

PLANNING COMMITTEE AGENDA - 4th February 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 14/01474/FULL - Conversion of redundant barn to dwelling at Land and Buildings at NGR 304595 116820, (Adjacent To Goldsmoor House), Westleigh.
RECOMMENDATION
Refuse permission. |
| 2. | 14/01727/FULL - Erection of single storey extension - HOUSEHOLDER at Barton Barn, Leigh Barton, Silverton.
RECOMMENDATION
Refuse permission. |
| 3. | 14/01876/FULL - Erection of 4 affordable flats following demolition of redundant buildings at 1 Birchen Lane, Tiverton, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 4. | 14/01901/FULL - Change of use of land to allow log storage and the creation of hard standing at Land and Building at NGR 305546 108277, (Opposite Goodiford Cottages), Kentisbeare.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 14/01474/FULL

Plans List No. 1

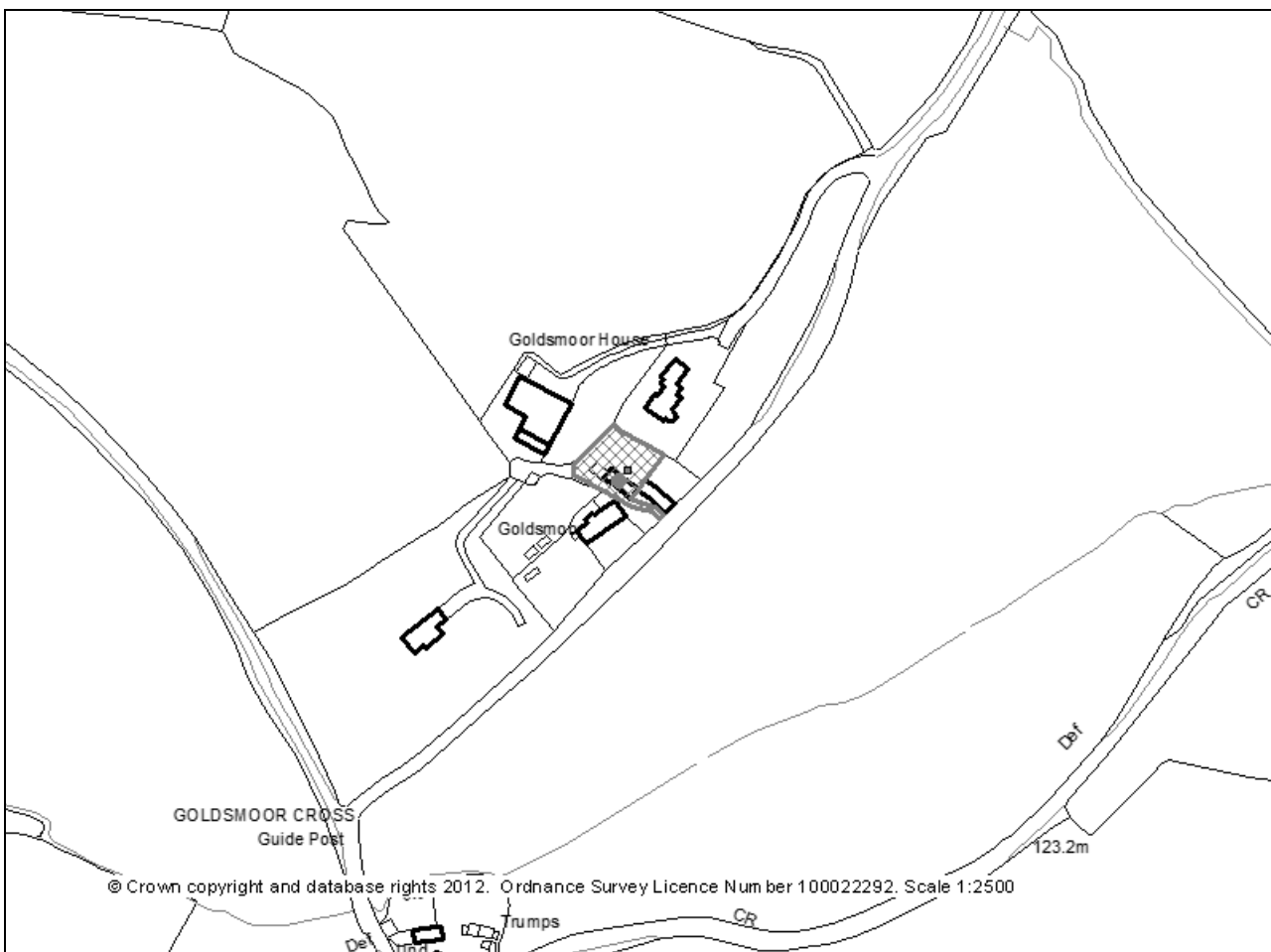
Grid Ref: 304595 : 116820

Applicant: Mr E J Perry

Location: Land and Buildings at NGR
304595 116820 (Adjacent
To Goldsmoor House)
Westleigh

Proposal: Conversion of redundant
barn to dwelling

Date Valid: 11th September 2014



Application No. 14/01474/FULL

RECOMMENDATION

Refuse permission.

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

To consider whether the application meets the requirements of policy DM11 of the Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

This application seeks planning permission for the conversion of a redundant barn to a dwelling at Goldsmoor, Westleigh. The barn is situated on the Class III road from Durley Moor Cross to Goldsmoor Cross approximately 1.5 miles to the East of the settlement of Westleigh. The building stands adjacent to a separate residential property known as Goldsmoor to the west, and an agricultural worker's dwelling known as Goldsmoor House to the east. The barn is immediately abutting a single storey barn close to the road which is under ownership of the occupants of Goldsmoor.

The building can be considered as two connecting parts. The largest section is a tall box shaped building, built from stone, cob and breeze block, measuring 12.7 metres in length, 6.1 metres in width and 5.6 metres at the highest point of the gently sloping monopitch metal roof. This building has a narrow depth, with a high wall to void ratio with unpainted render visible across most of the outer walls. The second part of the building is a small single storey addition to the rear which features a simple corrugated metal roof with block walls and a rough painted render exterior. This measures 7.7 metres in length and 4.8 metre width. The maximum height of the roof measures 3.2 metres.

There are a number of unusually shaped and positioned windows across the extent of the building including a wooden sash and uPVC casement in the main section, with metal Crittal and a fixed-shut stained glass window more recently added in the smaller section. The building is largely redundant, albeit there were a few areas used for storage of miscellaneous household items. There is some anecdotal evidence of use of the smaller section of the building for human habitation, including a water storage tank and curtain rails, as well as window openings and internal partition which are later additions to the building.

It is proposed to convert the barn to a dwelling with associated garden, parking spaces and driveway access. Upon conversion the building would provide two bedrooms, an open plan kitchen and dining room, a lounge, bathroom and storage area. Access from the highway is proposed to be taken via the existing lane with vehicular parking in a section of the garden 'courtyard' on the northern side. It is proposed to convert the building without exceeding the external dimensions although the design includes new openings as well as a replacement roof structure. The two sections of the building together measure approximately 20 metres in length.

APPLICANT'S SUPPORTING INFORMATION

Examples of other barn conversions
Structural Survey
Ecology Report
Supporting Statement

PLANNING HISTORY

90/02005/OUT Outline for the erection of detached house - REFUSED - DECEMBER 1990
91/01570/OUT Outline for the erection of a dwelling - REFUSED - OCTOBER 1991/APPEAL DISMISSED
MAY 1992

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM12 - Replacement dwellings in rural areas

CONSULTATIONS

ENVIRONMENTAL HEALTH - 6th October 2014 - Contaminated land - There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/ vulnerable land-use, in this case a proposed residential dwelling (see Question 14 on 1App application form).

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - I have no objections to this proposal

Licensing - N/a

Food hygiene - N/a

Private water supplies - Further information is required prior to any comment. No record is held as being a private supply. However, if a private water supply is serving any other associated dwelling, the supply would become a small private supply and subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use.

Health and safety - No comments on health and safety

12th January 2015

I am satisfied with this information and cannot see a reason to ask for any more, therefore I have no further objections to this proposal.

HIGHWAY AUTHORITY - 25th September 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SAMPFORD PEVERELL PARISH COUNCIL - 8th October 2014

Members of a planning subcommittee of Sampford Peverell Parish Council have examined the proposal and visited the site.

The Members have two main concerns:

- although the application states that the property is not visible from the road, it is clearly visible, being almost adjacent to the highway.
- the application states that the property has good access to the road with good visibility: this was found not to be the case. The Members wonder what provision there will be for vehicle space and for turning within the curtilage.

It is felt that these issues need to be addressed before any approval can be considered.

REPRESENTATIONS

1 letter of representation summarised as follows:

1. No objection in principle
2. Proposed access from the road will result in an increase in traffic
3. The track in its upper part is unmade and rises steeply from the road to the proposed parking area - the track is prone to heavy surface run-off and if provisions are not made to improve it, there may be an increased risk of flooding to adjacent residential properties.
4. There is no mains water supply and a borehole should be at least 50 metres from a source of water supply.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issue for consideration is whether the existing building positively contributes to the area's rural character and whether this character would be retained through the conversion. The report also addresses the impact of the conversion upon protected species and the impact upon the character and appearance of the wider setting. The main issues for determination relate to:

- 1. The principle for conversion**
- 2. Parking and Access**
- 3. Extent of building works**
- 4. Design**
- 5. Ecology**
- 6. Impact on neighbours and surroundings**

1. The Principle for conversion

The site is outside of an adopted settlement limit where new residential development is subject to strict policy control. This is set out under Part 6 of the National Planning Policy Framework. However Paragraph 55 of Part 6 permits the reuse of redundant buildings where they are found to lead to an enhancement of the immediate setting.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands upon the National Planning Policy Framework, and specifically deals with the conversion of redundant or disused rural buildings. This policy is consistent with the National Planning Policy Framework insofar as it seeks to secure high quality design as one of its core planning principles. The policy allows for the re-use of rural buildings for residential, tourism or employment uses where they are of substantial and permanent construction, and where they make a positive contribution to an area's rural character. An assessment under DM11 is also subject to four further criteria, set out below.

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

It is agreed between the Authority and the applicant that the building is redundant for agricultural purposes and also that it is of substantial and permanent construction. This is confirmed in the submitted Structural report. In this case the building's suitability for conversion turns on its contribution to the area's character

because the test of Policy DM11 does not merely require a building to reflect the rural character of an area, but it also requires any such building to positively contribute to it.

Regarding this test of character, the main structure is fairly untypical of buildings found in the rural setting. It features a monopitch corrugated tin roof that is gently sloping, wall sections of cob, concrete block and stone, built to an equivalent height of 2 storeys. There are a number of substantial repairs which have been undertaken including the roof, and rebuilding of the north east elevation with breeze block, presumably where sections of cob walling have failed. It is unclear whether the building's height with large roof void may have increased from an original single storey position.

The building includes 3 main openings, two of which are adjacent to an original stone built wall supporting the more modern corrugated roof. This section, open on both sides, gives access to the land proposed to become garden space. There is a stone buttress on the south west elevation and some areas of stonework visible on the exterior. There is no substantive evidence within this application that setting out the historic use of the building, nor are there many clues from visiting the site. Whilst the building features a mixture of materials including cob and stone, there has been extensive rebuilding and the shape and height are not characteristic of agricultural buildings in any traditional form. Whilst it is considered that more modern buildings are capable of making a positive contribution, this building is not considered to be of any intrinsic merit, and is thought to make little in the way of positive contribution to the rural setting.

The Authority considers that the building sits awkwardly in its immediate setting adjacent to Goldsmoor which is a traditional cottage of more traditional design scale and massing. Whilst the agent has submitted further details arguing for the retention of the roof as an original feature, it is still thought there have been changes in the buildings height and overall massing, even if the barn has stood in its current form to a substantial period of time.

It is argued that the building is unique and has a special character which merits retention for its unusual but positive contribution to the local setting. Whilst the building is unusually tall for a traditional barn with such a gently sloping mono-pitched roof, the Authority considers that not all buildings within the Mid Devon Countryside necessarily make a positive contribution to the rural character and this building is not of an overall shape or form to warrant retention, despite the presence of some more traditional materials in places. As such, it is considered that the building fails to meet the preliminary character test of Policy DM11.

2. Parking and Access

In relation to part a) of policy DM11, the building is already served by an access track running between the south west elevation and Goldsmoor House. Vehicular access connects with the Class III road running from Whitnage to Westleigh. The Highway Authority has referred to standing advice, although the Authority has sought further advice from the Highways Officer. Overall it is considered that the building is capable of being served by a suitable access, subject to some upgrading and hard surfacing. This would also reflect concerns raised by neighbouring residents who have made representations on the application. The Highways Officer has advised that there is adequate visibility along the road, despite it being unrestricted and generally seeing vehicle speeds of around 40-50 mph. It was commented this would not constitute a reason for refusal. The proposal includes parking provision for 2 vehicles, which is sufficient to meet the requirements of policy DM8, which sets a requirement for 1.7 vehicles per new dwelling. There would also be sufficient parking space for vehicles to turn and leave the site in forward gear. Subject to the provision of a permeable surface and culvert, the issue of surface run off (as highlighted by neighbours) may also be overcome.

3. Extent of building works

In relation to part b) of DM11, it is not disputed that the building is of a substantial and permanent construction already. The structural report concludes that the stone walls need some upgrading in the form of repointing. Internally, minor repairs are required to the cob wall sections. The roof structure will have to carry additional loading and will need upgrading. On the whole, the building is found to be capable of conversion without substantial additions or alterations, despite the need to replace the roof and insert new openings predominantly on the north east elevation.

4. Design

Part c) of Policy DM11 requires the conversion to retain the building's existing character through good

design. The Authority maintains its position that the existing building is lacking in overall character, and therefore it is difficult to achieve a conversion which both retains a level of character and a high quality design. The building is proposed to be converted without interrupting the height, scale or massing as existing, whilst maintaining the majority of existing openings. There are new vertically shaped windows and doors proposed on the north east elevation which seek to balance the horizontal emphasis. Many of the existing windows are more recent additions or repairs (including that on the south east elevation) which do not add to an historic character.

The design would retain an external render finish with the retention of a mono-pitched roof. It is not thought that the new openings would disrupt the wider design and whilst the proposal would not substantially erode the overall appearance of the building at present, it is still not considered to be a building of a character which positively contributes to the area's rural character, therefore its conversion would be contrary to the preliminary test of policy DM11 of the Local Plan Part 3 (Development Management Policies).

Policy DM2 of the Local Plan Part 3 (Development Management Policies) sets out guidelines on how good design can be achieved through new development. This includes works to show a clear understanding of the characteristics of the site, a positive contribution to the local character, and to create visually attractive places that take into account architecture, siting, layout, orientation, fenestration, materials and landscaping. The conversion would retain the building's height and massing, although these are not features the Authority believes are worthy of retention. It is accepted that the building is not widely visible from the road, although the south east elevation is a dominant elevation in contrast to Goldsmoor House and the adjacent single storey redundant barn. Furthermore, there is some doubt as to how the building can positively contribute to the area's character when it is not considered to do so at present. Overall it is considered that there is an outstanding issue of compliance with policy DM11 that is intrinsically linked to the level of compliance with policy DM2.

5. Ecology

In relation to part d), the ecological report sets out a survey of the building and the assessment and results are drawn up in two halves, referred to as Building 1 and 2. Building 1 refers to the larger section of the barn equivalent to two storeys in height, whereas Building 2 refers to the smaller single storey concrete block and render building.

The survey found evidence of lesser horseshoe bats in Building 2 and the recommendations include the creation of a bat night shelter to be created in Building 1 prior to the commencement of work on Building 2. The report also recommends other appropriate mitigation including timber treatment, providing access for bats and appropriate timing of building works. Whilst it is conceded that there may be an impact on protected species, the findings are not considered to be so significant to warrant refusal of the application, and it is considered the recommendations could be made as a condition, should the application be considered for approval. The report also concludes that an EPS license will be required from Natural England.

6. Impact on neighbours and surroundings

The site is largely private with no clear or obvious views from the surrounding countryside. Any landscape impact can therefore be said to be localised. The proposed development lies between Goldsmoor House to the East and Goldsmoor to the West. There is also a large agricultural shed situated approximately 20 metres to the North West although this is not visible from the building. The application site is generally well screened from Goldsmoor House by an established tree and hedgerow boundary. From the neighbouring Goldsmoor Farmhouse there are only slight glimpses of the application site, and therefore the conversion would be very unlikely to constitute harm to the privacy or amenity of these neighbours.

Goldsmoor to the West has a much closer relationship with the building by virtue of its proximity (with the south west elevation of the building standing less than 5 metres from the side elevation of the neighbouring property). The conversion of the building would increase vehicle movements and noise to and from the site, although the conversion would be unlikely to affect privacy between the two sites, as the side (east) elevation of Goldsmoor is a more private without any large openings reducing privacy. The proposed design of the south west elevation includes only one new opening, which is achieved by partially blocking the existing opening of the main barn. This window would serve as a lounge window, although it would not look directly into the neighbouring property, nor would it be likely to result in future occupants feeling exposed or

overlooked by neighbours.

As such, it is not considered that the proposed development would constitute unacceptable harm to the privacy or amenity of neighbouring residents, and the conversion would not affect any wider or strategic views of the countryside. The proposal can therefore be said to comply with some aspects of COR2 of the Core Strategy 2007, and DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

1. The existing barn, by virtue of its overall height, massing and construction including a mix of breeze block, stone, cob and render with corrugated metal sheet roofing, is considered to be of a low amenity value and is not considered to positively contribute to the area's rural character. Overall, it is considered that this agricultural building is one that merely reflects the rural character of the local area rather than being one that makes any positive contribution to it, regardless of whether it could reasonably be converted without significant alteration, extension or rebuilding. The proposed conversion would therefore be contrary to the preliminary requirement of policy DM11 of the Local Plan Part 3 (Development Management Policies) and the supporting information is insufficient to outweigh the conflict with the development plan. The application is therefore recommended for refusal.

INFORMATIVE NOTE

1. Informative note: The submitted plan indicates a package treatment plant to be situated approximately 50 metres from the neighbouring property's water supply. Should the application be granted planning permission, the applicant is advised that any new private water supply must also be at least 50 metres from the point of discharge from the package treatment plant in order to comply with building regulations.

Application No. 14/01727/FULL

Plans List No. 2

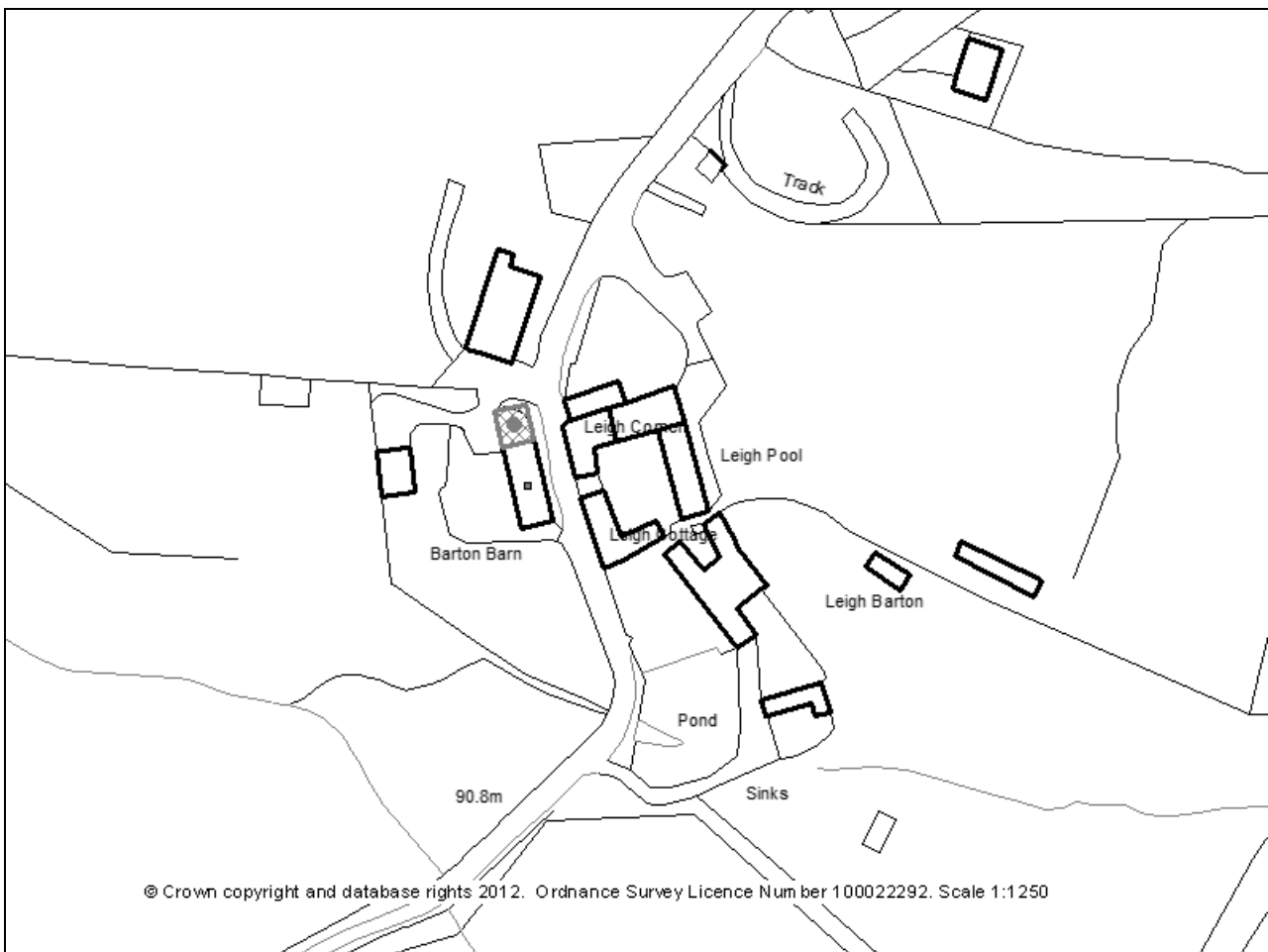
Grid Ref: 295026 : 105534

Applicant: Mr & Mrs R Fyfe

Location: Barton Barn Leigh
Barton Silverton

Proposal: Erection of single
storey extension -
HOUSEHOLDER

Date Valid: 13th October 2014



Application No. 14/01727/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

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

To consider whether the scale and design of the proposed extension is acceptable in this location.

PROPOSED DEVELOPMENT

As set out in the submitted plans and documentation, the application relates to a proposed single story extension, protruding from the northern elevation of the existing dwelling. The existing dwelling is a stone barn conversion approved under planning reference 90/00783/FULL, and could be considered to have significant architectural merit. The extension will be constructed of render with Oak Post detailing, a shallow dual pitched slate roof, and aluminium fenestration. The extension will measure 7.6metres in length and 5.4metres in width to create an increased ground floor area of 41 square metres. The proposal will measure approximately 2.5metres to the eaves, with a ridge height of 3.5metres to create a shallow dual pitched roof.

The proposal will permit the addition of a utility room, sun lounge and extended dining room. The proposal will feature windows in the western elevation, with the northern and eastern elevations rendered. The plans feature a rooflight on the western elevations, with a suntube providing light into the utility room on both the west and eastern elevation. It should be noted that the proposal features an alteration in the roof pitch at the abutment to the original property, allowing the existing first floor window to remain.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

90/00226/FULL Conversion of redundant farm building to single dwelling and construction of vehicular access - REFUSED MARCH 1990/APPEAL DISMISSED JULY 1990
90/00783/FULL Conversion of redundant farm building to single dwelling, installation of septic tank and improvements to access road - PERMITTED JUNE 1990
08/02165/FULL Erection of Garage/Workshop following demolition of existing timber garage - PERMITTED MARCH 2009
09/01875/FULL Erection of garage/workshop following demolition of existing timber garage (Revised Scheme) - PERMITTED MARCH 2010

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM13 - Residential extensions and ancillary development

CONSULTATIONS

HIGHWAY AUTHORITY - 23rd October 2014 - Standing Advice applies <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 9th January 2015 - Householder development and alterations. Within flood zone 1. No Environment Agency consultation required.

SILVERTON PARISH COUNCIL - 9th January 2015 - No response to date.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application relates to the erection of a single storey side extension at Barton Barn, Leigh Barton, Silverton. As the name suggests, Barton Barn is a barn conversion, approved under planning reference 90/00783/FULL. The original dwelling is constructed of stone, with a dual pitched slate roof, timber fenestration and brick surrounds. The barn is situated in a rural setting, whilst the surrounding properties include a listed farmhouse to the east and a modern agricultural building constructed of concrete and block to the north. The dwelling abuts the highway to the east.

The application relates to an extension to the North of the site. The site is currently used as gravelled amenity space, and is screened to the north, east and south and at a lower level than the road. There are distance views of the Exe-Valley to the west. The existing dwelling has its permitted development rights removed for the addition of extensions, as detailed in condition (g) of planning permission 90/00783/FULL.

The main issues in the determination of this application are:

- 1. Design and visual impact on the existing dwelling and the streetscene**
- 2. Impacts on any heritage asset**
- 3. Other planning considerations**

1. Design and visual impact on the existing dwelling and the street scene

The existing barn conversion is traditional in its design, using local stone, timber fenestration and a dual pitched slate roof. The existing barn conversion is somewhat unspoilt, and has no extensions or alterations detracting from the rural nature and architectural merit of the barn. Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) aim to ensure that the proposed development respects the character and use of the surrounding area. As previously noted, the proposal is to construct a single storey extension from the Northern elevation (side elevation) of the dwelling, measuring 7.6metres in length and 5.4metres in width to create an increased ground floor area of 41 square metres. The submitted plans and documentation do not detail the full extent of the existing building; however, it was apparent on the officer's site visit that the scale of the proposal would exceed half the width of the existing dwelling and would detract from the existing design and appearance of the barn conversion. The extension would not be in accordance with Policy DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

Furthermore, the shallow roof pitch included within the design, is considered to be out of keeping with the existing roof pitch when viewed from the highway to the North of the site, whilst the aluminium fenestration proposed would further detracting from the appearance of the dwelling.

The dwelling is situated on a gradient, and the application site is lower than the surrounding highway to the east. The site is fairly well screened by a boundary hedge, and the existing site is not considered to be significantly visible from any public vantage point. Due to the size of the application, some works will have to be undertaken on the surrounding bank and hedgerow and a section of new hedgerow is proposed to replace any screening lost during construction. Considering the time new hedgerow takes to establish, it is

likely a section of the proposal, including a rendered gable, will be visible from the highway. During this time period, it is likely some harm will be caused to the streetscene.

It is considered that there is some scope to extend the dwelling, and discussions were held with the agent to encourage alterations which included reducing the extensions length, increasing the roof pitch, and altering the fenestration. No changes were made to the application. In view of the above points, it is deemed that the proposal would be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (LP1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

2. Impacts on a heritage asset

The proposal is adjacent to grade II listed buildings situated to the east, and therefore, it is important to consider the proposals impact on these properties.

The existing site is situated lower than the buildings situated to the east, and will be somewhat screened by the adjoining bank and hedge. Because of this, the proposal will appear low in its height and scale in comparison to the highway and the adjoining listed building. The slate roof of the proposal is likely to be visible from the listed building, however, the materials for the proposed roof are considered to be in keeping with the roof on the existing barn.

It is considered that due to the proposals siting, and the reasonable screening provided, the extension is not considered to negatively affect any heritage asset in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

3. Other Planning Considerations

It is considered that the proposal is unlikely to lead to any loss of privacy or amenity for any neighbouring occupants, harm the future amenities and services of the existing dwelling, or negatively affect parking and highway safety, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

1. Mid Devon District Council requires new development to respect the character and appearance the area and to demonstrate a clear understanding of the site and its context. Extensions to existing dwellings should respect the character, scale, setting and design of the existing dwelling. In the opinion of the Local Planning Authority, the proposed extension is out of scale and proportion with the existing dwelling and the design, fenestration and materials do not respect the scale, character, setting and design of the existing dwelling, contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (LP1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

Application No. 14/01876/FULL

Plans List No. 3

Grid Ref: 295206 : 112479

Applicant: Mid Devon District Council

Location: 1 Birchen Lane
Tiverton Devon

Proposal: Erection of 4
affordable flats
following demolition of
redundant buildings

Date Valid: 19th November 2014



Application No. 14/01876/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of 4 affordable flats following demolition of redundant buildings

APPLICANT'S SUPPORTING INFORMATION

Flood Risk Assessment
Design and Access Statement
South West Water Drainage maps
Ecology Report

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR7 - Previously Developed Land
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 26th November 2014 Standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 8th December 2014 - We have no objections to the proposal as submitted subject to your authority being satisfied that the Sequential and Exception Tests, as detailed within the National Planning Policy Framework, can be met in full.

The site is located within Flood Zone 3 of the River Exe, and Cottey Brook and would have flooded in the 1960 flood event. Whilst the current River Exe flood alleviation scheme provides a high standard of protection its construction hasn't completely removed the risk of flooding from the River Exe. The fact that the area is also at risk from shallow flooding from the Cottey Brook is also a material consideration.

Whilst the applicants Flood Risk Assessment (FRA) lacks some detail it is pleasing that the risk of flooding has been acknowledged, that floor levels will be raised, and that flood resilient construction will be used in

part. These measures would reduce the risk of internal flooding should the area flood, but not remove it, and would limit the amount of damage that would be sustained should internal flooding occur.

Your authority should bear in mind the fact that persons residing in the two proposed ground floor flats would potentially be stranded for a period of up to approximately six hours, on the first floor landing in an extreme event, when considering whether or not the Exception Test could be satisfied.

TIVERTON TOWN COUNCIL - 4th December 2014 - Whilst supporting in principle there are concerns that proposal does not conform to Mid Devon car parking policy and that it would go against DM14.

ENVIRONMENTAL HEALTH - 4th December 2014 - Contaminated Land

The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment.
otherwise, no objections.

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - There is a lack of information e.g. survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition survey following HSG264 available at www.hse.gov.uk/pubns/books/hsg264.htm should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

NATURAL ENGLAND - 27 November 2014 - Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites. If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

REPRESENTATIONS

1 representation and 2 objections summarised as follows:

1. Concern regarding restricted access to garages and shops, particularly during construction
2. Concern regarding inadequate parking levels
3. Concern that the flats would block daylight to existing dwellings
4. Concern regarding sewer capacity as there are already problems
5. Concern regarding increase in noise in quiet area

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Provision of affordable homes**
- 2) **Design and location**
- 3) **Flood Risk and mitigation**
- 4) **Parking and accessibility to services and facilities**
- 5) **Other**

- 1) **Provision of affordable homes**

The application would deliver 4 affordable, one bedroom flats within Tiverton and within walking distance of the services and facilities of the town centre. The flats would be erected on the site of a redundant store building and is therefore considered to be the development of a previously used site in accordance with policy COR7 Mid Devon Core Strategy (MDCS).

Policy COR1 (MDCS) requires development to meet sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, healthy and inclusive places where existing and future residents want to live (and work). The provision of these 4 modest sized affordable flats would help to meet the housing needs of the community in an area where there remains a need for the provision of affordable housing. The application is in accordance with the requirements of this policy. Policy COR1 is supported by Policy COR3 (MDCS) which seeks to provide 100 affordable dwellings in Mid Devon per year.

The application will also make a meaningful contribution toward the annual provision of affordable dwellings for Mid Devon.

2) Design and location

The existing range of stone and brick buildings on the site would be demolished and the site used for the construction of four, one bedroom flats. While elements of the existing buildings are not unattractive, the site is in need of repair and the demolition of the buildings that are not listed and are not within the conservation area will not have a detrimental impact on the character or appearance of the surrounding area.

The area immediately surrounding the application site includes a mix of residential properties, a secure residential institution, A1 (retail) premises and mixed uses premises with A1/A5 (retail/hot food takeaway) uses at ground floor with residential accommodation above. The proposed residential use will sit comfortably alongside the mix of uses in this area of Tiverton.

The proposal includes the erection of a two storey building that will be internally subdivided into 4 self contained flats. The flats would all have access to a communal rear yard, from which there would be a gated access onto the road. This yard area would provide an area for the storage of bins as well as a clothes drying area and potential for bicycle storage.

The flats are proposed to have an external appearance of facebrick with weatherboard detailing beneath some of the windows and brick coursing to be used to assist in defining the glazed communal entrance to the 4 flats. The roof is proposed to be slate. The use of brick and slate for a majority of the construction would complement the wide pallet of materials that have been used in developments in the area. There is a mix of render, brick, stone, slate and tile in the West Exe area. With regard to the appearance of the development, it would result in a visual improvement to the street scene in this fairly tucked away position and sit comfortably alongside existing development in accordance with Policy DM2 Local Plan Part 3 (Development Management Policies).

The two storey scale of the building is also acceptable and while it will be dwarfed by the considerably higher development to the east, it will be a similar to scale to the two storey dwellings, residential institution and A1 unit that are also within the same local area. The development includes the provision of a new dual pitch roof as part of the proposed building. The raised internal floor levels will result in the development having a different relationship with the street than the existing two storey dwellings to the west and southwest, however, as the development will be immediately adjacent to the road and the raised floors will assist in preventing impact of flooding, the height of the ground floor windows above the road level is considered appropriate and acceptable. The overall bulk of the building has been reduced by the provision of the yard area on the north side. This results in an L shape building with a footprint that is smaller than the existing on site buildings. The scale and density of the development, its appearance and relationship to the local context are all considered to be acceptable and in accordance with the requirements of Policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).

The flats provide suitably sized accommodation that is compliant with the dwelling sizes policy DM15. There is some amenity space, communal for the four flats, and there are public parks and gardens within easy walking distance of the site. The Design and Access Statement indicates that the flats have been designed to meet a minimum of level 3 of the Code for Sustainable Homes and the energy efficiency of the properties will exceed current Building Regulation requirements while at the same time the orientation of the building and habitable rooms maximises the potential for daylight within the units and natural ventilation. The Design and Access Statement also indicates that the principles of Secure By Design have been incorporated into the design where possible. With regard to these matters the design of the development is considered to be in accordance with Policy DM14 and the relevant parts of Policy DM2 Local Plan Part 3 (Development Management Policies).

The four flats will have windows allowing views into the road surrounding the site. There would also be views toward 11 Birchen Lane (two storey end of terraced house) to the south west and toward the ground floor windows of the maisonettes above 21 and 19 West Exe South, to the east of the application site. Any views toward 11 Birchen Lane would be oblique views and would not provide a direct line of sight toward this

property. 11 Birchen Lane is approximately 15m from the closest part of the application site. The maisonettes to the east are elevated above the road by one storey, hence the front doors and lower floor windows of these existing residential units would be at a similar height to the first floor of the proposed flats. While there may be some opportunity for views toward the front doors and single lower floor windows of these properties, the views would be at an angle from the proposed development and are not considered to result in a significant level of overlooking such as to warrant refusal of the application. With regards to impact on the residential amenity of occupiers of nearby properties, the proposal is considered to be in accordance with Policy DM2.

Two members of the public have raised concerns about access to their shed or garage to the north of the site during the development of the site. While there could be some local disruption to access during delivery of building materials etc, there is no indication or reason why access to the existing sheds and garages (or parking spaces) should be prevented during the development of the site. Construction workers would need to ensure they park their vehicles legally and do not obstruct access to other resident's facilities. The sheds immediately north of the site stand completely separately from the buildings to be demolished on site. However there is lead flashing on top of the southern elevation wall between the sheds and the buildings currently on site. A condition has been imposed that the lead flashing will be replaced following development of the site to prevent water ingress to the sheds.

One letter of objection raised concern about noise from the site during construction. While it is inevitable that there will be noise and some disruption associated with the construction period this should be during normal working hours only. In order to protect the amenity of the occupiers of nearby residential properties a condition imposing working hours has been suggested.

3) Flood risk and mitigation

Policies COR11 Mid Devon Core Strategy (LP1), DM2 Local Plan Part 3 (Development Management Policies), National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are relevant to the assessment of this application. A Flood Risk Assessment has been submitted with the application and the Environment Agency has acknowledged that flood resilient construction methods would assist in reducing risk of internal flooding.

The application site is located within the flood plain of the River Exe. This area is categorised as being flood zone 3a 'high probability of flood' where flood risk is a 1 in 100 year (or greater) flood. The NPPF and NPPG advise that residential development is a 'more vulnerable' development type and a sequential test should be applied as the site is not allocated for residential development. The NPPF and NPPG state that only where there are no reasonably available sites in flood risk zones 1 (low probability) or 2 (medium probability) should the suitability of sites in zone 3 be considered taking into account flood risk vulnerability of the use.

A sequential test has been applied to the proposed development in accordance with the guidance in the NPPF and NPPG. The sequential test that has been applied to the assessment of this application defines the area of search (for alternative sites at lower flood risk) as those within or immediately adjacent to the town centre boundary of Tiverton that would be suitable for the provision of affordable dwellings within walking distance of the services and facilities of the town centre. Any potential sites in or adjacent to the town centre have been excluded where they have the same risk of flooding.

The sequential test establishes that there are no allocated sites for residential development within or adjacent to the town centre boundary that that not either been developed, in the process of being developed or have planning permission granted committing the site to a particular development. There are no alternative and available sites within the search area and no sequentially preferable sites within the search area that should be developed before the application site. The application therefore passes the Sequential Test.

The NPPF requires that an exception test be applied and passed if the sequential test is passed. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding area not available.

The Exception Test is in two parts. It requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The Local Planning Authority consider that both parts of the Exception Test are passed. However, it should be noted that the Environment Agency will never indicate whether they consider a development to be safe or not. The Local Planning Authority do liaise with the Authority's Emergency Planner although they too will not state whether or not a development is safe. The proposals indicate that the internal finished floor levels of the two ground floor flats will be elevated above the external ground level by approximately 750mm with electrical outlets set at least 900mm above internal ground floor levels. Both ground floor flats will have direct access to the first floor landing (which is over 2 m²) that would provide a safe refuge if the ground floor apartments had to be evacuated during a flood event. This has been referred to in the Flood Risk Assessment as being a large enough area and calculated from the Fire Escape Regulations. While there is no external or internal consultee that is willing or able to confirm that any proposed development is safe, it appears that in comparison to the existing residential development in this area, the proposed development would have a lower risk of being inundated by flood waters than properties surrounding it. The application site is a brownfield site, is currently covered with buildings and located in a part residential area. The proposal would result in a majority of the site retaining a coverage of buildings but with the inclusion of a communal yard area to the north of the flats. The development of the site would not therefore increase the risk of flooding and the increase in ground floor levels and slight reduction in building may actually result in a reduced risk of flooding to the site.

As detailed above the development would deliver 4 modest sized, affordable flats. The flats would be built on a site owned and controlled by Mid Devon District Council to try to meet some of the identified housing need in the Tiverton area. The provision of decent and affordable homes is a key objective of the Council and this is reflected in the relevant planning policies and Supplemental Planning Document relating to the provision of affordable housing in Mid Devon. The provision of affordable homes in a location where residents can access the services and facilities of a town centre without needing to use a private vehicle is considered to be a significant community benefit that would be compliant with Policies COR1, COR3, COR13 Mid Devon Core Strategy (LP1), Supplemental Planning Document 'Meeting Housing Needs' and the NPPF. It is considered to outweigh the flood risk in this instance.

As the proposal has passed the Sequential and Exception Tests it is concluded that the Environment Agency therefore have no objection to the redevelopment of the site for 4 flats and the application is in accordance with policy COR11 Mid Devon Core Strategy (LP1), Policy DM2 Local Plan part 3 (Development Management Policies) and the NPPF.

4) Parking and access to services and facilities

The application does not include any parking for the 4 flats. Policy DM8 states that 'development must provide an appropriate level of parking, taking into account: a) the accessibility of the site, including the availability of public transport; b) the type, mix and use of development' and 'design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles'.

The application site is within walking distance of the services and facilities in Tiverton town centre as well as within easy walking distance of the facilities and services in the West Exe area of Tiverton. The site is also very close to a public pay and display car park where residents could park vehicles. Due to the modest size of the flats and the proximity to the town centre where public transport is available from Fore Street and the Bus Station and services and facilities are available, it is considered acceptable in this instance to apply a zero car parking option. Were the application site not in such a sustainable location the DM8 parking spaces ration would apply. With regards to this specific form of development on this specific site, it is not considered essential for parking spaces to be provided as it is easily accessible by pedestrians and cyclists. Cycle storage would be available in the rear yard and occupants could access public transportation. The application is considered to be in accordance with Policy DM8.

5) Other

An ecology report was submitted with the application which concluded that no protected species including bats or birds were found within the buildings.

The foul drainage and surface water drainage are proposed to be connected to the public combined sewerage system.

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. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

4. No development shall begin until details or samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.
5. The dwellings hereby permitted shall be occupied as affordable housing only, as defined within the National Planning Policy Framework and in line with the policies set out in the adopted Supplementary Planning Document "Meeting Housing Needs" or such other Supplementary Planning Document as may be adopted by the Local Planning Authority subsequently.
6. No construction work shall take place on the application site except between the hours of 0730 and 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays. No construction work shall take place on the application site on Sundays or Bank Holidays.
7. Prior to the first occupation of any of the four flats hereby permitted, the lead flashing on top of the southern wall of the existing off-site sheds, immediately north of the application site, shall be reinstated to prevent water ingress.
8. Prior to the commencement of development the internal finished floor levels of the ground floor residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved finished floor levels.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of public health and protection of the environment in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).

4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy 2007 Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
5. Therefore, the occupation of the dwellings is restricted to affordable housing only.
6. To safeguard the amenities of nearby residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that the sheds which do not form part of the application site remain water tight and available for use by local residents following the demolition of the adjacent buildings in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. In interests of reducing the risk of the new residential units being affected by flooding as the site is within flood zone 3, in accordance with policy COR11 Mid Devon Core Strategy (LP1) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal, delivering 4 units of affordable housing is considered to result in a development which by virtue of its design, scale, height, proportions and density, is in keeping with the character of the area and would not result in a development which is overbearing or result in loss of privacy of neighbouring properties. The provision of affordable housing in Tiverton is considered to be an overriding economic and social issue that outweighs the location of the site within Flood Zone 3. The application is considered to comply with policies together with Government policies in the National Planning Policy Framework and Government guidance in the National Planning Policy Guidance.

Application No. 14/01901/FULL

Plans List No. 4

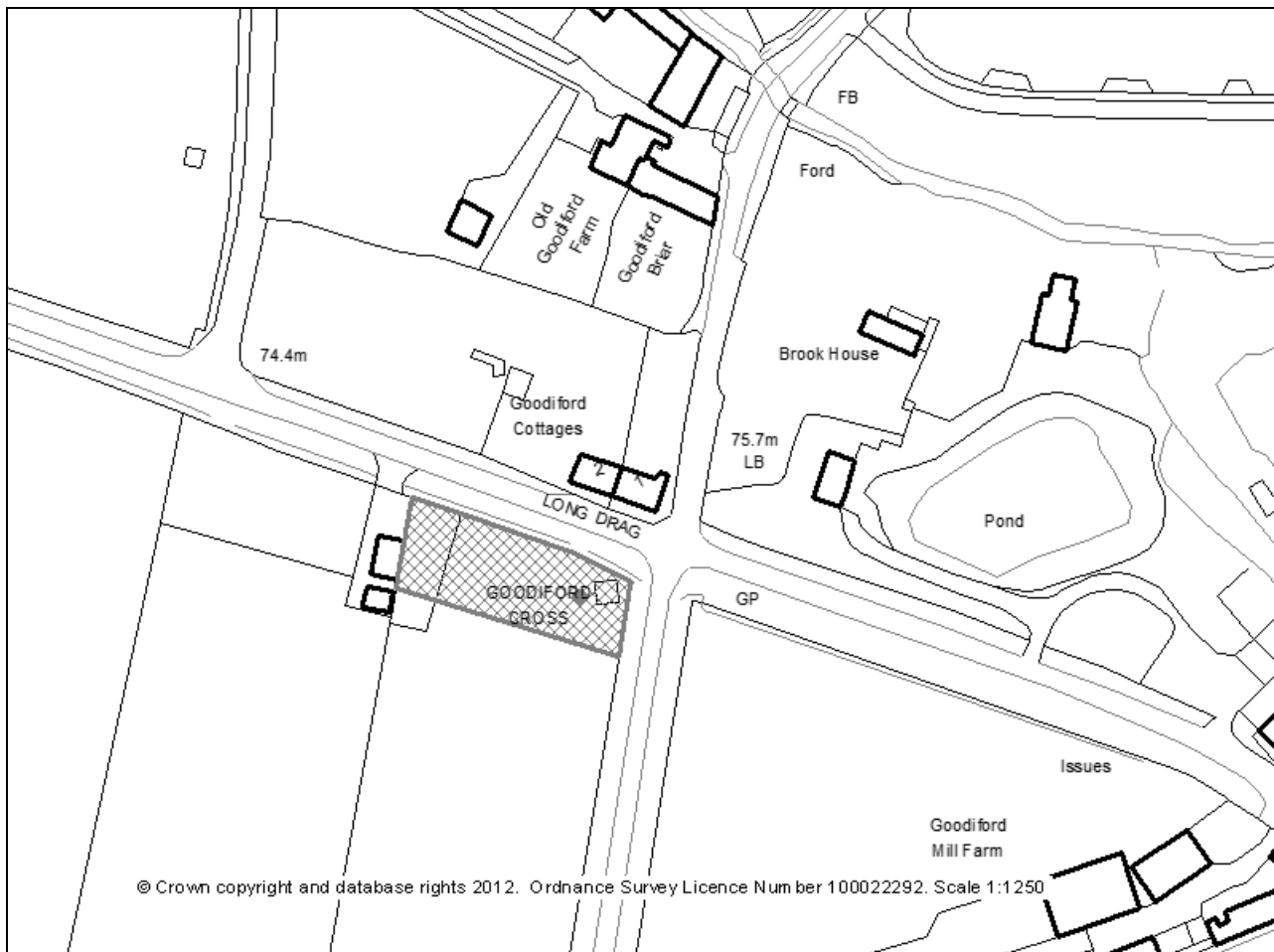
Grid Ref: 305546 : 108277

Applicant: Mr J Drummond

Location: Land and Building at
NGR 305546 108277
(Opposite Goodiford
Cottages) Kentisbeare

Proposal: Change of use of land
to allow log storage
and the creation of
hard standing

Date Valid: 10th November 2014



Application No. 14/01901/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To consider whether the site is a suitable location for the proposed use.

PROPOSED DEVELOPMENT

This application seeks planning permission for the change of use of agricultural land to allow for the creation of a hard standing for a small business use, adjacent to Goodiford Cottages, Kentisbeare. This is a revised application following the withdrawal of application 14/01037/FULL, withdrawn to enable the applicant to clarify the details of the proposed use. The applicant has established a small scale tree surgery business, travelling to sites mainly around the Mid Devon area, and the hardstanding is required to enable the applicant to store logs collected from various jobs.

The site lies at the northern section of the applicant's field and is adjacent Goodiford Cross, where the Long Drag intersects with Dead Lane. The site is not in a designated flood risk area, nor is it within a conservation area or any designated landscape. However, the site lies outside of an adopted settlement boundary, and is therefore considered to be in a countryside location.

The hardstanding would largely be used for log storage, and no structures are proposed as the collected wood is proposed to be bundled and wrapped with waterproof covering to prevent decay. The hardstanding would also allow the applicant to access the field with his Land Rover and trailer in order to offload the logs. The change of use and hard standing will also enable the applicant to operate a 'Hycrack' wood splitter which mounts to the back of the applicant's tractor to break logs. Planning permission is required because the land would be used to support a business, beyond the shape of its current lawful agricultural use.

The proposed hardstanding area measures 18 metres in width by 45 metres in length, and shall be orientated from land adjacent to the gated field entrance in the north east of the field, running toward the post and rail fence on the boundary to the west. The proposed site area comprises approximately one sixth of the field to cover a maximum area of approximately 810 square metres in total, albeit not all of this area is to be hard surfaced. The surfaced areas shall be created from a compacted permeable stone surface which can be more easily lifted than concrete should the use cease.

It is stated that the hard standing will be concealed by a row of newly planted native hedge species to the right of the field entrance in order to restrict views from the public highway. The hardstanding is also intended to be physically separated from the rest of the field by a post and rail fence with hedge planting, in order to provide further screening.

APPLICANT'S SUPPORTING INFORMATION

Supporting Document 1 of 3 Supporting Statement

PLANNING HISTORY

14/01037/FULL Change of use of land to allow the processing and storage of timber and for the creation of hard standing area and associated works WITHDRAWN AUGUST 2014.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM20 - Rural employment development

National Planning Policy Framework

(Notably Part 3 – Supporting a prosperous rural economy)

CONSULTATIONS

HIGHWAY AUTHORITY - 25th November 2014 - No objections to the proposal and the Local Planning Authority will be aware of the previous comments at this site 14/01037 which are equally applicable to the current application. and should be imposed.

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

Previous Comments from 14/01037/FULL - The Highway Authority has visited the site and has the following observations to make. The access into the field is some 13m from Dead Lane and this is not a location where the Highway Authority would wish to see access to the site from HGV traffic without further information on swept paths from Dead lane. Dead lane is narrow but has a number of passing opportunities and exits onto the A373 to the south. The site can also be accessed from the west along Long drag and from the A373 via Horn road which has ample width and from the east at Moorhayne Cross which is less attractive.

There have been a number of correspondences which have referred to dangerous junctions at Dead land and the A373 and the Goodiford cross itself. The recorded personal injury accidents in the last 5 years this number does not indicate a specific problem and the accidents involved a number of differing factors. At Goodiford Cross there are no recorded personal injury accidents in the last 5 years. These records would indicate that the junctions perform adequately in safety terms. Long drag is a derestricted section of road and vehicle speeds are in the region of 40-50mph, the Highway Authority would seek a condition requiring visibility splays of 2.4m back along the centre line of the access and extending to a point on the near side carriageway edge 120m in either direction. This is easily achievable over the public highway verges that exist. The only obstruction to this is the existing vehicles which are currently parking on the verge and causing a potential obstruction to the existing gateway. This access is functioning adequately as can be seen from the accident records.

The intensification of the access which a general timber use would attract would warrant a scheme to remove the parking from the verge over the visibility splay which under the highways act there is no rights to park on the public highway; where as there is a right of access onto a public highway in the act and any obstruction of that access can be prosecuted under the act. However the applicant has set out that this is for himself and a small number of staff and the use would be for the storage of cut wood with occasional log splitting and that no HGV traffic would be accessing the site and that he is willing to accept a condition to limit the site to his operation. The operation described by the applicant and the vehicles identified by the applicant can be accommodated by the existing access. Should the Local Planning Authority be minded to impose a personal use on the land or make more restrictive use descriptions then the Highway Authority would raise no objection to the proposal subject to the following conditions. Should the planning Authority be minded to consider the application as a general timber use then the highway authority would seek further information on the swept path of HGV traffic and/or the provision of a traffic management plan with an identified route for HGV traffic and would wish to comment further.

ENVIRONMENT AGENCY - 19th January 2015 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment

KENTISBEARE PARISH COUNCIL - 8 December 2014 - Following a discussion at the last meeting of Kentisbeare Parish Council, on December 2nd 2014, it was agreed to recommend refusal of the application.

The exact same points of concern that were made regarding application no. 14/01037/FULL, which was withdrawn by the applicant, are still applicable.

With reference to point no. 4 below, and the fact that the description of application no. 14/01037/FULL is vague. The description of the recent application may be clearer, however it is considered that in principle the recent application remains of a similar nature, and therefore we do not wish to support the application.

Kentisbeare Parish Council wish to re-iterate the points below. Please find herewith, a copy of the points raised in our email dated 20/07/14 with reference to application no: 14/01037/FULL. Kentisbeare Parish Council consider that these points also apply to application no: 14/01901/FULL:

Re: 14/01037/FULL Change of use of land to allow the processing and storage of timber and for the creation of a hard standing area and associated works.
Land and Building at NGR 305546 108277 (Opposite Goodiford Cottages), Goodiford, Nr Kentisbeare.

Following a discussion at the last meeting of the Parish Council, it was agreed to recommend refusal of the above application. Please refer to the points below:

1. Due to the location, the site is considered unsuitable for commercial use. The site is close to Goodiford Cross which is approached along a narrow country road known as Dead Lane, which is approached from a busy main road on a bend where accidents have occurred previously.
2. The business would cause an increase in traffic along the narrow country roads it is approached from.
3. The entrance to the site is close to Goodiford Cross where visibility is limited.
4. The description of the application is vague, we refer in particular to "associated works".
5. A change in use of the land could give the applicant or any future occupier of the cottage, potential to develop further in the future, thus causing ramifications for the surrounding properties at a later date.
6. There are several private houses in this immediate location along with fishing lakes and holiday cabins where holiday makers come to enjoy this rural, peaceful area.
7. The noise of machinery would be a nuisance to the surrounding properties/neighbours.
8. Any such business could operate from one of the existing industrial sites within the parish opposed to a new development within the open countryside. The applicants would not need to commute only living a short distance from these sites, some of which are currently advertising for tenants.

ENVIRONMENTAL HEALTH - 22nd December 2014 - Contaminated land - No objections

Air quality - No objections

Drainage - No objections

Noise and other nuisances - Recommend approval with conditions.

Noise from fixed plant, equipment or machinery can be very annoying and disruptive to people living nearby, particularly where that item involved emits a noise with impulsive or tonal characteristics. Many of the noise complaints Environmental Health receive are about noise from fixed plant, equipment and machinery specifically concerning the character of the noise emitted therefore, I recommend the following condition:

No fixed plant, equipment or machinery shall be operated on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Monday to Fridays and 0800 and 1300 on Saturdays.

If any fixed plant, equipment and machinery are used on this site for a period greater than 1 hour in any 24 hour period the conditions detailed below will apply:

Any fixed plant, equipment or machinery operated on this site must achieve a noise level (LAeq (15 min)) of at least 5 dB below the background noise level (LA90 (15 Min)) at the nearest noise sensitive locations including; 2 Goodiford Cottage & amenity area, Goodiford Mill & amenity area including fishing ponds and Goodiford Mill Farm & amenity area.

Any noise surveys must be carried out in accordance with BS4142 (2014)

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

Housing standards - N/a

Licensing - N/a

Food hygiene - N/a

Private water supplies - N/a

Health and safety - No objections

REPRESENTATIONS

3 Letter of objection summarised as follows:

1. Concern relating to the future business/commercial development which could adversely affect surrounding properties in what is a quiet rural location
2. Potential increase in traffic movements at a dangerous crossroads
3. There are available industrial units within the locality more appropriate for this type of business that would not impact on the countryside
4. The development may erode the character of the rural setting.
5. Concern that a personal consent would not fully protect the rural hamlet in the future and uncertainty of the enforceability or legal standing behind the use of conditions.
6. Question as to whether the hard standing would be removed, and how this would be enforced.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of the proposal**
- 2. Impact on amenity of neighbouring properties**
- 3. Impact on character and appearance of the countryside**
- 4. Highways, parking and access**

1. Principle of the proposal

The main policies in determining the principle for this application are COR18 of the Core Strategy 2007 and Policy DM20 of the Local Plan Part 3 (Development Management Policies). The National Planning Policy Framework also provides support in principle for rural economic growth under Part 3 where it states: [Plans should] support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; [whilst also seeking to] promote the development and diversification of agricultural and other land-based rural businesses; Page 9.

Policy COR18 seeks to strictly control developments outside of defined settlement limits although it permits rural uses including appropriately scaled retail, employment, farm diversification and tourism related development.

The proposal is considered to support a new and relatively small business which operates around the Mid Devon area out of a single vehicle and trailer. The application states that it is solely the applicant and his partner who are involved in the running of the business and the development is proposed to cover a relatively small proportion (approximately one sixth) of a larger agricultural field. As such the use as has been described can reasonably be considered to fall into the category of an appropriately scaled form of rural employment development.

Policy DM20 states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. The policy continues by requiring proposals to demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside;

and

c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

For the reasons already set out above, it is thought that the site area is proportionate to the nature of the business. With reference to part a), the Authority is mindful that the site is situated adjacent to a cross roads between two fast roads and the Authority has resultantly consulted Devon County Highways for further guidance. The Highways Officer has not objected to the application on the basis of a personal consent for a small scale business. The proposal is considered to comply with part a) of the policy, and this is set out in greater detail under Section 4 of this report.

In relation to part b), the operational development consists of the laying of a hard surface to cover a width of approximately 18 metres and length of 48 metres. This area is comparable to a section of field adjacent to the site belonging to a neighbouring resident, which is used for the grazing of animals with a newly constructed area of hard surfacing. The application site is screened by well-established hedgerow on the north and east field boundaries which prevents any clear view of the site, other than from the vehicular access. Any visual impact upon the character and appearance of the countryside is considered to be from solely from the immediate location, and the surrounding land is very flat. It is not considered that the development would conflict with part b) of DM20, and this is further considered under Sections 2 and 3 below.

With reference to part c), the applicant has set out in a supporting statement their case that the business is very small in scale, and whilst there may be available units to let nearby, the cost of using a separate yard for storage of either logs or necessary equipment would be financially unviable for such a small scale enterprise. The business is based almost entirely around the applicant.

The Authority considers that there may be available sites within the vicinity of the area, such as Post Cross Business Park approximately 1 mile away from the applicant's home address; however these business park units are designed for larger scaled businesses and include office/conference spaces as well as storage space. As such they are not ideally suited to the nature of the applicant's business and the Authority would question the suitability of nearby business premises, bearing in mind it is a small scale operation for log storage and occasional log splitting.

Objectors and the Parish Council have expressed concern that this is an unsuitable site for a business or commercial use as it will be incompatible with the rural setting. There is also some concern that the change of use from agricultural to a B2 general industrial use would risk harm to the character of the countryside through future business or commercial development.

The Authority would agree that an unrestricted B2 business use would be unacceptable in this location, as it could give rise to a material increase in traffic movements, and prompt a need for further development which could constitute harm to the character of the countryside and risk harm to the amenity of neighbouring residents. However the applicant has provided sufficient justification to support the principle for the use of the field in support of a small rural business, and has clearly specified they are happy to proceed on the basis of a personal consent. This would ensure that, upon becoming redundant for its intended purpose, the land would revert back to agricultural land with the removal of the hard standing and other items.

Therefore the development is deemed to be acceptable in this location and can therefore be considered to comply with DM20 of the Local Plan Part 3 (Development Management Policies) subject to a condition granting a personal consent for the sole use of the site for the benefit of the applicant and his limiting the nature of the activity to be carried out.

2. Impact on amenity of neighbouring properties

The Parish Council and objectors have identified two key issues relating to potential for the development cause harm to the amenity of surrounding properties. These concerns relate to a perceived detrimental visual impact on the immediate setting and the potential for noise nuisance associated with machinery and the splitting of logs.

Regarding visual impact, the site is well screened from the public highway and the hedgerow on the northern

site boundary is of a sufficient height to restrict views from the first floor windows of 2 Goodiford Cottages. Further landscaping is proposed in the way of additional hedgerow close to the vehicular entrance to restrict views from the field gate.

Whilst there may be some perception of harm caused by a large area of hardstanding, it is not considered this will have an effect on the living conditions of neighbouring residents. It is expected that the occupants of 2 Goodiford Cottages may be able to see some part of the hard standing through gaps in the field gate, although the harm this causes is not considered to be severe, nor is it considered to outweigh the economic benefit and support for the growth of a rural business. Furthermore the loss of a private view is not a material consideration in the determination of a planning application and the proposed hard standing and use are likely to have little impact on the visual amenities of the area.

The noise generated will not be from the Hycrack log splitter itself, but from the running of the tractor to which it is mounted. The tractor is already kept in the field and will continue to be parked there. It is always necessary for the tractor engine to be running in order to split logs, although this will only be an occasional use. The applicant has argued that the noise generated would be similar to agricultural noise that can already arise in connection with the lawful agricultural use of the field.

Nevertheless, the Authority must consider that the use will be for a business purpose, and the Authority has sought further guidance from Mid Devon Environmental Health. Officers have not objected to the proposal subject to a condition to ensure that any noise generated from the use of the Hycrack log splitter or any other machinery would be restricted to specific operating times, excluding holidays, Sundays and outside of general working hours. This is considered to be a suitable way of controlling the use of machinery and to protect neighbours from nuisance. It is not considered the change of use and operation of wood splitting would constitute a reason for refusal where the noise generated is likely to be infrequent and can be adequately controlled by way of condition.

Overall, the proposed change of use of the land in support of the tree surgery business is not considered to constitute an unacceptable level of harm to the privacy or amenity of neighbouring residents and the development is acceptable in this respect.

3. Impact on character and appearance of the countryside

The site is largely concealed from view from the Dead Lane or the Long Drag. The landscape is typically flat and there are no high vantage points enabling views into the site. The lack of any proposed structures is considered to minimise the visual impact of the development on its surroundings, and when considered in combination with the currently afforded level of privacy and proposed additional screening, the development is not considered to constitute unacceptable harm to the character or appearance of its rural setting.

The proposal can therefore be reasonably considered to comply with COR2 of the Core Strategy 2007, DM2 and DM20 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

4. Highways, parking and access

The site is accessed from an existing gated entrance opposite 2 Goodiford Cottages onto the Long Drag, which is a derestricted section of road with vehicle speeds in the region of 40-50mph. The Parish Council and Objectors have also highlighted the close proximity to Goodiford Cross, where the Long Drag and Dead Lane intersect. The Highways Officer has visited the site and has considered that the applicant is content with a personal use for access by Land Rover with a trailer. Overall, the officer has stated the use with no HGV traffic would be wholly acceptable, subject to a condition to limit and restrict the use to a personal consent.

No specific parking is laid out although the hardstanding is large enough to allow vehicle, trailer and tractor parking with sufficient turning space for the applicant to leave the site in forward gear. The operation described by the applicant and the vehicles identified by the applicant can be accommodated by the existing access. Whilst vehicles are known to park outside of the entrance, it is still possible to leave the site with views to the east and west along the public highway. The grass verges outside of the field are maintained by

Devon County Council Highways department.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No machinery, equipment or fixed plant shall be operated on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Monday to Fridays and 0800 and 1300 on Saturdays. Should any equipment, machinery or fixed plant used on this site be operated for a period greater than 1 hour in any 24 hour period, the use must achieve a noise level (LAeq (15 min)) of at least 4 dB below the background noise level (LA90 (15 Min)) at the nearest noise sensitive locations including: 2 Goodiford Cottage and associated garden, Goodiford Mill, area and fishing ponds and Goodiford Mill Farm and associated garden.
4. The application site shall be used solely for the benefit of Mr J Drummond in connection with tree surgery business and for the storage of logs, machinery and equipment associated with that use, and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenities of the area and the occupiers at 2 Goodiford Cottage, Goodiford Mill and Goodiford Mill Farm.
4. To ensure a use appropriate to the character and amenity of the rural setting, where an unrestricted business use would be otherwise undesirable in this location, in accordance with COR2 and COR18 of the Core Strategy 2007 and DM2 and DM20 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed change of use and associated hard surfacing is considered to be reasonably necessary to support the rural business and is given clear overarching support by the National Planning Policy Framework. For a business use of this small capacity, consisting of a hardstanding for storage of logs, vehicle parking and occasional log splitting, the proposal is not considered to constitute unacceptable harm the privacy or amenity of the occupiers of another dwelling, the future amenities of the rural setting or the visual amenity of the surrounding countryside subject to conditions restricting the use and operating times for machinery. The proposal is deemed to be in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy 2007, policies DM1 and DM20 of the Local Plan Part 3 (Development Management Policies), and the National Planning Policy Framework. Planning permission is recommended subject to the following conditions.

Jonathan Guscott
Head of Planning and Regeneration

