

PLANNING COMMITTEE AGENDA - 23rd September 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 1. | <p>15/00827/FULL - Erection of two-storey extension to form workshop, office and garden machinery stop and store at Trumps Engineering, The Forge, Parsonage Street.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 2. | <p>15/00934/MARM - Reserved Matters for the erection of 100 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT (Revised scheme) at Land and Buildings at NGR 302994 107178 (Former Cummings Nursery), Culm Lea, Cullompton.</p> <p>RECOMMENDATION
Approve Reserved Matters subject to conditions</p> |
| 3. | <p>15/00980/FULL - Construction of new vehicular access to holiday cottage at Land and Buildings at NGR 278019 96892 (Rock Park Farm), Woodland Head, Yeoford.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>15/01130/FULL - Removal of Condition 3, holiday occupancy condition, of Planning Permission 05/01218/FULL at The Barn, Pugham Farm, Westleigh.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>15/01149/FULL - Installation of 16 ground mounted solar panels to generate 4 KW of power at Yarde Down Farm, Silverton, Exeter.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 15/00827/FULL

Plans List No. 1

Grid Ref: 300175 : 104192

Applicant: Trump Engineering

Location: Trumps Engineering
The Forge Parsonage
Street Bradninch

Proposal: Erection of two-storey
extension to form
workshop, office and
garden machinery stop
and store

Date Valid: 3rd June 2015



Application No. 15/00827/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR LUKE TAYLOR HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON: TO CONSIDER WHETHER THE PROPOSAL WILL INCREASE TRAFFIC IN THE AREA AND CAUSE NOISE DISRUPTION TO NEIGHBOURING HOMES.

PROPOSED DEVELOPMENT

The application is for the extension of an existing workshop building within the Bradninch conservation area which is currently used for lawnmower repairs, agricultural plant repairs, workshop welding and metal fabrications. They also sell gas bottles from the site.

The proposal is to remove an existing small building within the yard used as a garden machinery workshop and erect a portal frame extension to the main workshop building to measure approximately 16.6 metres wide by 8.2 metres deep. The part of the proposed extension closest to the existing workshop (north-west side) would be used as additional workshop space and would be double height. The remainder of the proposed extension would be two storeys and include a machine workshop, reception, toilets and upper floor office and storage area. The overall height would be approximately 6.2 metres to ridge, a similar height to the existing workshop building.

Materials would be profile metal cladding over rendered blockwork, insulated internally, with aluminium double glazed windows and roller shutter doors to the front (south west) elevation.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Supporting information

PLANNING HISTORY

81/00393/FULL Erection of workshop, store and toilet - PERMIT - 09.04.1981

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM27 - Development affecting heritage assets

CONSULTATIONS

ENVIRONMENTAL HEALTH - 6th July 2015
Contaminated Land - No objection
Air Quality - No objection

Drainage - Insufficient detail has been provided by the applicant to allow a judgement to be made of the suitability of the drainage system.

Noise & other nuisances - Noise from plant, equipment, metal fabrication & Hours of operation

No development shall take place until an assessment to show that the rating level of any plant, equipment & metal fabrication, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority.

(Metal fabrication includes: any welding, grinding cutting, hammering and riveting of any metal works)

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 - "Methods for rating and assessing industrial and commercial sound".

No plant, machinery or power tools shall be operated on the site between the hours of 7.00 pm and 7.00 am Monday to Friday, 1.00 pm to 12 Midnight Saturday (nor at any time on Sundays or Bank Holidays).

Reason:

In order to safeguard the amenities of adjoining residential occupiers

Health and Safety - Health and safety Executive enforced premises - no objections

7th September 2015 - Please find my comments following the submission of the new information.

Thank you for the report from Sound guard acoustics. This planning application deals with the erection of a two-storey workshop which will replace the small existing garden machinery workshop with a much larger one. I still consider this to be an expansion of the current workshop areas which will give the company the ability to expand the business further. Whilst I am in full support of growth within the business I must take into consideration the possible impact this growth may have within the locality. My particular concern is the potential noise impact from the expansion of the metal fabrications side of the business.

I disagree with the report that the carrying out of a BS4142 assessment is unreasonable as I take the view that an expansion of the metal fabrications would fall within its remit of a proposed modified source of sound. However, I do agree that the two-story workshop will generally improve the noise environment but I do have concerns with regards to noise escaping the workshop affecting properties to the South. As this new workshop is now being deemed to be merely the covering of the yard does this mean that no fabrication works will be taking place externally?

The report has detailed that it's not the company's intention to extend its services or its quantity of work that it undertakes and this does go some way in addressing my concerns with regards to an increase in the amount of metal fabrications carried out on the site.

Taking this new information into consideration i.e. that there will not be any expansion in services or in amount of work levels; I have amended my comments to remove the requirement to provide a BS4142 assessment. To address the issue of noise affecting properties to the south of the site I would recommend that a condition is applied detailing that:

No metal fabrication works shall be carried out within the yard area or otherwise externally from the building
Reason: In order to safeguard the amenities of nearby residential occupiers

HIGHWAY AUTHORITY - 11th June 2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf> in respect of provision of parking, turning and adequate visibility.

BRADNINCH PARISH COUNCIL - 3rd July 2015

As with Mid Devon District Council (MDDC), Bradninch Town Council has to balance the wishes of both residents and local businesses. The Council would therefore not want to oppose this development, particularly as there have been only a limited number of adverse comments registered either on the MDDC Planning website, or directly with the Town Council. However, the Council is aware of the views expressed and registered by Mr Bryan Parsons of No 6, Parsonage Street and others, and agrees with a number of the issues they raise.

These include the fact that the Application relates to a business that is situated both within a largely, but not exclusively, residential part of the Town and is within the designated Conservation Area. In particular to the potential increase in number of deliveries/ collections and in the size of the vehicles often involved are matters of concern. We are also assured that there are various Planning Conditions, applied to the original development some 30 years ago, that are still outstanding. At the very least, all those outstanding Planning Conditions should be enforced, preferably before any approval, and certainly must be addressed as part of the work if the Application is approved.

REPRESENTATIONS

7 objections summarised as follows:

- The road access is not suitable for additional heavy traffic: large vehicles cannot turn left from Cullompton Hill but must turn in the village, blocking Parsonage Street, and needs to reverse when leaving the site.
- The addition of a shop would increase traffic in an area where parking is already a problem.
- Residents have been asked to move their cars to make room for large vehicles.
- The sale of bottled gas has safety implications for residents.
- The site is noisy in a residential area. A noise assessment has not been carried out; yard activity should be included; noise should be measured whilst doors are open.
- Deliveries are made early morning outside agreed operating hours.
- Conditions on the previous planning permission have not been implemented (6 parking spaces, solid gates fitted to the entrance and unauthorised signs are displayed).
- Contaminated (oily) water and other contaminants are likely to be discharged into a nearby watercourse.
- No confirmation that existing soakaway is adequate for additional rainwater.
- Exhaust fumes affect the amenity of residents.
- The development is inappropriate in a conservation area and will harm the character of the area.
- The height of the building will block out rural views for neighbouring properties and compromise their privacy.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Design and visual impact on the character of the conservation area
2. Access and highways
3. Effects on the privacy and amenity of neighbouring residents, including noise pollution
4. Surface water run-off

1. Design and visual impact on the character of the conservation area

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy COR4 of the Mid Devon Core Strategy (Local Plan Part 1) encourages employment growth within the District. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) permits minor development proposals such as small scale employment development.

Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) requires new development to be high quality and to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area, to make a positive contribution towards local character and be well-integrated with surrounding development. Policy DM27 requires development likely to affect heritage assets (such as the conservation area) to consider the significance of such heritage assets and assess the benefits of the proposal against any perceived harm.

The proposal is for a large extension to an existing workshop building within the Bradninch conservation area. The area immediately surrounding the site is mainly residential with a mix of traditional dwellings along Parsonage Street and more modern development in Hornbeam Gardens.

However, there is other commercial development in Parsonage Street, in particular a vehicle repairs garage at Broadoak Motors approximately 40 metres to the south east.

The existing workshop buildings are set well back from the road and are partially screened by walls, fences, trees and other buildings, although the proposed extension would be visible from the street, particularly at the entrance to the site itself.

The conservation officer recognises that the site has an existing commercial use and that the building has been designed to reflect that use. She does not consider that the proposal would cause additional material harm to the character and appearance of the conservation area.

The proposed extension is considered to be appropriately designed for its proposed use and its functional appearance is not considered to be inappropriate on existing commercial site in this location within the conservation area. Whilst functional in appearance, the design of the proposed extension is considered to integrate reasonably well with surrounding development and although the building is not considered to enhance the conservation area, it is only considered to cause limited harm which is outweighed by the improvements to the site. Views of the proposed extension would be limited and overall your officers consider it to be an acceptable design that accords with the requirements of policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. Access, parking and highways

The original planning permission was for the erection of a workshop, store and toilet and a condition was imposed that 6 parking spaces were retained on the site. Whilst these parking spaces are not marked out, there would appear to be space within the yard area for the parking of 6 cars. Policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) sets out parking standards in relation to development. Those for commercial development are maximum standards and as long as the parking is considered to be adequate for the use, the requirements of policy DM8 can be considered to be met (see below).

Concern has also been raised with regard to an existing problem with large vehicles manoeuvring on surrounding roads and parking on the road outside the site in order to load and unload. Residents are concerned that the proposed extension would exacerbate existing problems, particularly with the introduction of a shop.

The business has been in operation for many years and whilst its current operation may cause some congestion and inconvenience for residents, consideration of this application must only relate to any additional traffic generation, loss of parking spaces or other issues relating solely to the proposed extension. The applicant states that there will be no change to the existing business and therefore no increase in traffic generation. A small shop has been operating at the site for many years, selling gas bottles and items ancillary to the use of the site. Whilst it would be possible to control the timing of deliveries to the new extension building, it is outside the scope of this planning permission to control the timing of deliveries to the existing building. It is therefore not expedient to try to restrict the timing of deliveries to the new extension only.

It is clear that the business attracts vehicular traffic and the original planning permission required that 6 parking spaces be retained. The justification for the current proposal is that activities currently taking place within the yard will be enclosed within the proposed extension.

Although the application has been dealt with by your officers under Highway Authority standing advice, the Highways Officer has been consulted informally. He does not consider that the proposal would result in a significant increase in traffic and the impact on the highway network would not be severe when considered against the National Planning Policy Framework which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. The Highways Officer has confirmed that the parking should be no less than that required by the original planning permission, but has suggested the Council may wish to consider restricting the uses to those currently taking place.

In light of the existing access and traffic issues connected with the site and the comments from the Highway Authority, it seems reasonable that any extension is permitted only on the understanding that the yard activities move inside the new building and the yard is retained for parking and loading/unloading. Your officers recommend a condition that 6 parking spaces are marked out and retained for parking of cars and that the activities formerly undertaken within the yard are restricted to within the buildings. Although it would be possible to restrict the activities taking place within the extension, it would not be possible to restrict the activities taking place in the existing building as this already has planning permission. It is however recommended that the retail element of the proposal is restricted to sales ancillary to the use of the site.

Subject to conditions, it is considered that the development is in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework in respect of parking and highway safety.

3. Effects on the privacy and amenity of neighbouring residents, including noise pollution

The National Planning Policy Framework seeks to promote sustainable economic growth and is generally supportive of the creation of new businesses and the expansion of existing ones.

The proposed extension would increase the amount of workshop space on the site. Environmental Health is concerned that there would be an increase in noise experienced by neighbouring residents, which has also been the subject of local objection. The applicant has been asked to provide a noise assessment to demonstrate that noise mitigation measures can be provided to minimise nuisance for neighbouring residents. The applicant has stated that there will be no increase in business on the site and therefore no increase in noise. In fact, the applicant has stated that as some of the work currently carried out in the yard will be moved under cover, there should be a decrease in noise. No specific noise mitigation measures are proposed.

Supporting information has been provided in the form of a short report from an acoustic consultant on the existing operation of the site and the potential for any increase/decrease in noise levels emanating from the site. The report states that the proposal is not intended to be an extension to the existing business but rather to enclose existing activities currently taking place on the site.

Environmental Health has considered this report and agrees that the two-story workshop will generally improve the noise environment but still has concerns with regards to noise escaping the workshop affecting properties to the south. However, the report has detailed that it's not the company's intention to extend its services or its quantity of work that it undertakes and this does go some way in addressing concerns with regards to an increase in the amount of metal fabrications carried out on the site. It is the applicant's intention to enclose within a building those works which are currently carried out in the yard and also provide an office and reception area, together with welfare facilities for staff.

Taking into consideration that there will not be any expansion in services or in amount of work levels, Environmental Health has amended its comments to remove the requirement to provide a noise assessment. To address the issue of noise affecting properties to the south of the site, they would recommend that a condition is applied detailing that no metal fabrication works are carried out within the yard area or otherwise externally from the building.

Whilst this may not be satisfactory in order to address fully existing concerns relating to noise on the site, your officers consider that the applicant has provided sufficient justification in respect of existing and potential noise levels emanating from the site following the development.

As the justification for the proposed extension is a reduction in the activities (and so noise levels) taking place within the yard, it is considered reasonable to condition that no work takes place outside the existing and proposed building and that the yard is reserved for parking only. This also addresses the concerns raised over there being a lack of parking on site.

As far as the problem of exhaust fumes is concerned, enclosing the activities of the yard within the building and restricting activities in the yard should help to minimise pollution from exhaust fumes, although it is not possible to address this concern fully through the planning application.

In addition, Environmental Health has recommended a limit to the hours of operation of the business on the site and it is recommended that these restrictions are conditioned, however, these hours of operation can relate only to the proposed development, not the existing development. As the hours of operation restriction on the existing building differs from that proposed for the extension, your officers consider specifying the same weekday hours, but adding in a restriction for Saturdays and Bank Holidays which is missing from the condition on the existing building.

Concern has also been raised that the development would lead to a loss of privacy for neighbouring residents through the use of the first floor as an office, with windows facing towards the street. The proposed extension would be approximately 45 metres from the dwellings on the opposite side of the street and 23 metres from the rear of the neighbouring dwelling to the south east. The boundary between the site and the dwelling to the south east is well-screened with trees. Bearing this in mind, your officers do not consider that there will be an unacceptable loss of privacy for any neighbouring occupant, in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Concern has also been raised that the development will block views from residential properties. This is not a material consideration in determination of this application.

4. Surface water run-off

Concern has been raised that surface water run-off would increase as a result of the development. The erection of the extension would result in one hard surface (the yard) being replaced with another (the building). Your officers do not consider there would be a material increase in surface water run-off as a result of the proposal.

Concern has also been raised with regard to potential contaminants, including oily water, being discharged to the existing soakaway and then flowing into a nearby watercourse. If pollution is occurring, the Environment Agency would be the responsible authority to take action against the polluter.

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 development shall not be brought into its permitted use until 6 vehicle parking spaces have been marked out and provided, surfaced and drained within the area outlined in blue on submitted drawing number 200-01 in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such parking spaces shall be permanently retained and maintained for the parking of vehicles attracted to the site only.
4. The development hereby permitted shall be used for purposes ancillary to the existing business only within the area outlined in blue on drawing no. 200-01 and shall at no time be let, sold or otherwise be disposed of as a separate business unit. Any retail sales taking place from the development shall be restricted to those which are ancillary to the existing business only.
5. No plant, machinery or power tools shall be operated within the development hereby permitted between the hours of 8.00 pm and 7.00 am Monday to Friday, 1.00 pm to 12 Midnight Saturday nor at any time on Sundays or Bank Holidays.

6. No plant, machinery or power tools shall be operated or any other metal fabrication works carried on outside of any building within the areas outlined in red and/or blue on submitted drawing number 200-01.

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 highway safety and to ensure adequate facilities are provided for traffic attracted to the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To prevent an intensification of use on the site in a predominantly residential area and to minimise additional traffic attracted to the site in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. In order to safeguard the amenities of adjoining residential occupiers in accordance with policies DM2 and DM7 of the Mid Devon Local Plan part 3 (Development Management Policies).
6. In the interests of safeguarding the amenities of neighbouring residents in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in that the proposal would improve facilities on the site and provide additional workshop space, along with offices, storage and a reception area for the existing business on the site. The proposed extension is considered to be appropriately designed for its proposed use. The proposed extension would have limited visibility from public vantage points and its functional appearance is not considered to be inappropriate on an existing commercial site in this location within the conservation area. Subject to conditions relating to parking, hours of operation and use of the yard area, the development is not considered to have an unacceptable impact on parking locally and on the amenities of nearby residents. It is not considered that any increase in traffic generation will have an impact on the highway network which could be considered as severe under the National Planning Policy Framework. The proposal is considered to comply with the relevant policies: COR2, COR4 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM7, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Grid Ref: 302994 : 107178

Applicant: Mr S Russell

Location: Land and Buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea Cullompton Devon

Proposal: Reserved Matters for the erection of 100 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT (Revised scheme)

Date Valid: 15th June 2015



Application No. 15/00934/MARM

RECOMMENDATION

Approve Reserved Matters subject to conditions

1. Reserved matters approval to be granted for siting, layout, design and landscaping for a scheme of redevelopment for 100 dwellings subject to the conditions as set out in this report, and
2. Allow a variation to the terms of the S106 agreement pursuant to planning approval ref: 13/00859/MOUT with the following revised heads of terms:

Provide 30 affordable housing on site on the basis of 18 (60%) to be provided on an affordable rented basis and 12 (40%) to be provided on a shared ownership basis.

Provide a contribution towards improving and/or providing new open space off site at a rate of £1205 per unit of market housing (x70) = **£84,350.00**

Provide a contribution towards primary school education facilities to serve the occupiers of the development at a rate of £2840.80 per unit of market housing (x70) = **£ 198,856.00**

Provide a contribution towards air quality enhancement initiatives in Cullompton at a rate of £3,126.78 per unit of market housing (x70) = **£218,874.60**

Provide a contribution towards kerb side recycling facilities at a rate of £50.00 per unit (x100) = **£5,000.00**

Provide a contribution towards improving the existing footpath network off site of **£2,000**

The total off site contribution delivery package is **£509,080.60**

PROPOSED DEVELOPMENT

Outline planning permission for residential development was approved in October 2014 as a departure from the Development Plan.

As background to this current application the proposals are effectively the re-submission of the proposals following the scheme submitted under Local Planning Authority ref: 14/01748/MARM for 112 dwellings which was considered by the planning committee earlier on this year (March 2015) and considered an unsatisfactory scheme for the following reason:

The Local Planning Authority consider the design of the proposed residential development to be unacceptable by virtue of its density, its regimented layout, its massing and repetitive and limited external designs which would result in a development not in keeping or character with the adjoining development of Culm Lea or the immediate locality. The proposal would result in a residential development contrary to the design policies in the National Planning Policy Framework and Policy DM2 (a), (b), (c), (e) of the Mid Devon District Local Plan Part 3 Development Management Policies, which recognise that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people.

The application was withdrawn before it was formally determined, and the applicant presented a number of options to the planning committee as part of a presentation on the 4th March 2015. The scheme as now presented in the current application builds on the option which the Committee had indicated was most favourable in terms of redressing the reasoning as set out above.

This revised application is a Reserved Matters application for refusing the earlier application for the erection of 100 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, and landscaping. This application proposes 100 dwellings (94 houses and 6 flats) across the site, and the application proposes the following issues for consideration:

- Siting of the building plots
- Architecture and design of all buildings
- Height, scale and massing of all buildings
- Design and layout of public and other highway infrastructure (carriageway, footpaths) within the site area
- Design and layout of open space and landscaped areas
- Parking provision

Access into the site is from River Drive as from the agreed point of access established by the outline permission with the estate road following a route around the site creating a number of development areas, with single lines of houses facing into the site on the western, southern and eastern perimeters of the site with blocks of back to back housing across the middle of the site. The layout includes; 6 x 1 bedroom apartments (50 square metres), 33 x 2 bedroom houses (61 sqm, 66 sqm and 79 sqm) 51 x 3 bedroom houses (82sqm, 90 sqm and 108sqm) and 10 x 4 bedroom houses (118 sqm and 147 sqm). In total there are 10 different housing types. The palette of materials includes the following ranges:

- Slate roofing, with predominantly rendered walling with elements of timber boarding and brick facing and with white upvc windows.
- Slate roofing, with predominantly rendered walling with elements of brick facing and with white upvc windows.
- Standing seam roof, with predominantly rendered walling and with elements of timber boarding and brick facing with grey upvc windows.
- Standing seam roof, with predominantly rendered walling and with elements of brick facing with grey upvc windows.
- Tiled roofing, with predominantly rendered walling with elements of brick facing and with white upvc windows.

All of the houses are proposed in buildings with accommodation over two floors with eaves level set at approximately 5.0 metres & ridge set at approximately 8.5 metres. The 6 x 1 apartments are set out in a single apartment block over three floors which is designed so that it would sit slightly higher at 7.0 metres to eaves and 10.0 metres to ridge.

The layout includes 184 parking spaces, either on plot, as an integral part of the layout and/or in dedicated on street parking zones. 56 of the houses are proposed with a garage.

The affordable houses comprise the 6 x 1 bed flats, and a mix of 2 and 3 bedroom houses (24), comprising 30 units in total which is just above 31% of the total number (policy calculation:100-4).

Beyond the residential footprint on the western boundary the area is to be remodelled to provide 2 surface water retention ponds, which will be fenced off, and an area of landscaping to provide public open space (approximately 100 sq metres). New tree planting is proposed on the grass verge sections adjacent to the new roads with a native hedgerow planted and acoustic fence to form the western boundary to the new estate.

Amendments to the original plans have been received (10th August and 1st September) which includes further information in relation to the technical design of the new road layout and the surface water drainage solution, with minor amendments to the design of some of the house types (1A, 2D and 3A) and clarification regards the scope of the works on the for the open area of the site on the western boundary.

APPLICANT'S SUPPORTING INFORMATION

Application Form.

Red Line site plan.

Design Statement.

Carbon Reduction Strategy prepared by AES Southern Ltd.

Site waste Management Plan prepared by Devonshire Homes.

Site layout, individual house type elevations and floor plans, accommodation schedule and street elevations prepared by GJR.

Landscaping / planting proposals prepared by Redbay Design.

Technical Drawings and further information from AWP regarding the new road layout and surface drainage system.

PLANNING HISTORY

13/00859/MOUT - Outline application for residential development including means of access and with all matters relating to quantum of development, siting, layout, appearance and landscaping reserved for future consideration - PERMIT - 13.10.14

The application was granted permission subject to a section 106 agreement and conditions, after it was considered by the Planning Committee at their meeting on 8th January 2014. The applicant has submitted information to discharge a number of the conditions pursuant to the outline permission as follows: 4, 6, 7, 8, 17 & 19 (in part).

14/01748/MARM - Reserved Matters for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT - WITHDRAWN - 18.03.15

As stated above this application was for 112 and was withdrawn by the applicant prior to it being formally determined.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR14 - Cullompton

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

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/DE/4 - Occupation of Affordable Housing

AL/DE/5 - Inclusive Design and Layout

AL/IN/3 - Public Open Space

AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

LEAD LOCAL FLOOD AUTHORITY - 23rd July 2015

On the basis of the work carried out with the Environment Agency at the outline stage in relation to the drainage strategy we have no further observations to make.

The works should be carried out in accordance with the Flood Risk Assessment dated 17th June 2013 and the approved drawings 283/02/D (planting) and PDL/001/I (drainage).

HIGHWAYS ENGLAND - 18th June 2015

The traffic impact of the proposed development was dealt with at the outline stage and a condition was applied to limit the number of dwellings that could be constructed prior to improvements works being in place at M5 J28. This current application deals with reserved matters only, specifically for the layout, scale, appearance, landscaping and design of the development, and I note that a reduced number of dwellings are now proposed.

Highways England has no objection to these reserved matters.

CULLOMPTON TOWN COUNCIL - 14th July 2015

Recommend grant approval subject to the following:

Consideration should be given to the installation of an en-suite bathroom in the second floor bedroom in House Type 3B Town House.

Consideration should be given to installing solar panel compatible electricity meters at first build.

That a local grey water recycling system is installed on site.

Erosion defence works will be required on the bank of the River Culm at the North West corner of the proposed development to prevent further erosion of the bank. Officer comment - please see final point of recommendation 2.

Consideration should be given to the installation by the developer and DCC of an accessible gate at the North West corner of the proposed development to replace the inaccessible gate that is currently in place and formalise the public footpath to Honiton Road with tarmac. Officer comment - please see point H of condition 7.

Consideration should be given to the installation by the developer and DCC of an accessible gate at the South West corner of the development to provide access to the existing public footpath.

HIGHWAY AUTHORITY - 9th July 2015

The Highway Authority has no objections in principle but would have the following observations to make which the Local Planning Authority may wish to consider on an amended plan prior to consent being granted. Drawing 481-050-D.

1. The footpath link to Culm Lea should link to the existing footpath to the north of the point at which it exits the site and a new footway constructed on the missing section. This can be part of the section 38 agreement and is on land which appears to be in control of the Highway Authority.

2. The road and footway adjacent to plot 30-29 should be taken to the site boundary in order to facilitate future connections to desired footway /footpath links and emerging allocated sites.

Drawing PHL/202E and 201D

3. The longitudinal gradient of the road is very shallow, the siting of any gullies and level tolerances will be essential to ensure adequate drainage. The applicant would need to ensure sufficient cross falls with a min 2.5% and max 3.3%. Specific details of the junctions of road 2 should be provided, The Highway authority would also wish to see a full set of cross sections and full drainage calculations.

Parking provision

The following need consideration and may necessitate plot realignment.

- Space 91 is fronting onto a wall obstruction and need to demonstrate additional length to a min 5.5m
- Spaces 6, 7, and 72 need to be a min 5.5m in length and the end spaces need to be min 3.0m wide due to obstruction.
- Space 10 needs to be 3.0m wide
- Spaces 11, 12 and 13 should be 3.0m wide
- Ensure that spaces 14-19 have min 5.5m length and have min 6.0m to reverse into and turn
- Plot 49 and 52 have unacceptable acute angles of visibility the Local Planning Authority may wish to consider the realignment of the plots so as to minimise the need to look back over the shoulder to view any oncoming vehicles, which may be an issue for elderly drivers.

Footpath alignment and other elements

- The footway fronting 91-94 and 95-100 needs to be realigned to provide a 2.0m footway with no grass verge, This should also take into account the access to the play park and its access which may be more appropriately re sited to access from the footpath to facilitate a safer access for children rather than accessing onto the road at a bend. This will enable the developer to allocate a frontage to the houses fronting onto the path and remove a maintenance liability.

- The applicants have been made aware of concerns over the structural stability of the river bank close to the scheme and the need for it to be strengthened. This is an issue which has arisen subsequent to the outline application and the Highway Authority would consider that a contribution to the cost of its remedial work would be appropriate and reasonable to secure the existing Right of Way and the potential impact on the attenuation basins. The Highway Authority would seek £2000.00 if the Local Planning Authority considers that this is appropriate.

The applicant is reminded that any gates required from this development onto the existing right of way should be designed to cater for all users.

Given the outline consent and the section 278 off site highway works which have been secured and currently under legal agreement negotiations, should an amended plan be submitted for the above to the satisfaction of the Local Planning Authority then the following conditions should be imposed.

Recommendation:

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

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

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

2 The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

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

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

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

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

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

5 Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Officer comment - conditions 1, 3 and 5 are already covered by the Outline consent.

HIGHWAY AUTHORITY - 9th September 2015

The Local Planning Authority will be aware of my previous correspondence and the conditions set out in that letter are equally applicable to the current submission and are requested to impose them on any grant of consent. The applicant has submitted reserved matter application amended plans which are acceptable to the Highway Authority and the highway Authority would raise no further observations.

The Local planning Authority would still seek the provision of £2000.00 towards the structural stability works to the river which is in close proximity to the attenuation ponds and a suitable legal agreement for there delivery is requested. Therefore

Recommendation:

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

ENVIRONMENTAL HEALTH - 24th June 2015

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

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

Dust Suppression Scheme

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of all dust suppression measures and the methods used to monitor emissions of dust arising from the development.

The dust suppression measures shall be retained and maintained in a fully functional condition for the duration of the development build.

Measures will be put into place to ensure that the Dust Suppression Scheme is regularly monitored and reviewed.

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

Housing Standards - No objections

Health and Safety - No objections

DEVON COUNTY EDUCATION - 25th June 2015

The primary schools within 1.5 mile radius of this development are St Andrews Primary School and Willowbank Primary both of which are currently over capacity for the pupil expected to be created from this development. Therefore a contribution is required to the sum of £284,062.50 which will be towards providing an additional classroom at Willowbank Primary School.

The secondary school within the development area is Cullompton Community College which currently has capacity for the additional 15 secondary aged pupils this development is likely to create; therefore no contribution is required for additional secondary education facilities at this time.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

DEVON & CORNWALL POLICE AUTHORITY - 22nd June 2015

Further to the below email, can it be requested that all the properties that back onto the public open space have defensible planting at the rear of their gardens on the POS side. This will prevent the potential for ball games, or climbing over the fence to commit crime or retrieve balls.

19th June 2015

The Police do have serious concerns in relation to the footpath that appears to commence at dwelling 41 running behind 80 99, in front of 91 - 99 and ending at dwelling 90. (Northern aspect).

This path is long, and gives access to unobserved parked vehicles which also allows an escape via a different route. (parking plots 93 - 98.). This is an invitation to vehicle crime.

The path also permeates out of the development at each end which encourages anonymity.

It has potential to be a race track for youths on cycles and even skate boards. There is no ownership of land or defensible space for those residents. The potential for community conflict with casual footpath users, including thoughtless dog walkers is high.

All of the above have the power to adversely affect quality of life.

The police object to that aspect of this development citing crime and disorder as a material consideration.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 7th September 2015

Provide 30 affordable houses on site on the basis of 18 (60%) to be provided on an affordable rented basis and 12 (40%) to be provided on a shared ownership basis.

We have discussed the Affordable Housing percentage and tenure on site and can confirm that this is agreeable with the Head of Housing and Property Services.

NATURAL ENGLAND - 25th June 2015 - No comments

REPRESENTATIONS

3 representations have been received raising the following concerns/comments about the project:

- Local residents anticipated that the glass house would have been removed before now.

Officer response: not a relevant consideration in the determination of the application.

- Looking at drawings 481/050/D and PHL/101E it would appear that the only way motor vehicles can access the garages to plots 99 and 100 is by driving along a footway. This is obviously an unsafe situation and the design should be amended to avoid any potential collisions between vehicles and pedestrians.

Officer response: Provision is made for access direct to the parking areas to serve plots 82, 99 and 100, as plot 80 is a two bedroom coach house, with access under the block.

- The Local Plan Review currently under consultation includes a proposal for the Town Centre Relief Road being relocated away from the CCA fields route to the east side of the M5 motorway and the policies map indicates that the area of Cummings Nursery is within the possible route area.

This application would block the potentially best route to the A373 and the M5 junction and would not conform to the Local Plan. Such a route would avoid the majority of the flood plain, avoid compromising the CCA fields and link the Relief Road with the less trafficked side of the M5 junction. It is suggested that the current application is rejected and a revised application with a non-developed road on its western perimeter is sought. Such a road would provide access to the new development and potentially to the existing estate with a high quality junction on A373 and the potential for use as part of the Town Centre Relief Road in the future. If the application is approved in its current form it would make the consultation on the Local Plan meaningless and therefore possibly subject to a judicial review.

Officer response: The principal of redeveloping the site for new houses is already approved

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the determination of this application are:

- 1. Policy/ Planning History**
- 2. The Scheme Layout**
- 3. Design Quality**
- 4. Impact on general amenities of the area (existing residents)**
- 5. Design of landscaped areas**
- 6. Parking provision**
- 7. Other issues**
- 8. Section 106 issues**

1. Policy / Planning History

The site lies just outside the settlement boundary of Cullompton, and comprises a largely flat (with a slight slope from east to west and south to north) and rectangular shaped site to the east of the M5 and the River Culm. Historically the site was used for horticultural purposes, and although the horticultural use has not been operation for a number of years, the 10 commercial scale Green Houses remain on site and have fallen into a state of disrepair.

Outline planning permission has been granted, as a departure to the development plan, for the development of the site under reference 13/00859/MOUT. The outline planning permission approves the principal of residential development on the site with an approved means of access, with all matters relating to quantum of development, siting, layout, appearance and landscaping reserved for future consideration. Members may remember that when this outline application was first submitted outline permission was sought for up to 120 dwellings although the final decision removed any reference to the number of dwellings.

This reserved matters application proposes 100 new dwellings, of which 30 would be affordable homes to be provided on a mixed affordable rent /shared ownership basis as outlined above. Although the Housing Services Enabling Manager has confirmed support for this revised arrangement, this would need to be secured as a variation to the terms of the Section 106 agreement. An assessment of this aspect and the other revisions to the Section 106 heads of terms as now proposed for consideration are given later in this report.

The site is close to the River Culm and the part of the site on the western boundary falls within the operational flood plain of it, however no development is proposed on this part of the site. The scheme includes two basins to retain surface water run off which is then subsequently channelled to the River Culm utilising the existing outfall pipe that has served the site historically. The size of the basins has been modelled to have a 30% capacity above the predicted 1:100 year flood event.

With regards to this matter the Lead Local Flood Authority raise no concerns about the flood risk associated with the proposed houses as proposed within the developable area, and/or the operational details, following on from the EA's comments on the scheme proposed under planning application ref: 14/01748/MARM which as stated was withdrawn.

The number of parking spaces complies with the adopted standards outlined at Policy DM8 achieving an average of 1.7 spaces per dwelling and this does not include the provision of garages.

Whilst local stakeholders raised the issue of density at the outline stage and with regards the withdrawn scheme, no comments have been offered on the basis of 100 dwellings being developed. In policy terms as the site is 2.78 hectares the scheme delivers a density of just below 40 dwellings per hectare. Policy COR 1 promotes densities of between 30-70 per hectare with the potential to achieve the highest densities in town centres. Whilst the proposals achieve a higher density for the new estate compared to the existing Culm Lea estate, the density as proposed is at the lower end of the threshold which is now allowable in policy terms. It is also relevant that the site coverage in terms of built footprint as proposed is probably not significantly different from the existing situation given the presence of the existing 10 Greenhouses.

In summary subject to the (revised) site layout being considered acceptable in terms of how it fits within the context of the site, there are no policy objections to the development on density and/or flood risk grounds.

2. The Scheme Layout / Structure

The scheme before members has utilised the proposed means of access as approved at the outline stage with the layout having been developed to reflect the comments expressed by members at the meeting on the 4th March, proposing a housing estate which is more organic in its form as opposed to the regimental layout that was previously proposed. The application scheme has been presented to the Devon Design Review Panel at their meeting on 16th July, and whilst the Panel members expressed a number of concerns regards the layout, the applicant has chosen to continue with the layout concept that members have indicated their support for. Relevant points for consideration are set out below.

The main feeder road is 5.5 metres in width. The positions of the plots are such to minimise the number of occasions where houses directly face each other, where this does occur the separation distance from house to house either side of the carriageway is between 12 - 15 metres. The scheme is designed to encourage the slow movement of traffic around the layout with the road using different forms of surface treatment and dropped kerbs to facilitate the access around the feeder roads. Refuse collection vehicles will be able travel around the estate to enable door step collections with a refuse collection point for plots 91-100 accessed from River Drive.

The layout includes the potential to form two access points in the south eastern corner of the site which could both be used to facilitate access for emergency service vehicles. A pedestrian footpath is included from the southern boundary (between plots 6 & 7 and 8 & 9) providing a further link between the new estate and the existing Culm Lea estate.

Initially the layout included the area on the western boundary all as public open space, however following consideration of the comments from the Police and the Design Review Panel, the scheme has been revised so that the majority of this part of the site is fenced off to accommodate the surface water retention basins with operational only access. A native species hedgerow beyond an acoustic fence is proposed to run along the boundary of plots 31-40 which share a common boundary with this part of the site. The remaining section of this area will function as open space with a footpath running around the perimeter to link up to the permissive footpath that heads out to the River Culm and also to provide front door access to plot 80-82, 99 and 100. Whilst the Police have raised concern about the section of footpath link from the western corner back down to the site entrance it is considered that there will be a good level of natural surveillance of this pathway as it will provide front door access to plots 91-98 which are set back directly from it.

The layout has been revised with a link back to the existing Culm Lea estate with defined legible routes leading through the site to the main area of open space that links out to the River Culm walkway beyond, whilst addressing the safety and privacy concerns for the occupiers of the plots that are adjacent to it.

In summary the layout as it has been revised for 100 dwellings creates a development which presents a more interesting and less regimental layout than was previously proposed whilst maintaining an efficient and effective use of the site.

3. Design Issues / Scheme Quality

The prevailing context directly adjacent to the site comprises two storey detached, semi-detached or terrace houses (some with attached garages). The scheme reflects this with predominantly two storey buildings with the single apartment block building standing as a three storey building, but by having the third storey being designed so that it is set high within the roof space (amended plans) it should not stand out as visually intrusive within the context of the new estate and/or the existing.

Elevations of the house types have been provided and the design approach has been to utilise a simple palette of materials as described above and combining them to deliver some visual interest. For instance a brick plinth detail is proposed to assist with providing solidity to the building blocks and provide some variation to the predominantly rendered walling. As set out above the applicant has amended the house designs for a number of the plots (amended plans received 1st September) where certain aspects of the designs were considered to be 'out of character'.

A significant proportion of the houses are located front facing onto the highway. Where there is a back to back relationship between the house blocks it is a minimum of 20.0 metres to provide sufficient privacy for occupiers.

The dwellings range in size as set out in the description of development above. All the houses benefit from private amenity space (rear gardens) with defined patio areas. Whilst the occupiers of the 6 apartments will not benefit from a rear garden the building has an area of communal space adjacent to the buildings at both the front and back. Finally the internal floor areas of all the unit types meet the minimum space standards as required by policy DM15 of Mid Devon Local Plan Part 3 (Development Management Policies).

In summary the applicant proposals will provide for an estate type environment with a range of house sizes and with the social housing pepper potted around the site in groups of 10 or less.

Your Officers consider that the scheme as now proposed reflects the views expressed by members as to how they consider it best to bring the site forward for development. Having assessed the design details, and reflecting on the revisions that are proposed, the scheme is considered acceptable in terms of the quality of the housing in terms of the visual appearance of the new buildings, and in terms of the standard of the accommodation for the future occupiers and in this respect the application meets with policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seek high quality design.

4. Impact on general amenities of the area (existing residents)

The new houses will effectively sit as an extension to the existing Culm Lea housing estate with shared boundaries to the existing residential properties on part of the northern and across the eastern boundaries to the site. Although the separation distance between the house blocks on the eastern boundary and the existing houses on Culm Lea falls just short of 10.0 metres, the back of the new houses will present to the side elevation of the existing houses that are adjacent.

The applicant has confirmed that the boundary treatment to the rears of plots 3-14, 15-18, 19-22, 24-31 (adjacent the existing properties on the estate and to remaining part of the former nursery site) will be standard close boarded timber fence 1.8 metres in height, which reflects the treatment to the plots on the site. With regards to River Drive the layout proposes a split terrace of two and three bedroom houses with front door access and front garden areas set back from a new section of footway.

Following on from the consultation undertaken on this application there have no comments from local stakeholders expressing concern about the design and layout details of the development that are proposed, including the proposed footpath link which has been included to reflect the views of the Committee. In summary it is considered that the scheme has been designed so that the relationship with the existing estate is considered acceptable.

5. Design of landscaped areas

The scheme includes new planting which is considered commensurate with the estate design and in order to protect the amenities of future occupiers with regards to plots 31-40. The details which are set out on the Redbay design drawings 283.02 -05 will be required to be implemented in full prior to the occupation of the first dwelling within the relevant phase.

The space on the western boundary will provide a dual function, accommodating two basins to retain any surface water run-off from the development before it is discharged into the River Culm in a managed way. However, this area will now be managed with operational access only and fenced off from the public open /amenity space, as opposed to the scheme when it was first submitted which proposed public access across the extent of the space.

A detailed landscape management strategy for these areas will be required to be submitted and approved in writing as a conditional requirement. A phasing plan condition will establish the timing of the delivery of each aspect of this part of the development to ensure that it relates to the delivery of the new housing as required.

6. Parking provision

As stated above the number of car parking spaces complies with the terms of Policy DM8 in numerical terms; however not all the parking spaces are provided on plot. A number of dedicated spaces will be set out adjacent to the highway areas with a single parking court area to serve 6 (plots 93-98) of the houses proposed. However, it has been designed with good natural surveillance and with a convenient connection to the properties to which they will provide parking for. The initial concerns of the Highway Authority regarding parking have all been addressed.

In summary it is considered that the parking arrangements now sufficiently comply with the guidance in the adopted SPD on parking.

7. Other Issues

Conditions pursuant to 13/00859/MOUT

The applicant has submitted the relevant information to discharge the terms of a number of conditions on the outline permission as outlined below.

6. No development shall be commenced until details of the surface water drainage system, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained. The surface water details shall utilise infiltration systems unless it is proven that ground conditions dictate otherwise, and above ground swales, and detention areas.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS shall thereafter be managed in accordance with the agreed details.

These are the same details as submitted with the earlier withdrawn Reserved Matter Scheme. The Lead Local Flood Authority (DCC) have made initial comments which accord with the comments provided by the Environment Agency on the withdrawn application. Any further comments they wish to provide will be provided as an update before the committee meeting.

17. Prior to the commencement of the development a scheme for improvement of the public foul sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those approved details.

Essentially these details have been carried through from the withdrawn scheme. South West Water have not made any further comments to their comments submitted in relation to the withdrawn scheme, as set out below.

The foul drainage improvements identified in the evaluation report are required to allow us to support the development proposals.

The recommended improvements will be undertaken as a result of the developer entering into a sewer requisition under Section 98 of the Water Act which will result in the costs being apportioned between the developer and ourselves in line with that legislation.

Until such time as the requisition has been entered into and the legal agreement signed we cannot agree to condition 17 being discharged as there is no guarantee that the requisition will actually be progressed.

The requisition can be submitted once detailed planning/reserved matter permission is held and the legal elements concluded with 1 -2 months which would then allow us to agree to the planning condition being discharged in full.

In summary your officers recommend that it is confirmed that conditions 6 and 7 pursuant to the outline planning permission are considered discharged and condition 17 to be discharged in accordance with guidance from the SWW. Finally the application submissions satisfactorily discharges the terms of condition 4 (sub sections i, iv and iiv), 6 and part of 19 in that the development is registered with a Code for Sustainable Homes certification body and a pre-assessment report has been submitted.

8. Section 106 Issues

The agreed heads of terms pursuant to the outline permission are set out below, with the revised heads of terms (and as set out in the recommendation section of this report) that the applicant is proposing for the committee's agreement. Set out in bold below.

1. Delivery of 35% of the homes as affordable housing on an affordable rent tenure.
Delivery of 30% of the homes as affordable housing, based on a 60% 40% split between affordable rent and shared ownership = 18 A/R units and 12 S/O.
2. Open space contribution of £1205 per unit
Open space of £1205 per unit of market housing (x70) = £84,350.00
3. Education contribution of £2840.38 per unit
Education contribution of £2840.80 per unit of market housing (x70) = £198,856.00
4. Air quality contribution of £5218.00 per unit
Air quality contribution of £3,126.78 per unit of market housing (x70) = £218,874.60
5. Kerb side recycling contribution of £50.00 per unit
Kerb side recycling contribution of £50.00 per unit (x100) = £5,000.00
6. **Provide a contribution towards improving the existing footpath network off site of £2,000.**

The total off site contribution delivery package is **£509,080.60.**

From a planning policy assessment point of view this package delivers a tenure of affordable housing which is policy compliant, but with a reduction in the overall quantum of Affordable Housing by 5 units. In addition a reduction in the off-site contribution towards to Air Quality initiatives by approximately £2019.00 per open market unit is proposed to balance the financial impact of the reduction in number of units and the reduction of income secured from the affordable housing as a result of the cap imposed by Central Government on future rental levels. These recent changes have made the delivery of affordable housing more difficult from a viability perspective.

The Head of Housing and Property Services is supportive of the revised arrangements, and the package of off-site contributions is on balance considered to be acceptable reflecting on the extenuating circumstances.

CONDITIONS

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.
2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been 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, (in any phase) and shall be so retained.
3. No development shall begin until a scheme for the management and maintenance of all areas the communal open space and open areas surrounding the surface water retention basins as shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space and retention ponds shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.
4. The development hereby approved shall not be carried out otherwise than in accordance with the approved phasing programme. No development shall begin until details of a phasing programme have been submitted to and approved by the Local Planning Authority in writing.
5. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.
 - H) A footpath link from the application site direct to Honiton Rd.
6. The drainage scheme shall be operated so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
7. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

8. No development shall begin until a detailed methodology for the formation and construction of both the retention ponds (including an inspection schedule) has been submitted to, and been approved in writing by the Local Planning Authority. The approved methodology and inspection schedule shall be strictly adhered to for the completion of this part of the development, which shall be completed prior to the occupation of the dwellings hereby approved.
9. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of all dust suppression measures and the methods used to monitor emissions of dust arising from the development. The development shall be carried out in accordance with the approved scheme.
10. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , 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.
11. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASONS FOR CONDITIONS

1. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
3. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
4. To ensure the proper development of the site.
5. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
6. To protect water quality and minimise flood risk.
7. To ensure that the appearance of the development is satisfactory and in order to enhance the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
8. To ensure that this part of the scheme drains effectively in order to maintain the general amenities of the area in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).
9. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
10. To ensure that the appearance of the development is satisfactory and in order to enhance the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) policy COR2 and Mid Devon Local Plan Part 3 (Development Management Policies) policies DM2 and DM14.

11. In order to ensure the proper management over the development of the site and to protect the general amenities of the area.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The layout, scale, appearance and landscaping details are considered acceptable in demonstrating that it will be possible to accommodate 100 dwellings on the site, including 30 units of affordable housing, in a manner which is on balance respectful in townscape terms and to the amenities of the neighbouring occupiers. No flooding, surface water and/or highway safety issues are raised. On this basis the proposals are considered to sufficiently comply with the Policies COR2, COR9, COR11, COR14 of Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3 of Allocations and Infrastructure Development Plan Document and DM1, DM2, DM8, DM14 and DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies), and Policies in the National Planning Policy Framework.

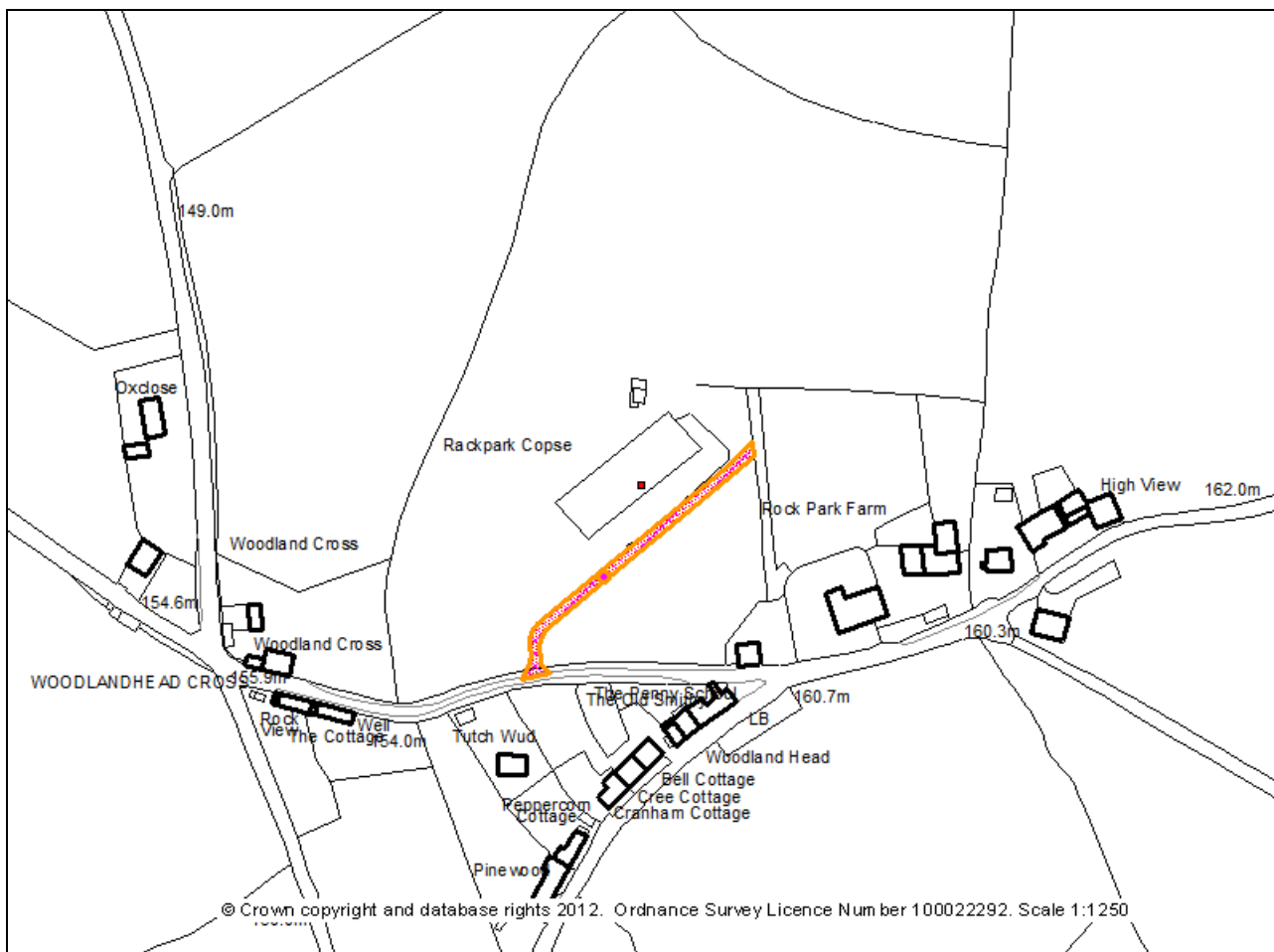
Grid Ref: 278019 : 96892

Applicant: Mr J Richards

Location: Land and Buildings at
NGR 278019 96892
(Rock Park Farm)
Woodland Head
Yeoford Devon

Proposal: Construction of new
vehicular access to
holiday cottage

Date Valid: 17th June 2015



Application No. 15/00980/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR PETER HEALE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider if there is a proven need for a further entrance given that there are already 2 entrances which have been in use for a number of years and to date seem to have been sufficient for the needs of the holiday property.
2. To consider if a new entrance would have a significant and detrimental impact on the amenity of neighbouring properties.

PROPOSED DEVELOPMENT

The description of the development as proposed is for the construction of a new vehicular access to a holiday cottage.

The scheme involves the creation of a new access track extending for approximately 136m across existing, agricultural land belonging to Rock Park Farm, Woodland Head, to connect an existing holiday cottage (now called Hazelnut Cottage) with a Class III public road (Woodland Head Cross to Ford Cross).

The property (Hazelnut Cottage) is in the ownership of Rock Park Farm. The holiday let building was constructed in a chalet style on or before 2008 on the site of a former timber and brick cottage. It lies at a lower elevation to the public road given the northwards sloping nature of the land and is sited approx. 130m to the north west of Rock Park Farm itself. Separate planning consent was granted in September 2013 (under 13/00858/FULL) to allow for its retention, and subsequent use for holiday accommodation purposes only, on the grounds that the unit would make a positive contribution to local tourism.

Rock Park Farm comprises a holding of some 13 plus acres, the land being primarily used for sheep grazing and hay making. The farm is sited in an elevated/ridgeline setting in general open countryside, and to the immediate east of other dwelling units at Woodland Head.

APPLICANT'S SUPPORTING INFORMATION

Location Plan, block plan and planting schedule

Letter, 12th June 2015, received with application and including supporting e-mail from holiday letting agents regarding the existing access

Letter, received 13 August 2015, confirming:

That the new track would also be used in the movement of agricultural vehicles when required

If granted, the new entrance will be 34 metres from the centre of an oak tree: therefore no damage to roots

The present hedging will be used in the construction of new splays where possible, plus planting of new indigenous species to minimise the impact of construction.

Hazelnut Cottage is operational 12 months of the year and is advertised with West Country Cottages; www.westcountrycottages.co.uk: the advertising mentions that the approach track is unsuitable for low suspension vehicles

Applicant restates that he has no intention of attracting holiday customers with horses and that there has never been any use of the exercise area other than by family/friends, and certainly not for commercial gain.

Letter received 24 August 2015. Main points;

- Access matters: the existing access serves Rock Park Farm and also provides access to fields and the holiday cottage; the driveway which connects with the entrance to the holiday cottage is very steep and has already caused grounding of visitors' cars on more than one occasion

- Visibility at the existing access is very poor: it abuts a junction of 2 roads.
- Development of the holiday cottage was completed in June 2015, and the first letting took place in July.
- Objectors mention of a 2nd entrance: this is some distance to the east of the primary entrance and directly serves a barn and some stables. The barn was approved under permitted development rights for conversion to a dwelling and has recently been placed on the market: this particular access will therefore serve that property.
- In response to objections to the initial proposed siting of the access on to the public road, the position of this access has been changed so that it is no longer sited opposite existing residential access on the other side of the public road.
- There is already a busy agricultural operation being carried out just along the road at High View Farm, with tractors coming and going along the subject road every day: traffic generated by such farming activities result in far greater impact than the modest proposals submitted.
- The proposals will result in improved benefits: it will provide a passing place on a narrow lane that currently lacks such a facility on this part of the lane.

E-mail received 1 September 2015, and confirming:

- That there is only one access route at the moment to Hazelnut Cottage which is the steep track as described. A second route serves the agricultural barn and stables at the far end of Rock Park Farm (and next to High View Farm). This route has no track down to cottage, is as steep as present track and would take more construction than the one proposed.
- That the applicant has no intention of attracting visitors with horses as West Country Cottages Ltd has suggested it narrows the customer base. The applicant notes the concerns of residents regarding the use of horse exercise arena. It has never been used for commercial use.
- West Country Cottages to provide a further statement supporting the need for a separate access: highlighting its need in the event of a visitor requiring urgent medical treatment and doubt whether an ambulance would be able to exit the incline of present track.
- Additional information also to be provided (for Planning Committee) to indicate that there has always been a gateway into the adjoining field but which has fallen into disuse over recent years.

RELEVANT PLANNING HISTORY

For the site:

13/00858/FULL Retention of existing building to be used for holiday occupation - PERMIT - 05.09.13

For the land adjacent:

92/02021/FULL Demolition of tin shed and erection of new general purpose building - PERMIT - 28.01.93

99/02471/FULL Construction of equestrian exercise area - PERMIT - 30.07.99

08/01011/FULL Replacement of existing building for ancillary residential use - REFUSE - 18.08.08

15/00980/FULL Construction of new vehicular access to holiday cottage - PCO

Related history: Rock Park Farm

84/01345/FULL Erection of a bungalow and garage to replace existing dwelling - PERMIT - 28.11.84

00/00504/FULL Demolition of existing and erection of new range of mixed agricultural buildings - PERMIT - 14.06.00

00/00768/FULL Erection of extensions to existing bungalow - PERMIT - 26.07.00

13/01618/FULL Conversion of barn to dwelling (APPEAL DISMISSED 2.6.14) - REFUSE - 24.01.14

14/01201/PNCOU Prior notification for the change of use of agricultural building to dwelling Class MB (a) and (b) - ACCEPT - 17.09.14

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
DM24 - Tourism and leisure development
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 25th June 2015 - No specific comments submitted.

CREDITON HAMLETS PARISH COUNCIL - 8th July 2015

The Parish Council felt unable to support the application as it considered the two existing entrances are adequate for this purpose.

The Neighbours comments were also noted and concerns raised that the use of the suggested access would seriously encroach upon and cause damage to the verge on the opposite side of the road and be detrimental to the amenity of that property.

REPRESENTATIONS

3 letters of objection have been received and are summarised below:

Highways safety: considered unsuitable nature/narrowness of lane, particularly for vehicles towing horse trailers/boxes: horse boxes could be up to 7.5 tonnes requiring a massive Y-shaped entrance 30ft wide on a very narrow lane at the back of Grade 2 listed thatched cottages. The junctions at the top and bottom of this lane are blind and hazardous.

Would impair access to other existing properties on the opposite side of the lane.

The proposal would necessitate the removal of a larger section of Devon hedge.

Already suitable access to serve the holiday cottage, through the main entrance to Rock Park Farm.

Original planning consent for the riding area on the farm was for personal use only.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is intended to provide an improved access to serve an existing holiday cottage located in the open countryside. Key issues relate to:

1. Policy/Planning History
2. Access/safety considerations
3. Impact on the landscape/environment
4. Any other material considerations.

1. Policy/Related planning history

Policy DM24 of the Local Plan Part 3 (Development Management Policies) adopts a positive approach towards proposals for new or expanded tourism facilities. Development proposals must respect the character and appearance of the location. The current holiday use of Hazelnut Cottage was previously supported by the Local Planning Authority on the grounds that the unit would make a useful and positive contribution to the accommodation options available in the locality, and also that it would not adversely affect the character or appearance of this part of the open countryside. This policy is further supported by Policy COR18 of the Mid Devon Core Strategy.

Policy DM2 of the Local Plan Part 3 (Development Management Policies) further emphasises the need for any new development to fit in with the wider context and character of its surrounding area, and so as not to lead to any unacceptable adverse effects, either in terms of the quality of the landscape or in terms of any impacts on neighbouring properties and uses.

These policies are further underpinned by policies COR2 and COR18 of the Mid Devon Core Strategy. COR2 seeks to ensure the preservation and enhancement of the distinctive qualities of the Mid Devon natural landscape. COR18, as indicated, allows for appropriately scaled farm diversification and tourism related development within the countryside.

Although it was previously expected by the applicant that the access arrangements to serve the cottage would continue as existing - namely through utilising the principal access already serving Rock Park Farm (sited some 130 metres to the east along the narrow lane), subsequent marketing of the holiday unit and more recent practical operational experience has further confirmed to the applicant that there is now a need for a separate, improved, vehicle access arrangement for use by holidaymakers. The considered need for such an improved arrangement has been confirmed by letting agencies in letters of support which have been submitted.

As indicated above, there is general policy support towards developments which help to develop rural tourism. It is necessary therefore to consider the application on its merit, having regard to other potential impacts, and also having regard to the objections raised, to reach a balanced conclusion.

2. Access/safety considerations

The existing access which serves Hazelnut Cottage, as indicated, is presently provided through the principal access which already serves Rock Park Farm. This entrance lies opposite a junction in the C road (Class III) with an unclassified road, and is entered by a double gated entrance with a large storage building on one side. This also serves as a general parking area for the small farm bungalow. It is fully fenced on all sides and a further gated entrance at its northern section leads to the unsurfaced access track which borders the field line and descends towards the holiday cottage. Approximately near its half-way point the trackway descends more steeply in one section, before again levelling out to a more gentle slope. As stated by the applicant, the nature - and part steepness of this track - has already caused the grounding of visitors' cars on more than one occasion. There is a limited splayed entrance at this entrance, particularly when looking left along the public lane; the existing entrance, as already noted, also immediately abuts a junction of two roads.

The proposed access is intended to provide a new and easier access arrangement which will allow for the direct access of vehicles to the holiday cottage. Note has been taken of the concerns raised by nearby residents concerning the potential impacts of a new access located close to other access points from the highway. This concern has been satisfactorily addressed as the applicant has submitted a revision to the position of the new access to be re-sited slightly further to the east and therefore will not directly face any existing domestic access points. This will also place the proposed access outside the root zone of a nearby large oak tree growing within the Devon bank. The applicant also contends that the proposed site is at or near a previous agricultural field access point, although this has now long been grown over.

The other concern of residents is regarding to the narrowness of the lane and its unsuitability for any additional levels of traffic along it. No concerns have been raised by Devon County Council which remains satisfied that the scheme can be considered under Standing Advice arrangements. The proposals will comply with such design requirements, and provide for a satisfactory ingress/egress arrangement, with a gated entrance set back 5m from the roadside, and with suitable visibility along the lane in both directions.

In terms of trip generation, the proposals relate to a single self-catering letting unit (Hazelnut Cottage). It may be reasonably expected that there could be a single vehicle leaving the site access in the morning and possibly two or three further trip movements during the day. There will be no more additional visitor trip movements created as a result of this development and it is not expected that there will be any severe impact on the local road network.

The applicant has referred to the possibility that some agricultural traffic may, very occasionally, also use the access to enter/leave the adjoining field at this point, rather than utilise the existing 'through access' at the Rock Park Farm end. This would only be very occasional traffic and related to limited/light agricultural uses of the land (haymaking). These trips would otherwise access the site from the Rock Park entrance, and can therefore not be considered as additional trips.

Note has been taken of the concerns raised by objectors to the expected use of the new access by visitors towing horse trailers/boxes. This is understood to relate to the fact that located opposite the cottage there is a manege previously developed by the applicant for use by family/friends. In response to this matter the applicant has confirmed that it is not the intention to specifically market the cottage for use by visitors bringing their own horses and that the use of the manege does not extend to the holiday cottage. Furthermore a change of use planning consent would be required to allow for its commercial use. This concern is therefore considered not relevant or material to this application.

There are considered to be no reasonable highway grounds for refusing this application.

3. Impact on the landscape/environment

A section (approx. 16-18m) of native hedging is to be removed to allow for the proposed new access. A large oak tree, to the immediate west will remain and the new entrance will be 34 metres from the centre of the oak tree and therefore well outside the branch spread/root protection area. The scheme will therefore not impact on the tree and it has been considered unnecessary to request a tree protection plan. The applicant has stated that he would intend to 'transpose' the existing hedge as much as possible by using mechanical means to push back the hedge to its required new position within the field. In addition the plans in any event provide for new native hedge planting to either side of the new access.

Removal of this section of hedge is not considered to cause any significant fragmentation or unreasonable harm to the surrounding hedge network due to the relatively short length which is to be removed, and presence of other hedges. The section of hedgerow shows no signs of any likely protected fauna/flora or other protected forms of wildlife. An advisory note is however set out to advise the applicant of his further obligations in this regard, under specified separate legislation.

In terms of wider landscape impacts, the access track will extend from the access point and part-traverse the adjoining, part- sloping field, towards the cottage and the northern most section of the existing trackway from Rock Park Farm. It will, for at least two-thirds of its length, effectively follow a boundary now demarcated by high hedge and which runs along the south eastern boundary of the manege and will be generally well screened from public view. A relatively small section (approx.30m length) will then cut across the southern edge of the field, rising upwards towards the access point along the adjoining lane. The engineering of the track will not require much in terms of any deep excavation works. The trackway will form a relatively simple road/trackway construction; being 3 m wide and formed using 200mm consolidated scalps and soil, binded with gravel, and with an average cross fall shown of 1 in 30.

The general landscape character of the area is described in the Mid Devon Landscape Character Assessment (Oct. 2011) as 'Inland elevated undulating land'. This landscape type extends across the most south-western parts of the district. There is a strong cultural association with the adjacent landscape of Dartmoor that forms part of the setting of the moor, and as such, it is a landscape area/type which can be regarded as being important to the value and appreciation of the Moor itself. Key characteristics of the landscape are defined as:

“Medium to large scale gently rolling to steeply sloping landform with high points of over 220m above the valley bottoms

Variable shaped field patterns, with low tightly clipped hedgerows as the dominant field boundary. Species rich hedgebanks include honeysuckle, wild rose, chestnut, oak, ivy, bramble, willow and bracken.

Hedge patterns are highly visible, being seen from the roads within the type as they meander across the hillsides and slopes

Settlement patterns are defined by villages and hamlets which are connected by winding narrow roads with isolated farms well-sited within an isolated landscape.”

Special qualities noted include a strong sense of isolation with far reaching views from higher areas. The traditional and inherent patterns of this landscape type are strongly evident and the Character Assessment notes that it has been altered far less over the last century compared to other landscape types within the District.

Allowing for the undoubted special landscape qualities of this area, the extent and nature of the proposed trackway, and given its type and construction, is not considered to lead to any significant harm. On this basis it is considered that the overall landscape/environmental impacts of the proposal are considered acceptable.

4. Any other material considerations/summary

Note is taken of the fact that several of the thatched cottages in Woodland Head are Grade 2 listed buildings, the rear gardens of which back on to the Class III road. However, given the intervening distances involved and the existing hedge screening. It is not considered that there will be significant harm caused to the overall character or setting of these heritage assets. Neighbour concerns have related to the potential harm in terms of affecting existing access arrangements to these properties, and this matter has already been addressed, as noted earlier, by the re-positioning of the proposed access further to the east, and such that it is now 34m away from the centre of the oak tree which provides a useful 'marker' as to its intended position, now, along the hedgerow.

In summary the position of the proposed new access point has been amended in order to protect the amenities of the residential occupiers of the properties adjacent and to protect the existing oak tree. Whilst the need for the additional access is disputed by local residents, it is not considered that it will result in highway safety and/or capacity concerns. Furthermore the impact on the landscape character and/or visual amenities of the area are not considered significant. Following the assessment of the application as set out above it is recommended that planning permission should be granted subject to the following conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The visibility splays shown on the approved plan shall be constructed prior to the first use of the access hereby permitted. There shall be no obstruction to visibility within these splays over 600mm above adjoining road level, and such visibility splays shall be so retained.
4. No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, the details of which shall ensure that the proposals does not result in flooding on the highway. The approved development shall be implemented in accordance with the approved strategy prior to the use of the new access hereby approved.
5. The site access shall be hardened, surfaced in a bound material, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.
6. All planting, seeding turfing or earthworks as shown in the approved details of landscaping as shown on the submitted plans, hereby approved, shall be carried out within 9 months of the substantial completion of the development (or phase thereof), whichever is the sooner; and any trees or plants which within a period of 5 years, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a 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. In the interest of highway safety to ensure adequate visibility at the point of access and egress from vehicles entering or leaving the site.
4. To prevent surface water run off onto the highway.
5. 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).

INFORMATIVE NOTES

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.
2. The applicant is advised that they will need to apply to the Highway Authority for a license under section 184 of the Highways Act.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The creation of a new vehicular access is considered to be reasonably necessary in order to provide an alternative and more suitable means of access for visiting traffic to the holiday cottage and which will help to improve its overall viability and marketability as a small-scale tourism venture in this rural location. No highway safety or capacity issues have been raised. Whilst the proposed access will change the appearance of the immediate area it is not considered that the proposed access would have a significantly harmful impact on the wider street scene or would adversely affect any neighbouring properties or existing access arrangements. The proposal would result in a section of hedgerow being removed; however from an assessment point of view it is not considered that this aspect of the proposal, given the overall context and length of hedge, would have an unacceptable adverse impact on either the overall landscape character of the area or on its potential as a wildlife habitat. The submitted plan demonstrates that sufficient visibility can be provided, and overall it is therefore not considered that the application scheme would have an adverse impact on the local road network.

On this basis the application scheme is considered to be in accordance with the following policies; Mid Devon Core Strategy (Local Plan part 1) COR2 and COR18, Local Plan part 3 (Development Management Policies) DM1, DM2, DM24 and DM27 and Government advice in the National Planning Policy Framework.

Application No. 15/01130/FULL

Plans List No. 4

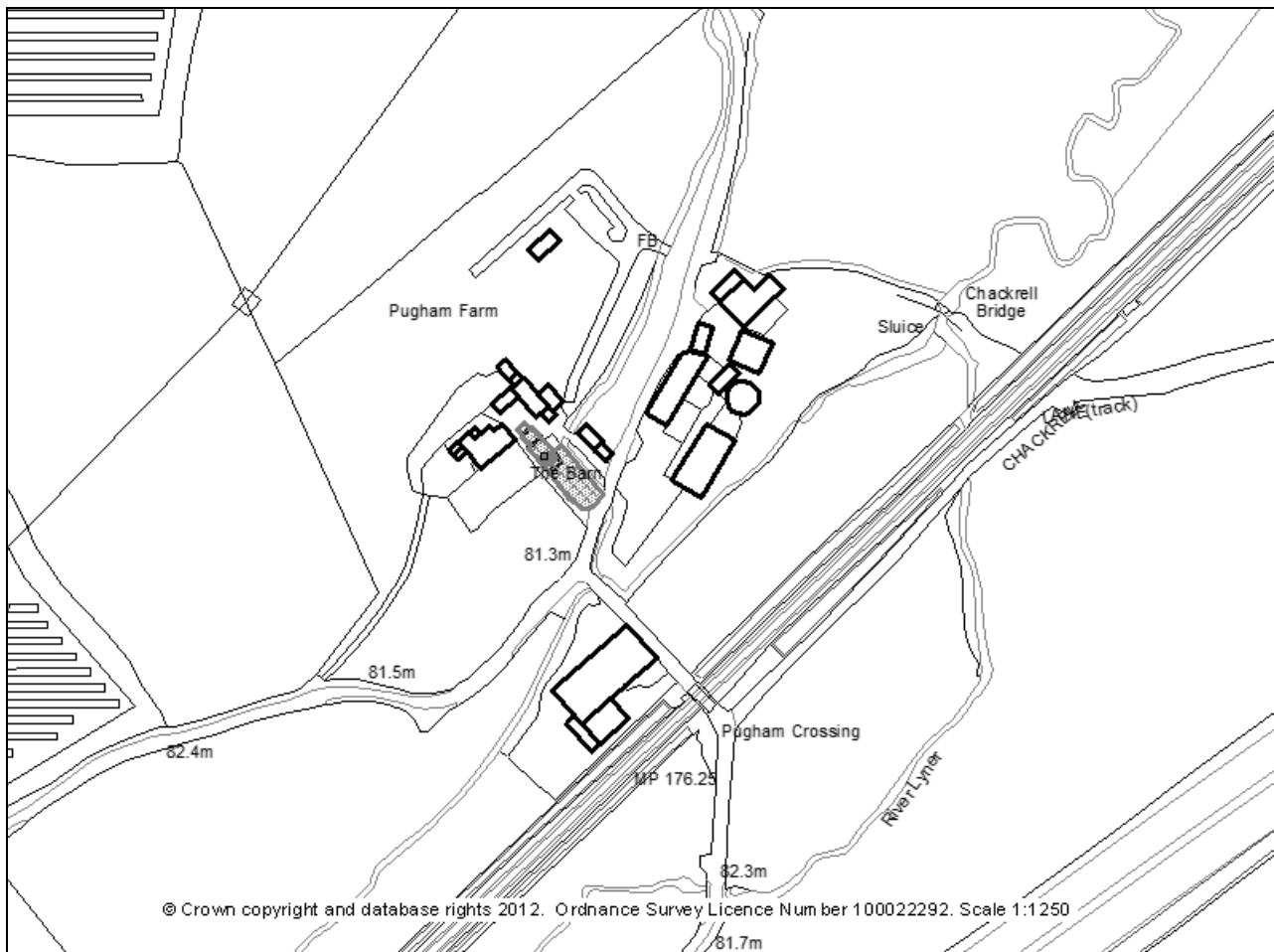
Grid Ref: 305661 : 115266

Applicant: Mr Graham Moore

Location: The Barn Pugham
Farm Westleigh
Tiverton

Proposal: Removal of Condition
3, holiday occupancy
condition, of Planning
Permission
05/01218/FULL

Date Valid: 28th July 2015



Application No. 15/01130/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

Pugham Farm is located just to the north of the M5 and mainline railway, on the road between Sampford Peverell and Westleigh. 'The Barn' is located to the north east of the access drive from the road to the main house. Planning permission was granted for the conversion of the barn to 1 unit of holiday accommodation in 2005. In granting planning permission, a condition was attached restricting occupation purely to holiday accommodation in line with the policy which prevailed at that time. This planning application seeks the removal of a previously imposed planning condition that restricted the occupation of 'The Barn' to holiday accommodation as follows:

The occupation of the building shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks (3 months). A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

The reason given for the imposition of the condition was: 'The site is in a rural area, outside of any defined settlement limit where it is the Policy of the Local Planning Authority to restrict the provision of new residential dwellings. However, holiday accommodation is considered to be an appropriate commercial reuse for a rural building and conforms with Development Plan Policy.'

APPLICANT'S SUPPORTING INFORMATION

Extract from Greenslade Taylor Hunt sales particulars
Holiday Letting details

PLANNING HISTORY

05/01218/FULL Conversion of barn to holiday let - HOLIDAY OCCUPANCY CONDITION APPLIES - PERMIT - 02.08.05

11/01988/FULL Removal of Condition 3 of planning permission 05/01218/FULL to allow for the holiday let to be used as a permanent dwelling (APPEAL DISMISSED 7.2.13) - REFUSE - 20.02.12

12/00448/CLU Certificate of Lawfulness for the existing use of an agricultural building as a dwelling for a period in excess of 4 years (APPEAL DISMISSED 7.2.13) - REFUSE - 07.06.12

13/00992/FULL Conversion of redundant barn to 4 bedroom dwelling and garage - DELETE - 05.12.13

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR9 - Access

COR12 - Development Focus

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM11 - Conversion of rural buildings
DM24 - Tourism and leisure development

CONSULTATIONS

HIGHWAY AUTHORITY - 5th August 2016
Standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

BURLESCOMBE PARISH COUNCIL - 8th September 2015
No objections.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Planning history including previous appeal decision
- 2) Demand and viability of the building as holiday accommodation
- 3) S106 requirements

1. Planning History including previous appeal decision

The planning history is listed earlier in this report. The building was converted to a holiday let, which is a dwelling restricted by an occupancy condition, following permission granted in 2005. In 2011 a planning application was made to remove the occupancy condition, however at that time no attempts to let the building for holiday purposes had ever been made and the building had been occupied as someone's main home.

The main issue in the appeal was whether the holiday occupancy condition was reasonable and necessary having regard to local and national policy aimed at promoting more sustainable patterns of development. The appeal decision was issued after the introduction of the National Planning Policy Framework but prior to the adoption of Mid Devon's Local Plan Part 3 and its redundant rural building conversion policy. The Inspector stated in his appeal decision that the policy support in the NPPF and in the emerging (at that time) Local Plan Part 3 for the re-use of redundant barns did not apply to the application building as the building was not redundant and had already been converted. This situation has not materially changed since that time.

The Inspector made the following conclusion in dismissing the appeal:

'In this case I am not satisfied that I have been provided with sufficient evidence to enable me to conclude that condition 3 is not reasonable or necessary in the interests of sustainable development. Removing the condition without cogent evidence of lack of demand, viability or any marketing attempt whatsoever would undermine Policies COR1, COR12 and COR18 of the Mid-Devon Core Strategy 2007, which aim to promote sustainable patterns of development. In coming to this view I have had regard to the personal considerations put forward in support of the proposal, but these do not outweigh the more general planning considerations'.

In summary, policy COR1 relates to the development of sustainable communities, policy COR12 sets the focus of development in the district, concentrating it in the towns with a limited role for a number of identified villages. This site is outside any recognised settlement and so policy COR18 applies which sets out the types of development which are acceptable in principle in rural areas, with new unrestricted residential development only acceptable in very limited circumstances such as to provide affordable housing or housing essential to accommodate a rural worker.

The onus in this application is on the applicants to demonstrate that there is a lack of demand or viability for running the building as holiday accommodation.

2. Demand and viability of the building as holiday accommodation

Since the previous appeal was dismissed the applicants have begun letting the property for holiday accommodation. The property is advertised through a holiday cottage agency and on that agency's 'cottages 4 you' website. Interrogation of this website shows that the property is pre booked for most of September along with other sporadic bookings in future months. There are no details on the site to show previous bookings, although there are a number of excellent reviews of the property from 2014 to date with an average score given of 8.6 out of 10.

Some previous booking details have been provided by the applicant for part of May, June, July and August 2015 however there is no clear indication from these figures as to whether these are all or part of the letting period and the print outs are dated 21st April 2015 and it could reasonably be expected that further Summer bookings would have been received since then. The evidence provided to date and the evidence available to the Council from the letting agent's website indicates that insufficient evidence has been provided to demonstrate that the letting of the property as a holiday unit is not viable in this location or is not providing an appropriate tourism facility for the area.

The Mid Devon Tourism Study dated November 2014 considers that the Local Planning Authority should support the development of sustainable rural tourism and leisure and this is reflected in policy DM24 of the Local Plan Part 3 which relates to tourism and leisure development. The study covers a wide range of tourist related activities and part of this includes data relating to bed spaces and the mix between hotels to campsites. Total tourism spend in Mid Devon is lower than other areas in Devon. This is probably due to the lack of larger tourism attractions in the District, along with above average proportion of visitors who stay with friends. The study identifies that nationally there has been a growth in short breaks and activity breaks. It is considered that the provision of this type of self-catering accommodation for tourism is growing while there is a decrease in B&B accommodation. As with all tourism activities the weather has an impact on numbers along with activities overseas. Predicted growth is anticipated to be in short and mid lengths stays / trips, primarily from people resident within the South West region. Future growth in visitor numbers is expected to arise principally from visitors who live 20 - 40 km from tourist attractions. The study also identifies that there is an opportunity to continue to develop tourism and leisure facilities and accommodation around the M5 North Devon Link Road corridors. The findings of the Tourism Study further indicate that there is demand for this type of tourist accommodation in the area and that the evidence provided to date to counter that assertion is lacking.

3. S106 requirements

Should the application be approved, financial contributions towards public open space would be payable in line with this Authority's Supplementary Planning Document on the 'Provision and funding of open space through development' and policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document. At the time of writing this report, no request has as yet been made to the applicant for a contribution of £1442 (based on the number of habitable rooms) and if the proposal is to be approved then payment will need to be made prior to any approval being made.

REASONS FOR REFUSAL

1. The site is situated within the countryside, where Development Plan policy provides that residential development should be strictly controlled, and only provided for where consistent with the policies and proposals set out in the Plan. In this instance the building has been converted to a dwelling and its occupancy is restricted by condition to only allow for holiday lets; the building is not redundant and therefore the provisions of the National Planning Policy Framework and policy DM11 of Local Plan Part 3 (Development Plan Policies) in relation to the conversion of redundant buildings do not apply. The Local Planning Authority is of the opinion that insufficient information has been supplied to demonstrate that the current enterprise is unviable or there is a lack of demand for holiday accommodation in the locality which would justify the removal of the holiday restriction condition. The use of 'The Barn' as a permanent residential dwelling would be contrary to Mid Devon Core Strategy (Local Plan Part 1) policies COR1, COR12 and COR18 and Mid Devon Local Plan Part 3 (Development Management Policies) DM24.

Application No. 15/01149/FULL

Plans List No. 5

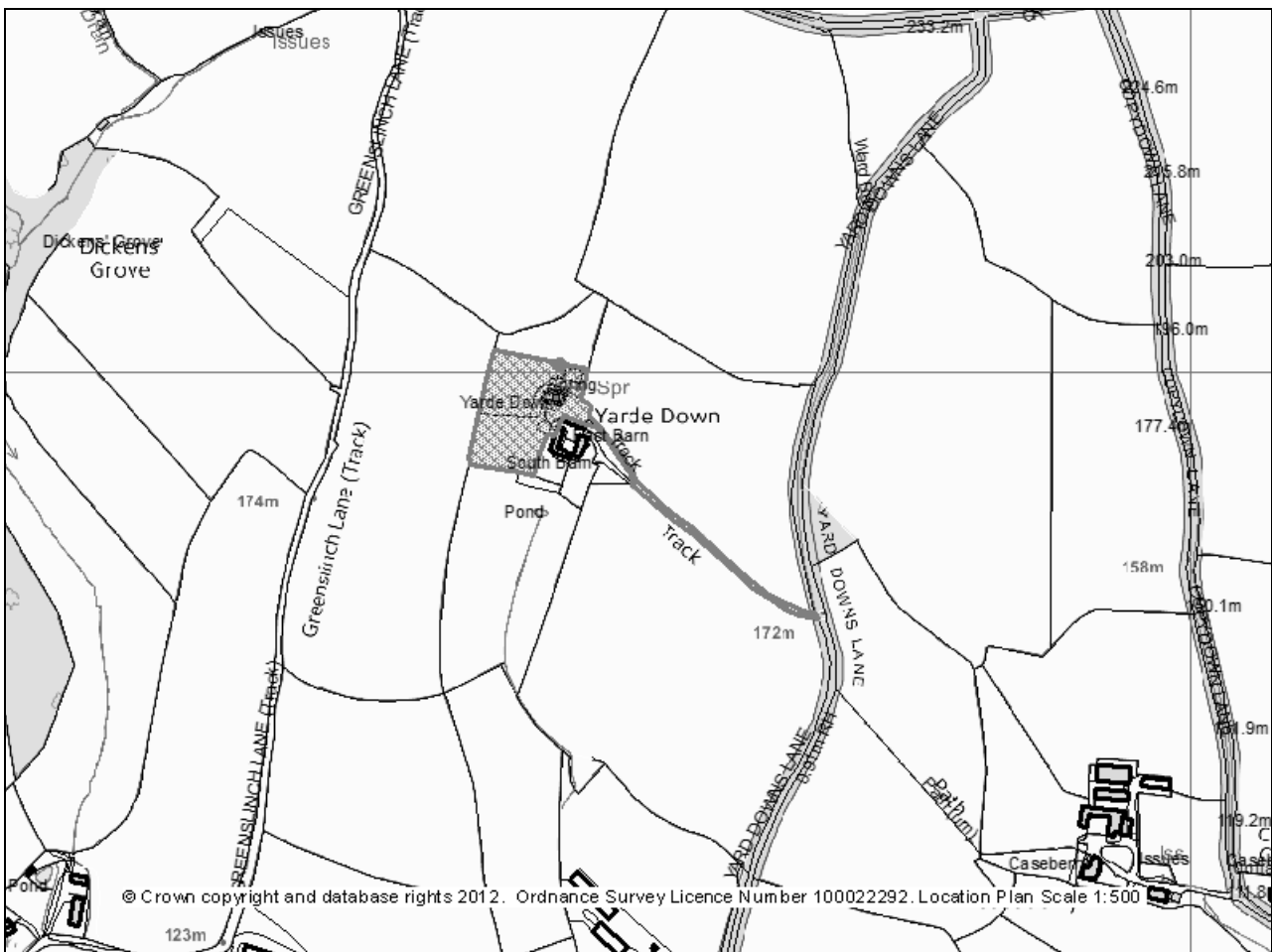
Grid Ref: 297472 : 103979

Applicant: Mrs S Stanbrook-Byrne

Location: Yarde Down Farm
Silverton Exeter Devon

Proposal: Installation of 16
ground mounted solar
panels to generate 4
KW of power

Date Valid: 28th July 2015



Application No. 15/01149/FULL

RECOMMENDATION

Grant permission subject to conditions.

THIS APPLICATION IS TO BE CONSIDERED BY MEMBERS OF THE PLANNING COMMITTEE AS IT RELATES TO THE INSTALLATION OF A GROUND MOUNTED SOLAR PV SCHEME

PROPOSED DEVELOPMENT

The application seeks planning permission for the installation of 16 ground mounted solar panels, generating up to 4 KW of power, on land to the rear of Yarde Down, a residential property set in open countryside approximately 1.6 km to the east of Silverton. The dwelling originally formed part of Yarde Down Farm but is no longer a working agricultural business with only 0.7 hectares of land. The field proposed to be used is currently occasionally used for grazing of sheep.

The panels are proposed to be installed in a single row on the northern perimeter of the field. Solar panels could be accommodated on the roof slope of the property under permitted development rights, but the applicants have opted to site them on ground outside of the dwelling curtilage so as to minimise any wider landscape and visual impact. The site is accessible via a private track which also serves South and East Barn (residential properties).

The panels are confirmed to be angled at a thirty degree incline with the highest end of the panel at 1.15 metres above ground level. The array measures 17 metres in length with a panel width of 2 metres. A gap of approximately 30 cm will be maintained below the panel for maintenance and to allow future livestock grazing.

APPLICANT'S SUPPORTING INFORMATION

Supporting Letter

PLANNING HISTORY

05/01162/FULL Retention of conversion of garage/store into additional residential use and carport, retention of satellite dish and installation of flue on the southern elevation of South Barn. - PERMIT - 12.08.2005

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM5 - Renewable and low carbon energy

CONSULTATIONS

HIGHWAY AUTHORITY - 5th August 2016

<http://www.devon.gov.uk/highways-standingadvice.pdf>

4th September 2015 - The traffic generation of the final development is going to be less than 25 movements and the construction traffic will not be significant or large quantities of HGV traffic.

Construction traffic is temporary and over a short period of time and normally would not be major consideration unless it was significant and prolonged, e.g. an extension will attract HGV deliveries for a short period but would not be considered significant. A domestic array would be similar.

SILVERTON PARISH COUNCIL - 8th September 2015

Approve.

BRADNINCH PARISH COUNCIL - 14th August 2015

No objection

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy
2. Design, scale, location and use
3. Impact on neighbours
4. Impact on surrounding landscape

1. Policy

The site is outside of an adopted settlement limit and is therefore considered to be in a countryside location. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) states that development outside settlement limits will be strictly controlled unless there are appropriate agricultural and rural uses that include renewable energy and telecommunications development.

The National Planning Policy Framework (NPPF) applies a presumption in favour of sustainable development and Part 10 calls for planning policies and decision making to have a positive strategy to promote energy from renewable and low carbon sources, and identify opportunities where development can draw energy supply from renewable or low carbon systems. Furthermore, local planning authorities should approve applications for development where the impacts are deemed to be acceptable.

At the local policy level, COR5 of the Mid Devon Core Strategy (Local Plan Part 1) sets measures for development to minimise the impacts of climate change and to contribute towards national and regional targets for the reduction of greenhouse gas emissions. This should be achieved through the development of renewable energy capacity in locations with an acceptable local impact, including visual impact and on nearby residents and wildlife. In addition, policy DM5 of the Local Plan Part 3 (Development Management Policies) states that all benefits of renewable and low carbon energy will be weighed against the impact and proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area including wider cumulative impacts. The proposal is supported by national policy and is awarded support under policies COR5 and DM5 with further details set out below.

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) sets a requirement that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the preservation and enhancement of Mid Devon's natural landscape character.

2. Design, Scale, Location and Use

It is proposed to install a total of 16 panels mounted on a single frame, with a maximum height of 1.15 metres from ground level to the highest edge of the panels. This height is relatively low although the land is higher at this point than the farmhouse below. The total structure will cover a length of 17 metres to be sited 10.6 metres from the house. The panels are to be angled at 30 degrees (facing south) and will not cover the entire ground area. The installation of the panels would not prevent animals from grazing although the majority of the grassed field is not affected by the proposal anyway.

The proposed JAM6 panels are black in appearance and are recognised to have an antireflective coating which makes them less prominent than other comparable dark blue and silver panels. In this respect, the design and siting of the panels are considered to be appropriate, and would result in a far less obtrusive visual impact than the siting of panels on the roof of the house.

Furthermore, the installation of the panels is considered to be suitable for the intended domestic generation and the proposed position to the rear of the land boundary is deemed to be sensible, by measure of the screening afforded by the main house. The proposal is considered to comply with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

3. Impact on neighbours

The proposed panels are to be installed to the rear of the grazing field and will stand a suitable distance away from the neighbouring properties to the south, known as South Barn and East Barn. The panels will be located at a distance of approximately 50 metres (to the closest point) from the rear of these neighbouring properties and views will be totally screened by the Yarde Down.

The panels will not be visible from any other residential property in the vicinity and there are no other neighbouring dwellings in close proximity to the site. As such the proposed siting of the panels is not considered to constitute any unacceptable loss of amenity to neighbouring properties in accordance with policies COR5 of the Mid Devon Core Strategy (Local Plan Part 1), and DM2 and DM5 of the Local Plan Part 3 (Development Management Policies).

4. Impact on surrounding landscape

The land surrounding Yarde Down is all agricultural, and livestock are known to be grazed in outlying fields. The agricultural land classification is Grade 3 and is characterised as 'upper farmed and wooded valley slopes'. The installation will make use of a very small area of the field without a significant reduction in the area of grazing land, albeit any sheep kept in the field will continue to be able to graze in the vast majority of the field and also underneath the panels.

There are rare glimpses of the farmhouse from only a few points on the public highway to the south, including from the Killerton to Silverton road, however views of the site are almost completely obstructed by tall trees and vegetation along what are typically quiet country roads. The site is almost completely hidden from view when in closer proximity because of the topography of the lanes and there are no views of the field from Yarde Down Lane to the east, nor from any points on Park Road, Silverton.

Therefore, the panels are not considered to be widely visible from the surrounding landscape, and given their small scale and positioning at the far end of the field behind the house, the development is not considered to amount to an unacceptable impact on the local landscape character or cumulative impact upon the rural setting, in accordance with policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM5 of the Local Plan Part 3 and Part 11 of the National Planning Policy Framework.

There are no other material considerations identified, and the application is recommended for approval.

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 ground mounted 4kW PV array is considered to be appropriately justified and supported under national and local planning policies. Furthermore the array is not considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities of the agricultural setting or the visual amenity of the surrounding countryside. The proposal is therefore deemed to be in accordance with policies COR2, COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and Part 10 and Part 11 of the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration