

## PLANNING COMMITTEE AGENDA - 3rd June 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u>  |
|-----------------|---|
| 1.              | <p>15/00071/FULL - Conversion of church hall (Use Class D2) into a dwelling (Use Class C3) with raised deck area and associated parking at Hall &amp; Land at NGR 272174 101673 Bow, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 2.              | <p>15/00330/FULL - Erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping at Land at NGR 277031 93171 (Adjacent Glenthorne), Cheriton Bishop, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 3.              | <p>15/00352/FULL - Conversion of redundant barn to residential dwelling at Land and Buildings at NGR 304595 116820, Goldsmoor House, Westleigh.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |
| 4.              | <p>15/00382/FULL - Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 5.              | <p>15/00533/FULL - Retention of cover over existing silage clamp at Land at NGR 300503 112348 (Bycott Farm), Lower Town, Halberton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 6.              | <p>15/00507/MFUL - New surface car park and associated lighting at Land at NGR 304319 114213 (Tiverton Parkway), Sampford Peverell, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 7.              | <p>15/00537/MFUL - Installation of a solar farm to generate 4.6MW of power (site area 7.65 ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras at Land at NGR 274885 105456 (Sharland Farm), Morchard Bishop, Devon.</p> <p><b>RECOMMENDATION</b><br/>1. Grant permission subject to conditions for the scheme of development proposed.<br/>2. To allow a proposed variation to the S106 pursuant to planning permission 92/01338/FULL.</p> |
| 8.              | <p>15/00574/FULL - Erection of single storey extension - HOUSEHOLDER APPLICATION at Sheraton House, Kennerleigh, Crediton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |

Application No. 15/00071/FULL

Plans List No. 1

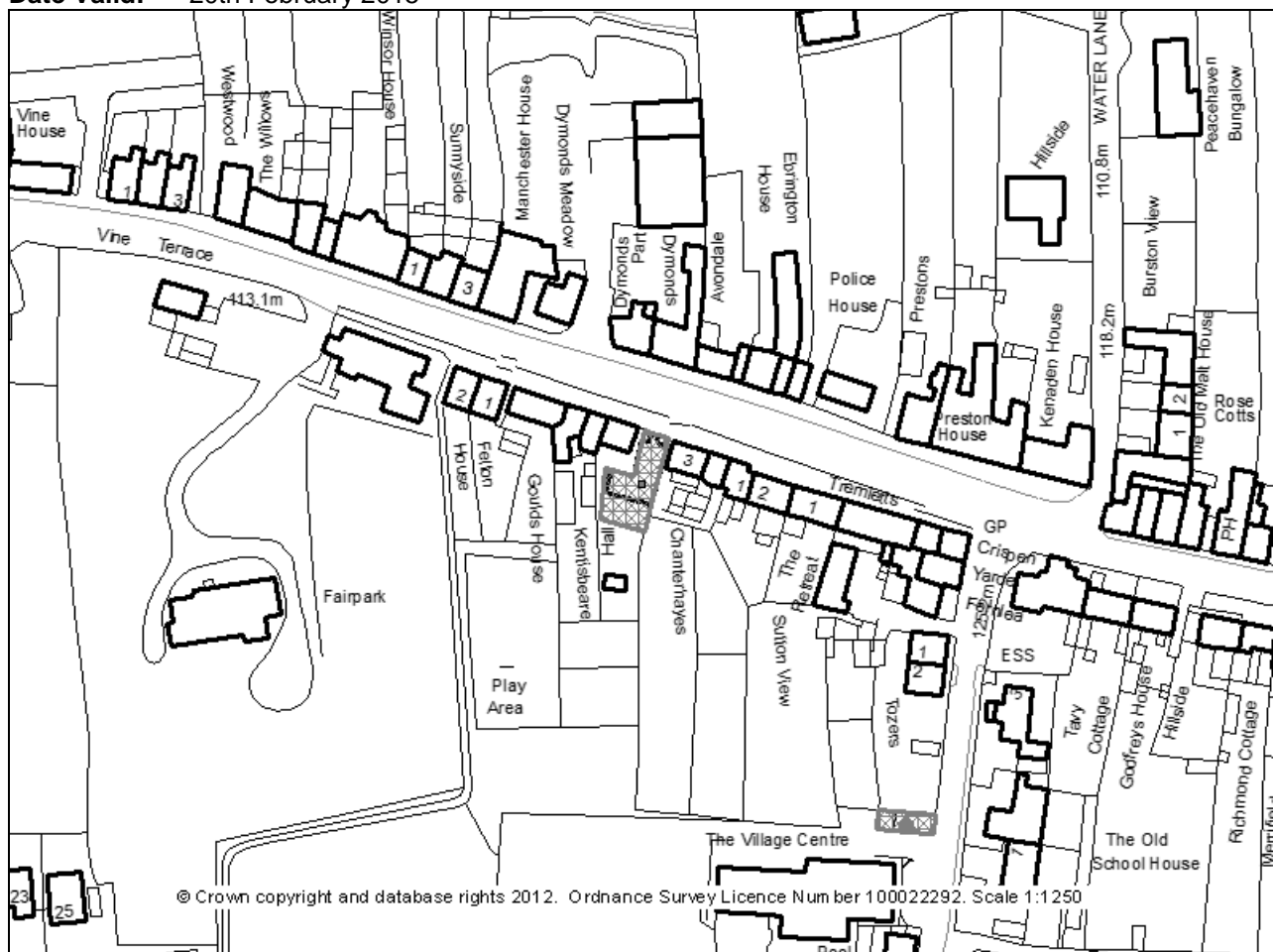
Grid Ref: 272120 : 101744

Applicant: Bow Parochial Church Council

Location: Hall & Land at NGR  
272174 101673 Bow  
Devon EX17 6HR

Proposal: Conversion of church hall (Use Class D2) into a dwelling (Use Class C3) with raised deck area and associated parking

Date Valid: 20th February 2015



## **Application No. 15/00071/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Conversion of church hall (Use Class D2) into a dwelling (Use Class C3) with raised deck area and associated parking.

The application site comprises the church room building off the A3072 (ground floor only), and an area for car parking approximately 150 metres around the corner from the church room on Station Road next to the village hall.

The proposal is to form a 4 bedroom dwelling, with sleeping and bathroom accommodation at ground floor and entrance hall (full height), and a new first floor set out with an open plan kitchen, living and dining room arrangement. A rear dormer style extension, accommodating full height French doors (and side window panes) leading out to a raised patio area is proposed at, with alterations to the existing window range directly below. The existing tiled roof covering is to be replaced with matching slates and to incorporate two roof lights in eastern roof pitch. All existing window and door frames are to be repaired and/or replaced on a like for like basis.

No separate layout plans have been submitted for the proposed parking but the red line plan indicates that it will accommodate parking for 2 vehicles.

Foul sewage is to be disposed of via the existing mains drainage system.

### **APPLICANT'S SUPPORTING INFORMATION**

Site location plan

Block plan

Proposed elevations and floor plans

Design & Access Statement prepared by D Grabham

Bird and Bat survey prepared by PLANeco

Letter from Paul Smith Consulting regarding structural issues received 20th February 2015

Further supporting information received from the applicant's agent received 23rd March

### **PLANNING HISTORY**

None.

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

COR8 - Infrastructure Provision

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

AL/IN/3 - Public Open Space

## **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM14 - Design of housing  
DM15 - Dwelling sizes  
DM25 - Community facilities  
DM27 - Development affecting heritage assets

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 2nd March 2015

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

BOW PARISH COUNCIL - 17th March 2015

The meeting was attended by several Bow residents, many of whom represented local organisations and community groups. Expressing interest in the above planning application, the residents addressed Parish Council to voice their concerns, principally about the potential loss of a community amenity. In addition to stating their concerns, residents remarked on lack of advance notice and information; the LPA's site notice being the first intimation of the intention to convert the Church Room to a dwelling. Given the lack of local public consultation, Parish Council would advise that more time is needed to enable public consultation to take place.

ENVIRONMENTAL HEALTH - 10th March 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 - recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - No objections

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 use. There is a private water supply system within the Bow area.

Health and Safety - No objections

### **REPRESENTATIONS**

12 letters of objection have been received, raising the following concerns about the application scheme:

- The application building is a valued community asset.
- The Church building is not considered a viable alternative community space, and many of the groups in the community would prefer to use the church rooms if it were available.
- There has been no consultation with the local community
- Converting into a house will have a detrimental impact on the character of the building
- Concern about impact on local wildlife habitats.
- Access to the deck area via the rear steps will have a detrimental affect on the amenities of the neighbouring property.
- Concerns about the parking proposals and the anticipated increase in demand for on street parking.
- The facilities at the site could be easily improved and thus brought back into use

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main building is set between two existing residential buildings, and forming part of an elevated residential terrace on the main high street that runs through Bow. The site is in the Bow Conservation Area and the adjacent building (Chanterhayes) and the raised footpath in front of the site are both listed - Grade II. The garage site is around the corner adjacent to the Parish Hall, and accommodates a dilapidated open fronted single storey structure with an area in front of the main highway. From the building at the rear, there is a shared stepped access to the land at the rear which includes a dedicated area for the proposed dwelling. The main issues relating to this proposal are:

- 1. Policy matters;**
- 2. Access and parking;**
- 3. Design and site layout, heritage Impacts and amenity issues;**
- 4. Other matters- public open space, air quality, drainage.**

### **1. Principle of development.**

The National Planning Policy Framework sets a presumption in favour of sustainable development and this is further implemented through DM1 of the Local Plan Part 3 (Development Management Policies). Additionally, the principle of building a new dwelling within the settlement limit of Bow would be supported in principal by Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1).

However, the overriding policy assessment against which the application scheme needs to be tested against are the provision outlined at Policy DM25, as set out below:

The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.

From the representations that have been submitted it is clear that in the past the application site has been used by a variety of user groups and stakeholders in the Bow community, beyond providing a meeting point for religious gatherings. Although there remains a community style notice board outside of the site, the applicants agent has confirmed that room has not been used by the wider community in the more recent past, and refers to restrictive sanitary facilities, lack of car parking facilities and no wheelchair access as factors that would prohibit the attractiveness of the space for use by community groups on a regular and ongoing basis.

The site has not been marketed for sale for the continuation of its existing use, however given the nature of the premises and their lawful use, this requirement is not considered to be considered a pre-requisite in terms of considering if an alternative use, such as a residential use as is proposed, is considered reasoned and justified in policy terms when tested against DM25. The more relevant test as enshrined in Policy DM25 is to consider if the conversion of the site as proposed would damage the settlement's ability to meet its everyday needs in terms of ensuring the provision and the availability of community space for use by community groups.

In terms of other community spaces with the village, Bow boasts a purpose built village hall and community room with its own car parking adjacent to the current recreation area and children's playground. This is where the Bow pre-school group meet and where the Bow Community market takes place.

In addition there are other meeting room facilities that could be available for use by the community are at:

St Bartholomew's Church in Nymet Tracey approximately 1.5 miles from Bow, with its own car parking, The Congregational Church meeting room adjacent to the Village Hall, with its own parking.

In summary whilst it is understandable that there are parts of the local community that are reluctant for the building to change to a dwelling, it is not considered that the application proposal would damage the settlement's ability to meet its day to day needs (in terms of providing meeting space for local groups) and/or result in the total loss of such services to the community. On balance it is not therefore considered that there would be any reasoned justification to refuse the application on the basis that it is contrary to the provisions of DM25.

## **2. Access and Parking.**

The site presents directly to an elevated footway above the A3072 with, with front door access stepped up from the highway. This is the only access to the site.

The proposed area for car parking is an existing garage with apron off Station Road around the corner from the proposed dwelling, which would just about be large enough to accommodate 2 cars parked one in front of the other.

Although from a numerical point of view it could be argued that the application scheme complies with policy DM8, it is not considered convenient and/or very practicable from a user point of view, which is a requirement as set out in the Supplementary Planning Document on Parking. However it is noted that there is on street parking available on the highway directly adjacent to the site.

## **3. Design and site layout, impact on heritage assets and amenity issues;**

The church room sits as part of a residential terrace, and detached from the adjoining properties on both sides. The curtilage does not extend significantly beyond the footprint of the building. There is a shared side access with Woodhaven from the footway and that links to a side door in the building and onto a stepped access to the land at the rear of the site, a small section of which remains within the curtilage of the application site. It is in this area that a raised decking is proposed. The conversion and internal alterations (as described above) allow for access onto the deck area from within the building. Relevant points in terms of this part of the assessment are set out below:

- The external alterations to the building are considered acceptable in design terms, and will not change the visual appearance of the building as it is seen within the Bow Conservation Area and/or in terms of affecting the setting of the neighbouring listed building(s).
- The proposed new windows at the rear and within the side roof pitch will not create any issues of overlooking into the adjacent properties and/or their garden areas.
- The applicant has submitted evidence to demonstrate that the conversion of the building can be undertaken and the patio area could be delivered from a structural point of view, and the Local Planning Authority have no evidence to dispute this.
- The floor to ceiling height is approximately 5.5 metres and therefore is capable of being converted as proposed over 2 floors and approximately 150 square metres of habitable floor space, and therefore exceeding the Local Planning Authority's space requirements for a four bedroom / 6 person house, and with an area of just over 30.0 square metres of outside space, predominantly set out as an upper level patio area.
- The upper level patio as proposed will not result in detriment to the amenities of the occupiers of the dwelling to the east (Charterhayes) as the proposals include a 1.8 metre close boarded timber fence on top of the deck.
- In terms of the impact on the amenities of the occupiers to the west (Woodhaven) the occupiers/owners have raised an issue that the proposal will result in detriment to their amenities with occupiers of the house passing up and down the steps to the patio area. It is noted by the case officer that the upper floors of this property has a glazed rear elevation and given the difference in levels views towards the neighbouring dwelling would be possible.

In terms of assessing the scope of this potential impact it is relevant to note that access up to the land at the rear is achievable at present with the lawful use of the building as meeting space, and therefore the occupiers of the Woodhaven are already subject to potential overlooking issues.

However, it is recognised that with the building in residential use the relationship with the Woodhaven will change with the steps potentially used on a more frequent basis. Finally, it is noted that proposed layout within the building provides for an internal access to the deck area from within the building, which would thus avoid having to use the steps.

In conclusion the application scheme puts forward a proposal to convert the building into a habitable dwelling which will deliver residential accommodation which meets with the Local Planning Authority's minimum standards, albeit with minimal external amenity space. The building sits tightly with its neighbours. Access to the external space from within the building is possible which would mitigate against the potential to create an uncomfortable relationship with the neighbouring property to the west. On balance it is considered that the application scheme proposes a change of use to residential which accords with the policy requirements as set out at Policies COR2, DM2, DM14, DM15 and DM27.

#### **4. Other Issues**

**Drainage & Flooding:** The application proposes to connect the proposed dwelling to the existing network of infrastructure as per the existing situation to manage both foul and surface water.

In terms of financial contributions to deliver off site initiatives, such as open space and/or air quality improvements, as required by policy provisions (AL/IN/3 and AL/CRE/8) the Government has announced that Local Planning Authorities can no longer seek such commuted sums via S106 agreements on sites that fall below a certain size threshold. Within the settlement limits of Bow - the guidance indicates that for sites in village settlements in the open countryside, application schemes that propose less than 5 new dwellings or less are no longer qualifying sites for these provisions

#### **Planning balance and conclusions**

Whilst there are a number of local stakeholders that are concerned about the change of use as is proposed and/or consider that insufficient local community consultation has been undertaken in order to justify a change of use, Policy DM25 provides support for the application given that there are number of alternative facilities within Bow that provide meeting space for local community groups. Therefore if this application is approved it would not result in the total loss of such service/amenities to the community.

The area for car parking for future occupiers is divorced from the house but is policy compliant in terms of the number of spaces proposed.

The proposal in terms of the nature of accommodation proposed presents a viable layout for future occupants and incorporate mitigation in terms of how the external space will be accessed to seek to minimise the impact of the occupiers of the adjoining houses.

On balance whilst there aspects of the application scheme that are not ideal, it is not considered that the potential harm that would be created (ie increased demand for on street car parking and overlooking between the application site and Woodview if future occupiers choose to use the rear steps to access the patio area) are sufficient to justify refusing planning permission. Therefore planning permission is recommended subject to the following conditions:

#### **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. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order with or without modification) no development of the types referred to in Classes [A, B, C, D] of Part 1 of Schedule 2, relating to the new dwelling shall be undertaken within the application dwelling curtilage without the Local Planning Authority first granting planning permission.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) The timetable of the works;
  - (b) Daily hours of construction;
  - (c) Any road closure and/or where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (d) Hours during which delivery and construction traffic will travel to and from the site;
  - (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) Details of the amount and location of construction worker parking.

Works shall take place in accordance with the approved details.

### **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 safeguard the residential amenity of neighbouring residents, the visual amenities of the building in relation to the contribution that it makes towards the Bow Conservation Area, in accordance with Policies DM2, DM14 and DM27 of Local Plan Part 3 (Development Management Policies).
4. This information is required to be submitted and approved before the commencement of any development in order to ensure safety of the public highway and to protect the amenities of the occupiers of the surrounding residential properties and in accordance with Policy DM2 of Mid Devon Local Plan Part 3 (Development Management Policies) and Policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal to convert the existing church hall building in the centre of Bow into a residential house is considered acceptable in principal and given that there other facilities within Bow available for use by the local community. The scope of external works proposed will not adversely affect the visual amenities of the building and/or the manner in which it presents to the Conservation Area. The scope of the dwelling to be created complies with minimum internal space requirements, and the proposed conversion is to be undertaken in a manner which will not adversely affect the visual character and/or appearance of the building as it presents to the street and the wider Bow Conservation Area. The area for car parking for future occupiers is divorced from the house but is policy compliant in terms of the number of spaces proposed. The proposal in terms of the nature of accommodation proposed presents a viable layout for future occupants and incorporate mitigation in terms of how the external space will be accessed to seek to minimise the impact of the occupiers of the adjoining houses.

It is therefore considered that on balance the application proposal is accordance with the following Policies; COR1, COR2 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM8, DM14, DM15 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), and Government advice in the National Planning Policy Framework.



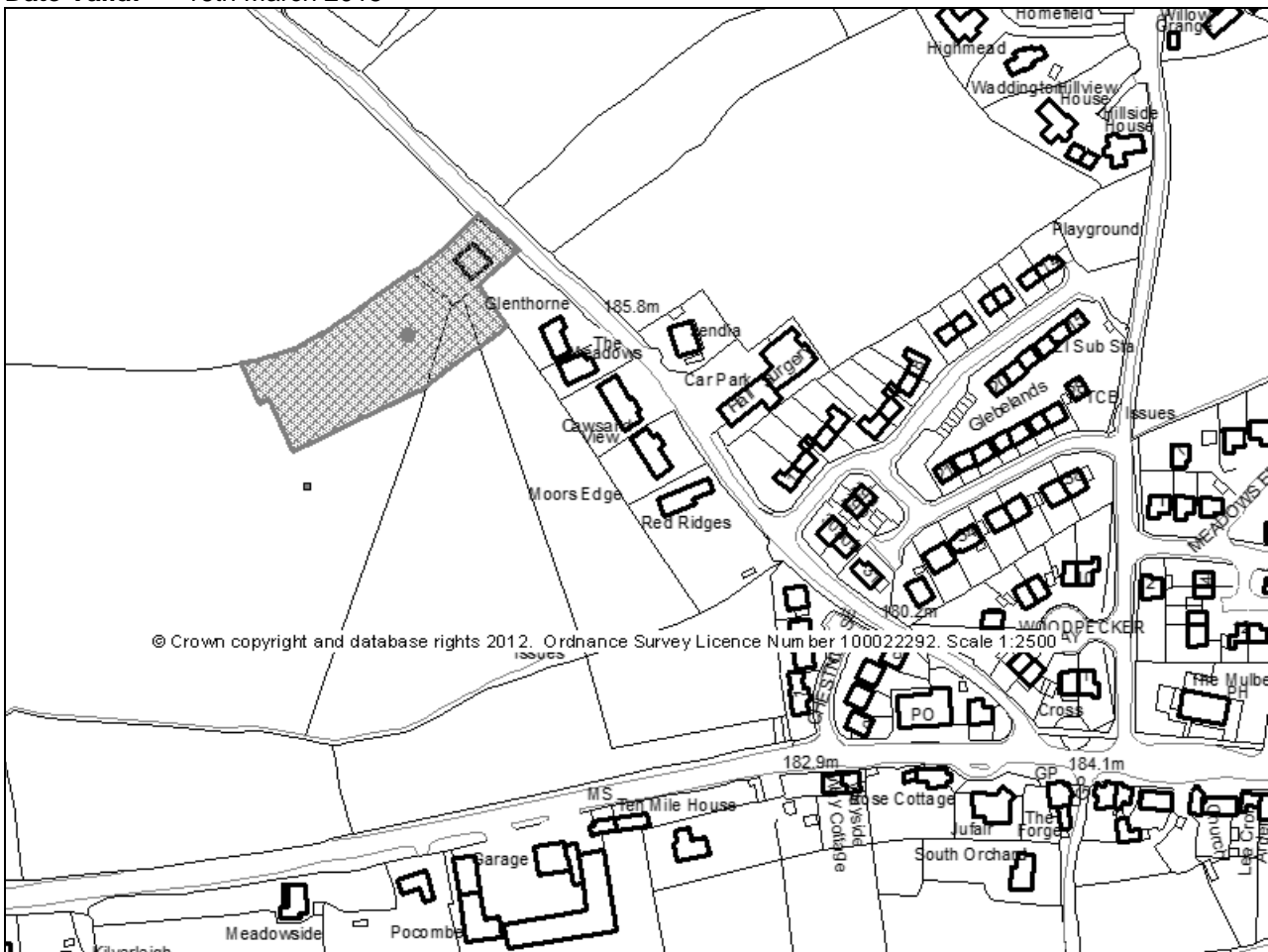
**Grid Ref:** 276993 : 93112

**Applicant:** Ms G Westcott

**Location:** Land at NGR 277031  
93171 (Adjacent  
Glenthorne) Cheriton  
Bishop Devon

**Proposal:** Erection of 8  
affordable dwellings  
with associated  
access, parking areas,  
drainage and  
landscaping

**Date Valid:** 16th March 2015



## **Application No. 15/00330/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping on a site just outside but directly adjacent to the settlement limit of Cheriton Bishop. The site comprises the northern part of a field which rises from south to north and is bound by native hedgerows with some trees within the hedgerow on the northern and part eastern boundary. An existing field gate provides access to service the site which is currently used to stable and graze horses. Yeoford Road runs along the eastern boundary.

The site sits directly adjacent to a group 5 houses that are within the settlement boundary, and comprise a linear development of detached houses. The Village Doctors surgery lies on the opposite side of Yeoford Road

The eight units comprise; two 1 bedroom flats (ground and first floor), two 1 bedroom houses, three 2 bedroom houses, and one three bedroom house. The houses are proposed to be built on behalf of the Cheriton Bishop Community Land Trust (CLT) and will be managed by a registered provider. The houses are proposed as semi detached properties (3 groups of 2) with the two flats in single building. Parking is provided adjacent to each plot. The scheme is arranged to form a street scene (north facing) with generous south facing gardens, with a new service road (approximately 40 metres in length) formed through the existing field gate opening from Yeoford Road with improved visibility splays. New hedge banks are proposed to form the western and southern boundaries which comprises native hedgerows a top a Devon bank detail. The hedgerow is proposed to be planted as feathered whips providing a further 600 - 800 MM to the screen provided by the bank. A new pumping station and formation of surface water attenuation tanks are proposed on the western boundary. The scheme is divided into 8 plots as set out below:

Plot 1 comprising a ground floor flat of 54 sq M, Plot 2 comprising a ground floor flat of 61 sq M, plots 3 and 4 comprising one bedroom 2 storey houses of 70 sq M, plots 5 & 6 comprising two bedroom 2 storey houses of 78 sq M, Plot 7 comprising a three bedroom 2 storey house of 89 sq M and Plot 8 comprising a two bedroom 2 storey house of 79 sq M.

The dwellings are proposed with rendered walling up to first floor level above a brick plinth with the upper levels clad with timber boarding. A slate roof covering with clay ridge tile is proposed for all the units with painted timber windows. Solar panels are indicated on the south facing roof slopes. Air source heat pumps are proposed to be installed to each property.

The application site lies outside, but within approximately 200 metres of the boundary of Dartmoor National Park.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

Landscape and Visual appraisal prepared by C. Foxford - November 2014

Preliminary Ecology Appraisal prepared by Green Ecology - August 2014

Ground Investigation Report prepared by Terra Firma - September 2014

Housing Needs Report prepared by the Community Council of Devon

Planning Application form, site plan, survey as existing, layout plan, elevations and floor plans, drainage plan

### **PLANNING HISTORY**

00/02010/FULL Erection of an agricultural livestock building - PERMIT

02/01353/FULL Erection of extension to agricultural livestock building - PERMIT

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR17 - Villages  
COR18 - Countryside

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

AL/IN/3 - Public Open Space  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/DE/6 - Exceptions Policy  
AL/CRE/8 - Crediton Air Quality

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking  
DM15 - Dwelling sizes  
DM16 - Town centre development  
DM29 - Protected landscapes

## **CONSULTATIONS**

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 25th March 2015

Based on evidence from the housing needs survey and the number of applicants on Devon Home Choice, I am satisfied that the proposed housing scheme will satisfy the local need for affordable housing in Cheriton Bishop.

CHERITON BISHOP PARISH COUNCIL - 14th April 2015  
Support.

ENVIRONMENTAL HEALTH - 2nd April 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 - Not applicable  
Health and Safety - No comments

NATURAL ENGLAND - 26th March 2015 - Statutory nature conservation sites - no objection

Protected species - standing advice applies

HIGHWAY AUTHORITY - 24th March 2015

Observations:

The Highway Authority would raise no objection to the application and has been in pre application with the developer to delivery the appropriate access deign and alignment.

Drawings T6743/01P2 and 14411-01P1 should be conditional of any consent for layout and alignment. The Highway Authority would also seek the imposition of the following conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

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

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level.
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

3. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.

DARTMOOR NATIONAL PARK - 30th April 2015

Having considered the details of the planning application, the Authority acknowledges that the development will potentially be seen from vantage points to the south west within the National Park. It is, however, noted that this would be seen against the backdrop of existing development in this part of Cheriton Bishop. The Authority requests that the Council considers the imposition of conditions to ensure that a suitable landscaping scheme is provided to soften this aspect of the development.

Subject to this request, the Authority has no objection to the proposed development.

## REPRESENTATIONS

23 letters of representation have been received. 14 of those representations express support for the application recognising the importance of providing affordable housing within the village as clarified in the Parish Plan and to respond to local need. Some of the representations of support come from individuals involved in this project.

In terms of the 9 objections received, including those from the Cheriton Bishop & Dartmoor Community Conservation Groups the following points of concerns are raised.

- 1) There site is outside the settlement boundary and will constitute an undesirable extension to the existing ribbon development.
- 2) A further access of Yeoford Road is considered to be dangerous for existing users and unsuitable to accommodate the development.
- 3) The proposals will have a detrimental impact from the Dartmoor National Park, and the character of the landscape and village of Cheriton Bishop and the surrounding area.
- 4) The development will also have a direct impact of the landscape and visual quality of the Dartmoor National park, and other landscape impacts.
- 5) Development in this area (adjacent to Glenthorne) has previously been refused and therefore this application should be refused

Note from officer this point refers to application case ref: 91/00925/FULL which was refused for the following reason:

The proposal would constitute an undesirable extension of the existing ribbon of development, outside the reasonable limits of the village, contrary to the provisions of the Devon County Structure Plan Policy SE8 (CDE1 in Third Alteration) and the Mid Devon Rural Areas Local Plan, Interim Policy Statement, Policy H12.

- 6) There will be a major visual impact when viewed from the road from Crockenwell.
- 7) The development spoils view for existing land owners and owners of nearby properties.
- 8) The proposals will overshadow block light from the adjacent properties.
- 9) The development is close to a priority habitat
- 10) There are other locations in Cheriton Bishop for Affordable housing - Church Lane and Moor Park for instance.
- 11) The proposals do not include provision for a replacement stabling building, and therefore the full visual impact cannot be clarified.
- 12) The impartiality of the Visual and Landscape appraisal is questioned.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main considerations in the determination of this application are:

- 1. Policy**
- 2. Need for affordable housing in Cheriton Bishop**
- 3. Design and layout of housing, impact upon neighbouring properties and landscape and visual impact**
- 4. Surface water and drainage strategy**
- 5. Highway and parking provision**
- 6. Other matters**

### **1. Policy**

The National Planning Policy Framework (the Framework) states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the Framework. All the policies listed above and described in the following paragraphs have all been adopted since 2004, and therefore carry significant weight in the determination of this application

Policy DM1 of the Local Plan Part 3 Development Management Policies Proposed Submission requires that development is approved wherever possible, in accordance with the Local Plan, unless material considerations indicate otherwise.

Policy COR3 of the Mid Devon Core Strategy sets the district target for the delivery of housing over the plan period. It seeks to deliver 100 affordable dwellings annually up until 2026.

Policy AL/DE/6 of the Allocations and Infrastructure Development Plan Document (DPD) sets out the authority's exceptions policy for the development of 100% affordable housing on sites to meet the needs of the local community. It requires for proposals to meet the following criteria:

- a) There is a proven need for affordable housing from households who have a strong local connection with the parish or adjoining parish;
- b) The site adjoins a settlement in a location which takes account of visual and other impacts or is specifically allocated for affordable housing to meet local needs;
- c) The type of affordable housing and the scale of provision is limited to meeting the proven local need;
- d) A planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

Policy AL/DE/4 of the same document relates to the occupation of affordable housing. The Meeting Housing Needs Supplementary Planning Document sets out further advice and policy in addition to those already mentioned. The document sets out a dwelling mix at policy MHN/2 but as this application is for exceptions site housing to meet a local need it is accepted that the application need not meet with this policy. Policy MHN/12 states that in assessing the level and type of need for affordable housing in a rural area, the authority will consider using a housing needs survey, the Devon Home Choice or Council Housing register and/or the housing register of any registered provider.

Policy COR9 requires that development proposals should not adversely affect the road network in terms of traffic and road safety.

Policy COR2 of the Core Strategy and policies DM2 and DM14 require that new development does not harm the character and/or visual amenities of the area and that it is designed so that it is well integrated within its surroundings and reflective of local context. Policy DM2 requires development not to have an unacceptable adverse affect and amenity of neighbouring occupiers. Policy DM/5 relates to the design of new housing and states that new development should be designed to deliver high quality local places and that properties are of a suitable size including the provision of suitably sized private amenity space.

Policy DM29 relates to development that is within and/or affects Dartmoor National Park, requiring that it must not adversely affect the special qualities of the landscape.

Policy DM8 sets out criteria for the provision of car parking on site. Policy DM 15 sets out minimum internal sizes for new dwellings

COR11 and DM2 concerns the drainage of surface water and foul drainage.

## **2. Need for affordable housing in Cheriton Bishop**

Although the site is beyond the settlement limit, there would be policy support for the scheme as a matter of principal; if it can be proven that there is a proven need for affordable housing from households who have a strong local connection with the parish or adjoining parish.

As stated the scheme is proposed to be developed for the Cheriton Bishop Community Land Trust (CBLT) who will retain the freehold of the site and with Teign Housing Association managing the properties. CLT's are not for profit organisations set up by local residents to meet the needs of the community in respect of housing, workspaces and community facilities. Assets are held by the CLT in perpetuity for the benefit of the community as a whole.

The project has been progressed by CBLT in association with The Community Council of Devon. The CLT model is different from the Housing Associations and other Registered Providers who normally provide affordable housing within the district, in that the sole aim of a CBT is to meet the needs of the specific community they cover. Accordingly it is proposed that the houses will be allocated using a local allocations policy which will give higher priority to households having a local connection as it is an exception site to reflect the local need and therefore different qualifying criteria than would normally be adopted for other social housing secured on allocated housing sites. Future occupiers will need to prove that they are in housing need and the allocations policy will also contain a cascade to still allow for housing to be allocated to persons with connections to outlying parishes in order to ensure housing is not left unoccupied. These arrangements are proposed for inclusion in a Section 106 agreement.

The need for affordable housing was first highlighted by the Parish Council (PC) in 2011 as part of the process of preparing the Parish Plan. In order to support the case the PC commissioned for a Local Housing Needs Survey to be completed, which was done in 2012 which was reviewed again in 2014. The recommendations of this work highlight a need for 19 affordable houses, principally one or two bed units. The report was prepared by the Community Council for Devon and informed by a survey undertaken with local residents.

As a cross check of this evidence, the Affordable Housing Allocations Team Leader of this Authority, has provided the following comment on this application:

Based on evidence from the housing needs survey and the number of applicants on Devon Home Choice, I am satisfied that the proposed housing scheme will satisfy the local need for affordable housing in Cheriton Bishop.

Finally on this matter, local stakeholders who made submissions, recognise that there is a clear need for affordable housing in Cheriton Bishop, and within the surrounding Parishes.

In summary on this matter it is considered that the application proposals accord with AL/DE/6

## **3. Design and layout of housing and impact upon neighbouring properties, and surrounding landscape**

Design & Layout Issues: The site is approximately 100 metres in length and 40 metres wide and incorporates the top part of a field which slopes down to the main road between Cheriton Bishop and Crockernwell and just outside the Dartmoor National Park. The site sits within a landscape character area of inland elevated and underlating land (LCT 5A).

The scheme layout as shown on the submitted plans is clearly described above.

The materials proposed are reflective of the local vernacular. This is evidenced by the computer generated visualisations included in the landscape and visual assessment. Samples of all materials and fenestration details will be required by condition. The overall design of the dwellings is representative of the locality and the adjacent houses. Porches at the front and pergolas at the rear will help add visual interest at street scene level and again reflecting the local context. The dwellings proposed all meet with the minimum space standards as set out in policy.

Impact on neighbouring properties: There is shallow slope across the width of the site from the Yeoford Road, which assists in terms of maintaining the overall height of the dwellings below the ridge height of the nearest house - Glenthorne. This is evidenced on the street scene elevation. Given the juxtaposition between the proposed units and the existing houses, and the proposed heights relative to the adjacent properties, it is not considered the development is out of keeping with its context in terms of height scale and massing. The formation of new hedgerows, comprising planting on Devon banks to form a natural boundary (minimum 2.0 metres in height in total) and soft planting within the estate area will further assist in managing the transition of the new development area with the existing development from a ribbon form development to a linear extension arrangement proposed at 45 degrees to the existing settlement boundary. The visualisations show the scheme presents a comfortable bookend to the village without presenting as a dominant form on the skyline with the new planting clearly evident.

Following discussions with the applicant's agent and in seeking to respond to concerns expressed, it has been agreed that oak trees will be planted in the hedge in the corner of the site, plus others along the hedge line - planted at half standard size. In addition further planting around the pumping station is required. Further details of all additional hedgerow and tree planting to be resolved as a conditional requirement.

The immediately neighbouring properties to the east and south of the site of the site are orientated so that the outlook from these houses is westwards. With the outlook from the new properties due south it is evident that there will be no uncomfortable window to window relationships, even between Glenthorne and the proposed units. There is a separation of distance of approximately 20.0 metres between Glenthorne and the apartment block, and therefore it is not considered that the application scheme will create an oppressive environment for the occupiers of the existing houses that are adjacent. The level of separation gap is evident on the visualisations submitted. Finally, given the orientation of the development in relation to the existing houses (due north) and the overall massing proposed (at a lower level), the application scheme should not obscure sun light and and/or cast significant shadow to the existing buildings and their garden areas.

Whilst it is acknowledged that whilst the wider setting for the current occupiers will change, it is not considered that the application proposals will adversely affect the amenities of the existing occupiers, and the proposed planting to form the southern boundary will help minimise the impact.

Impact on landscape and visual amenity issues: In terms of both wider landscape impact from within the Dartmoor National Park, and the impact from Crockenwell Road the existing trees additional planting will soften the visual impact when viewed from middle distance locations from the south and west. As stated above the development results in finished floor levels being lower than that of the adjacent dwellings meaning that development is kept to as low height as possible when read against surrounding development.

The applicant has submitted a landscape and visual appraisal to demonstrate the impact following an objective assessment process. The key conclusions drawn from that assessment are set out below:

Subject to the quality of the development whilst impact of the proposed built form on the overall landscape character is considered to be small. Given the elevated location of the site on the edge of the village, the proposals will have a visual impact on receptors in the surrounding area. The perpendicular nature of the layout in relation to the ribbon form of the existing development will have its greatest visual impact at closer distances. Summary points

- From Yeoford Rd, the roofscape and entrance will be visible the impact - the impact is considered to be low.
- The development area will be visible from the curtilage areas of the adjacent properties on Yeoford Rd and on the south of the main road to Crockernwell - the impact is considered to be low.
- The development will visually prominent when travelling east from Crockernwell - considered to be the highest impact.
  
- From areas within the National Park, and from the network of paths and bridleways in the village and wider area the development will be visible- the impact is considered to be low. The National Park Authority (see comments above) have considered the application and have raised no objection to the application scheme. A condition is recommended regards additional planting to the details shown on the submitted plans to assist with softening the development in distant views

Overall the development of the site will have only a localised impact upon landscape character and visual amenities of the area and not one which is considered to be detrimental.



Overall it is considered that the development proposed will deliver affordable housing of a scale and design which adequately reflects the local vernacular and context of the locality and which will not adversely affect the special qualities of the landscape Dartmoor National Park. Accordingly the proposal is deemed to accord with the requirements of Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM14, DM15 and DM29 of Local Plan Part 3 (Development Management Policies).

#### **4. Surface water and drainage**

The site lies within flood zone 1 as defined by the Environment Agency, the area at lowest of flooding, and is not within 20 metres of a watercourse.

Foul waters are to be pumped to the existing mains via a pumping station positioned at the end of the service road. In addition provision is made for an attenuation tank to hold surface water flows before it is release and piped to the nearest water course.

Accordingly, subject to the submission of specific technical details regarding the whole drainage scheme prior to their installation it is considered that the proposal will not lead to an increase in surface water run-off rates from those currently experienced from the undeveloped site and the application therefore meets with the requirements of Policies COR11 and DM2 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

#### **5. Highways and parking provision**

A new access is proposed from Yeoford Rd into the site utilising an existing field gate access with improvements to the visibility splays, which will require the removal of a section of the existing roadside hedgerow. The Highway Authority has been consulted on the application and are supportive of the proposals subject to conditions.

The road immediately outside the site represents one of the main routes into and out of the village and to ensure that the development of the site is carried out in a fashion which minimises disruption to traffic it is recommended that a condition be imposed requiring the submission of a Method of Construction Statement prior to works commencing.

Each dwelling is proposed to have two allocated parking spaces with four visitor parking spaces at the entrance to the site. Whilst there is no direct pedestrian route into the village, the distance to the village is less than 300metres, and therefore manageable on foot or cycle.

Accordingly the proposals are considered to be in accordance with Policies COR9 and DM8.

#### **6. Other matters**

Ecological Impacts:

An Ecological report has been submitted with the application which makes the following conclusions:

The site is of overall low value to wildlife as it is species poor and intensively grazed improved grassland. It is noted the hedges provide potential habitats as does the existing stable which is to be removed. A series of planned mitigation is proposed with compensation in the form of bat tubes to be fitted to the buildings, native planting above the new Devon banks as is proposed and bird nesting boxes.

The report is considered to adequately address the potential for protected species to be affected by the development and subject to the imposition of a condition requiring the implementation of the mitigation measures recommended in the report; it is considered that the proposal will not adversely affect ecological interests at the site.

Various comments raised by local stakeholders.

1. The site is not needed, as affordable housing is to be provided on the Moor Park site and Church Lane could also provide an element of affordable housing. Whilst it is acknowledged that the scheme approved for the Moor Park site (outside of MDDC's) includes 8 affordable units, the application scheme in conjunction with these units fall just below the level of local need as indicated in the update housing needs survey. The Church Lane site was identified as potential option, but the land is not available to deliver 100% affordable housing. The site, with the owners agreement is currently being promoted as a housing site as part of the local plan review process. Until included as an allocation within the proposed submission plan (recently consulted upon) it is not currently an adopted allocation can be given very little weight. If included in the adopted plan (2013 -2033), then a percentage of the approved housing could be general needs affordable housing in accordance with policy. However this would not override and/or provide for the current need and/or there is no guarantee that housing on site will ever be delivered.
2. The proposal should be refused as per application ref: 91/00925/FULL. The current development plan provides policy support for development beyond the settlement boundary to meet a recognised affordable local housing need. The assessment of the application as set out above recognises the scope of impacts (in terms of visual and other impacts) that will arise but none are sufficiently detrimental to outweigh the policy support afforded by AL/DE/6 to this particular application.
3. The Local Planning Authority has reviewed the Landscape and visual appraisal and considers that it presents an objective assessment of the impacts having followed an accepted methodology. The conclusions reached are set out above and are reflective of the comments submitted by the Dartmoor Nation Park Authority to the application scheme.
4. Any future applications for a replacement stabling building will be assessed on its own merits.

## **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. The commencement of the construction of the houses shall not begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
4. The external doors, door frames and windows hereby permitted shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted and approved landscape plan as shown on drawing numbered 1411-01P1, shall be carried out within 9 months of the substantial completion of the development and be so retained. Any trees or plants which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. In addition to the approved landscaping details, referred to in Condition 5, a further plan showing the locations of and specification of trees to be planted within the new hedgerows to be planted on the southern and western boundaries of the site, and new planting around the approved pumping station, shall be submitted to and approved in writing before the landscaping works are commenced. The approved details shall be carried out in within 9 months of the substantial completion of the development and be so retained. Any trees or plants which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. No development shall take place until a construction management plan or construction method statement, also incorporating a phasing plan, for the development has been submitted to and been approved in writing by the Local Planning Authority.

The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- (i) Parking of vehicle of site operatives and visitors.
  - (ii) Routes for construction traffic.
  - (iii) Hours of operation.
  - (iv) Method of prevention of mud being carried onto highway.
  - (v) Pedestrian and cyclist protection.
  - (vi) Arrangements for turning vehicles.
8. The conclusions and mitigation measures set out in the Greenecology Preliminary Ecological Appraisal (Final Report - dated October 2014) received on 27 February 2015 by the Local Planning Authority shall be complied with in full during construction of the development hereby approved and in terms of the on-going management regime of the communal areas.
9. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance /vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
10. The development of the dwellings hereby approved shall not be commenced until:
- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
  - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
  - c) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
11. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
- a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - c) The cul-de-sac visibility splays have been laid out to their final level;
  - d) The street lighting for the cul-de-sac and footpaths has been erected and is operational;
  - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
12. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.
13. Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- i) Design of the surface water drainage system. Such design to include details of attenuation tank, flow control devices and connection pipes. The drainage system shall be designed to ensure that there is no increase in the rate of surface water runoff from the site resulting from the development.
  - ii) An inspection regime during the construction of the surface water drainage system together with submission of a written report to the Local Planning Authority with the find of the inspection.
  - iii) Details of proposed maintenance of the system for the lifetime of the development.

The development shall be carried out in accordance with the approved details and so retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To soften the visual impact of development on the visual amenities and landscape character of the areas and to help minimise the impact on the general amenities of the area in accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To soften the visual impact of development on the visual amenities and landscape character of the areas and to help minimise the impact on the general amenities of the area in accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. This information is required prior to the commencement of development. In the interests of safe operation of the highway and to protect the amenities of the occupiers of nearby dwellings in accordance with Policy DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure the protection of any ecological interests at the site.
9. To ensure that adequate information is available for the proper consideration of the detailed proposals.
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
11. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
12. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
13. This information is required prior to the commencement of development to prevent an increase in flood risk, and to ensure the efficiency of the drainage system is sustained for the lifetime of the development in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed housing development is considered to be justified on this parcel of land, outside the defined settlement limit of Cheriton Bishop, as it will meet an identified affordable housing need in Cheriton Bishop and the surrounding parishes. The delivery of affordable housing outweighs any localised impacts that may arise. Subject to the imposed conditions the proposal will deliver a development which utilises building materials and an overall design that reflects the local vernacular and context within which the site is located and will have an acceptable impact upon the visual amenities and landscape quality of the immediate locality and its setting adjacent to the Dartmoor National Park.

The scheme proposes adequate access onto the public highway and in conjunction with the internal site layout and parking provision, will deliver a scheme which does not cause harm to highway safety and which delivers parking provision to meet the needs of the dwellings proposed in accordance with policy. Subject to specific detailing prior to construction provision is proposed to be made to ensure that drainage from the site will be adequate and that surface water run-off rates will be no greater than at present. The proposed dwellings will not cause demonstrable harm to the privacy or amenity of neighbouring residents and subject to conditions will not cause harm to the health and safety of surrounding trees or hedgerows or to the habitat of protected species and will make appropriate provision for new planting. Having regard to all material considerations the application is considered to accord with the requirements of Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR3, COR9, COR11 and COR18, Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policies AL/DE/4 and AL/DE/6, Local Plan Part 3 (Development management policies) Policies DM1, DM2, DM8, DM14, DM15 and DM29 and the National Planning Policy Framework.

**Application No. 15/00352/FULL**

**Plans List No. 3**

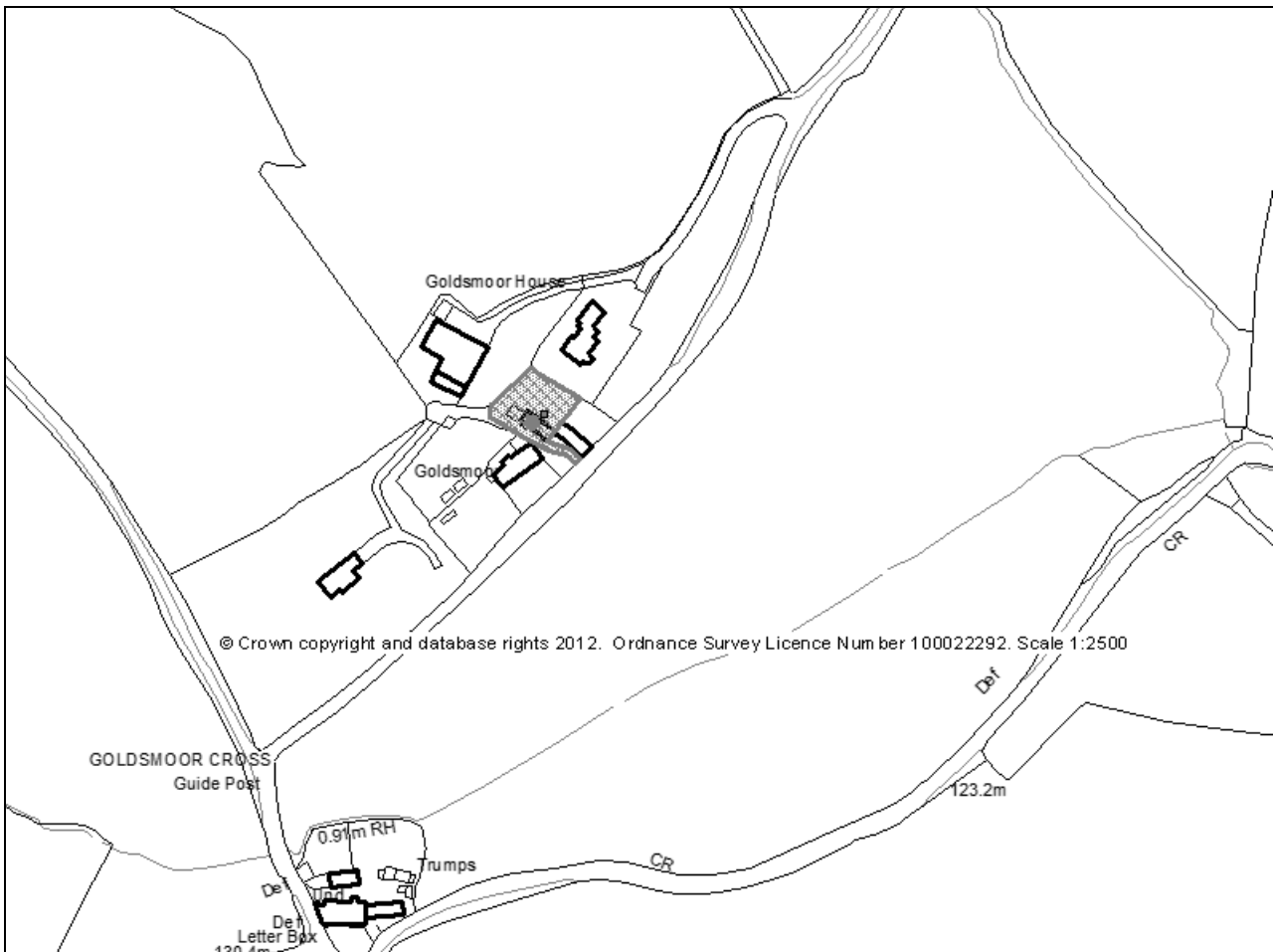
**Grid Ref:** 304595 : 116820

**Applicant:** Mr & Mrs J Perry

**Location:** Land and Buildings at  
NGR 304595 116820  
Goldsmoor House  
Westleigh Devon

**Proposal:** Conversion of  
redundant barn to  
residential dwelling

**Date Valid:** 4th March 2015



## **Application No. 15/00352/FULL**

### **RECOMMENDATION**

Refuse permission.

### **COUNCILLOR H BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider whether the building meets the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies): Conversion of Rural Buildings.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the conversion of a redundant barn to a dwelling at Goldsmoor, Westleigh. The barn is situated on the Class III road from Durleymoor Cross to Goldsmoor Cross approximately 1.5 miles to the East of the settlement of Westleigh. The building stands adjacent to a separate residential property known as Goldsmoor to the west, and an agricultural worker's dwelling known as Goldsmoor House to the east. The barn is immediately abutting a single storey barn close to the road which is under ownership of the occupants of Goldsmoor.

The building can be considered as two connecting parts. The largest section is a tall box shaped building, built from stone, cob and breeze block, measuring 12.7 metres in length, 6.1 metres in width and 5.6 metres at the highest point of the gently sloping monopitch metal roof. This building has a narrow depth, with a high wall to void ratio with unpainted render visible across most of the outer walls. The second part of the building is a small single storey addition to the rear which features a simple corrugated metal roof with block walls and a rough painted render exterior. This measures 7.7 metres in length and 4.8 metre width. The maximum height of the roof measures 3.2 metres.

There are a number of unusually shaped and positioned windows across the extent of the building including a wooden sash and uPVC casement in the main section, with metal Crittal and a fixed-shut stained glass window more recently added in the smaller section. The building is largely redundant, albeit there were a few areas used for storage of miscellaneous household items. There is some anecdotal evidence of use of the smaller section of the building for human habitation, including a water storage tank and curtain rails, as well as window openings and internal partition which are later additions to the building.

It is proposed to convert the barn to a dwelling with associated garden, parking spaces and driveway access. Upon conversion the building would provide three bedrooms, an open plan kitchen and dining room, a lounge, bathroom and storage area. Access from the highway is proposed to be taken via the existing lane with vehicular parking in a section of the garden 'courtyard' on the northern side. It is proposed to convert the building by the removal of the existing mono-pitched roof and replacing this with a traditional albeit a shallow pitched roof of approximately 20 degrees. The design includes many new openings. The two sections of the building together measure approximately 20 metres in length.

This is a revised scheme following refusal of an earlier proposal for the conversion of this building to a dwelling in February 2015 (14/01474/FULL).

### **APPLICANT'S SUPPORTING INFORMATION**

Structural Survey  
Ecology Report  
Supporting Statement

### **PLANNING HISTORY**

90/02005/OUT Outline for the erection of detached house - REFUSED - DECEMBER 1990  
91/01570/OUT Outline for the erection of a dwelling - REFUSED - OCTOBER 1991/APPEAL DISMISSED  
MAY 1992  
14/01474/FULL Conversion of redundant barn to dwelling - REFUSED - FEBRUARY 2015

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM8 - Parking  
DM11 - Conversion of rural buildings

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 12th March 2015

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

SAMPFORD PEVERELL PARISH COUNCIL - 24th March 2015

Having visited the site in connection with the earlier application, 14/01474/FULL, they remain of the opinion that the proposed development is inappropriate for the location, not least because the access and egress arrangements are inadequate. They find that the statements made in the application on access that there is "excellent traffic visibility" and "ample provision for parking and turning" to be inaccurate. They therefore do not support the application in its present form and urge that Conditions be applied to any permission given that will fully address these issues.

ENVIRONMENTAL HEALTH - 24th March 2015

Contaminated Land: No objections  
Air Quality: No objections  
Drainage: No objections  
Noise & other nuisances: No objections  
Housing Standards: No objections  
Licensing: Not applicable  
Food Hygiene: Not applicable

Private Water Supplies: A private water supply has been identified for this proposal address and other properties and therefore the accommodation will fall under the remit of the 'Private Water Supplies Regulations 2009' and a wholesome supply (as defined in the regulations) must be supplied. If more than one property is using this water supply a private water risk assessment and sampling will need to be undertaken by this authority prior to any residential use.

Health and Safety: No objections

Contaminated Land: There is no supporting information in respect of land contamination risks provided in support of this application. Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive /vulnerable land-use, in this case a proposed residential dwelling (see Question 14 on 1App application form).

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.



## REPRESENTATIONS

1 letter of representation received, summarised as follows:

- No objection in principle
- Proposed access from the road will result in an increase in traffic
- The track in its upper part is unmade and rises steeply from the road to the proposed parking area - the track is prone to heavy surface run-off and if provisions are not made to improve it, there may be an increased risk of flooding to adjacent residential properties.
- There is no mains water supply and a borehole should be at least 50 metres from a source of water supply.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issue for consideration is whether the existing building positively contributes to the area's rural character and whether this character would be retained through the conversion. The report also addresses the impact of the conversion upon protected species and the impact upon the character and appearance of the wider setting. The main issues for determination relate to:

1. **The principle for conversion**
2. **Parking and Access**
3. **Extent of building works**
4. **Design**
5. **Ecology**
6. **Impact on neighbours and surroundings**

### 1. The Principle for conversion

The site is outside of an adopted settlement limit where new residential development is subject to strict policy control. This is set out under Part 6 of the National Planning Policy Framework. However Paragraph 55 of Part 6 permits the reuse of redundant buildings where they are found to lead to an enhancement of the immediate setting.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands upon the National Planning Policy Framework, and specifically deals with the conversion of redundant or disused rural buildings. This policy is consistent with the National Planning Policy Framework insofar as it seeks to secure high quality design as one of its core planning principles. The policy allows for the re-use of rural buildings for residential, tourism or employment uses where they are of substantial and permanent construction, and where they make a positive contribution to an area's rural character. An assessment under DM11 is also subject to four further criteria, set out below:

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;
- b) The building can be converted without significant alteration, extension or rebuilding;
- c) The design will retain the original character of the building and its surroundings
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

It was agreed between the Authority and the applicant that the building is redundant for agricultural purposes and also that it is of substantial and permanent construction as set out in the previous refused planning application 14/01474/FULL. This is confirmed in the submitted Structural report although there is no specific detail with regard to the removal of the roof and the replacement with the shallow pitched roof as set out in the plans submitted. In this case the building's suitability for conversion turns on 2 main factors; 1. Whether or not the building positively contributes to the character of the area and 2. Whether or not the proposals involve significant alteration, extension or rebuilding. Consideration of this second point is given at section 3 of this report.

The test of Policy DM11 does not merely require a building to reflect the rural character of an area, but it also requires any such building to positively contribute to it. Regarding this test of character, the main structure is fairly untypical of buildings found in the rural setting. It features a monopitch corrugated tin roof that is gently sloping, wall sections of cob, concrete block and stone, built to an equivalent height of 2 storeys.

There are a number of substantial repairs which have been undertaken including the roof, and rebuilding of the north east elevation with breeze block, presumably where sections of cob walling have failed. It is unclear whether the building's height with large roof void may have increased from an original single storey position.

The building includes 3 main openings, two of which are adjacent to an original stone built wall supporting the more modern corrugated roof. This section, open on both sides, gives access to the land proposed to become garden space. There is a stone buttress on the south west elevation and some areas of stonework visible on the exterior. There is no substantive evidence within this application that setting out the historic use of the building, nor are there many clues from visiting the site. Whilst the building features a mixture of materials including cob and stone, there has been extensive rebuilding and the shape and height are not characteristic of agricultural buildings in any traditional form. Whilst it is considered that more modern buildings are capable of making a positive contribution, this building is not considered to be of any intrinsic merit, and is thought to make little in the way of positively contribution to the rural setting.

The Authority considers that the building sits awkwardly in its immediate setting adjacent to Goldsmoor which is a traditional cottage of more traditional design scale and massing. Whilst the agent has submitted further details arguing for the retention of the roof as an original feature, it is still thought there have been changes in the buildings height and overall massing, even if the barn has stood in its current form to a substantial period of time.

It was argued in the last application 14/01474/Full that the building is unique and has a special character which merits retention for its unusual but positive contribution to the local setting. Whilst the building is unusually tall for a traditional barn with such a gently sloping mono-pitched roof, the Authority considers that not all buildings within the Mid Devon Countryside necessarily make a positive contribution to the rural character and this building is not of an overall shape or form to warrant retention, despite the presence of some more traditional materials in places. As such, it is considered that the building fails to meet the preliminary character test of Policy DM11. The building was previously assessed under policy and found to not comply. Application 14/01474/FULL was therefore refused.

## **2. Parking and Access**

In relation to part a) of policy DM11, the building is already served by an access track running between the south west elevation and Goldsmoor House. Vehicular access connects with the Class III road running from Whitnage to Westleigh. The Highway Authority has referred to standing advice, although the Authority has sought further advice from the Highways Officer in the previous application 14/01474/FULL. Overall it is considered that the building is capable of being served by a suitable access, subject to some upgrading and hard surfacing. This would also reflect concerns raised by neighbouring residents who have made representations on the application. The Highways Officer has advised that there is adequate visibility along the road, despite it being unrestricted and generally seeing vehicle speeds of around 40-50 mph. It was commented this would not constitute a reason for refusal.

The proposal includes parking provision for 2 vehicles, which is sufficient to meet the requirements of Policy DM8, which sets a requirement for 1.7 vehicles per new dwelling. There would also be sufficient parking space for vehicles to turn and leave the site in forward gear. Subject to the provision of a permeable surface and culvert, the issue of surface run off (as highlighted by neighbours) may also be overcome.

## **3. Extent of building works**

In relation to part b) of DM11, it is not disputed that the building is of a substantial and permanent construction already. The structural report concludes that the stone walls need some upgrading in the form of repointing. Internally, minor repairs are required to the cob wall sections.

Regarding the test that the building can be converted without significant alteration, extension or rebuilding, the proposal indicates on the plans that there will be three new windows, triple folding doors to the North East elevation and alteration to the existing window and doors to quad folding patio doors and a single glazed door.

In addition to the south west elevation new windows will be inserted in the main 2 storey area along with alteration to the existing windows in the single storey element. Further roof lights are proposed also. Overall there is an increase in the number of openings proposed when compared to the earlier refused application reference 14/01474/FULL.

Within this application the roof is to be removed in its entirety on both parts of the building and replaced with a pitched roof (although of a shallow pitch not typical of the region at approx. 20 degrees). This new roof will require extensive alteration to the existing building to accommodate this proposal. As such, it is considered that the building fails to meet the preliminary significant alteration test of Policy DM11.

#### **4. Design**

Part c) of Policy DM11 requires the conversion to retain the building's existing character through good design. The Authority maintains its position that the existing building is lacking in overall character, and therefore it is difficult to achieve a conversion which both retains a level of character and a high quality design. The building is proposed to be converted without interrupting the height, scale or massing but there are significant changes proposed to the roof. There are new vertically shaped windows and doors proposed on the north east elevation which seek to balance the horizontal emphasis. Many of the existing windows are more recent additions or repairs (including that on the south east elevation) which do not add to an historic character.

The design would retain an external render finish with the replacement low pitched roof. It is not thought that the new openings would unsettle the wider design or intrinsically the use of an appropriate pitched roof. Although the proposal would not substantially erode the overall appearance of the building at present, it is still not considered to be a building of a character which positively contributes to the area's rural character; therefore its conversion would be contrary to the preliminary test of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

Policy DM2 of the Local Plan Part 3 (Development Management Policies) sets out guidelines on how good design can be achieved through new development. This includes works to show a clear understanding of the characteristics of the site, a positive contribution to the local character, and to create visually attractive places that take into account architecture, siting, layout, orientation, fenestration, materials and landscaping.

The conversion would retain the building's height and massing, although these are not features the Authority believes are worthy of retention. It is accepted that the building is not widely visible from the road, although the south east elevation is a dominant elevation in contrast to Goldsmoor House and the adjacent single storey redundant barn. Furthermore, there is some doubt as to how the building can positively contribute to the area's character when it is not considered to do so at present. Overall it is considered that there is an outstanding issue of compliance with Policy DM11 that is intrinsically linked to the level of compliance with Policy DM2.

#### **5. Ecology**

In relation to part d), the ecological report sets out a survey of the building and the assessment and results are drawn up in two halves, referred to as Building 1 and 2. Building 1 refers to the larger section of the barn equivalent to two storeys in height, whereas Building 2 refers to the smaller single storey concrete block and render building.

The survey found evidence of lesser horseshoe bats in Building 2 and the recommendations include the creation of a bat night shelter to be created in Building 1 prior to the commencement of work on Building 2. The report also recommends other appropriate mitigation including timber treatment, providing access for bats and appropriate timing of building works. Whilst it is conceded that there may be an impact on protected species, the findings are not considered to be so significant to warrant refusal of the application, and it is considered the recommendations could be made as a condition, should the application be considered for approval. The report also concludes that an EPS license will be required from Natural England.

#### **6. Impact on neighbours and surroundings**

The site is largely private with no clear or obvious views from the surrounding countryside. Any landscape impact can therefore be said to be localised. The proposed development lies between Goldsmoor House to the East and Goldsmoor to the West. There is also a large agricultural shed situated approximately 20 metres to the North West although this is not visible from the building. The application site is generally well screened from Goldsmoor House by an established tree and hedgerow boundary. From the neighbouring Goldsmoor Farmhouse there are only slight glimpses of the application site, and therefore the conversion would be very unlikely to constitute harm to the privacy or amenity of these neighbours.

Goldsmoor to the West has a much closer relationship with the building by virtue of its proximity (with the south west elevation of the building standing less than 5 metres from the side elevation of the neighbouring property). The conversion of the building would increase vehicle movements and noise to and from the site, although there conversion would be unlikely to affect privacy between the two sites, as the side (east) elevation of Goldsmoor is a more private without any large openings reducing privacy. The proposed design of the south west elevation includes only one new opening, which is achieved by partially blocking the existing opening of the main barn. This window would serve as a lounge window, although it would no look directly into the neighbouring property, nor would it be likely to result in future occupants feeling exposed or overlooked by neighbours.

As such, it is not considered that the proposed development would constitute unacceptable harm to the privacy or amenity of neighbouring residents, and the conversion would not affect any wider or strategic views of the countryside. The proposal can therefore be said to comply with some aspects of COR2 of the Mid Devon Core Strategy (Local Plan Part 1), and DM2 of the Local Plan Part 3 (Development Management Policies).

### **REASONS FOR REFUSAL**

1. The existing barn, by virtue of its overall height, massing and construction including a mix of breeze block, stone, cob and render with corrugated metal sheet roofing, is considered to be of a low amenity value and is not considered to positively contribute to the area's rural character. Overall, it is considered that this agricultural building is one that merely reflects the rural character of the local area rather than being one that makes any positive contribution to it. In addition the proposal includes for the provision of a pitched roof to replace the existing mono-pitched roof structures which would amount to significant alteration. The proposed conversion would therefore be contrary to the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies) and the supporting information is insufficient to outweigh the conflict with the development plan.

### **INFORMATIVE NOTE**

1. The submitted plan indicates a package treatment plant to be situated approximately 50 metres from the neighbouring property's water supply. Should the application be granted planning permission, the applicant is advised that any new private water supply must also be at least 50 metres from the point of discharge from the package treatment plant in order to comply with building regulations.

**Application No. 15/00382/FULL**

**Plans List No. 4**

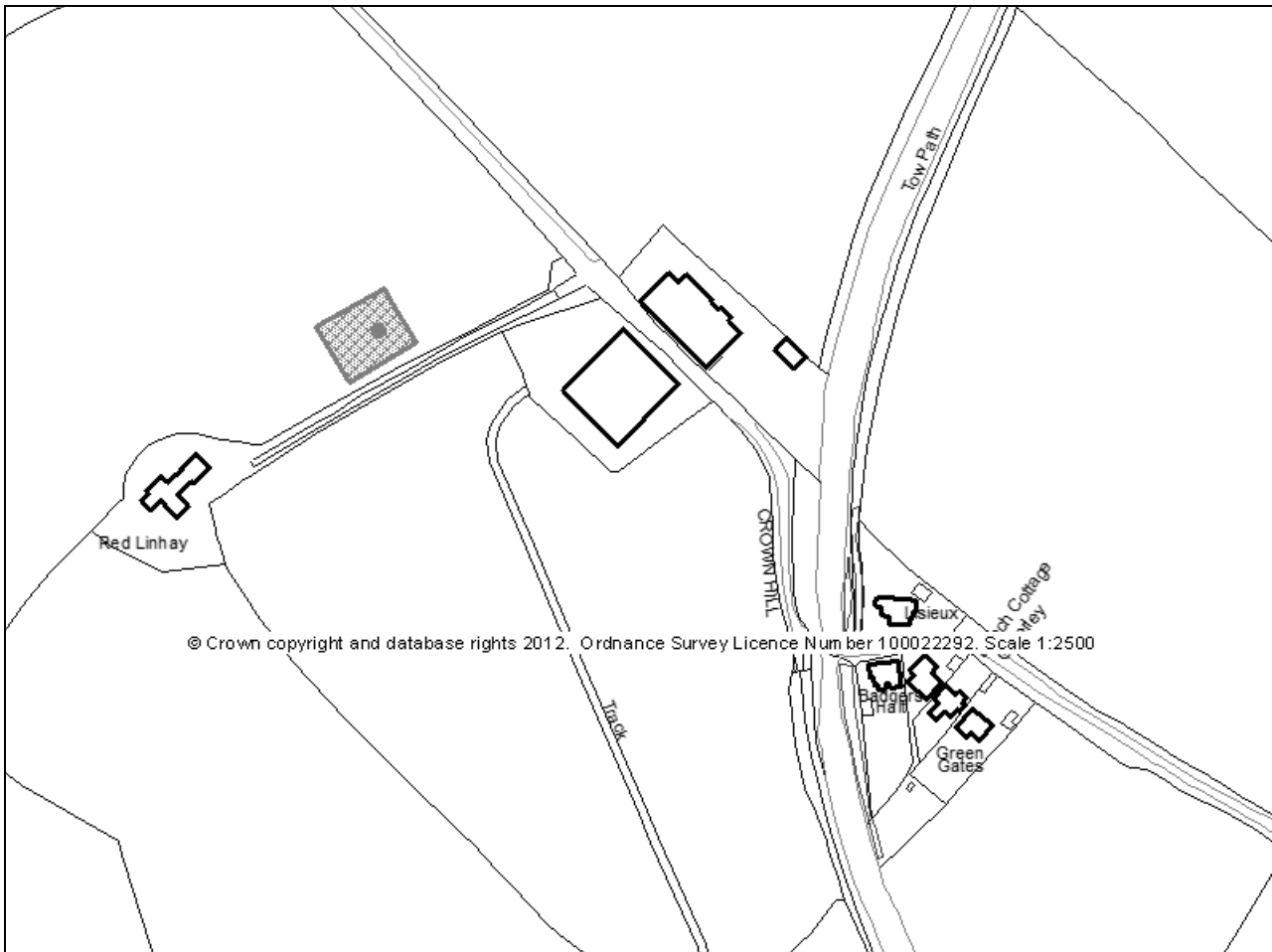
**Grid Ref:** 299384 : 112863

**Applicant:** Mr J Clapp

**Location:** Land at NGR 299384  
112863 Red Linhay  
Crown Hill Halberton

**Proposal:** Erection of an  
agricultural livestock  
building (889 sq.m)

**Date Valid:** 17th March 2015



## **Application No. 15/00382/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR RAY RADFORD HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE TO CONSIDER WHETHER:**

1. There is a need for a further building.
2. Whether crops that were supposed to be used for the AD plant are now proposed to be grazed by the beef herd, and
3. Whether this would result in an increase in traffic movements.

### **PROPOSED DEVELOPMENT**

The proposed development is for the erection of an agricultural livestock building at NGR 299384 112863, Red Linhay, Crown Hill, Halberton. The applicants have advised that the building is intended to accommodate a 40 head of cattle, and includes a covered area to be used for feed storage and trailers, a cattle handling area and an overhang to protect animals from inclement weather during feed times.

The proposed building measures 32.27m long by 27.61m wide and 7m to the ridge, with a gross floorspace therefore of 890sqm. The building is proposed to be located directly adjacent to and to the west of the agricultural livestock building granted in Sept 2014 which measures 32 metres long, 14 metres wide, and has a floor space of 448sqm<sup>2</sup>. Both buildings will be located north west of the existing general purpose agricultural buildings on site, in the corner of a large agricultural field, adjacent to the site entrance. Also on site, work is underway to implement the consent granted in July 2014 for an anaerobic digester plant (AD) which is proposed to be supplied with feed and waste from the holding.

The proposed building's walling will be constructed using concrete panels, with Yorkshire boarding above and a fibre cement roof. Additional landscaping is proposed by way of a new hornbeam and beech hedge planted to the north of the building

### **APPLICANT'S SUPPORTING INFORMATION**

Waste Management Plan  
Waste Audit Statement  
Surface water drainage strategy  
Design and access statement  
Written scheme of investigation: archaeological watching brief  
Planning statement - revision A

### **PLANNING HISTORY**

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NOBJ - 7th March 2008

12/00585/PNAG Prior notification for the erection of an agricultural storage building  
PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - NOBJ - 11th June 2012

12/00630/FULL Erection of an agricultural livestock building - PERMIT - 19th June 2012

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - PERMIT - 10th July 2014

14/00801 Erection of agricultural livestock building - PERMIT - 15th Sept 2014

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness

COR18 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design  
DM22 - Agricultural development

#### **CONSULTATIONS**

CULLOMPTON TOWN COUNCIL - 30th March 2015 - No objections

HIGHWAY AUTHORITY - 25th March 2015  
standing advice applies  
<http://www.devon.gov.uk/highways-standingadvice.pdf>

14th May 2015 - My question would be what are the feed stock. E.g. if it is silage it could go to a clamp and be brought in by larger vehicles e.g. duoliners as is the case in Willand hence smaller movements. Notwithstanding that 183 m vehicles is 3.5 vehicles a week over the entire network and not significant or severe over the road from Post hill so is unlikely to pose a problem. The distance they are travelling may be something to consider and whether or not they are local or does sustainable traffic movements come into play, this is difficult as there is no definition of local only the 6km that inspector imposed on Menchine.

HALBERTON PARISH COUNCIL - 15.05.15 -

The PC at its recent meeting discussed the contents of your e-mail to Mr Taylor and have no additional comments for inclusion in the committee report.

ENVIRONMENTAL HEALTH - 9th April 2015  
Contaminated Land - No objections  
Air Quality - No objections  
Drainage - No objections  
Noise and other nuisances - No objections  
Housing Standards - N/A  
Licensing - N/A  
Food Hygiene - N/A  
Private Water Supplies - N/A  
Health and Safety - Health and Safety Executive enforced activity

HISTORIC ENVIRONMENT SERVICE - 14th April 2015

The proposed development lies in an area of archaeological potential with the Historic Environment Record showing the presence of prehistoric activity across the wider landscape. The archaeological monitoring of the building to the east did not record any archaeological features being exposed, but two flint tools were recovered dating to the late Neolithic or early Bronze Age. The current planning application lies closer to the site of two prehistoric funerary monuments and any groundworks for this proposed development have the potential to expose archaeological and artefactual deposits associated with the known prehistoric activity in the immediate vicinity.

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 monitoring and recording of topsoil removal and initial ground reduction to enable the identification, investigation and recording of any archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

## REPRESENTATIONS

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

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Justification for the agricultural building**
- 2. The relationship of the proposed development to the AD plant requirements**
- 3. Impact on neighbours and the character and appearance of the area**
- 4. Impact on the environment and local road network**

### 1. Justification for the agricultural building

The site is located in the open countryside where COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings. DM22 of the Local Plan Part 3 (Development Management Policies) permits agricultural buildings subject to certain criteria being fulfilled. The development should be reasonably necessary to support farming activity on the farm or the immediate agricultural community; not have an adverse impact on the living conditions of local residents or the character and appearance of the area; not have an unacceptable impact on the environment and not have an unacceptable traffic impact on the local road network.

The applicant has advised that the erection of an agricultural building is required in order for the applicant's livestock herd to be accommodated on site. There are currently 46 cattle accommodated in the building granted permission back in Sept 2014. Your officers have queried why there is a need for a further agricultural building so soon after permission was granted for the existing one, and the applicant has advised that not only is the business successfully expanding (with additional calves having been bred) but there is a need to move more cattle from a holding at Cove and then to keep the pedigree and commercial animals in separate buildings.

The proposed building is larger than the existing building as it includes an area for feed and a greater overhang to protect the animals from inclement weather. The applicant has been asked whether one of the buildings on the opposite side of the track (permitted under agricultural prior notifications in 2008 and 2012) could be used for feed storage, particularly the building currently used for grain storage, as this will now go straight into the AD plant rather than being stored in the building. This would mean that the size of the proposed building could be reduced. However, the applicant has advised that the building is not suitable for the storage of feed as fertiliser and seed for the arable crops are kept in the building and neither of these should be mixed with feed for cattle due to their poisonous nature.

Therefore on the basis of the information provided, it would appear that the proposed agricultural building is justified and complies with Policy DM22 in this respect

### 2. Impact on neighbours and the character and appearance of the area

The proposed agricultural building will be visible from the public highway to the north known as Crown Hill. However, the building's visual impact is mitigated by the retention of mature hedges that will act to partly screen the building from the highway, and this building would be located 'behind' the existing building. Whilst there are houses near the site, there are other intervening buildings between them and therefore any impacts on neighbours will be low.



The design of the building reflects that of a standard agricultural building, and the building will be viewed in the context of the other buildings on site, forming part of the existing farm complex; consequently any impacts on the wider landscape are considered to be low. The building will also be visible from the main road between Halberton and Tiverton but this would be at a distance. As such, the development can be considered to be well-designed and appropriately located, respecting the character and appearance of the area in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

The proposed site is located approximately 150 metres from the Grand Western Canal and associated Conservation Area. It is not considered to impact upon the canal/the associated conservation area or setting such as to warrant refusal of the application. It will add to the group of buildings in this location, particularly once the Anaerobic Digester plant is completed. The proposed livestock building would be behind the Anaerobic Digester when viewed from the canal direction. In this respect it is also considered acceptable.

### **3. Impact on the environment and local road network**

The submitted Waste Management Plan advises that the herd is bedded on straw so there is no slurry production or dirty water. When the building is cleaned out, the waste is either stored on a sloping concrete pad or taken directly out to temporary field heaps but once the AD plant has been commissioned, all manure will be deposited there in the generation of renewable energy. As a result, the proposal is considered to have a limited impact on the environment.

With regards to the local road network, the Highway Authority have advised that standing advice applies. When applying this standing advice, it is concluded that the access is sufficient to cater for the additional development in that it is of sufficient dimension and has adequate visibility. The applicants have advised that they intend to move their herd currently located on land at Cove to the application site which will therefore reduce the number of transport movements from the site necessitated presently by a need to visit the animals in Cove on a daily basis.

However, there is concern that in determining the application for the AD plant, the applicant advised that the land on and around the current application site and that for the building granted in Sept 2014 was to be used for arable farming to supply the AD plant. Consequently, by approving the building, some of that land will not be available. However, the area in question is relatively small and unlikely to significantly affect the operation of the AD plant. Of greater concern is the use of the land around the buildings for the grazing of the cattle. The applicant has advised that 'the fields immediately surrounding the site are to be retained as 'grassland with the remaining acres given over to the growing of wheat and barley, that in turn provide food and bedding for the livestock.' Clarification has been sought from the applicant on the area of land involved. The concern is that if less AD feedstock comes from the holding, more will need to be brought in by road and the impact this will have on the local highway network, including the junction with Post Hill and the road through Halberton.

However the applicant has confirmed that only 99 of the 151 hectares at Hartnoll and Manley Lane were to be used for the AD plant (This is confirmed in the Transport Assessment for the AD plant) and that this leaves a balance of 52 hectares for the needs of the cattle. In the applicants opinion therefore, there would be no need to bring any additional feedstock for the AD plant in by road.

Even if the development did necessitate the bringing in feedstock for the AD plant from elsewhere, the Highway Authority have advised that there is capacity within the network for the level of traffic that this would give rise to and hence do not wish to object to the proposal.

On this basis, the proposal is considered to comply with the final criteria of Policy DM22 in terms of impact on the environment and local road network.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and be approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. All planting comprised in the approved details of landscaping as shown on drawing: P495/03 Rev A, shall be carried out within 9 months of the substantial completion of the development and be so retained. Any trees or plants which within a period of five years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

### **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. The site lies in an area of archaeological potential with the Historic Environment Record showing the presence of prehistoric activity across the wider landscape. As such a pre-commencement condition is justified to ensure that an appropriate record is made of archaeological evidence that may be affected or lost once the development commences in accordance with Policy DM27 of Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework (NPPF).
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed agricultural building is considered to be reasonably necessary to be used in connection with the business of rearing and keeping cows at the Red Linhay site, Crown Hill. It is not considered the application will have an unacceptable adverse impact on the neighbours, the character of the area including the Grand Western Canal and associated Conservation Area, the environment, or the local road network. Consequently this application is deemed to comply with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

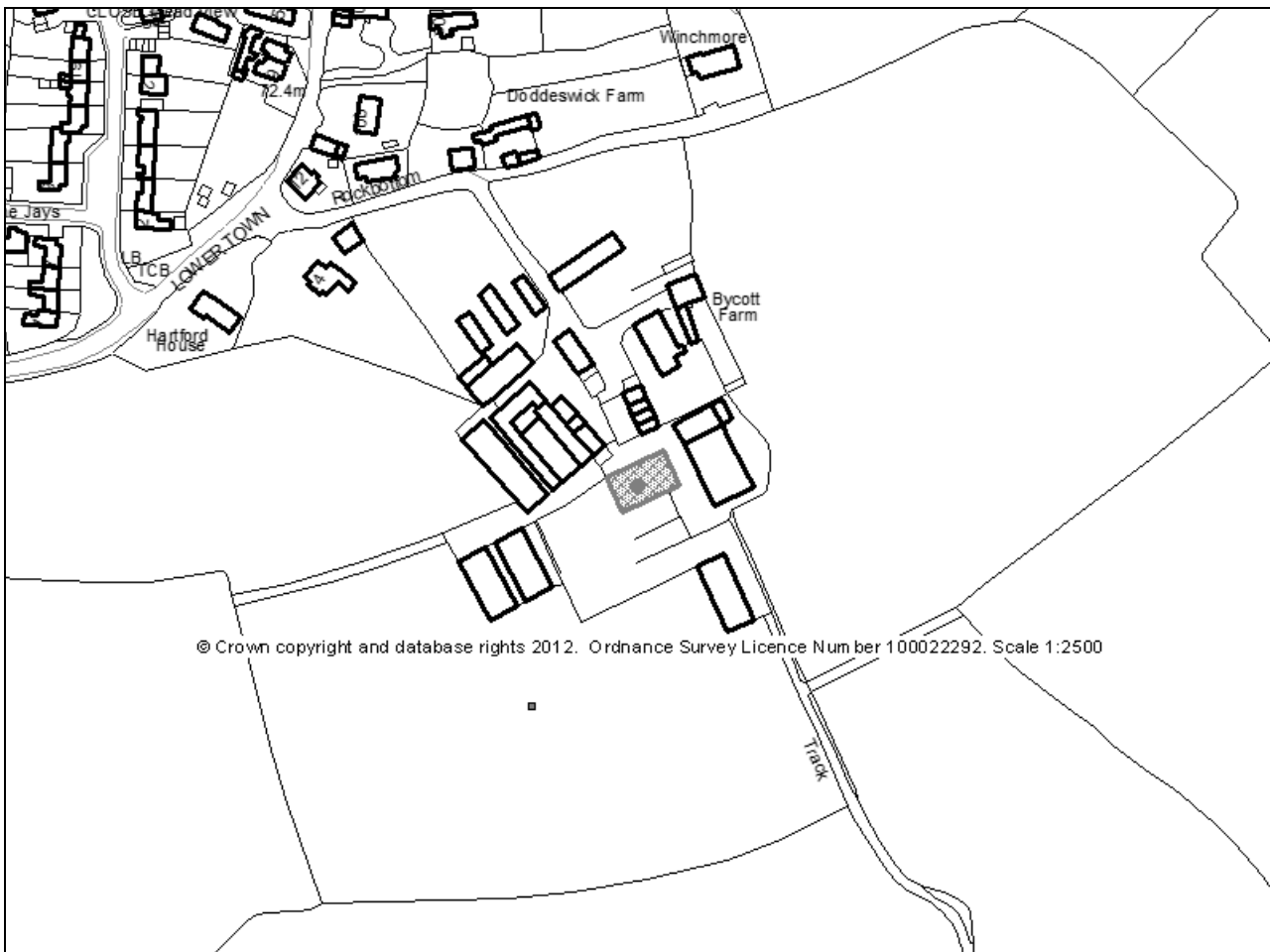
**Grid Ref:** 300503 : 112348

**Applicant:** Mr C Dibble

**Location:** Land at NGR 300503  
112348 (Bycott Farm)  
Lower Town Halberton  
Devon

**Proposal:** Retention of cover  
over existing silage  
clamp

**Date Valid:** 26th March 2015



## **Application No. 15/00533/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR RAY RADFORD HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

The proposed change of previously approved material of Yorkshire boarding to a dark grey profiled sheeting will have an adverse visual impact on the surrounding area.

### **PROPOSED DEVELOPMENT**

Retention of cover over an existing silage clamp.

Planning permission was granted in 2014 under 14/01861/FULL for the provision of a cover over the existing silage clamp. The proposed cover/building measures 14.868m (w) x 26.165m (l) x 13m (h) to ridge. The previously approved plans showed the cladding material to be tanned timber Yorkshire boarding on sheeting rails.

The building has subsequently been constructed to the size set out in the 2014 approval. However the external cladding material has changed from the timber vertical boards to dark grey aluminium profile sheeting set vertically. In addition the colour of the roof differs from that approved in that it is a light grey rather than dark grey.

There are no other changes to the building.

### **APPLICANT'S SUPPORTING INFORMATION**

Planning Statement.

### **PLANNING HISTORY**

02/01673/PNAG Prior notification for the erection of agricultural storage building - REC -

99/02956/FULL Erection of an agricultural livestock building - PERMIT - 11.10.99

09/01492/PNAG Prior notification for the erection of an agricultural building - NOBJ - 21.10.09

11/00610/MFUL Erection of extension to existing slurry store - PERMIT - 20.07.11

14/00803/MFUL Erection of an agricultural livestock building (3,612 sqm) - WDN - 16.06.14

14/01073/MFUL Erection of an agricultural livestock building (3,811.7 sqm) (Revised Scheme) - PERMIT - 03.10.14

14/01861/FULL Erection of cover over existing silage clamp - PERMIT - 22.12.14

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR18 - Countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 - High quality design

DM22 - Agricultural development

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 20th April 2015

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

HALBERTON PARISH COUNCIL - 30th April 2015

Recommend refusal - The building should be clad in Yorkshire Board style tanalised timber as per the planning permission 14/01861/FULL for the same silage clamp cover as shown on original plan No. P489/06/REV.A for the south west and north west elevation dated 17.12.14.

Members of the Parish Council have received complaints regarding the appearance of this structure from nearby residents.

The Parish Council also requested that this application be called in by MDDC Cllr. Radford if the Local Planning Authority are minded to approve it

## **REPRESENTATIONS**

None received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This building is covering an existing silage clamp in order to provide dry storage for feed which is bulk purchased for the large herd of dairy cattle farmed on the holding. Planning permission was granted in 2014 for the erection of a cover over the silage clamp but has been clad in a differing material and this application therefore seeks to retain the constructed building with the replacement material (grey Profile sheeting). The building is constructed off the existing silage clamp walls. The original consent specified Yorkshire boarding walling on the side walls and partial cladding on one of the gables, all under a corrugated fibre cement roof in anthracite colour (dark grey). However the applicant has constructed the building utilising an alternative material for the exterior cladding. This alternative cladding was substituted to ensure the silage clamp area is protected fully from inclement weather. This change to the material will enable the increase of storage periods as well as protecting the wheat and its quality. The building is a height of 13 metres above highest surrounding ground level, as the existing silage clamp is constructed on partially elevated ground which houses the effluent tank for the silage clamps which are in this area. The roof as constructed is a light grey colour.

The height of the building is unusual for an agricultural building and is 5 metres higher than the next highest existing building on the holding. The alternative covering to the building is dark grey aluminium profiled sheeting similar in style to other buildings surrounding the new building. However, the building is located in the centre of the existing farmyard and due to the surrounding topography, vegetation and built environment; the site is not easily seen from public vantage points, other than for views from the lane which gives glimpsed views. The height of the building is required in order to allow for articulated tipping lorries to extend to full height to tip loads of soda wheat, which is said to be very sticky and so requires full extension in order to empty the load. Policy DM22 is supportive of agricultural proposals which are reasonably necessary to support farming activities. In this instance the applicant's business has grown in recent years and the dairy herd is now much larger and so feed is purchased in bulk to bring costs down, which is essential as milk prices have gone down significantly in the past 12 months. It is therefore accepted that the building is reasonably necessary for the holding and it should also be noted that the building seeking retention is the same height as that granted consent on the site in 2014.

The farm lies close to but outside of the Conservation Area for Halberton and the main farmhouse is considered to be an unlisted heritage asset, although it is not presently on the register of such assets. Having regard to the limited public visibility of the building, and the use of the profile sheeting rather than Yorkshire boarding, it is considered that the alternative material will match ostensibly with those of the immediately surrounding agricultural buildings. It is also considered that the alternative material will preserve the setting of both the Conservation Area and the unlisted farmhouse, will not have a detrimental impact on neighbouring properties greater than the previously approved material (Yorkshire Boarding) and on this basis the application accords with Policies DM2, DM22 and DM27 of Local Plan Part 3 (Development Management Policies). Nevertheless, given the height of the building, it is considered appropriate to include a condition requiring the removal of the building should it no longer be necessary for agricultural purposes. No change in roof colour is also considered acceptable given its location within a group of other buildings.

No neighbour representations have been received but the Parish Council has now raised objection to the alternative cladding material stating the Parish Council have received complaints regarding the appearance of this structure from nearby residents.

The site is a sufficient distance from neighbouring properties so as to not cause demonstrable harm to visual amenity and on the basis that it will not house livestock, will not cause any other form of nuisance.

### **CONDITIONS**

1. The date of commencement of this development shall be taken as the 26th March 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The building hereby approved, shall be used only for agricultural purposes. On its becoming redundant for such purposes, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 3 years of the date this occurs.

### **REASONS FOR CONDITIONS**

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the rural character of the area in accordance with policies DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed agricultural building is considered to be reasonably necessary for the purposes of agriculture on the holding and by virtue of its scale, massing, design and location within the centre of the farmyard is not considered to harm the amenity of the occupiers of nearby dwellings, or its surroundings, including the setting of the Halberton Conservation Area and that of the unlisted Bycott Farmhouse which is considered to be an unlisted heritage asset. As such the proposal is considered to comply with Policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM22 and DM27 of Local Plan Part 3 (Development Management Policies).

**Application No. 15/00507/MFUL**

**Plans List No. 6**

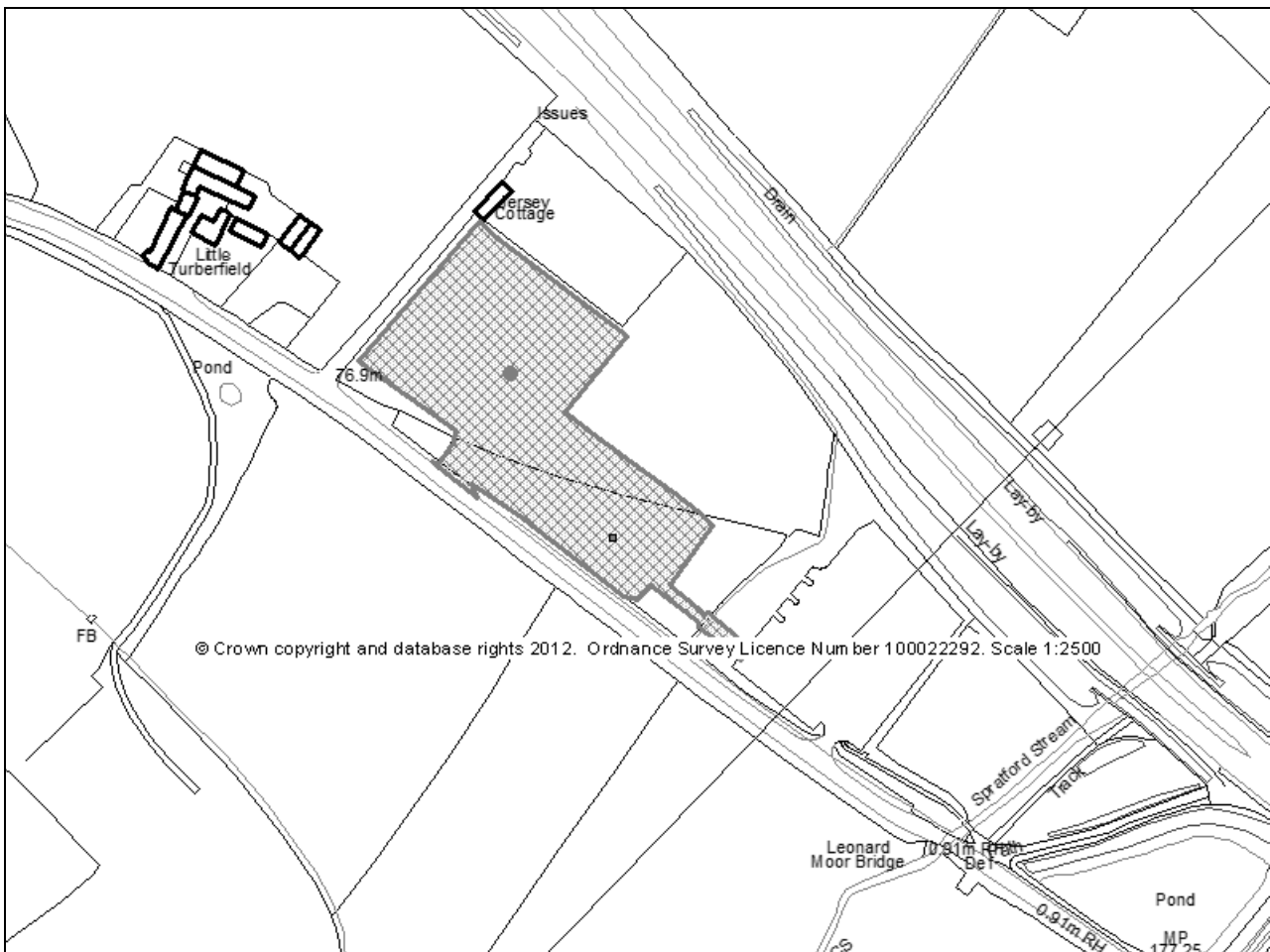
**Grid Ref:** 304319 : 114213

**Applicant:** First Great Western

**Location:** Land at NGR 304319  
114213 (Tiverton  
Parkway) Sampford  
Peverell Devon

**Proposal:** New surface car park  
and associated lighting

**Date Valid:** 30th March 2015



## **Application No. 15/00507/MFUL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This is a full application for the retention of a surface level car park and access together with additional works to upgrade surfacing, landscaping and associated lighting. It is proposed to create approx. 185 car parking spaces. The car park is located on the north east side of the approach road to Tiverton Parkway Station, set down below the A361.

The site is relatively flat and was formally an agricultural field. The surface car park which is there at present was established on a temporary basis without planning permission back in Winter 2013/14. It was 'tolerated' by the Local Planning Authority on a temporary basis to deal with an emergency. The car park was to be used to enable alternative coach transfer during the period when the Dawlish line was closed due to the winter storms. The applicants were advised that the Local Planning Authority would not take formal enforcement action during that time but that the land should be restored to its previous state and use within 1 calendar month of the Dawlish railway line being re-opened. The line was re-opened in approx. April 2014 and the car park still remains on site, albeit that it is not currently used.

The nearest residential property is known as 'Jersey Cottage' which is located to the north of the application site.

A previous application for car parking at the site was refused earlier this year. This was on grounds of insufficient consideration of site options, insufficient information on traffic generation and insufficient regard to the amenity of the occupiers of the nearest property Jersey Cottage. The main changes that have now been made to the scheme following that refusal are:

- a) Additional supporting information has been provided
- b) The extent of the car park has been reduced so that it doesn't go so far to the north west as previously
- c) Additional planting proposals have been provided

### **APPLICANT'S SUPPORTING INFORMATION**

Transport Case and Access Strategy

Letters of support from Barnstaple and District Chamber of Commerce, Plymouth City Council, Somerset County Council, Devon and Cornwall Business Council,

Site Options Appraisal

Phase 1 Habitat Survey

Flood Risk Assessment

Transport Assessment for Overflow Car Park

Planning Report and Design and Access Statement

### **PLANNING HISTORY**

Application site:

14/01629/MFUL - New surface car park and associated lighting - REFUSED 26/01/15

Adjacent site:

07/00466/MFUL - use of land for formation of car park with 215 new parking spaces - PERMIT

07/01908/MFUL - use of land for formation of car park with 215 new parking spaces (revised scheme) - PERMIT

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR18 - Countryside



### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM6 - Transport and air quality  
DM8 - Parking

### **CONSULTATIONS**

DEVON & CORNWALL POLICE AUTHORITY - 8th April 2015

I believe that this car park will serve British rail station at Tiverton, if that is the case can I please confirm that British Transport Police have had some consultation especially in relation to CCTV and appropriate lighting.

If no consultation has been undertaken with BTP please let me know and I will forward to the appropriate department. This is of course assuming the car park does indeed serve the rail station.

At the time of writing this report, no response had been received from British Transport Police.

HIGHWAY AUTHORITY - 15th April 2015

There has been no further progress only in so far as discussion on its alignment. From a planning perspective you may find it easier to Grampian the provision of the footway and any discussion on its delivery or contribution can be dealt with through a section 278 agreement of the highways act, thus negating the need for a section 106.

I will formally respond to the application and will include a Grampian with possible wording as follows - No works shall commence on site until the provision of a footway or contributions towards the provision of a footway from the junction with lower town to the entrance to the new car park has been provided and agreed in writing with the Local Planning Authority .

The estimated cost of the footway would be approximately £170,000.00 and the level of contribution would need to be negotiated.

15th April 2015

The Highway Authority has no objection in principle and the Local Planning Authority will be aware of the previous comments and recommendations with regard to this application and the need to deliver the footway from Lower town to the car park. The applicant has indicated on his plan that this is to be delivered by the Local Highway Authority. The highway Authority has identified the footway as a scheme but would condition either the provision of this footway or a contribution towards its delivery as part of this development. This footway scheme is to service the train station as its primary function and the increase risk associated by the new car park warrants its delivery.

The Highway Authority has indicated that a Grampian style condition as set out below could be imposed or the contribution/works secured by section 106. It is a matter for the Local Planning Authority to consider which would be the most expedient manner for its delivery " No use of the car park shall commence on site until the provision of a footway or contributions towards the provision of a footway from the junction with lower town to the entrance to the new car park has been provided and agreed in writing with the Local Planning Authority".

The Highway Authority had estimated that the cost of the footway as a ball park figure would be in the region of £170,000.00 and the level of contribution would need to be negotiated should the applicant determine not to provide the footway Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Off-Site Highway Works. No use of the development shall take place on site until the off-site highway works for the provision of/or contributions towards the provision of a footway from Lower town to the applicant site have been made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with NPPF Policy 32.

ENVIRONMENT AGENCY - 14th April 2015

No objections to the proposal subject to

- the car park being built at a minimum level of 75.4m,
- there being no storage or spreading of material on adjacent areas of floodplain,
- and an area of land be lowered to offset the loss of FZ2 floodplain storage that occurred as a consequence of the car parks construction.

The car park was constructed in the winter of 2014 following disruption to railway services into the south west following the temporary loss of the main line at Dawlish. The general principles of the car park were set out at a site visit and in the absence of a formal flood risk assessment.

The applicants flood risk assessment submission has highlighted that the north east corner of the existing car park is low and hence we consider should be raised slightly to cater for severe flood occurrences. It is for this reason we advise localised raising to a level of 75.4m be carried out.

In terms of providing floodplain compensation we advise that an area equal to the equivalent area of FZ2 lost under the car park be lowered to a level of 74.8m.

SAMPFORD PEVERELL PARISH COUNCIL - 20th April 2015

Sampford Peverell Parish Council recognises the need for additional car parking space to serve Tiverton Parkway station. The application is therefore supported in principle. But, the Parish Council considers that the extra traffic likely to be generated by the scheme requires a number of mitigating measures to ensure the safety of non-motorists who use the station and the associated 'cycle route.

Firstly, a footpath and a 'cycle track is necessary so that non-motorists can proceed in safety from the station to Lower Town.

Secondly, this footpath/'cycle track should be adequately lit.

Thirdly, there should be a 40 or 30 mph speed limit imposed upon Station Road along its entire length.

A final comment (that the Parish Council appreciates is not a planning matter): it would be beneficial if the new car park were to be controlled by an organisation other than the company that manages existing parking so as to introduce some competition into parking charges for Tiverton Parkway station users.

ENVIRONMENTAL HEALTH - 16th April 2015

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - Not applicable

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety Health and Safety Executive enforced activity - no objections

NATURAL ENGLAND - 16th April 2015

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 09 April 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (14/01629/MFUL).

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.

9th April 2015

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 03 November 2014.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (14/01629/MFUL). 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.

## REPRESENTATIONS

1 letter of objection had been received at the time of writing this report, summarised as follows:

- a) Inaccuracies in plans and submitted details
- b) Proposed movement of boundary of car park still means it would be within 60m of nearest dwelling and 40m of boundary
- c) Landscaping would take 5-10 yrs to establish, no planting proposed on top of bund and type of tree proposed inadequate to mitigate impact on Jersey Cottage
- d) Applicants should consider moving entrance south westwards from current location to protect amenity of Jersey Cottage
- e) Lighting proposal improved over previous submission but need to ensure compliance with DM2
- f) Creating this car park on a temporary basis should not be a reason to grant permanent consent
- g) Other possible sites have been dismissed without any real consideration and would be more convenient to passengers using the station
- h) Car parks should be grouped to prevent spread of development in open countryside

3 letters of support were submitted with the application, summarised as follows:

- a) Essential rail link for business and private travellers from North Devon and further afield
- b) Existing car parking facilities are inadequate and could deter people from using service
- c) If modal shift from cars to rail is to be encouraged, people need to be able to park. If they arrive at station and there is nowhere to park, people will continue their journey by car
- d) Tiverton station can secure its position as a gateway to Devon with frequent direct services to and from London but investment needed otherwise could be damaging to Mid Devon economy

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the determination of this application are:

- 1) **Land use policy**
- 2) **Planning history**
- 3) **Consideration of need for development**
- 4) **Consideration of alternative sites**
- 5) **Highway safety**
- 6) **Impact on adjacent property**
- 7) **Flood risk**
- 8) **EIA screening**
- 9) **Planning balance**

### 1) **Land use policy**

The site is located outside any settlement, in the countryside where Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits but permits transportation and infrastructure proposals with an overall strategy to deliver sustainable development. Policy DM1 of Local Plan Part 3 (Development Management Policies) seeks to approve sustainable development. It mirrors para 14 in the National Planning Policy Framework and states:

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against national policy taken as a whole; or
- b) Specific national policies indicate that development should be restricted.

Policy DM2 seeks high quality new development which makes a positive contribution to local character, is visually attractive, well integrated and do not have an adverse effect on residential amenity. Policy DM6 reflects the National Planning Policy Framework in that developments which generate significant levels of traffic should be accompanied by an Integrated Transport Assessment. Policy DM8 relates to appropriate levels of parking provision and requires that design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles.

Therefore consideration must be given as to whether the proposal is sustainable and whether any adverse impacts of granting planning permission could significantly and demonstrably outweigh the benefits.

## **2) Planning history**

Application 14/01629/MFUL was refused earlier this year for the following reasons:

i)The site is located in the open countryside. The Local Planning Authority is not satisfied that the information submitted robustly addresses all options for parking at the station, the pro's and con's of each and provides a balanced recommendation for progressing one option over another. Neither does it clearly justify why certain options were being considered to deal with the longer term passenger number projections but not the more immediate need. The Local Planning Authority are of the view that without that justification the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits contrary to Policy DM1 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

ii)The Local Planning Authority is not satisfied that sufficient information has been submitted to date to comprehensively consider traffic generation, its impact and mitigation in the form of an Integrated Transport Assessment, contrary to Policy DM6 of Local Plan Part 3 (Development Management Policies).

iii)The nearest neighbouring property is just 25m away from the boundary of the car park. The Local Planning Authority is not satisfied that sufficient regard has been had to the amenity of the owners of the adjacent property in terms of noise, disturbance and light pollution from the proposed development in considering mitigation measures for the proposed development. Consequently the proposal is considered to be contrary to Policy DM2 of Local Plan Part 3 (Development Management Policies).

Members must now consider whether the information which has been submitted with this current application is sufficient to overcome the reasons for refusal issued previously.

## **3) Consideration of need for development**

The 'Transport Case and Access Strategy' submitted with the application states that Tiverton Parkway Station is a key hub linking strategic rail and road networks from across Devon and Cornwall with a rail service that provides a journey time to London Paddington of 2 hours. This results in a high number of passengers arriving at the station by car due to the distance they have travelled (i.e from North Devon and Cornwall) and the lack of alternative public transport.

The Devon and Torbay Local Transport Plan recognises that Parkway stations support modal shift (getting people out of their cars and using some other form of transport) for long distance trips and reduce private vehicle travel in situations where public transport is not an option for the whole journey. There is therefore a need to provide adequate parking facilities at Parkway stations to reduce the need for people to drive into urban centres or make longer car trips. This is a view also supported in the letters of support submitted with the application which refer to passengers who are unable to find a car parking space at Tiverton Parkway Station, being more likely to continue their journey by car rather than using the train.

There are currently 230 spaces in the main station car park, the existing overflow provides another 216 spaces (total of 446) and the proposed car park would add a further 185 spaces (totalling 631 spaces). In a survey of car park occupancy, the existing car park was shown to be over 90% full on one in three midweek days

The applicant has recently had to negotiate a new franchise for the rail service and this necessitated forecasting passenger demand and parking requirements.

This work showed that passenger numbers are now in excess of 400,000 per year and that this is more than double that of 10 years ago and that parking demand will surpass capacity within 3 years and will be almost 20% over capacity by 2026. It is understood that these forecasts do not include any additional demand generated by the Tiverton Eastern Urban Extension proposals, which themselves recognise the importance of Tiverton Parkway Station and the need to create/improve modal links between the two.

A survey carried out in 2009 (after the opening of the overflow car park) showed that 93% of passengers had used the car at some point to access the station, in contrast to only 15% accessing the station at some point by either cycle or walking. It is acknowledged that Tiverton Parkway has a high reliance on people being able to access the facility by private car but the submitted information also sets out ways in which a modal shift can be encouraged, particularly for people travelling a shorter distance to use the facility. As a result, the application includes an 'Access Strategy' which sets out various schemes which can deliver this and these include establishing a 'cycle' hub' where funding has already been secured from the Cycle Rail Fund, pedestrian footpath improvements and expanded cycle routes. This demonstrates that the applicant doesn't just consider that providing additional car parking will solve the problems at the station and it represents a more comprehensive approach to the issue which was lacking in the earlier application.

Having considered the information submitted, your officers are satisfied that the applicant has been able to robustly demonstrate a need for the development, given the sites location in the countryside and its strategic function.

#### **4) Consideration of alternative sites**

The previous application did not include any robust information which showed that various options for car parking at the station had been considered, the pro's and con's of each and a balanced reasoning for progressing one site over another. Given the sites location in the countryside, it is necessary to consider whether the proposal is the most suitable form of development required to address the need set out above. The current application includes a document titled ' Site options Appraisal' and clearly demonstrates that the application site, together with 4 other new sites and a proposal to provide a first floor deck over the existing main car park have been considered. One of the main problems with alternative locations is that much of the land around the station lies within Floodzone 3, where sequentially it would not be appropriate to provide additional parking where other land at a lower risk of flooding is available. Even turning the existing car park through 90 degrees would involve Flood zone 2 land. On the basis of the information submitted with this current application, your officers are satisfied that sufficient consideration has been given to whether there are other alternative sites which may be more appropriate and that sufficient justification has been put forward to justify the location of the current proposal and hence overcome the previous reason for refusal 1 on the previous decision

#### **5) Highway safety and transport assessment**

The letter of objection received made reference to no integrated transport assessment having been submitted as required by Policy DM6 of the Local Plan Part 3 (Development Management Policies). However the applicants have submitted 2 documents, one titled ' Transport Case and Access Strategy' and the other titled 'Transport Assessment for Overflow Car Park' and therefore comply with the requirements of Policy DM6.

The Highway Authority have considered the submitted information and are of the view that the additional traffic attracted to Tiverton Parkway will lead to an increased risk of conflict between those vehicles and pedestrian and cycle traffic using the same road to access the station without segregated footways.

Clearly this proposal will result in more traffic being attracted to the site (41% more parking spaces are being provided over that which exist now) and the submitted documents (set out above) do show that some passengers access the station on foot or by bike and that there is an intention to encourage a further modal shift away from the car with various projects being proposed.

On this basis, it is considered appropriate for the development to contribute towards the provision of a pedestrian footway from the junction with Lower Town to the car park the subject of this application. The submitted drawings show that from the car park, there is pedestrian access through to the existing overflow car park and from there to the station road where there is already a footway provision. The provision of a pedestrian footway from the junction with Lower Town to the car park, can be provided on County Highway land and the Highway Authority are therefore seeking a financial contribution towards it by way of a s106 agreement.

Devon County Council have advised your officers that the likely cost of the footway would be in the region of £170,000 and that they have some money available but would be looking for a contribution of £100,000 from the applicants. At the time of writing this report, no response to this request had been forthcoming from the applicant, but this would be required to ensure compliance with Policy DM2 of Local Plan Part 3 (Development Management Policies) which seeks to 'create safe and accessible places that also encourage sustainable modes of travel such as walking and cycling'. An update on this will be provided at Committee.

#### **6) Impact on adjacent property**

A letter of objection has been received from the adjacent property owner. 'Jersey Cottage' is located 60m away from the closest boundary of the proposed car park, with the boundary of the curtilage being 40m away from the car park. This has been increased from the previous application by deleting the area of car park lying closest to the property from the application. The owner has expressed concerns about the impact on his amenity of the property in terms of light pollution, noise and general disturbance. The Local Planning Authority was not satisfied that the previous scheme had sought to satisfactorily mitigate those impacts and consequently reason for refusal 3 was attached to the refusal. The previous application showed the car park being closer to Jersey Cottage, the removal of the existing bund in this area and no specific details of planting. The current application has also amended the lighting details resulting in lower lighting columns, downward directing LED lighting and timer switches.

The objector has indicated that the changes made are an improvement over the previous scheme but still remains concerned that the landscaping is not sufficiently robust and that his amenity would be improved further by moving the access from its current location, eastwards, further from his property. The detailed landscaping of the bund and additional tree planting can be conditioned so that this can be improved. Your officers have asked the applicant to consider the moving of the access eastwards but have been advised that 'We have considered an alternative access closer to the station, but we are constrained by the visibility spay, proximity to the existing overflow car park and existing ditch. Locating the entrance in this location would result in additional safety risks with minimal reduction in disruption to the neighbours. Your officers have therefore considered whether the scheme as submitted with the access at the north western end of the site results in such an adverse impact on the amenity of occupiers of Jersey Cottage as to warrant a refusal. On balance, it is considered that with the planting of the bund, additional tree planting, the removal of the area of land closest to Jersey Cottage from the application and the alterations to the lighting, the impact of the development as proposed will not have such an adverse effect as to warrant a refusal. Consequently it is considered that there are sufficient mitigation measures proposed to ensure compliance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

#### **7) Flood risk**

The application site is located in the main in Flood Zone 1 and consequently the Environment Agency have not objected to the proposal. However, they have asked for confirmation that the surface water drainage aspects of the proposal shall be maintained for the lifetime of the development and this could be done via condition, together with confirmation that the car park is built at a minimum level of 75.4m, there being no storage or spreading of material on adjacent areas of floodplain, and an area of land be lowered to offset the loss of Flood Zone 2 floodplain storage that occurred as a consequence of the car parks construction.

At the time of writing this report, this information was awaited from the applicant and an update on this will be provided at committee

#### **8) EIA screening**

The previous application has been screened under the EIA regs and was found not to require an EIA. A copy of the screening opinion has been placed on file, DMS and in EIA register

#### **8) Planning Balance**

Your officers are satisfied that the applicants have submitted a robust case to illustrate the need for additional parking, their commitment to encouraging a modal shift in passengers arriving at the station and have justified why the chosen location is the most appropriate. Your officers fully understand the benefits that additional parking and infrastructure at Tiverton parkway can bring to the economy of Mid Devon and the wider south west and have weighed all this against the objections received from the occupier of the adjacent property.

Your officers consider that appropriate mitigation measures have been put in place to sufficiently protect residential amenity and that the impact of the development as proposed will not have such an adverse effect as to warrant a refusal. On the basis that the outstanding concerns of the Environment Agency are addressed and a financial contribution is secured towards the provision of the footway, your officers are satisfied that the development is acceptable and complies with relevant policy.

## **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. Notwithstanding the submitted details, the use of the car park shall not begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of the changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development and be so retained. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
4. The use of the car park shall not begin until there has been submitted to, and approved in writing by the Local Planning Authority, details of the times when the car parking lighting will be turned off and the mechanism used to enable this to happen. The lighting of the car park shall thereafter only be in accordance with the approved details.
5. The use of the car park shall not begin until the works required to lower the land to offset the loss of Flood Zone 2 floodplain storage that occurred as a consequence of the car parks construction, shall have been carried out.
6. The use of the car park shall not begin until the surface water drainage scheme as shown on drawing no: B00989-500 Rev: P01 and as set out in paragraph 4.2 of the submitted Flood Risk Assessment have been completed. The drainage scheme shall thereafter be so retained.
7. The use of the car park shall not begin until a maintenance strategy for the surface water drainage scheme, for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface water drainage scheme shall be maintained in accordance with those approved details.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development makes a positive contribution to the character and amenity of the area and protects the amenity of the neighbouring property in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To ensure that the development protects the amenity of the neighbouring property in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
5. To protect the functionality of the floodplain.
6. To ensure that there is a suitable scheme in place to deal with surface water and to protect the functionality of the floodplain.

7. To ensure the SUC scheme can perform its intended function for the lifetime of the development to protect the functionality of the floodplain.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The Local Planning Authority are satisfied that the applicants have submitted a robust case to illustrate the need for additional parking, their commitment to encouraging a modal shift in passengers arriving at the station and have justified why the chosen location is the most appropriate. The Local Planning Authority fully understand the benefits that additional parking and infrastructure at Tiverton parkway can bring to the economy of Mid Devon and the wider south west and have weighed all this against the objections received from the occupier of the adjacent property. The Local Planning Authority considers that appropriate mitigation measures have been put in place to sufficiently protect residential amenity and that the impact of the development as proposed will not have such an adverse effect as to warrant a refusal. On this basis the Local Planning Authority are satisfied that the development is acceptable and complies with Policy COR18 of Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM6 and DM8 of Local Plan Part 3 (Development Management Policies).



**Application No. 15/00537/MFUL**

**Plans List No. 7**

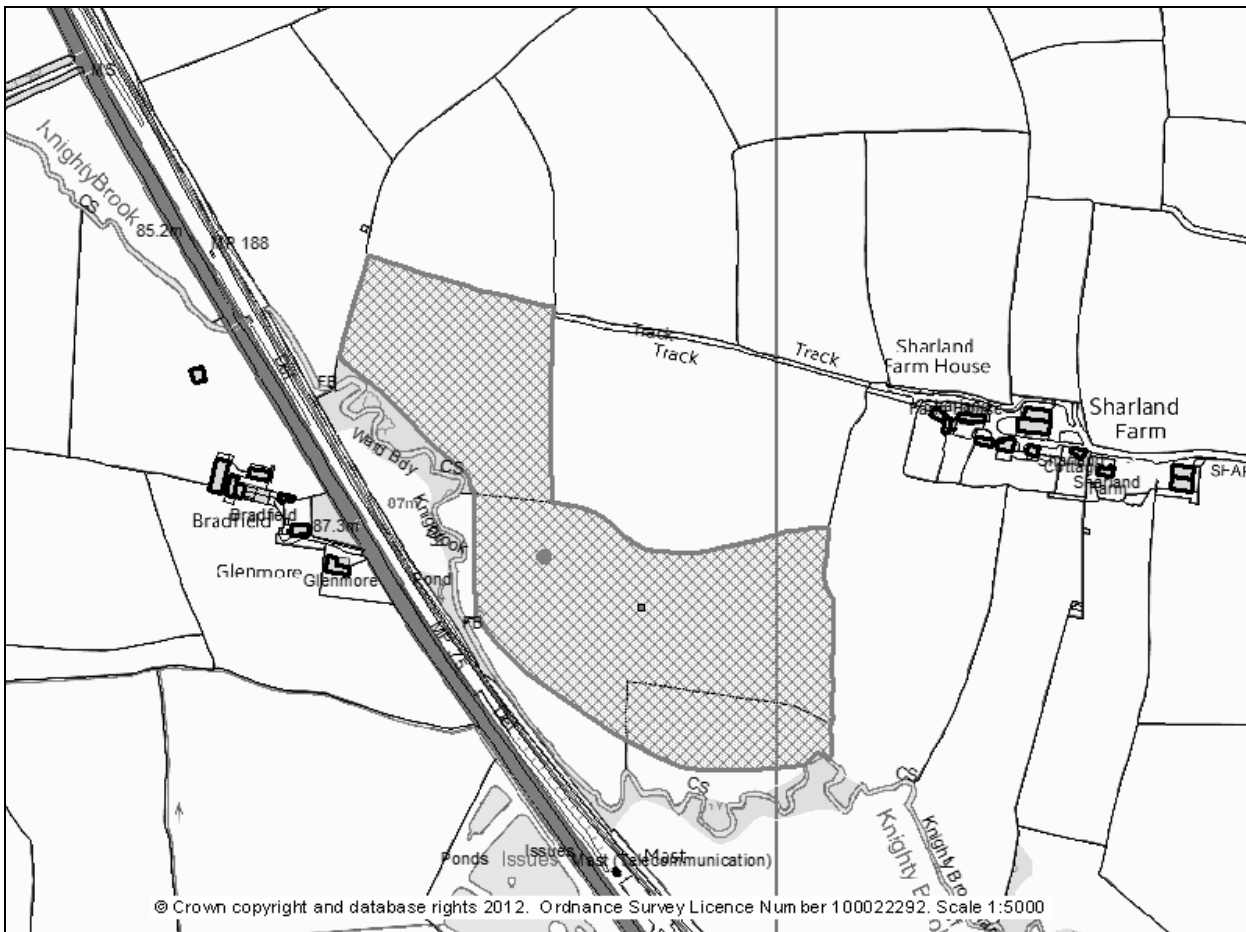
**Grid Ref:** 274885 : 105457

**Applicant:** Lightsource Renewable Energy Ltd

**Location:** Land at NGR 274885 105456 (Sharland Farm) Morchard Bishop Devon

**Proposal:** Installation of a solar farm to generate 4.6MW of power (site area 7.65 ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras

**Date Valid:** 31st March 2015



## Application No. 15/00537/MFUL

### RECOMMENDATION

1. Grant permission subject to conditions for the scheme of development proposed
2. To allow a proposed variation to the S106 pursuant to planning permission 92/01338/FULL

### PROPOSED DEVELOPMENT

The application scheme proposed the installation of a solar farm to generate 4.6MW of power and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras on land at Sharland Farm.

The application site forms part of Sharland Farm and comprises 3 fields within the holding. The site is located just beyond the railway line and water course that run parallel to A377 on the bottom section of the valley leading up towards Morchard Bishop. On the western boundary there is an existing mature hedgerow that effectively screens the site at ground level views from the south west.

The site layout:

A new access is proposed utilising an existing field gate just beyond Knightly bridge off the adopted highway, approximately 400metres from the junction with the A377. The layout plan indicates this access would be used as a construction access and is approximately 360metres in length from the junction with the highway to the field array. The 3 field areas that form the development area are approximately 8.2 hectares in size, with the rows of panels and other infrastructure proposed covering 37% of the site according to the applicant. Sharland Lane is proposed as a maintenance access.

The panels would be attached to mounting frames (constructed from steel or aluminium with a matt finish) at an angle of between 15-30 degrees, and are pile driven into the ground - a foundation is not required. The panels are fixed with no moving parts. The approximate standing height of the panels above ground on the high side is 2.4 metres, and 0.8 metres for the low side.

All the plant associated with the new use of the land (storage shed, communications building/ substations central transformer and composting wc) are located in north east corner of the first field accessible. Field transformers and inverter stations are proposed with the field areas. The floor areas of each of these structures/buildings are relatively compact with the height dimensions as follows:

Site transformers - 2.6 metres high.  
Field transformers - 2.8 metres high finish in moss green  
Storage building - 2.5 metre high  
Inverters units - 2.9 metres high  
Toilet Cabinet - 3.0 metres high  
Security poles - 2.4 metres high with CCTV units mounted on top  
Client side substation - 2.9 metres high  
DNO substation - 4.4 metres high with a sloping roof  
Communication building - 2.5 metres high

A 2.0 metre high deer type fence will run around the perimeter of the development area, including gate facilities for small animals (badgers, foxes etc.)

A path network is proposed internally within the development area with the formation of swale detail across the site (further details) required in assist with ground drainage to the Knightly Brook.

Landscaping - no additional hedge planting is proposed. Inside the compound area new seeding and wild flower mix is proposed.

The applicants have indicated that they are in discussions with the landowner (sheep farmer) in terms of continuing to graze the land within the compound area, and they have submitted an example of a grazing licence that would be used to formalise the arrangement as they have done on other sites.

The site comprises: 3.1 ha grade 3a agricultural land; 2.4ha grade 3b land and 2.7ha grade 4 land.

## **APPLICANT'S SUPPORTING INFORMATION**

Site location plan and site layout plan

Topographical survey of the site

Construction details for ancillary buildings as described above

Security system details

Fencing details.

Technical detail of proposed panels

Planning, Design and Access statement prepared by Lightsource: dated March 2015

Flood Risk Assessment - prepared by PFA consulting, March 2015 - including plan showing position of swale

Landscape & Visual Impact Assessment - Pegasus Environmental dated 7th August, including the planting plan

Statement of Community involvement - prepared by Lightsource: dated March 2015.

Archaeology & Cultural Heritage Assessment - prepared by CgMs dated January 2015.

(Including Archaeological Geophysical Survey - prepared by Bartlett Clarke dated 2015).

Historic Environment Setting Impact Assessment - prepared by CgMs dated January 2015.

Ecological Appraisal - by Avian Ecology dated 27 March 2015.

Construction, Decommissioning & Traffic Management Statement - prepared by Lightsource: dated March 2015

A sequential Analysis Study prepared by Pegasus Group dated May 2015.

## **PLANNING HISTORY (off site)**

92/01338/FULL: Erection of an agricultural bungalow at Sharland Farm

Of relevance to this current application are the terms of the legal agreement pursuant to 92/01338/FULL which require that the land forming the holding in 1992 shall be treated as one, and does not allow for areas within the holding to be sold off separately.

13/00330/FULL: Installation of ground mounted photovoltaic 16 panel solar array to generate up to 4kW of power at Sharland Cottage in the rear garden the scheme comprised a single row of 32 panels and the site is two field boundaries away from the current application scheme. The development has not been implemented but the planning permission is still valid.

This application was approved on 17.04.2013

12/01306/MFUL: Installation and operation of solar farm to generate 1.43 megawatts, associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence at Ellicombe Farm, Morchard Road. This development is a single field development of 5.81 hectares, and has been implemented. This development is less than 1 Kilometre of the current application site.

This application was approved on 13.12.2012

## **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)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM5 - Renewable and low carbon energy  
DM7 - Pollution  
DM27 - Development affecting heritage assets  
DM28 - Green infrastructure in major development

### **CONSULTATIONS**

MORCHARD BISHOP PARISH COUNCIL - 12th May 2015

Not supported by a majority of 4 to 2, with 2 abstentions. The main objection that it was on agricultural land and not a brown field site.

HIGHWAY AUTHORITY - 29th April 2015

Observations:

The Highway Authority has no objections in principle to the above development and the applicant has indicated that they would provide a banks man to direct HGV traffic into and out of the access, however the HGV traffic will not require one, if, the hedges are maintained to the current height, but private motor vehicles and smaller commercial vehicles will need to either be escorted in and out with a banks man or the visibility splays should be improved to the north to provide for a safe entry and egress. The highway Authority would prefer the later as this would also provide a safe access to current standards for the ongoing maintenance of the site and for agricultural access too. Therefore I would advise the following condition is imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.

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

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

ENVIRONMENT AGENCY - 28th April 2015

We have no objections to the proposal, subject to there being no PV units placed within Flood Zone 3 which, with reference to Drawing L338/06 Appendix 3 of the applicants Flood Risk Assessment, does appear to be the case.

We disagree with the assertions made in Section 3 of the Flood Risk Assessment that the proposal is 'Essential Infrastructure' because PV units not need to be located in a flood risk area for operational reasons. In strictest terms there should be no PV units permitted within Flood Zone 2 and thus your authority could deem that the application as submitted fails the Sequential Test given the availability of areas of Flood Zone 1.

Despite this policy clash we do feel that the provision of PV units in Flood Zone 2 in this particular instance is not of concern given that there is no built development in the vicinity that is at risk of flooding from the Knightly Brook that would dis-benefit from any minor increase in localised flood levels that may arise.

The Environment Agency no longer provides comment upon the management of surface water runoff from developments that fall outside Critical Drainage Areas. The Lead Local Drainage Authority, Devon County Council in the instance, should be consulted regarding the proposed use of swales.

DEVON & CORNWALL POLICE AUTHORITY - 16th April 2015

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 vast 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.

#### HISTORIC ENVIRONMENT SERVICE - 27th April 2015

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets. A geophysical survey undertaken of this area does not indicate the presence of any archaeological features within the application area.

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

#### NATURAL ENGLAND - 20th April 2015

Natural England has no comments to make regarding this application. Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

#### Impact Risk Zones

You can search the 'Magic' mapping website to see if the development is in or near a protected site, including SSSIs, SPAs and SACs and if you need to consult Natural England.

1. Within the mapping tool, select 'sites of special scientific interest' and 'impact risk zones for SSSIs'.
2. Use the 'identify' button to select a location and see the types of development Natural England need to be consulted about.

You can also download the risk zone data for your own mapping software. If the proposal affects a European site (SPA or SAC), check if the proposal will pass the 3 tests in this guidance:

Assess planning proposals for protected sites: alternative solutions, imperative reasons of overriding public interest and compensatory measures Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

- The Proposals affects a protected species not covered by the Standing Advice (further details available here)
- The proposal requires an environmental impact assessment
- The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI)
- The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites)
- The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land - Any minerals and waste development where the land will be restored for agriculture.

#### ENVIRONMENTAL HEALTH - 29th April 2015

Drainage - No objections

Noise & other nuisances - No objections

Health and Safety - No objections

#### EXETER INTERNATIONAL AIRPORT - 15th April 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.

#### REPRESENTATIONS

At the time of writing 7 representations have been made, 6 of which have confirmed their support for the application scheme.

In terms of the single representation raising an objection the scope of concern focuses on the loss of on agricultural land which is considered by the objector to be perfectly good for sheep. It is also considered that the proposed solar farm development would be an eyesore/blot on the landscape.

#### MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site comprises 3 fields (approx 8.5 hectares) of rolling farmland that sits on the settled valley slopes that form the valley between Morchard Bishop and Down St Mary. The area is classified as Landscape Character assessment Type 3B. Distant views of rolling farmland with little or no development on top are considered a special quality of this landscape character type. The site includes land that falls within flood zone 1, 2, 3a. The main considerations in the determination of this application are:

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Landscape and visual impact, including cumulative impact**
- 4. Highways**
- 5. Flooding**
- 6. Ecology and other matters**
- 7. The planning balance**

#### 1. Policy

- 1. The benefits of renewable energy and planning policy**

The scheme would be capable of generating up to 4.6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,440 homes.

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 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, quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation) in accordance with policy DM5 and policy DM7 (pollution). 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.

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. Principal of The PV Array on agricultural land**

The application is supported by an assessment of the Agricultural Land Classification (ALC) of the site. It is reported that the site comprises 3.1ha of grade 3a land in the first field below Sharland Farmhouse along with 2.4 ha of grade 3b (immediately below running down to the brook) and 2.7 ha of grade 4 (sweeping round to the north west).

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 65% of the application falls within the lower grade of agricultural land.

The government have been clear in recent months that they are concerned about the provision of commercial scale solar installations on good quality agricultural land.



This has also been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of BMV land. In Mid Devon, an Inspector for an appeal allowed in February 2014 (Nether Mill Farm, ref. 12/01518/MFUL) concluded that the use of 2.2ha of grade 3a land on an overall site area of 9.4ha would not "represent such a significant loss of an agricultural asset as to override the need in national policy for renewable energy development" and that although there could be some loss in the quality and quantity of available grass, the land would have some agricultural value for grazing.

In comparison this application includes a slightly higher amount of grade 3a land proposed to be used both in terms of land take and as a percentage of the overall site area, i.e. 35% compared to 23% in the above appeal. However it is relevant to note that even with development on site, the Inspector concluded that the site would retain some value as agricultural grazing land.

In addition to the ALC assessment, the application is supported by a Sequential Analysis Study (SAS) which looks at alternative available sites within the district and also those within a 10km radius of the site within North Devon and Torridge administrative boundaries.

Large scale solar installations require an adequate connection to the electricity grid, utilising either a 33kV or 66kV which restricts the availability of deliverable sites within the search area, as distances beyond 1km radius of any such lines would be prohibitive in terms of the cost and environmental impact of connections. The assessment identifies 4 brownfield and 6 roof space sites, it is however noted that the option for development on roofspace is not practical at this time as approximately 2.5ha of space is required to generate 1MW of electricity (minimum size considered as 'large scale' solar) and such sizes of roof space are not available. It is agreed that there are no alternative brown field and /or roof based comparable alternative.

Within the search area 85% of the agricultural land is reported to be a mix of grade 3 and grade 4, and therefore of comparable quality to the application site. The assessment identifies 60 greenfield locations within 1.5km corridor around the grid lines which, and of the identified sites there are a number of sites that do not include any land which would be considered best and most versatile (i.e do not include any 3a land).

The report examines each site in terms of deliverability, and concludes overall that there are no potential alternative sites of a poorer agricultural quality and a lower level of constraint than the application site for various reasons as set out in the report. The reasons given include: being at risk of flood, close proximity to listed buildings, significant removal of vegetation, take up multiple fields or would have difficult access.

In summary without further detailed examination of the alternative sites included in SAS, it is not considered possible to conclude beyond reasonable doubt that there would not be a site that is poorer quality than the application site, as claimed by the consultant who prepared the Sequential Analysis Study on behalf of the applicant. Further consideration of this matter is given in section 7 of the report.

### **3. Landscape and visual impact, including cumulative impact and impact on Heritage Assets**

An appraisal of the Landscape and Visual effects has been submitted as part of the application submission.

The site is within the 'Crediton Rolling Farmland' of the Devon Landscape Character Assessment Character Area (14), and on a more local level the site is within the Mid Devon Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. There are a number of characteristics across this landscape type, and those which best fit to the application site and the surrounding area:

- This is a gently rolling and undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills, characterised by a tightly rolling, medium to small scale landform.
- Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- There are medium to large scale commercial and intensive farms with modern buildings and isolated farmsteads

The landscape Sensitivity Assessment and Guidance (Published September 2013) indicates that, the site being within LCT 3B has as a moderate sensitivity to medium sized solar PV developments of between 5 to 10 hectares.

The site itself is visually contained, with only short stretches of the immediately adjacent roads having views into the site. This type of view into the site is evident along as short section of the country road between Morchard Rd and Morchard Bishop which lies to the east, although given the high speeds at which vehicles are travelling along this road, any views are going to be glimpsed, other than at the proposed point of the new access into the site. From further afield, the site is visible from the east, and south from viewing point on the otherside of the valley slopes towards Down St Mary along the footpath between the B3220 and Down St Mary Parish Church.

The submitted appraisal assesses the impact of the development and concludes as follows:

With the proposal in place the landscape character of the site would change. However, the proposal would remain in scale with the existing landscape pattern and none of the existing key landscape elements which contribute to the landscape character of the area would be affected, in terms of;

- The proposal would not disturb the field pattern.
- The proposal will not disturb the hedgerow structure except to create the proposed means of access, not significant in extent

Change in character would be restricted to the site itself and spacing between the rows of panels will maintain a sense of a grassland environment.

The viewpoint assessment demonstrates that with the proposal in place the visual amenity of the wider landscape as perceived from public vantage points such as public highways and public rights of way would range from negligible to minor, with the most prominent impact being from slopes on the otherside of the valley (Down St Mary side)

For the first section of the footpath referred the view back directly towards the site would incorporate views of the proposed scheme and the existing PV array at Ellicombe Farm on Morchard Rd. However it is considered that the respective installations would not dominate these views. In addition views towards the proposed development area would also incorporate the row of panels approved behind Sharland Cottage

In summary the magnitude of effect on this section of Lower Rolling Farmed and Settled Valley Slopes LCT 3B is considered to be low and the scope of visual impact, either individually and/or cumulatively with the other PV developments referred to is considered to negligible to moderate.

The applicant's LIVA states that the development would only have a slight affect on landscape and character of the site, and having considered the submissions and from observations undertaken in the field, it is considered that the impact on the landscape character as a result of the proposals would be negligible to moderate.

The Authority's Conservation Officer raises no objections to the proposal in terms of how the application scheme will affect the setting of listed buildings within the local area, and/or the assessment of the impact of the development as concluded in the historic environment settings assessment as submitted by the applicant. Following an assessment in the field, the Parish Churches of both Morchard Bishop and Down St Mary are evident on the skyline of the view to the east and south respectively which would include a view of the development site. However the visual connection and/or impact is considered weak or negligible.

In summary given the limited visibility of the site from viewpoints both in the short and longer distance, it is considered that individually the proposed solar array will not cause demonstrable harm to the character of the landscape or the visual amenity of the area.

Furthermore although there will be a cumulative impact with the existing solar array at Morchard Road the impact of the two sites in landscape quality and visual impact is not considered to dominate. On this basis it is considered on balance that the application scheme meets the requirements of Policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5 (criterion A), DM27 of Local Plan Part 3 (Development Management Policies

#### **4. Highways**

As previously mentioned, the site would be accessed directly off the Morchard Rd to Morchard Bishop Lane and via the A377 to that point, and is therefore considered largely acceptable to accommodate the development traffic during the construction period which could be up to 95 HGV deliveries over a 3 week period (6-7 per day).

The Highway Authority has commented as set out above and largely supportive subject to agreeing the traffic management arrangements during the constructions phases and the conditions as set out. The details for the construction of the new field access are subject to further agreement. The application scheme proposes that once operational access for maintenance vehicles was to be via Sharland Lane, however the applicant has accepted that the new field access shall also be the access route during the operational phases, in order to protect the amenities of the residents along Sharland Lane. This will be controlled by condition.

Subject to conditions as set out, including to secure a construction management plan, 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 (d) and COR9.

#### **5. Flooding**

The site is not within an area identified as being liable to river or surface water flooding but the perimeter of the site falls within flood zone 3A. Therefore the applicant has submitted a Flood Risk Assessment to in order to seek to outline how compliant the application scheme is with best practise guidance (to the NPPF). The comments from the Environment Agency are noted, however the following points are considered to be relevant in terms of completing the assessment of the application.

All control equipment is located in flood zone 1 and 2. It is argued by the applicant's consultant that this demonstrates a sequential approach to site masterplanning and that the exception test is therefore passed.

Rainfall falling onto the PV's will then fall on to the ground beneath the panels and then infiltrate into the ground at the same rate as it does in its current state.

A swale network is proposed to assist with water run-off rates, the delivery of which will be controlled by condition

On this basis the application scheme is considered to be partially in accordance with policy in that there are in so far as the development does not increase the risk of flooding.

#### **6. Ecology and other matters**

An ecological appraisal has been carried out on behalf of the applicant to understand the ecological value on the application site (desk based and field study). Whilst the site is not a protected site, as an area of improved grassland with hedgerows it provides a natural habitat.

The proposals do not result in the loss of significant sections of hedgerow and the development area is set back from the hedgerows that form the boundary to the site.

In addition to proposed meadowland planting across the site (to facilitate the ongoing grazing of the land), the proposals include measures for wildlife enhancement, by creating suitable environments across the site for bird, bats and invertebrates. The precise details are set out in a biodiversity management plan, the delivery details of which will be secured by conditions.

Devon County Council Historic Environment Service has considered all the relevant information submitted by the applicant and raises no objections to the proposal.

There have been no submitted objection from the residents who live along Sharland Lane, and a condition is recommended that Sharland Lane is not used to provide access to the development area either during the construction or operational phases, in order to minimise the impact on the general amenities of the area.

There have not been significant levels of objection to the application with Morchard Bishop Parish Council raising an objection on ground of loss of best and versatile agricultural land only.

## **7. 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 adequate measures are proposed to cater for surface water run-off so that the levels should not exceed the current level as a greenfield site.

The site is well contained visually, and the although the development will be visible within mainly short distance views and longer distance from the east and south, the impact is not considered to adversely affect the visual amenities and/or landscape character either individually and/or cumulatively with the solar developments in the location.

However, approximately 35% of the application site is classified as comprising the Best and Most Versatile agricultural land (grade 3a).

To support their case on this matter the application has confirmed that the site will still be used as agricultural grazing land by the current landowner and they have submitted a sequential analysis of site selection. The submission document provides an overview of reasonably alternative sites considered, and sets out the reasoning why no alternative sites of a poorer agricultural value are considered to be deliverable. To summarise on this matter, paragraph 3.43 of the report states:

***'It is therefore concluded that there are no potential alternative sites of any poorer agricultural quality land than the application site, and subject to any fewer constraints that the application site.'***

In conclusion best practise guidance states that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, however as with government guidance there is always a balance and trade off to be made. Policy DM5 crystallises this position at the local level, and the assessment of the application as set out above has demonstrated that:

- The site is well chosen with regard to how it will affect the character of the landscape, visual amenities of the area and in terms of the impact of the development of heritage assets.
- The site is sufficiently divorced from the nearest residential dwelling for there be no detriment to general amenities of the area.
- A Biodiversity Management Plan is proposed.
- The applicant advises that the site would continue to be used for the grazing of livestock during the operational life of the development.

Having regard to all of these material considerations, the benefits of the scheme in terms of clean energy production are considered on balance to outweigh any harm caused through the temporary loss of 3.1 hectares of grade 3a agricultural land for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5, DM7, DM27 and DM28 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance and conditional approval of planning permission is recommended.

## **8. Related Matter: Variation of S106**

The application site equates to 21% of the land that forms the Sharland Farm Holding, which is 98 acres in total. The rental income that would be generated by this development will contribute to the ongoing viability of the farm providing an income stream to facilitate the delivery of new stock, building and land improvements. Therefore it is not considered that the application scheme will adversely affect the viability of the holding as a working farm.

Following on, if approval is recommended then it is not considered that there are any land-use planning reasons not to allow the variation of the legal agreement as referred to above, pursuant to LPA approval ref: 92/01338/FULL, which as currently executed would not allow for any part of holding to be sold off/leased/used for a different use, as would be the case with the application scheme - refer to recommendation 2 as outlined above.

If the recommendation on the planning application as set out in this report is approved by members then members authority is also sought to vary the terms of the Section 106 agreement pursuant to LPA ref: 92/01338/FULL.

## CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2.
  - i) The solar PV facility shall cease to generate electricity on or before a date 25 years after the date of first export of electricity from the site.
  - ii) Confirmation of the first export date shall be provided by the undertaker to the Local Planning Authority within one month of its occurrence.
3. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice.
4. No other part of the development hereby approved shall begin until the site access arrangement as indicated on drawing SHF\_02 has been provided. Such site access arrangements shall be so retained. This point of access shall be used at all times, and at no time shall Sharland Lane be used to access the site.
5. Prior to the commencement of the proposed new access as set out in condition 4 of this planning permission, a scheme for surface treatment of the new route shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the land shall be restored in accordance with the approved restoration scheme.
6. Not less than 12 months before the expiry of the planning permission as set out in condition 2 or within 3 months of any prior cessation of electricity generation from the site, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
  - a) details of the removal of the solar PV panels, frames, inverter modules, substation, fencing and cabling and restoration of the land
  - b) parking of vehicles for site personnel operatives and visitors
  - c) loading and unloading of plant and materials
  - d) storage of plant and materials
  - e) programme of works including measures for traffic management
  - f) provision of boundary hoarding behind any visibility zones
  - g) vehicle wheel wash facilities
  - h) highway condition surveys
  - i) extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of its approval or the cessation of electricity generation, whichever is the later date.

7. The development hereby approved shall be carried out in conformity with a Construction Management Plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - a) The timetable of the works;
  - b) Daily hours of construction;
  - c) Any road closure;
  - d) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - e) The compound/location where all building materials, finished or unfinished products, parts,

- f) crates, packing materials and waste will be stored during the construction phase;
- f) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste;
- g) The means of enclosure of the site during construction works;
- h) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- i) Details of wheel washing facilities and obligations;
- j) The proposed route of all construction traffic exceeding 7.5 tonnes;
- k) Details of the amount and location of construction worker parking.

Only the approved details shall be implemented.

8. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
9. All cables shall be placed underground, except at the point of connection to the electricity grid system.
10. The swales shown on PFA Consulting drawing number L338/06 (Proposed Drainage Arrangements) shall be provided at 2m wide and 0.3m deep and shall be completed prior to the first export of electricity from the solar PV array. Following their provision the swales shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 6.
11. The ecological mitigation and enhancement measures as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) shall be implemented in full prior to the first export of electricity from the solar PV array.
12. The ecological monitoring measures, habitat management measures and management schedule as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) shall be adhered to from the date that development on the site begins until the date the site has been decommissioned in accordance with condition 11.
13. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.
14. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To reflect the temporary nature of the proposal in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of highway safety to minimise the impact of the development on the highway network through the provision of an appropriate construction access in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To achieve restoration of the temporary access land in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

6. To achieve restoration of the site in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
7. To ensure that adequate facilities are provided during the construction phase of the development, in the interests of highway safety in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
8. To minimise the potential for light pollution and disturbance to local amenity in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
9. To safeguard the visual amenities of the area in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
10. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
11. In the interests of safeguarding protected species and their habitat in the carrying out of this proposed development in accordance with policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and policies DM2, DM5 and DM28 of Local Plan Part 3 (Development Management Policies).
12. In order to secure a net gain in biodiversity in accordance with policy DM28 of Local Plan Part 3 (Development Management Policies).
13. To provide adequate visibility from and of emerging vehicles in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).
14. To prevent mud and other debris being carried onto the public highway in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).

#### **INFORMATIVE NOTE**

1. With regard to safeguarding of protected species; the developer is advised that the granting of this planning permission does not absolve the developer from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed development is on balance considered acceptable with regard to its design and siting and its impact on the visual and landscape character of the area. Furthermore it is considered that the development scheme is satisfactory in terms of: ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and its impact on the historic environment in close proximity to the site. On the basis that the application scheme achieves compliance with the material considerations as set out above, the contribution of the scheme to renewable energy targets and generation of clean energy is considered on balance to outweigh the fact that development will result in the loss of 3.1 hectares of best and versatile agricultural land from continuing to be used for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 (in part), DM7, DM27 and DM28 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance, sufficiently enough to justify a conditional approval of planning permission.

**Application No. 15/00574/FULL**

**Plans List No. 8**

**Grid Ref:** 282028 : 107323

**Applicant:** Mr & Mrs Binks

**Location:** Sheraton House  
Kennerleigh Crediton  
Devon

**Proposal:** Erection of single  
storey extension -  
HOUSEHOLDER  
APPLICATION

**Date Valid:** 9th April 2015





## **Application No. 15/00574/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the erection of a single storey extension at Sheraton House, Kennerleigh.

The property is situated just off the Class 3 road which runs through the centre of Kennerleigh and within the conservation area. This is a detached dwelling finished with render and a slate roof, the windows have a rosewood finish. The property is set back slightly from the highway, in a generous curtilage with the driveway and parking area to the front. The property has a hipped roof and a single storey part on the north elevation that provides a garage, utility and lounge, to the rear (east) is the main garden area. There is an existing conservatory to the rear (east) elevation.

The proposal is to erect a single storey conservatory extension to the rear (east) elevation of the property, adjoining the single storey part of the dwelling. The extension would extend 3.7m from the rear elevation and would be 5.03m wide and 2.11m high to eaves and 4.1m to the ridge. It would be constructed with a rendered wall to approximately 0.8m high and glazing above finished with a rosewood finish externally and white uPVC internally. The dual pitch roof will be finished in "Supalite" tapco slate in pewter grey.

### **APPLICANT'S SUPPORTING INFORMATION**

None.

### **PLANNING HISTORY**

88/01383/OUT Outline for the erection of cottage, double garage and alterations to vehicular access - PERMIT - 20.10.88

89/00882/ARM Erection of a house with double garage and alterations to vehicular access - PERMIT - 26.07.89

12/01027/CAT Notification of intention to fell 1 Conifer within the Conservation Area - NOBJ - 29.08.12

15/00574/FULL Erection of single storey extension - PCO

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness

COR18 - Countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM13 - Residential extensions and ancillary development

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 27th April 2015

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

## **REPRESENTATIONS**

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

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The principal of appropriately scaled and designed extensions to existing buildings within the countryside is established by Policy COR18. Policy DM13 deals with residential extensions and ancillary development, more specifically it supports this development subject to the following criteria;

- a) Respects the character, scale, setting and design of existing dwelling
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

A summary assessment of the application scheme against these criteria is set out below;

- A) The proposed conservatory extension in terms of its scale and design is not considered to dominate the existing property. The proposed material palette, as outlined above, reflects the appearance of the existing property and is considered to respect the character of the host dwelling. The proposed conservatory, being sited to the rear of the property, would not detract from the character and appearance of this part of the conservation area. Overall it is considered that the proposed conservatory would respect the character, scale, setting and design of the existing dwelling, and not adversely affect the character and/or appearance of the Kennerleigh Conservation Area.
- B) As outlined above the property has a reasonable size curtilage. Given the scale of this extension it is considered that the area is sufficient to support the additional accommodation whilst allowing continued enjoyment of the external amenities. The proposal would not impact upon the access and parking arrangements and it is not considered that the development would result in over-development of the dwelling curtilage.
- C) The property has neighbours to the north west and south east, however given the scale and siting of the proposed conservatory and the separation distance to the neighbouring properties it is not considered that there would be any significant adverse impacts on the amenity of occupiers of any neighbouring properties.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed conservatory, in terms of its scale and design, is considered to respect the character, scale, setting and design of the existing dwelling. Given the siting of the conservatory to the rear of the property, it is not considered that it would detract from the character and appearance of the conservation area. The proposal would not result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of the neighbouring property and/or the character or appearance of the Kennerleigh Conservation Area.

Overall the proposal is considered to comply with the following Policies; Mid Devon Core Strategy (Local Plan Part 1) COR2 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM13 and DM27 and Government advice in the National Planning Policy Framework.

Jenny Clifford  
Head of Planning and Regeneration