

PLANNING COMMITTEE AGENDA - 29th July 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|--|
| 1. | 15/00382/FULL - Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill. RECOMMENDATION Grant permission subject to conditions. |
| 2. | 15/00573/FULL - Erection of new building for processing digestate fibre in association with existing AD plant at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon. RECOMMENDATION Grant permission subject to conditions. |
| 3. | 15/00681/FULL - Erection of first floor rear extension at 31 Sunnymead, Copplestone, Devon. RECOMMENDATION Refuse permission. |
| 4. | 15/00743/FULL - Conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow, Devon. RECOMMENDATION Grant permission subject to conditions. |
| 5. | 15/00771/FULL - Formation of layby for parking of vehicles/access to woodland at Land at NGR 268282 111909, (North Of Higher Ford House), Chawleigh. RECOMMENDATION Grant permission subject to conditions. |
| 6. | 15/00944/FULL - Alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street. RECOMMENDATION Grant permission subject to conditions. |
| 7. | 15/00945/LBC - Listed Building Consent for alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street. RECOMMENDATION Grant Listed Building Consent subject to conditions. |

Application No. 15/00382/FULL

Plans List No. 1

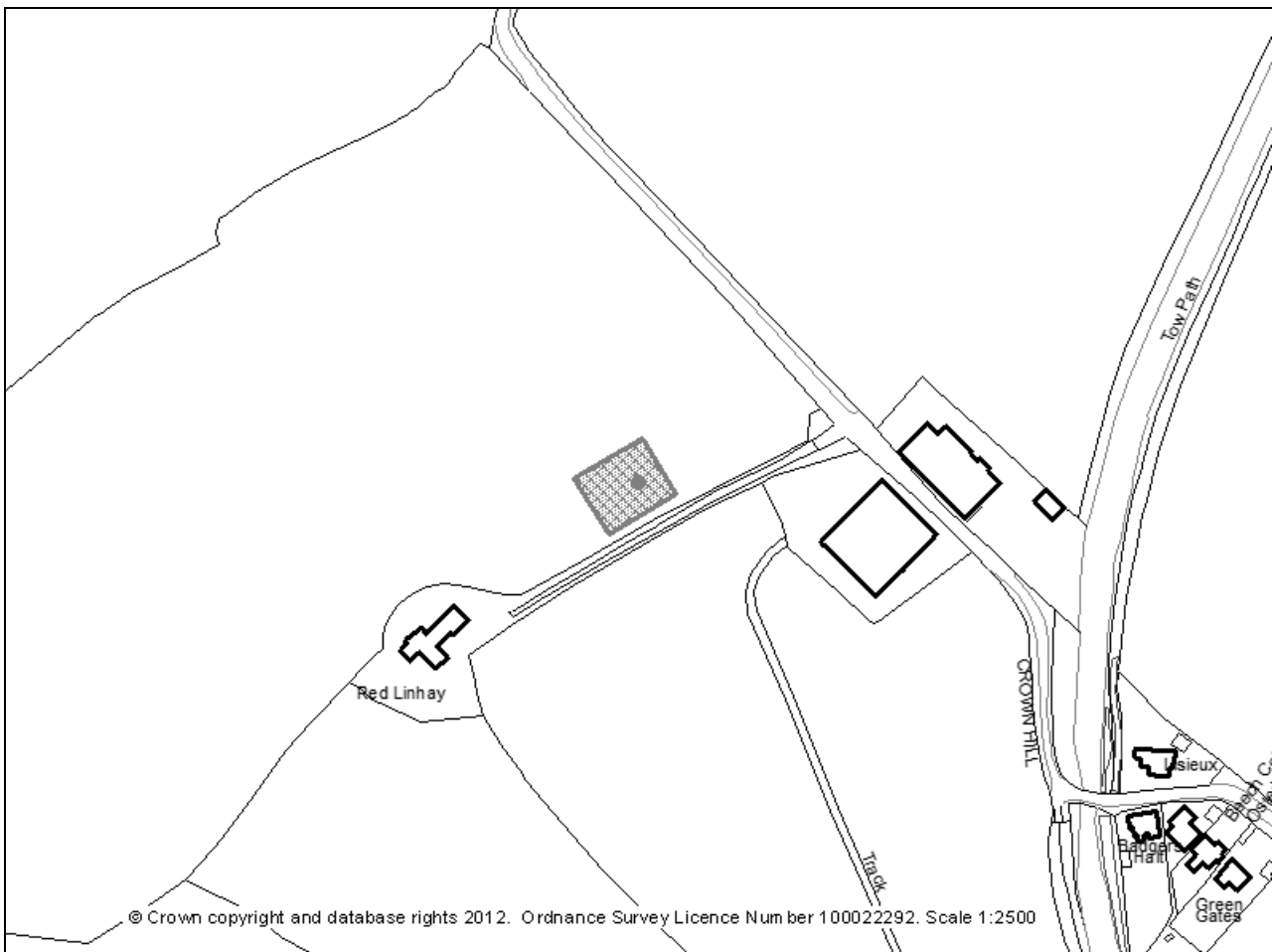
Grid Ref: 299384 : 112863

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.

UPDATE

This application was deferred from the Planning Committee meeting of 3rd June 2015 for further information with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable. The following further information has been received from the agent:

Mr Clapp wishes to clarify matters of land allocation with regard to the application as it would appear that there is some confusion over fields allocated to supply the anaerobic digester and that allocated for the grazing of the Charolais cattle.

The farmstead extends to approximately 900 acres with 426 assigned for supplying the anaerobic digester as identified in the Transport Statement produced for the AD plant. Of the land allocated for the AD, 45 acres are now to be for the grazing of the cattle. Of the remaining 474 acres, 58 acres have now been identified as replacement land to serve the AD plant. Please refer to the attached PDF extracted from the AD Transport Statement and amended to show allocation. (To be shown at the committee meeting).

The land shown will not increase traffic movements through Halberton as access from these two sites can be made via Manley Lane.

With regard the use of the existing storage building, in order to achieve regulatory accreditation in beef quality the herd and facilities are regularly inspected. This general purpose building is being utilised as an agricultural workshop, machinery store, grain store, fertilizer and chemical. It is not suitable for cattle or cattle feed.

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 448sqm². 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 - 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.

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

HALBERTON PARISH COUNCIL - 28th May 2015

No further comments.

15th May 2015

The Parish Council 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.

22nd May 2015 - I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:

1. The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.
2. A timetable for deposition of the site archive needs to be included.
3. A timetable for publication, if required, needs to be included.
4. The museum accession number needs to be included.

If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the Local Planning Authority.

REPRESENTATIONS

1 letter of support from Veterinary Practice as follows:

1. The Clapp family have been farming in the parish of Halberton for generations.
2. The proposed building is an extension to a pre-existing agricultural livestock building.
3. The herd at Red Linhay will continue to expand and as such it goes without saying the cattle will need accommodation and
4. The fact that the herd at Red Linhay is a pedigree herd means that out wintering them is not an option as it will contravene Basic Payment Scheme cross compliance regulations with the associated financial penalties.
5. The UK farming industry now finds itself supplying a global market with all the associated price fluctuations. To be financially viable in the future farming families must look to maximise efficiency thereby increasing income streams that will hopefully fill in the short falls in conventional farming income.

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.

Application No. 15/00573/FULL

Plans List No. 2

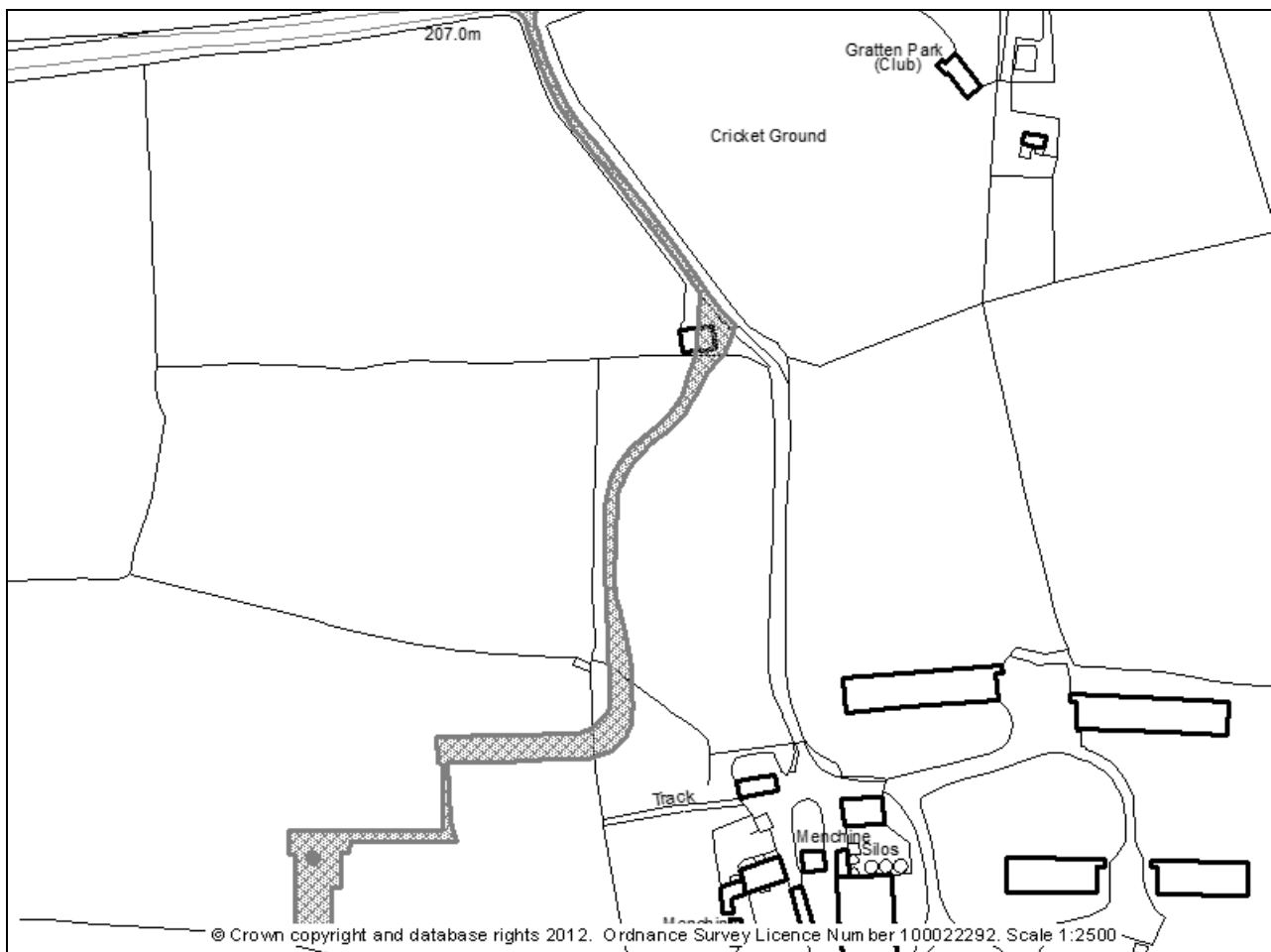
Grid Ref: 283096 : 113579

Applicant: Mr S Cole

Location: Land at NGR 283096
113579 (Menchine
Farm) Nomansland
Devon

Proposal: Erection of new
building for processing
digestate fibre in
association with
existing AD plant

Date Valid: 24th April 2015



Application No. 15/00573/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of new building for processing digestate fibre, and a section of pathway.

The application scheme is for an agricultural style building (450 square metres), standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation).

The building will be split internally into two parts, one part will be a bunker for the digestate to be tipped into, the other part will be for the digestate processing. The bunker will be accessed through a large set of sliding doors to the north and the processing area will be accessed through a pedestrian and loading door on the east elevation.

The palette of materials will be sheet wall cladding will (olive green box profile sheet) on a concrete base, and the roof will be grey fibre cement panels.

The section of pathway links the building to the AD complex.

The building is located in the same field as the approved and operational AD plant managed by the Greener for Life Group. It sits in position on the slope of the field just below the complex of built structures and equal to the digestate lagoon. The plans as submitted demonstrate that it sits just outside the approved, but not yet implemented, belt of additional landscaping secured to assist with the screening of the AD plant.

APPLICANT'S SUPPORTING INFORMATION

Application form, supporting statement, existing and proposed plans.
Section drawings showing the building in relation to the AD plant.

The applicant's agent has set out the follows reasons (email rec'd 26 May 2015) in terms of the location of the proposed building:

- The existing infrastructure on site would require minimum distances to be observed of any new buildings on site. These would place the building on the banking for the lagoon and this is not acceptable.
- The sites slope downwards from north to south increases in steepness the more the site is situated to the north, this is where we have proposed to place the building therefore minimising the required engineering on site to make the building fit, this negates the requirement for large amounts of cut or the introduction of new retaining walls.
- The screening as approved for the existing AD plant will remain unaffected when implemented.
- The proposed building is smaller in mass, length, width and height than the intake building, by siting the new building in its proposed location the visual impact from the surroundings will be reduced to a minimum. It is close in proximity to the existing site development but not at a distance for it to appear disassociated from the existing built form. With the building being situated on the lower levels, the vertical intrusion is kept to a minimum further reducing the cumulative impact if it were situated adjacent to the existing intake building.
- The building will be used to process the dried fibre from the driers which are already situated at the lower level of the site therefore to enable ease of transferring the dried matter from the driers to the

processing building, it will be via a level access track to enable the tipping of the matter into the sunken building which is situated at a lower level than the area where vehicles will be tipping from. If the building were situated adjacent to the existing intake building, then the vehicles used for tipping would have to encroach and use the concrete yard area in front of the existing intake building. Vehicle movements between the existing clamp and intake building could become compromised due to the introduction of additional vehicles manoeuvring the dried matter over the same yard, this should be avoided and the building has been located in a position where this is prevented.

- Moving the building will have a detrimental impact on the landscaping of the site as it would not permit a natural introduction of screening to suitably screen the sites infrastructure including the new building due to the required separation distances between new plantings. The proximity, general arrangement and separation distance between the buildings required would not allow for a natural screening as per the approved revised scheme currently implemented.

The applicants agent has set out the following response (email rec'd 26 May 2015) to regards the proposed transport arrangements arising from proposed development.

With respect to the associated traffic movements and to provide you the clarification which you seek, the fibre will incur an additional 100 movements (per year) using lorry and drag trailer with a load capacity of 20 tons. This will equate to 2,000 tons of fibre being moved by this mode of transport.

PLANNING HISTORY

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - This application was refused for 3 reasons, including the increase in traffic and resultant additional hazards that will be caused for existing highway users

12/01659/MFUL: Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION) - ALLOWED JULY 2013

14/00575/MFUL: Erection of an Anaerobic Digestion Facility (Revised Scheme) - this application was considered by committee on the 30th June and approved subject to 10 conditions, including condition 10, as set out above, and to which this current application relates to.

14/01887/FULL: Erection of extension to existing office premises (The cricket barn) and provision of 10 additional parking spaces was permitted on 6th January 2014.

14/01915/FULL: This application has been submitted to vary the terms of condition 10 of planning approval 14/00575/MFUL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity. THIS APPLICATION IS CURRENTLY SUBJECT TO AN APPEAL: AGAINST NON-DETERMINATION. An Informal Hearing is yet to take place.

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

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 12th May 2015

No comment beyond concerns of increased traffic volumes.

CRUWYS MORCHARD PARISH COUNCIL - 18th May 2015

The decision made by the council was to refuse this application for the following reasons:

1. Such a large building will have a significant detrimental visual effect.
2. The use of such a large building must increase traffic, although requested there has been no traffic movement information forthcoming.

NORTH DEVON DISTRICT COUNCIL - 19th May 2015

We do not wish to comment. It is noted that the Highway Authority is satisfied that there will be no material increase in traffic, and potential reduction. The new building appears to be well related to the main group.

This authority's interests will not be affected by the proposal.

PUDDINGTON PARISH COUNCIL - 7th May 2015

Puddington Parish Council wishes to object to this planning proposal.

This proposed building for processing digestate fibre was not part of the original planning application for the 500KW Anaerobic Digester and its subsequent consent. It must be assumed therefore that there has been a change in the amounts of stated biomass inputs to the anaerobic digester, this then has implications to the number of road traffic movements to and from this site on which the consent was based. The subsequent planning application to increase the generation output from the digester has already suggested an increase in road traffic movements. These traffic movements will be detrimental to the surrounding area in terms of safety, noise and nuisance.

The digester and its associated buildings are already an imposition on the landscape and are clearly visible from the road that leads to Puddington from the B3137, the addition of another building would only add to what is slowly becoming an industrial site in the middle of the Mid Devon countryside.

TEMPLETON PARISH COUNCIL - 19th May 2015

Whilst Mr Stuart Cole (the Applicant) and Menchine Farm are not in our Parish, we feel that due to the close business association with Mr Winston Reed of Reed Farms Ltd, Cleave Farm Templeton and the following reasons we must ask MDDC Planning to REFUSE this application:

1. The proposed pelletising building is far larger than required to process the minor proportion of solid/fibrous digestate produced under the existing planning permission allowed maximum production of 500 kw.
2. This further additional large building will increase the industrial site on the farm and have an even greater detrimental effect on the local landscape than that noted in Inspector Mike Robins Appeal decision APP/Y1138/A/13/2193382 Character and Assessment No. 21 in relation to conflict with MDDC Core Strategy Policy (COR2 and COR18).
3. Inspector Robins also recognised and observed Mid Devon District Council's own Landscape Character Assessment in the area under Character and Appearance No. 11 "The area is identified as having a high local sensitivity to change." As well as No. 15 "There would be some harm to the landscape character". These observations by the Inspector can only increase in intensity with the continual expansion of this site.
4. The Applicant/Operators have done their utmost with their piece-meal approach to cause confusion with their myriads of Application/Amendments/Appeals with no effort at clarity of purpose or explanation - which is in direct conflict with the New Planning Guidelines/Conditions 2014. If this application is granted it could

prejudice the pending Appeal APP/Y1138/W/15/3003677 as well as any future Application/Appeal made by the Applicant/operator to increase capacity of the AD due to increased storage/handling capability and hence all associated Traffic/Pollution/Environmental/Quality of Life issues already experienced with the present site and operations.

5. To facilitate any allowed increase in production of solid digestate, which is only a minor proportion (10/20%) of the total digestate produced by the AD, would therefore also involve a larger proportional increase in imported feedstock together with a far greater proportional increase in liquid digestate to be safely disposed of/exported off site in accordance with DEFRA and EA Best practice regulations. Applicant offers no explanation or evidence as to how he proposes to do this without the necessary sufficient land ownership/tenure to allow for safe disposal and in abidance of all NVZ regulations.

6. Due to Bio-security fears of cross contamination with mixed species farm manures (chickens, cattle, pigs) and with no restriction as to slurry from dirty TB farm cattle being included; no pasteurization taking place to ensure destruction of disease/pathogens/bacteria like Salmonella, Botulism, E coli; there appears to be a considerable reluctance/resistance from local livestock farmers to take either the liquid/solid or pelletized non-pasteurized digestates. The prime use for the digestates is on cultivated/arable land where it will be ploughed in and this area of mid devon (certainly within the recognised 6 km radius acknowledged under Traffic No.26 APP/Y/1138/A/13/2193382) consists mainly of small 100/150 acre livestock pasture farms.

Whilst we trust you will refuse this Application, if you are so minded to approve and in view of the above we respectfully ask that the Applicant/operators be conditioned to comply/abide by the following:-

a) in view of 2) and 3) above a Full Environmental Impact Assessment should be carried out.

b) this should include a Noise Assessment in view of the additional mechanical operations and the noise nuisance already noted by the local residents.

c) An Odour assessment as many of the affected residents have been experiencing and complaining to the Environmental Agency and Environmental Health about a detrimental odour nuisance.

d) A full cyclical Traffic assessment for all AD feedstock imported and digestates (liquid and solid) to be exported.

e) Written agreement from the Applicant/Operator to submit accurate records as to traffic movements in and out of the site in compliance with paragraph 8) under Decision on APP/Y1138/A/13/2193382 and as per point 42 under Conditions of same. This is necessary as Applicant/Operator refused to comply with such a request from MDDC Enforcement Officers in February 2015.

f) Clarity is required as to what is classified as 'waste' by Inspector Mike Robins in his APPEAL Decision APP/Y1138/A/13/2193382 Conditions No.43 with regard to preventing odour and storing waste. Is all the Chicken litter being stored inside the Intake Shed as this is highly dangerous waste and the worst farm manures for harbouring/spreading disease pathogens, etc. and would definitely create odour?

g) Applicant to provide a detailed plan for vermin/pest control to include contractual evidence, as local residents have already noted marked increase in rodent and fly presence since AD operations commenced.

ENVIRONMENTAL HEALTH - 18th May 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 - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

HIGHWAY AUTHORITY - 8th May 2015

The proposed development is for a building to process the existing digestate produced from the plant which already has a consent. The process being applied will condense the digestate product into a pellet form which will result in more product being able to be transported in a single vehicle which may give rise to a reduction in traffic overall. Therefore the Highway Authority would raise no further observations.

Recommendation:

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

THELBRIDGE PARISH COUNCIL - 15th May 2015

No Objection

REPRESENTATIONS

19 letters have been submitted by local stakeholders in response to the consultation undertaken on the application, predominantly objecting to the application scheme for the following reasons.

1. The application form states the site area is 3,580 square metres whereas the plans clearly show a building 450 square metres. (Case officer response it is assumed the higher site area refers to the redline as identified on the site plan (MF/FB/02A).
2. The use of dried AD solids as bedding dried digestate as Biomass fuel is challenged - in terms of whether there would be market demand. (Case office comments: This is not considered to be a relevant 'planning' material consideration).
3. The site plan does not include the existing chicken sheds on the land adjacent.
4. Concerns about spreading in an NVZ area - not relevant to the determination of the application.
5. The building is beyond the landscaping to be planted pursuant to the planning permission that allowed the AD plant to be constructed.
6. The proposal will add to the built coverage on the site giving the impression of an industrial area causing harm to both the landscape character and the visual amenities of the area.
7. The application scheme will generate additional levels of traffic that local roads can not accommodate, particularly through Templeton.
8. A noise assessment should be submitted.
9. The proposals will result in odour problems in the locality.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on the landscape character and appearance of the area,**
- 3. Impact on amenity of residents**
- 4. Transportation impacts**

1 Policy

The site is in the open countryside. Local (COR18) and national planning policies make clear that new development in the countryside should be strictly controlled. However, there is scope for essential agricultural development and development which supports the rural economy.

Policy DM20 specifies that rural employment development will be permitted where;

In countryside locations, planning permission will be granted for newbuild employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

DM22 specifies that agricultural development will be permitted where;

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations.

The site is in the open countryside where Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings.

The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser, and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant. Both process require a permit from the Environment Agency.

Therefore the principal of the application has policy support subject to considerations in relation to the landscape impact, general amenity issues and transportation impacts, as discussed below.

2. Impact on the landscape character and visual amenities of the area

The application building will be located alongside the AD plant which sits in the landscape as part of the Menchine Farm complex. Clear views of the complex are evident from the south along the public footpath (No.12) that leads away from the site. Other views are apparent as pinched glimpses where it is possible to see the top intake building and/or digester tank.

Some local residents argue that the area has become industrialised by the proliferation of buildings that have constructed over recent years. The view from the south clearly shows the spectrum of development which stretches for 200 metres as a panoramic. Whilst the spread of structures is clear in the landscape the

existing tree coverage (native), hedgerows and grassed areas help to soften how the wider developed group sits in the landscape. Whilst the height and overall massing of the spread of buildings varies, it is considered that the proliferation of buildings remain at farm scale with the farm house cottage clearly sitting as the centre piece, with the intake building digester tank and lagoon appearing taller to the west.

In allowing the appeal under LPA ref: 12/01659/MFUL the Inspector concluded that the plant AD would result in some limited impact to the landscape character and visual quality of the area. your officers consider that a landscaping scheme would not address this entirely in the short term, but in the longer term landscaping would establish native woodland of value which would be characteristic of the area. This new landscaping has not yet been planted out but it is clear from the existing vegetation that it will further assist in softening the new infrastructure and assist with it's integration within the landscape.

The new building will be set further down in the field than the existing AD complex accordingly the existing field hedgerow will assist with screening the proposed building which will sit lower than the intake building. The proposed planting associated with the AD plant, and the opportunity for further planting to the west of the new building will help to maintaining the rural setting and avoid a highly visible proliferation of buildings across the complex.

Whilst the new building will be visible within the context of the surrounding landscape, on balance it is not considered that the visual impact of the proposed building, individually and cumulatively with the other buildings across the complex, would justify refusing planning permission on the basis of permanent harm to the landscape character and to the visual amenities of the area. A condition is proposed which seeks additional landscaping on the western side of this building.

3. Impact on amenity of residents

Although residents continue to suggest that noise in the area and general disturbance issues arise in connection with the operation of the on-site plant, no formal complaints have been made to this Authority's Health and Environment Services Team.

The closest residential property to the site is that which belongs to the applicant with the nearest dwelling outside of the site located approx. 430 metres away and over. The properties at Nomansland Cross are some 700m distant. In conclusion it is not considered that there are residential properties/uses (that are not associated with the business) nearby that would be affected in terms of noise, odour and/or privacy impacts.

4. Transportation Issues

The applicants' agent has confirmed that the proposed use for the building would result in 100 extra movements per year on the Highway which is a classified B road. These trips would arise from exporting the pellets from the site. There are no trips on the highway in terms of transporting the raw material to be processed. The Highway Authority has not raised any objections on highway safety and/or capacity grounds.

Local stakeholders continue to raise issues regarding how the transport pattern associated with this development individually and cumulatively with approved uses at the Menchine complex will affect the affect the local amenities of the area given the number of trips arising.

Unlike the proposals under application 14/01915/FUL, the proposed number of additional trips associated with the application scheme within is considered robustly defined.

Reflecting on the conclusions which the Inspector reached when allowing the appeal under LPA ref: 12/01659/MFUL, the low level of traffic generation (100 trips per year) which would arise is not considered to have a detrimental affect on highway safety and or local capacity issues either individually and/or cumulatively with the approved uses on Menchine Farm.

Conclusion

For members information as stated above the appeal against 14/01915/FULL is currently being considered and it is not considered by officers that a decision to approve this application under prejudice the Local Planning Authority's position on this case.

Whilst local stakeholders continue to raise concerns regarding further development at Menchine Farm, for the reasons given above, the planning application scheme is considered to comply with the policies of the adopted Development Plan, and therefore approval is recommended. Conditions are recommended to ensure the improvements to the proposed farm track at the junction with the highway are delivered, together with landscaping of this site.

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 site access road to Menchine Farm shall be hardened surfaced and drained for a distance of not less than 10 metres back from its junction with the public highway, prior to the first use of the building and shall thereafter be so retained.
4. In accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B and as required as part of the scheme approved for the AD plant shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

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 prevent mud and other debris being carried onto the public highway.
4. In the interest of public safety and to prevent damage to the highway.
5. In the interest of the visual 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 proposal is for the erection of a further building on the Menchine Farm complex to enable the processing of digestate into a pellet format. The siting, location and design of the building is such that it is not considered that the proposed development would harm the landscape character and/or visual amenities of the area in the long term or the living conditions of any nearby residential dwellings when considered individually and/or cumulatively character with the existing buildings and lawful uses on the farm complex. Furthermore the proposals raise no traffic and/or transportation concerns. The proposal therefore accords with the aims and objectives of restricting development in the countryside whilst maintaining the presumption in favour of suitable development within the rural economy.

On this basis the proposal complies with Policies COR2 and COR18 of the Mid Devon Core Strategy and Policies DM1, DM2, and DM22 of the Mid Devon Local Plan (LDF) Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

Plans List No. 3

Application No. 15/00681/FULL

Grid Ref: 277045 : 102767

Applicant: Mr & Mrs S Penny

Location: 31 Sunnymead
Coplestone Devon
EX17 5NQ

Proposal: Erection of first floor
rear extension

Date Valid: 27th April 2015



Application No. 15/00681/FULL

RECOMMENDATION

Refuse permission.

COUNCILLOR HEAL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

To consider if:

1. The living conditions of neighbouring properties will be adversely affected contrary to Policy DM13 of the Local Plan Part 3 (Development Management Policies).
2. The design, scale and massing is acceptable under Policy DM13 of the Local Plan Part 3 (Development Management Policies).

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

This application is for the erection of a first floor rear extension at 31 Sunnymead, Copplestone. This is a semi-detached property located in a residential part of Copplestone. The property is set back slightly from the road with a garden area to the front, parking to the side. To the rear the property is set into a higher ground level which is approximately level with the height of the single storey conservatory at the rear. The property has a rendered finish with a concrete tile roof and uPVC windows and doors.

The proposal is to erect a first floor extension to the rear of the property to provide a fourth bedroom. The extension will be set on two pillars and extend out over the existing lean-to conservatory. The extension would extend 3.2m from the rear of the property and be 3.7m wide. The proposed material palette includes a composite flat roof, timber singles, timber weatherboard cladding and uPVC windows.

Following discussion with the Local Planning Authority the applicant's agent has amended the plans from showing an extension across the entire rear of the property 6.5m wide to now being 3.7m wide.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR17 - Villages

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

CONSULTATIONS

HIGHWAY AUTHORITY - 7th May 2015 - No comments

REPRESENTATIONS

One letter of objection was received in respect of the initial scheme;

- Loss of light to no. 33
- Loss of light to the garden area
- Poor design- substandard materials
- No consideration has been given to rainwater run off
- No agreement has been reached to access the neighbours property to allow maintenance of the extension
- There are no rear extension on this road at all- they are all to the side
- No investigations have been carried out of the capabilities of the existing foundations
- The angle of the roof is not sufficiently steep to carry cement tiles

Following the amendments to the scheme to reduce the size of the proposed extension no further letters of representation in support or objection have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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.

Policy DM2 requires new development to be of high quality design showing clear understanding of the characteristics of the site, its wider context and the surrounding area. It also sets out that development should aim to create visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

The existing house is a traditional 1970's semi- detached property of simple proportions comprising rendered walling under a tiled pitch roof.. The proposed design of the extension is considered to be incongruous to the style of the existing property such that it would harm the appearance of the property. The design, being flat roof and on 'stilts' is an unconventional design that is considered to detract from the simple appearance of the existing dwelling. This is further amplified by the choice of facing material for the new sections of walling - timber boarding. As such it is considered that the new build element would be incongruous to the appearance of the existing dwelling. Although the extension is set to the rear of the property it would in part still be visible from the street scene and given the poor design and inappropriate material palette it is not considered that the development respects the character of the site or the surrounding area. The appearance of the extension would detract from the character of the existing buildings, its surroundings and appearance of the street scene and is therefore contrary to the aim of DM2 to provide high quality design that creates visually attractive places. The change to the appearance of the host dwelling and street scene is considered to be unacceptable and therefore it is deemed that the application does not meet criteria A of DM13.

The proposed extension is set back from the party boundary by 2.85m. Both of the properties have a higher garden level to the rear (north). There is a small yard area at the rear of the properties approximately 3m wide which is occupied by the conservatory of the application property but serves as a small court yard amenity area for the adjoining property. The Local Planning Authority has to consider the amenity of current and future occupiers of the neighbouring properties. In terms of overlooking the Local Planning Authority is satisfied that the proposed extension would not result in any significant adverse impact to the amenities of occupiers of the neighbouring property and there would not be any loss of privacy as a result of the

development. However given the orientation of the properties it is considered that the proposed extension is likely to result in a loss of light and moreover an oppressive environment for the occupiers of the neighbouring property, particularly within the courtyard area which is a main outside amenity area for the neighbours. This impact will be emphasised due to the position of the extension to the south of the rear yard of the neighbouring property. On this basis the application scheme is contrary to criteria C of DM13.

Given the scale of the extension in relation to the size of the curtilage it is not considered that the proposal would result in over development of the dwelling curtilage.

REASONS FOR REFUSAL

1. The design of the proposed extension, being a flat roof box style design supported on 'stilts', and the material palette is considered to be of a poor quality, such that it would appear as an incongruous feature and would result in harm to the appearance, character and design of the dwelling, its surroundings and the wider street scene. On this basis it is considered that the design of the extension does not demonstrate an understanding of the characteristics of the surrounding area and would be detrimental to the local character and therefore the application proposal is contrary to the following Policies: DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and COR2 of the Mid Devon Core Strategy (Local Plan Part 1).
2. Given the siting of the proposed extension and the orientation in relation to the adjoining property the Local Planning Authority considers that it would result in an oppressive environment with an unacceptable detrimental impact upon the amenities of the current and future occupiers of the neighbouring property such that the proposal is considered to be contrary to Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

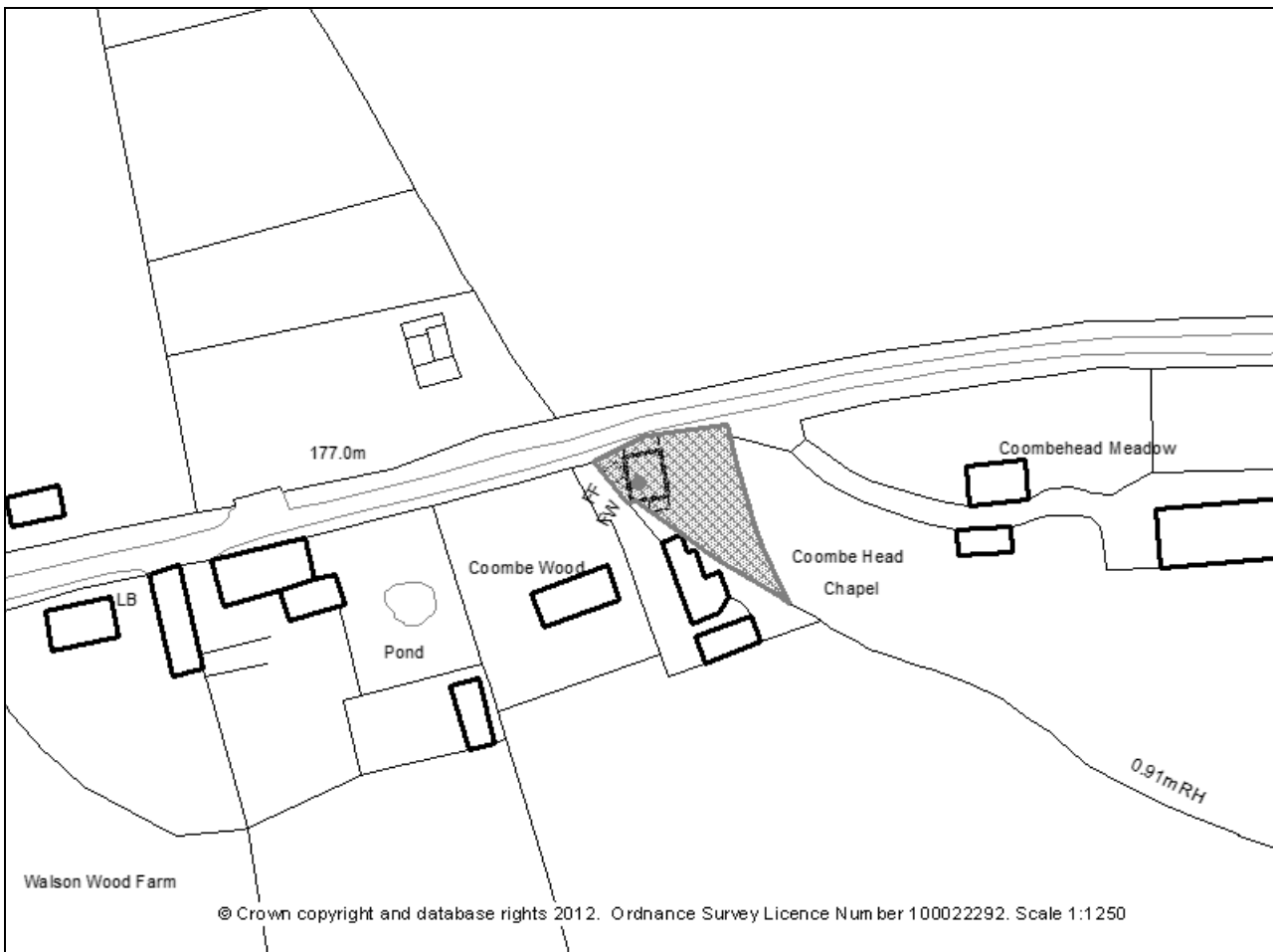
Grid Ref: 273827 : 98156

Applicant: Mr K Knight

Location: Coombe Head Chapel
Bow Devon

Proposal: Conversion of
redundant chapel to
dwelling

Date Valid: 27th May 2015



Application No. 15/00743/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposal is for the conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow. This is a modest, detached building located in the countryside to the east of Hillerton. The building, a former chapel, is set within a small curtilage that formed the graveyard with some tombstones still present. Although not listed, the building would be considered to be a non-designated heritage asset. The building is currently redundant and in a poor state of repair, being constructed of random stone and cob with a natural slate roof and timber frame windows. At the southern end of the building there is a concrete block lean to extension which is likely to have been a later addition and on the north elevation there is a small entrance porch.

The proposal is to convert the chapel building to provide a dwelling. At ground floor level there will be an open plan kitchen, dining and sitting area and within the extension a small shower room. There will be a mezzanine level which will provide a bedroom with ensuite and a walk in wardrobe. The proposed extension will be rebuilt in concrete block, the roof will be natural slate to match the existing property. The windows are proposed to be of uPVC. The surface water will be disposed of via a soakaway. Foul drainage would be processed via a package treatment plant.

The Site Location Plan identifies the proposed residential curtilage as is proposed and the applicant has confirmed that although this area will be used as a residential garden, they intend to keep the grave stones in position.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

87/00860/FULL Change of use of Chapel to one residential unit - REFUSE

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

DM11 - Conversion of rural buildings

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 8th July 2015 - I have visited the site and have no objection to a layby, I would consider that the traffic generated by a residential dwelling would be less than the potential generation of a D2 use and while the roads are substandard in terms of width alignment, current NPPF guidance would lead me to advise that the traffic generation being less than the potential will give rise to a development which would not be severe and is acceptable.

In looking at the layby, consideration should be given to the neighbours access and the visibility from it which currently does not have any obstruction I would anticipate that a wider than normal layby would

maintain this so would advise a layby which is 3.0m wide with two spaces 5.5 in length each and splayed at 45 degrees to the highway. This will take out the entire bank.

The applicant has set out in their block plan the layby which has taken into consideration the visibility splay for the neighbour and is of a length to cater for two cars therefore subject to a condition for the hardening of the layby with a bound material, no loose stones or chippings and it being drained to prevent surface water entering the public highway I would raise no objections in principal.

1.HC106 The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority

REASON

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

2.HC115 In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON

In the interest of public safety and to prevent damage to the highway

COLEBROOK PARISH COUNCIL - 18th June 2015

The Parish Council discussed this application at their meeting in May. Since then the Planning Committee has had the opportunity to consider the application and has made the response below. This response has been circulated to all Councillors for approval. Colebrooke Parish Council has no objection to a conversion being carried out on the building. However it must object to the present application on the grounds that no mention is made of the management or future of the graveyard and its memorials. The graveyard would have been opened in the 1840s and closed in the 1870s possibly because of difficulties digging graves in wintertime. Subsequent burials appear to have taken place at the newly opened Bow Gospel Hall burial ground. Although just three memorials remain, when the chapel was in use the mounds of over twenty graves were still visible. The three memorials represent three of the men involved in the erection of the chapel. Of these William Arscott who lived at Coleford resigned as parish clerk and left the Church of England to join the Brethren movement and was also earlier responsible for starting the chapel at Coleford. In the Parish Council's opinion Coombehead forms a historical part of the nonconformist movement in Colebrooke in the 1840s and any development should endeavour to preserve this.

NATURAL ENGLAND - 9th June 2015 - No comments

ENVIRONMENTAL HEALTH - 14th July 2015 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - No objections

REPRESENTATIONS

At the time of writing this report four letters of representation had been received, these are summarised below:

- In favour of the chapel being converted in order that the building can be retained.
- Concerns with regard to the intended soakaway for the septic tank and that the VP figures may not be correct.
- The land to the south of the site is situated at a lower level than the site of the chapel, this land is

- waterlogged in winter.
- The foul drainage form is not correct and there are soakaways within 50m of the site. The proposal does not provide a clear plan showing the location of the whole system and the position of elements such as the septic tank, drainage field and points of discharge.
- The percolation test was carried out by the applicant, the test should be carried out by an experienced independent site evaluator to give an unbiased assessment of the ground conditions, soakage capacity and drainage.
- There is no provision of visitor parking. There have already been problems caused by the owners parking opposite an existing driveway.
- The proposed works could impact on the root system of the trees on the site.
- The previous planning application was refused because the chapel is not considered suitable for conversion due to its poor structural condition which would be likely to necessitate major alterations and reconstruction works being involved tantamount to the erection of a new dwelling.
- The applicant has already breached planning control by putting a caravan on the site and staying in it.
- There is no mention of the graves and how these will be preserved by the proposals.
- The Local Planning Authority needs to ensure full compliance with any permissions granted.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) establishes the principle that development in the open countryside should be strictly controlled. Furthermore, it provides criteria that identify an acceptable range of uses and building types that could be considered acceptable. COR18 does not provide specific policy support however the National Planning Policy Framework (2012) advises that the government will allow for provision of high quality homes through the reuse of redundant and disused buildings in the open countryside, in certain circumstances. DM11 of the Local Plan Part 3 (Development Management Policies) reflects these policy objectives and the criteria are detailed below.

DM11- the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- 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.

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

The proposed building, by virtue of its character, design and historic significance is considered to positively contribute to the area's rural character and is therefore considered to be a candidate building under policy DM11.

- A) The chapel is situated adjacent to the highway with a small grass bank, approximately 1m high which provides the boundary to the curtilage. The proposal demonstrates that two parking spaces will be provided in a parking bay arrangement adjacent to the highway. This will necessitate removal of the grass bank. The applicant engaged in pre-application advice with the Highway Authority who are satisfied that the layout of parking as proposed is acceptable. Whilst the nature of the roads in the area are narrow, there is reasonable visibility along this stretch and it is considered that the local road network is capable of supporting the traffic resulting from the development. Although the proposal would require a short section of the small bank to be removed it is not considered that this would harm the overall character of the surrounding area. The proposal is considered to be in accordance with this requirement and also policy DM8 in terms of parking provision.

B) Upon visual inspection it is clear that the building is in a declining condition and the report by W H Badger Consulting Engineer (May 2015) sets out the repairs that are required, these are summarised as follows:

- The timber floor will need to be renewed with a timber suspended floor above an over site concrete base.
- The present roof form is formed of a series of high collar A frames with low level steel tie bars. This will not be consistent with the provision of a first floor mezzanine level. The roof will need to be re-engineered to allow the provision of the mezzanine level. This structure will be formed through a series of steel H frames, surmounted by raking principal rafters. Certain elements of the existing A frames or some timber frame elements as decorative features. The foundations of the steel H frame will be via steel counter frames with inset foundation blocks to avoid disturbing footings of the existing external walls. The roof will be re-slatted.
- The cob walls are generally in a state of outlean towards the top. The walls are in a poor condition and show signs of previous repair and re-rendering. The proposed works to the external walls are to re-render, rectify any verticality with stone/brick/cob veneers as required. Strengthen the corners with heli-coils and tie back walls to new steel structure.
- The foundations will be exposed and rectified with concrete underpinning as necessary.
- The external elements of the porch will be preserved and repaired with thermal insulation provided on an internal timber stud lining wall. The roof will be battened, felted and re-slatted.

The proposed extension to the South elevation that will replace the more modern block built has a slightly larger footprint but is of a design which is more in keeping to the character and appearance of the building and will assist with the preservation of the building as a non-designated heritage asset. Overall this aspect is considered to be allowable under the terms of policy DM11 and in accordance with policy DM27.

C) The scheme has been designed to incorporate the existing fenestration arrangement and although the proposal incorporates a new roof structure the roof material will be replaced with a natural slate such that the original form and appearance of the building will be retained. The proposed replacement extension to the south elevation of the building is considered to be an appropriate replacement that is sympathetic to the design of the existing building and does not detract from the original character of the building. The design largely retains the existing openings, with the addition of some roof lights and re-orientating the front door from the side elevation of the porch to the north end elevation. The applicant has suggested that they would install uPVC windows however given the character of the building it is not considered that this would be acceptable and would detract from the traditional character of the original building and as such a condition is imposed to ensure that the windows are of a timber frame design to be in keeping with the original character of the building. The conservation officer has confirmed that the building should be treated as a non-designated heritage asset, and subject to the windows being constructed of timber and the roof lights being flush fitting the design is considered satisfactory and would not harm the character of the original dwelling. The proposed works are considered to retain the character and appearance of the existing building and it is considered that the application scheme will sit comfortably within its natural surroundings. Therefore it is considered that the proposal satisfies criteria C of DM11.

D) An ecological survey was carried out on behalf of the applicant by Western Ecology in May 2015 and a report prepared by them was submitted as part of the application. The recommendations of the survey are as follows:

There is no evidence of bats found within the site and therefore no further survey work or mitigation measures are required or recommended. The building has no potential for roosting or nesting Barn Owls and similarly no further survey work or mitigation is required for recommended for barn owls. There is evidence within the building of nesting birds and therefore the report recommends that any works should be completed during the period of September to February inclusive outside the accepted bird nesting season.

In summary of this issue, the principle of a residential conversion of the barn as proposed is considered justified taking into account the provisions of DM11 and guidance in the National

Planning Policy Framework, which in this case should override the policy position established under COR18.

Design Issues

The scope of the alterations to the building and the layout for the conversion to a dwelling have been described above and as stated are considered acceptable. Although the building is modest in scale the proposal delivers habitable accommodation which exceeds the space requirements established by DM15. There is sufficient space within the site to create a layout that accommodates satisfactory amenity space.

Drainage Issues

It is noted that a number of the representations have raised concern over the drainage proposals for the development. The surface water will be managed through a soakaway as demonstrated on the proposed block plan. The foul drainage will be managed through a Klargestor Bio disc package treatment plant. The applicants have carried out percolation tests at the site to determine that the size of the soakaway that is required as a drainage outlet for the package treatment plant as proposed. Technical justification for this aspect of the conversion has been submitted to support the application, and the proposals comply with the technical requirements. The applicants have also provided certification that confirms that proposed package plant exceeds the standard required by the Environment Agency. It is considered that on the basis of the evidence provided that the drainage arrangements are satisfactory to manage foul and surface water transfer from the site.

Amenity Issues

The chapel is situated in reasonably close proximity to the neighbour at Coombe Wood however it is noted that no objections have been received in terms of the potential overlooking and loss of privacy resulting from the development. Given the orientation in relation to the neighbouring dwellings and the minimal window openings on the west elevation facing the nearest property, it is not considered that the development would have a significant adverse impact on the occupiers of the neighbouring properties.

Other Issues

The Parish Council have raised concerns on the basis that no mention is made of the management or future of the graveyard and its memorials. Since this comment the applicants have provided an additional statement within which they outline that they intend to preserve the existing head stones (3 of which remain). Notwithstanding this the works to the headstones or to exhume the graves would require separate consent.

There are a number of relatively mature trees on the site, the one at the front of the site will need to be removed in order to accommodate the parking area and soakaway. The applicant has confirmed that they do not intend to remove any of the other mature trees on the site. Although the loss of the tree is regrettable, no consents would be required to remove the trees and it is not considered that the contribution of the tree to the general amenity of the area is such that they would warrant long term protection through the imposition of a tree preservation order.

JA contribution towards the provision of new/maintenance of existing open space off site would have been required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document: The Provision and Funding of Open Space Through Development (May 2008). However on 28th November 2014 the Government announced changes to national planning guidance which have significant implications on sites that fall below a certain size threshold. In this instance where the site falls outside of the defined settlement limits of Crediton, Cullompton and Tiverton, and provides less than 5 dwellings there would be no requirement for any contributions to be made.

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 roof covering of the development hereby permitted shall be of natural slate a sample of which shall be submitted to, and be approved in writing by the Local Planning Authority prior to its use on the buildings. Such approved slate shall be so used and retained.
4. The conclusions and mitigation measures set out in the Western Ecology protected species survey (final report - dated May 2015) received on 27th May 2015 by the Local Planning Authority shall be complied with in full during construction of the development hereby approved.
5. Prior to their installation, details of the new external windows including sections, mouldings and profiles, finishes and glazing shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the windows shall be in accordance with these approved details, and be so retained thereafter.
6. Before the first occupation of the dwelling, there shall be submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels, samples of surfacing materials and edging, and details of new hedge planting. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping shall be retained in accordance with the approved scheme.
7. Prior to the occupation of the dwelling there shall be submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
8. Before the development hereby permitted is first brought into use, the vehicular parking bay indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Following their provision, these facilities shall be so retained.
9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, no development of the types referred to in Classes A, B, C, D, E, F, G, H of Part 1, or Classes A or C of Part 2 of Schedule 2, relating to extensions, alterations to the roof, porches, outbuildings, hard surfaces, chimneys, flues and microwave antenna, gates fences and walls and exterior painting shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
10. The proposed roof lights, as shown on the approved plans, shall be conservation type (flush fitting to the roof line) and shall be retained as such.

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 character and appearance of the building in accordance with Mid Devon Core Strategy (Local Plan part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM27.
4. To ensure the protection of any ecological interests at the site.

5. To ensure the use of materials and detailing appropriate to the works, in order to safeguard the character and appearance of this non-designated heritage site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM11 and DM27.
6. To ensure that the development makes a positive contribution to the character and appearance of the area and the setting of this non-designated heritage site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM11 and DM27.
7. To safeguard the character and amenities of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
8. In the interest of highway safety.
9. To safeguard the character and appearance of the building and the visual amenity of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. To safeguard the character and appearance of the building in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. The applicant is advised that wild birds and common species of reptile are legally protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If any hedgerow removal works are to take place during the bird nesting season (March to September), works should only be undertaken immediately following an inspection by an ecologist to minimise the risk of killing or injuring reptiles and to confirm the presence/absence of nesting birds.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The National Planning Policy Framework establishes the principle that the reuse of redundant or disused buildings in the open countryside as dwellings, could be considered acceptable, and Policy DM11 of the Local Plan Part 3 (Development Management Policies) reflects this guidance where a building makes a positive contribution to the rural character of the locality. Given the contribution that the Chapel is considered to make to the character of the local area, in policy terms the conversion of the chapel is considered to be acceptable. The proposal includes extensive repairs to the main building and porch, and largely a rebuild of the single storey extension. On balance these works are considered to be compliant in terms of what is allowable under DM11 enabling the non-designated heritage asset to be preserved and retained in accordance with Policy DM27. Overall the works to the building are considered to respect the character of the building and the surrounding rural environment. The proposal is not considered to cause harm to nature conservation interests in the local area subject to mitigation measures, or have a significant adverse impact on the occupiers of neighbouring dwellings. On this basis the proposal is considered to be compliant with Policies DM1, DM2, DM8, DM11, DM14, DM15 and DM27 of the Local Plan Part 3 (Development Management Policies), Policies COR1 and COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and policy guidance in the National Planning Policy Framework.

Plans List No. 5

Application No. 15/00771/FULL

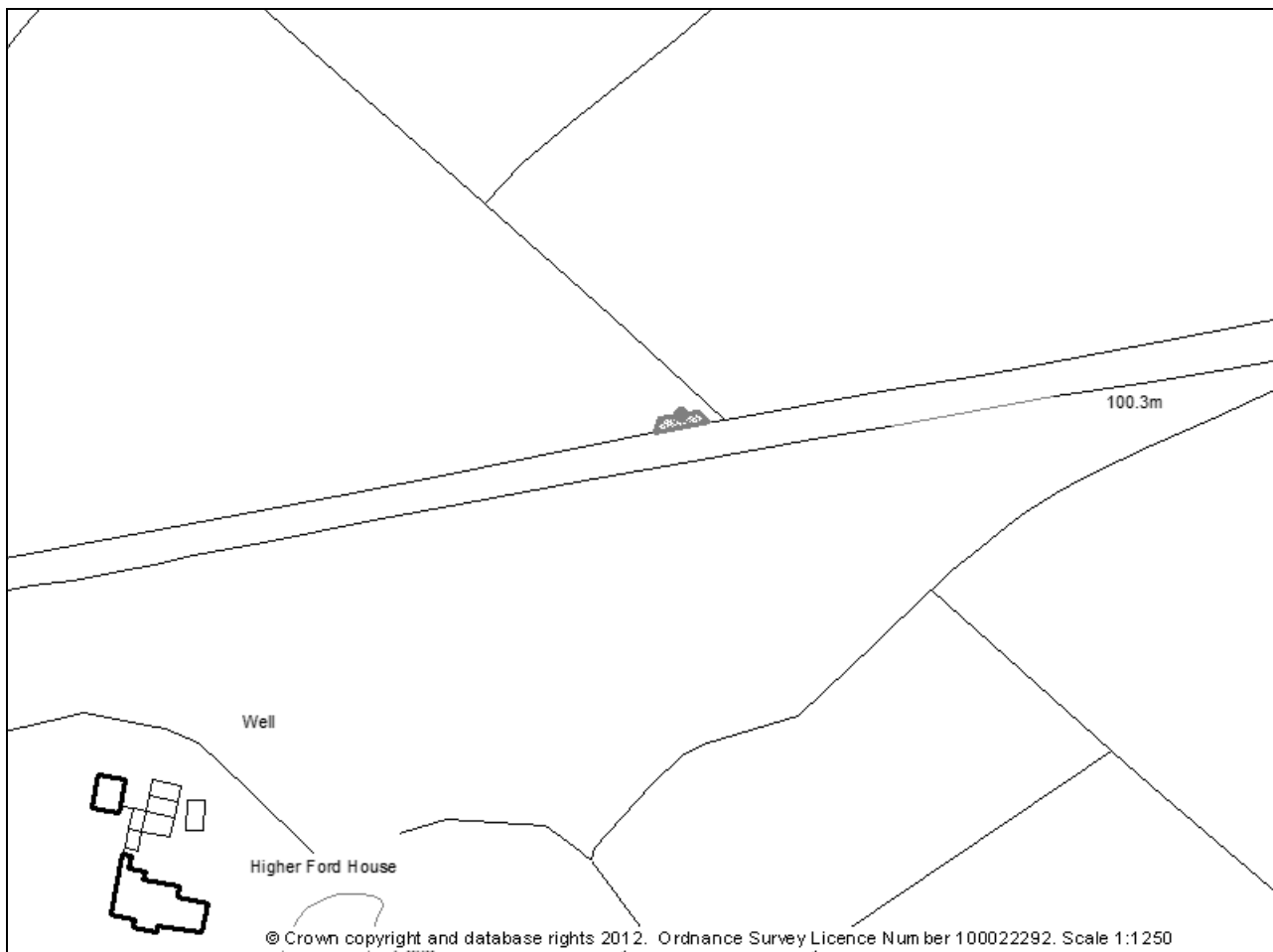
Grid Ref: 268282 : 111909

Applicant: Mr Stephen Darke

Location: Land at NGR 268282
111909 (North Of
Higher Ford House)
Chawleigh Devon

Proposal: Formation of layby for
parking of
vehicles/access to
woodland

Date Valid: 18th May 2015



Application No. 15/00771/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To consider the necessity to create a parking space and access to the woodland and the size of the proposed layby.

PROPOSED DEVELOPMENT

The proposal is for the formation of a layby for parking of vehicles and for access to woodland. The site is a small plot of woodland extending to 1.29 hectares and known as 'Ford Wood'. It is located adjacent to the B3042, approximately 560m to the north of the junction with the A377 at Eggesford Station. The woodland forms a largely triangular shape and is bounded by the B3042 road along the south boundary, and agricultural land to the north east and north west. There is an existing unmade track through the woodland which continues beyond the land in the applicant's ownership to adjoin the A377 at Ford Cross, the track is not within the ownership of the applicant.

The proposal is to construct a layby at the edge of the woodland, adjacent to the highway, to allow for parking of vehicles and access to the woodland. The main parking area of the layby will be 8m long, with 45 degree reveals making it 14m long at the front where it abuts the highway. It is proposed to extend back from the highway for 3 metres into the site. The layby will be finished with a self-binding surface, onto a base layer, comprising of 300mm (scalpings and stone). The perimeter off the new layby on the woodland side will be fenced off (post and rail type) with a gateway opening set to allow access by a digger or quad bike to carry out forestry operations. The plans indicate that there will be a reinstated hedgerow although there is no hedgerow existing at the moment. However, the Local Planning Authority understands, following discussions with the applicant, that the earth that is excavated will be used to form a bund around the edge of the layby (on the woodland side). The applicant has suggested that he will be erecting a small chain link fence to the roadside boundary to prevent others from using the layby. No specific details have been provided of these and therefore it will be necessary to have details of the proposed boundary treatments prior to their use on the site. The application does not propose to provide any hard surfacing into the wood beyond the layby as set out above.

The applicant requires the layby in order to park vehicles safely off the highway whilst carrying out maintenance of the woodland, in accordance with the felling license that he has been granted by the Forestry commission to allow the maintenance and improvement of the land. The nature of the works are to thin the wood of dead and dangerous trees and to clear the drainage ditches to improve the conditions for the trees that remain.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

None

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

CONSULTATIONS

HIGHWAY AUTHORITY - 5th June 2015

Observations:

The Highway Authority has visited the site and has provided pre-application advice and has no objections to the proposed development. The applicant should be reminded to apply for an appropriate licence to carry out the works with the highway authority and should liaise with Mr Bob King the Neighbourhood Highway Engineer.

Recommendation:

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

CHAWLEIGH PARISH COUNCIL - 3rd June 2015

We have concerns about the necessity of the application to create a parking space and access to the woodland. There is currently a lane that runs along one edge of the woodland that we would argue already creates adequate access to the woodland for the 'Occasional light forestry works and parking of a four wheel drive vehicle and trailer' as suggested in the application. We do not feel it necessary to disturb the roadside hedge for this purpose when there is already adequate means. The size of the proposed layby is also questionable for the proposed use.

We would also have concerns that the layby would attract other road users, and encourage things like littering. By creating a parking provision on a roadside you open the space to be used by all road users which could potentially prevent it from being used as intended.

Due to these points we are not in support and ask you to refuse this planning application.

REPRESENTATIONS

Two letters of objection has been received at the time of writing this report and are summarised below;

- It is not clear how many vehicles or how big the layby will be
- Is the applicant intending to use the layby for siting of a caravan for residential use?
- Other vehicles- travellers, lorries, caravans could all use the layby for parking
- There is already a track into the wood that can accommodate 4x4 vehicles and forestry machinery. The lane can be accessed directly from the A377 to the north west of the site, where the track is stone grounded and has good visibility for entering and exiting.
- The layby, with metal posts and a chained off area, would be visually urbanising a rural setting.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site of the layby is currently an earth bank approximately 0.5m above the highway, there is some overgrowth and trees within the site that would need to be cleared and removed. This applicant has stated that the trees to be removed include one which is diseased and has been identified to be removed as part of

the felling license. In addition some saplings and some laurel bushes would be removed. The trees that are within the site frontage that are going to be removed are not considered to be particularly good specimens and it is considered that their loss would not harm the overall character and appearance of the wooded area and the wider countryside location.

The earth bank extends back into the site on a relatively level plateau although the land slopes away more steeply beyond this to the north. The applicant proposes to excavate the site down to 300mm below the level of the road; this will clear the builder's spoil that has historically been dumped at the site. The level will then be built up to the level of the road with 100mm of scalping and a base of stone as set out above. The plan, which was based on pre-application advice with the Highway Authority, demonstrates that the gradient of the layby would fall towards the road, beyond this the site will naturally slope away into the woodland. The Highway Authority has not raised any objection to this and are satisfied that the details can be dealt with through a License. Given the scope of the layby it is not anticipated that there will be a significant level of surface water run-off, and therefore it is not considered that the proposal would increase surface water run-off that would impact on the highway network.

The existing track to the woods is situated on a sharp bend and is largely unmade and therefore intensification of the use of this track is likely to result in mud being carried out onto the highway. The representation that has been submitted suggests that the track can be accessed from the other end where it adjoins the A377, however the track is not within the applicant's ownership and therefore it is considered reasonable to allow the layby in order to provide a hard standing parking area to enable effective maintenance and improvement of the woodland. The provision of a layby to enable off road parking and loading/unloading of machinery and timber is considered to present a favourable situation to parking a vehicle and trailer on the highway. Furthermore, the Highway Authority have raised no concerns in terms of the highway safety implications of the layby

The representation and consultation response from the Parish Council raises concerns in terms of the potential use of the layby by other road users. The applicant has confirmed that he will be installing a post and chain fence on the edge of the layby to prevent other users from occupying the layby.

The nearest property is situated approximately 130m to the south west. The property sits on significantly higher ground and is screened by woodland that surrounds it. Although the representation raises concerns in terms of the impact on the amenity of their property the Local Planning Authority is satisfied that the development is not likely to result in any significant adverse impacts on the amenity of occupiers of surrounding properties given the separation distances to the nearby dwellings. As outlined above, the layby will be finished at road level, with an earth bank surround and a post and rail fence and this is considered to be appropriate to the rural area. No specific details have been provided of the finished surface details and therefore this will be required by condition in order to ensure that the finished surface is appropriate and would not detract from the character and appearance of the area. Although the layby will alter the appearance of this wooded area it is not considered that it would cause significant harm to the character and appearance of the open countryside and is therefore acceptable.

The provision of a layby at this open countryside location to allow off road parking of vehicles to serve the forestry works is considered to be reasonable. There are no other material considerations to weigh against the grant of planning permission and therefore conditional approval is recommended.

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. Prior to the first use of the layby, details of the surfacing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use and shall be so retained.
4. Prior to their implementation, a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation shall be submitted to and approved in writing by, the Local Planning Authority. The boundary treatment so approved shall be completed in accordance with the approved details and shall be 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 amenity of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM2.
4. To safeguard the character and amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM2.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is for the formation of a layby for parking of vehicles/ access to woodland. The applicant proposes to construct the layby in order to park a vehicle and trailer to be used for management of the woodland, and it is considered to be reasonably necessary given that there is no provision for off road parking and no appropriate accesses to the woodland. The applicant has been granted a felling license by the Forestry Commission and the layby is required in order to facilitate the access to the woodland for the works. The proposed layby is not considered to result in any highway safety concerns. Although the layby will alter the appearance of the immediate area, subject to details to be provided by condition, it is not considered that the provision of the layby would harm the character and appearance of this woodland area or the character of the wider countryside. It is not considered that the proposal would result in any significant adverse impacts on the amenity of occupiers of nearby properties. The proposal is considered to be in accordance with the following Policies: COR2 and COR18 Mid Devon Core Strategy (Local Plan Part 1), DM1 and DM2 of the Local Plan Part 3 (Development Management Policies) and Government advice in the National Planning Policy Framework.

Grid Ref: 295491 : 112681

Applicant: Mid Devon District Council

Location: Pannier Market
Market Car Park
Newport Street
Tiverton

Proposal: Alterations to provide additional trading units and storage space

Date Valid: 12th June 2015



Application No. 15/00944/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application seeks planning permission for alterations to provide an additional trading unit and buildings and storage space at the Pannier Market in Tiverton. The application is proposing minor alterations to two parts of the existing market site to enable an additional retail unit and storage units to be provided and in the same format and design as the previous enhancement scheme. The proposal comprises two areas. These are:

Area 1 is the West Stalls forming Units 1 to 12, also referred to as the Pig Pens. Here it is proposed to extend the timber frontage to the roofed area to create a new storage area matching the existing storage use on this western side of the market. Proposed materials consist of timber frame with softwood cladding, timber windows and doors to match the existing storage units. The ground floor area is 88 square metres.

Area 2 is the East Stalls forming Unit 15. Here it is proposed to infill a roofed area to match the existing side stall bays in order to provide an additional retail unit although a section is left open abutting the wall of the Deli Shack, facing the southern gable entrance into the Pannier Market building. It is proposed to use a mix of brick, timber and softwood cladding to closely match the adjoining retail units. The proposed ground floor area is 16 square metres.

Not only does the proposed scheme affect a listed building, but also the Tiverton Conservation Area. An application for listed building consent runs parallel to this application, registered under 15/00945/LBC which solely assesses the impact of the development proposal upon the listed buildings.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement including: Heritage Statement; Justification Statement; and Schedule of Works

PLANNING HISTORY

03/00589/FULL Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping - PERMIT

03/00590/CAC Conservation Area Consent to demolish wall - PERMIT

01/00670/FULL Installation of CCTV cameras - PERMIT

99/03243/CAC Conservation Area Consent for the demolition and re-building of a 16 metre length of masonry wall. - PERMIT

95/01163/FULL Installation of CCTV Surveillance cameras (nine number) - PERMIT

90/00890/FULL Erection of shopping development - REFUSE

89/00738/FULL Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall - PERMIT

89/00740/LBC Conservation Area Consent for demolition of buildings and walls (as defined on the submitted drawings) - PERMIT

87/01992/FULL DEEMED CONSENT for alterations to vehicular access and accommodation works - DEMCON

78/00435/FULL DEEMED CONSENT for the change of use from back yard to public car park, construction of access and enclosure - DEMCON

83/01918/ADVERT Consent to display non-illuminated information board (40" x 30") - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR6 - Town Centres
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM16 - Town centre development
DM25 - Community facilities
DM27 - Development affecting heritage assets

CONSULTATIONS

TIVERTON TOWN COUNCIL - 8th July 2015 - Support

HIGHWAY AUTHORITY - 18.06.2015

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

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy**
- 2. Design and location**
- 3. Impact upon the Tiverton Conservation Area and Street Scene**
- 4. Impact upon the historic setting**
- 5. Other issues**

- 1. Policy**

The creation of an additional retail unit would receive support from Policy COR4 which promotes the development of retail floorspace up to 2016. The application is also supported by policy COR6 which seeks to promote shops and key town centre uses where they are well designed and contribute to the town's vitality and viability.

Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM16 of the Local Plan Part 3 (Development Management Policies) require the effective management of the Tiverton town centre so that economic success and heritage reinforce each other. Development within the town centre must be shown to sustain or enhance diverse town centre uses and customer choice. Your officer considers that the proposed works would be successful in promoting a wider economic use within an established town centre area whilst preserving the historic character of the Pannier Market and the wider area. This notion is set out in further detail below.

The proposed scheme would be afforded support under the National Planning Policy Framework (NPPF), and Part 2 in particular, which seeks to promote competitive town centre environments ensuring the long term vitality of town centres. The NPPF makes reference to the retention and enhancement of existing markets to ensure that markets remain attractive and competitive, and more generally supports a

presumption in favour of sustainable development. The Local Planning Authority is guided by the Framework to ensure that sustainable development should be granted permission without delay.

2. Design, scale, materials

Area 1 proposed for a storage use shall replicate the design of the existing storage units with a matching vertical timber cladding with overlapping panels with the addition of timber windows with a vertical emphasis. The means of enclosure is considered to be appropriate to the setting of the wider Pannier Market, and materials are proposed to match those as existing.

Area 2 shall incorporate one retail unit in south east corner of the site (opposite Area 1). The units are to be accommodated within the existing structure which was built as part of the enhancement scheme in 2003. Again the proposal materials seek to replicate those present on the adjacent units, but with the addition of glass infill on the gable end. To some extent this will soften the visual impact of enclosing this area and the infill of this section is not considered to result in harm to the wider character of the existing units. It is considered the retail units will be in keeping with the overall design, scale and materials already present.

Neither Area 1 nor 2 are proposed to exceed the external dimensions of the existing buildings and the proposed alterations in terms of their overall design, scale, materials and siting within the Pannier Market are considered to preserve the integrity of the original layout of the Pannier market in accordance with policies COR2 of the Mid Devon Core Strategy 2007, DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

It is noted on the plans and in the supporting information that the softwood vertical cladding used across Areas 1 and 2 is to be in cedar, although the Conservation Officer has clarified that larch has previously been used. The external material is subject to a condition to ensure it is appropriately matching, although this is attached to listed building consent 15/00945/LBC, as this is particularly important so as to preserve the special character and appearance of the listed buildings.

3. Impact upon the Tiverton Conservation Area and street scene

The Pannier Market is a prominent and distinctive component of the wider Tiverton Conservation Area. There are pronounced views when approaching from Fore Street to the south, pedestrian walkway connecting to St Peter Street to the west, the Pannier Market car park to the north and from Market walk to the east. As such, development affecting the fabric of the buildings has the potential to significantly impact the special character of this part of the Tiverton Conservation Area. Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF are written to assess the impact of development proposals on heritage assets including conservation areas.

The proposed alterations relate solely to the more southerly aspect of the Pannier Market area, and as such there are no prominent views of the affected buildings from Market Walk, or the car park. The main visual impact will be from Fore Street where an underpass from the main shopping area allows pedestrian access to the Pannier Market. The additional retail unit in Area 2 will be the most prominent alteration, as it is closest to main pedestrian footfall and it is currently possible to walk underneath this covered area. Subject to appropriately matching materials, the enclosure of this section of the building will be unlikely to result in detrimental harm to the character of the Conservation Area, because the overall form of the building is unaffected, and the public benefit in providing additional retail space is considered to outweigh the minimal amount of harm caused. As such this work is deemed to comply with DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF.

Area 1 comprises the enclosure of Units 1 to 12. Again, this is not considered to result in substantial harm to the setting of the conservation area, given that the work shall not exceed the external dimensions of the existing structure. The proposed alterations to Area 1 are not considered to undermine the visual amenity of the street scene or conservation area in accordance with DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF.

4. Impact on the historic setting

Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the Framework consider the context of heritage assets including listed buildings. An applicant is required to consider the historic significance of a listed building, and an authority must assess the level of harm caused. The enclosure of Area 1 will result in all but the southern gable end being enclosed. This will certainly impact the historic identity of the West stalls which have historically served as a covered market area and pig pens. The harm derived from the proposed alterations is considered to be less than substantial but must be balanced against a public benefit. This is considered in more detail under parallel listed building consent application 15/00945/LBC.

5. Other issues

Devon County Council Highways department has referred to standing advice in the determination of this application, although standing advice is not relevant to development of this kind. The Case Officer has discussed the proposal with the Highways Officer who has not raised an objection, but has specified that it would be desirable to see a clear one way system for vehicle movements to be clearly set out. Whilst a one way system would generally be desirable, the Local Planning Authority is conscious that the open section adjacent to the East section of pannier market is more pedestrianized. There is already a 5 mph speed limit through the Pannier Market area and car movements are generally passing along the western side of the main building, adjacent to Area 1.

The proposed use of Area 1 is considered to be a suitable location for storage than retail due to the more frequent vehicle movements. It is thought that a storage use would be unlikely to result in a significantly higher footfall on this less pedestrian friendly side of the market, and storage units would be most likely to be accessed earlier or later in the day when the shopping area and car parks are less busy. It is considered that the proposed storage use is not likely to attract a material increase in the number of vehicle movements, and therefore the Local Planning Authority does not consider it would be appropriate to require further alterations to the site in terms of vehicle movements, nor would it be appropriate to recommend refusal on these grounds.

There are no other issues in the determination of this application and planning permission is recommended to be granted, subject to 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.

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 alterations to the Pannier Market to provide additional storage and retail are considered to be adequately justified under national and local policy with a design that is deemed to preserve the character and appearance of the conservation area and listed buildings. Subject to conditions, the proposed development is deemed to be in accordance with Policies COR2, COR4, COR6 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM16, DM25 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 15/00945/LBC

RECOMMENDATION

Grant Listed Building Consent subject to conditions.

PROPOSED DEVELOPMENT

This application seeks Listed Building Consent for alterations to provide additional trading units and storage space at the Pannier Market, Tiverton. The application is proposing minor alterations to two parts of the existing market site to enable an additional retail unit and storage units to be provided and in the same format and design as the previous enhancement scheme. This application considers the impact of the proposed development upon the significance of the listed building. All Planning issues are considered under application 15/00944/FULL.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement including: Heritage Statement; Justification Statement; and Schedule of Works

PLANNING HISTORY

03/00589/FULL Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping - PERMIT

03/00590/CAC Conservation Area Consent to demolish wall - PERMIT

01/00670/FULL Installation of CCTV cameras - PERMIT

99/03243/CAC Conservation Area Consent for the demolition and re-building of a 16 metre length of masonry wall. - PERMIT

95/01163/FULL Installation of CCTV Surveillance cameras (nine number) - PERMIT

90/00890/FULL Erection of shopping development - REFUSE

89/00738/FULL Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall - PERMIT

89/00740/LBC Conservation Area Consent for demolition of buildings and walls (as defined on the submitted drawings) - PERMIT

87/01992/FULL DEEMED CONSENT for alterations to vehicular access and accommodation works - DEMCON

78/00435/FULL DEEMED CONSENT for the change of use from back yard to public car park, construction of access and enclosure - DEMCON

83/01918/ADVERT Consent to display non-illuminated information board (40" x 30") - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

CONSULTATIONS

TIVERTON TOWN COUNCIL - 8th July 2015 - Support

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Description of the listed building and setting**
2. **Impact of the proposal upon the character, appearance and historic interest of the building**
3. **Justification for conditions**

1. **Description of the listed building and setting**

The Pannier Market Hall building and western side stalls are Grade 2 listed and are therefore sensitive and important in historic building, wider conservation and townscape terms. The site historically has been through a number of changes but remained that of a market site. An archaeological report was prepared with the previous enhancement scheme (03/00589/FULL, 03/00591/LBC) which confirmed the market as having a long history dating back to the early 19th century.

The Pannier Market was redeveloped in around 2005 with consent granted under 03/00589/FULL and 03/00591/LBC under an enhancement scheme to provide new market buildings, internal and external alterations to the existing market buildings. The listing information confirms the Pannier Market to be a range of detached market booths dating from 1830-1831 with a contemporary with the market hall with late 19th or early 20th Century alterations. Materials consist of brick and cast-iron with natural slate roofs.

The enhancement scheme has already increased market capacity in Tiverton and allowed markets to be held more frequently. It is proposed to make better use of what are redundant stalls on the east and western side of the main building.

2. **Impact of the proposal upon the character, appearance and historic interest of the building**

Policy DM27 of the Local Plan Part 3 (Development Management Policies) states that development proposals affecting or having the potential to affect heritage assets and their setting such as new buildings, alterations, extensions, demolitions and change of use, must take account of the significance, character, setting and local distinctiveness of the heritage asset. A proposal must include sufficient information to assess the significance of the impact and demonstrate that the benefits outweigh the harm. Where the proposal would be likely to directly or indirectly harm the designated heritage asset or its setting, the proposal should only be approved where:

- a) The public benefits outweigh the harm; and
- b) Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, the proposal meets the requirements of national policy.

Part 12 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage asset including the contribution made by the setting. In determining planning applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 133 and 134 state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The alterations are to have no effect on the principal market hall building central to the site plan. The alterations are proposed to the side market stalls, and are considered to result in minimal harm to the overall effect of these elevations. The infill elevation treatment will be to match the existing timber clad and window elements are to be replicated and full height glazed areas will reflect that of the central market infill glazing.

Whilst the proposed works constitute only minor alterations, the resultant loss of the open fronted pig pens will certainly affect the historic character of this part of the marketplace. Upon completion there will be only very small sections of the Western stalls which shall be left open, and to some extent this distorts the narrative of the previous historic use. Nevertheless, the measures taken to contain the storage and retail unit well inside of the stalls results in less than substantial harm to the historic character.

Paragraph 134 of the NPPF states that where there is less than substantial harm to the significance of a heritage asset, this harm must be measured against the public benefits in serving the optimal viable use. It is considered that there is a considerable public benefit to be had through these alterations, given that additional storage units will be provided for use within the town, and the addition of another retail unit will promote the vitality and viability of the town centre. Therefore it is argued that the less than substantial harm identified is outweighed by the social and economic benefit in using what are presently underused elements of the Pannier Market as a whole.

Overall, whilst there is some harm arisen from the proposed development, this is substantially outweighed by the economic benefit in promoting an additional retail unit and further storage space available to let. The proposed works are without harm to the intrinsic character of the listed building, and shall retain the overall form and identity of the Pannier Market, whilst serving an opportunity for members of the public to visit the site in accordance with DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the National Planning Policy Framework.

3. Justification for conditions

The conservation officer has offered her support for the proposal; although she has clarified that the existing units have a vertical larch wood cladding, as opposed to cedar, as specified on a number of proposed drawings. In order to secure compliance with DM27, details of the proposed external materials are required by way of condition to ensure they adequately blend with the existing development. These details are required prior to their first use on the buildings.

The development must also be carried out in accordance with the schedule of works, so as to preserve the existing fabric of the listed building. This is also covered by way of condition upon the grant of consent.

There are no other issues identified and the application is recommended for the grant of listed building consent, subject to 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. Prior to their use on the building, details of the proposed materials together with samples for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority and no other materials shall be used.

4. The development shall be carried out in accordance with the approved schedule of works referred to as APPENDIX 2, Schedule of Works received 9th July 2015. The schedule must be strictly adhered to at all times.

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. In the interests of safeguarding the visual amenities of the area and the setting of the Listed Building in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
4. To ensure works appropriate to the preservation of the listed building in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed alterations to the Pannier Market are considered to be adequately justified, and the less than substantial amount of harm caused is deemed to be substantially outweighed by the public benefit. Subject to conditions, the proposed works are deemed to be in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration