

PLANNING COMMITTEE AGENDA - 31st July 2019

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>19/00573/FULL - Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans at 10 Mayfair, Tiverton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>19/00075/MFUL - Erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park at Land and Buildings at NGR 286791 113761 (Kelly Farm), Nomansland, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>19/00306/LBC - Listed Building Consent for the replacement of upvc windows to timber windows on South elevation at Middle Weeke Farm, Morchard Bishop, Crediton.</p> <p>RECOMMENDATION Grant Listed Building Consent subject to conditions.</p>

Application No. 19/00573/FULL

Grid Ref: 298625 : 113083

Applicant: Mr Peter Milton

Location: 10 Mayfair, Tiverton, Devon, EX16 4NQ

Proposal: Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans

Date Valid: 29th March 2019



APPLICATION NO: 19/00573/FULL

RECOMMENDATION

Approve subject to conditions

PROPOSED DEVELOPMENT

Planning permission was granted for the construction of five, two storey properties on this site in 2017 (Application Number 17/00910/FULL).

The site lies to the south of Post Hill - a principle route into Tiverton. The northern edge of this triangular site is bounded by 4 properties (No's 12, 14, 16 and 18) forming part of Mayfair. Each of these dwellings is located within a generous sized plot. No. 14 lies closest to the application boundary but maintains a distance of 38m from it. The remaining boundaries of the application site adjoin open countryside. This area of open countryside forms part of the Tiverton Eastern Urban Extension (EUE) and lies within the settlement limit of Tiverton.

The private drive serving the application site, and an existing retained bungalow (No. 10) gives access to two further properties (No's 6 and 8 Mayfair). It is noted that planning permission has recently been given for a detached bungalow in the rear garden of number 12 (Application No. 18/02043/FULL). This property will not be accessed from the private drive. The south eastern corner of the site is occupied by a number of mixed woodland trees that do not form part of the application site.

The application now submitted is to vary a number of the conditions attached to the 2017 application. Members of the public have been formally notified of these changes and given the opportunity to comment.

APPLICANT'S SUPPORTING INFORMATION

Access road construction details
Drainage details
Provisional spot levels / site layout plan
Plots 1, 2, 3, 4 & 5
Access drive
Foul surface water drainage
Schedule of amendments
Permavoid system
Notes of amendments
Site plan with existing approved layout
Technical memo. Surface water storage system
RIDGISTORM Check Orifice Plate data Sheet
Orifice_Plate_Flow_Control_Chambers
Tank Maintenance Schedule
Permavoid

RELEVANT PLANNING HISTORY

88/01893/FULL - PERMIT date 20th September 1988
Conversion of garage and store into granny annexe

17/00910/FULL - PERCON date 30th November 2017
Erection of 5 dwellings and alterations to existing bungalow and erection of garage

19/00573/FULL - PCO date
Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans

OTHER HISTORY

17/00251/PREAPP - CLO date 22nd March 2017
PROTECT - Proposed erection of 4 dwellings

18/01795/PREAPP - PCO date
PROTECT: Proposed alterations to existing permission 17/00910/FULL

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR7 – Previously Developed Land
COR9 – Access
COR12 – Development Focus
COR13 - Tiverton

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

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

AL/DE/3 – Affordable Housing Target
AL/IN/3 – Public Open Space
AL/IN/5 – Education provision

National Planning Policy Framework (as amended Feb 2019)
Technical Housing Standards – Nationally Described Space Standards

CONSULTATIONS (as of 30.5.19)

DCC Highway Authority (21.05.19)

No Comments

DCC Highway Authority (01.04.19)

I can confirm the Highway Authority are happy to accept the change (*to Condition 6*) from commencement to occupation based on the condition of the existing road structure

DCC Lead Flood Authority (10.07.19)

The surface water drainage system has changed considerably. Therefore, clarification of the changes are needed.

- Model outputs should be submitted to demonstrate the interaction of the tanks and the change in positively drained area
- Correspondence from South West Water should be submitted to confirm their acceptance of the site draining into their system at the proposed rate
- Is Mid Devon District Council content with attenuation tanks being located beneath driveways? I am not sure whether there are maintenance implications here or not, this should be clarified by the applicant
- Was the existing pond identified previously? I don't remember seeing this previously, do you know if it is fed by water?

DCC Lead Flood Authority (10.07.19)

The proposed surface water drainage strategy is for the driveways to be formed of permeable materials and for the roofs to drain into these driveways. As infiltration has not been demonstrated to be viable, these features will drain to the South West Water sewer via an attenuation tank. The attenuation tank will also serve the road.

We have two concerns with the proposals which you may want addressing:

- The previous area used within the surface water drainage calculations was 2580m² but the calculations now use an area of 1260m²
- The proposed pipes to drain the permeable paving into the main system will be 24mm in diameter. This is quite small, although it will be within the sub base

The applicant should confirm who shall be responsible for maintaining the elements of the surface water drainage system. If the property owner shall be responsible for maintaining their driveway, will they also be responsible for the pipe connecting the paving to the main system? This pipe emanate from the paving (within the dwelling curtilage) but will drain outside of the curtilage into the main system.

Has a plan been submitted to confirm the proposed levels of the site? This would be useful to confirm that a gravity-fed drainage solution is viable.

The levels previously caused exceedance flows to be directed to the southeast of the site, but if the levels have been altered then these routes will may have changed. The applicant should clarify this.

DCC Lead Flood Authority (12.07.19)

It looks like the area being drained has also reduced as 10 Mayfair is no longer being accounted for within the drainage strategy. I have no concerns with this as the building is existing, but it was appreciated that this building was accounted for previously.

I didn't notice the Spot Levels plan before, but this plan does show proposed levels of the highway. From the levels in this plan it looks like most of the exceedance flows will flow to the southeast as previously proposed. It looks like there will be a gradient up to the existing access road from approximately 10 Mayfair onwards, could the applicant confirm this and if so, will exceedance flows pond in the highway here?

Could weeds be referred to in the maintenance plan please? As this maintenance plan will be passed onto homeowners I think the plan should be specific to ensure that all homeowners are aware of how the permeable paving should perform and what is required to ensure this. Details of potential contacts that homeowners can get in touch with should also be provided to homeowners in case they experience any difficulties.

Could the applicant provide any maintenance details for the flow control within the plot boundaries please? Will these manholes be lockable? If so, how will homeowners gain access to them? Details of potential contacts that homeowners can get in touch with should be provided to homeowners in case they experience any difficulties.

Could the applicant confirm that maintenance of the attenuation tanks shall be in accordance with the previously submitted maintenance schedule (for 17/00910/FULL)?

Will the attenuation tank/crates be capable of heavy loading? (I assume that bin lorries will be able to access the road to these plots)

DCC Lead Flood Authority (15.07.19)

I have no further concerns to advise you of.

The applicant should be aware that the design of the permeable paving should be informed by a ground investigation (to assess the ground conditions and any groundwater).

You may want the revised maintenance schedule for the permeable pavements.

South West Water (10.07.19)

Surface water needs to be limited to 2l/s which is acceptable.

Tiverton Town Council

A formal request for comments has been made to Tiverton Town Council. The town clerk has agreed to convene a special meeting to discuss the application. The comments of the Town Council will be provided as an update.

REPRESENTATIONS

7 letters of objection and general comment have been received, the main issues including:

- Application 17/00910/FULL made provision for a 2m wide footpath along the 5.5m wide private drive to serve new and existing residents. The revised drawings provide a 4.1 to 4.5m wide road with no footpath provision. This will be a risk to pedestrians of all ages.

- This risk to existing pedestrians will be enhanced with the traffic movements from the anticipated 9 new dwellings it will serve.
- The private drive should be completed (to an adoptable standard) before the construction of the 5 dwellings.
- The lane will not be adopted by DCC. Recycling lorries will therefore not be able to serve the new properties. Residents will have to carry their waste to the end of the drive.
- Will the new turning head be adequate for refuse lorries. The turning head is some distance from Plots 4 and 5.
- The private drive lies above neighbouring front gardens. Assurance that the drainage will inhibit surface water runoff would be welcomed.
- The developer wants to increase the height of the buildings to provide drainage without the need for a pumping system. This should not be permitted just because it is not financially viable. The additional height will impact on the neighbouring bungalows.
- It is outrageous that the original application can be varied.
- It is a disgrace that 2 storey properties have been permitted in front of bungalows

General Comment

- The threat of the lane being used as an access to Area B of the Tiverton EUE is a source of great anxiety to local residents.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Principle of Development in this Location**
- 2) **Storm and Foul Water**
- 3) **Road and Access**
- 4) **Overall Design**
- 5) **Other**

Principle of Development in this Location

Planning permission was granted for the construction of five, two storey properties on this site in 2017 (Application Number 17/00910/FULL). As such, the principle of development, including the construction of 2 storey properties, is accepted.

This application is a revision to a previously agreed scheme for the same number of units. Variation of condition applications are a confirmed means by which to change an approved scheme. The changes are listed in the applicants 'Schedule of Changes' (See **Appendix A**) and specifically relate to Conditions 2, 3, 5, 6 and 8 (see **Appendix B**) of Application 17/00910/FULL.

This report does not seek to detail each specific change (available in the applicants' Schedule of Changes at Appendix A) but to provide an over view of the impact of the proposed changes on the approved scheme.

Storm and Foul Water

10 Mayfair is not served by a dedicated storm water sewer. The approved scheme therefore requires a pumped system for both the foul and storm water. This application seeks to remove the need for the sewage pumping unit within the site (as detailed on Drawing No. 16.095.102 P6, Application 17/00910/FULL) with replacement of a gravity fed system (Drawing No. 0472.404 A).

The revised drainage strategy will also provide on plot surface water attenuation with surface water being stored within the sub-base media of the driveways and released at a restricted rate. The discharges from the individual plots will be attenuated with the runoff from the estate road. An overall discharge of 2l/s will be made to the combined sewer as confirmed by South West Water (10 July 2019). DCC as Lead Flood Authority have expressed a number of concerns throughout the consultation process. Those concerns have been satisfied with the submission of additional information. DCC Lead Flood Authority have confirmed that they have no further concerns and as such have no objection to the proposal.

The changes proposed reduce overall development costs and negate the need for maintenance fees on the new home owners for the up-keep of the pumping unit. However, the implementation of a gravity fed system does have an impact on other elements of the scheme - including an increase in finished floor levels at Plots 1, 2, 3 and 4.

This application proposes a finished floor level of 108.15 for Plot 1 (Drawing No.s A(01)08A and A(08)04A) compared to a finished floor level of 106.65 for the approved scheme. However, the 1.5m increase in finished floor level and likely resultant increase in ridge height (should the approved house type at Plot 1 been retained) has been reduced by the introduction of a new house type at Plot 1. The approved scheme indicates a ridge height of 114.85m (Drawing No. 16.095.102 P6) whilst this application proposes a ridge height of 115.85 (Drawing No. A(01)08A). The implementation of a gravity fed foul and storm water system will result in a 1m increase in ridge height for Plot 1.

The implementation of a gravity fed system will also result in an increase of ridge height of Plots 2 and 4 (Drawing No. A(08)04A). This application proposes an increase in finished floor level of 1m for Plot 2 (approved scheme 107.05m, proposed scheme 108.05) and an increase of 0.3m for Plot 4 (approved scheme 107.95m, proposed scheme 108.25). The applicant has sought to minimise the impact of the increase in finished floor level by reducing the ridge height of Plots 2 and 4 by 0.25m. (Plot 2 approved scheme 7.95m, revised scheme 7.7m and Plot 4 approved scheme 7.95m, revised scheme 7.7m). As such, Drawing No. A(08)04A of this application indicates an increase in ridge height for Plot 2 of 0.75m (approved scheme 115.00m, proposed scheme 115.75m) and an increase of 0.05m for Plot 4 (approved scheme 115.90m, proposed scheme 115.95m),

Drawing No. 16.095.102 of the approved scheme indicates a ridge height of 113.40 for the retained No. 10 Mayfair. At its nearest point, a distance of 19m separates 10 Mayfair and Plot 1. The two properties are positioned at an oblique angle to one another. Plot 2 is some 15m distant from 10 Mayfair and Plot 4 some 20m. An increase in ridge height for Plot 1 of 1m, and 0.75m for Plot 2, whilst of some significance, is, on balance, unlikely to have an over bearing impact or have a significant adverse impact on the quality of amenity enjoyed by the residents on No.10. Other near (existing) neighbours to Plots, 1, 2 and 4 are in excess of 53m. A maximum increase in ridge height of 1m is not, on balance, considered to significantly impact on outlook or privacy.

It is noted that whilst the finished floor level of Plot 3 is proposed to increase by 0.5m (approved scheme 107.55, revised scheme 108.05) the ridge height of Plot 3 will stay the same (115.75). This is achieved by means of a revised house type that introduces a reduced ridge height of 0.5m (approved scheme 8.2m, revised scheme 7.7m). This application whilst introducing a new house type at Plot 5, retains the same finished floor level as the approved scheme. However, the revised house type would introduce a reduced ridge height of 0.25m (approved scheme 7.95m, revised scheme 7.7m). The reduction in ridge height is welcomed.

Road and Access

At the applicant's request, the previously agreed scheme provided an access that was capable in highway terms of accommodating significantly more vehicles than the 5 dwellings proposed. However, Cabinet resolved at its meeting on the 26 October 2017 that access into Area B of the Tiverton Eastern Urban Extension would not include Mayfair and/or the Manley Lane / Post Hill Junction.

This application seeks amendments to the scheme including a change to the location of the internal road layout, the introduction of an additional turning head adjacent to Plot 1, a reduction in the road width and reduced pavement width. The approved road width of 5.5m wide with 2m wide pavement (Drawing No. 16.095.102, Application No. 17/00910/FULL) is proposed to be reduced to a nominal road width of 4.5m (minimum width 4.1m) with 1m wide pavement (reducing to .05m at the centre of the site), Drawing No. A(01)08A. The Highway Authority have confirmed that a 4.1m width road and shared surface is appropriate to serve the current and proposed number of dwellings (with associated vehicles, pedestrians, cyclists and refuse lorries with associated turning). The scheme is also compliant with Manual for Streets. The Highway Authority has confirmed it has no objection to the proposed amendments. A comment has been received relating to surface water runoff from the private drive. It is advised that Condition 3 ensures surface water outfall will not adversely impact on existing neighbouring properties. It is also noted that the proposed road widths would not be sufficient to serve any future development on Area B.

Significantly, the applicant is also proposing that Condition 6 of the approved scheme be amended to allow the development to commence prior to the completion of certain highway works (detailed in Parts A,B and C of Condition 6). Revised wording would ensure the highway works are completed prior to occupation of the units. DCC have confirmed (1st April 2019) the change from commencement to occupation, based on the condition of the existing road structure is acceptable. The road, whilst not proposed for adoption by DCC Highway Authority, will be constructed to an adoptable standard. For these reasons, the planning authority are content that Condition 6 of the approved scheme can be revised as follows:

No part of the development can be occupied until:

- A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B] The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C] The footway on the public highway frontage required by this permission has been constructed up to base course level
- D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Overall Design

The application submitted proposes a change to the location of a number of the units. These are detailed on Drawing No. A(08)06 A that overlays the proposed scheme on the existing planning approval. Plot 5 has been rotated and moved back into the site. The impact of this is that the side elevation of the garage is positioned 1.5m closer to the boundary shared with existing residents. The applicant has sought to amend this by introducing a change in unit type including a reduction in ridge height (0.25m) and the introduction of the double garage. The double garage would be located towards the boundary with existing dwellings. This has the effect of moving the main dwelling (ridge height 7.7m) an additional 1m off the boundary shared with existing dwellings. In so doing, the depth of the planting screen approved through the 2017 planning application is retained.

However, the garage (ridge height of 4.7m) is 1.5m closer to the boundary with existing neighbours. As a means to minimise its impact on the quality of amenity and outlook enjoyed by existing residents, the garage roof has been hipped. Of the remaining Plots, the location of units 1, 2, 3 and 4 have not significantly changed. On balance, the proposed changes to the location of the units are considered acceptable.

Changes in unit type, including changes to ridge heights (as previously outlined) have also been introduced. In summary, this application seeks to increase the footprint of Unit 4 by approximately 0.3m (width) and 0.4m (length). The unit and attached garage will be 'handed'. The overall design remains largely similar, albeit the depth that the garage is set back into the site is reduced by 1.2m, fenestration on the rear and side elevation is amended, the location of the (pedestrian) garage door is amended. Similarly, unit 2 remains largely the same, albeit a change to the fenestration (rear and side elevation).

Whilst the location of Plot 3 has not changed significantly this application seeks to increase the length of Plot 3 by approximately 0.4m. The overall design is revised including the 'handing' of the attached garage. The balcony on the first floor front elevation is removed. The internal layout and overall design of Unit 1 is revised. The attached (now double) garage is 'handed'. The balcony on the first floor front elevation is removed. On balance, the detailed changes to the units are considered acceptable.

Perhaps more significantly, are the changes to the brick type and roofing material (slate replacing roof tile). Whilst clay tile is the dominant roofing material, particularly when viewed in its immediate context, slate is not uncommon both within Mayfair and beyond. The use of roof slates would not be out of keeping.

More generally, with respect to the change in materials, the material palette is broadly similar to that approved, but with their use simplified. For example cladding over the first floor front elevation windows is removed. The proposed changes include specific design details not previously incorporated into the scheme, including raked joint dentil courses at ground and first floor level and soldier courses over ground floor windows. Such details are welcomed, lifting the quality of design and detailing.

Other

DCC Lead Flood Authority in their correspondence make reference to an existing pond. The Technical Memo confirms that this is two lined ornamental ponds shown on the Topographical Survey associated with the existing property. They serve no functional purpose in relation to surface water management and will be removed as part of the construction works.

Summary

The revised drawings have given further consideration to the overall layout, design and scale of the proposed dwellings including upon near existing residents. Local residents have had an opportunity to comment on the scheme. Those concerns has been addressed throughout the report. The erection of five dwellings is in accordance with adopted planning policies. Subject to conditions, the development is considered, on balance, acceptable in terms of highway safety, effect on the visual quality and amenity of neighbouring residents. The proposal is considered to comply with policies COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy (LP1), AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan (LP2) and DM1, DM2, DM3, DM8 and DM14 of the Local Plan Part 3 (Development Management Policies)

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three* years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
4. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
5. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance / vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. No part of the development can be occupied until:
 - A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B] The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C] The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

8. No development shall begin until details / samples of the materials to be used for all the external surfaces of the building[s] have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out prior to the occupation of the development [or phases thereof], and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be retained in accordance with the approved scheme.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] Order 2015 [as amended] [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling including an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
11. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 for application 17/00910/FULL and shall be approved by the Local Planning Authority before construction begins.
12. The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.
13. The occupation of any dwelling shall not take place until the Local Planning Authority have viewed and agreed in writing a maintenance plan with specific reference to the function and maintenance of the sustainable urban drainage system.

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 protect water quality and minimise flood risk in accordance with Flood Management Act and in accordance with Policy of the DM2 Local Plan Part 3 [Development Management Policies].
4. In the interests of public health and protection of the environment.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.

6. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To ensure, 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.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 [Development Management Policies].
9. To ensure the use of materials and detailing appropriate to the character and appearance of the building and boundary treatments in accordance with Mid Devon Core Strategy [Local Plan Part 1] Policy COR2 and Local Plan Part 3: [Development Management Policies] Policies DM2 and DM14.
10. To safeguard the residential amenity of neighbouring residents in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].
11. To limit the impact of the development on any protected species which may be present.
12. In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure that adequate information is available for the proper consideration of the detailed proposals.

INFORMATIVES

1. The maintenance plan will be passed onto homeowners. As such, the plan should be specific to ensure that all homeowners are aware of how the permeable paving should perform and what is required to ensure this. Details of potential contacts that homeowners can get in touch with should also be provided to homeowners in case they experience any difficulties.

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.

APPENDIX A

10 Mayfair Schedule of Changes (Planning Approval Ref 17/00910/Full)

Location	Desc	Item	Approved	Proposed	Conditions Requiring Amendment	Drawing References		
						Existing	Proposed	
Plot 1	Levels							
		Finished Floor Level	106.65	108.15	2	16.095.102	A(08)01, A(08)02, A(08)03,	
		Ridge Level	114.85	115.85	2	16.095.102	A(08)01, A(08)02, A(08)03,	
	Materials							
		Driveway	Block Paving	Block Paving or Gravel grid				
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - Ash White painted smooth render. Cladding - Hardi plank - Select light grey	8			
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.	8			
		Doors	Assume - UPVC	Composite Ral 2017	8			
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8			
		Facias	Facias, soffits - White	Facias, soffits - White	8			
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8			
		Boundary Changes		Moved .5m to south		16.095.102		
			Front Elevation		Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor.	2		A(08)01 & A(08)03,
			Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.	2		A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window.	2		A(08)01 & A(08)03,	
		RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m	2		A(08)01 & A(08)03,	
		Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.	2		A(08)01 & A(08)03,	
		First Floor Plan		Remove balcony . Add en-suite. Reconfigure hallway	2		A(08)01 & A(08)03,	
		Garage	Single Garage	Double garage hipped roof rendered with brick plinth	2		A(08)01 & A(08)03,	
	Location			moved .3m to south		16.095.102		
Plot 2	Levels							
		Finished Floor Level	107.05	108.05	2	16.095.102	A(08)01, A(08)02, A(08)03, A(08)04,	
		Ridge Level	115	115.75	2	16.095.102	A(08)01, A(08)02, A(08)03,	
	Materials							
		Driveway	Block Paving	Block paving or gravel grid.				
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey	8			
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.	8			
		Doors	Assume - UPVC	Composite Ral 2017	8			
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8			
		Facias	Facias, soffits - White	Facias, soffits - White	8			
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8			
		Boundary Changes		As previously proposed				
			Front Elevation		Remove cladding Add dentil course to ground and first floor. Increase size of w.c. window Add brick plinth	2		

		Rear Elevation		Amend fenestration	2		
		LHS Elevation (when viewed from front)		Remove cladding board Add dentil course and brick plinth	2		
		RHS Elevation (when viewed from front)		Remove cladding board Add window to porch Add dentil course and brick plinth	2		
		Ground Floor Plan		Revised- hall and family room	2		
		First Floor Plan					
		Garage	Single Garage				
		Canopy	Entrance canopy - House of Canopies - Glass door canopy with tie rods - Type P - 755mm x 2400mm		8		
		Location		As previously proposed	2	16.095.102	
Plot 3	Levels						
		Finished Floor Level	107.55	108.05	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	115.75	115.75	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Materials					
		Driveway	Block Paving	Block paving or gravel grid			
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey	8		
		Windows	Windows-UPVC, double glazed.	Windows - UPVC, double glazed.	8		
		Doors	Assume - UPVC	Composite Ral 2017	8		
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8		
		Fascias	Fascias, soffits - White	Fascias, soffits - White	8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8		
		Boundary Changes		As previously proposed			
		Front Elevation		Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor	2		A(08)01 & A(08)03,
		Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom. Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.	2		A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window	2		A(08)01 & A(08)03,
		RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m	2		A(08)01 & A(08)03,
		Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.	2		A(08)01 & A(08)03,
		First Floor Plan		Remove balcony Add en-suite Reconfigure hallway	2		A(08)01 & A(08)03,
		Garage	Single Garage	Single with rendered with brick plinth	2		A(08)01 & A(08)03,
		Location		As previously proposed		16.095.102	
Plot 4	Levels						
		Finished Floor Level	107.95	108.25	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	115.9	115.95	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Materials					
		Driveway	Block Paving	Block Paving or gravel grid.		16.095.06	
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey	8	16.095.06	
		Windows	Windows-UPVC, double glazed.	Windows - UPVC, double glazed.	8	16.095.06	
		Doors	Assume - UPVC	Composite Ral 2017	8	16.095.06	
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8	16.095.06	
		Fascias	Fascias, soffits - White	Fascias, soffits - White	8	16.095.06	
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8	16.095.06	
		Boundary				16.095.102	

	Changes	Front Elevation		Remove cladding Add dentil course to ground and first floor. Increase size of w.c. window. Add brick plinth	2	6.095.06	
		Rear Elevation		Amend Fenestration	2	6.095.06	
		LHS Elevation (when viewed from front)		Remove cladding board Add dentil course and Brick plinth	2	6.095.06	
		RHS Elevation (when viewed from front)		Remove cladding board Add window to porch Add dentil course and brick plinth	2	6.095.06	
		Ground Floor Plan		Revised - hall and family room	2	6.095.06	
		First Floor Plan			2	6.095.06	
		Garage	Single Garage	Double garage	2		
	Location			As previously proposed		16.095.102	A(08)01, A(08)04.
Plot 5	Levels						
		Finished Floor Level	108.35	108.35	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	116.3	116.05	2	16.095.102	A(08)01, A(08)02, A(08)03,
	Materials						
		Driveway	Block Paving	Block paving or gravel grid		16.095.07	
		Walls	Brickwork - Ibstock Laybrook Imperial Red StockRender - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend, Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi Plank - Select light grey	8	16.095.07	
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.	8	16.095.07	
		Doors	Assume - UPVC	Composite Ral 2017	8	16.095.07	
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8	16.095.07	
		Facias	Fascias, soffits - White	Fascias, soffits - White	8	16.095.07	
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8	16.095.07	
	Boundary					16.095.102	A(08)01 & A(08)03,
	Changes	Front Elevation		Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor.		16.095.07	A(08)01 & A(08)03,
		Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom. Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.		16.095.07	A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window.		16.095.07	A(08)01 & A(08)03,
		RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m.		16.095.07	A(08)01 & A(08)03,
		Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.		16.095.07	A(08)01 & A(08)03,
		First Floor Plan		Remove balcony. Add en-suite. Reconfigure hallway.		16.095.07	A(08)01 & A(08)03,
		Garage	Single Garage	Double garage. Hipped roof. Rendered with brick plinth.			A(08)01 & A(08)03,
	Location			rotated and pushed back into the site			
Site	Drainage	Foul and Surface Water Drainage		Revised gravity fed scheme	3,5		A(08)04, A(09)01 A(01)08, 0472.404
Road and access				We request road layout and detail to be revised in accordance with drawings A(08)03, A(01)07 A(01)08 and T7501_04_P (Previously Approved) and A(09)01	5,6 A,B,C		
site compound				We request confirmation that D) site compound and car park has been constructed to the written satisfaction of the Local Planning Authority	6D		

APPENDIX B

Reference No: 17/00910/FULL

Parish: Tiverton 52

Date of Permission: 30th November 2017

Proposal: Erection of 5 dwellings and alterations to existing bungalow and erection of garage

Location: 10 Mayfair Tiverton Devon EX16 4NQ

Condition 2

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

Condition 3

No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

Condition 5

The proposed estate road, footways, 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.

Condition 6

No part of the development hereby approved shall be commenced until:

A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway

B] The ironwork has been set to base course level and the visibility splays required by this permission laid out

C] The footway on the public highway frontage required by this permission has been constructed up to base course level

D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Condition 8

No development shall begin until details / samples of the materials to be used for all the external surfaces of the building[s] have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.

Application No. 19/00075/MFUL

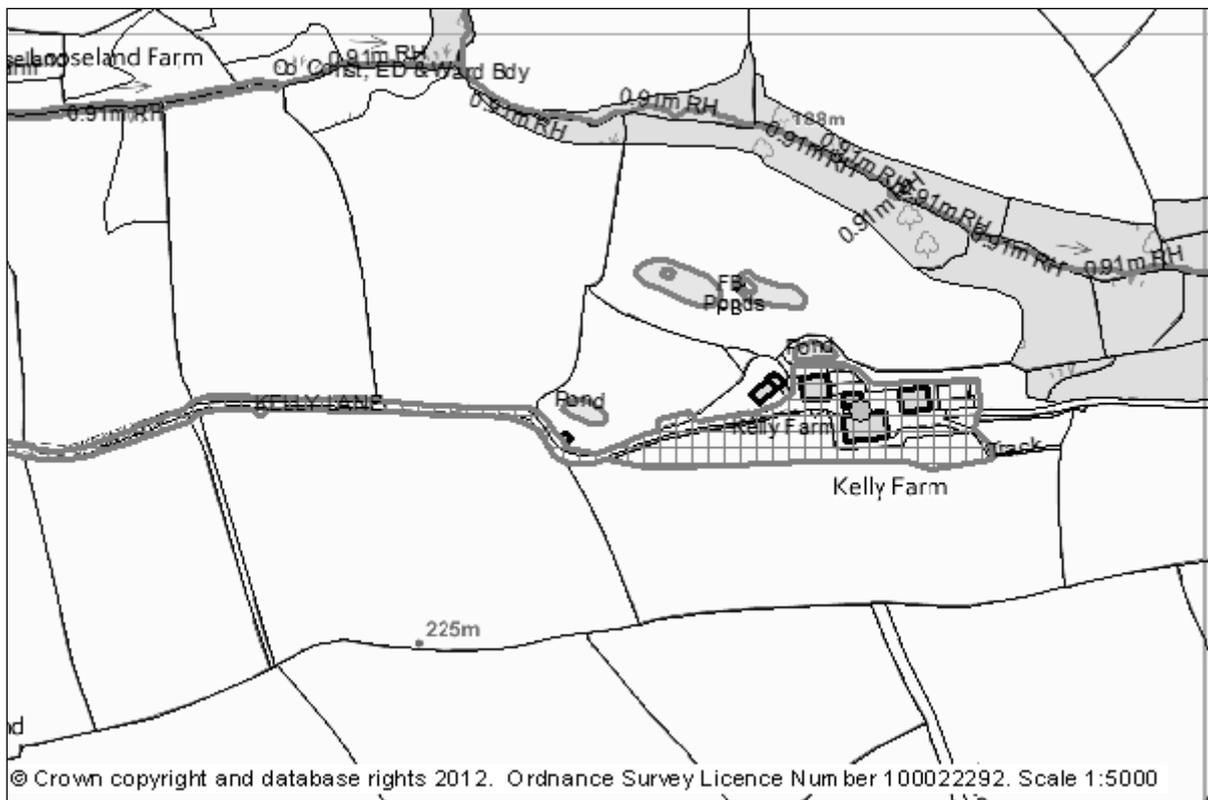
Grid Ref: 286791 : 113761

Applicant: Bradbury Group

Location: Land and Buildings at NGR 286791 113761 (Kelly Farm)
Nomansland
Devon

Proposal: Erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park

Date Valid: 12th March 2019



APPLICATION NO: 19/00075/MFUL

MEMBER CALL-IN

This planning application has been called in by Members as a result of discussions held on planning applications appearing on the majors list.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park on land at Kelly Farm, Nomansland.

The applicant is The Bradbury Group which is a leading provider of high-quality care and support for adults with complex needs in the south-west. The Bradbury House Group provides residential and Day-Service provision for adults with learning disabilities, autism, mental health needs, associated behaviours that challenge and for people who have experienced living in secure, institutional settings or are at risk of being detained.

The philosophy of the Bradbury House Group is to enable people to live within a community setting and for them to benefit from living as a valued member of a family, which is both sympathetic to their individual needs and encourages them to progress and succeed with their own goals in life. Current provision comprises ten residential homes based in the Bristol, Wells, Cheddar and Weston Super Mare areas. With a range of facilities, including utilising a unique model of care focusing on the therapeutic use of a fully-working farm to provide Day-Service provision, education, skills-training and work opportunities for individuals using the service. All the services provided by the Bradbury House Group are underpinned by a positive behavioural support model overseen by a behavioural specialist support team. The Bradbury House Group currently operate a similar residential education centre at Bendalls Farm Priddy in the Mendips AONB with residential and Day-Services.

APPLICANT'S SUPPORTING INFORMATION

Application Form, Plans, Planning Statement, Energy and Sustainability Statement, Structural Appraisal, Preliminary Ecological Assessment Report, Waste Audit Statement

RELEVANT PLANNING HISTORY

81/00197/FULL - PERMIT date 9th March 1981
Erection of a milking parlour, dairy boxes, cubicles and silo

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR3 – Meeting Housing Needs
COR4 – Meeting Employment 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
DM4 – Waste Management
DM6 – Transport and Air Quality
DM7 – Pollution
DM8 – Parking
DM17 – Development outside Town centres
DM20 – Rural employment development
DM25 – Community Facilities
DM28 – Green Infrastructure in Major Development

CONSULTATIONS

Cruwys Morchard Parish Council - 15th April 2019:

Cruwys Morchard Parish Council recommends refusal of the above application for the following reasons:

1. Although there were no objections to the actual development there were some major concerns in connection with the road access:

- There is very bad visibility when leaving the lane from Kelly Farm and it is suggested that the landowners on either side could be made to improve this.
- On leaving Kelly Farm and turning left on to the lane which comes out onto the B3137, visibility once again is very poor.
- From leaving the B3137 the junction is very difficult and dangerous for large vehicles and this road is already used by many large lorries frequently going to and from the nearby Anaerobic Digester together with other farm vehicles. The lane is relatively narrow with no passing places and the condition continues to deteriorate with so much heavy traffic.
- It is expected that this development will only bring more traffic to Kelly Farm to bring supplies, staff and other vehicles used to transport the residents.
- At present this road off the B3137 is being used as a traffic diversion due to ongoing road repairs between Nomansland and Looseland Cross which has now been closed for over 18 months and it is not sure when the road will open again.

2. Another concern was that the development stated that they had already taken away some hedging along the lane up to Kelly Farm without seeking permission to do so, and we wanted to ensure this no longer happened. The developer was unaware that there was a need to get approval to remove hedges.

Cruwys Morchard Parish Council – 24th June 2019

Cruwys Morchard Parish Council discussed the revised planning application (see above) on Thursday and objections raised previously still stand. The Council felt that none of the traffic issues raised previously had been addressed in the revised documentation

Highway Authority – 13th May 2019

Observations:

I have visited the site and the existing farm access is substandard in terms of visibility onto the public highway and the Highway Authority would seek and improvement to meet current standards. A visibility splay of 2.40m back along the centre line of the access and extending to a point on the nearside kerd 43m either side of the access with no obstruction greater than 600mm above the road surface should be provided and the below condition should be imposed. The proposed traffic generation is an increase in traffic generation of the farm use but is spread out through the day with 3 shifts proposed and the imposition of the travel plan assisting the reductions, notwithstanding the extant use has a generation and the increase is minimal albeit of a different type. The applicants have submitted a revised access route which is in keeping with the highways authority's expectations. Therefore the Highway Authority would raise no objections subject to the following conditions.

Recommendation:

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

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

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

Highway Authority - 25th June 2019

Previous comments and conditions apply

Historic Environment Team – 19th March 2019

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/33953a

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

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

Historic Environment – 3rd July 2019

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that The scale and situation of this development will have any impact upon any known heritage assets.

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

Devon Cornwall and Dorset Police – 29th March 2019

Police have no objections in principle to the proposal. However, following a recent site visit, a review of the available plans and drawings and an informative conversation with the applicant regarding crime and disorder considerations, please note the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

Given the isolated location, extensive grounds of what will remain in many aspects a 'working farm' and the potential vulnerability of the residents and service users, a sensible and practical level of security, which will not adversely affect the efficiency of the centre, is essential for a successful and sustainable facility.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to Conservation Areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and ground floor, basement and other easily accessible windows including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

To fully comply with the requirements of ADQ it is recommended that all doors and windows meet the standards and specifications of Secured by Design (SBD). SBD requires that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is also in place. This requirement exceeds the requirements of ADQ.

Site specific

It is recommended consideration is given to all doors and windows within the residential blocks being certified to PAS 24:2016 or STS 201 Issue 7:2015 (doors) / STS 204 Issue 6:2016 (windows) standard as a minimum. Farm equipment and plant should be kept in secure storage when not in use with the building preferably covered by CCTV and alarmed.

A lockable gate or barrier should be considered for installed on the access road just prior to the existing farm house to prevent unauthorised vehicular access into the main farm yard thus enhancing safety and security. I welcome the intention for additional lighting to be installed along the access road. Following my discussions with the applicant, it is my understanding that Kelly Farm will operate the safety and security practices and principles currently adopted by the Bradbury House Group across its existing sites in line with CQC requirements.

Devon Cornwall and Dorset police - 26th June 2019

Thank you for this application - (Revised & additional drawings).
Police have no further comments regarding the additional material.

Public Health – 20th March 2019

Contaminated Land: No objection to this proposal (12.3.19).

Air Quality: No objection to this proposal (12.3.19).

Environmental Permitting: No objection to this proposal (12.3.19).

Drainage: No objection to this proposal (12.3.19).

Noise & other nuisances: No objection to this proposal (12.3.19).

Housing Standards: No comment (18.3.19).

Licensing: No comments (12.3.19).

Food Hygiene: No objection to this proposal.

Informative: If food or drink is provided, stored, processed for those attending this is considered a food business. 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/> . (12.3.19).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary.

The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used, would have no comment (12.3.19).

Health and Safety: No objection to this 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 (12.3.19).

DCC - Flood and Coastal Risk - 3rd April 2019

Recommendation:

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

Observations:

We are delighted to see that infiltration techniques are proposed however, in the absence of on site infiltration testing to BRE 365 Digest at this stage, to determine the feasibility of infiltration at the site, we would require an alternative surface water drainage strategy in case infiltration testing proves unviable. The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether

infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

Please note we also have a requirement for one years worth of groundwater monitoring to determine there is an unsaturated zone of 1 m in depth between the maximum groundwater level and the invert level of the soakaway device.

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.

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

We would be happy to provide another substantive review if additional information is submitted to the local planning authority.

DCC - Flood and Coastal Risk – 10th July 2019 (Following submission of drainage strategy)

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 Drainage Strategy June 2019 Kelly Farm, Nomansland AVO19007-190620-R-DS Rev A01. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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.

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 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.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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

Observations:

Following my previous consultation response FRM/MD/00075/2019 dated 03/04/2019, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Drainage Strategy, Kelly Farm, Nomansland, Devon AVO-19007-190620-R-DS, Rev A01
The applicant is proposing to attenuate flows within an attenuation basin which will provide treatment of the surface water runoff as well as a level of biodiversity and amenity to the wider site. The runoff will be restricted to greenfield rates so there will be no increase in runoff as a result of this development. We would advise that a Land Drainage Consent may be required for the discharge of runoff into the watercourse adjacent to the site. Further information is available here <https://www.devon.gov.uk/floodriskmanagement/land-drainage-consent/>. This would not form a planning requirement but would be required prior to works starting at the site. We would also recommend that the basin is shaped to look 'less engineered' with varying side slopes of no greater than 1 in 3 and ideally less than this, for landscaping requirements.

Natural England – 21st March 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

REPRESENTATIONS

One letter of objection has been received with the objections summarised as follows:

- There are discrepancies in the Transport Plan whereby Fig 1, Site location shows a route from Kelly Farm to Tiverton which is neither acceptable nor described in the Transport Plan.
- The junctions at Kelly Farm onto the unnamed road and at Mudford Gate Crossroads onto the B3137 are all restricted visibility to an extent of being dangerous.
- The unnamed road is unsuitable for any increase in traffic and indeed construction traffic.
- Traffic has increased along the unnamed road over the last 10 years due to the development of multiple aerobic digesters and chicken farms within 3 kms and is used as a cut-through route to the A361 North Devon Link road. This traffic includes tractors and trailers delivering feed and waste materials, tractors and slurry tankers, articulated feed lorries and chicken farm waste, and this is all on top of the local traffic.
- The unnamed road is also being used as a diversion for the previously used road to Nomansland which has been so severely damaged by all this increased traffic.
- The unnamed road has no passing places, and is not suitable for pedestrians, cyclists or horse riders due to the dangers from these large vehicles.
- The Applicant has already recognised the lack of passing places on Kelly Lane, by demolishing Devon hedges (without permission) and creating some passing places in Kelly Lane.
- The Transport Plan seems to have been based largely around a 2 hourly bus service Stagecoach 155 which runs from Exeter via Tiverton to Barnstaple. This bus service suffers significant cancellations causing disruption to local people so there is likely to be a reliance on private vehicles.
- Whilst there are 9 parking spaces to be provided and overflow car park of 20 spaces is to be provided which demonstrates the reliance on private transport.
- The cumulative increase in traffic on low classification roads in this area has made these local roads and junctions very dangerous.
- The unnamed road is not on the Devon County Council Primary salting network, and at a height of over 220m, suffers from frost, icy roads and snow on numerous occasions during the winter and can at times be completely impassable.
- The Applicant does not seem to have considered a Transport Plan for Construction Traffic, which we understand will be for a 2 year period.
- Whilst it is noted that a facility of this kind is needed in Devon, situated outside a settlement boundary, other sites with better access arrangements should be considered.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks permission for the erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park on land at Kelly Farm, Nomansland.

The site at Kelly Farm is a 100-acre farm that was purchased by the applicant. The farm has a farmhouse and annexe and a range of outbuildings but the farm has not been actively used for at least ten years by the previous owner but was previously used for keeping livestock. The farm consists of a large farmhouse, and extensive outbuildings situated on the southern side of the valley. The site is located outside of the settlement limits for any recognised settlement within both the current saved Local Plan and within the Emerging Local Plan, located close to Nomansland (2 miles) and Tiverton (7 miles).

The main issues in the determination of this application are:

- 1. Policy**
- 2. Provision of the community facility within a countryside location**
- 3. Transport, access and parking issues**
- 4. Flooding and drainage**
- 5. Design and appearance of development and visual impact on the landscape**
- 6. Living conditions of the occupiers of nearby residential properties**
- 7. Ecology**
- 8. Sustainable development balance including carbon reduction measures**
- 9. Other Matters**

1. Policy

The NPPF sets out the Government's planning policies for England and it sets out a presumption in favour of sustainable development. It sets out the three objectives to sustainable development which are economic, social and environmental and seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Since the introduction of the NPPF in 2012 and its latest revision in 2019, full weight can continue to be given to policies in Local Plans adopted in accordance with the Planning and Compulsory Purchase Act 2004. These policies are those in the Mid Devon Core Strategy (LP1), the Allocations and Infrastructure DPD (LP2) and those within the Local Plan Part 3 Development Management Policies. Less weight can be given to policies that are considered out of date (i.e. not adopted in accordance with the Planning and Compulsory Purchase Act 2004), particularly where these policies are in conflict with the NPPF.

It is considered that this development should be assessed in terms of policies COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Local Plan Part 1 (Core Strategy). COR1 (Sustainable Communities) stresses the need for development to meet sustainability objectives, Policy COR2 (Local Distinctiveness) seeks development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, Policy COR3 (Meeting Housing Needs) relates to meeting the diverse housing needs of the community, Policy COR4 (meeting employment needs) states that employment space in Mid Devon is covered by Use Classes B1 (business), B2 (general industry) and B8 (storage and distribution).

COR7 (Previously Developed Land) seeks to guide development towards the most sustainable locations available, COR8 (Infrastructure Provision) outlines that the location, scale and form of

development will be guided by the need for community facilities and any existing shortages. COR9 (Access) aims to reduce the need to travel by car and increase public transport, COR11 (Flooding) outlines the need ensure that development does not increase flooding to properties elsewhere, COR12 (Development Focus) states that development will be concentrated at the main towns and Policy COR18 further deals with appropriate development within the countryside.

With regard to the Development Management Policies, Policy DM1 picks up on sustainable development principles, Policy DM2 requires design of new development to be high quality and demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places. Policy DM3 focuses on sustainable design of a major commercial development whereas Policy DM4 deals with waste management. Policy DM6 relates to transport and air quality considerations for any development and Policy DM7 outlines the assessment required on pollution. Policy DM8 states the required parking levels for a development/use; Policy DM17 identifies how development outside of town centres should be considered. Policy DM20 deals with employment within rural areas, Policy DM25 outlines support for community facilities and Policy DM28 focuses on green infrastructure.

An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

2. Provision of the community facility within a countryside location

Given the location of the site outside of any recognised settlement limit within the countryside, Policy COR18 is relevant which seeks to control development outside defined settlement limits to appropriate rural uses. This policy excludes new market housing but does support appropriate scaled employment and farm diversification and community facilities such as educational facilities and it is outlined that the residential apartments are proposed for the service users.

With respect to the residential accommodation, this is to be closely linked with the educational/training element of the project and to the wider farm with the key aim of this development being to promote greater levels of independence, improve life-skills and provide an opportunity for people with complex needs to successfully engage with their local community. The applicant has a similar facility at Priddy which is similar in some respects to a residential college having campus accommodation with the residential accommodation at Priddy set around the main hub where there is office accommodation and classrooms, with farming (poultry, pigs, and other livestock) surrounding the site. A site visit was undertaken to the complex at Priddy and it was explained that the day service curriculum is set around a 13 week term where residents and outside visitors/users sign up for classes where support staff are then allocated to meet the recognised needs of those users. Therefore the staff support levels can begin high and then fall away once the individual obtains more skills/knowledge and becomes able to move into housing within the wider community. These sessions vary from both indoor and outdoor activities with lesson plans including animal care, horticulture, kindling/wood skills, tree planting, I.T. cooking etc. with a focus on the therapeutic and vocational use of a functioning farm, including working with animals. It was demonstrated that living on site also allows the residents to take an active role in activities such as lambing, calving and taking animals to market.

Policy DM25 (Community facilities) states that 'The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.' Whilst located in a countryside location, this is the preferred area for a facility as this.

Through pre-application discussions and the planning process, it has been demonstrated that there is a high need for this type of development in terms of housing and teaching people with learning and other social difficulties. Correspondence was provided from The Senior Commissioning Officer (Disabilities) of the Adult Commissioning and Health Directorate at Devon County Council who has confirmed that *'Devon County Council supports this development due to its close alignment with their commissioning intentions set out within the refreshed Disabilities Transformation plan 2018-2021, The Living well with a Learning Disability in Devon strategy 2018-21 and the STP LD and Autism Mandate.*

The programmes of work stemming from these strategies have clear common goals:

- 1. Promoting citizenship and maximising independence*
- 2. Providing people with complex needs and whose behaviour challenges services to receive support that enables them to live in their local communities*
- 3. Developing a workforce that has the skills, knowledge and competence to support and deliver the priorities.'*

Confirmation was also provided that the development of new models of care and support is paramount to achieving these aims and that Devon County Council and its NHS partners have previously visited the Bradbury House site run by the applicant and considered this model provided a good quality of personalised support with opportunities for people to progress to be as independent as possible and live a meaningful life. Therefore they fully support the implementation of this model in Devon.

In balancing the current adopted planning policies and guidance within the NPPF, support is offered for this development through paragraphs 61, 77 and 92 in terms of the NPPF where there are housing needs for different groups to be provided including people with disabilities, support for housing developments that reflect local needs in rural areas and that policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

On the matter of the overall ownership of the residential accommodation, it was stated that this would remain with the Bradbury House Group (applicant) where the accommodation would form part of an individual's wider care pathway whereby they would be helped to move onto less supported housing options with greater degrees of responsibilities, such as holding their own tenancies. It is understood that timescales would be negotiated on an individual basis and would form part of an overall outcome focused support model. In terms of payment for the accommodation, this was identified as being paid for by the relevant stakeholders, such as Devon County Council or the Clinical Commissioning Group (CCG) and would provide an opportunity to relocate individuals currently placed out of County back to Devon as well as achieving a key aim of meeting the transforming care agenda by providing opportunity for people detained in hospital that could otherwise live in the community.

With respect to control of the residential accommodation, the applicant has confirmed that they are happy to accept a condition controlling the use for this purpose. With the facility at Priddy, there is a condition worded that *'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall be used only for persons with learning difficulties or mental health needs, or staff caring for those persons....and for no other purpose within Use Class C3 of the schedule to that Order, without the prior written approval of the Local Planning Authority.'* A similar condition is recommended with this application.

In terms of employment and Policy DM20, the facility would be supported by up to 35 staff members with manager's accommodation provided on-site. Whilst there will be staff

accommodation in the existing farmhouse, the aim is to foster independent living within a managed and supervised environment.

There is considered to be a lack of this type of community facility within Devon and whilst the proposal is to provide a facility with residential accommodation comprising 20 residential apartments, this is to be set around the main hub where there is office accommodation and classrooms, with farming (poultry, pigs, and other livestock) surrounding the site. It is considered that this type of community facility would be supported by COR18, DM20, DM25 and the guidance within the NPPF.

3. Transport, access and parking issues

Any proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with policy COR9 of the Core Strategy and DM8 (Parking) of Local Plan 3 Development Management Policies. It is noted that most objections received relate to an increase in traffic movements to the site with the surrounding highway infrastructure being inadequate.

The lane to Kelly Farm is located off the B3137 which links Tiverton to the east with South Molton and the A361 to the northwest. A transport statement and travel plan has been submitted in support of this application whereby it is commented by the applicant that it is anticipated that the operators will provide the majority of transport for service users to and from the site, in the form of dedicated people carriers which is currently used for the similar facility run by the Bradbury Group in Priddy, near Wells in Somerset. In terms of accessibility by public transport, the 155 bus service between Tiverton and Page's Cross, and from South Molton to Page's Cross, provides a regular bus service to within 1 mile of the site throughout the day. The 155 also operates as a connecting service with onward travel from South Molton to Barnstaple, and from Tiverton to Exeter.

Parking is shown to be provided on site which includes an overflow car park, but with regards to residential service users, given their needs, no parking provision would be needed for residential users, as residents would typically arrive and depart the site via communal transport provided by the County Council or by the applicant. It has been noted that a sustainable travel pack would be made available to staff, and also to potential visitors to residential service users, which would detail the bus and rail services available, together with details of the shuttle service between the site and Page's Cross. For staff unable to access the site by public transport, details of a car-sharing scheme would be provided, to reduce the number of vehicles accessing the site. Shower and changing facilities would be provided on site for employees or day service users who choose to cycle, walk or run to the site, together with secure cycle storage.

Notwithstanding the measures outlined above and the proximity of public transport services, it is considered that another important fact to consider is that the proposed facility would address a need currently not met within the Devon area, and service users would no longer have to travel to Priddy in Somerset, which typically involves a 60-90 minute journey, either by private car, or by community transport provided by the County Council. This would therefore represent be a more sustainable option.

The Local Highway Authority has raised no objection to the proposed development on highway grounds recommending a planning condition to provide the required visibility splays at the site entrance. With respect to the surrounding roads, it is noted that a number of passing places have been provided along the drive/lane to Kelly Farm and there are a couple of passing places along the country lane to the main road. Therefore the access and parking arrangements are considered acceptable with the development in accordance with policies COR9 and DM8.

4. Flooding and drainage

The application site is shown as being located within flood zone 1 which is the area of lowest risk from flooding. Policy COR11 outlines that the risk of flooding to life and property should be reduced where possible with development guided to sustainable locations with the lowest flood risk by applying a sequential test and to locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding and also ensure that development does not increase the risk of flooding of properties elsewhere. Policy DM2 requires appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

A drainage strategy has been submitted as part of this planning application and The Lead Local Flood Authority (D.C.C) raises no objections confirming that they have no in principle objections to the proposals but recommend conditions for the final details of the permanent surface water drainage management system and system during construction to be provided and approved. Conditions have been recommended in line with the response from the Lead Local Flood Authority. As such it is considered that a surface water drainage strategy for this development that complies with current best practices can be provided in accordance with adopted policy.

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

As can be seen from the plans, it is proposed to convert existing modern agricultural buildings to provide a Classroom, Staff room, Meeting room and Offices in the learning hub (Barns A and B). It is intended to replace existing steel framed agricultural buildings with 5 buildings comprising a total of 20no. residential apartments to be used as managed accommodation. These will be designed as a village of buildings but will be rebuilt to appear as converted agricultural buildings.

The existing topography of the site and surrounding fields was noted following site visits with the field to the south being at a higher land level than the buildings to be replaced on site and that the new buildings would be on a similar footprint, overall height and material finish. In light of this it is considered that a case could be made for the mix of single storey and two storey buildings on site with little impact on the wider landscape. The overflow parking area is to be at a higher level but landscaping is proposed around this area to mitigate any harm. New hedgerow planting is proposed in the areas of hedgerow removed to create passing places along the lane to Kelly Farm as was commented upon by the objector.

With respect to the residential apartments, Policy DM14 is relevant and the policy outlines that 'New housing development should be designed to deliver:

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;

h) Car parking in accordance with Policy DM8.’

It is considered that the 20 units of residential accommodation proposed in the form of single bed apartments would accord with this policy. Landscaping of the site is to be provided but final landscape details are to be conditioned and it is not considered that the proposal would have a significant detrimental impact on the landscape and on balance; it is considered that the design and layout of the educational/training facility would be acceptable in accordance with policies COR2 of the Mid Devon Core Strategy and policies DM2, DM7 and DM28 Local Plan Part 3 (Development Management Policies).

6. Living conditions of the occupiers of nearby residential properties

The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. No concerns have been raised from the Public Health Team on the grounds of lighting, noise etc. and the nearest neighbouring residential buildings are some distance away and their views would not significantly change to that of the previous buildings seen on site.

In terms of living conditions of occupiers on site (service users), whilst all the residential accommodation is to be retained in the ownership of the applicant, it is considered that the accommodation to be provided would be acceptable with adequate room sizes provided with the relationship with adjoining/adjacent apartments and those of the educational/training facilities also acceptable. The proposals are considered to comply with policy DM2 of LP3 DMP not having a significant detrimental impact on the amenity of occupiers of either neighbouring residential properties or service users.

7. Ecology

In order to provide the necessary information to the Council to demonstrate compliance with the ecological/biodiversity aspects of policies DM2 and DM28 of the Development Management Policies document, a Phase 1 Protected Species Survey has taken place. The Report states that swallow nests were found in Barn B and potential roosting locations were found on Barn A and Barn B, and no signs of bats were found. It has been concluded that Barns C and D can be demolished without further bat surveys. The report indicates that to convert Barns A and B, emergent surveys between May and September and a lighting strategy for reduced lighting over the entire site is suggested. A mitigation measure outlined is that bird and bat boxes can be designed into the new buildings to ensure that a beneficial impact will result.

A condition is recommended for these mitigation/enhancement measures to be implemented as part of the development. Therefore subject to these conditions, the proposal would be in accordance with policy DM2 of the Local Plan Part 3 [DMP].

8. Sustainable development balance including carbon reduction measures

The NPPF sets a strong emphasis on the delivery of sustainable development. The site is within the countryside but public transport links have been identified as has the need for a rural location for this type of community facility with associated residential apartments for service users.

In terms of demonstrating that the proposal complies with the objectives of sustainable development as set out in the National Planning Policy Framework (2018), the economic, social and environmental objectives are considered as follows. With regard to economic benefits, the proposal will facilitate the development of employment skills for disadvantaged members of the community, providing potential to take people out of public care and into a self-sufficient lifestyle.

The proposal will generate jobs for local people with there being in the region of 30 full-time jobs for educational staff, carers and maintenance/agricultural workers to be created. This would compare positively with the limited amount of jobs which would be created by the existing farm if it was fully operational. In addition, the proposal will reduce the cost to the public purse of using facilities in the Somerset and Bristol areas.

As far as social objectives, these are seen as the community benefits as the proposal would provide specialist residential care within the Devon area for disadvantaged and vulnerable members of the community. Currently no such facility exists in the Devon area, and people are often faced with the choice of living in a community where there is little or no specialist support, or being placed in an institutionalised and secure facility where there is little prospect of developing the necessary life or vocational skills necessary to transition to independent living. The proposal would provide a specialist therapeutic educational facility for individuals who are disadvantaged members of the community.

With respect to environmental considerations, the proposed development would reuse existing building or replace buildings in similar positions and of a similar scale, which reduces the impact on landscape. The proposals also outline potential benefits with regard to drainage and ecology. On the matter of carbon reduction, the applicant has chosen to create their own community heating system using high efficiency heat pumps supplying underfloor heating throughout the site. This system would also provide the heating for the highly insulated hot water systems, being housed in Barn B providing a central location for maintenance. In addition the development would utilise LED lighting throughout with a minimum of 100 lumens per circuit watt and within the non domestic spaces fitting PIR sensors in low occupancy areas and highly efficient extract fans. The development would also utilise Solar PV to reduce its CO₂ emissions by the minimum 10%. The Solar PV would be mounted on the South facing roofs with each dwelling having a 1 panel system of 250 watts. The non domestic spaces will have systems that range from 0.25 to 0.75 KWP

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

9. Other Matters

Policy AL/IN/3 of the AIDPD concerns requirements for the provision of public open space and play areas that apply to all new residential development. The supplementary planning document entitled "The Provision and funding of Open Space through Development" sets out the level of contribution required to meet this increased demand on public services. Due to the nature of the development and the service users who will reside on site and the isolation of the proposed residential accommodation and area of farm land associated at Kelly Farm for use by occupiers, it is considered that such a contribution in this case would fail to meet the requirements of the CIL Tests in that a contribution towards public open space would not be fairly and reasonably related in scale and kind to the development. Therefore no contribution towards public open space has been requested.

As this is a major planning application, the applicant has confirmed that a private refuse collection arrangement would be put in place for this facility.

SUMMARY

The proposal involving the erection of an agricultural educational/training facility which includes residential apartments for the service users is considered to be a much needed community facility in providing a specialist residential and educational facility for use by Devon County Council and other local stakeholders on a Day-Service and fulltime basis with the aim to support the therapeutic education of individuals with complex needs, including those with learning disabilities and mental health needs, in a rural environment. It is not considered to adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable flood risk. The proposed appearance, design and scale of the buildings are considered to be acceptable. Having regard to all material considerations, it is concluded on balance that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM20, DM25 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Core Strategy and 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.
3. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in both directions.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises (including occupation of the residential units) shall be used only for persons with learning difficulties or mental health needs, or staff caring for those persons and for no other purpose within Use Class C2 or C3 of the schedule to that Order, without the prior written approval of the Local Planning Authority.
5. Before the commencement of any building works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal during construction and operation to avoid damage to retained habitats, neighbouring habitats/wildlife species and a to prevent pollution to ponds that may be created by diffuse and point source discharge caused by possible working methods works and/or the incorrect storage location of equipment, vehicles and materials. Once approved

the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

6. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
7. Prior to the first occupation of the education/training facility (including residential blocks) hereby approved, details of any external lighting within the application site shall be submitted, to and agreed in writing by the Local Planning Authority as part of a lighting strategy with external lighting installed in accordance with the agreed details. For the avoidance of doubt, new lighting on site shall be directed away from existing vegetation with any mature trees on site to be kept as dark as possible without compromising safety on site. Lights in the car parks shall be the minimum required for safety and security and lights shall be hooded and directional to prevent light spill onto any surrounding habitat.
8. The development hereby approved shall be carried out in accordance with the ecological constraints and opportunities outlined within the Preliminary Ecological Assessment Report prepared by the Bat Consultancy dated November 2018. These measures highlight the need to provide a Construction Environmental Management Plan and sensitive lighting scheme as required by conditions 5 and 7 above but also includes the installation and bat and bird boxes to the buildings and in order to ensure no bats are present when barn 1 or the stable block is converted within the active season, a further dusk and dawn emergence survey should be completed to check that bats are still not present.
9. The educational/training facility hereby approved including residential element shall not be occupied until the access, parking and turning areas associated with the development have been provided in accordance with the approved plans, drawing no. 3681.PL.090 Rev B. Following their provision these facilities shall be so retained.
10. Notwithstanding the details submitted for the proposed new Cornish hedgerow planting to be formed adjacent the newly formed passing places as shown on drawing no. 3681.PL.091 or the new tree and hedge planting across the site as shown on drawing no. 3681.PL.090 Rev B, prior to the use of any part of the development hereby approved, full details of the plant species to be used as part of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). 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.
11. 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 Drainage Strategy June 2019 Kelly Farm, Nomansland AVO19007-190620-R-DS Rev A01. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

12. 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 consultation with Devon County Council as the Lead Local Flood Authority.
13. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
14. 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.

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 provide adequate visibility from and of emerging vehicles.
4. In accordance with the submitted details and because the site is outside of defined settlement limits in the open countryside, where permanent residential dwellings with unrestricted occupation would be contrary to adopted planning policy, and this proposal is considered to be in accordance with policy COR18 of the Core Strategy and DM25 of the Local Plan part 3 (Development Management Policies).
5. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Local Plan Part 3 [Development Management Policies].
7. To safeguard the amenity levels enjoyed by the occupiers of neighbouring properties and to protect wildlife in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive

92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

9. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM8 of Local Plan Part 3: [Development Management Policies].
10. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 of Local Plan Part 3: [Development Management Policies].
11. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
12. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
13. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
14. 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.

INFORMATIVES

1. If food or drink is provided, stored, processed for those attending this is considered a food business. 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/>.

2. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal.

3. There is a foreseeable risk of asbestos being present in the structures to be demolished. 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park is considered to be supportable in policy terms providing a needed community facility within the county. The proposal whilst sited in a countryside location is considered to be acceptable given its intended use, will not adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable flood risk. The proposed appearance, design and scale of the buildings are considered to be acceptable. Having regard to all material considerations, it is concluded on balance that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM20, DM25 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Core Strategy 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. 19/00306/LBC

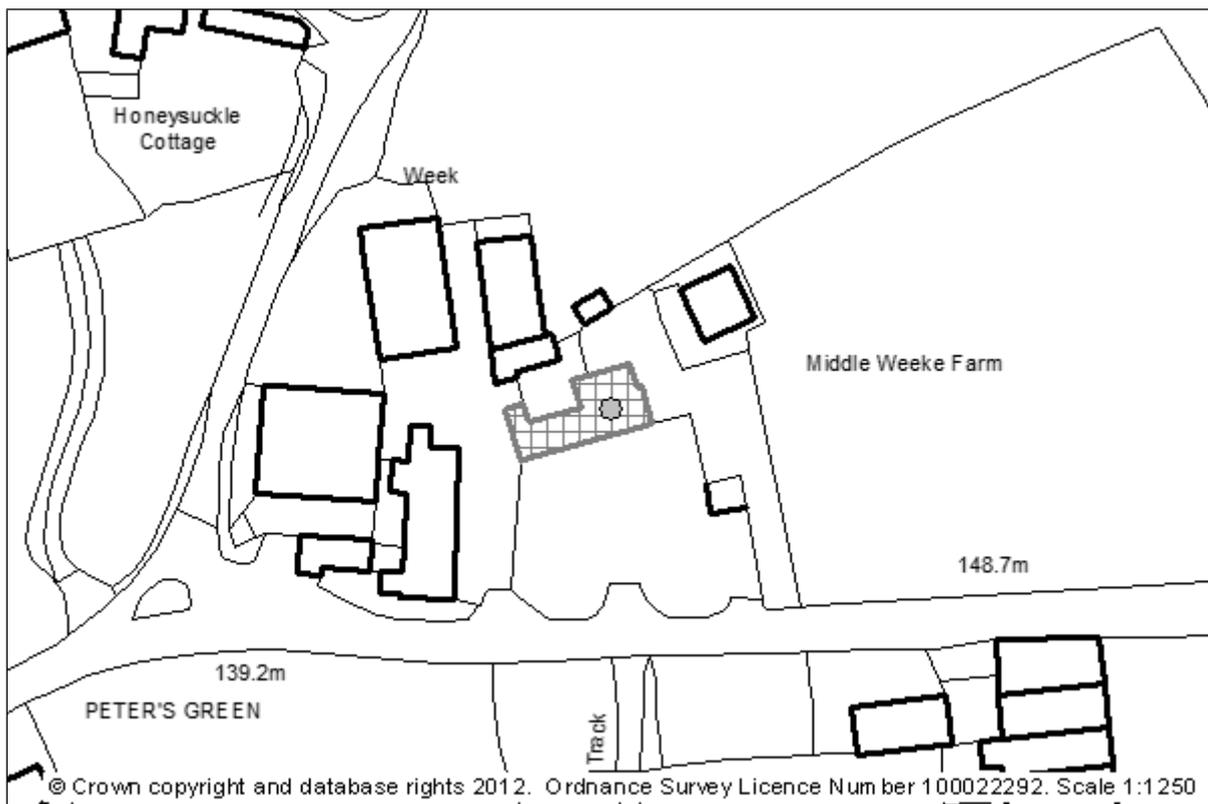
Grid Ref: 276208 : 106245

Applicant: Mr and Mrs J Daw

Location: Middle Weeke Farm
Morchard Bishop
Crediton
Devon

Proposal: Listed Building Consent for the replacement of upvc windows to timber windows on South elevation

Date Valid: 21st February 2019



APPLICATION NO: 19/00306/LBC

MEMBER APPLICATION

RECOMMENDATION

Grant Listed Building Consent subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks Listed Building Consent for the replacement of UPVC windows to timber windows to the south elevation of Middle Weeke Farmhouse, Morchard Bishop. The farmhouse is located on Down Hill between Morchard Bishop and Morchard Road railway Station and about 10 km north west of Crediton.

A previous retrospective application for Listed Building Consent Ref. 18/01243/LBC to retain recently installed UPVC windows to the south elevation of Middle Weeke Farmhouse was considered by members on the 31st October 2018. It was resolved that the application be deferred to allow for further discussion to take place between the Conservation Officer and the applicant with regard to finding a scheme (with suitable design and materials) that would be acceptable to both parties.

Accordingly the Conservation Officer met with the applicants and their agent and the result of the discussions was that application 18/01243/LBC was withdrawn and the application before committee today was submitted as a revised Listed Building Consent application to replace the UPVC windows for flush fitting timber casement windows with slim double glazed units of 12 mm. These proposals relate to the complete replacement of all the UPVC windows on the principle, south elevation of the Middle Weeke Farmhouse a grade II listed building.

The applicants first moved into the family home, Middle Weeke in 1998 taking on the management of the holding. Prior to their occupation of the farmhouse and in the 1960's the Family had carried out extensive works to the property. These works included the replacement of the roof covering and new softwood timber, double hung, single glazed sash windows. Works which "modernised" the property changing the external appearance of the building away from that as original. It is understood the windows prior to that date were a mixture of multi pane timber sliding sash windows and flush fitting casement windows.

In 1985 the property was listed grade II with the above alterations although the occupants were apparently unaware of this fact until notified by the Local Planning Authority following the installation in 2018 of UPVC replacement of all the windows to the south elevation without listed building consent.

RELEVANT PLANNING HISTORY

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

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

18/01205/FULL - PERMIT date 4th October 2018

Erection of extension to livestock building

18/01243/LBC - WDN date 20th December 2018

Listed Building Consent for replacement windows

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 – Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM27 – Development affecting heritage assets

National Planning Policy Framework

CONSULTATIONS

Morchard Bishop Parish Council - 15th March 2019

Supported: Unanimous

REPRESENTATIONS

No letters of representation has been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application seeks listed building consent for replacement of upvc windows to timber windows on South elevation of Middle Weeke Farmhouse. The applicants considered that the 1960's replacement windows made no effort to retain the original design which together with their loose hung sashes they proved to be thermally inefficient to the detriment of the property.

The list description for the property does not indicate the form of the window only the openings. They initially replaced them without appropriate listed building consent to UPVC. These are a non-traditional material which is considered inappropriate for use on the listed building by virtue of the modern extruded plastic material which has a dull appearance, heavy thickness and profile of frames, and standard double glazed units that give a double register visual appearance. The glazing bars are false and not integral being placed onto the surface either side of the large undivided glass units. In addition the design and opening form of the replacement windows is inconsistent, with a mixture of side casements and top hung opening windows.

The applicant is now seeking to rectify these works through this application seeking listed building consent for the replacement. The proposed replacement windows are considered to be a good example of traditional flush fitting casement windows prevalent in the 19th century with window technology at that time and are considered generally suitable for the vernacular farmhouses of Mid Devon.

No structural changes have been made and all the new frames are to be provided under existing lintels and to fit existing openings. The casements are side hung opening with a single central, through glass, horizontal ovulo profile glazing bar of 25 mm and 12 mm double glazed units.

The principle issue to be considered is that the current unauthorised UPVC windows are considered to cause 'less than substantial harm' to the significance of the listed building and are contrary to Local Plan Policy DM27. Policy DM 27 seeks alterations to heritage assets to consider their significance and character and local distinctiveness and opportunities to enhance them.

The principles for preservation of listed buildings are established in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 Section 1 which advises that buildings are listed for their architectural and historic interest and National Planning Policy.

Historic England guidance advice on the Care, Repair and Upgrading of Traditional Windows advises at page 55.

'In cases where the significance of a building has been harmed by the installation of replacement windows of non-historic design, consideration may be given to the installation of new slim-profile double-glazed replacement windows where, the new windows are of a more sympathetic design and the net impact on significance will be neutral or positive and no incidental damage to the building fabric will result from the removal of the existing windows.'

The installation of the replacement windows is considered to be justified as it will reinstate timber windows of an appropriate design and that removed the less than substantial harm caused by the use the existing UPVC windows. The use of 12 mm thick (4 mm - 4mm - 4mm) slim double glazed units is supported in this instance as it is considered to be a beneficial as the material, and the design of the proposed replacement windows which are sympathetic in appearance and will facilitate the removal of the existing non historic design and incongruous material of the windows currently installed.

A timeframe of one year has been given to complete the replacement of these windows in accordance with the submitted information. For these reasons the development is considered to accord to the aims and objectives of good conservation guidance and practice, National Planning Policy Framework paragraph 196 and Mid Devon District Council Policy DM27 of the Local Plan Part 3 (DMP).

CONDITIONS

1. Unless otherwise agreed in writing by the Local Planning Authority, within one year of the date of this listed building consent hereby approved, the replacement windows in the south elevation shall be installed to the detailed of the design, materials and external finish as shown on the approved plans.
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. To ensure the completion of the works in order to safeguard the character and appearance of the listed building in accordance with Local Plan Part 3: (Development Management Policies) DM27.
2. For the avoidance of doubt in the interests of proper planning.

INFORMATIVES

The current UPVC windows are not authorised and are considered unacceptable. The applicant should initiate the replacement of the windows within the time frame of this consent. Should this not occur then the Local Planning Authority will consider appropriate Enforcement actions to safeguard the harm caused to the listed building.

REASON FOR GRANT OF CONSENT

The installation of the replacement windows is considered to be justified as it will reinstate timber windows of an appropriate design and will remove the less than substantial harm caused by the use the existing UPVC windows.

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.