

PLANNING COMMITTEE AGENDA - 8th September 2021

Applications of a non-delegated nature

UPDATES

THE PLANS LIST	
1.	<p>20/01409/MOUT - Outline hybrid application for the erection of industrial units within use Classes E(g), B2 and B8 on 8.74 hectares of land to include green infrastructure and Full permission for the erection of 4 industrial units (Plots 5, 9 and 10) (4327sqm) Classes E(g), B2 and B8 and creation of new vehicular access, parking, detention basin and landscaping - Land at NGR 303082 107667 Stoneyford Devon.</p> <p>Reason 15 – the policy referred to should be Policy DM25</p> <p>Point 5 of the S106 part of the recommendation, the reference to TCRR should read “Town Centre Relief Road”.</p> <p>Page 74, fourth paragraph:</p> <p>Concern has been raised that the development will encroach on land identified as green infrastructure in the Local Plan. Following discussions with the applicant, the area originally shown as GI has been increased and now the area <i>if</i> GI to be provided is in excess of the 2 hectares required by policy CU17.</p> <p>Should read: “... and now the area <i>of</i> GI to be provided...”</p> <p>Page 83. There are two informatives numbered 3. The last one headed “Public Rights of Way” should be numbered 4.</p>
2.	<p>21/00453/FULL - Change of use of agricultural land for siting of two off grid mobile cabins for holiday use - Land at NGR 292586 107415 Heronsfield House Cadeleigh.</p> <p>Further comments have been received from the applicant, correcting a couple of inaccuracies in the committee report, and providing further information, as follows:</p> <ul style="list-style-type: none">• There was a total of 5 representations from the public, not 6, of which 4 were objections & 1 was in support.• As detailed in our supporting statement dated 7th May 2021, since only one of the cabins is suitable for accommodating a baby & our target market is the over 35s without children (this being the growth market for our type of accommodation) we have decided to market ourselves as a child free site.• I can confirm that it is our intention to create a safe & secure compost area on our land behind the agricultural barn, which is clearly identified on the site plans. This area is well away from the route that clients will take to access the cabins, it is also well away from the river. Furthermore, given its immediate proximity to the barn, it can be securely fenced without impacting on any visual amenity. However, it should also be noted that a considerable number of trees have been planted in that area, including a number of faster growing Birch & Willow, which will in any event screen whatever view there may be within the next few years.• The applicant advises that they have sought legal advice in respect to rights of access over the private track and understand that they have the necessary rights to implement the planning permission, should it be granted. <p>A letter has been also received from the owners of the private track that accesses the application site, and who are also occupiers of East Court Farm, the nearest residential property to the west of Heronsfield House, and to the north of the application site. They also wish to make comment in relation to the committee report, as follows:</p>

	<ul style="list-style-type: none"> • Firstly, it is advised that their property is called East Court Farm, not East Court Barton, as referred to in the report. • The report suggests that the private track may not be in their ownership and refers to a third party who has suggested that the track is a public highway. • It is not felt that the application has submitted the Article 13 Notice in the correct way, as they have not asked the landowner's permission to implement the proposal, if granted. • It is requested that if approved, a condition is imposed requiring the applicant to demonstrate that they have right of access, prior to implementing the consent. • The contributor also advises that they have sought professional legal advice in respect to rights of access over the private track and believe that it is a new enterprise that would require landowner consent for access. • The officer's summary of the proposal against the relevant policies of the Mid Devon Local Plan is entirely subjective and differs from the views of local residents on a number of policies. • There are remaining concerns about how waste will be dealt with and the officer recommendation going against the Environmental Health Officer's recommendation. • The Economic Development Officer's response contradicts one given in response to another nearby tourism proposal at Home Farm. • There remain concerns about users of the private track having to manoeuvre to allow passing. • It is noted that the units are moveable and it is felt that the applicant's would be able to move them to other locations, if approved. <p>Correspondence from both the applicant, and the above objector has been forwarded to Members of the Planning Committee.</p> <p>The Planning Officer has further considered the wording of condition 5, and suggested that it be reworded as follows:</p> <p>5. No more than two units of holiday accommodation shall be provided on the application site at any one time, and those units shall be provided in strict accordance with the details submitted within the approved plans. The said holiday units shall not be replaced without the Local Planning Authority first granting planning permission.</p>
3.	<p>21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure - Land at NGR 283084 102432 (Fanny's Lane) Sandford Devon.</p> <p>In order to address concerns raised in respect to construction traffic/deliveries arriving at school times, in order that this can be avoided, condition 6 is proposed to be amended as follows:</p> <p>6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:</p> <ul style="list-style-type: none"> (a) the timetable of the works; (b) daily hours of construction; (c) any road closure; (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays with no deliveries and construction traffic between 8.15am – 9.15am and 3pm – 4pm during school term times; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (f) the compound/location where all building materials, finished or unfinished products,

	<p>parts, crates, packing materials and waste will be stored during the demolition and construction phases;</p> <p>(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;</p> <p>(h) hours during which no construction traffic will be present at the site;</p> <p>(i) the means of enclosure of the site during construction works; and</p> <p>(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site</p> <p>(k) details of wheel washing facilities and obligations</p> <p>(l) The proposed route of all construction traffic exceeding 7.5 tonnes.</p> <p>(m) Details of the amount and location of construction worker parking.</p> <p>(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;</p> <p>The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.</p> <p>The following corrections to the text within the report should be noted:</p> <p>Pg. 116: The response from the DCC Flood & Coastal Risk Management Team should be 23rd April 2021.</p> <p>Pg. 121: With respect to the Conservation Officers response, within the third paragraph the word 'not' instead of 'to' should have been used so the paragraph reads: The rest of the Heritage Statement is weak and does not address the required GPA 3 Steps or provide understating of the setting and its significance. The Heritage Statement is a simple exercise in supporting an already conceived layout and the poor siting of Plot 8 with a poor designed bungalow</p> <p>In the fourth paragraph (6.27) the word 'abut' instead of 'about' should have been used so the paragraph should read: 6.27 The image below is an aerial photograph from 2020 and the dwellings circled red are situated at the western end of the Creedy View development. Immediately to the south is Park House. As will be observed on site, the flank elevations of two story properties were allowed to immediately abut the rear boundary of this grade II listed building. This arrangement has enclosed Park House on its very open northern boundary and, in our view, has had far more impact on the setting of Park House than the proposals which are being considered here.</p>
4.	<p>20/02128/FULL - Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works - Pleasant Streams Uffculme Cullompton.</p> <p>Committee updates for 8th September</p>

The report is the same as presented at 18th August committee, the updates reported at that meeting are repeated below. Following that meeting the application was deferred to enable a full Planning Committee site visit to take place to enable Members to view the site and development which had already taken place and to view the highways arrangements. A member site visit has now been undertaken (Friday 3rd September). Please see below additional updates;

- Condition 8 is amended (reference to County Planning Authority replaced by Local Planning Authority):

8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority.

- Following queries raised by members at the site visit regarding the Highway Authority consultation response and figures provided in relation to accident figures, the Highway Authority have provided the following response (email 6th Sept) "The information I gave in my response with regards the accidents which had been reported to the Police between 1/1/2015 and 31/12/2019 is correct which is one slight Accident on 25/8/2016 involving 3 vehicles with one casualty. I have no records of any other accident in the area of the proposed access. There are a few other accidents on Uffculme Road but not in the area of the proposed access."

Updates carried forward from 18th August

1. At page 3 under the proposed development section, the area of the site that has previously been used for the siting of three mobile homes is approximately 0.13 hectares rather than 1.3 hectares as stated.
2. Since the officer report was drafted further representations have been received from a member of the public and CPRE Devon, the additional points that have been raised and were not previously listed within representations are summarised below;
 - Clarity is sought on the up to date supply and need for gypsy and traveller sites to justify a permanent gypsy and traveller site for 6 units in this countryside location
 - Why has the GTAA not been updated in 7 years?
 - As a permanent site for 6 units how does this compare to the size of existing allocated sites?
 - Does the scale of development provide a well balanced site where amenity, security and management are achievable?
 - How does the appraisal relate to national standards applied to housing and the specific requirements of gypsy and travellers in terms of pitch and size of pitch?
 - There is no measurable biodiversity net gain attributed to this proposal to align with national planning policy and the emerging Environment Bill.
 - Where is the Landscape and Visual Impact Appraisal to justify mitigation methods being conditioned?
 - Clarity is needed in relation to the poultry unit and regularisation of this situation.

Officer comments in response to the points raised:

Policy position: The Inspector responsible for examining the Local Plan did raise some issues in relation to the provision for Gypsies, Travellers and Travelling Showpeople and noted that it does not provide in full, in specific terms at least, for the need identified in the

Plan for 35 pitches for Gypsies and Travellers and 11 plots for Travelling Showpeople. This was considered in detail throughout the examination process. However, as the Council has a demonstrable record of windfall sites for Gypsies and Travellers coming forward and provided that relevant policies make proper provision for these windfall sites to come forward (which was subject to Main Modifications), the Inspector was content that the Plan can still function in a positive and effective way. The GTAA is due to be updated later this year/early next year. Officers are currently preparing a project brief and have started discussions with the Exeter Housing Market authorities to progress this in partnership.

Housing standards/layout/ amenity: The allocated gypsy and traveller sites are for between 5- 10 pitches, these form part of the larger site allocation, the allocations do not specifically identify a site area for the pitches. The technical housing standards- nationally described space standard would not be applicable to a development of this nature. The submitted block plan demonstrates pitches are large enough to accommodate a mobile home, touring caravan, parking and amenity space.

Ecology: Section 7 of the officer report sets out the biodiversity enhancements that the ecologist recommends are incorporated in the scheme (bird and bat nesting boxes), this is in addition to the 110m of new native hedgerow that is proposed to be provided which would secure a net gain in the hedgerow habitat on the site. The percentage net gain has not been calculated using the Natural England biodiversity metric tool, however as the Environment Bill has not yet been passed this is not a statutory requirement and officers are satisfied, based on the ecologist's advice and mitigation and enhancement measures that can be secured by condition (see conditions 3, 11, 14 and 16) that appropriate biodiversity enhancements can be secured in accordance with policies S1 and S14 of the Mid Devon Local Plan.

LVIA: In this case it was not considered necessary to require a Landscape and Visual Impact Appraisal, the case officer has visited the site and the assessment of landscape and visual impacts are set out at section 3 of the officer report.

Poultry unit: it is reiterated that the unauthorised development outside of the site area does not form part of this application. It is likely that a Public Health Officer will be in attendance at committee to advise on their involvement in relation to the environmental concerns that have arisen on site.

3. As indicated at section 6 of the officer report a condition is proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365. For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.