

PLANNING COMMITTEE AGENDA - 22nd April 2015

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
	Enforcement Items
1.	11/00143/UDRU – Update..... Land and Buildings at Grid Reference 308125 115944 (Luffman Trading), Maidendown Stage, Burlescombe, Devon
2.	<p>15/00041/UDUR – Clouds, Barnfield, Crediton, Devon, EX17 3HY</p> <p>21st April 2015</p> <p>The Local Authority Tree Officer visited the site on Friday 17th April. The area of garden in question lies outside the Conservation Area and the trees are not worthy of protection by way of a Tree Preservation Order. The change in soil level could lead to rot damage for the trees, but is difficult to predict. The soil should be removed from around the trees and would not involve a lot of soil because of the relatively small root protection areas of the trees.</p>
	Plans List
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>Revised flood risk assessment received including a drainage strategy proposing the provision of a number of bunded swales across the site and drainage pipes located on the downslope side of each swale.</p> <p>17th April 2015</p> <p>Further response from Environment Agency received 15th April, as follows:</p> <p>We object to the application unless it can be revised to preclude the provision of PV units, Control Rooms etc, within the area of floodplain as shown coloured in blue on the attached/enclosed plan. Whilst the last sentence of page 7 of the applicants Flood Risk Assessment in effect states the above we draw to your authority’s attention the fact that drawing 4652-501 Rev –, within Appendix 5 of the FRA, shows otherwise.</p> <p>It is imperative that the floodplain, which is currently typically undeveloped, remains both clear of obstructions to flow and is not raised given there are properties at risk of flooding at Five Bridges.</p> <p>Our advice is consistent with the National Planning Policy Framework in particular from the Sequential Test perspective.</p> <p>With regard to surface water runoff we support the proposed provision of swales.</p> <p>2 further letters of objection received raising no new issues to those already listed on the committee report.</p>

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	<p>17th April 2015</p> <p>Further revised Flood Risk Assessment received from the applicants, seeking to address the comments of the Environment Agency.</p> <p>21st April 2015</p> <p>We can withdraw our objection providing development proceeds in accordance with the revised FRA and the layout shown on Figure 5 'Proposed Site Plan' (page 17 of the April 2015 FRA by ambiental). It is important that ground levels within Flood Zone 3 and 2 not being raised.</p> <p>22nd April 2015</p> <p>The Environment Agency's withdrawal of their objection is on the basis of a revised site layout being received, which removes development from within flood zones 2 and 3. However, the submitted drainage strategy layout still includes the provision of panels in this location. Nevertheless, on the basis that the Environment Agency do not object to the scheme as shown on the submitted site layout and are happy with the measures set out in the drainage strategy (save for the fact that the plan still includes panels in FZ 2 &3) it is considered that in the event of an approval, this matter could be dealt with by condition. Accordingly, it is no longer recommended that reason for refusal 2 be included.</p> <p>Revised recommendation:</p> <p>Refuse planning permission for the following reason</p> <p>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.</p>
<p>2.</p>	<p>14/02134/FULL - Erection of a dwelling (Revised Scheme) at Land at NGR 266113 109805 (Adj Paddons Farm), Wembworthy, Devon.</p>
<p>3.</p>	<p>15/00317/FULL - Conversion of public toilets to commercial, retail and office space (Revised Scheme) at Public Conveniences, Lowman Green, Tiverton.</p> <p>17th April 2015</p> <p>Further details in respect of flood risk have been received including details of flood prevention, resilience and safety measures to be incorporated into the building and details of</p>

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	<p>previous flood levels, as requested by the Environment Agency. The plans have also been amended to include a door on the south elevation to provide a safer escape route to higher ground in the event of flooding, also has requested by the Environment Agency.</p> <p>The Environment Agency has been re-consulted and their response is expected before Planning Committee. Members will be updated further on this.</p> <p>21st April 2015</p> <p>Environment Agency consultation response</p> <p>We have no objections to the proposal.</p> <p>Having received additional survey of historic flood levels, and the proposed use of flood resistant measures, i.e. flood gates, non-return valves etc, and installation of new door adjacent Lowman Green Bridge, we can advise that the proposed change of use as now detailed aligns with guidance and policy as contained within the National Planning Policy Framework. It is pleasing that measures to reduce the risk of internal flooding occurring will be implemented as they will help reduce the potential for damage and disruption to the new business from occurring.</p> <p>We reiterate our comments that the tenants of the building should register to the Environment Agencies flood warning service. Details of how to register can be found on the GOV.UK web site.</p>
	<p>Agenda Items</p>
<p>5.</p>	<p>14/00881/MOUT – Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in out junction on the westbound A361 and access and egress onto Blundell’s Road at Land East of Tiverton, South of A361, and Both North and South of Blundell’s Road, Uplowman Road, Tiverton</p>
<p>12.</p>	<p>14/01938/MOUT – Outline application for up to 97 dwellings, to include the importation of inert waste to raise land, with details of access onto the public highway provided and with all other matters reserved for future consideration at Land at NGR 303843 111382, South View Road, Willand</p> <p>A commercially sensitive and confidentially held independent report commissioned by Mid Devon District Council has been received regarding the value of the site and the marketing exercise undertaken by the landowners.</p> <p>In summary the report makes the following findings/conclusions:</p> <ul style="list-style-type: none"> • Based on the submitted information they cannot gauge how comprehensive the marketing approach has been but the landowners appear to have utilised all of the mediums through which the consultants would have advertised the site if they had been the marketing agents. • In relation to the information provided by the applicants with regard to specific enquiries from prospective customers (often regarding design & build options) the prices quoted for build costs appear to be generally reasonable based on BCIS build costs (although there is one particular exception when the building cost provided appears expensive) for the same

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	<p>periods but land purchase or rental costs are high, particularly when taking into account the economic climates at the time of some of the quotes.</p> <ul style="list-style-type: none">• The consultants have identified the neighbouring Mid Devon Industrial Estate (more specifically Blackdown Park units), Hitchcocks Farm, Cullompton Business Park, Venn Farm (Cullompton), land at Kingsmill Industrial Estate (Cullompton) and development in Wellington as being potential competition for the development of the site.• The consultants consider that the Gladman’s Cullompton Business Park site off the existing Kingsmill Industrial Estate, which like the application site is serviced, is the most comparable local site to the Mid Devon Business Park. The estate is being marketed and the asking price has recently been lowered and a lower value per acre is being sought than has been quoted to date at Mid Devon Business Park. However, they estimate that for bulk disposal purposes the value of Mid Devon Business Park would be slightly lower than is being sought for the Cullompton Business Park as the Cullompton site is marginally closer to the motorway.• It is considered that the site is not suitable for office development.• There may be scope for alternative employment related uses (public house, crèche, veterinary surgery etc.) on the roadside frontage plot only. This would achieve a higher land value than an employment use.• Disposal of the site in small plots may take 3-5 years.• The property market, including the warehouse/industrial sector is arguably at its strongest point since the economic downturn. The consultants consider that there is now a greater chance of securing a pre-let or disposal to an investor/developer.• The Landowners aspirations for a value per acre appear high in the current market. <p>Your Officers have considered the content of the consultant’s report and the implication of these alongside the information and assessment already contained in section 1 of the material considerations section of the committee report (pg. 150) and have assessed the application against policy DM21 of Local Plan Part 3 (Development Management Policies). Taking account of the other employment sites in the locality which may provide some competition to the application site, including the recent permissions at Hitchcocks Farm and Venn Farm, which are not existing employment allocations) and the findings of the Employment Land Review, which recommends having an overall lower quantum of employment development,</p>
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	<p>it is considered that criterion a) of policy DM21 is met.</p> <p>The findings of the consultant suggests that the land values being sought by the landowners for the development of plots on the site are high in the current market and have been so since the economic downturn. This is likely to have been in order to see a return on their investment in the site. It is clear that there have been a relatively high number of enquiries to develop plots on the site over the years and it is noted that a contract has been entered into to dispose of the plot recently given planning permission for a foodstore (14/02116/FULL). Taking these facts into account alongside the commentary in section 1 of the committee report, it is considered that insufficient information has been provided to demonstrate compliance with criterion b) of policy DM21.</p> <p>As previously mentioned, no sequential viability test has been provided based on the requirements of criterion c) of policy DM21.</p> <p>Revised recommendation:</p> <p>Refuse planning permission for the following reasons:</p> <ol style="list-style-type: none">1. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to deliver minor development proposals in the recognised villages in the District, of which Willand is one. In the opinion of the Local Planning Authority the development of 97 dwellings in Willand would be a significant development in the context of policy COR17 and therefore be contrary to the objectives of the policy and the development focus set out in policy COR12 of the Mid Devon Core Strategy (Local Plan Part 1) which seeks to reduce housing rates in the rural areas.2. In the opinion of the Local Planning Authority, the development of the site, sandwiched between two areas of employment development and physically divorced from the existing pattern of housing development in the village would not represent the high quality development required by policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as it would be out of context with the spatial pattern of development in the village and would not be well integrated with surrounding buildings, streets, landscapes and uses.3. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that there is no commercial interest in the use of the site for employment generating purposes, particularly having regard to the high land values which have been sought for the development of plots of land on the site, taking into account prevailing local market values for similar developments. Accordingly the application is contrary to the requirements of policy DM21 b) of Local Plan Part 3 (Development Management Policies)4. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development of the application site for mixed use
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	<p>purposes that incorporate an employment-generating use would not result in a financially viable development. The application is therefore contrary to the requirements of policy DM21 c) of Local Plan Part 3 (Development Management Policies).</p>
13.	<p>14/02077/FULL – Erection of a dwelling with parking and associated access (Revised scheme) at 11 Uplowman Road, Tiverton, Devon, EX16 4LU</p> <p>22nd April 2015</p> <p>Two further objections (one inadvertently omitted from the previous report and one recent) summarised as follows:</p> <p>1. Letter from CPRE stating that “The principle of a further dwelling house within the small garden space is considered to be unacceptable as it would represent an over development of the site to the detriment of the visual amenities of the area.” They then list the policies to which they consider the application to be contrary COR2, DM2, DM15. They also list Structure Plan, old Local Plan policies and PPS3 which are no longer relevant.</p> <p>2. Letter from previous objector in relation to the implications report summarised as follows:</p> <ul style="list-style-type: none">• 5 objections were recorded in the original officer’s report, rather than the 6 shown on the Council’s website, including one from CRPE, which questions the validity of the officer’s report• The implications report on the agenda for the 1 April meeting was, in our view, biased in favour of the applicant. The revised report is fairer but we still have some concern. The sections headed “Financial implications” and “Risk assessment” do not include the consequences of the Council approving the application, i.e. the Council acting unreasonably or without regard to due process to the disadvantage of objectors who may also have a remedy.• The revised implications report uses an inappropriate argument relating to densities and plot sizes. We question whether the average person would see Post Hill and Fairway as lying in the immediate vicinity of a site on Pomeroy Road. The appropriate area for that comparison should be Uplowman Road and the two roads leading off (Pomeroy Road and Pool Anthony Drive).