

PLANNING COMMITTEE AGENDA - 3rd October 2018

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>17/02061/MFUL - Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping at Crediton Garden Centre, Barnstaple Cross, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>18/00657/FULL - Retention of change of use of an existing agricultural building to office with parking at Bradford Farm, Uplowman, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>18/00662/MFUL - Erection of an industrial building (B1/B2/B8 use) and provision of additional parking at Hartnoll Business Centre, Hartnoll Farm, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
04.	<p>18/01205/FULL - Erection of extension to livestock building at Middle Weeke Farm, Morchard Bishop, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
05.	<p>18/00745/FULL - Erection of dwelling following demolition of existing shed at Land and Buildings at NGR 295495 115092 (Adjacent to Lurley Cottage), Lurley, Devon.</p> <p>RECOMMENDATION Refuse permission.</p>

Application No. 17/02061/MFUL

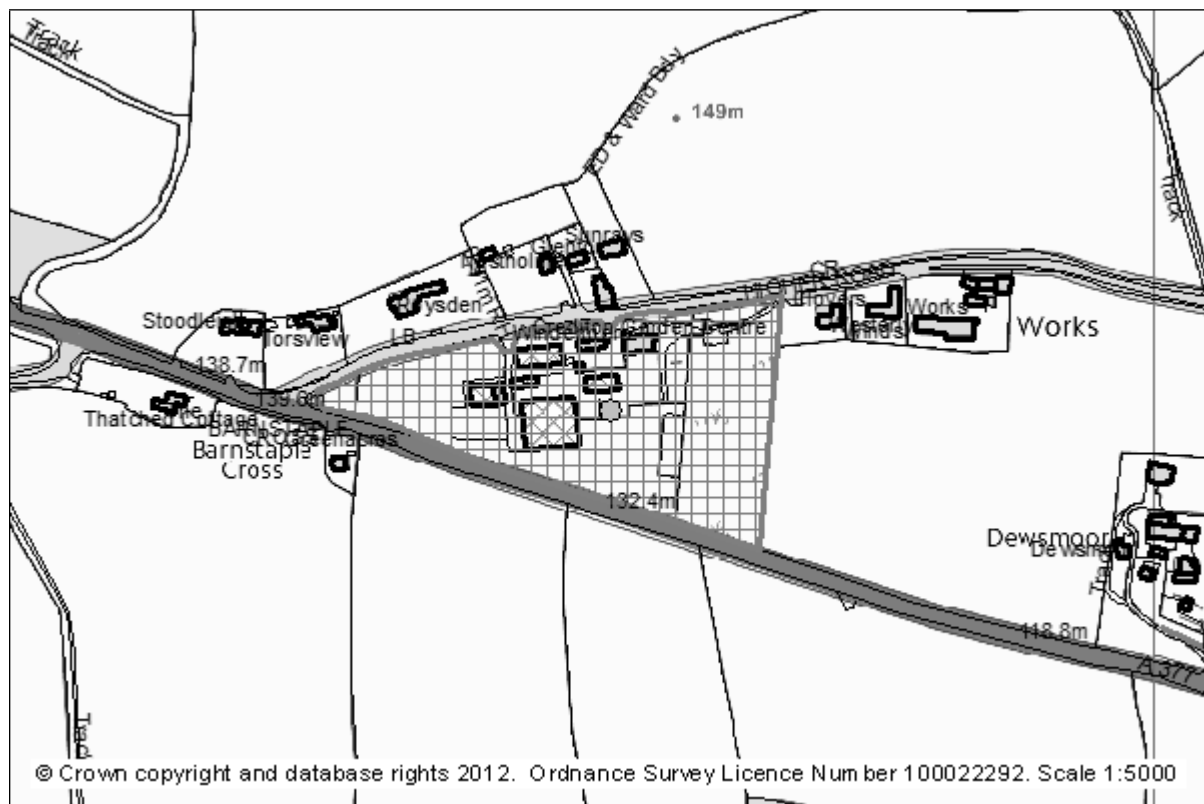
Grid Ref: 280656 : 101364

Applicant: Mr R Broad

Location: Crediton Garden Centre
Barnstaple Cross
Crediton
Devon

Proposal: Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping

Date Valid: 12th April 2018



APPLICATION NO: 17/02061/MFUL

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Planning permission is sought for a remodelling of the existing garden centre following the demolition of all the existing buildings, poly tunnels/glass houses, covered and uncovered sales areas. The scheme includes a building, including a large café facility and a warehouse store, new access arrangements from the A377 and a new area of car parking.

The application covers the scope of the existing garden centre, and a section of scrub land that sits adjacent.

The site slopes down from the boundary with Higher Road down to the boundary with the A377 (with a six metre drop) with the current main access from Higher Road leading to small area for car parking directly in front of the existing main shop building. The other covered and uncovered sales/display areas across the site, where there is currently customer access, lead back to this point via a series of linking paths. The scope of this area exceeds 6,000 square metres, with an additional area to the west that is not currently used as part of the sales and display area and could provide up to 968 square metres of floor space within the 2 building structures and the gravelled hardstanding area that are located on this part of the site.

The site area as proposed is broadly the same but with a new contiguous building complex comprising; a main shop area (3,336 square metres), a warehouse (520 square metres), a café complex comprising kitchen/customer seating and soft play area/conference facility (totalling 1,429 square metres), public toilet facilities (132 square metres) and staff room facilities (117 square metres), and a new outdoor sales area comprising 2,798 square metres.

The applicant has confirmed that the application has been submitted to modernise the application site as a viable garden centre, with associated retail and other gardening related and sundry non-related goods, together with an in-house café for the on-site consumption of food and drink. At the pre-application stage the applicant advised that 65% of the expected turnover from the site would be from the sale of gardening related products, 5% from aquatic related products, 5% from pet related products, 5% from seasonal related products, 15% from the restaurant/café and 5% from giftware and clothing sales (ie not garden centre goods and merchandise).

In summary from a floorspace point of view the scheme proposes 6,397 square metres of covered and uncovered for the sales and display of merchandise, with the café and community spaces as referred above.

In order to accommodate the proposals a large new building complex is proposed which includes a staggered central section which will function as the main retail/shop (total width 90.0 metres) with a warehouse section (35.0 metre frontage) added to it on the eastern boundary and the restaurant space (55.0 metre frontage) added to it on the western boundary. The complex is single storey across its entirety and with a maximum of up to 5.0 metres excavation up towards the Higher Road boundary to create a level footprint for the new building. The

complex is then delivered as a series of portal framed buildings standing 5.0 metres to eaves and 7.0 metres to ridge. The palette of materials is set out below with the colour indicated in brackets, with the frontage to the restaurant/café being completed with high level glazing:

Roof non insulated - PPC uninsulated metal sheet cladding to walkways, profile to match roof (green)

Walls - PPC profiled insulated metal sheet cladding (green)

Warehouse doors [non public] - Industrial grade roller shutter doors (grey)

Doors [public] - PPC aluminium framed windows and doors (grey)

Window and curtain glazing - PPC aluminium framed windows and doors (grey)

Roofing accessories - PPC metal ridge, valley, hip, verge and eaves flashing (green)

Solar energy - Photovoltaic array

Structural supports - Painted metal columns and beams supporting covered walkway (green)

Retaining walls - Rendered masonry, painted finish

Rainwater goods - Half round UPVC deep line gutters with round UPVC down pipes (grey)

Access to proposed development area is as follows:

1. A new main site entrance off the A377, on the south side of the site, incorporating a new visibility splay, with a new bus stop lay-by and associated road widening and a central turn-in lane on the highway adjacent to the site. The new access leads into a new car parking area which will be laid out with 193 car parking spaces and 3 spaces for coach parking.

2. Revisions to the existing site service access points on the north site boundary off Higher Road to facilitate access for staff (40 car parking spaces) and delivery vehicular movements, including refuse collection, on and off site. One of these two access points is the existing car park access; the other is an existing goods delivery access, to be relocated slightly westward along Higher Road which will be restricted for goods deliveries to the restaurant/café.

The scheme includes an additional section of footway on the western perimeter between the site edge and the public highway. This new section of pavement extends from the second vehicular entrance on Higher Road around the junction at Barnstaple Cross and running along the perimeter of the site below the café terrace along the newly created visibility display and into the site.

Some new hardscape will be required to manage the change in levels across the site, the most prominent being a section of retaining wall in front of the café/restaurant building. New soft planting is proposed around the north-south and east-west perimeter (along the A377) of the proposed car parking area.

The application site is a countryside location, beyond the settlement boundary of Crediton, and as stated is an existing trading garden centre.

APPLICANT'S SUPPORTING INFORMATION

Application forms and plans

Design and Access Statement and photographs (existing and proposed from 5 vantage points)

Ecological Assessment

Groundsure Report

Retail Statement

Statement of Community Involvement
Surface Water Drainage Report prepared by Dennis Edge (April 2018)
Drainage Strategy prepared by Dennis Edge (July 2018)
Transport Assessment (3 parts)

RELEVANT PLANNING HISTORY

In relation to the site of the existing garden centre:

93/00963/FULL - PERMIT date 24th August 1993
Erection of an ancillary shop and cafe with parking area
03/05221/FULL - PERMIT date 5th February 2004
Formation of new vehicular access, erection of replacement shop and tea room, formation of enlarged parking area and erection of four polytunnels following removal of existing.
04/02091/FULL - PERMIT date 24th November 2004
Erection of new glass house
17/02061/MFUL - PCO date
Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping
17/00164/CLU - PERMIT date 23rd March 2017
Certificate of Lawfulness for the existing use of the property as a dwelling for a period in excess of 4 years

In relation to the additional strip:

00/01005/FULL - REFUSE date 16th November 2000
Outline for the erection of a single storey dwelling and garage
84/01545/FULL - REFUSE date 4th December 1984
Erection of bungalow and garage
89/01591/FULL - REFUSE date 5th September 1989
Erection of bungalow and construction of vehicular access
94/00230/OUT - REFUSE date 19th May 1994
Outline for the erection of a bungalow
06/01785/FULL - REFUSE date 28th September 2006
Erection of stable block, hay barn and horse manege together with the change of use to equestrian purposes
83/00249/OUT - REFUSE date 11th April 1983
Outline for the erection of a bungalow

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR6- Town Centres
COR7 - Previously Developed Land
COR9 - Access

COR12 - Development Focus
COR15 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 – Parking
DM16 – Town Centre Development
DM17 - Development outside town centres
DM19 - Rural shopping
DM20 - Rural employment development

CONSULTATIONS

CREDITON HAMLETS PARISH COUNCIL - 6th June 2018

SUPPORT

Highway Authority - 11th June 2018 - Observations:

NO OBJECTIONS

The Highway Authority have though the process of pre application and the application process visited the site and have examined the transport assessment and are happy with the proposed layout, which is supported by an independent safety audit, and Parking and access arrangements. The proposal for a right turn lane, footpath provision to the existing bus stops and relocated bus stop will add benefit to the safety of pedestrians and provision of improved visibility from the Barnstaple cross junction onto the A377. The applicant has provided a travel plan and this should be secured through a suitable agreement under the town and country planning act. The applicant should also covenant to enter a section 278 agreement under the highway act for the onsite and offsite highway works to provide the junction and footpaths.

Therefore should planning consent be granted the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason to minimise disruption and interference with the free flow of Traffic and to the amenity of the Traveling public.

2. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

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

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

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

5. Off-Site Highway Works No use of the development shall take place on site until the off-site highway works for the provision of a footway from Barnstaple cross junction to the existing west bound bus stop and from the junction to the east bound bus stop within the new site access has been 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.

HISTORIC ENVIRONMENT SERVICE - 24th April 2018 - I refer to the above application and your recent consultation. The proposed development lies within a landscape containing evidence of prehistoric and/or Romano-British activity. There is a prehistoric funerary monument less than 120m to the north of the application area and there is a prehistoric or Romano-British enclosure c.350m to the south-west. Other archaeological sites from these periods are also present in the wider, surrounding, landscape. The site also occupies a south-facing slope on the hill below the funerary monument and may contain archaeological and artefactual deposits associated with early settlement here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity in this area.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging

schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>

DEVON, CORNWALL & DORSET POLICE - Re Crediton Garden Centre, Barnstaple Cross,
Crediton 25th April 2018

Thank you for this application.

Following a very useful site visit Police have no objections to this proposal. This is private site to which the public are allowed / invited onto. Police do not patrol such sites to deter crime, this is down to the owners, operators and managers of the site. The site should have its own security measures in place to initially deal with incidents, much as a private shopping centre would.

However due to the types of crimes and incidents that occur on such sites, Police are often called to attend and assist staff. Generally speaking, such sites become crime generators if not designed to deter crime.

It is therefore important to make sure that the layout of the site does as much as possible to deter crime, and that mitigation is in place, so that if crimes and incidents do occur, they can be easily investigated and evidence collected to assist with any police investigation.

A sensible and practical level of security, which will not adversely affect the efficiency of the retailers is essential for successful and profitable business. The following measures have all been shown to deter / stop crime and, I would recommend them all to be incorporated, if they aren't already.

I note and welcome the intention to incorporate a lockable barrier or gates at all public, staff car park and goods delivery entrance/exit points. I would ask that incorporation of a suitable barrier be considered as a condition of planning to secure these areas out of hours and thereby reduce likely incidents of crime, disorder and anti-social behaviour.

There should be no direct 'public' access from the car park to the outdoor sales area, with customers being directed through the main indoor retail sales buildings towards this area. It is recommended the indicated access lane security fence and gates be 2.4m to prevent climbing by intruders and items being easily passed over. Consideration should be given to the inclusion of fencing atop the retaining wall to the north of the outdoor sales area.

The external glazing is advised to comprise at least one pane of laminated glass.

Lead Flood Authority (Devon County Council)

NO OBJECTIONS

Initially an objection was lodged against the application proposals on 22nd May 2018. Observations at this time: The applicant will also be required to submit Micro Drainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant should clarify what components are proposed to attenuate surface water on-site. The applicant should also provide a scaled plan to demonstrate that the proposed system can fit within the site layout. The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system. The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

However following the submission of further details (July 2018), further comments have been from the Drainage Authority of the 4 September 2018 as follows:

Following my previous consultation response (FRM/MD/02061/2018; dated 22nd May 2018), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. It was previously mentioned that rainwater harvesting may be utilised on this site, the applicant should clarify this at the next stage.

The applicant should clarify the exceedance routes for this site as part of the detailed design condition. It is noted that the attenuation tank has been designed and modelled so that the permeable paving can drain into it.

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

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 run-off 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.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

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

NATURAL ENGLAND - 23rd April 2018

No comments.

REPRESENTATIONS

At the time of writing this report 93 letters of representation have been received. 33 of these letters are from stakeholders who have confirmed their support for the site proposals, with 54 raising an objection and 5 presenting general comments for consideration. A summary of the comments made in the representations are set out below under the respective headings:

Supporting comments

1. The plans look to have been carefully and sympathetically produced and appear to allow customers to enjoy the bucolic view, and improve significantly the existing garden centre.
2. The Garden centre development will bring dozens of jobs, new customers and tourists and much needed revenue to the town. Crediton deserves investment and to prosper and this development will help it do just that.
3. Having the entrance from A377 is a good idea, and the proposals along Higher Rd are an improvement.
4. The site is a brown field location so suitable for expansion, and the merits outweigh the disadvantages.
5. It is believed that the development should increase footfall on the High Street.

Objecting comments:

1. Concern about the visibility proposed for the new access.
2. The proposals will affect businesses on the High Street in Crediton given the range of goods sold at the other Homeleigh site at Launceston with the loss of jobs arising.
3. Impact on garden centres at Eggsford, Bernaville, Tuckers in Crediton and Bow.
4. Not appropriate for a Countryside location – the terms of 2003 planning approval are considered acceptable in terms of development on the site.
4. Concern as to levels of traffic on Road, and how it will affect access to Queens Elizabeth Drive.
5. Unauthorised development already undertaken.
6. Green transport options are limited / car dominated. Not a very sustainable location
7. Contrary to development plan as it will not improve economic conditions of the area/impact the High Street. Contrary to DM19 and DM17
8. Café is too large.

Twenty of the objections were submitted on a standard template letter which raise the following comments.

Negative Impact on Crediton, scale is too large, no need for another garden centre in Crediton , increase traffic congestion, no public consultation, adverse impact on amenities of surrounding occupiers, inadequate arrangements for drainage, adverse impact of landscape character and visual amenities of the area.

General comments about the scheme:

1. Lighting needs to be low key.
2. Proposals to improve pedestrian facilities are most welcome.
3. Need to retain existing landscaping along Higher Rd.
4. Noise and disturbance arising from music being played on the site.
5. We remain neutral in this application and do not believe that the proposed expansions will have any effect on high street business – this comment was from an existing Trader.
6. At first I thought that the size of the development was out of proportion for the location, but if major re-building is to happen anyway, it is perhaps best to make a unified and well-designed plan which develops the site once and for all rather than needing further disruption for expansion in five or ten years' time. The existing structures are rural for certain, but not attractive or coherently planned, with considerable amounts of wasteland.

General appearance: If the buildings are of broadly agricultural appearance and set down sufficiently low not to be a blot on the landscape (or be obtrusive to the existing dwellings on the north side of Higher Road), that will help.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy considerations, retail impact, economic development issues.
2. Scheme design, impact on the character, appearance and visual amenities of the area.
3. Transport & movement Issues.
4. Impact on the living conditions of nearby residential properties (Higher Road).
5. Other matters.
6. Planning balance.

1. Policy considerations, retail impact, economic development issues.

The Government's commitment to a "plan led" planning system is apparent throughout the National Planning Policy Framework (NPPF). Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration.

A snap shot of local and national policy that is relevant to determination of the application is set out as follows: Sections 83 -84 of the Framework set out considerations in relation to maintaining a prosperous rural economy, and sections 85 -90 set out consideration in relation to ensuring the vitality of town centres. The aims and objectives of the Framework are largely reflected in Local Policies DM16, DM17, DM19 and DM20. Furthermore policy COR18 of the Core Strategy appropriate supports rural uses, such as appropriately scaled retail development. Policy COR1 seeks to manage development so that it meets sustainability objectives including enhancing the self-sufficiency and vitality of communities, providing settlements with a vibrant mix of flexible and compatible uses and providing access to jobs.

In planning terms Garden Centres do not fit neatly within any single land use category and usually comprise a mix of uses that can include retail (A1 use class), cafe/restaurant (A3 use class) in addition to the plants/nursery related products and associated garden and outdoor related merchandise.

The applicant operates another garden centre in Launceston which operates selling a range of goods and services, including a range of comparison and non comparison retail goods. The applicant has recently acquired the application site, and this application has been submitted to update and improve the offering from the site given that the current buildings are dilapidated. Furthermore the overall operational basis of the centre is not reflective of current garden centre retail trends.

As outlined above the applicant proposes to expand the offer at the site (to include some non-traditional garden centre merchandise) with new premises which are fit for purpose. The application follows pre-application discussions, and from the onset the applicant has expressed clear aspirations to develop an offer which attracts customers from a larger catchment area than the currently as reflected by the application scheme. At the onset it was clarified to the applicant that the LPA would need to be satisfied that their proposals in terms of the increase in floor space and the nature of the sales to be undertaken at the site, would not affect the protected retail areas in the district, in particular Crediton High Street.

The planning history for the site in relation to the garden centre is set out above. Following an approval in 1993 for a shop and café on the site, the layout and site coverage as of today reflects the terms of planning permission granted in 2003 and 2004. However having assessed the plans as approved and the controls imposed by the conditions there is no direction and/or control that the LPA could impose on the range of goods sold from the covered and uncovered floorspace at the site, and based on this calculation the net additional floorspace could be considered as only a marginal increase as reported by the applicant (approximately 315 square metres). However this comparison relies on using all the existing space across the site, irrespective of whether it is covered and/or uncovered and or formally used at present.

Irrespective of the above conclusion, given the new covered floor space exceeds 500 square metres, the applicant has been requested to submit an impact assessment in order demonstrate compliance with policy DM17. The section below overviews the conclusions reached by the applicant consultant as a result of this study:

At paragraph 4.3.1 the report provides an assessment of the effect of the proposed extension to Crediton Garden Centre on Crediton town centre. The main trade draw impact of Crediton Garden Centre expansion will be on other garden centres, which generally occupy out-of-centre locations in the catchment area, and, to a lesser extent, on DIY and general stores, which are predominantly located at out-of-centre retail parks or stand alone stores. There are no known similar committed or planned investments in centres across the catchment. Furthermore, given the large format and external sales area requirements of garden centres and DIY stores it is considered highly unlikely that such proposals will come forward in the centres over the next five years.

At paragraph 4.3.2 the report considers that the estimated turnover of the proposed Crediton Garden Centre redevelopment represents a very small fraction of the available comparison goods expenditure and projected turnover in the catchment area. Analysis of the likely pattern of trade draw across the catchment indicates that there will be minimal impact on the vitality and viability of centres in the area. The main impact will be on existing garden centres and other stores, which occupy out-of-town locations, and on retail parks in and outside the catchment area and are not protected through local or national town centre and retail policy.

In the main body of the report the other garden centres that are referred to are Orchard Nurseries (Exeter), Bernaville, Bow Garden Centre, Tuckers in Crediton, Springfield 'Devon'

Bonsai Nursery and other DIY stores. Whilst not listed by the applicant there was a garden centre in Eggsford which at the time writing is no longer trading.

In terms of re-direction of spend from Crediton High Street, the study confirms that if 10% of the Garden Centre turnover applicant comes from the High Street then that would equate to a reduction of approximately 1% of expenditure from the Town Centre.

The report also confirms that the application scheme would create an number of employment opportunities at the site (estimated 80 jobs).

The Economic Development Team supports this application for remodelling and modernisation of the Crediton Garden Centre at Barnstaple Cross on the following grounds:

Business Need: The application is for the redevelopment and extension of an existing garden centre. There is a clear business need to update and expand the current facilities at the garden centre if the business is to remain competitive in the current market. Compared to their nearest direct competitors, the facilities at the Crediton Garden Centre are outdated and do not meet the expectations of modern consumers. The redevelopment will facilitate growth and will help to safeguard the future of the business and the jobs it creates.

Impact on local businesses: The development will create an increased retail area. We would support a restriction on the range of goods to be sold to minimise the impact on other local retail businesses. Without an effective restriction on the sale of general goods there is real concern that the development could have a negative impact on the vitality and viability of the town centre. As long as the retail offer remains largely gardening and other related outdoor products it is likely to only have a limited impact on local businesses.

The main direct competitors to Crediton Garden Centre are Bernaville Nurseries at Cowley and Bow Garden and Aquatic Centre in Bow. Bernaville Nurseries is unlikely to be affected significantly because of its proximity of the large population centre of Exeter. Bow Garden and Aquatic Centre may possibly be affected by the redevelopment, but Bow has a complimentary offer focusing on water features, aquatic plants and fish.

In Crediton, Mole Avon Country Stores will be offering a garden centre element in their retail offer at their new site opposite Wellparks. In the town centre Mole Avon offer a clothing outlet and Adams offer a limited range of gardening and outdoor products as part of their general hardware offer.

Given an effective restriction on the A1 uses it is our view that the garden centre will have a limited impact on Crediton town centre, and provides variety and legitimate competition to other comparable businesses in the area.

Employment: If the garden centre achieves anything close to the estimated 10-fold increase in employment from 8 to 80 employees referenced in the supporting retail statement at 3.2.3, it will be a substantial increase to the number of local jobs. However, it is likely that the majority of these will be low paid retail posts. Given the historically low unemployment rate in Mid Devon, there may be real difficulty in recruiting to these posts locally, and those currently unemployed may need more support to access these opportunities.

Benefits for the wider economy: The remodelling and refurbishment of the site could create a destination attraction which will appeal to customers and visitors from a wider geography than

the garden centre's current customer base, particularly from the Exeter area. This could have benefits to the wider economy as customers from Exeter and beyond may be inclined to stop in Crediton and use the town centre's other facilities.

For these reasons, and particularly if the A1 use can be effectively restricted, and subject to other planning considerations, we would support this application.

Summary: The application proposes a significant alteration to the proposed business model and premises arrangement for site providing updated and modern premises. The net internal sales area is proposed at 6397. The improvements to the site are considered to be a benefit given the outdated trading model and premises that are currently on site. The proposals will create new employment opportunities and could secure wider benefits to the local economy if customers from a wider catchment area visit the site. However if the entire sales space was utilised for retailing non-traditional garden centre products and merchandise the application scheme would be at odds with the objectives of a number of development plan policies, including COR15, DM16, DM17 and DM20. However subject to imposing a condition restricting the amount of floor space that can be used for the sale of convenience, fashion, clothing, footwear goods and any food /drink related products to no more than 500 square metres, the requirements of policy DM 16 and DM17, and the other policies referred are considered to have been met. Furthermore a condition restricting the use of the restaurant /café so that it is only used as an ancillary use to the garden centre is also recommended (refer to conditions 13, 14 & 15).

2. Design, impact on street scene (the A377) and the character and appearance of this part of the Countryside.

Although the site does not sit as as part of a protected landscape, the site is visible in both distant and close up views from the south west and directly from the A377. To the north (ie from Higher Road) the buildings are largely screened by the roadside planting.

The site as it currently presents to the A377 presents as a disjointed arrangement of poly tunnels and glass houses set back across the top part of the site. The additional strip of land adjoining the area which has historically accommodated the garden centre comprises an overgrown field area and a row of conifers, historically screening and separating the two sites. These trees have been removed with some preliminary levelling across the site. Historically the sites have presented as appearing slightly unkempt.

Clearly the changes as proposed will present a noticeable change in terms of the visual appearance of the site, most noticeably from the A377 with the new entrance leading through to the car park area and the change to the format of buildings across the site. As described above the new built complex is designed in 3 sections to reflect the uses: café/restaurant, sales/merchandising area and warehouse. The applicant has submitted an appraisal of the visual change from a number of keys viewpoints (5), with a computer generated image of the application scheme superimposed over a photograph of the site currently.

A description of the application scheme is set out above, and the impact of the new built form has been managed by excavating across the site (maximum of upto 5.0 metres) to create the development footprint for the built form and also the new customer car park. The proposed staff car park is accessed from Higher Road and to be provided at the existing level, with a stepped arrangement providing access down. This has meant that although the building form stands 7.0 metres to ridge level, the massing sits below the skyline to north and below the existing Higher Rd roadside landscaping. Additional landscaping will help screen the part of the

new development footprint from the south. The most prominent aspect of the proposed new built form will be the exposed walling below the café terrace which will present directly to the highway. Further details of this aspect will be required by condition given it's importance in landscape impact terms. Overall as reflected in the visuals it is considered that the new form sits comfortably within the site area without appearing visually assertive and/or detrimental to the character and appearance of this part of the Countryside.

In summary, given the current situation at the site, whilst the applicant introduces a significantly different built form, reflecting on the mitigation provided by the excavation and new landscaping the proposals are considered acceptable in terms of form, scale and layout. The colouring and choice of the materials, including the curtain wall glazing for the long section of the café/restaurant building, will further help soften the appearance of the new building. Overall it is considered that the application scheme is satisfactory in terms of testing it against the policy requirements of policy COR2/DM2 of the development plan.

3. Transport & Movement Issues.

The applicants have submitted a Transport Assessment to support the application which has informed the assessment of the application.

The site is currently served by Higher Road which provides the only point of pedestrian and vehicular access to the site. There is a bus stop at Barnstaple Cross so technically there is a public transport link although pedestrian access from the bus stop to the site access is considered very challenging.

The proposal includes the following off site highway improvements:

It is proposed to provide a new vehicular / pedestrian access to the site along the southern boundary onto the A377. This will be in the form of a priority T-junction with a right turn lane, designed to allow vehicles turning right into the site to queue without blocking vehicles travelling west along the A377 towards Barnstaple. In order to provide the new access and right turn facility, the section of A377 at the point where the new access is proposed will be widened to incorporate the changes and provide appropriate visibility splays. This new access will remove the need for the majority of larger servicing and delivery vehicles from travelling along Higher Road.

A new bus layby is proposed on the northern carriageway edge of the A377, adjacent to the proposed new site access point. Internal footway will link the site entrance to footway provided on either side of the access and to the north of the new bus layby. This will accommodate public transport users travelling to the site from the north west (Cobblestone and beyond).

A new section of 1.8m footway will be provided from the proposed site access point onto the A377 to the newly proposed access point onto Higher Road. In addition at the Barnstaple Cross junction, tactile paving will provide a crossing point to new footway on the southern carriageway edge of the A377 and will continue to extend west towards the existing bus stops situated to the west of the Barnstaple Cross Junction. This will accommodate public transport users travelling to the site from the south east (Crediton and beyond).

243 car parking spaces are proposed, with 193 laid out in the new car park served by the A377. Cycle parking can be provided on site in the form of Sheffield racks. In addition the applicant has prepared a travel plan for use by staff to encourage sustainable travel methods to

travelling to work at the site.

Notwithstanding whether or not the gross amount of useable space at the site is largely comparable to that as existing, the proposed change to the pattern of use as proposed by the application is likely to generate more traffic on the highway. The detailed analysis as undertaken by the applicants consultant and as set out in the Transport Assessment concludes that that the proposed remodelling and modernisation of the Garden Centre, reflecting on the new access arrangements and off site highway improvements will not generate an adverse increase in vehicular movements, therefore allowing for the free flow and safe movement of traffic along the surrounding highway network.

As stated above the Highway Authority do not raise any technical objections to the application in terms of highway safety and highway capacity issues subject to imposing a number of conditions. On this basis the application is considered to comply with policy COR9.

4. Impact on the living conditions of nearby residential properties

There are a number of residential properties along Higher Road. At present the amenities of these occupiers are affected by vehicles arriving and departing at the site along Higher Road. A significant amount of traffic will be removed from Higher Road given the new access from A 377, and this arrangement is considered beneficial for these residents.

Given that the new building complex is set down on the site, although the building form and heights are larger than the existing buildings they would not result in any issues of overlooking and/or overshadowing as they would still to be set down behind the screening provided by the road side planting. A relevant condition is recommended to ensure that the planting as existing is retained in order to manage this relationship.

A condition is also recommended regards any future lighting requirements at the site, in order to ensure that the scheme of illumination does not result in any light spill that may affect amenity for existing residents.

Reflecting on the fact the site is already operational, it is not anticipated that the proposed development would have an unacceptable effect on the privacy, amenity and/or the general living conditions of the occupiers of the residential dwellings on Higher Road, and any other neighbouring property within the vicinity. On this basis the application is considered to be in accordance with relevant part of policy DM2 (e).

A condition requiring a construction management plan to be submitted is recommended to manage the impacts of the construction process.

5. Other matters

Policies DM2 and COR11 of the Adopted Local Plan confirms developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken.

Following initial concerns from the Lead Local Flood Authority regards the increase in hardscape across the site and the resultant levels of surface water drainage the applicants have submitted further information which addresses the objection, subject to further details being submitted and approved (refer to conditions 9 –12).

The site is in a sensitive location from an archaeology point of view. Therefore a condition is recommended to require further archaeological work/analysis to be undertaken.

6. Summary and Planning Balance

This planning application proposes a significant change to the business model to be undertaken at the existing Crediton Garden Centre site which is located at Barnstaple Cross in an open Countryside location, including a café/restaurant. In order to accommodate this change a significant redevelopment of the site is proposed, replacing the older style building, poly tunnels and glass houses with a bespoke building complex incorporating an integral area for warehouse space. The effect of the building proposals is to provide formal covered sales space in a retail type environment served by a new customer car park accessed from the A377. Notwithstanding the significant change to the overall scale and massing created by the new buildings, it is managed across the site in a sensitive manner utilising the fall across the site from Higher Rd down to the A377, and therefore is considered an appropriate design response given the site's context and relationship with the neighbouring residential dwellings in particular along Higher Road.

Public opinion about the proposed changes for the site are split and whilst there is a lobby of support concern has also been expressed on a number of grounds, including how the application will affect the vitality and viability of the Crediton High Street and also other Garden Centre operators within and outside of the District. The High Street is protected in planning policy terms, and conditions are recommended to restrict the amount of the new floor space that can be used for the sale of convenience, fashion, clothing, footwear goods and any food /drink related products in order to seek to protect the ongoing vitality and viability of those retail outlets along the High Street. However there is no policy provision to manage and/or check any potential trade diversion from existing garden centres.

From a general economic development point of view, concerns have been expressed that the application proposals may result in job losses for staff currently employed at other garden centre in and beyond the district boundary. The stakeholders who have made these comments have requested that these matters be considered in conjunction with considering the economic benefits of the scheme in terms of the numbers of jobs that would be created (estimated to be upto 80) and the potential economic spin off for the Town resulting from new patterns of trade which may flow from visitors to the Garden Centre also stopping off at the High Street.

The assessment of the application has not raised any concerns in terms of Highway safety, or capacity issues and/or in terms of managing surface water drainage requirements of the new site which includes a larger area of hardscape than as existing.

In summary and on balance the application scheme is recommended for approval subject to the conditions and reasoning as set out below.

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 earth re-profiling as set out on the soft landscape plan as shown on drawing 211 hereby approved shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
4. Prior to commencement of any development on the site, a Construction Management Plan (CMP) part of the site shall have been submitted to and approved in writing by the Local Planning Authority to include the following matters:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Once approved the details shall be complied with at all times during the implementation of the planning permission.

5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

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

7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

8. The scheme of development hereby approved shall not be open to customers until the off-site highway works for the provision of a footway from Barnstaple cross junction to the existing west bound bus stop and from the junction to the east bound bus stop have been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

10. 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. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water run-off from the construction site.

11. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

13. The scheme of development hereby approved shall not be open to customers until a plan showing the net retail sales area of the new covered retail space at the site as shown on the approved drawings and not exceeding 3,336 square metres has been submitted to and approved in writing by the Local Planning Authority.

14. The scheme of development hereby approved shall not be open to customers until a plan showing the area of the internal floor space to be used for the sale and display of convenience goods, fashion goods, clothing and footwear and food or drink related products (excluding those sold from the café/restaurant) and which shall not exceed 500 square metres has been submitted to and approved in writing by the Local Planning Authority. Once approved the floor plan details shall be complied with at all times.

15. The restaurant/café area hereby approved shall only be operational as an ancillary use to the use of the site as the Crediton Garden Centre, and shall only be open for trade during the openings hours of the Garden Centre hereby approved, and at no other times unless specifically approved in writing by the Local Planning Authority.

16. The proposed scheme of lighting both internally and external to the buildings, across the car park and other open areas of the site shall be submitted to and approved in writing by the local planning authority prior to opening of the building for the approved use.

17. Further details of the new walling and boundary treatment to the A377 shall be submitted to and approved in writing by the local planning authority, prior to the commencement of works in relation to the construction of the new buildings on the site. The approved details shall be 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 that the development makes a positive contribution to the character and amenity of the area, and safeguards the amenities of the existing residential occupiers along Higher Road, in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

4. To ensure that adequate facilities are provided for all traffic attracted to the site during the construction period in the interest of safety and amenity to all road users.

5. To ensure that adequate facilities are available for the traffic attracted to the site.

6. In the interest of public safety and to prevent damage to the highway.

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

8. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.

9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
10. 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.
11. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
12. To ensure, in accordance with the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.
13. In accordance with the details as submitted and to maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
14. To maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
15. To prevent harm to the vitality and viability of nearby town centre in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies), and to protect the amenities of the surrounding area in accordance with DM2.
16. To protect the amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
17. To protect the visual amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located in the open countryside where policy COR18 applies. In summary the policy seeks to protect the open countryside from inappropriate development. Policy DM19 permits retail development in the open countryside, provided that it is in a location and of a scale that would not harm the vitality and viability of town centre or village shopping facilities, would not lead to an unacceptable impact on the local road network; and would not result in an unacceptable adverse impact to the character and appearance of the countryside. Policy DM20 - Rural employment development - advises 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. Policy DM 19 - development outside of Town Centres requires the vitality and viability of Town Centres to be protected. In the determination of this application, consideration has been given to the type and use as submitted and its location away from any other town or village shopping facilities.

In this instance it is not considered that an expansion and modernisation of this established garden centre would adversely affect the vitality or viability of Crediton or the surrounding

villages subject to imposing a restriction on the amount of floor space that can be used for the sale and display of convenience goods, fashion goods, clothing, footwear and food or drink related products. In addition the economic benefits in terms of increased employment in the locality have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this rural location. With conditions relating to landscaping, highway matters, drainage and controls over the future uses of the proposed floor space, the application scheme considered to comply with policies COR1, COR2, COR4, COR9 and COR18 of Mid Devon Core Strategy 2007, and policies DM1, DM2, DM8, DM17, DM19, DM20 and DM27 of Local Plan Part 3 (Development Management Policies).

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

Application No. 18/00657/FULL

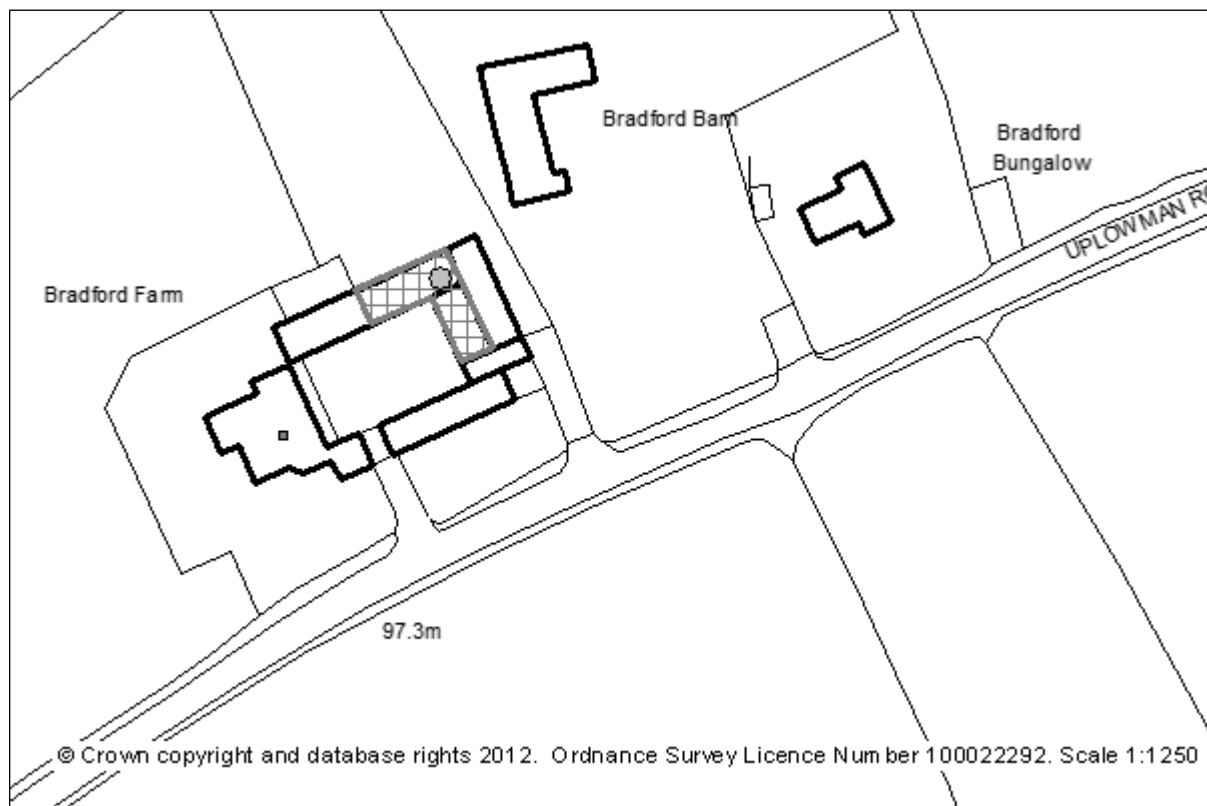
Grid Ref: 299312 : 114301

Applicant: Mr Andy Fields

Location: Bradford Farm
Uplozman
Tiverton
Devon

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

Date Valid: 3rd May 2018



APPLICATION NO: 18/00657/FULL

MEMBER CALL-IN

The Ward Member Cllr Neal Davey has requested that this application be determined by Planning Committee for the following reason:

- To consider the adverse impact the development has on the residents of a neighbouring property.

RECOMMENDATION

Grant permission subject to conditions

PLANNING WORKING GROUP – 14 September 2018

Application 18/00657/FULL – retention of change of use of an existing agricultural building to office with parking – Bradford Farm, Upplowman

There were 4 Members of the Planning Working Group present (one of whom was one of the Ward Members). Also present: the agent for the applicant, the agent for the objector, the case Officer and the Group Manager for Development.

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

- The relationship between the neighbouring property and the proposed office space
- The impact of the development on the neighbouring property
- The number of traffic movements to be made by staff
- The suitability of the proposed surface of the car parking area and the impact of this on the neighbouring property
- The visibility splay
- The quality of design of the proposal
- Whether the scale and impact of the proposal was acceptable in the location
- The suitability of the car parking area for the number of vehicles proposed

The Principal Planning Officer outlined the application stating that the applicant sought planning permission for the retention of change of use of an existing agricultural building to office with parking at Bradford Farm, Upplowman, Tiverton. The existing layout of buildings at Bradford Farm was such that the existing agricultural buildings were located to the east side of the existing dwelling and formed a central courtyard and it was the north east corner section of the agricultural building which formed the application site with this area of building having been converted into office accommodation although not currently occupied. The new windows were white painted timber frames with double glazing that had integrated strips between the panes of glass to divide the window into squares and the doors were timber painted black. The car park area to the rear was covered with 20mm Chard Chippings.

The Group moved from the courtyard to the access point to the right hand side of the property which was used by the staff working for the applicant to enter and exit the application site. It was noted that this entrance and access point bordered the neighbouring property. Having viewed the access point at the road side the Group then moved to the car park at the rear to view the impact on the neighbouring property.

Mr Crocker (agent for the objector) spoke stating that the application mentioned a double whip screening along the boundary hedge with the neighbouring property, this would reduce the size of the access and would be a pressure to maintain. No formal justification had been provided as to why the business had to be sited at this premises especially as there were opportunities to relocate within Tiverton. There was also uncertainty as to the nature of the business being run. The objector understood that development needed to take place but it was the uncertainty attached to this that was unacceptable. Traffic movements would be a minimum of 30 a day and this did not include the comings and goings of delivery vehicles. The surface of the car parking area would do nothing to buffer the noise of vehicles turning and parking.

In addition to this the design of the windows on the side elevation was not considered to be of sufficient quality with each window being a different size. The wooden door on the other side was not considered to be reflective of a quality installation either.

There was also a duty on the applicant to consider nesting bats and to respect the protection laws in relation to them.

Finally he stated that the objector was happy for the Working Group to enter his land and view Bradford Farm and the car park from his property.

Mr Webb (agent for the applicant) stated that the surface of the car park was currently the same as it had been when the area was used for farm vehicles, there had always been a certain amount of noise, it was not something new. In fact as the buildings were going to be used for offices there was likely to be less noise than previously. He stated that the applicant had agreed with the neighbour the area to be allocated for staff parking some time ago.

He further stated that the beech hedge was fairly dense and it was not possible to see the cars through it. However, the applicant had proposed additional planting in order to alleviate concerns and was happy to consider whatever type of planting best achieved this purpose, it did not have to be an additional beech hedge. As regards the bats and existing bird boxes there was no reason why these couldn't be included within the retrospective application.

Cllr Mrs H Bainbridge asked whether a lot of farming took place at the premises. The applicants agents replied by saying that some cattle were still maintained and that it was still a working farm with associated permissions.

Cllr D J Knowles, as one of the Ward Members, stated to those present that he did not feel, having now seen the entrance that it was as 'sharp' as he was expecting. However, the surface material of the car park was, in his view, very noisy and would need some attention. He was also still waiting to be given details as to what the offices would be used for. He also felt that in order to deaden the noise to the neighbouring property the hedge would need to be higher and at least 2 metres.

Mr Webb stated that he would speak to the applicant and provide more detail on the nature of the business taking place at the property. It was requested that this would be forwarded to the

Committee Clerk for the Planning Committee so that it could be made available to all when the application was reconsidered by the Planning Committee.

The Group were then invited to view the application site from the objector's property. Accepting this invitation the site was then viewed from both the garden and the upstairs bedroom window.

Returning to the application site, Members discussed the issues they had been requested to initially consider. The design quality of the windows on the side elevation were not deemed to be of a good quality and it was noted that whilst the lower part of the windows was obscure glazed the top part wasn't. The Members had not appreciated that the surface of the car park was at ear level on the objectors side of the fence, this may create more of a noise issue than they had originally thought. There were some concerns regarding what the building was being used for since little information was currently known. This in turn meant that the Members were not able to gain an understanding of the number of traffic movements (other than for staff) in and out of the application site on a daily basis. Consideration was given to whether a condition could be applied to remove the chippings and replace this with a tarmacked or 'less noisy' surface. Consideration was also given to whether lap fencing could be erected as currently it was possible for the objector and applicant to see through the hedge separating each property.

Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of change of use of an existing agricultural building to office with parking at Bradford Farm, Upplowman, Tiverton. The existing layout of buildings at Bradford Farm is such that the existing agricultural buildings are located to the east side of the existing dwelling and form a central courtyard and it is the north east corner section of the agricultural building which forms the application site with this area of building having been converted into office accommodation although not currently occupied. The new windows are white painted timber frames with double glazing that have integrated strips between the panes of glass to divide the window into squares and the doors are timber painted black. The car park area to the rear is to be covered with 20mm Chard Chippings.

The office space is outlined as a prospective expansion of the applicant's business interests as they are generally internet based and the sales and the marketing team of Animal Herbal Health Ltd. It has been noted that the numbers of employees is not expected to exceed 15 and the hours of operation would be restricted to the normal office times of 8.00am to 5.00pm with some Saturday mornings.

APPLICANT'S SUPPORTING INFORMATION

Completed Application Form
Site Location Plan
Block Plan
Floor Plans and Elevations
Section Plans
Supporting Photographs

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR4 – Meeting Employment Needs

COR8 – Infrastructure Provision

COR9 – Access

COR12 – Development Focus

COR18 – Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development

DM2 – High Quality Design

DM3 – Sustainable design

DM8 – Parking

DM11 – Conversion of rural buildings

DM20 – Rural Employment Development

National Planning Policy Framework

CONSULTATIONS

Tiverton Town Council – 7th June 2018 - Support

Highway Authority: 22nd May 2018 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

The Local Highway Authority has informally advised that they would have no objection with this proposal given the existing access arrangements for the site, level of parking available at the premises and scale and nature of the use.

Environmental Health – 25th May 2018

Contaminated land - No objection

Air quality - No objection

Environmental permitting - No objection

Drainage - No objection

Noise and other nuisances - No objection
Housing standards - No comment
Licensing - No comment
Food hygiene - N/a
Private water supplies - No comments
Health and safety - No objection - enforced by HSE
Environment Agency - Operation development less than 1ha. Flood zone 1 - No consultation required.

Environment Agency - Operation development less than 1ha. Flood zone 1 - No consultation required.

REPRESENTATIONS

At the time of writing this report, two letters of objection has been received, the first being from the occupiers of the neighbouring property of Bradford Barn with the objections being summarised as follows:

1. Mains drains are not available to the 3 properties at Bradford.
2. The proposed highways entrance is for farm vehicles only and will only be suitable for farm vehicles because of lack of visibility.
3. There are no structural survey drawings.
4. No proposed hours of work for commercial use.
5. No wildlife survey

The other letter of objection was received from a Planning Consultant (XL Planning) acting on behalf of the objector Mr M Blackmore of Bradford Barn with the objections summarised as follows:

- Local Plan Policy DM20 states that proposals will only be acceptable if “There would not be an unacceptable adverse impact to the character and appearance of the countryside; and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.”
- There is no formal business plan with the application which sets out why the applicant feels this site is necessary for their business, without this information it is difficult to make a proper assessment as to the need for the business to be located in this prominent rural setting.
- Evidence suggests that the applicant recently owned an office within Tiverton where their business used to operate from.
- There is no detailed justification as to why the business could not operate from one of the many offices available on Tiverton’s retails parks or Town Centre.
- The application says that at least 15 staff are expected to be employed.
- This will generate a minimum of 30 additional vehicle movements to the location. This is considered to be excessive number of vehicle movements for such a rural location and will impact on the neighbouring property greatly, as the proposed track and car parking area is immediately adjacent to their property.
- No formal justification has been given as to why the existing courtyard area cannot be utilised for parking provision, rather than the new location. Using the courtyard location would significantly reduce the impact on Mr and Mrs Blackmores property.

- The application does not cover any external lighting that may take place in the car parking area or other areas which may affect the neighbour. Lighting in a rural area will have a detrimental effect on the amenity if not controlled.
- The works that have taken place have already had a very detrimental effect on the character of this very beautiful rural barn, the use of inappropriate materials both on the building and the landscaping have changed the setting to a more utilitarian form, not in keeping with the rural setting.
- This application is very poor in terms of its level of information and feel that the application has not sufficiently demonstrated why no other sites within the area are unable to meet the applicant's needs, that the level of harm as a result of the unauthorised works to the rural area is excessive and that the proposed development is entirely inappropriate in this location contrary to Policy DM20.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and procedure

This planning application follows an enforcement investigation relating to authorised works with the outcome being the submission of this application seeking planning permission for the retention of the change of use of an existing agricultural building to office with parking at Bradford Farm. S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework), published by the Government in July 2018, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities and protecting the countryside under COR18. Policies COR1 and DM1 aim to enhance the self-sufficiency of communities through being able to provide access to jobs which bring economic prosperity and to reduce the need to travel by car. Policy COR4 sets out the level of employment development required up until 2026. The supporting text emphasises that the aim of employment provision is to enhance the economic self-sufficiency of the district of a whole. Policy DM11 allows the conversion of rural buildings to employment uses subject to meeting certain criteria and Policy DM20 allows for new businesses/expansion of existing businesses provided that the development is of an appropriate use and scale for its countryside location. To be allowed under this policy, the development should not lead to an unacceptable adverse impact on the local road network, should not have an unacceptable adverse impact to the character and appearance of the countryside and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

In addition to the above, the NPPF indicates at paragraph 80 that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

With respect to supporting a prosperous rural economy, paragraph 83 states that 'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;'

In terms of the relevant policy criteria, the main issues for assessment are considered to be those relating to the need for the development including the availability of other site/premises in the immediate area, highway matters through any impact on the surrounding highway network, the overall design of the building, impact on the character of the countryside and impact on amenity of occupiers of neighbouring residential properties. These matters and other planning considerations are considered further below.

2. Need for the development

As far as the need for the office space is concerned, the applicant's agent has stated that the applicant's business is expected to take on the available office space. It has been confirmed that the number of employees can be strictly controlled and is directly related to the applicant's home (which is also Bradford Farm) with the overall numbers of employees not expected to exceed 15 and the hours of operation would be restricted to the normal office timetable of 8.00 to 5.00 with some Saturday mornings. A condition has been recommended relating to the use and hours of operation.

The applicant's agent has commented that they have investigated the available office space and no suitable spaces were found within the local area. A search carried out by officers identifies the nearest office accommodation to let being located within the settlement limits of Tiverton and therefore not considered to be within the immediate area to the application site. Therefore the change of use would be in accordance with Policy DM20 if it is considered that the development will not lead to unacceptable impact on the local road network and would not result in an unacceptable adverse impact on the character and character of the countryside, both being matters which are considered later within this report.

3. Highway Matters

With respect to highway matters, an objection has been received on the ground that the proposed highways entrance is for farm vehicles only and will only be suitable because of lack of visibility. However, the Local Highway Authority has raised no objection stating that standing advice should be used but through informal discussions with the Highway officer following receipt of concerns from a neighbour, the Highway Officer informs that the Local Highway Authority would have no objection with this proposal given the existing access arrangements for the site, level of parking available at the premises and scale and nature of the use.

In respect to the existing business being run by the applicant at Bradford Farm and that proposed within the new office space, the applicant has outlined that there are to be no visiting members of the public. A condition has been recommended to restrict the use to office within

Use Class B1(a) only to ensure this is the case. The parking provision outlined on plan and area available is more than sufficient to accommodate the employee levels specified. As such, in highway safety terms the proposal is considered to be acceptable meeting policy DM8 of the Mid Devon Development Management Policies (Local Plan Part 3).

Another objection received enquires as to why the parking provision for the office accommodation created could not take place within the existing courtyard rather than through the creation of the new parking area to the rear. However this courtyard area is used for parking by the occupiers at Bradford Farmhouse and their family and therefore it is intended for employees of the office accommodation to be kept separate, which also gives more flexibility for the office accommodation in the future.

4. Design of the works and the impact on the character of the area

Works are retrospective with the existing agricultural building having been converted internally into office accommodation with a parking area created to the rear with the car park area to be covered with 20mm Chard Chippings. New windows are white painted timber frames with double glazing that have integrated strips between the panes of glass to divide the window into squares and the doors are timber painted black. Given the position of the building being converted, the main elevational changes are located either towards the rear of the site or within the courtyard area and therefore there are only limited views from public vantage points to the proposal. To the north and west of Bradford Farm are fields and to the east is the neighbouring property of Bradford Barn.

The proposed conversion works utilises existing openings within the agricultural buildings with only a few new openings in the main walls introduced towards the rear of the site with roof lights installed for the first floor accommodation. Therefore the overall character of the barn complex is not considered to have altered significantly to the detriment of the area. Policy DM11 relating to the conversion of rural buildings contains one criterion being that the building is capable of being converted without significant alteration, extension or rebuilding and one objection comments that no survey was carried out, but on this point, the works are retrospective having been carried out and are not considered to have resulted in significant alteration, extension or rebuilding in line with policy.

The main change on site relating to this application has been made through the creation of the car park area from agricultural land although the access into this area from the side of the buildings has always existed. It is noted that there are other matters raised by objections such as the siting of a temporary shipping container but these do not form part of the application and are being dealt with separately through enforcement investigations. On balance, it is considered that the works comply with DM2 (High quality design) of the Local Plan part 3 (Development Management Policies).

5. Impact on amenity of occupiers of residential property

Given the isolated position of Bradford Farm within a countryside location, there is only one residential property in close proximity of the site being Bradford Barn to the east which is orientated in such a way that the rear of the property faces onto the application site. The consideration is to whether the proposal results in a significant detrimental impact on the amenity of occupiers of neighbouring property. There is a fence and existing hedge along the

eastern boundary of the application site with the parking area created for the office accommodation being located on land adjacent the neighbouring property.

The Environmental Health Department has not raised any objection to the proposal in terms of noise generation or other disturbance given the scale and nature of the use. However, in order to help protect amenity to the occupier of the neighbouring property, the plans submitted show the planting of a new beech hedgerow along the boundary with the neighbouring property to provide more of a buffer than the current boundary treatment and a condition is recommended that in the event of an approval, this should be implemented within the first planting season. Two windows have been installed in the side elevation serving the store area as shown on the submitted plan. Whilst this faces the access and existing hedgerow along the boundary, in order to provide more privacy, it is considered that these windows should have obscure glazing and a condition is recommended to achieve this.

With respect to the office use, conditions are recommended to restrict the office to use class B1(a) which is different to office accommodation within an A2 Use Class which has visiting members of the public. A condition is also recommended for the hours of operation to be 8am to 6pm Monday to Friday and 8am to 13.00pm on a Saturday which are standard office hours to ensure adequate amenity is offered to the occupiers of the neighbouring property outside of business hours.

Therefore subject to these conditions it is not considered that there would be significant noise or other disturbance as a result of this development with the consideration made that the proposal will not significantly affect the amenity of any nearby residential properties in accordance with Policy DM2.

6. Other planning matters

In regard to other planning matters, with respect to ecology, as referred to within the title the proposal is for the retention of office space. Evidence has been provided that the applicant has installed a number of bird boxes within the courtyard area and the applicant's agent comments that a survey was carried out when the owners purchased the property and no protected species were noted. The applicant is aware that there is existing legislation relating to the safeguarding of protected species.

Concerns have been received on the ground that there is no mains drainage serving existing dwellings in this location, but it is considered that where any new septic tank or package treatment plant is required (which is likely to be the subject of an EA Permit application), there is ample space within the site to position one with the site being within flood zone 1. Additional details have been requested in respect to foul drainage arrangements whereby Members will be updated at Planning Committee. With respect to the above, it is considered that the proposals could comply with Policy COR11 of the Core Strategy and DM2 of the Mid Devon Development Management Policies (Local Plan Part 3).

As explained earlier within the considerations part of this report this planning application was a result of an enforcement investigation. Concerns have been raised to a new rear extension to the rear of another section of the agricultural building and the siting of a shipping container to the rear with fencing erected which could have resulted in hedgerow being removed. These matters do not form part of this planning application and are being dealt with separately via an enforcement investigation.

CONDITIONS

1. The date of commencement of this development shall be taken as 3rd May 2018, the date the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The change of use of hereby approved within the application site shall be used for office accommodation within Use Class B1(a) and for no other purpose (including any purpose in Class B1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
4. The use hereby permitted shall not be operated outside of the hours of 08:00 to 18:00 Monday to Friday and 0800 to 13:00 Saturday and shall not be operated on Sundays and Bank Holidays.
5. The office accommodation hereby permitted shall not be first occupied until the parking and turning facilities shown on the approved plans have been provided in accordance with the approved block plan, drawing number 18-2263-002B. Once provided, such facilities shall be permanently so retained and maintained.
6. Within one month of the date of this planning permission, details of the planting specification for the Beech hedgerow as shown on the approved block plan, drawing number 18-2263-002B shall be submitted to and approved in writing by the Local Planning Authority. The approved beech hedgerow shall be implemented within the first planning season following occupation of the office accommodation hereby approved and retained thereafter. Any trees or plants forming part of the proposed hedgerow which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
7. Prior to occupation of the office accommodation hereby approved the windows in the east elevation serving the storage area as shown on the ground floor plan, drawing no. 18-2263-0023A shall be glazed with translucent (obscure) glass and shall be so retained as such thereafter.
8. Within 3 months of the date of this permission, details of the proposed foul drainage arrangements for the office accommodation shall be submitted to and approved in writing by the Local Plan Authority. Foul drainage shall be installed in accordance with the approved details within 3 months of the approval of its details and thereafter so retained.
9. Prior to the first occupation of the office accommodation, details of any external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt in the interests of proper planning.
3. The proposed change of use is in a location where alternative uses may be unacceptable and potentially cause adverse impacts on the occupiers of neighbouring property and this needs to be restricted in accordance with Policy DM2 and DM20 of the Local Plan part 3 (Development Management Policies).
4. To safeguard the amenity of nearby residential properties in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure appropriate facilities are provided for traffic attracted to the site in accordance with policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To safeguard the amenity levels enjoyed by the occupiers of the neighbouring dwelling in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To protect the privacy of the occupiers of the neighbouring dwelling in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure that appropriate drainage arrangements are put in place to serve the development and the safeguard the water environment.
9. In the interests of preserving the character and visual amenity of the rural area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);

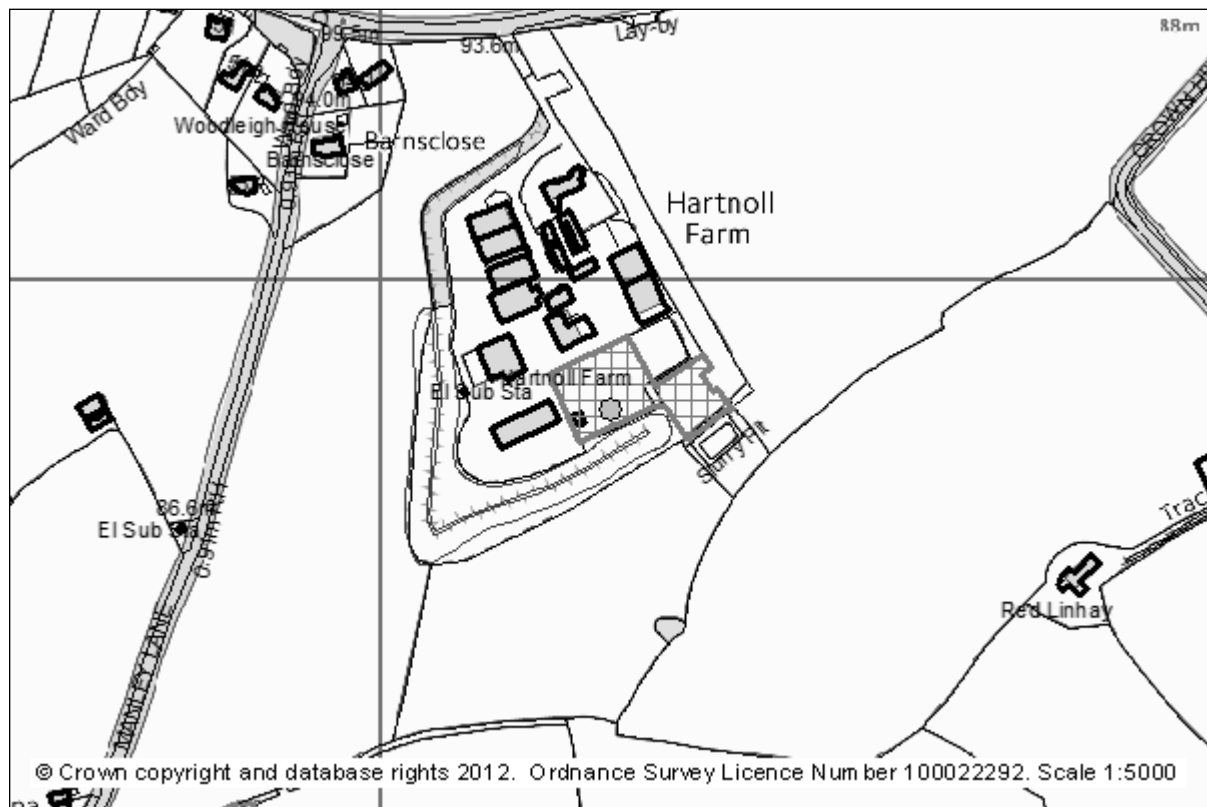
REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

With significant weight placed on the need to support economic growth, together with the overall design and appearance of the works undertaken and the relative distance between this site and the nearby neighbouring residential property, it has been concluded that subject to the imposition of conditions, there would not be a significant detrimental impact on the living conditions of any occupants of nearby residential properties and the visual amenity of the locality would not be harmed as a result of the proposal to an extent that would justify withholding planning permission. The scale and nature of the business use and the associated works are considered to result in less than substantial harm to the character and appearance of the landscape and it is not considered that the proposal would result in any significant adverse environmental or highway impacts. Having regard to all material considerations the application is in accordance with the requirements of policies COR2 and COR18 of the Mid Devon Core Strategy; policies DM1, DM2, DM8, DM11 and DM20 of the Mid Devon Development Management Policies; and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been

prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Date Valid: 25th April 2018



RECOMMENDATION

Grant planning permission subject to conditions

PROPOSED DEVELOPMENT

The application seeks planning permission for an industrial building (B1,B2,B8) and provision of additional parking with a total floor area of approximately 1600sqm of modern design.

The site is the Hartnell Business Park and the development is located to the edge of the site and would utilise the existing point of access from Post Hill. The building will be provided over the location of the existing container storage yard, and amounts to 1600sqm of floor space. The new building is intended to be 9.3m to ridge with eaves of 7.6m. The application submissions indicate that the height as proposed is required in order to accommodate the proposed occupier (a Tiverton based firm relocating). The building materials will be of a similar style and appearance to that already on site.

Appropriate parking provision is being made for the site and the existing access will be utilised for traffic to and from the public highway.

APPLICANT'S SUPPORTING INFORMATION

Plans

Additional Information

PLANNING HISTORY

01/00648/FULL - PERMIT date 16th July 2001

Change of use of conference centre to B1 Offices

98/01130/FULL - PERMIT date 25th September 1998

Variation of condition (7) of planning permission 4/25/95/2058 to enable conference centre to be additionally used as a training facility for countryside and rural skills and promotional events associated with rural skills, agriculture and horticulture together with Christian events on Sundays

99/02509/FULL - PERMIT date 29th July 1999

Variation of condition (7) of planning permission 4/25/95/2058 to enable conference centre to be additionally used for non-agricultural events (i.e non-agricultural conferences & business meetings) on 25 days per annum

04/00775/FULL - PERMIT date 14th July 2004

Change of use from redundant agricultural building to workshop with associated parking

04/02194/FULL - DELETE date 15th March 2005

Change of use from redundant agricultural buildings to office (B1 use class)

04/02198/FULL - PERMIT date 18th January 2005

Erection of an agricultural building

04/02199/FULL - PERMIT date 8th February 2005

Change of use from redundant agricultural buildings to workshops, landscaping, and new internal service road

07/00161/FULL - WDN date 4th April 2007

Erection of extension to agricultural shed

08/01448/FULL - DELETE date 2nd October 2008

Change of use to provide storage compounds and bunding

13/00872/FULL - REFUSE date 18th October 2013

Conversion of redundant building to 2 dwellings (APPEAL DISMISSED 4.7.14)

16/00306/FULL - PERMIT date 4th May 2016

Erection of 2 business units (Use Class B1/B2)

17/00619/FULL - - PERMIT date 26th June 2017

Erection of 2 commercial units following demolition of existing units

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy 2007

COR1- Presumption in favour of sustainable development

COR2- Local Distinctiveness

COR4 - Meeting Employment Needs

COR9 - Access

COR18 - Countryside

Adopted Mid Devon Local Plan Part 3

DM2 - High Quality design

DM8 - Parking

DM17 - Development outside town centres

DM20 - Rural employment development

National Planning Policy Framework (NPPF)

CONSULTATIONS

Halberton Parish Council:

29th May 2018 - Halberton Parish Council considered this application at their meeting on 22 May. The Council recommends this application be refused on the following grounds:

-Increased traffic: The application clearly states there will be an additional 114 car parking spaces and therefore an associated increase in the traffic to and from the site, particularly as the application is for storage and distribution which implies there will be a lot of traffic movement throughout the day. The Council understands there was a restriction placed on the number of vehicles as part of the conditions placed by Secretary of State when the appeal for an earlier application was approved (10/01183/FULL). This application would therefore breach this constraint.

-Removal of bund and development outside of perimeter: The application shows that the bund, which was in place to contain development on the site, would be removed with the proposed car park extending outside the existing bund. The development will therefore not be contained within the existing perimeter.

-Increased flooding risk: The application proposes to build part of the car park over the existing run-off pond therefore increasing the flood risk.

-Size of proposed building: The size and scale of the new building is excessive in comparison with the rest of the site, and is therefore not in keeping with the overall scale of the Hartnoll Business Centre.

If possible the Council would like to see a copy of the full appeal decision and constraints placed on 10/01183 as these details are not the MDDC planning website, nor are they accessible on the Planning Inspectorate website.

25th July 2018 - The council's previous objections to this application remain in place. If MDDC is minded to approve the application the council requests:

1. because there will be an increase in traffic from this application, that Highways carry out an traffic impact assessment on Halberton village and to implement a program of works to both mitigate speeding and ensure the safety of pedestrians and cyclists on the High Street.

2. that the planning approval include a condition that traffic from the site must use the new A361 junction (once constructed).

The council remains concerned about the proposal to develop outside of the bund and is awaiting further information from MDDC about the reason behind this aspect of the application.

14th August 2018 - The Council welcomes the amendments to the original application (including reduced car parking and lower roof height), however concerns remain in place regarding the additional traffic that will inevitably be generated. The Council requests that measures are put in place to mitigate the additional traffic going through Halberton prior to the new A361 junction being completed. Further, the Council requests that, if possible, a condition be included that once completed the new junction must be used by Hartnoll traffic.

Highway Authority: 6th July 2018: Observations: The highway Authority have reviewed the transport statement and are satisfied that the additional traffic does not impact on the public highway and does not warrant any further junction works. The car parking is acceptable and confirm it is for the proposed and current uses on the site. Therefore we would raise no objection.

Environment Agency: Operational development less than 1ha within Flood Zone 1 - No consultation required. See surface water management good practice advice - see standard comment.

Environmental Health: No comments received.

Economic Development: No comments received.

Devon County Council – Lead Local Flood Authority:

18th September 2018

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.

☐ No part of the development hereby permitted shall be commenced until the detailed design of the

proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the

Lead Local Flood Authority. The design of this permanent surface water drainage management system

will be in accordance with the principles of sustainable drainage systems, and those set out in the

Hartnoll Farm Business Centre Expansion - Erection of Industrial Building and Provision of Additional

Parking- Surface Water Drainage Statement - v2 14.09.2018

Reason: To ensure that surface water runoff from the development is managed in accordance with the

principles of sustainable drainage systems.

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

Observations:

Following my previous consultation response FRM/MD/00662/2018, dated 29/05/2018, the applicant has

submitted additional information in relation to the surface water drainage aspects of the above planning

application, for which I am grateful.

□ Hartnoll Farm Business Centre Expansion - Erection of Industrial Building and Provision of Additional

Parking- Surface Water Drainage Statement - v2 14.09.2018

The applicant has provided a Drainage Strategy which answers my queries raised in my previous letter.

The proposed strategy encompasses a porous stone car park and an attenuation pond prior to restricted

discharge to a watercourse.

22nd May 2018

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to

Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which

requires developments to include sustainable drainage systems. The applicant will therefore be required to

submit additional information in order to demonstrate that all aspects of the proposed surface water

drainage management system have been considered.

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management. Discharging the surface water runoff from this site to a watercourse will only be permitted once the applicant has submitted evidence which adequately demonstrates that infiltration is not a viable means of surface water management on this site (e.g. results of percolation testing conducted in accordance with BRE Digest 365 Soakaway Design (2016)).

The applicant should submit greenfield runoff calculations using methods described in the Ciria SuDS Manual C753.

The applicant should submit attenuation calculation for the proposed development, both the new building and the car park.

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

The applicant should provide details of the existing drainage system serving the Business Park, including evidence that attenuation from this site was taken into consideration during the design of the attenuation pond stated on page 9 of the Design and Access Statement. A plan showing the locations of the ponds and proposed outfall location should be submitted.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Once further information has been submitted, we would be happy to provide an additional response.

Devon, Cornwall and Dorset Police: 10th May 2018

Thank you for this application.

Police have no objections in principle to the proposal.

From a crime and disorder perspective commercial units can be vulnerable to burglary, theft and unwanted trespass, therefore life should be made as difficult as possible to prevent unauthorised access, as such it is recommended that the development gives consideration to

the principles of Secured by Design (SBD) as detailed in SBD Commercial Developments 2015 version 2.

Secured by Design (SBD) is a crime prevention initiative owned by the Mayor's Office for Policing and Crime (MOPAC) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Crime Prevention Through Environmental Design (CPTED), as follows, in conjunction with appropriate physical security measures.

' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.

There should be no open access to ground floor windows or doors to the sides or rear of the buildings.

' Structure: Places that are structured so that different uses do not cause conflict.

' Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are managed to prevent the creation of problem areas which can attract criminal activity and the antisocial to gather.

It is recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package.

Lighting for the site must be compatible with the CCTV system.

Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.

The proposed buildings appear to follow a simple design where recesses and concealed areas are minimised which is a good design feature in increasing surveillance opportunities.

There should be no access to areas that are not overlooked to prevent the anti-social to gather or criminal activity.

' Ownership: Places that promote a sense of ownership, respect and territorial responsibility

' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Commercial Developments 2015 v2

' Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

' Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and ASB.

Please do not hesitate to contact me if I can assist further.

Kind regards

Rick Napier

Designing Out Crime Officer

North Devon, Mid Devon & Torridge

Devon and Cornwall & Dorset Police

Public Health: 21st May 2018

Contaminated Land - No objections to this proposal

Air Quality - No objections to this proposal

Environmental Permitting - No objections to this proposal

Drainage - No objections to this proposal

Noise & other nuisances - No objections to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - No objection to this proposal.

Informative: All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/>

Private Water Supplies - Not applicable

Health and Safety - No objection to this proposal.

Development Services Manager (Property Services): No comments received.

REPRESENTATIONS

No letters of representation have been received at the time of writing the report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

- 1. Policy**
- 2. Design and impact upon the amenity of the area and neighbouring properties**
- 3. Transport, access and Movement issues.**
- 4. Economic justification**
- 5. Drainage**
- 6. Planning balance**

1. Policy

Policies; COR4 - Meeting Employment Needs, COR9 – Access COR18, – Countryside, all seek to ensure sustainable development objectives are achieved through protecting the environment, providing employment in locations accessible to those who use them and creating self-sustaining communities.

Policy DM2 refers to general development and design criteria, which should be assessed in determining planning applications. This includes general design, local amenity visual impacts and wider environmental impacts.

The economy policies which must also be considered are; COR4, COR9, DM17 - Development outside town centres and DM20 - Rural employment development. These consider the need for expansion and the likely impacts there may be.

The NPPF indicates that “planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The site is considered an appropriate location for growth as it is on an established Business Park.

2. Design and impact upon the amenity of the area and neighbouring properties

There have been no third party objections to this proposal however following concerns raised by Hartnoll Parish Council the scheme has been amended to reduce the height of the building and to reduce the car parking area so that it reduces the impact on the surrounding area and nearby residential properties. Hartnoll Parish Council has welcomed these amendments to the original application.

The revised ridge height of 9.3m means that the new building will be no higher than the surrounding buildings which vary in height across the site from approximately 6m to

9.3m with this latter building located to the centre of the site. It is considered that the building would not dominate the skyline, would be in keeping with the context of the site and as a result it would not have a detrimental impact on the visual amenities of the area. The nearest private property to the proposal is some 170m to the North West, although views can be seen from certain vantage points from these dwellings, it is considered that the distance is sufficient to protect the properties from any visual intrusion.

With regard to the how the new building would affect views from the Grand Western Canal. The Canal is at its closest point 600m to the south east of the site to the other side of the approved Anaerobic Digester Plant at Red Linhay. As a result it is considered that any views of the new building would be distant views and would therefore have little impact on the setting of the canal and any local stakeholders passing along the towpath.

Views into the site from other public realm areas are mainly from Post Hill and the lower part of Manley Lane. These views will be obscured by the natural vegetation along the roads and the site itself especially the planting to the bunding on site (southern and easterly edges) which is maturing and delivering a visual screen.

In relation to noise, no concerns are raised by the Environmental Health Officer in respect of the application proposals and any statutory noise nuisance arising in the future could be controlled by under Environmental Health legislation. The applicant has also advised that they intend to insulate the building and that all manufacturing work would be carried out within the building.

Whilst there are no proposals to include lighting as part of this proposal it is considered that it is reasonable to place a condition on any approval for details of any external lighting to be submitted prior to the installation.

In view of the above it is considered that the proposed will have no substantial impacts on the amenity of the area or neighbouring properties and so the proposal is compliant with DM2 of the Local Plan Part 3.

3. Transport, Access and Movement issues.

Whilst Hartnoll Parish Council have welcomed the reduction in height and parking they still have concerns in relation to the additional traffic that will inevitably be generated. The Council has requested that "measures are put in place to mitigate the additional traffic going through Halberton prior to the new A361 junction being completed. Further, the Council requests that, if possible, a condition be included that once completed the new junction must be used by Hartnoll traffic."

The proposed unit will generate additional traffic over current levels arriving and departing from the site. A Transport assessment has been submitted to support the application, and a summary of the predicted impacts. It can be established from the

submitted information that at present the traffic generated by the site is low due to the nature of storage as a business. The Proposed development will add a total of 6 additional vehicles to the highway Am peak hour and an additional 13 to the PM peak, equating to an additional 1 vehicle every 10 minutes during the AM peak and an additional vehicle every 5 minutes in the PM peak, representing a minimal increase.

DCC Highways have reviewed the transport statement and are satisfied that the additional traffic does not impact on the public highway and therefore does not warrant any further junction works. They have also confirmed that the car parking on site is acceptable and raise no objections to the development.

On this basis whilst the comments of Hartnoll Parish Council are noted there are no sustainable planning grounds to justify imposing the condition they have suggested.

4. Economic justification

Officers in the Economic Development team fully support the proposed development at Hartnoll Farm, and consider it as a crucial investment to secure the future of an excellent Mid Devon business within the area.

5. Drainage

In response to the initial concerns additional information has been submitted which has been assessed and considered by the LLFA. The proposals which are detailed within the submitted Surface Water Drainage Statement v2 14.09.2018 are considered by the LLFA to be acceptable subject to the imposition of conditions and as such they have no objection to the proposed development. On this basis the surface water drainage proposals for the development are considered to be acceptable.

6. Planning Balance and conclusions

The NPPF contains a presumption in favour of sustainable development and requires local authorities to provide a suitable supply of commercial space(s). This presumption is considered to carry significant weight. The development will provide a good sized multi-functional building which would provide economic and social benefits for Halberton and Tiverton Area.

The site has over the years developed from its original use as an agricultural farm to a fully functioning light industrial/business site serving the immediate area. The site is progressively upgrading its units to bring them in line with the needs of the occupiers. The need to increase the heights of the buildings to cater for changes is one of the ways of providing units which are fit for purpose as is the case with this application scheme

Subject to the delivery of the parking prior to occupation it is considered that the proposal will have little impact on highway safety and it is considered that the impacts on the character and amenity of the area would not be significant as the building will be seen in the context of existing units.

Summary / Reason for approval

The application scheme proposes the erection of a new business unit on the Hartnoll Business Park. Given the site location it is considered that the scale, massing, and overall design will not harm the character and amenity of the area. The introduction of a further unit on the site will not have an unacceptably adverse impact on the local highway network, will provide dedicated parking provision and will result in economic development benefits through allowing the expansion of a local business. All of these matters have been taken into account in determining the application. As such the proposal is considered to comply with policies COR4, COR9 and COR18 of the Mid Devon Core Strategy (LP1) and DM2, DM8, DM17 and DM20 of Adopted Mid Devon Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

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. Detailed drawings confirming the existing site levels, proposed finished floor levels for the buildings, and the proposed datum levels across the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be completed in accordance the approved details thereafter.
3. 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 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.
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hartnoll Farm Business Centre Expansion - Erection of Industrial Building and Provision of Additional Parking- Surface Water Drainage Statement - v2 14.09.2018.

5. The application site including any building(s) thereon shall be used for B1/B2/B8 use only and for no other purpose (including any purpose in Class D1, C3, A1, A2, A3 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
6. The vehicle parking shown on the approved plan shall be marked out in accordance with the layout on drawing numbered P582/03 Rev B prior to the vehicle parking first being brought into use. The parking spaces shall be so retained for vehicles visiting the site.
7. There shall be no outdoor storage of any waste materials generated by the approved scheme of development either on the application site and/or on any other land controlled by the applicant.
8. No external lighting shall take place until details of such external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of proper planning
3. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
4. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
5. To ensure the building is utilised for appropriate use within close proximity to a residential dwelling and to protect the amenity of this dwelling.
6. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site

7. In order to protect the general amenities of the area, and in accordance with Policy DM2 of the Mid Devon Local Plan (Development Management Policies).
8. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2, DM20 of the Local Plan Part 3 (Development Management Policies).

Advice regarding conditions 3 and 4: Refer to Devon County Council's Sustainable Drainage Guidance.

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. 18/01205/FULL

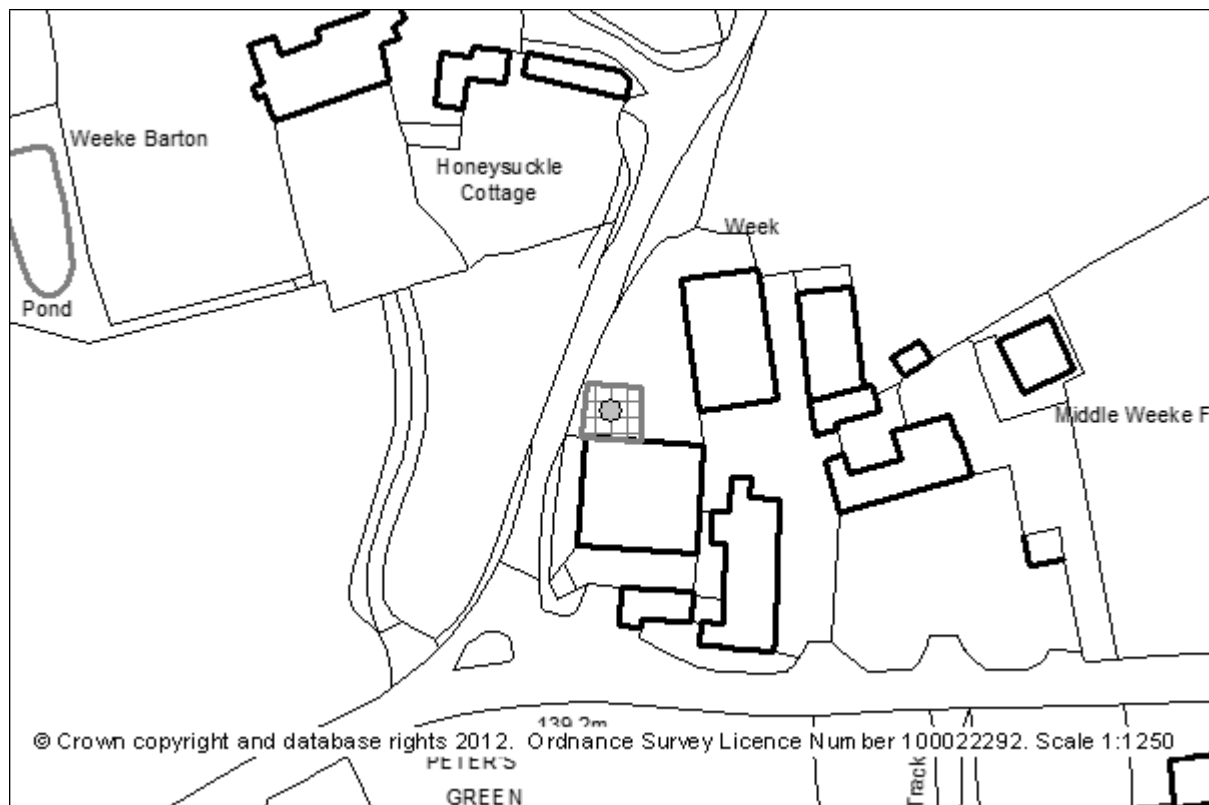
Grid Ref: 276208 : 106245

Applicant: Mr P Bullock

Location: Middle Weeke Farm
Morchard Bishop
Crediton
Devon

Proposal: Erection of livestock building

Date Valid: 27th July 2018



APPLICATION NO: 18/01205/FULL

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of extension to livestock building at Middle Weeke Farm, Morchard Bishop. The site is an established farm holding located in the countryside to the south west of Morchard Bishop. The site sits adjacent to the Class C highway which runs to the south of the complex of farm buildings.

The application seeks consent for the erection of an extension to an existing livestock building. The proposed extension will be 9.593m wide and 9.144m long providing 87.7 sqm additional floor space. It will be constructed with a mono pitch roof matching the height and roof slope of the building to which it adjoins; 4.6metres at the ridge and 2.5m at the eaves. The walling will be formed with concrete panels to 1.2m high, above this it will be clad with tantalised timber spaced board, the roof will be of natural grey fibre cement panels. The east elevation will be open fronted and the north elevation will have openings to allow access.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

RELEVANT PLANNING HISTORY

77/01513/FULL - PERMIT date 29th November 1977

Removal of barn, construction of new access and improvement of two existing entrances

18/01243/LBC - PCO date Listed Building Consent for replacement windows: This application is for changes to the principal farm house on the holding and does not impact on the assessment of this current application.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2- Local Distinctiveness

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

CONSULTATIONS

HIGHWAY AUTHORITY- 9th August- standing advice applies.

MORCHARD BISHOP PARISH COUNCIL- 4th September- application approved. The vote was unanimous.

REPRESENTATIONS

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is located in the countryside where policy COR18 provides in principle support for new agricultural buildings. Policy DM22 of the Local Plan Part 3 (Development Management Policies) permits agricultural development where:

- a) The development is reasonably necessary to support farming activity on that farm or 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.

An assessment of the application against these criteria is set out below;

- A) The applicant farms 29 hectares off which he milks 58 cows and rears approximately 15 young stock. The extension is required to increase the scope of livestock housing at the site within a purpose built structure to appropriately manage animal welfare. It is considered that the extension is reasonably necessary to support the farming activity on the holding.
- B) The extension to the existing agricultural building is located within the existing farm yard area, albeit close to the western boundary of the site. The design and scale is in keeping with the existing agricultural buildings in close proximity. The nearest neighbours are located approximately 50m to the north west of the site. Although they are in reasonably close proximity, it is not considered that the proposed development would result in any significant adverse impacts to their amenity beyond that arising from the agricultural activity taking place within the scope of the existing farm yard.
- C) The building will be managed as a straw bedded unit, dung will be stored within the building until it can be spread on the land. It is proposed that the surface water drainage from the site will be managed via an existing watercourse leading to an existing soakaway to the north west of the site. It is not considered that the proposed development would have any significant adverse impacts on the environment.
- D) Access to the proposed extension will be gained via the existing hard surfaced yard and no alterations to this arrangement are proposed. The Highway Authority have not raised any objections to the proposal. It is considered that the proposed development is unlikely to result in a significant increase in traffic movements and therefore it is not considered that the proposal would have an unacceptable traffic impact on the local road network.

There are no other material planning considerations that would mitigate against the grant of planning permission and therefore conditional approval is recommended.

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 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of an extension to the existing livestock building is considered to be supportable in policy terms. The building is required to provide additional space to accommodate the dairy herd and is considered to be reasonably necessary to support the ongoing farming operations on the holding. The design of the proposed extension is in keeping with the existing building and, by virtue of the scale of the extension it is not considered that proposal would result in any significant adverse impacts to the amenity of neighbouring properties beyond that arising from the agricultural activity taking place within the scope of the existing farm yard. The development is not considered to have an adverse impact on the environment or the local road network. Given this assessment the development is considered to comply with the following policies: COR2 and COR18 of the Mid Devon Core Strategy, DM1, DM2 and DM22 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. 18/00745/FULL

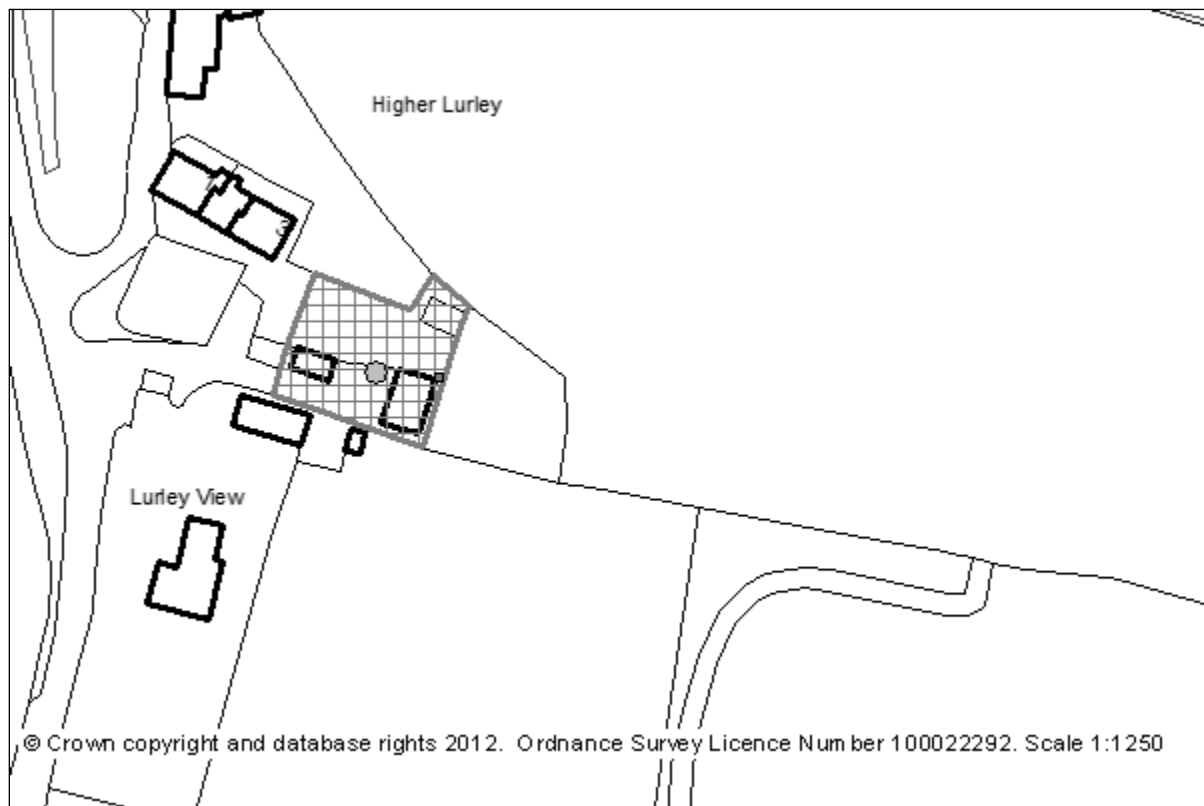
Grid Ref: 292495 : 115092

Applicant: Mr Ian Tapp

Location: Land and Buildings at NGR 295495 115092 (Adjacent to Lurley Cottage)
Lurley
Devon

Proposal: Erection of dwelling following demolition of existing shed

Date Valid: 15th May 2018



APPLICATION NO: 18/00745/FULL

MEMBER CALL-IN

Cllr Dolley has called this application to be determined by the planning committee for the following reason:

To consider whether or not the provision of a dwelling in this location is sustainable.

XX

UPDATE 14th September 2018

At Planning Committee on the 5th September 2018 it was RESOLVED that Members were minded to approve the application and therefore wished that the application be deferred to allow for the wildlife report to be produced and for a wider report to be submitted containing possible conditions, the consideration of replacement parking and a contribution towards the provision or improvement of public open space in the locality.

A wildlife/ecological report has been commissioned by the Applicant and the findings of that report will be provided by way of an update to this report prior to the next Planning Committee meeting.

The Agent is preparing details to demonstrate how a replacement parking area for two cars can be provided for 2 Higher Lurley in accordance with the requirements of policy DM8 Local Plan Part 3 (Development Management Policies) as the existing parking area would be lost and become associated with the new dwelling. Details of the replacement parking area will be provided by way of an update to this report prior to the next Planning Committee meeting.

The Applicant has been provided with a Unilateral Undertaking requesting a financial contribution of £1442 toward the provision of Public Open Space and Play Areas, specifically for Provision of new teen play equipment at People's Park, Tiverton. An update on the receipt of this financial contribution will be provided by way of an update to this report prior to the next Planning Committee meeting.

In the event that the application is approved it is recommended that the following conditions are imposed:

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 their use within the development details of the materials to be used for all the external surfaces of the dwelling shall first have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

4. Prior to their installation in the dwelling working details of the new external doors/door frames/windows/rooflights, including sections, mouldings and profiles, finishes and glazing shall first have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows/rooflights shall be in accordance with these approved details, and be so retained.
5. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
6. Prior to the first occupation of the dwelling the boundary treatment for the site shall be completed in accordance with a plan that has been submitted to and approved in writing by the Local Planning Authority that indicates the height, positions, design, materials and type of boundary treatment to be erected on the site. Once provided in accordance with the approved details the boundary treatment shall be so retained.
7. No development (other than the demolition of the existing building on the site and works required to provide replacement parking for 2 Higher Lurley) shall begin until a parking area for 2 Higher Lurley providing for 2 vehicles has been provided in accordance with the approved plans. The parking area provided for 2 Higher Lurley, once provided, shall be retained for the parking of vehicles in connection with this dwelling.
8. Prior to the first occupation of the dwelling hereby approved, two parking spaces shall be provided for the dwelling in accordance with the approved plans. These parking spaces shall be retained for the parking of vehicles in connection with occupation of this dwelling.
9. The surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A and B of Part 1, Schedule 2, relating to an extension to the dwelling or extension/addition/alteration to the roof of the dwelling, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
11. The recommendations and mitigation as set out in the ecological report prepared by [to be confirmed at committee] and received [to be confirmed at committee] shall be incorporated into the development and thereafter retained.

Reasons for conditions:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy COR2 Mid Devon Core Strategy (LP1) and policies DM2 and DM14 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 policy COR2 Mid Devon Core Strategy (LP1) and policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
5. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy COR2 Mid Devon Core Strategy (LP1) and policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
6. To safeguard the character and amenities of the area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
7. To ensure that adequate on-site facilities are available for traffic attracted to the existing dwelling in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. To ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
9. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with policy COR9 Mid Devon Core Strategy (LP1) and policy DM2 Local Plan Part 3 (Development Management Policies).
10. To safeguard the visual amenities of the area in accordance with policy COR2 Mid Devon Core Strategy (LP1) and policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).
11. To ensure the development makes a positive contribution to biodiversity assets in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and in accordance with the Habitats Regulations as amended by The Conservation (Natural Habitats &c) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) (as amended by the Countryside and Public Rights of Way Act 2000).

RECOMMENDATION

PROPOSED DEVELOPMENT

APPLICANT'S SUPPORTING INFORMATION

RELEVANT PLANNING HISTORY

89/00687/OUT - REFUSE date 7th June 1989
Outline for the erection of a dwelling
89/01579/OUT - REFUSE date 4th September 1989
Outline for the erection of a dwelling APPEAL DISMISSED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

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

AL/IN/3 Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High Quality Design
DM3 Sustainable Design
DM8 Parking
DM14 Design of Housing
DM15 Dwelling sizes

CONSULTATIONS

Tiverton Town Council - Comment Date: Thu 07 Jun 2018
Support

Highway Authority - Comment Date: Thu 07 Jun 2018
Standing advice applies please see Devon County Council document
<http://www.devon.gov.uk/highways-standingadvice.pdf>

Public Health - Comment Date: Tue 05 Jun 2018
Contaminated Land: No objections to this proposal
Air Quality: No objection to this proposal
Environmental Permitting: No objection to this proposal
Drainage: No objections to this proposal
Noise & other nuisances: No objections to this proposal

Housing Standards: No comment

Licensing: No comments

Food Hygiene: Not applicable

Private Water Supplies: If a private supply is to be used. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health.

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

Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/> . If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at

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

Environment Agency: - Comment Date: Mon 21 May 2018

Operational development less than 1ha within Flood Zone 1 - No consultation required.

REPRESENTATIONS

No representations received at the time of writing

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy
2. Previously developed land
3. S106 obligations;
4. Local finance considerations;
5. Other issues raised
6. The planning balance

1. Policy

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets', particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit boundary and is therefore considered to be in the open countryside in planning terms, where restrictive policies apply.

Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principal and this does not include new open market dwellings. The proposal is therefore considered to be contrary to policy COR18.

In view of the above and have regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite this conflict with the development plan.

At appeal in 2016 the Authority was found not to be able to demonstrate a 5 year housing land supply and in the interim, that position has not changed substantially. The NPPF advises at

paragraph 11 that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are countryside and those which are within defined settlements.

Policy COR18 is directly relevant to the supply of housing in the District and is now considered to be out of date in this regard. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. The site does not fall within one of the restrictions set out in Footnote 6 of the NPPF.

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

The application scheme would lead to the provision of a new dwelling in the countryside, which would in most circumstances be contrary to the policies of restraint in the Development Plan. The hamlet of Higher Lurley comprises little more than handful of properties. Lurley itself appears to be a mixture of farm complexes and dwellings which have been erected incrementally over the passage of time. Lurley is within a strongly rural setting (other than the A361 to the north) and is not readily perceived on the ground as an identifiable settlement. The surrounding countryside is strongly rural and characterised by a gently undulating patchwork of fields, much of which appeared to be actively used for agriculture.

Paragraph 78 indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Neither the adopted or proposed Development Plan documents propose new development at Lurley or Calverleigh. Lurley itself has no local services and Calverleigh appears to have a village hall and church only. Therefore, the creation of a single dwellinghouse in Lurley is unlikely to support these very limited local services. The potential use of home delivery grocery shopping services from supermarkets in Tiverton (there is no evidence that more local shops would provide this service), would be of no benefit to the existing services in the local rural community.

Paragraph 79 indicates that planning decisions should avoid development of isolated homes in the countryside unless one or more circumstances apply. In this case there is no evidence that there are special circumstances that would justify the development on the basis of a claimed essential need. None of the other circumstances apply in this instance.

Therefore, there are no material considerations that would outweigh the conflict of the development with Policy COR1, COR12, the limited weight given to COR18 and national planning policies.

2 Previously developed land

The application site is within the same ownership as 2 Higher Lurley Cottage. However it is physically separated from it. The application site slopes downwards from the summerhouse towards fields beyond. It is nestled within the rising topography and bounded on most sides by urban fencing

A workshop, summerhouse and garage are located within the site generally and the proposed dwelling is to be located on the site of the workshop.

Annex 2 of the NPPF defines previously developed land (PDL) as, *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

As a starting point, this application proposes development within the curtilage of an existing permanent structure (the workshop).

However, the site is physically separated from 2 Higher Lurley Cottage and its immediate plot. It is therefore not readily visually connected with it. There is furthermore no formal planning history confirming that the site is lawfully used as residential land, other than the 1989 planning application forms indicating its use as such. Therefore, notwithstanding the rural setting of the site, your officers are not satisfied that it may accurately be considered as previously developed land.

The High Court in March 2017 held that that the term ‘previously developed land’ as defined by the glossary forming part of the NPPF does include private residential gardens in an area that is not built-up. Whilst appreciating that the application site sits in a group of 5 dwellings some 300m to the north of the larger grouping of dwellings at Lurley, your officers do not consider that the site sits in a built up area.

In any event this finding is not determinative, because paragraph 118 of the NPPF requires that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements (our emphasis) for homes and promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained. However, the NPPF also (at paragraph 170) indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This is pertinent in the three dimensions of sustainable development which should not be considered in isolation.

Therefore, even if the garden was to be considered as PDL, the planning balance carried out as a measure of sustainable development later in this report, indicates that planning permission should not be granted.

3 S106 obligations

As this application is recommended for refusal, a POS contribution has not been sought from the applicant. In the event of an appeal against the issue of a refusal, the LPA reserve the right to seek such a contribution (£1,442) which would be allocated to an identified public open space project within the local area.

4 Local finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £6,168. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

5 Other issues raised

The means of access effectively utilises the existing access from the unclassified road which is subject to a 30mph speed limit outside the site. Being on the inside of a bend and a short distance from the brow of the hill to the north, and on the outside of a bend from the south, the existing access provides adequate views of oncoming traffic at these speeds. Whilst the previous Appeal Inspector raised concern with the rural nature of the approach roads, he was not of the opinion that this concern on its own warranted the dismissal of the appeal. In the same light, for the reasons above the proposed development would not be harmful to the safety and convenience of road users and any additional impact on the highway network by the creation of this additional unit.

It appears that the current access is used to access the parking area of the host property. However, the D&A does not make it clear that any part of the proposed plot will provide what may be replacement parking for 2 Higher Lurley Cottages. The application forms indicate the retention of 5 parking spaces, but the plans do not indicate where. The LPA do not recognise garage spaces as being available for the parking of vehicles and, whilst there would appear to be sufficient open air parking for the proposed dwelling, the detail of the parking and the replacement parking and manoeuvring space is absent. On this basis, your officers cannot be comforted that the proposal provides for sufficient parking space for both the proposed dwelling and the host dwelling, conflicting with policies DM8 and DM14, and policy COR9.

The application involves the demolition of an existing building but is not accompanied by a Wildlife Report to confirm the presence or absence of any noted wildlife within the existing building. The applicant indicates that, despite the building being unused, there is no evidence of the presence of any protected species. However, your officers are unclear how qualified this assessment is. In the absence of such a report, officers cannot be comforted that the proposed development does not have an adverse impact on protected species, contrary to policy DM2.

Policies DM14 and DM15 seek to ensure that dwellings have an appropriate size and minimum level of amenity to suit its location etc. Since the publication of the dwelling size policy, the Government have produced national dwelling size guidance which supersedes this policy. The layout for the dwelling is considered acceptable and to deliver habitable accommodation which exceeds the space requirements established by the national standards.

It is not considered that the development would have an adverse impact on any adjacent residential occupiers. The dwellings to the south west and north west are sufficiently far enough away so as to not be affected by the proposed development. Overall, the application will not cause harm to the privacy or amenity of any neighbouring property and the application therefore meets with policies COR2, DM2 and DM14 in this respect.

Policy DM14 (e) requires that private amenity space should reflect the size, location, floorspace and orientation of the property. Subject to clarification of the parking/turning areas required for the proposed dwelling and perhaps that of 2 Higher Lurley Cottage, it is possible that the residual amenity area for the proposed development is acceptable.

6 Planning Balance

The NPPF sets a strong emphasis on the delivery of sustainable development. Fundamental to the social role is supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. The NPPF is clear that delivering sufficient housing is a key consideration for Local Authorities. It is acknowledged that the Council is presently unable to demonstrate that it has a 5 year supply of housing land and relevant policies for the supply of housing must be considered out of date. However the relevance of the absence of a 5year land supply here is largely that the proposal would make an incremental numerical contribution to housing stock, rather than in terms of appropriateness.

The NPPF sets out that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. A new open market home in this location would entail some social and economic benefits in supporting jobs during construction and as future occupants would make use of services and facilities in the wider area. Officers also note the financial implications of the proposal with reference to the New Homes Bonus, and that the proposal has attracted some local support.

However the social and economic benefits of one new home would inevitably be modest. Moreover the support for delivering new homes in the NPPF is not at the expense of ensuring that all dwellings are appropriately located. Consequently the clear harm arising in respect of this case, considered together, would significantly and demonstrably outweigh the benefits of the proposal, as shown below.

The site falls within open countryside. Similarly, on account of the nature of its surroundings and remoteness from services and facilities, notwithstanding the small scattering of buildings comprising Lurley, the application site may fairly be described as isolated within the terms of paragraph 79 of the NPPF.

In March 2018, the Court of Appeal clarified the use of the term “isolated dwelling” (used at that time in paragraph 55 and used now in relation to paragraph 79). It held that has held that it means:

"... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" at [31].

"Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker" at [32]

Policy COR18 establishes only certain types of development are permissible in the open countryside, of which new open market housing is not expressly one. The Council has been mindful of the current lack of 5 year supply of housing land and has given Policy COR18 appropriately restricted weight in the planning balance. However, paragraph 79 of the new NPPF (2018), a significant material consideration in the determination of this application sets out that new isolated homes in the countryside should be avoided other than in special circumstances; the development proposed would represent none of the special circumstances identified in that paragraph.

Policies COR2 'Local Distinctiveness', DM2 'High Quality Design' and DM14 'Design of Housing' seek to ensure that development respects landscape character and otherwise integrates appropriately with its surroundings. The NPPF sets out that planning should recognise the intrinsic character and beauty of the countryside and that it is appropriate to reinforce local distinctiveness.

Whilst acknowledging that opportunities to maximise the use of sustainable modes of transport will vary from urban to rural areas, the NPPF nonetheless sets out that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The avoidance of environmental harm resulting from private vehicular use to access services and facilities is an underlying aim common also to the spatial approach in the local plan.

Lurley itself has no local services and Calverleigh appears to have a village hall and church only. Therefore, the creation of a single dwellinghouse in Lurley is unlikely to support these very limited local services.

Other than a village hall and church in Calverleigh, the nearest services and facilities catering for the majority of day-to-day needs are beyond a convenient walking distance from the site (Tiverton is some 4.5km from the site). Moreover the nature of the route that must be taken to such is unwelcoming to pedestrians or cyclists, being at least in part along winding, narrow and unlit rural lanes without dedicated footways (particularly during inclement weather or outside of daylight hours).

Officers acknowledge that residents' need to travel might be reduced, to a degree, by the growing propensity for homeworking, and online grocery shopping. Nevertheless, it is likely that the proposal would lead to the overwhelming majority of trips to and from the site, for work, shopping, or other purposes, being undertaken by private car in a way that would not accord with the focus in the Framework on securing radical reductions in greenhouse gases. This reliance would not be meaningfully reduced by the community bus service which offers scheduled route trips each Tuesday and Friday from Oakford to Tiverton via Lurley and Calverleigh. Indeed, the locational characteristics of the site would have harmful social implications too, particularly for those who do not run a car.

Therefore, the provision of a single dwelling would provide a minor social benefit. There would also be an economic benefit though the construction and subsequent maintenance of the dwelling. Turning to the environmental dimension of sustainable development, it is clear that the Framework seeks to promote the reuse of brownfield land. As a core planning principle, it is far better to bring forward development on acceptable brownfield land than build on undeveloped green fields. However, in this instance, the brownfield land is not acceptable. It is unlikely that one dwelling would also enhance and maintain the vitality of this rural community by supporting services in a nearby village, which can be accessed by public transport. Officers acknowledge the personal circumstances submitted by the applicant but disregarding the conflict with the Development Plan would undermine the plan-led system and cause a loss of confidence in it. Personal circumstances can only rarely outweigh policy based decisions.

For the above reasons, the application site is not an appropriate location for the development proposed. The proposal is not in accordance with relevant elements of LP policy COR1, COR2, COR9, DM2, or paragraph 79 or 170 of the NPPF, and would result in an uplift in private vehicular usage and environment harm (notwithstanding that the harm arising from one dwelling would be relatively modest).

In addition, officers cannot be satisfied that the proposed development complies with Policy DM8 or DM14 in regard to the provision of car parking for both the proposed and host dwelling. Your officers cannot be satisfied that the proposed development complies with Policy DM2 and the NPPF in regard to minimising impacts on and providing net gains for biodiversity.

The applicant has not made appropriate provisions to satisfactorily mitigate against the need to provide a contribution towards public open space. On this basis, the recommendation is one of refusal.

REASONS FOR REFUSAL

1. The NPPF sets out that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. A new open market home in this location would entail some social and economic benefits. However, the Local Planning Authority consider that the environmental harm arising from the proposed development outweighs these benefits. In drawing this conclusion, the Local Planning Authority have considered the remote location of this brownfield land and the environmental harm resulting from private vehicular use to access services and facilities, together with local policies which seek to ensure that development respects landscape character and otherwise integrates appropriately with its surroundings, reflecting the NPPF aim that planning should recognise the intrinsic character and beauty of the countryside and that it is appropriate to reinforce local distinctiveness. Therefore the proposed development is not in accordance with policies Mid Devon Core Strategy COR1, COR2, COR9 and Mid Devon Local Plan part 3 (Development Management Policies) DM2, DM14 or paragraphs 79 and 170 of the NPPF.
2. The application involves the demolition of an existing building but is not accompanied by a Wildlife Report to confirm the presence or absence of any noted wildlife within the existing building. The applicant indicates that, despite the building being unused, there is no evidence of the presence of any protected species. However, the Local Planning Authority are unclear how qualified this

assessment is. In the absence of such a report, the Local Planning Authority cannot be comforted that the proposed development does not have an adverse impact on protected species, contrary to policy DM2.

3. In the absence of the detail of the parking and manoeuvring space for the proposed dwelling and any replacement parking for the host dwelling, the Local Planning Authority cannot be comforted that the proposal provides for sufficient parking space for both properties, conflicting with policies DM8 and DM14, and policy COR9.
4. The provision of an additional dwelling results in additional demand from occupiers for amenity and recreational provision. The application proposal does not include a contribution towards the provision or improvement of public open space in the locality. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2) and Supplementary Planning Document "The Provision and Funding of Open Space through Development (May 2008)".

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.