Sunningbrook Road.

Overall, the effects of the proposed development on neighbouring residents are considered to be acceptable and in accordance with policy DM2 of the Local Plan 3 Development Management Policies.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. No materials shall be used on the external surfaces of the buildings until details and/or samples have been submitted to and approved in writing by the Local Planning Authority. Only such approved materials shall be used on the development.
3. No external windows or doors shall be used on the development until details have been submitted to and approved in writing by the Local Planning Authority. Installation of the doors and windows shall be in accordance with the approved details and so retained.
4. No boundary treatments shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority. Installation of the boundary treatments shall be in accordance with the approved details and so retained.
5. Details of the landscaping shown on drawing number 7692-07 Rev B shall be submitted to and approved in writing by the Local Planning Authority before the landscaping is implemented. The approved landscaping scheme shall be implemented within 9 months of substantial completion of the development and any trees or plants which, within a period of 5 years from substantial completion, are removed, die or become seriously damaged, shall be replaced in the same planting season with similar trees or plants.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure the use of materials appropriate to the development order to safeguard the visual amenities of the in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
3. To ensure the use of materials and details appropriate to the development order to safeguard the visual amenities of the in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials and details appropriate to the development order to safeguard the visual amenities of the in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure the use of materials and details appropriate to the development order to safeguard the visual amenities of the in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF RESERVED MATTERS

The reserved matters details are considered to be acceptable in that the scale, layout, appearance and landscaping of the development are considered to be suitable for the site and to respect the character and appearance of the area. The access and parking arrangements are considered to be acceptable and not adversely affect highway safety. The development is not considered to lead to an unacceptable impact on the privacy and amenity of neighbouring residents. The proposal is considered to be in accordance with Policies COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies), and in accordance with the National Planning Policy Framework as a whole.

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