

PLANNING COMMITTEE AGENDA - 22nd April 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>14/01949/MFUL - Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme) at Land at NGR 302663 109953 (Stoneshill Farm), Willand Road, Cullompton.</p> <p>RECOMMENDATION
Refuse Permission</p> |
| 2. | <p>14/02134/FULL - Erection of a dwelling (Revised Scheme) at Land at NGR 266113 109805 (Adj Paddons Farm), Wembworthy, Devon.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 3. | <p>15/00317/FULL - Conversion of public toilets to commercial, retail and office space (Revised Scheme) at Public Conveniences, Lowman Green, Tiverton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 14/01949/MFUL

Plans List No. 1

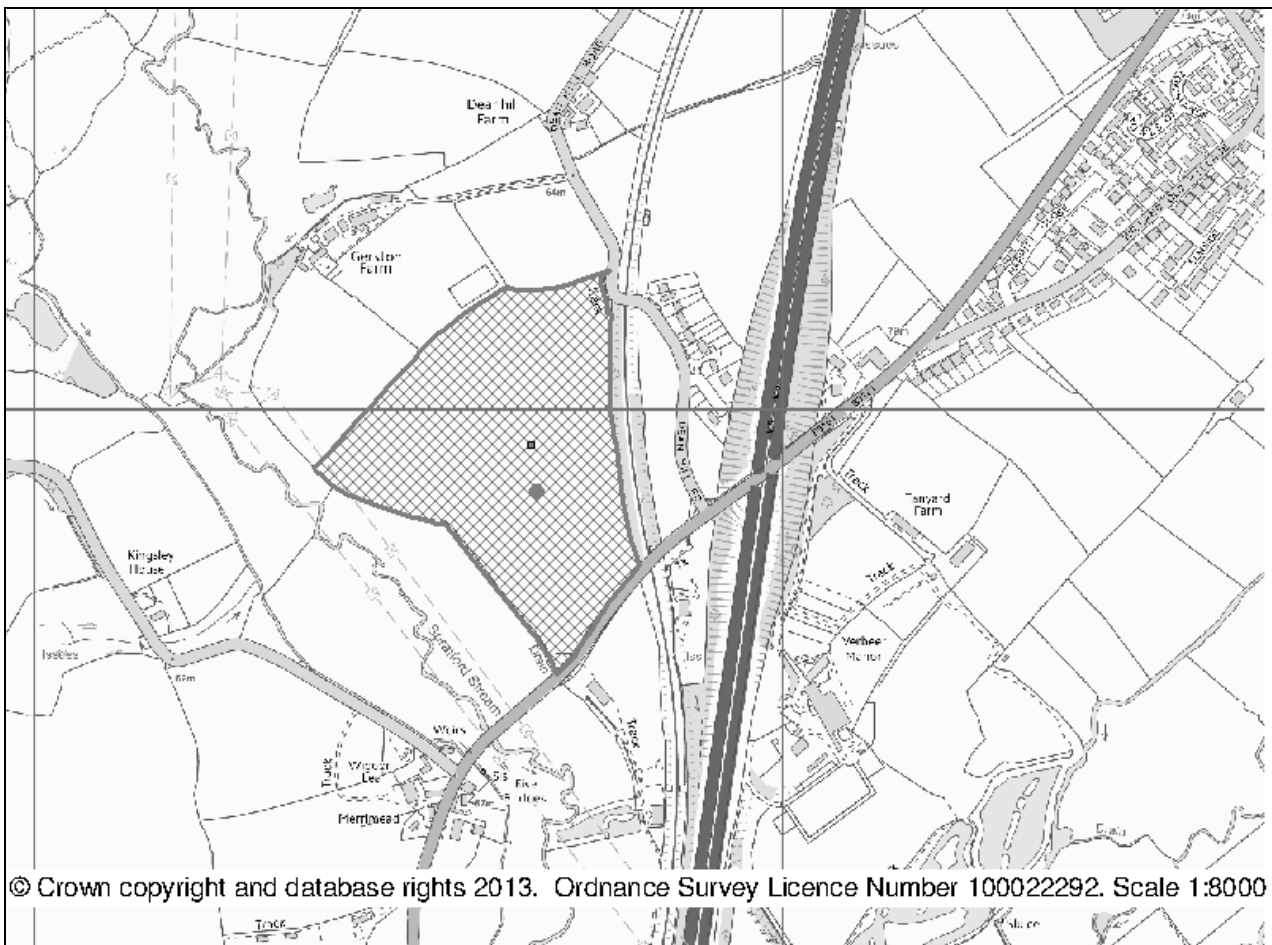
Grid Ref: 302663 : 109953

Applicant: Mr A Bell

Location: Land at NGR 302663 109953
(Stoneshill Farm) Willand Road
Cullompton Devon

Proposal: Change of use of land from
agriculture to the installation and
operation of a solar PV park to
generate up to 5MW of power
(site area 12.26 hectares) to
include associated infrastructure
(Revised Scheme)

Date Valid: 21st November 2014



Application No. 14/01949/MFUL

RECOMMENDATION

Refuse Permission

PROPOSED DEVELOPMENT

This application seeks planning permission for the installation of a 5MW solar array on approximately 12.26 hectares of land forming part of Stoneshill Farm, Willand Road for a period of 25 years.

The site comprises a single field which has historically been used for growing crops. The land falls from east to west; the highest point of the site on the eastern boundary is at almost 75m AOD and the lowest point is on the western boundary at approximately 60m AOD.

To the east of the site lie the mainline railway and the M5 motorway, both of which run broadly north-south in two separate cuttings. To the south of the application site is the B3181 road between Willand and Cullompton, off which the site is proposed to be accessed.

The panels are proposed to be mounted on metal frames which have been pile driven into the ground and laid out horizontally with four panels per column. The panels are typically to be mounted 600mm from ground level at an angle of 20 degrees and have a typical maximum height above ground level of 2.27m.

Six inverters and six transformers are proposed to be located in pairs across the site. The inverter buildings are 0.96m wide x approximately 2.5m long. The transformer buildings are 2m wide x 4m long.

A single control room is proposed to be 5m long x 4.5m wide and have a height of 2.8m.

Western Power Distribution's substation building is proposed to be 5.2m long x 5.7m deep and have a mono-pitched roof of maximum height 4.35m. An additional smaller structure is attached to this building to provide a meter room and is 1.9m wide x 1.9m deep and has a mono-pitched roof of maximum height 3m. The building is to have brick external walls with a composite roof covering.

A 1.8m high weld mesh fence is proposed to surround the site with infrared CCTV cameras mounted a 2.1m high on a number of the fence posts.

A belt of orchard planting is proposed alongside the B3181 with a bank and hedge planted in front of the trees adjoining the road. New hedgerow planting is proposed along the eastern and western boundaries of the site, with other existing hedges either protected or infilled where gaps occur.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Phase 1 Ecology Survey
Biodiversity Management Plan
Flood Risk Assessment
Landscape and Visual Impact Assessment
Agricultural Land Classification assessment
Geophysical Report
Construction Traffic Management Plan

PLANNING HISTORY

14/01248/MFUL Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure - WITHDRAWN

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR5 - Climate Change
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM27 - Development affecting heritage assets
DM28 - Green infrastructure in major development
DM29 - Protected landscapes

CONSULTATIONS

NETWORK RAIL - 24th February 2015

After consultation with our Signalling Engineer, I can advise from the Glint and Glare information supplied, Network Rail has no issues with the details supplied.

We would however request that a monitoring condition is put in place to ensure there will be no potential risks from the development for train drivers at this location

For a period of 12 months after the completion of the development hereby approved, in the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

This is to allow for a period of assessment upon operation and to ensure that any issues arising are addressed by the applicant.

All other comments supplied on 2nd January remain.

2nd January 2015

Whilst there is no objection in principle to this proposal, subject to the inclusion of the condition as outlined below. I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In order to ensure the proposed works do not interfere with or undermine any Network Rail structures (bridges and retaining walls) integrity, the applicant/developer must contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

SOLAR PANELS

Our principal concern relates to the possibilities of driver distraction and effect on Railway signalling. The potential may exist for the reflected sun to distract the driver or possibly obscure signals at certain times of the day. A second issue is where the development could create reflections which could appear to light signals which are not switched on (known as phantom aspect illumination). The safety of the railway is paramount and any potential risk from adjacent development should be minimised as far as possible.

In the area of line adjacent to the proposed development there are 2 signals located at E302802 N 110234 and E302796 N109975.

In order to assess the impact of the development on the operational railway we require the preparation of a glint and glare study, which will assess the relationship between the solar panels and the signals. By means of calculating the position of the sun and the reflection created over the year it should be possible for the applicant to assess the impact of reflection on drivers and the potential for phantom aspects. The study should also suggest any remedial work should a problem be identified (e.g. through the re-positioning of certain panels or additional work to signal hoods).

It should be noted that even if the Glint & Glare study predicts that there would be no issues with the solar farm we would request that a monitoring condition is put in place along the following lines:

For a period of 12 months after the completion of the development hereby approved, in the event of any complaint to the Council from Network Rail relating to Signal Sighting safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

This is to allow for a period of assessment upon operation and to ensure that any issues arising are addressed by the applicant.

Other matters that need to be taken into consideration is the distance between panels and the railway boundary; construction traffic; and any requirements for edge landscaping requested by the planning authority.

ABNORMAL LOADS

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges/level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineers to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also advise that where any damage, injury or delay to the rail network is caused by abnormal loads (related to the application site) the applicant or developer will incur full liability.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

HISTORIC ENVIRONMENT SERVICE - 6th March 2015

I refer to the above application and your recent consultation. The revised information submitted with this planning application (drawing showing proposed layout plan no. GEUKD-1001-1053-1001, dated 20/2/15 and the 'Ballast Construction Method Statement' dated 20/2/15) indicate that the development can be built without any ground disturbance, through the use of surface mounted ballast 'feet' for the photovoltaic arrays and the use of rubber or terram matting and stone to create a surface above the extant ground surface and avoid any below-ground archaeological impact. Cables will also be laid on the surface of the ground to avoid excavations for service trenches.

This information is set out in the supporting information submitted with the application and in the attached email.

In the light of this revised construction methodology and the effective removal of the majority of the below-ground impact of the proposed development the Historic Environment Team are able to withdraw their previous objection.

However, the construction of the inverter and transformer buildings will have a below-ground impact and have the potential to expose and destroy archaeological artefactual deposits associated with the known prehistoric activity within the application area. I would therefore advise, in accordance with paragraph 141 of the National Planning Policy Framework (2012) that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological control of groundworks for the construction of the inverter and transformer buildings to allow for the identification investigation and recording of any archaeological or artefactual deposits that may be affected by the construction of these buildings. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

10th December 2014

Previous archaeological work in the form of a geophysical survey of this site has demonstrated the presence of ring ditches that may be indicative of either prehistoric settlement or funerary activity within the development site, an enclosure that is likely to be of prehistoric or Romano-British has also been identified. Other linear anomalies identified by the survey could also be indicative of archaeological features within the site.

While the geophysical survey has identified that the site contains heritage assets with archaeological interest, the significance and quality of survival of these heritage assets cannot be determined by remote sensing techniques alone. Further information is required on the significance and extent of the heritage assets affected by the proposed development as well as testing the efficacy of the geophysical survey. Without such information I do not regard the application to contain sufficient information to enable an informed and reasonable planning decision to be made. Construction of the photovoltaic arrays consist of pairs of piles driven into the ground at 3.32m intervals across the site, without further information on the nature of the underlying archaeological deposits it is not possible to determine the impact of: foundation piling, ground disturbance from heavy plant movements, service trenching, construction of infrastructure buildings or fencing, or ultimately the removal of these piles if and when the site is decommissioned. At present the information submitted in support of this application does not consider the impact of the proposed development upon the archaeological resource.

Given the high potential for survival and unknown significance of below ground archaeological deposits associated with the known prehistoric or Romano-British activity here and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information

on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological investigation of the anomalies identified by the geophysical survey as well as any apparently 'blank' areas of the survey.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

ENVIRONMENTAL HEALTH - 9th March 2015

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

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

Housing standards - N/A

Licensing - N/A

Food hygiene - N/A

Private water supplies - N/A

Health and safety - No objections

9 December 2014

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste and Sustainability -

Drainage - no objections to this proposal

Noise and other nuisances - no objections to this proposal

Housing Standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - no objection

EXETER INTERNATIONAL AIRPORT - 19 December 2014

I have assessed the revisions and have no further observations or comments to make.

HISTORIC ENGLAND - 4th March 2015

Thank you for your letter of 20 February 2015 notifying English Heritage of amendments to the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

11th December 2014

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

NATURAL ENGLAND - 2nd March 2015

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 28 November 2014. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

3 December 2014

Natural England's comments in relation to this application are provided in the following sections.
Statutory nature conservation sites: no objection.

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

Protected landscapes:

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Blackdown Hills AONB. We therefore advise you to seek the advice of the AONB. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species:

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

Solar Parks: Further information

For additional information relating to Solar Parks please refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. Solar parks: maximising environmental benefits (TIN101)

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006: The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites:

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

Impact Risk Zones for Sites of Special Scientific Interest:

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

ENVIRONMENT AGENCY - 24th February 2015

With reference to the above and our conversation, I did not appreciate the changes proposed and confirm the current FRA will need to be reviewed to reflect these changes.

23rd February 2015

Please refer to our comments dated 27th November 2014.

28th November 2014

While we do not object to this proposal, in principle, an appropriate Flood Risk Assessment (FRA) has not been submitted. The document indicated on your website as a FRA is simply a Flood Risk map. We did agree a FRA in respect of application 14/01248, providing development proceeds in accordance with the previously agreed document we have no objections to this proposal.

HIGHWAY AUTHORITY - 5th December 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

10th December 2014 - Observations:

The Local Planning Authority will be aware of the highway Authority's previous comments on this site and the remain unchanged. The applicant has submitted a route plan which is acceptable to the highway Authority along with the construction management plan. The applicant has included swept path analysis from a rigid vehicle, however a number of the components will normally be delivered by articulated lorry and the use of the access track to allow vehicles to enter and leave in a forward gear are anticipated. The applicant should satisfy themselves that an articulated lorry can both enter and leave the site in a forward gear and be able to utilise the wheel wash and other facilities

Recommendation:

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

MINISTRY of DEFENCE - 26th February 2015

We have reviewed the further information and I can confirm that the MOD has no safeguarding objections to this proposal.

1st December 2014

No safeguarding objections.

NATIONAL GRID - 28th November 2014

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>).

Are My Works Affected?

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

National Grid therefore has no objection to these proposed activities.

The contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you require further assistance please contact the National Grid Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

DEVON & CORNWALL POLICE AUTHORITY - 1st December 2014

The below recommendations follow guidelines produced by BRE National Solar Centre.

Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on. Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re emerging for sale.

Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site. The security of solar farms must be properly assessed by all those involved in the planning process.

To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible. All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87) The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc the basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection. In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

The advice offered below covers the general crime prevention points which should be considered by any applicant.

Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence. The recommendation would be to install fencing which has been tested and approved to current UK Government standards. Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate. Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with Movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable. Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc.. The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request. There should be a minimum number of vehicular access points onto site, ideally only one. Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence. Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role. In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose. For CCTV this assessment is commonly called an Operational Requirement (OR). An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment. There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this?

There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended. The OR also identifies the expectations of each individual camera as well as response requirements. There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

CCTV which simply records will probably be of very limited value and basically not fit for purpose, there for contravening data protection legislation.

Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations. If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent.

Covert marking should also be considered. Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 17th December 2014

The Agency is satisfied that the proposed screening and planting to the site boundaries should address our previously expressed concerns regarding potential glint/glare impacting on traffic on the M5. The Agency therefore has no objection to the proposal and I enclose an Article 25 TR110 for to that effect.

WILLAND PARISH COUNCIL - 16 December 2014

Willand Parish Council has considered the revised scheme and recognises the revisions to the scheme and the proposed extra screening provision. The most recent public consultation and the generous 'community benefit' provisions on offer have also been taken into account.

The Parish Council is of the view that, on balance, the local concerns outweigh the potential benefits and therefore object to the application.

Those concerns are summarised as follows:

The sloped ground will cause the panels to be seen from a number of points between Cullompton and Willand;

The cumulative impact of yet another solar park on an approach to the village;

The loss or restricted use of productive agricultural land;

Concerns that the panels will accelerate rainwater 'run off' from the land thereby aggravating the regular flooding of the adjacent fields.

16th March 2015 - The amendments do nothing to alter the original concerns as outlined in our letter of 15 December 2014.

The site is on raised ground and will be visible from a number of points even with the amended layout and screening. It is questioned that some of the photographs were taken eye level.

The cumulative impact of yet another solar park on the approach to the village.

The loss of productive agricultural land.

Concern that the panels will accelerate the water run off to the land prone to flooding in the valley bottom.

Willand Parish Council also express concern at the protracted period of the planning process with the continuing amendments. Additionally it raises concern as to the relevance of reasons given and manner of the alleged letters of support.

HALBERTON PARISH COUNCIL - 11th March 2015 - The PC recommended refusal based on the following:-

- i. The visual impact would greatly detract from the current rural approach to the village of Willand
- ii. The effect of the close proximity to the community of Five Bridges
- iii. It was against government and local policy to use high quality agricultural land for solar installations and so the PC strongly objected to the proposed development

10th December 2014

Recommend refusal based on the following:

- i. The visual impact would greatly detract from the current rural approach to the village of Willand.
- ii. The effect of the close proximity to the community of Five Bridges.
- iii. It was against government and local policy to use Grade 1 agricultural land for solar installations and so the Parish Council strongly objected to the proposed development.

UFFCULME PARISH COUNCIL - 16th December 2014

Uffculme Parish Council recommends the application should be refused on the following grounds: The nature and size of the site on sloping ground cannot be adequately hidden from public view, would be a distraction to passing motorists and be a blot on an agricultural landscape. The overall visual impact would be unacceptable. More agricultural land would be lost to food production. The number of solar farms in Mid Devon, and those proposed, are already having adverse effects on the Mid Devon countryside, and from the point of view of Willand this would be yet another such installation on the outskirts of the village.

EXETER INTERNATIONAL AIRPORT - 25th February 2015

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Please see attached guidance note from the CAA, in particular point 3. If glint or glare from this development does create an issue for pilots then the developer must make every effort to minimise this hazard.

NATIONAL GRID - 12th March 2015 - No objection

REPRESENTATIONS

26 letters of objection received, including from Cllr Bob Evans and the CPRE, raising the following points:

- The panels would be visible from the B3181, even with any screening;
- Probability of drivers being distracted by the panels and reflections from the panels;
- Is good quality, Grade 1 agricultural land;
- The last 3 years crops on the land have been excellent;
- Cumulative impact with existing installations in the area; of some 12.26ha (in District)
- Electricity is not generated after dark, which is the period of maximum demand and there is no way of storing the energy produced;
- Submitted photographs are misleading;
- The site will be a visual intrusion in the landscape;
- The grazing of sheep or other animals underneath the panels is not practicable;
- Proposed screening will not prevent the site from being highly visible from many local viewpoints and it cannot be screened;
- Close to the dangerous road junction at Five Bridges;
- Will blight the view from properties at Five Bridges;
- Will affect wildlife;

- Represents further industrialisation and the closure of the green gap between Cullompton and Willand;
- Visually distracting to users of surrounding roads;
- The land may be need as future housing development land
- There is ample provision of space locally for solar on brownfield sites. Brownfield sites should be used first;
- The green credentials are questionable;
- Will damage the local tourism industry;
- Will be visible from Cullompton housing estates, mainline railway and the M5 northbound;
- Pedestrian safety issues in crossing site entrance;
- Access has poor visibility for vehicles turning right;
- Concerned that flooding of fields below the site will increase;
- The input is not acceptable.

63 letters of support received, raising the following points:

- Land is well screened and will increase biodiversity;
- Land used is insignificant and will have a more viable use than existing use;
- The land is grade 3 and not the most versatile;
- Will provide energy for over 1,250 homes annually;
- Additional screening will protect the landscape and integrate it into the surroundings;
- Will contribute significantly to the UK's renewable energy target;
- Scheme is temporary and will be removed after 25 years;
- Will offset over 2,000 tonnes of CO2 per year;
- Clean and quiet technology, unlike wind turbines;
- Farmers are having to diversify;
- Landowner is a decent & honest person;
- No by-products or waste generated by solar;
- Easy to install;
- Area is already affected by the M5 and railway;
- Land is not suitable for growing crops as years of farming have depleted the soil of nutrients;
- We only have a finite supply of [fossil] fuels available, which will only increase in cost to produce in the future.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the determination of this application are:

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways, including impact upon the railway**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact and impact upon neighbouring properties**
- 6. Ecology**
- 7. Archaeology**
- 8. The planning balance**

1. The benefits of renewable energy and planning policy

The scheme would be capable of generating up to 5 megawatts of electricity annually. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including

the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy.

Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation). In this instance the application has been screened under the Environmental Impact Assessment Regulations and an Environmental Impact Assessment has not been deemed necessary.

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value and this viewpoint has been further prioritised through a number of ministerial statements, the most recent of which from the Secretary of State for Communities and Local Government on 25th March 2015 stated that there must be compelling evidence to justify the use of high quality, Best and Most Versatile (BMV) agricultural land.

Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

2. Land use

With a total site area of more than 12 hectares it is reasonably considered that the development amounts to a significant development of agricultural land and most of the land would be lost for arable use. Equally, it is accepted that there is a countrywide necessity to increase the amount of electricity generated by renewable or low carbon methods in order to meet targets and to help replace the energy produced by newly commissioned power plants, as set out in the 2011 Energy White Paper. However, this must be balanced against the need to provide sufficient land for food crop production.

As a country our population is increasing and in 2010 the UK population was forecast to rise by 17.5% over the 25 year period to 2035 and this places additional pressures on both food and energy production. Data from the Office for National Statistics indicates that since the turn of the century Mid Devon's population has risen more steeply than elsewhere (as a percentage of population), suggesting that a population increase of more than the nationally forecast 17.5% is possible, indeed a comparison of the 2001 and 2011 Census data indicates that the population of Mid Devon grew by 11% in the 10 year period.

The application is supported by an assessment of the Agricultural Land Classification. The assessment

included the taking of auger samples across the site and also the interrogation of published information regarding the soil types and wetness levels in the area. The assessment concludes that the entirety of the site comprises grade 3a land. Agricultural Land Classes 1, 2 and 3a are identified in the NPPF as being the 'Best and Most Versatile' (BMV) agricultural land and the NPPF, the Planning Practice Guidance and policy DM5 of LP3 seek to direct solar installations to lower quality agricultural land. In this instance the whole of the site is classed as BMV land.

The submitted soil appraisal concludes that the use of the site for a solar installation would lead to the long term temporary loss of agricultural productivity from the site during the operational period of the installation. It states that the landowner has retired from farming and has rented the field out on a short-term arrangement. On this basis, it is stated that the use of the land for non-agricultural purposes would not have a detrimental effect on an individual farm holding or the wider farming community.

In addition to the ALC assessment, the application is supported by a confidential letter from a Farm Business Consultant regarding the economic viability of the landholding of the owner. The landholding comprises the application site, plus the former farm shop on the opposite side of the B3181 and its and adjacent field. The Consultant has appraised the final five years of the farm's trading accounts (to 31st March 2011) and discusses the findings of the Farm Business Survey "Horticultural Production in England 2011/12". The letter concludes that due to the total land holding being just under 20 hectares and requiring capital investment to re-establish a horticultural business, neither doing this, nor letting out the land to specialist growers would generate a viable income. However, the letter does not address the potential for the land to be sold or incorporated in to a larger land holding.

Further to this information, a soil conservation and management plan has been submitted. That document quotes Natural England's Technical Information Note TIN109, which states that BMV land is 'the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops of food and non-food uses such as biomass, fibres and pharmaceuticals.' The submission goes on to suggest that the words 'most flexible' should be considered in the sense that they allow for alternative use of the land and 'biomass' as an alternative use of BMV land, i.e. that it is not just for food production. The document puts forward the argument that Natural England has considered the use of alternative energy sources as an option for the use of BMV land. It is also argued that solar arrays are less destructive to soil than growing Biomass crops. Whilst it is correct that Natural England suggest that growing biomass crops are an appropriate use of BMV land, use of the same land for non-agricultural purposes (i.e. solar arrays) is not the same; biomass crops serve a useful purpose in energy generation, however they would not grow so successfully on poorer quality land and would therefore produce less energy per hectare than if they were grown on BMV land. Conversely, the energy generating capacity of a solar installation is not dependant upon the quality of the ground on which it is sited and so the use of poorer quality land is preferable so as to continue to enable the most flexible agricultural use of BMV land.

The soil conservation and management plan references a recent planning approval for a solar installation on 26.6 hectares of grade 3a land in Kent, whereby the use of the land was proposed to be offset by improving the quality of 24 hectares of grade 3b land in the same ownership over the lifetime of the development. In this instance, it is proposed that clover and grass seed mixes be sown every two years around the buffers of the site along with granular NPK fertilizer (Nitrogen, phosphorus and potassium) and that sheep graze in the autumn or spring and autumn. Over the lifetime of the development it is thought that the soil quality will improve to become grade 2 land after 25 years. However, the submitted agricultural land classification report states that the wetness and/or stoniness of the site limits it to grade 3a; Officers are not clear how the introduction of fertilizers and regular clover and grass sowings would have a material impact upon the drainage of the site (wetness) or the level of stoniness so as to improve it to grade 2 land. Equally, it is noted in the planning committee report for the scheme in Kent that it is stated that the measures proposed on the compensatory land (which included works to site drainage) would not increase the land classification. Having regard to these matters, it is concluded that the measures proposed in the soil conservation and management plan do not justify the use of BMV land for the installation of the solar array.

Paragraph 112 of the National Planning Policy Framework states that "Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." In order to address the fact that the development is proposed on recognised BMV land and is therefore 'of a higher quality', the applicants have

submitted a Sequential Analysis Study which looks at alternative available sites. The study primarily looks at a 1km radius of the proposed grid connection point for both greenfield and brownfield land, although a 5km radius of the grid connection point is also considered but for a larger scheme than that currently applied for so as to make it viable. Although the applicants have secured the current grid connection point, there is no evidence to suggest that this is the only available grid connection point in the district, or necessarily within the 5km radius they have chosen to look at. Western Power Distribution's 33kV connection map does not obviously indicate that this precise location is any less constrained for capacity than any other location within Mid Devon.

The applicants have quoted two appeal decisions where Inspectors have specifically mentioned the need for sequential analysis studies, however they both relate to land which was not classified as being BMV and therefore, the necessity for such an approach was not an imperative part of the decision making process. It is accepted that unlike other sections of the National Planning Policy Framework whereby sequential analysis is explicitly required, this is not the case in paragraph 112. However, it is not possible to demonstrate that land of the poorest possible quality has been chosen without going through a sequential analysis exercise and therefore it is deemed that such an exercise is required. Additionally, a Written Ministerial Statement to Parliament on 25th March 2015 by the Secretary of State for Communities and Local Government states that any proposal for a solar farm involving BMV land needs to be justified by 'the most compelling evidence'. This very recent statement therefore confirms the approach to be taken over this issue. In this instance, the use of a 1km (or even a 5km) area of search from the proposed grid connection point, is not considered to be wide ranging enough to demonstrate that there is no land of poorer quality which would be potentially be available for the installation of a solar array of this size. Other similar installations which have recently been submitted to the authority have included a sequential analysis covering the whole of Mid Devon and even further afield where proposals have been close to the district boundary.

While the land itself may not be damaged by the provision of a solar array, its productivity would be compromised for the lifetime of the solar park, usually 25 years. By locating renewable energy schemes on moderate or poor quality agricultural land, the productivity of the best and most versatile land is not compromised for the next 25 years. A 25 year period is a long time to be considered temporary, preventing efficient use of land which is well suited to arable farming. It is recognised that grazing sheep around the PV panels would retain in part an agricultural activity, but it would not be an efficient or highly productive use of the BMV agricultural land, and it is considered could not be controlled by condition as this would be unenforceable and therefore not meet the relevant tests for imposing conditions contained in the Practice Guidance.

A higher population means a greater demand for both food and energy. There are planning permissions and appeal decisions elsewhere which may influence this case. An appeal decision for a 9.5MW installation on grade 2 land at Little's Farm in Kent (PINS ref. 2212592) was dismissed with the Inspector finding that grazing sheep on the land would not make best use of its high quality and would restrict its use for arable purposes and that the fact that the site represents only a small proportion of the District and Country's BMV land was not a reason for disregarding the BMV considerations. The inspector stated:

Whilst I recognise that there is not an absolute embargo on the use of BMV agricultural land for solar farms, the scheme would conflict with the Planning Practice Guidance's intention that such developments should be focussed on previously developed and non-agricultural land. Moreover, contrary to the PPG and paragraph 112 of the Framework, it has not in this case been convincingly demonstrated that use of the BMV appeal site land is necessary in preference to poorer quality agricultural land. In this respect paragraph 112 applies to "significant development". Whilst temporary and removable, given its scale, likely presence for 25 years (a generation) and its effect in preventing use of the land for this period for most crops which rely on BMV agricultural land, I conclude that the scheme is "significant". Whether or not 25 years is "long term" is of little consequence as, although referred to in the Council's reason for refusal, "long term" is not a test or phrase used in paragraph 112 of the Framework.

A more recent decision at Lanyon Farm in Cornwall (PINS ref. 2213745) was allowed with the Inspector finding that only part of the site was on Grade 3A BMV land and the remainder on lower quality soil and that there was a material difference between the proposal and that at Little's Farm in that the soil quality was

lower and only sheep were proposed to graze under the panels; the Lanyon Farm proposal included for vegetables and soft fruit to be grown in addition to some grazing. Having regard to the high grade of land subject of this application and that only grazing is proposed to subsist it is considered that the decision at Little's Farm is of more relevance than that at Lanyon Farm.

In addition to these decisions, the applicants have drawn your Officer's attention to a decision by the Secretary of State for Communities and Local Government in relation to a recovered appeal in Cornwall. This decision was issued on 11th March 2015. The application was for a 6.2MW solar installation on Grade 3A land. The SoS agreed with the Inspector's view that the loss of opportunity for intensive cropping of the site for a considerable time must be balanced against the public gain through the generation of renewable energy and the reduction in carbon emissions. The SoS concluded that on balance, the public gain would outweigh the loss of fully productive BMV land.

However, since that date the same Secretary of State has issued a ministerial statement requiring the "most compelling evidence" for the use of BMV land for solar installations. Having regard to all these matters, it is considered that insufficient evidence has been submitted to justify the use of the BMV land in this case. The application is therefore considered to be contrary to policy DM5 of Local Plan Part 3 (DMP), the Framework and the PPG.

Further consideration of this matter is given in section 8 of the report.

3. Highways, including impact upon the railway

The primary access to the site is via an existing entrance onto the B3181, at the south western corner of the site; this access is proposed to be utilised to serve the solar array. A second access onto Dean Hill Road is situated in the north eastern corner of the site; this access is proposed to be blocked up with new hedgerow planting.

The existing access is proposed to be widened as the curb stones in this location narrow the access, despite it having the open appearance of an already wide access. An area along the southern boundary of the site is indicated as being used for unloading and loading during the construction phase and a permanent access track is proposed along part of the southern boundary to allow access to Western Power Distribution's substation.

The submitted information indicates that construction traffic will access the site via J28 of the M5, travelling north along Millennium Way in order to reach the site.

The Highway Authority have raised no objections to the scheme, finding that the proposed access arrangements, including the route to the site and the details contained in the Construction Management Plan are acceptable. A swept path analysis drawing has been submitted to show a rigid lorry accessing the site and the Highway Authority recommends that the applicant satisfy themselves that the site could be accessed for construction purposes using articulated lorries in a forward gear and still be able to utilise the wheel washing and other facilities proposed.

Subject to conditions requiring compliance with the Construction Management Plan and the blocking up of the access onto Dean Hill Road, the development is not considered to result in any danger to users of the surrounding road network and accords with the requirements of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in this respect.

The mainline railway runs to the east of the application site. Network Rail have confirmed that they have no objections to the proposal but would request a condition be imposed to safeguard the safe operation of their signalling equipment from glint and glare.

4. Flooding

The application site itself lies mostly within flood zone 1, the lowest identified risk of fluvial flooding. A small portion of the site in the south western corner lies within flood zones 2 & 3. Immediately to the west and south-west of the site lies a low lying area of land which is subject to regular flooding during winter months.

In order to overcome archaeological objections, the application has been revised since submission to include the use of gabion filled baskets to mount the panels as opposed to having pile driven mounted arrays. However, the Flood Risk Assessment has not been updated to reflect this change, which will have an impact upon the way in which surface water flows on the site. In the absence of an updated Flood Risk Assessment and surface water management proposals, it cannot be demonstrated that the development will not harm flood risk either on or off the site and the application is considered to be contrary to policies DM2 of Local Plan Part 3 (Development Management Policies) and COR11 of Core Strategy (Local Plan Part 1).

5. Landscape and visual impact, including cumulative impact and impact upon neighbouring properties

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon Landscape Character Type 3E 'Lowland Plains' and immediately adjoins the Landscape Character Type 3C 'Sparsely settled farmed valley floors'.

The Mid Devon Lowland Plains LCA is characterised by gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes, primarily arable farmland some improved grassland, fields divided by hedgerows and hedgebanks, with hedges forming spines along rolling hills, with rib like hedges crossing the convex slopes down into the valleys. Hedgerow trees are infrequent with copses and discrete woodlands characteristic. The landscape has a number of outlying, regularly distributed farms, villages and hamlets and small groups of houses, generally a sparsely populated area. Views are stated as being highly variable and the landscape is semi-open with some long extensive views from on top of hilltops. Where hedges are present, high views are indicated to be mostly framed or confined (however this is dependent on the time of year and the management regime of the hedgerows). The 2011 Landscape Character Assessment includes strategic guidelines relevant to the consideration of the site, one of these refers to planning for solar farms, but to give careful consideration of siting of solar farms, such as favouring areas already 'spoilt' by roads or sewage works, or favour use on building roofs and other existing structures. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type has an overall medium to high sensitivity to solar development of the size proposed (>10 - 15ha).

The submitted LVIA and subsequently received additional supplementary LVIA documentation has been independently reviewed by external landscape consultants on behalf of MDDC and they have visited the site. The review has found the submitted LVIA could have been more clearly structured, and some of the submitted photographs are not taken in line with best practice guidance. However, the reviewer points out that this does not invalidate the findings of the LVIA.

The site is not easily visible on the approach from Willand as the site falls from east to west and the approach along the B3181 and across the motorway bridge is higher than the highest part of the application site. However, once people move further along the road and begin travelling down the hill after crossing the railway bridge, the site comes into view to the north. Views in to the site are also obtainable from Dean Hill Road, which runs partially alongside the eastern boundary before running on the opposite side of the railway line, although this road is much more lightly trafficked than the B3181. On the approach from Cullompton along the B3181, the site can be seen in part for some of the route, although these views are filtered by buildings and vegetation which are mostly not within the application site boundaries. Once immediately adjacent to the site, it is highly prominent, currently having little boundary screening adjacent to the road and being on rising land, this exacerbates the visual impact. In addition, the site can be seen from points along the road to the west leading from the B3181 toward the hamlet of Brithem Bottom.

It is stated both in the LVIA and by the consultants appointed to review the LVIA that the character of the landscape in this location is already partially eroded by the presence of the motorway, the mainline railway and of power lines passing to the west. However, both the M5 and the railway are in cuttings where they are closest to the application site and it is difficult to see all three features in the same viewpoint from short and middle distances, albeit the noise of them affects tranquillity and this has an impact upon the appreciation of the landscape.

The LVIA review identifies that the angle of the panels, offset from the boundaries of the fields, increases the prominence of the array. However, the review finds that the proposed band of landscape planting along the southern boundary of the site with the B3181 is positive and although there is not sufficient information to verify how successful the planting would be, it has the potential to assimilate itself with the surrounding landscape and provide a good quality visual screen. Nevertheless, the landscape review does recommend that further planting along some of the other boundaries of the site would be beneficial to help to reduce more local effects upon nearby residential properties and road users. Although some additional hedgerow planting is proposed along other boundaries, no additional tree planting is proposed to help screen the site, although this could be required by condition if the application were approved.

In addition to being visible to road users, there are a number of properties that would have at least partial views of the application site, primarily those along Dean Hill Road to the east and at Five Bridges to the south west. The LVIA review commissioned by MDDC identifies that the properties on Dean Hill Road would mostly experience a moderate to major degree of visual change with those at Five Bridges experiencing anywhere between minor to major visual changes, depending upon their outlook and orientation. Properties further afield in Willand and Cullompton would have no views of the site and therefore be unaffected. There is a grade I listed building at Moorstone Barton, approximately 750m to the west of the application site, however the property would have no views of the application site and therefore the setting of the listed building would not be affected.

The applicant's submitted LVIA concludes that the overall level of impact upon the landscape character is moderately adverse and will affect the appearance of the countryside in the short term. It states that in the longer term the additional landscaping will provide ecological and landscape enhancements and mitigate the visual effects both in landscape terms and those of nearby residential properties such that although there would continue to be adverse impacts, these would be reduced to an acceptable level. In the view of the LVIA reviewers, the proposed solar installation would be a new and readily recognisable feature viewed in the context of the existing M5 and railway line which would result in a medium magnitude of change within areas up to 1km from the site and a negligible to low magnitude of change from further afield. However, the installation would be a new feature in the landscape and it is likely that the majority of people either living close to, or passing by the site would perceive its effects as adverse. However, the review work does not disagree with the applicant's LVIA document in concluding that on balance the impacts are acceptable and your Officer has had conversations with the LVIA Reviewers to confirm this. Therefore, on balance, whilst there will be adverse impacts in landscape and visual terms, these impacts will be localised only and with appropriate additional planting will be further reduced to an acceptable level and the application accords with the relevant parts of policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) in this respect.

Consideration must be given to the cumulative impact of the development with other existing and consented solar schemes. Concern has been raised that were this proposal to be approved, the three main routes into the village of Willand would have commercial scale solar schemes on their approach. The two existing schemes are located adjacent to Willand Road between the villages of Halberton and Willand and to the north of Willand, between the B3181 and the road to Uffculme. Of these two schemes, the one between the B3181 and the road to Uffculme is not easily visible from public vantage points. The installation between Willand and Halberton is visible to users of the adjacent road, although it is the rear of the panels which are seen and due to the flat topography, this is not highly prominent. Whilst those who would be passing through the village using these routes may travel past more than one solar installation, the distance between the installations and their varying degree of public visibility is considered to mean that cumulative effects would not be so detrimental as to merit refusal of the application.

6. Ecology

The submitted Ecological Appraisal and identifies the south western boundary hedgerow and trees as being species rich and the northern and northern end of the western boundaries as comprising species poor hedgerows.

No evidence of roosting bats was found during the survey but it is identified that there is potential for bats to forage across the site. The existing boundary hedgerows have been identified as providing potential habitat for dormice but as the plans do not include the removal of the hedgerows, no impacts on the species are anticipated.

Two badger latrines were noted along the eastern boundary of the site and numerous well used runs noted through the hedgerows around the site. However, no evidence of badger setts or other badger activity was noted. The survey recommends the provision of gaps in the fencing every 25m to allow badgers to pass through.

A biodiversity management plan has been submitted in support of the application to include a series of ecological enhancement measures to enhance and safeguard key habitats. In addition to the tree and hedgerow planting previously mentioned along the north western and eastern boundaries, a series of wildflower strips are proposed around the perimeter of the site and bird boxes, bat boxes, insect houses, stag beetle buckets, hedgehog homes and log piles for invertebrates are also proposed around the site perimeter as well as a number of timber planks being proposed on the underside of the panels for nesting birds. Such biodiversity enhancement measures are in accordance with the requirements to incorporate green infrastructure into major planning application proposals contained in policy DM28 of Local Plan Part 3 (Development Management Policies).

There are no Sites of Special Scientific Interest (SSSI) within a 5km radius of the site. However, the application site is within the impact risk zone for the Tidcombe Lane Fen SSSI which lies approximately 5.3km to the north west. Natural England's guidance on this area requires any discharge of water to be either to ground or to a beck or stream. As discussed earlier in this report, the surface water run-off from the site would comply with this and there will be no adverse impact upon the SSSI.

7. Archaeology

A geophysical survey of the site has been submitted with the application and demonstrates the presence of ring ditches that may be indicative of either prehistoric settlement or funerary activity within the development site and an enclosure that is likely to be of prehistoric or Romano-British has also been identified. Other linear anomalies identified by the survey could also be indicative of archaeological features within the site. While the geophysical survey has identified that the site contains heritage assets with archaeological interest, the significance and quality of survival of these heritage assets cannot be determined by remote sensing techniques alone and the County Council's Historic Environment Team's consultation response requested further information on the significance and extent of the heritage assets affected by the proposed development as well as testing the efficacy of the geophysical survey. Without such information they did not regard the application to contain sufficient information to enable an informed and reasonable planning decision to be made. The additional information required to be provided by the applicant was identified as being the results of a programme of intrusive archaeological investigation of the anomalies identified by the geophysical survey as well as any apparently 'blank' areas of the survey.

In order to overcome the initial concerns of the Historic Environment Team, construction of the photovoltaic arrays across the site is proposed to consist of ballast filled gabions to support the solar arrays. The Historic Environment Team are happy with the exclusion of the use of pile foundations and the use of ground mounted ballast type footings and also the use of rubber or terram matting and stone to create a surface above the extant ground surface and avoid any below-ground archaeological impact. Cables will also be laid on the surface of the ground to avoid excavations for service trenches.

However, the construction of the inverter and transformer buildings will have a below-ground impact and have the potential to expose and destroy archaeological artefactual deposits associated with the known prehistoric activity within the application area. The Historic Environment Team's consultation response advises that any consent include a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Planning Authority.

In the event of approval being recommended, subject to conditions requiring compliance with the submitted construction method statement and the submission of a WSI, the application accords with the requirements of Local Plan Part 3 (Development Management Policies) Policy DM27 and paragraph 128 of the National Planning Policy Framework.

8. The planning balance

In planning terms, it is concluded that an acceptable access to the site can be provided to serve the proposed development and no harm caused to the safe operation of the M5 and adjacent mainline railway, with the use of ballast mounted panels there would be no significant harm to archaeological deposits and that on balance and with additional planting, there will be an acceptable impact upon landscape character and visual amenity.

However, the entirety of the site is classified as comprising the Best and Most Versatile agricultural land (grade 3a). The submitted sequential analysis of site selection is not considered to adequately appraise reasonably alternative sites as it assesses only those sites which could utilise the same grid connection point.

Recent ministerial statements, including Greg Barker's speech to the solar PV industry in April 2013, and Eric Pickles's written statement of 25th March 2015, the National Planning Policy Framework and the Planning Practice Guidance state that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, however they all state that the siting of large scale solar development is about striking a balance.

Furthermore, the use of ballast mounted solar panels necessitates the submission of a revised Flood Risk Assessment and surface water drainage strategy. At the time of writing, no such information has been provided and the LPA cannot be satisfied that the development would not increase the risk of flooding either on or off the site.

The benefits of the scheme in producing renewable energy have been set out earlier in this report and it is accepted that the development would make a significant contribution toward national and local targets. However, this must be balanced against the need to preserve BMV agricultural land and not increase flood risk. In this instance, the use of such a large amount of BMV agricultural land is not considered to have been supported by the "most compelling evidence" as required in Eric Pickle's recent ministerial statement to justify the use of this land in preference to alternative sites of lower quality agricultural land, the mitigation measures are not satisfactory and although the contribution toward renewable energy production would be useful, the harm caused as a result of the loss of the land for arable production for the lifetime of the development is considered to outweigh the benefits of the scheme. It is on this basis that a recommendation of refusal is considered to be justified.

REASONS FOR REFUSAL

1. The proposed solar PV arrays would be installed on grade 3a agricultural land, classed as being the Best and Most Versatile. In the opinion of the Local Planning Authority the proposal would take the land out of arable production for the 25 year duration of the proposal and insufficient evidence has been provided to demonstrate that there is no other land of lesser agricultural quality which is available and suitable for the proposed installation. The applicant's submitted sequential analysis is insufficient for this purpose as it only considers sites within close proximity to the proposed grid connection point and not potential sites further afield. The Local Planning Authority cannot be satisfied that the development is directed to the most appropriate parcel of land. It is considered that the harm caused by the loss of the Grade 3a land for arable purposes outweighs the benefits of the proposal in respect of its contribution toward renewable energy production and it is therefore contrary to policy DM5 of the Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and the government's published Planning Practice Guidance.
2. The application site is located partly within an area at risk of flooding and adjacent to further areas at risk of flood. Insufficient evidence has been provided to demonstrate that the installation of the solar array, utilising ballast filled gabion footings will not increase the risk of flooding either on, or off the site and the application is therefore contrary to policies COR11 of the Mid Devon Core Strategy and policy DM2 of Local Plan Part 3 (Development Management Policies).

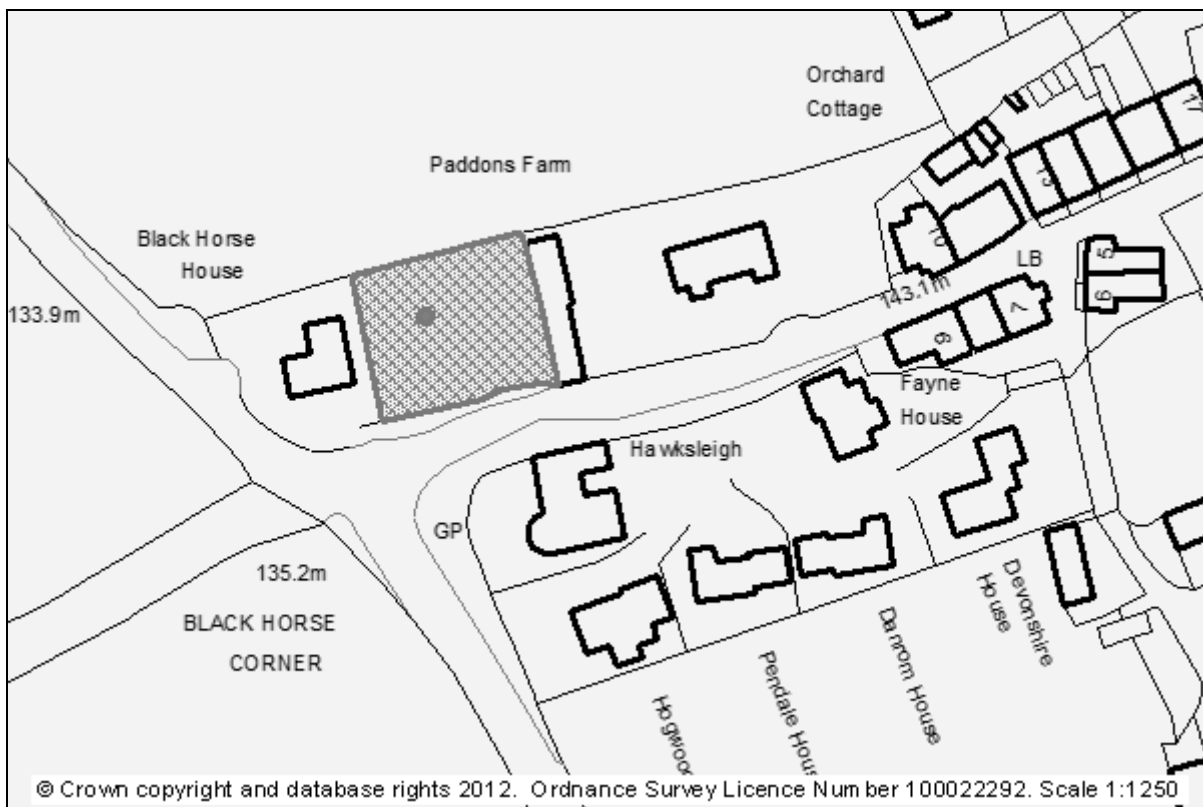
Grid Ref: 266113 : 109805

Applicant: Mr M & Mrs S Fowler

Location: Land at NGR 266113
109805 (Adj Paddons
Farm) Wembworthy Devon

Proposal: Erection of a dwelling
(Revised Scheme)

Date Valid: 19th December 2014



Application No. 14/02134/FULL

RECOMMENDATION

Refuse permission.

COUNCILLOR J DAW HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the deliverability of a house on the site in accordance with a planning approval issued in June 1991

PROPOSED DEVELOPMENT

This is a full planning application for the erection of a dwelling.

The plans show a single detached house of generous proportions. The internal layout shows 4 bedrooms on the first floor with a 3 reception rooms on the ground floor. A new access is proposed leading into a front garden with provision for 4 vehicular parking spaces. At the rear and to the side of the house there is amenity space. The palette of materials include white washed render for the walling with a brick detailing with a slate roof.

The application site, an area of concreted hard-standing, is slightly raised from the highway and is relatively level from north to south and east to west. The site sits between a detached house of a similar design to the application scheme, and two barns which have been converted into houses.

APPLICANT'S SUPPORTING INFORMATION

Application form, site plan, existing plan & proposed plans
Supporting Letter
Design & Access Statement.

PLANNING HISTORY

90/01445/OUT - Outline for the erection of two dwellings and alteration to existing vehicular access - This application included the application site and the land adjacent. It was considered by the Planning Committee and approved subject to conditions.

91/00626/FULL: Erection of dwelling and alterations to vehicular access. This application was approved subject to conditions and has since been implemented next to the application site.

92/00271/FULL: Conversion of redundant farm buildings to form two starter homes and construction of new vehicular access. This application was approved subject to conditions and has since been implemented next to the application site.

14/01657/FULL Erection of 2 dwellings and construction of new vehicular access - this application was withdrawn by the applicant

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

DM14 - Design of housing
DM15 - Dwelling sizes
DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking

CONSULTATIONS

ENVIRONMENTAL HEALTH - 7th January 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - Not applicable

Food Hygiene - Not applicable

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

Health and Safety - No objections

HIGHWAY AUTHORITY - 9th January 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HISTORIC ENVIRONMENT SERVICE - 16th January 2015

I refer to the above application. I have no additional comments to make on this application to those already made on the earlier planning application 14/01657/FULL, namely:

The proposed development site occupies an area shown from at least the mid-19th century Tithe Map to contain buildings associated with the farmstead of Paddons. The age of the origin of the farmstead is unknown but it may have early origins. Groundworks associated with the construction of the two new dwellings have the potential to expose and destroy archaeological and artefactual deposits associated with the early farmstead of Paddons that may be present across the site.

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

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

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

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of the initial topsoil strip and ground reduction across the site to enable the identification investigation and recording of any exposed archaeological or artefactual deposits that may be exposed. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

REPRESENTATIONS

1 letter of representation raising issues as summarised:

1. Not clear if the ground floor of the proposed development is to be built to the level of the current land or if the site will be lowered to the level of the property to the south west.
2. If built at present ground level it will be higher than adjacent properties. If lower - the roadway access will be easier.
3. The provision of the road access will be just around a blind corner. Vehicular access for adjacent properties is well away from the corner.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Development in the open countryside.**
- 2. Parking & Access**
- 3. Design & Amenity**

1. Development in the open countryside

The principle.

The site is located in Wembworthy, outside of an adopted settlement limit, and is in the countryside where new residential development is subject to strict policy control. This is set out under Part 6 of the National Planning Policy Framework. Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The National Policy Guidance states that new isolated homes in the countryside should be avoided unless there are special circumstances, such as: where there is an essential need for a rural worker to live near their place of work; where development would represent the optimal viable use of a heritage asset; or, where development would re-use redundant or disused building and lead to an enhancement to the immediate setting.

In examining the application case against this test it is necessary to understand what is meant by the terms isolated.

A recent appeal decision which was issued in March 2014 considered the term 'isolated' in relation to the erection of a new dwelling in Stoford Water near to the settlement of Kentisbeare.

At Paragraph 6 the Inspector concluded:

"Whilst the proposed dwelling would be situated near other housing, the site is nonetheless isolated from the range of facilities and services necessary to meet the daily requirements of future occupiers such as shops, schools, workplaces and community facilities. I have not been provided with any evidence to suggest that the area is well served by public transport links. As such, future occupiers of the proposed dwelling would be

heavily reliant on the use of private vehicles to meet their everyday needs."

The Inspector concluded at paragraph 17:

"The proposal would not be consistent with the principles of sustainable development. It would be contrary to policies COR9 and COR18 of the Core Strategy which aim to focus development in the most accessible locations and control development in the rural areas. It is also contrary to Paragraph 55 of the Framework, which aims to avoid isolated housing in the countryside. Furthermore, it conflicts with a core principle of the Framework to make the fullest possible use of public transport, walking and cycling."

In terms of local context, on the Wembworthy Parish Council home page the following information is set out:

Wembworthy is a beautiful village with a population of around 200 people. There is one Church, St. Michael and All Angels and a Methodist Chapel of worship. Within the village a playing field can be found, as well as a village hall and The Lymington Arms which won the North Devon Good Food award in 2002. The Tarka railway can be accessed from Eggesford station (just 2 miles away) which links Barnstaple and Exeter. Nearby on the outskirts of the village is the Wembworthy Education Centre.

In terms of its relationship with other settlements the application site is approximately 3 kilometres from Winkleigh, 3.5 kilometres from Eggesford Station and 6 kilometres from Chawleigh.

It is considered that the Inspector's assessment of isolated as discussed above is equally applicable to this application. In the stated appeal case the hamlet was only 1 kilometre from the village of Kentisbeare. In the current case although there are some dwellings located in the immediate vicinity to the application site, the site is approximately 3.0 kilometres from nearest settlement at Winkleigh, and therefore is considered to be isolated in terms of applying policies COR9 and COR18. As such, the location will necessitate further reliance on private motor vehicles to meet the everyday needs of occupiers, although it is noted there is a good rail transport link available relatively close by at Eggesford Station.

No evidence has been submitted alongside the application to demonstrate that any of the special circumstances under paragraph 55 are met.

The only circumstances that could be justified in determining to approve this application are those relating to the history of the site as referred to by the applicant. As set out in the planning history section of this report planning approval was granted under reference 90/01445/OUT for two houses on June 1991 including a house on the current application site. Rather than submitting a reserved matters application, a further full application was submitted and approved under reference 91/00626/FULL for only one of these houses. That house stands immediately adjacent to the application site. The outline consent was never implemented and has since lapsed. The outline permission was granted under the Mid Devon Local Plan 1998 which at that time recognised Wembworthy as a settlement, within which residential development was permitted. This plan has now been superseded. Under the current Development Plan, the site is in the countryside, Wembworthy not having a settlement limit. Circumstances have therefore changed since the earlier permission. This application follows the principal established by the outline consent, proposing a single house on the same plot area siting adjacent to the corner house which has been built out under a separate planning permission. However it ignores the fundamental change in policy since it was granted.

2. Parking and Access

Access to the site can be achieved from the adjacent highway with an area for car parking in front of the house large enough for at least two vehicles to park. The means of access is shown at 3.0 metres in width with adequate visibility splays either side. Although the access is off a bend in the highway, given the visibility that would be available for drivers, the level and speed of traffic travelling on the highway, it is not considered the application scheme would result in highway safety concerns.

3. Design & Amenity

The building has been designed to match the appearance of the corner house with predominantly rendered

walling and a slate roof, with the building standing approximately 7.5 metres to ridge level. The proposal delivers habitable accommodation which exceeds the space requirements established by DM15. The application site has sufficient space to create a layout that accommodates amenity space at the front, incorporating a parking area, with a small garden/amenity at the rear (less than 30 square metres).

As stated the proposed houses sits in a gap site adjacent to a detached house of a similar size and facing two former agricultural barns which have been converted to residential dwellings. The house has been designed without any side windows to avoid overlooking issues, and is sited on the plot to avoid overshadowing and/or the creation of an oppressive environment for the occupiers of the neighbouring properties.

In summary on this issue the application scheme delivers a proposal which is compliant with policies DM8, DM14 and DM15. No proposed levels information has been provided and would be needed in order to fully establish the height/levels relationship with adjacent dwellings.

Summary

The proposed development is located outside settlement limits, in the countryside where new development is strictly controlled. Whilst the proposal will act as infill development between existing houses and is reflective of the terms of an outline permission granted in the early 1990's, the application has not addressed and does not meet the requirements of any of the circumstances established by policy DM10 of the Mid Devon Local Plan Part 3 (Development Management Policies) and/or Paragraph 55 of National Planning Policy Guidance which would allow for limited development in rural areas where it meets strict criteria. It is not considered that the principles established by a planning permission granted in the 1990's should outweigh the provisions established by current development plan policy and national policy guidance as circumstances have changed significantly and the policies under which it was granted no longer apply. Therefore the application is recommended for refusal.

REASON FOR REFUSAL

1. The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policies DM10 or paragraph 55 of the National Planning Policy Framework which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection. As such the proposal is considered to be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Government guidance in the National Planning Policy Framework.

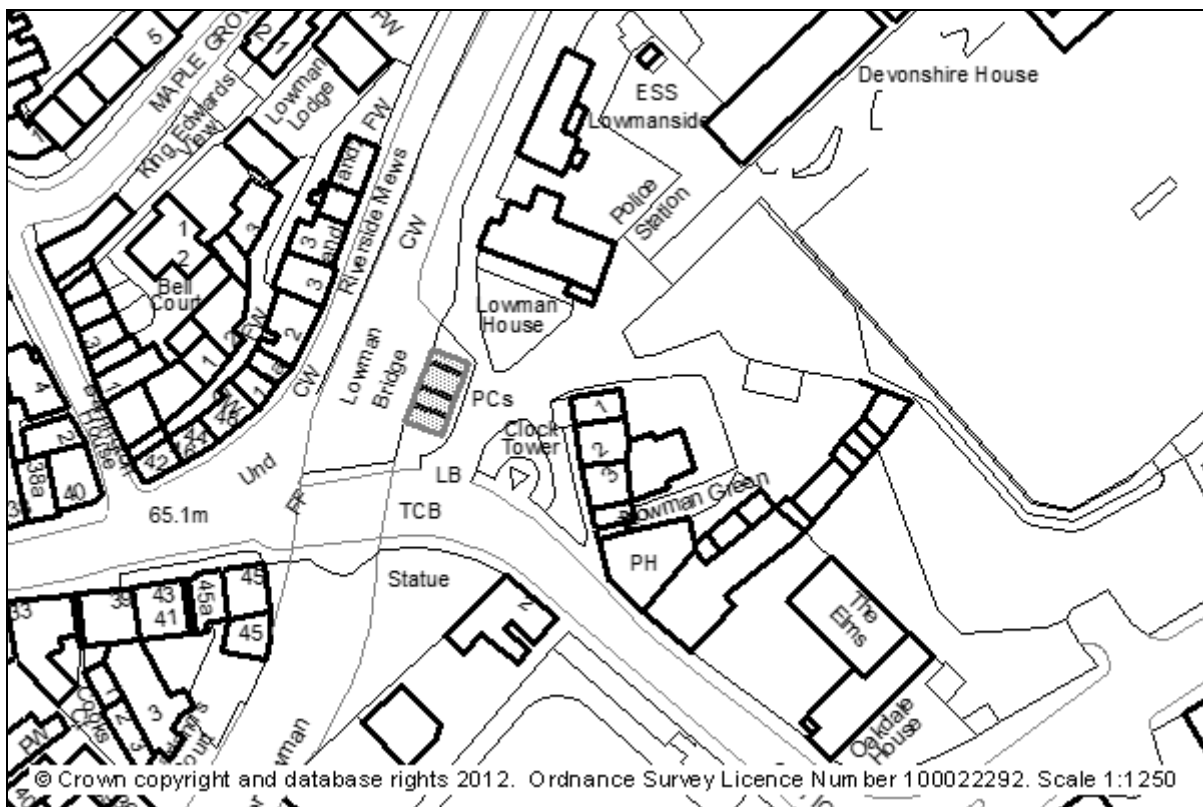
Grid Ref: 295794 : 112616

Applicant: Mid Devon District Council

Location: Public Conveniences Lowman
Green Tiverton Devon

Proposal: Conversion of public toilets to
commercial, retail and office
space (Revised Scheme)

Date Valid: 27th February 2015



Application No. 15/00317/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application is for the conversion of a disused toilet block in the town centre and conservation area into a flexible use unit for either retail and/or office use. The former toilet block is located on a pedestrianised area linking the town centre with the Tesco supermarket and car park and is immediately adjacent to the River Lowman. The building is single storey with rendered walls and a concrete tile roof with roof lights. It currently has UPVC windows and a timber door and is open at either side to provide covered entrances.

The proposal is to convert the existing building by infilling with open ends with rendered walls and glazing and reconfiguring the internal layout to provide an office/retail space with WC and storage. Access is to remain over the pedestrianised pavement area.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Flood risk assessment

PLANNING HISTORY

92/00069/FULL DEEMED CONSENT for alterations and modernisation of toilets and improvements of site works - DEMCON
15/00061/FULL Conversion of public toilets to retail/cafe use - WDN

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR11 - Flooding
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM16 - Town centre development
DM27 - Development affecting heritage assets

CONSULTATIONS

ENVIRONMENT AGENCY - 16th March 2015
We have no objections to the proposal subject to:

- An external door being provided on the south western side of the structure
- The proposal being proven as being safe, over its lifetime.
- The building being made resistant to flooding by the inclusion of proprietary flood gates, and other measures necessary to preclude waters.

The single storey structure is located on the edge of Flood Zone 3 of the River Lowman in an area where there is a well documented history of flooding. Clearly flooding poses a risk to person's welfare, as well as having the potential to cause damage and disruption.

Evidence suggests that access and egress from the building in its current form would be problematic given the location of the existing doors as these are located where flooding depths would be at their greatest. It is for this reason we advise that an external door being provided on the south western side of the structure, nearest the bridge. This would allow safer access/egress given this side bounds slightly higher ground adjacent the bridge. On this note we advise that the Flood Risk Assessment being appended with a level survey that includes the floor level of the building, surrounding ground levels and the flood levels as identified within the photographs supplied by the Environment Agency e.g.2000 and 1929. This is vital to helping determine whether the proposal would be safe.

It may be feasible to make the building resistant to flooding as well as incorporating resilient measures and we advise this be explored. Damage to the contents of the business, and the inevitable disruption that would result, could potentially render the business unsustainable. If measures can be put in place to preclude water from the building, i.e. by fitting flood gates, and whatever other features maybe required, then this would far more favourable than simply making the building resilient. A level survey will allow a more informed decision regarding to what level resistant measures should be put in place.

2nd April 2015

I refer to the above application, my response dated 13th March 2015, and additional information (level survey) was received from the applicant's agent on the 16th March 2015.

ENVIRONMENT AGENCY POSITION.

The survey as shown on Drawing 7102 - 05 Rev A highlights the need for the measures we stipulated in our letter of the 13th March 2015, to be put in place. Unfortunately the survey doesn't include the flood levels that occurred in the December 2000 and 1929 floods, as shown on the photographs we provided. It is important to include these as they will help demonstrate flooding depths that have historically affected the area. We advise that the historic flood levels be surveyed and the flood risk assessment appended with the findings.

The historic depths will help inform both the requirement to provide the measures stipulated in our letter of the 13th March 2015 and whether or not the change of use sought would be safe over its lifetime taking into account the effects of climate change.

HIGHWAY AUTHORITY - 5th March 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 20th March 2015

Support

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Principle of development
2. Flood risk
3. Design and effect on conservation area and neighbouring uses.

1. Principle of development

The application is for the conversion of redundant public toilets to a flexible retail (A1) and/or commercial use (B1). Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) promotes a variety of uses within the town centre, such as shops and offices, which contribute to the vitality and viability of the town centre. Policy DM16 of the Local Plan Part 3 (Development Management Policies) promotes the sustainable growth and regeneration of Tiverton and permits retail and offices uses where they retain or enhance the vitality and viability of the town centre and sustain diverse town centre uses which are readily accessible by public transport, walking and cycling.

The proposed development is considered to be in an easily accessible location and a new retail and/or office unit is considered to be compatible with existing town centre uses and to retain the town centre's vitality and viability. There is public parking available nearby and a zero parking development is considered to be acceptable in this town centre location and in accordance with policy DM8 of the Local Plan Part 3 (Development Management Plan) which provides for an appropriate level of parking taking into account the accessibility of the site and the availability of public transport.

2. Flood risk

The site lies within Flood Zones 2 and 3 and as such is susceptible to flooding. COR11 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to manage flood risk to reduce the risk of flooding to life and property, guide development to sustainable locations with the lowest flood risk and to ensure development does not increase the risk of flooding elsewhere.

Planning policy does not require a sequential test to be carried out for minor development (including changes of use) but does require flood risk to be considered. A flood risk assessment has been carried out and submitted with the application following consultation with the Environment Agency. The Environment Agency has asked for further information with regard to previous flood levels and for flood prevention/resilience/safety measures to be incorporated into the development. Your officers are expecting this additional information and revised plans shortly and Members will be updated on the Environment Agency's further response following receipt of the additional information. It is recommended that compliance with the flood risk and safety measures is conditioned. Subject to this, it is considered that the proposal is in accordance with policy COR11 of the Mid Devon Core Strategy (LP1).

3. Effect on the conservation area and neighbouring uses

The building is a modern building within the conservation area. Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks the preservation and enhancement of Mid Devon's historic environment. Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires new development to make a positive contribution to local character, including any heritage assets and their settings and policy DM27 of the LP3 DMP requires development likely to affect heritage assets, including changes of use, to consider character, local distinctiveness and the setting.

The building would retain a similar appearance to the existing building but be refurbished and new glazing installed.

The Conservation Officer has commented that:

"The building itself is modern and not well designed. However, it is in the direct setting of the conservation area and various listed buildings and has a very prominent position in the street scape. I have no concerns about the design proposed but I do think that UPVC is not good enough for a building in this prominent location - this does not enhance the conservation area which is the aim of development in the conservation area as per the NPPF and our own Local Plan policies. I would suggest metal at worst or timber windows would make a better statement in this context. I cannot support the application at present but could if the materials were improved."

The applicant has been asked to reconsider the window materials and Members will be updated on the response. In any event, the window details could be conditioned and this is recommended. Subject to materials, the proposal is not considered to harm the character and appearance of the conservation area, in

accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

Neighbouring uses include retail, office, some residential and other uses such as the police station, but the building is some distance from any of these uses being in an open area adjacent to the river. It is considered that the conversion of the building would comply with policy DM2 of the Local Plan Part 3 (Development Management Policies) which requires that new development does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

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. Before their installation, working details of any new external windows and doors including sections, mouldings and glazing, shall be submitted to and approved in writing by the LPA. Installation of the windows and doors shall be in accordance with these approved details and shall be so retained.
4. Before first occupation of the development hereby approved a scheme of flood mitigation, to include flood prevention and resilience measures and details of flood warning and evacuation procedures shall be implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Such approved flood mitigation scheme shall be adhered to for the lifetime of the development.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure materials and detailing appropriate to safeguard the character and appearance of the conservation area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).
4. In the interests of flood risk prevention and safety in the event of flood in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that the development is in a sustainable town centre location which is considered to be suitable for the proposed retail and/or office uses. Flood risk has been assessed and mitigation measures designed to minimise flood risk. The design respects the existing building and is a refurbishment, adding only new rendered walls and glazing. Subject to appropriate materials, the development is considered to preserve the character and appearance of the conservation area. In addition, the development is not considered to have an unacceptable impact on the privacy and amenity of neighbouring residents. The development is considered to comply with the Policies COR2, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM8, DM16 and DM27 of the Local Plan Part 3 (Development Management Policies).

Jenny Clifford
Head of Planning and Regeneration