

## PLANNING COMMITTEE AGENDA - 16th December 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u>  |
|-----------------|---|
| 1.              | <p>15/01327/FULL - Change of use of part ground floor from existing pub Use Class A4 to create 2 dwellings Use Class C3 at The Ayshford Arms, Burlescombe, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p>   |
| 2.              | <p>15/01422/FULL - Erection of 4 dwellings with garages and alterations to access (Revised Scheme) at Land at NGR 302666 114116 (West of Pullet), Turnpike, Sampford Peverell.</p> <p><b>RECOMMENDATION</b><br/>Subject to the provision of a Section 106 Agreement grant permission.</p>                               |
| 3.              | <p>15/01439/FULL - Removal of Conditions 7, 9 and 10 of Planning Permission 06/02131/FULL to allow the Class B1 Unit to be incorporated into the main residential accommodation at Westcott Barn, Witheridge, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |
| 4.              | <p>15/01496/FULL - Erection of a poultry house and feed bin and construction of access track at Land and Buildings at NGR 297741 108766 (East Butterleigh Cross), Cullompton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 5.              | <p>15/01511/MFUL - Installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power (site area 8.5 hectares), and associated infrastructure at Viridor Waste Management Ltd, Broad Path Landfill Site, Burlescombe.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p> |
| 6.              | <p>15/01632/FULL - Erection of a dwelling at Jersey Cottage, Sampford Peverell, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |

Application No. 15/01327/FULL

Plans List No. 1

**Grid Ref:** 307265 : 116992

**Applicant:** Mr A Phillips

**Location:** The Ayshford Arms  
Burlescombe Tiverton  
Devon

**Proposal:** Change of use of part  
ground floor from  
existing pub Use Class  
A4 to create 2  
dwellings Use Class  
C3

**Date Valid:** 28th August 2015



## **Application No. 15/01327/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions and the provision of a Section 106 Agreement to secure financial contributions towards public open space - £2,416.

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

1. To consider the loss of community asset.

### **PROPOSED DEVELOPMENT**

Proposed is the change of use of part of the ground floor from its existing use a pub (Class A4) to create two dwellinghouses (Class C3) at the Ayshford Arms, Burlescombe. It is proposed to divide the ground floor of the pub in to two sections, the south western part of the building will be converted into two dwellings, and the larger north eastern part of the building will remain as a pub with an A4 use and a live/work dwelling at first and second floor level. The floor space calculations are as follows: the gross internal ground floor area is 383.9 square metres, the ground floor area to be converted is approximately 153.6 square metres, leaving approximately 230.3 square metres with an A4 use, and capable of functioning as a public house. In addition, part of the existing skittle alley will be removed to provide garden areas to the rear of each of the dwellings. Access to the rear of the pub will be retained with a path allowing delivery vehicles to park in the existing car park and access the rear of the pub building by foot to deliver goods, similar to the existing situation.

Internally each dwelling will provide two bedrooms with en-suites at first floor level, and an open plan kitchen dining room, a living room, WC and storage cupboards at ground floor level; unit one will also have a study on the ground floor. Both units will have a wooden fenced garden area to the rear and a front garden with access to the properties. Externally, it is proposed to remove the existing rear lean to extension and replace this with a smaller single storey lean to, providing each property with two roof lights in the lean to roofing and two sets of double doors exiting onto a small raised patio area with steps down to the rear gardens. The windows at first floor level will also be replaced. On the south west elevation the first floor windows that exist at present will be removed, instead, one window will be provided at ground floor level. In addition, the front south east elevation has been redesigned to reflect this part of the building's proposed dwellinghouse use; each dwelling will have two windows at ground floor level and two at first floor level with a central porch entrance.

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

Design and Access Statement  
Planning Statement  
Financial Information

### **PLANNING HISTORY**

88/00178/FULL Re-positioning of external staircase and alterations to form dining area - PERMIT - 14.03.88  
03/01228/FULL Erection of replacement skittle alley/function room - PERMIT - 21.08.03

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR17 - Villages

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

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM25 - Community facilities

## **CONSULTATIONS**

### **HIGHWAY AUTHORITY - 3rd September 2015**

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

### **BURLESCOMBE PARISH COUNCIL - 24th September 2015**

Burlescombe Parish Council objects to the application. They considered it is important for both Burlescombe and Westleigh to continue to have a Public House, this is the only Pub in the local area and it should therefore continue to remain as Class A4. There had been no mention of the skittle alley behind the building, which should also remain a community asset. With very little public transport going through the village it is important for rural villages to keep the assets such as public houses and skittle alleys in use.

The Councillors were also aware of the concerns from the residents of Ayshford Close and the access rights into the Close should be considered and respected in any possible changes.

### **ENVIRONMENTAL HEALTH - 9th September 2015**

Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections

Noise and other substances - No information has been included with regards to any sound insulation/mitigation to reduce the possible noise impact from the public house on the adjoining property. I would recommend the following:

No development shall take place until a detailed scheme of noise insulation measures for the adjoining property to the public house has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 82333:1999 "Sound Insulation and Noise Insulations for Buildings - Code of Practice". The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers

Housing standards - No objections.

Licensing - N/A

Food Hygiene - N/A.

Private Water Supplies - N/A.

Health and Safety - No objections.

## REPRESENTATIONS

Three objections have been received in relation to this application, they are summarised as follows:

- The parking area is a right of way for the residents of Ayshford Close, any parking would affect access for residents; there are access concerns both during and after the construction period. Unclear if residents access may be affected by the rear garden fencing, with concern access will be provided at the rear of the gardens.
- There is no access via Ayshford Close, this is a private drive with no public right of way.
- The entrance to the pub and new units is also a public footpath, this has not been shown on the plans, provision should be made for this.
- Trade vehicles must still be able to deliver and there must be access for emergency buildings to Ayshford Close.
- Concern over waste collection.
- The Ayshford Arms is the only public house within the Burlescombe / Westleigh community, the pub in Westleigh having been lost to residents well over a decade ago. Concerns that this part change of use application will lead to a total change of use of this pub that has existing in the community for 130 years.
- Assumption that the pub will still be capable of operating with a bar, kitchen and restaurant, but the pub has been closed for 12 months.
- It is questioned how a smaller trading area with two newly developed residential units would make trade more viable and increase trade as well as making the pub more appealing to potential buyers - assuming there is an intention to trade.
- Concern that if approved the proposal will reduce the size of the pub by one half and will diminish the potential for and attraction to a new owner with any serious intent to run a profitable food and drink business potentially offering accommodation.
- Questioned when would the pub open given that two dwellings are to be constructed within it.
- The pub was previously the location for many local celebrations, but the severe restriction of opening hours to suit the owners lifestyle has culminated in the closure of the business.
- Has there been appropriate marketing?
- The 2012 National planning Policy Framework (NPPF) includes responsibilities for councils to promote local pubs. According to the framework, authorities should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.
- Demand for the facility due to its location close to the tourist attraction of the Grand Western Canal, one of the most important leisure and tourist attractions in Mid Devon, with potential to be a huge economic and social asset to the local area. Other nearby public houses are thriving, all are of a social/ economic benefit to their respective communities and beyond, and all provide employment.
- Has sufficient marketing been done to warrant the change of use

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Justification for the loss of community facility**
2. **Design of the dwellings**
3. **Parking and impacts on the local road network**
4. **Impact on neighbours and the character and appearance of the area**
5. **Other considerations**

1. **Justification for the loss of community facility**

The National Planning Policy Framework sets out at paragraph 28 that planning policies should support economic growth in rural areas, taking a positive approach in supporting the sustainable growth of all types

of business, including through the conversion of existing buildings; in addition policies should promote the retention and development of local services and community facilities in villages, including public houses. Moreover, at paragraph 70 it is stated to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ensure facilities and services are able to develop and modernise in a way that is sustainable, and be retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Furthermore, policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) emphasises that proposals involving the loss of community facilities, including public houses, will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Additionally, it is stated that only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.

The planning statement submitted in support of this application states that over recent years the pub business has decreased. Due to the substantial size of the property it has become increasingly more difficult to run the pub as a financially stable business, which ultimately resulted in the pub having to close to the public.

This is further supported by the financial information submitted for the years of 2012 and 2013, which demonstrates that the pub has generated only a very low operating profit in both years. However, when last in use, the pub operated restricted opening hours which reflected the lifestyle choice of the owners. The pub has been marketed by Stonemith whom specialise in the sale of public houses, and has been on the market since May 2014 at a price of £395,000 (notably only two properties on the Stonemith website are for sale below this price), during this time there has been one viewing, there was no subsequent feedback and no offers have been made on the pub.

It is proposed to divide the ground floor in to two sections, the smaller south western part of the building will be converted into two dwellings, and the larger north eastern part of the building will remain as a pub with an A4 use. The conversion of part of the building will result in smaller but still reasonably sized pub that can be reopened to the public as a more manageable business: approximately 230.3 square metres of gross internal floor space at ground floor level will remain with an A4 use. The remaining area of the pub will remain as per the existing set up in this part of the building and will include a bar area, snug, restaurant, kitchen, cellar, toilets and a utility area with access through the pub to the skittle alley. Above the pub at ground floor level there will be a kitchen, dining/living room, three bedrooms, a bathroom and a laundry room at first floor level, with an additional three bedrooms and one en-suite at second floor level. It is considered that this is a sufficient level of accommodation to support a family in conjunction with running the pub and the loss of some first floor space need not affect the viability of the pub although a potential source of income via holiday let or bed and breakfast of this space will be lost. The remaining skittle alley will be approximately 16.5m x 5.8m and will remain big enough to have a full size skittle alley with the standard league size ranging from 8.29m in length to 11.45m. The reopening of the skittle alley for use by teams would not be prohibited by the proposed development and would enable the skittle alley to contribute towards the viability of the pub.

The development is intended to enhance the site, whilst allowing the business to run at a smaller scale making it more manageable. It is considered that the proposed development can help to secure a more viable future for the pub, allowing it once more to function as a valued community facility.

The proposal will not result in the total loss of the community facility nor will it damage the settlement's ability to meet its day to day needs. The pub business is not currently economically viable, although when last open, was run on a reduced basis. The remaining pub area and associated living accommodation are large enough to support a pub business although accommodation flexibility is reduced.. Consequently, the proposal is considered in accordance with policy DM25 and the National Planning Policy Framework as the proposals allow for the retention of the pub, albeit on a different and smaller basis.

## **2. Design of the dwellings**

The design of the proposed dwellings reflects the traditional design and character of the existing building. The windows and doors will be timber to match the existing openings, the walling will have a rendered finish and the proposed porches on the front south east elevation replicate the porches on this elevation on the remainder of the pub. The design is considered to be of a high quality demonstrating a clear understanding of the characteristics of the site in accordance with DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

The proposed private amenity space is considered to reflect the size, location, floor space and orientation of the properties, with adequate levels of daylight, sunlight and privacy to private amenity space and principal windows. The rooms provided are of a suitable size with adequate storage space within the dwellings, in accordance with DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies). The minimum gross internal floor areas for two storey two bedroom dwellings with bed space for four persons is 79 square metres, as set out in the Governments Technical Housing Standards. In terms of dwelling sizes of the proposed units, the approximate gross internal floor space of unit 1 is 110 square metres, and for unit 2 is approximately 96 square metres, this far exceeds the national space standards.

There are no formal bin storage areas proposed to serve the dwellings, however both dwellings have private front and rear gardens with access to the highway for bin collection; it is considered there is sufficient private garden space for bin storage with appropriate access for taking bins to and from a bin collection point.

## **3. Parking and impacts on the local road network**

Policy DM8 of the local plan part three requires that a minimum of 1.7 parking spaces are provided per dwelling. The scheme proposes a total of four car parking spaces, providing two per dwelling. The spaces will be located on the south west elevation and will be parallel to the existing building and adjacent to the highway on land within the applicant's ownership. This area of land has historically been used as parking and does not impinge upon the safe usage of the highway or access to the neighbouring properties to the north due to the significant width of the road at this point.

In addition, access to the rear of the pub will be retained; the access road to the car park is within the ownership of the applicant with the residents of Ayshford Close having a right of way over this. There will be a path adjacent to the rear garden of unit 2, this will allow delivery vehicles in conjunction with the pub to park in the existing car park to the north east of the pub and access the rear of the pub building by foot to deliver goods; this is similar to the existing situation and will mean all delivery vehicles can park off the highway so as not to unacceptably impact upon the safe functioning of the highway in accordance with policies DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) and COR9 of the Mid Devon Core Strategy (Local Plan Part 1).

## **4. Impact on neighbours and the character and appearance of the area**

The Ayshford Arms is situated in the centre of Burlescombe village. It is approximately 5 miles west of Wellington and 4 miles from junction 27 on the M5. At present, the ground floor has a lawful use falling under Class A4 (public house) and at first floor has a lawful use falling under Class C3. There are a number of residential dwellings in the surrounding area along with a primary school, church and small industrial estate each with varied use classes. Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) designates Burlescombe as a village, and supports minor development proposals within villages and their defined settlements. The site subject to this application is within the settlement limit of Burlescombe, therefore there is broad policy support for new residential development. It is considered a sustainable location for the creation of two dwellinghouses due to the availability of local facilities. As such, the proposal is considered in accordance with COR17.

The proposed C3 dwellinghouse use is considered to be compatible with the surrounding land uses, which is predominantly residential. Although the dwellinghouses will be attached to a pub and in fairly close proximity to the railway line, Environmental Heath in their consultation response are satisfied that sufficient mitigation of any noise impact resulting from the public house can be provided using sound insulation. A detailed scheme of noise insulation measures will be required by way of condition; this is considered to be sufficient

mitigation when considering that the first floor area is already in residential use. Although the site is in close proximity to the railway, the first floor has already been used as residential accommodation (in connection with the pub). Due to this previous use, no objection is raised in terms of potential noise nuisance arising from the railway subject to the proposed condition.

It is not considered that the dwellings created will have an unacceptably adverse impact on the privacy or amenity of the occupants of neighbouring properties; despite the raised decking areas to the rear, due to the orientation of the dwellings any outlook above the proposed fencing will be onto the existing pub parking area, with limited views of the front already overlook garden areas of neighbouring dwellings located in this residential area. Moreover, the first floor of the pub is in a residential use at present, as such the building's conversion is not considered to result in an increased overlooking impact on the neighbouring properties, in accordance with policy DM2 Mid Devon Local Plan Part 3 (Development Management Policies).

## **5. Other considerations**

The site is not located within any designated landscape, is not a listed building and is located in flood zone 1. The proposed dwellinghouses will connect with the existing main sewer drainage for both foul and surface water drainage, it is considered acceptable to continue with the existing drainage management systems.

Burlescombe Footpath 1 runs adjacent to the south east boundary of the site; this right of way will remain intact as such, the proposal is not considered to impact upon the use of this footpath.

On Friday 28th November the Government announced changes to national planning guidance which had significant implications for the use of Section 106 planning obligations. The Government announced that Local Planning Authorities could no longer seek financial contributions via S106 agreements on sites that fall below a certain size threshold. This was within the settlement limits of Cullompton, Crediton and Tiverton - sites of 10 dwellings or fewer with a maximum combined gross floorspace of 1000sqm or less and all other parts of Mid Devon - sites of 5 dwellings or fewer. However, in light of the High Court judgement R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin) issued on the 31st of July 2015, paragraphs 012-023 of the guidance on planning obligations has been removed, as a consequence of this recent change generally contributions have been sought in line with the LPAs Allocations and Infrastructure Development Plan Document.

Policy AL/IN/3 of the AIDPD and the Supplementary Planning Document on the provision and funding of open space through development require a financial contribution towards the off-site provision of public open space and play areas as demand for these facilities is likely to increase with the provision of new dwellings. The applicant has agreed to pay a public open space contribution of £2,416 in accordance with this policy.

Consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £12,336.

There are no other material considerations to militate against the grant of planning permission and conditional approval is recommended.

## **CONDITIONS**

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



3. No development shall begin until a detailed scheme of noise insulation measures have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and retained and maintained thereafter.
4. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E, F, G relating to: the enlargement, improvement or other alteration to a dwellinghouse; additions or alterations to the roof of the dwellinghouse; porches; buildings incidental to the enjoyment of the dwellinghouse; hard surfaces incidental to the enjoyment of the dwellinghouse; chimneys and flues; of Schedule 2 Part 1, or Class A of Part 2 of Schedule 2, relating to gates, fencing, walls and other means of enclosure, shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the amenity of the occupiers of the proposed dwellings and to ensure the compatibility of the adjoining land use in accordance with policies.
4. To safeguard the visual amenities of the area and residential privacy and amenity of neighbouring residents in accordance with the Mid Devon Core Strategy (Local Plan Part 1) COR2 and the Mid Devon Local Plan Part 3 (Development Management Policies) DM2.

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

The proposed change of use of part of the ground floor from its existing use as a pub (Class A4) to create two dwellinghouses (Class C3) is not considered to result in the total loss of the community facility nor will it damage the settlement's ability to meet its day to day needs. Part of the pub will remain and will be capable of functioning as such. The design of the proposed dwellings reflects the traditional design and character of the existing building, and the dwellings provided are of an appropriate size with adequate private amenity space, bin storage and parking area. The proposed dwellinghouse use is considered compatible with the surrounding land uses subject to a condition requiring sound insulation mitigation details to be approved, to insulate noise from the pub; it is not considered that the dwellings created will have an unacceptably adverse impact on the privacy or amenity of the occupants of neighbouring properties. Overall the proposal is deemed to comply with policies COR2 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), policies DM2, DM8, DM14 and DM25 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 15/01422/FULL**

**Plans List No. 2**

**Grid Ref:** 302666 : 114116

**Applicant:** Mr J Cooney

**Location:** Land at NGR 302666 114116  
(West of Pault) Turnpike  
Sampford Peverell Devon

**Proposal:** Erection of 4 dwellings with  
garages and alterations to  
access (Revised Scheme)

**Date Valid:** 4th September 2015



## **Application No. 15/01422/FULL**

### **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement to secure the provision of affordable housing (Plot 1) grant permission with conditions.

### **CLLR MRS H BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

1. To consider the impact on the neighbouring properties.
2. To consider the highway impacts due to increased traffic movements as a result of the development.

### **PROPOSED DEVELOPMENT**

Erection of 4 dwellings including one affordable dwelling with garages and alterations to access (Revised Scheme) Land at NGR 302666 114116 (West of Paultet), Turnpike, Sampford Peverell. The site is to be accessed from cul-de-sac known as 'Paultet' where vehicular access has been retained between two dwellings. This application seeks full planning permission. Outline planning permission has previously been granted for 3 bungalows on the site. All 4 properties now proposed are designed to be single storey.

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

Submitted application forms and plans  
Planning Statement  
Ecological Appraisal  
Agent's letter dated 19th November 2015

### **PLANNING HISTORY**

12/00708/CAT Notification of intention to fell 3 Poplar trees within a Conservation Area - NOBJ  
12/01213/OUT Planning Outline for the erection of 3 bungalows - PERMIT  
15/01037/FULL Erection of 4 dwellings with garages and alterations to access - WDN

### **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  
COR12 - Development Focus  
COR17 - Villages

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

AL/DE/3 - Affordable Housing Site Target  
AL/IN/3 - Public Open Space

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes  
DM27 - Development affecting heritage assets

### **CONSULTATIONS**

#### **SAMPFORD PEVERELL PARISH COUNCIL - 17th November 2015**

In arriving at our comments, we have also met with local residents.

We consider that this application is now so different from the original submission that it, in effect, constitutes a new application. We feel it is a pity it has not been treated as such because finding the latest details in the long list of documents on the website is very difficult.

However, we continue to object to the application. We have commented in considerable detail before and most of those detailed objections continue to apply. In particular, we feel that the site is more suitable to three dwellings, as allowed for in the outline planning permission already granted, than to four. We do not accept that the incursion into the conservation area is either necessary or insignificant. We do not believe that the arrangements for dealing with refuse and recycling are adequate or acceptable.

#### **HIGHWAY AUTHORITY - 9th September 2015**

Observations:

The Local Planning Authority will be aware of the highway Authority's comments and conditions for the previous application, which are equally applicable and should be imposed on this application. Therefore the Highway Authority has no further observations to make.

Recommendation:

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

Highway Authority's comments on previous application 15/01037/FULL were as follows:

9th July 2015

The site has been subject to a number of pre application discussions and the Highway Authority are happy to accept the proposed development served from a private drive from a cul-de-sac road where the speed of traffic is slow and visibility splays from the existing access are in accordance with manual for streets and drawing 2206-PI-02 should be conditioned for parking turning and the turning head should be maintained free of obstruction and available to all dwellings at all times. The Highway Authority would recommend that the following conditions are also 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 site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway

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

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

REASON: In the interest of public safety and to prevent damage to the highway.

3. The garage/hardstanding and parking space required by this permission shall be provided in addition to and separate from the required turning space

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear

**SAMPFORD PEVERELL PARISH COUNCIL - 28th September 2015**

We note that this application differs in some respects from the previous one (15/01037/full). Nevertheless Sampford Peverell Parish Council continues to object to this application.

In arriving at this conclusion, we have conducted a site visit, heard views from neighbouring residents, and met in sub committee to discuss the proposed development.

We are still of the view that the application does not meet the requirements of DM2 of the Mid Devon Local Plan Part 3. It does not show a 'clear understanding of the characteristics of the site, its wider context and the surrounding area'. In particular, we consider that the proposal will 'have an unacceptably adverse effect on the privacy and amenity of - neighbouring properties - taking account of - siting, layout, scale and massing.' Two of the proposed properties are very large, considerably larger than dwellings in Paultet adjacent to the site, and none of the properties 'respect and complement the character of existing properties'. We believe that three low rise dwellings (as per outline planning permission already granted) is the absolute maximum that might meet those criteria.

As well as our general objection, we have some detailed points.

We are surprised that the Highway Authority, as quoted in the application, has said that access arrangements are likely to be satisfactory. Our site visit left us with considerable concerns about the safety of what is proposed. As previously noted, this development will probably have more than the average number of cars per dwelling. Traffic movements are therefore likely to be greater than suggested in the application. Any vehicle reversing into Paultet to allow another vehicle from the development to leave would cause a hazard to other motorists and pedestrians in Paultet. We note also that the junction between Higher Town and Blackdown View (into which Paultet feeds) already has problems with congestion, because of parked cars for example, and extra traffic is bound to exacerbate this.

The waste and recycling collection point is now at the development end of the access road. We wonder if the authority is prepared to collect waste and recycling that is so far from the main highway. The application states that residents' 'bins would be stored within the individual property curtilages' other than on collection days. However, as DM4 notes 'the long term behaviour of occupants with regard to waste management cannot be controlled by the planning system' and we believe that residents of the new development may well see the collection point as a permanent site for their bins. This could be very unpleasant for the owner of the property upon which the proposed collection point backs. We do not believe this arrangement to be sustainable as currently proposed.

DM7 covers the issue of pollution caused by any new development 'through noise, odour, light, air, water, land and other forms of pollution'. The area already has a problem with water run off at times of high rainfall. The water runs into neighbouring properties, especially that down the hill from the site, and onto the road in Turnpike. It seems to us inevitable that the introduction of a large amount of concrete and paving to the area will make matters worse by reducing natural water absorption. We note that plans have now changed to make use of the existing drainage system for both foul and surface water. We understand from residents that the system already has capacity problems. We would expect a proper assessment of the system's capability to cope with added volume before planning permission is considered.

DM27 deals with development affecting heritage assets. The residents of Sampford Peverell have always been clear about the need to protect our conservation area. The application rather dismisses the impact upon the conservation area of the proposed development as negligible. We disagree. We believe that to allow this sort of development to encroach upon the conservation area would set a very bad precedent.

The plans as submitted appear not to meet the full recommendations of the ecological report.

Finally, DM9 says that the 'Council will have regard to any up-to-date housing needs surveys'. Sampford Peverell Parish Council commissioned a housing needs survey, conducted for us by Devon Communities Together for The Devon Rural Housing Partnership, early this year. The report is still in draft, but shows the need for two types of housing in the village: affordable housing and smaller houses or bungalows to allow older residents to downsize. It is therefore very much to our regret that the initial application, to build three bungalows, was not pursued as that would more nearly meet local needs. No demand was shown for very large, very expensive dwellings.

As noted at the beginning, we continue to object to the application in its current form.

**ENVIRONMENTAL HEALTH - 21st September 2015**

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions:

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

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

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - No comment

Health and Safety - No objections

**HIGHWAY AUTHORITY - 5th October 2015**

No comments.

**REPRESENTATIONS**

Fourteen objections have been received in relation to this application, they are summarised as follows:

- Pleading to see the development has been scaled down to a sensible scale more in keeping with the local area
- Scheme 25% larger than originally permitted and the buildings have larger footprints, increasing the traffic and servicing needs from the previous permission.
- 3 low rise dwellings considered the maximum appropriate on the site.
- Narrow one way traffic site access, difficult for emergency vehicles to get through, and does not meet with Building Regulations for fire and emergency services. Access road falls below the 3.7m minimum width normally required for fire service vehicles. No consultation with the Fire and Rescue Authority. The junction with Paulett will be 5 way, limited visibility for vehicles reversing out of the site, vehicles will be blind to anyone exiting the driveway of 14 Paulett, concern over safety. Access unsafe for cyclists and pedestrians, no footpaths or cycle paths proposed
- Site plan misleading regarding separation distances between properties as rear conservatories of existing properties not correctly included
- Unnecessary and inappropriate use of Conservation Area land. Land area increased from the outline permission to include conservation area land, no public interest justification for the use of this land. The Conservation Area should be protected.
- Scheme does not understand the characteristics of the site, its wider context or the surrounding area contrary to policy.
- Concern about bats using the building to be demolished, bats frequently observed.

- Need for a sustainable urban drainage system rather than use of mains sewer which has capacity issues. Also current issues of surface water drainage from existing site into dwelling curtilages, development likely to worsen this
- Sewer capacity issues
- Ecology concerns, use of close board fencing will prohibit movement by small mammals
- Boundary fencing will cause overshadowing due to proposed site being significantly higher than the existing dwellings
- Lack of commitment to biodiversity concerns, no biodiverse planting in accordance with recommendations of ecology report. Need to condition recommendations of ecology report.
- Lack of consultation by developer with neighbours/locals
- Proposal doesn't meet housing needs within the parish
- Loss of light to existing properties and an unacceptably adverse impact on the privacy.
- No incorporation of sustainable features such as solar panels or heat pumps
- 12 parking spaces insufficient, overflow parking will be on street in Paulett and other local roads already under pressure.
- Additional vehicle movements will add pressure to blind junction at Blackdown View and the narrow road at Higher Town
- Need details on waste disposal and bin storage, concerns about collection from highway, proposal seems inadequate, 5 way junction inappropriate for refuse collection, further impairing visibility for road users. Long walk to entrance with bins inappropriate for residents of proposed bungalows unsuitable.
- The assembly of refuse and recycling items will compromise the attractive looks of a pleasant residential area. There might be 16-25 boxed or sacks left somewhere on the pavement, in addition to the waste that existing houses put out. They might block visibility splays
- Considerable disruption during construction period, need to condition and enforce a construction management plan
- Inappropriate application for the site, maximising return and burdening locals.
- Plots 3 and 4 are not offset from the existing properties at 14 and 15 Paulett with no viewing corridor, the ridge height of the proposed properties remains excessively high.
- The ground level of plot 3 should be reduced by 1 metre
- Issue with separation distances between properties
- Development will have an unacceptably adverse impact on the privacy and amenity of neighbouring properties contrary to policy, will overshadow and will be overbearing.
- Proposed dwellings much larger than surrounding dwellings
- The position of the Conservation Area land incorporated into the 2015 planning application is very difficult to identify from the applicant's planning statement.
- The footpath beside the access road will be approximately 0.6m wide. Is the developer required to ensure that any footpath provides safe access for the disabled even though it is to be unadopted?
- No visibility splays are shown on the applicant's plans and there is no effective indication of the vegetation, low walls, fences etc at each end of the access road. The visibility fails to meet the standards in Manual for Streets as shrubs block the view to the left and right.
- Cars reversing from the access road onto Paulett at a point where 3 driveways already meet at a road junction.
- DCC need passing bays on drives longer than 25m. The fact that DCC require such spaces makes me wonder why the proposed unadopted access (which is 32m long) can be allowed without such passing places. There is no space for them.
- The builder has given his street address as Turnpike so we can't understand why the entrance and exit is in Paulett

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main determining factors in this application are:

- 1) **Policy;**
- 2) **Planning history;**
- 3) **Impact on neighbours and the living conditions of the occupiers of the proposed dwellings;**
- 4) **Impact on character and appearance of the area, including the setting of the Conservation Area;**
- 5) **Highway safety;**
- 6) **Ecology;**
- 7) **S106 contributions;**
- 8) **Local finance considerations; and**
- 9) **Other matters raised by interested parties.**

### **1) Policy**

The National Planning Policy Framework (NPPF) states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. Broadly speaking, in relation to this current proposal the Development Plan is in general compliance with the NPPF and so full weight is given to the relevant policies produced by Mid Devon District Council.

The site is located within the settlement limit of Sampford Peverell where policies COR1 and COR17 seek to encourage development in locations which are sustainable. COR17 lists Sampford Peverell as a settlement with sufficient facilities to be a village where small scale development will be permitted. Therefore the principle of residential development within the settlement limits, as in this case, is acceptable.

Other relevant policies include Policy DM14 (design of housing), DM15 (dwelling sizes) and DM8 (parking). DM14 looks for dwellings with suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage. Whilst DM15 seeks that a 3 bedroom property must exceed 57-67 sq. m., this is superseded by the more recently published 'Technical Housing Standards'. This seeks that a 3 bedroomed (6 person) 1 storey dwelling should exceed 95 sq m. The proposed dwellings exceed these minimum requirements.

The proposal must not adversely affect the safe functioning of the highway and provides appropriate parking facilities in line with policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM8.

All new dwellings are subject to the necessary infrastructure payments relating to Public Open Space as required by policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

This proposal is therefore in line with the general policies for small scale development in villages. Design and impact on the amenity of residents are covered separately below.

### **2) Planning history;**

In February 2013, outline planning permission was granted for the erection of 3 bungalows on a smaller version of this site (a barn to the north of the site was not within the site area) under planning permission reference number 12/01213/OUT. The reserved matters must be submitted before February 2016. This outline permission is therefore still live in that it is capable of being implemented if reserved matters permission was granted.

Since that time, there has been no significant change in planning policy. Development Management Policies were submitted for Examination in 2013 and have since been adopted. Therefore, there is no



significant change in the Development Plan between the grant of that permission and the current proposal.

### **3) Impact on neighbours and the living conditions of the occupiers of the proposed dwellings**

Amended plans submitted on 19th November revise the design of plots 1, 3 and 4. The revision to Plots 1 and 4 include primarily internal alterations and the scale and external appearance of these dwellings remain unchanged.

The revised design for Plot 3 addresses the Council's previously expressed concerns with regard to the design, the use of space within the property and the size of the rear garden. These concerns for the living conditions of the occupiers of the proposed dwellings have now been satisfied. Overall, the proposed development allows for adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows so that the living conditions of the proposed occupiers are sufficient.

Concern has been raised that the site plan does not include all details of conservatories that have been built on the rear elevations of a number of properties on Paultet. Whilst on site, the Planning Officer has noted the position of those additions in relation to the boundary of site.

Plot 1 is the closest building to existing dwellings. The gable of the proposed garage faces the rear elevation of No 13 Paultet. The gable of the garage is some 2.4m from the boundary. This gable has no windows in it and is some 2.3m to eaves and 4.5m to the ridge. This gable is 6.3m wide in an outlook width of some 8.5m from the rear of that property and is not considered to be an overbearing or intrusive feature within that outlook.

In addition, the only window of Plot 1 facing towards the rear No's 13 and 12 is the living room window which is some 15.6m from the boundary with those rear gardens. There is sufficient distance between this window and those on the rear elevations of those properties, together with sufficient boundary treatment to consider that Plot 1 does not have a detrimental impact on the privacy of the occupiers of those properties.

Plot 1 is approximately South West of the rear of No 13 and more westerly to No 12. Whilst this juxtaposition is likely to throw a shadow towards the properties on Paultet, due to the proposed height, finished floor levels, boundary treatment and distance involved, the shadow cast is unlikely to be significant or detrimental to the living conditions of the occupants of those properties to an unreasonable degree.

The relationships between Plots 3 and 4 and Nos.14 and 15 Paultet are more distant. The front façade of Plot 4 is some 20m from the boundary of the site. Whilst the garage of Plot 3 is more forward than its main façade, there is still sufficient distance between the proposed Plots 3 and 4 and the existing dwellings so as to not significantly affect privacy or other living conditions.

Some concern has been expressed that the boundary fencing will cause overshadowing due to proposed site being significantly higher than the existing dwellings. This has since been revised to address the concerns of the neighbours; the north eastern boundary between the site and Paultet will be hedgerow to an approximate height of 1.3 metres, the wooden fenced boundary treatment that exists at present will remain, the south east boundary of the site between Paultet and the rear gardens of Plots 1 and 2 will be new 1.8m close boarded timber fences. The boundary between the proposed properties will be 1.8m close boarded timber fences adjacent to the dwellinghouses for privacy, and will be hedgerow between the rear gardens. Notwithstanding what might be proposed as part of this application, a householder could erect a 2m high fence or wall in such locations without the benefit of planning permission. In any case, some of the fence is to the north of No 9 Turnpike and therefore would be unlikely to cast a shadow, whilst that to the west will cast as shadow at the end of the day.

Indeed, other concerns extended to the loss of light to existing properties. For the reasons outlined above, the proposed single storey dwellings in the format shown on the proposed plans are not considered to significantly affect outlook, light, sunlight, privacy or other living conditions of the occupiers of nearby properties.

Concern has been raised that the construction of the proposed development would cause disruption to

nearby residents. It is agreed that a condition should be imposed to provide details of the Construction Management, to include permissible working hours.

One representation notes that 'Plots 3 and 4 are not offset from the existing properties at 14 and 15 Paulett with no viewing corridor, the ridge height of the proposed properties remains excessively high.' Whilst it is within the remit of the LPA to ensure that proposed development does not have an adverse impact on the outlook of properties, it is not within the remit to protect private views over other land. The LPA does not share objector's views that the ground levels are not sufficiently low and that the ridge height of these proposed dwellings are excessively high, the ridge height of the proposed dwelling on plot 3 is 3.2 metres lower than the ridge height of the existing adjacent dwelling number 14. The ridge height of plot 4 is 0.55 metres lower than the ridge height of the dwelling at number 15.

In drawing this conclusion, the LPA has carefully considered the cross-sections submitted with the application and the illustrative sketch submitted as part of the 2013 application indicating a ridge height of 6.3m above existing ground level (the proposed ridge heights for Plots 1, 3 and 4 is 5.2m and 4.9m for Plot 2).

Previously, it was considered that the movements associated with 3 dwellings would not have an adverse impact on the living conditions of the residents of Paulett. In this instance, the proposed plans indicate one additional dwelling on the site. The LPA have considered the additional movements associated with an additional dwelling and do not consider that they are significantly different over and above what already has the benefit of planning permission.

Therefore, the proposal is considered to be in accordance with the requirement of new housing set out in Policy DM2 and DM14.

#### **4) Impact on character and appearance of the area, including the setting of the Conservation Area**

Interested parties note that the proposed dwellings are much larger than surrounding dwellings. Whilst this might be the case in terms of footprint on the ground, in that they are single storey dwellings, the habitable floorspace provided is likely to be less than the floorspace provided in a number of extended nearby 2 storey dwellings. In any case, the locality exhibits a range of dwelling sizes and the proposed dwellings would not be at odds with this character.

In considering proposed development affecting a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance. National policy guidance set out in the NPPF confirms the great weight in favour of the conservation of 'designated heritage assets', such as Conservation Areas.

A modest part of the north west corner of the site is within the Conservation Area and the remainder of the rest of the northern boundary is immediately adjacent to it. Paulett and the property to the south are not within the Conservation Area.

The particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification. The NPPF advises that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within Conservation Areas and within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The character and appearance of the Sampford Peverell Conservation Area is well set out in the Council's Character Appraisal published in 2008. The site is within the Higher Town area of the village. Importantly, the Conservation Area Appraisal does not note the site as being a visually important space. It is not within the archaeologically sensitive area or historic core. There are no features of special importance on the site,

nor are there any important short or long distance views into or out of the Conservation Area across the site. There are no important unlisted buildings adjacent to the site.

The proposed site is seen primarily in the context of the more modern properties of Poullet and No 9 Turnpike, rather than the more traditional dwellings and features of Higher Town. The Conservation Area Appraisal does not consider this site to be of great importance in the character and appearance of the Conservation Area. The site does provide part of the rural setting to a small part of the westernmost part of the Conservation Area; however, it does not create a significant feature in this setting.

The Mid Devon District Council Conservation Officer has raised no objection to the proposal. To this end, it can reasonably be concluded that the proposed use of the site in the manner proposed does change the character and appearance of the small part of the site that is within the Conservation Area. However, this effect is considered to be less than substantial in NPPF terms. In weighing the impact of the proposed development, that judgment would rely on first weighing benefits of a particular proposal against harm, in accordance with the statutory duty and NPPF guidance. Where, as here, the overall level of harm has been rated as 'less than substantial', the guidance of paragraph 134 of the NPPF is that the harm should be weighed against the proposal's public benefits. In this instance, the public benefits would primarily comprise the provision of good quality new housing, including one affordable dwelling, some public benefit through the investment in new construction and the employment it would provide, together with the New Homes Bonus.

These benefits are modest. On the other hand, the proposal's adverse lasting impacts on the character and appearance of the Conservation Area are minimal. Therefore, in the light of the considerable importance and weight to be given to the desirability of preserving the character and appearance of Conservation Areas, the adverse impacts in this instance would not significantly and demonstrably outweigh the benefits of the proposal.

## **5) Highway Safety**

A number of concerns have been expressed by interested parties in regard to the length and width of the proposed access and its ultimate additional loading of the junction with Poullet and Blackdown View/Higher Town. However, as technical advisors to the Council, the Highway Authority has raised no concern with the detail of the application. Indeed, the site has been subject to a number of pre application discussions. The Highway Authority are happy to accept the proposed development served from a private drive from a cul-de-sac road where the speed of traffic is slow and visibility splays from the existing access are in accordance with Manual for Streets.

It is proposed to condition that the development is carried out in accordance with drawing 2206-PI-02 and that parking, turning and the turning head should be maintained free of obstruction and available to all dwellings at all times. Other conditions are to be included.

Interested parties are concerned that the proposed development does not accommodate sufficient parking of each dwelling and its visitors. Whilst the Council do not consider garage spaces to be dedicated parking spaces, there are 3 parking spaces proposed for each dwelling in addition to a double sized garage. This surpasses the requirement of Policy DM8, which seeks a minimum of 1.7 spaces per dwelling.

In addition, concern has been raised that the width of the proposed access is not sufficient for fire-fighting facilities. It is understood that a minimum width of access road for a pumping appliance is 3.7m, matching the width of the proposed access.

In the absence of any support from the Highways Authority to refuse the application on highway safety grounds, the proposed development accords with the requirements of Policy COR9.

## **6) Ecology**

The majority of the site is semi-improved grassland. The field has been historically subject to management resulting in it being dominated by cultivated grass species and thus has low ecological appeal. However, the site is considered to be a suitable habitat for commoner species of reptile, particularly slow worm, as well as supporting nesting birds.

However, interested parties raise concern about bats using the building to be demolished. This building has been assessed by an ecologist who has noted that it is not considered to be suitable for roosting bats. Whilst bats may have been observed on the site by interested parties, the site is not optimal bat foraging habitat. It is the well-established hedgerow network that links into the wider environment that is likely to have resulted in the presence of a number of species of bat frequenting the site and its close environs.

In response to concerns raised by interested parties and the recommendations of the report, the applicant has removed the proposed fence along the boundary with Paullet, the fencing to the rear of the site bounding agricultural land will remain as existing with a 1.5 metre post and rail fence, in addition the boundary treatment between the rear gardens of the dwellings is not proposed to be hedgerow, with 1.8 timber close boarded fencing only between the dwellings so as to allow for the free movement of terrestrial moving species. The amended plans show a species rich hedgerow, to consist of: 25% Hazel, 25% Field Maple, 20% Holly, 10% Guelder Rose and 10% Broom. The new trees and hedgerows will provide compensatory bird nesting habitat.

The independent ecological appraisal submitted with the application recommends a number of ecological mitigation measures. This includes that prior to the commencement of works a reptile mitigation strategy shall be implemented as part of the site clearance works, the population size will need to be assessed by a pre-commencement reptile survey to guide the appropriate mitigation works. It is proposed to impose an appropriate condition to seek the implementation of all of these ecological recommendations, and will be dealt with in this manner due to there being an existing outline approval capable of implementation that does not stipulate an ecological mitigation or survey requirements. All works must be undertaken in accordance with the relevant legislation (Wildlife and Countryside Act 1981 and the amended Conservation of Habitats Species Regulations 2010).

#### **7) S106 contributions**

Affordable housing has been sought in line with Policy AL/DE/3, which sets out that for rural sites of four dwellings the affordable target is one dwelling. The applicant proposes to provide one affordable dwelling on site (Plot 1), to be sold to a registered social landlord or appropriate managing organisation, subject to the finalisation and signing of a S106 agreement.

Policy AL/IN/3 of the AIDPD concerns requirements for the provision of public open space and play areas that apply to all new residential development. The supplementary planning document entitled "The Provision and funding of Open Space through Development" sets out the level of contribution required to meet this increased demand on public services. The applicant has met this financial obligation through the signing of a Unilateral Agreement under Section 106 Agreement. The provision of this contribution is deemed to be compliant with the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010.

#### **8) Local finance considerations**

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £18,504. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

#### **9) Other matters raised by interested parties**

Interested parties raise concern with the drainage of the site, desiring the need for a sustainable urban drainage system rather than use of mains sewer which they believe has capacity issues. In addition, they are concerned that the current issues of surface water drainage from existing site into dwelling curtilages will worsen. In response, the applicant has instructed a drainage engineer to prepare a Surface Water Drainage Strategy, proposing a means to discharge surface water to ground within the site using Sustainable Urban

Drainage techniques, final details are awaited and will be agreed prior to any approval.

The applicant is criticised, by objections, for forwarding development that does not meet housing need. The Parish Council notes that the draft Housing Need report suggests that the Parish needs affordable housing and smaller houses or bungalows to allow older residents to downsize. They lament that the outline application to build three bungalows, was not pursued as that would more nearly meet local needs. However, those application forms indicate that those dwellings were likely to have been 4+ bedrooms. The application has been revised from 2x 3bedroomed and 2 x 4 bedroomed properties to 4 x 3 bedroomed properties. The Sampford Peverell Housing Needs Report from April 2015 identifies a need for 9 affordable homes within the next 5 years, with 44% of older residents that wish to move stating this was to downsize to smaller more manageable homes; in addition there is a recognised current need for a three bedroom affordable dwelling, which this scheme proposes to provide.

In accordance with advice from the Council's Waste and Transport Manager, residents of the proposed dwellings will take their bins and recycling boxes to the highway at Pullet for collection, it has been advised that it is not possible to collect the bins elsewhere on the site. As such, no dedicated bin storage area has been provided, as the bins will not be collected from such an area. There is sufficient space within the dwelling curtilages for bins to be stored outside of collection time. Although concerns have been raised about the appropriateness of bin collection from the highway, and the distance between the dwellings and the highway for bin movements, this would have been the case for the three dwellings granted permission under application 12/01213/OUT, this permission could still be implemented; the increase of one extra set of bins from the additional dwelling is not considered to be material.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) hours during which delivery and construction traffic will travel to and from the site;
  - (d) 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;
  - (e) hours during which no construction traffic will be present at the site;
  - (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (g) details of wheel washing facilities and road sweeping obligations
  - (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (i) Details of the amount and location of construction worker parking.Works shall be carried out in accordance with the approved CMP.
4. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof) in accordance with the approved details, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

5. Prior to the commencement of any other part of the development hereby approved, the site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.
6. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the long term management and maintenance plans for the SUDS scheme, have been submitted to and approved in writing by the Local Planning Authority. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway. Once agreed, the development shall proceed in accordance with the approved scheme, which shall be fully operational before any of the proposed dwellings are first occupied, and shall be permanently retained and maintained in accordance with the approved details.
7. Prior to their use on site, samples of the materials to be used for all the external surfaces of the building and retaining walls shall have been submitted to and approved in writing by the Local Planning Authority. Materials shall be in accordance with the approved details.
8. No part of the development hereby approved shall be brought into its intended use until the access driveway, turning areas and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall be retained for that purpose at all times.
9. The garage/hardstanding and parking spaces required by this permission shall be provided in addition to and separate from the required turning space, and shall be retained for such purposes at all times.
10. The development shall be carried out in accordance with the recommendations set out in Section 4 of the 'Ecological Appraisal' prepared by Crossman Associates dated 26th August 2015 and received by the Local Planning Authority on the 4th of September 2015.
11. 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 Mondays to Fridays and 0730 to 1300 on Saturdays.
12. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of the house (including the installation of new windows or doors or the replacement of existing windows and doors), alterations to the roof of the dwellinghouse, the erection or construction of a porch outside any external door, or the erection construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure on the dwelling or within the dwelling curtilage without the Local Planning Authority first granting planning permission.

## **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 and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To prevent mud and other debris being carried on to the public highway.

6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that there are appropriate measures in place to deal with surface water drainage before construction begin in order to prevent increased risk of flooding in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).
8. To ensure that adequate facilities are available for the traffic attracted to the site.
9. To ensure that vehicles parked on the site are able to enter and leave in forward gear.
10. To limit the impact of the development on any protected species which may be present.
11. To safeguard the amenity of the occupants of neighbouring properties in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
12. To safeguard the visual amenities and the character and appearance of the area and, the amenity of the occupiers of neighbouring properties and the ecological interests present at the site in accordance with Mid Devon Core Strategy (Local Plan 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) Policies DM2 and DM27.

#### **INFORMATIVE NOTES**

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).
2. Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.

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

The proposal is acceptable. The site is within the defined settlement limit of Sampford Peverell where small scale development is permitted. It is considered that the proposed development will be at a density compatible with its surroundings and will provide a reasonable contribution to the housing stock of that settlement and the District. This proposal will reasonably complement the appearance of the street scene and be sympathetic in terms of the relationship with the adjoining buildings. The juxtaposition with existing nearby residential development is considered to be such that no significant impact in terms of harming privacy or other living conditions of those neighbouring properties. Adequate on-site parking and vehicle manoeuvring facilities with access thereto can be provided to serve this proposal. The benefit of the creation of dwellings is not overcome by the potential for less than significant harm identified to the character and appearance of the Conservation Area. Specific conditions are proposed to deal with the highway and movement issues. Other conditions are proposed to deal with specific design issues and to seek the implementation of the ecology recommendations suggested in the Ecological Appraisal. Therefore, in light of the above, there is no policy conflict and the impact of the proposed development is considered to be within acceptable ranges. There are no highway objections and a public open space contribution has been made. There are no other material considerations that would indicate that planning permission should not be granted in accordance with the development plan; the proposal is in accordance, therefore, with Policies COR1, COR2, COR3, COR8, COR9 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/3 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), together with Policies DM2, DM8, DM14, DM15 and DM27 of Local Plan Part 3 (Development Management Policies) and the Technical Housing Standards.





**Application No. 15/01439/FULL**

**Plans List No. 3**

**Grid Ref:** 280076 : 111842

**Applicant:** Mr & Mrs P Kingsland

**Location:** Westcott Barn Witheridge Tiverton  
Devon

**Proposal:** Removal of Conditions 7, 9 and 10  
of Planning Permission  
06/02131/FULL to allow the Class  
B1 Unit to be incorporated into the  
main residential accommodation

**Date Valid:** 7th September 2015



## **Application No. 15/01439/FULL**

### **RECOMMENDATION**

Refuse permission.

### **COUNCILLOR MRS M SQUIRES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider whether given the remoteness of this location, B1 use is sustainable. It has been tried previously and found not to be viable.

### **PROPOSED DEVELOPMENT**

Application 06/02131/FULL was approved for the conversion of redundant barns to a live/work unit in connection with Westcott Barn. The site lies approx. 2.4 kms (1.5 miles) south of Witheridge in a remote countryside location; access is via a long , narrow, private lane/trackway (Westcott Lane), leading off from the B3042 to the north. This lane forms a shared access; it also serves the existing former farmhouse (sited to the east of the barn complex), and a more modern single storey dwelling, sited to its north.

The site is south-facing on a gentle slope and has previously formed a typical and attractive 3-sided open-courtyard arrangement of traditional Devon stone and cob-walled barns with open linhay arrangements formed by old timber posts. The buildings were subsequently converted to form a single live/ work unit following the granting of the above consent. Although some works remain still to be completed to the western range of barns, the domestic wing ('live') and B1 office/light industrial use ('work' ) elements have been completed, and retain the essential traditional vernacular character of these buildings. The approved scheme itself formed a revised scheme following an earlier 'live/work' application (under 04/01536/FULL): the scheme subsequently approved under 06/02131/FULL involved a slight reduction in the area of the proposed 'work' unit to be created. The revised scheme has resulted in the creation of a distinct office suite element within the former east linhay wing and this variation was aimed at making the units more functionally 'workable': the 'work' element thus would have its own separate entrance for the use of visitors and deliveries.

The application was approved on 11th December 2006, with 15 conditions.

Condition 7 required that:

"the individual work unit hereby approved shall be completed and available for occupation and B1 use prior to the first occupation of the residential unit to which it relates"

Reason for Condition: 'The Local Planning Authority wishes to ensure that the workspace component of the development is available for use prior to the first occupation of the dwelling to which it relates, in the interests of sustainable rural employment development'

Condition 9 required that:

"the proposed work unit (east linhay building) shall be used for B1 Use Class purposes only and for no other purposes (including any purpose in Class B8 of the schedule to the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to the class in any statutory instrument revoking and revoking that Order with or without modification";

Reason for Condition: "Given the isolated rural location of the development and the character of the approach roads , traffic generation needs to be kept to a minimum and a more intensive use is likely to generate greater volumes of traffic"

Condition 10 required that:

"The area separately indicated as a business work unit ('office suite') on the approved drawings shall be permanently retained for B1 uses only , in connection with and ancillary to , the occupation of the dwelling to which it relates and shall not be used for additional residential accommodation to be let, sold or otherwise occupied independently to the dwelling"

Reason for Condition: "Development plan policy seeks to ensure that where possible economic uses (including live/work) are found for redundant buildings in favour of wholly residential properties. Consequently, the LPA would wish to ensure that an appropriate economic use of the building is retained".

## **APPLICANT'S SUPPORTING INFORMATION**

Statement from Agent - received 7th September 2015  
Separate letter from Helmores (Estate Agents) - received 13th October 2015

## **PLANNING HISTORY**

03/00323/FULL Conversion of redundant agricultural buildings to 1 no.dwelling with associated residential curtilage and alterations to highway junction - Application Withdrawn.  
04/01536/FULL - Conversion of rural buildings to a dwelling, restoration and conversion of linhay to workshop, additional access, alterations to highway junction- PERMITTED  
06/02131/FULL Conversion of redundant barns to live/work unit - PERMITTED  
06/02131/FULL/NMA Conversion of redundant barns to live/work unit - NON MATERIAL AMENDMENT - REFUSED DECEMBER 2009

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM11 - Conversion of rural buildings  
DM20 - Rural employment development  
DM21 - Protection of employment land

## **CONSULTATIONS**

**MDDC ECONOMIC DEVELOPMENT MANAGER** - 25th November 2015 - This is a live /work unit for which the work part was appropriately designed and laid out and indeed I believe was used by the owners for such commercial purposes. Whilst it is accepted that the current owners do not require the work part of the building and are applying for a change of use to allow them to use the work unit as a domestic use extension, the letter from the Agent now implies that the change of use is required to facilitate the sale of the premises.

If the real purpose of the application is to facilitate the sale of the barn, then I am of the opinion that the lack of commercial interest in the building for Live/Work purposes needs to be better demonstrated by the results of a suitable marketing exercise.

Whilst I am not aware of any current demand for such premises in this area of Mid Devon, this should be tested in the market in advance of removing of the work conditions of the Planning Consent.

**HIGHWAY AUTHORITY** - 16th September 2015 - Standing advice applies.

**THELBRIDGE PARISH COUNCIL** - 25th November 2015 - No comments received at the time of writing this report.

## **REPRESENTATIONS**

The application has been the subject of standard publicity procedures, including erection of site notice, press advertisement in 'The Mid Devon Star' free newspaper and via Mid Devon District Council website. There have been no third party letters of representation received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Section 73 of the Town & Country Planning Act 1990 allows developers to apply to vary or remove one or more conditions attached to a planning permission. S73 applications, if approved, result in the grant of a new planning permission: the result therefore is new standalone permission, and the outcome is therefore the same as if the developer had submitted a new planning application. The Local Planning Authority is not required to re-address the principle of a development since that is not at issue: the application is however required to be considered on its merits having regard to current relevant policies and other material considerations.

The application relates specifically to the removal of 3 conditions which presently require that the former east linhay building remains as a B1/work unit. The present proposals do not change the overall look or dimensions of the buildings nor do they affect the setting of the converted buildings.

By way of background, the conditions were applied at a time when previous Development Plan policies adopted a more restrictive policy approach towards the conversion of new dwellings in the countryside by means of such traditional barn conversion schemes, but which allowed for such schemes where related to employment generating uses.

Live/work units such as this one were accordingly allowed on the basis that they might bring positive benefit to the rural economy of the area. The concept is one which has been variously tested in many rural areas, including Mid Devon (planning data base indicates some 164 'live/work 'type applications since 2004). There are various definitions of what such units actually are: essentially they represent a combination of living and working space in a single accommodation unit (converted or new build), and have been regarded as being one step further from more limited types of homeworking in terms of the expected nature and intensity of the work use: i.e. business use is expected to be more intensive in nature and therefore subject to planning controls, to form a more fully integrated mixed use within the unit.

Alongside the growing trend for self-employment it has been generally recognised that there is an increase in people choosing to work from home. Recent Office of National Statistics (ONS) figures point to there being some 4.2m home workers nationwide, equating to nearly 14% of the working population. This is understood to represent the highest number of home workers since comparable records began in 1998. Whilst some reports stereotype the live/work concept as an 'urban' one, this has been shown not to necessarily be the case: the Government Taylor Report into the Rural Economy and Affordable Housing of recent years for instance has strongly supported the references to the opportunities presented by 'rural live/work' development, directly addressing "dedicated live/work and rural business hubs". Given expected increased access to rural high speed broadband and an increasing policy focus on the diversification of the rural economy, the countryside is very well placed to take advantage of the growing trend in what has been termed 'home-based entrepreneurialism', and there are clearly advantages in terms of work/life balance, sustainability and quality of location etc.. A central plank of the Government's National Planning Policy Framework (NPPF) is to support a prosperous rural economy (Section 3).

Other reports have pointed towards possible opportunities in terms of workshop space to cater for trades, crafts or studio space etc. to accommodate other professional services such as IT, design and architecture etc.

The former Mid Devon Local Plan Policy, as in effect during 2006, has now been superseded by the approved Mid Devon Core Strategy (Local Plan part 1) and the Local Plan Part 3 (Development Management Policies) 2013 (LP3), and the National Planning Policy Framework (2012).

COR18 of the adopted Core Strategy controls development in the open countryside, and allows certain types of development, and allows certain types of development on a restricted basis.

Policy DM11 of the LP3/DMP (adopted October 2013) has now adopted a more wide-ranging approach towards schemes involving conversion of rural buildings. The policy establishes the following tests against which any new applications should now be assessed; such conversion schemes are to be allowed where:

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

DM20 - Rural employment development: the policy recognises the importance of retaining and providing rural employment opportunities outside settlement limits as a means of ensuring a diverse and healthy rural economy. Policy COR18 looks to promote sustainable diversification of the rural economy.

DM21 - Protection of employment land: this policy provides that the application for non-employment use or development of employment land or buildings will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. The policy requirements are essentially that applicants need to demonstrate that there is no commercial interest in the use/re-use of the site for employment purposes, and generally the LPA would look for an 18 month period of marketing to test the local market.

In this case, the applicant has provided evidence in the form of a statement by the Agent noting that:

- Initially the work unit was used as an office base for the applicant's cake baking/chocolates business and was the administrative satellite office for the applicant's employer, Icomera Ltd.
- That in 2008 the Company, Icomera UK, relocated its HQ to Sittingbourne in Kent.
- That during 2010/11, due to economic circumstances, the applicant was subsequently forced to close her own small business.
- That this has resulted in the B1/work unit becoming redundant and unused.

It is further stated that the intention of the application is to allow for the full residential/C3 use of the present 'work' element. The 'work' section would provide more domestic/family space and also allow for use by overnight guests. Concerns are also raised by the applicants that the B1 office/light industrial work unit will devalue the property in any future sale. No building operations or other physical changes are proposed.

The agent has provided further information, via local Estate Agents (Helmores) that state that there is a restricted market for this type of (live/work) property, and that the conditions would hamper the sale of the property on the open market. The supporting letter implies that the proposed change of use to allow for unrestricted residential C3 use is required to facilitate the sale of the premises. However (it is unclear whether the applicant is currently actively looking to sell the property at this stage.

In considering the application against this background, regard has been paid to the comments received from the Council's Economic Development Manager. Concerns are expressed at the lack of an adequate testing of the likely market demand for any further work-related/employment uses in this location.

Whilst in this case it is acknowledged that the office/work unit space as approved, is likely to have the benefit of a relatively specialist market (given its size and the extent to which it is linked to the residential accommodation) it is also considered that there is potential for a growing demand for such units over time, given improving IT technology and other changes. To therefore lift the conditions relating to the 'work' unit, at this juncture, without first testing that market (as required by policy) would therefore seem premature in this

instance. The application is therefore recommended for refusal as it has not demonstrated that there is no reasonable prospect of the site continuing to be used for business purposes.

## **REASON FOR REFUSAL**

1. The proposed development is located outside settlement limits in the open countryside where new development is strictly controlled. The application has not addressed and does not meet the requirements of policy DM21 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seeks to retain and provide rural employment opportunities outside settlement limits as a means of ensuring a healthy rural economy. The proposal has not demonstrated that there is no reasonable prospect of the site continuing to be used for business purposes. As such the proposal is considered to be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM21 of the Mid Devon Local Plan Part 3 (Development Management Policies).

**Application No. 15/01496/FULL**

**Plans List No. 4**

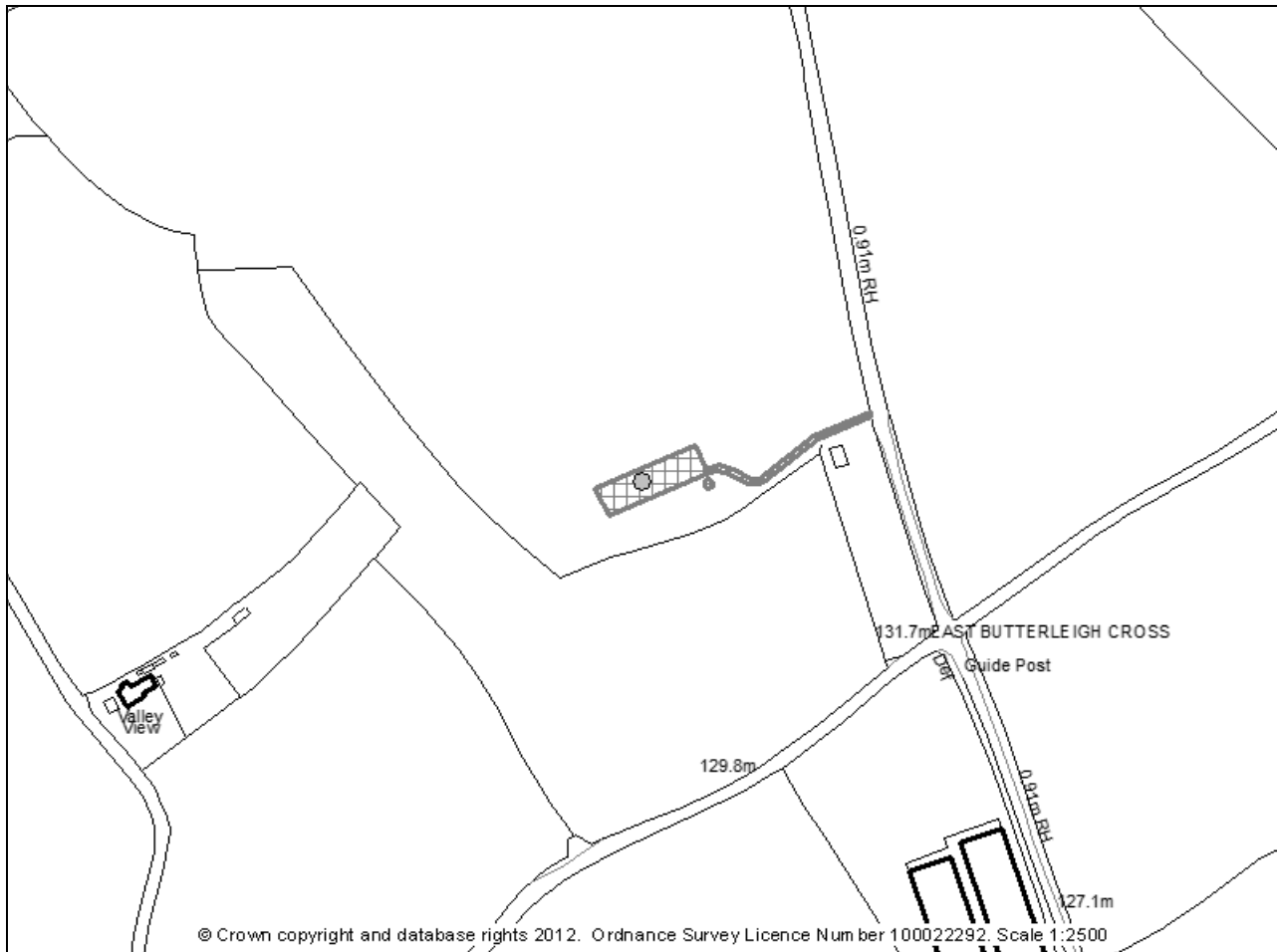
**Grid Ref:** 297741 : 108766

**Applicant:** NW & SM Baker

**Location:** Land and Buildings at  
NGR 297741 108766  
(East Butterleigh  
Cross) Cullompton  
Devon

**Proposal:** Erection of a poultry  
house and feed bin  
and construction of  
access track

**Date Valid:** 24th September 2015



## **Application No. 15/01496/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR MRS R BERRY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider the impacts of the chicken shed on local residents in terms of smell and nuisance.

### **PROPOSED DEVELOPMENT**

This application relates to the construction of a poultry building on land to the north of East Butterleigh Cross. The site contains an existing agricultural shed used for the storage of hay. The nearest residential dwelling to the application is 198metres to the west (Valley View), and there are further residential dwellings approximately 400 metres to the east (East Butterleigh), and 410 metres to the west (Butterleigh). The surrounding area is predominantly agricultural in nature, and there are two existing chicken buildings 180 metres to the south (not associated with the applicant).

The applicant has an existing farming business approximately 3 kilometres to the south of the site. This farm is under different, third party ownership. The business is proposed for the applicants' son, who does not have guaranteed tenure of the site of the existing farm business. The landowner has submitted a letter, objecting to the poultry building (existing farm to the south) on their land. The applicant owns the proposed site for the poultry building, which is why they are separated from the farmstead.

The proposed poultry house measures approximately 45 metres x 10.5 metres (472 Square Metres), with an eaves height of approximately 2.4 metres and a height to ridge of 4 metres. The land slopes from north to south, and as such the shed will be excavated into the hillside by approximately 1metre. The proposal will be constructed from timber stock boarding and green canvas walls, including a juniper green box profile sheet roof. The proposal will include a green feed bin, measuring approximately 5.8 metres in height with a width of 2 metres.

The application proposes to alter the existing access to the site, resulting in the loss of approximately 30 metres of hedgerow. This is to increase visibility to an acceptable standard when exiting the site. The applicant has agreed to replant 30 metres hedgerow behind the proposed visibility splays to mitigate the loss of the existing hedgerow.

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

Duchy letter  
Hedgerow survey  
Land ownership details  
Design and access statement

### **PLANNING HISTORY**

14/01203/PNAG Prior notification for the erection of an agricultural storage building - No Objection - 04.08.14



## **DEVELOPMENT PLAN POLICIES**

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

COR18 - Countryside

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

DM2 - High quality design

DM22 - Agricultural development

## **CONSULTATIONS**

### **ENVIRONMENTAL HEALTH - 17th November 2015**

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - Standard Planning Conditions for Free Range Egg Producers

Take the following steps to prevent, monitor and control nuisance flies at the premises at the same time ensuring such controls will not cause unacceptable damage to the environment or biodiversity of the local area.

1. Prevention  
Establish and maintain a management programme that will, so far as is reasonably practicable, result in conditions that will not encourage or support breeding of flies to include the following:
  - 1.1 Implement a manure management regime that minimizes the potential for fly development and will incorporate measures which will assist in reducing the moisture content of the manure to a dry, crumbly consistency;
  - 1.2 Ensure that the roof, walls and floor of all poultry sheds and egg packing sheds are impervious to the ingress of rainwater and groundwater;
  - 1.3 Ensure that drinker nipples, bell drinkers or any other water supplies do not allow spillage of water;
  - 1.4 The buildings should be inspected daily for plumbing leaks, drainage or building defects which could allow water into the poultry sheds and any such defects should be repaired within 24 hours of being detected;
  - 1.5 Ensure that any manure which has become wet through water ingress, flooding or leaks is removed from the site within 7 days;
  - 1.6 Ensure that all pit ventilation fans or other ventilation arrangements are in full working order.
2. Monitoring  
Establish and maintain a programme to routinely monitor and record indicative numbers of adult flies and larvae to include the following:
  - 2.1 Place spot cards (100 x 150mm white cards) in various locations within each poultry house attached to fly resting surfaces and leave in place for 7 days. A count of 100 or more faecal or vomit spots per card will indicate a high level of fly activity and a need for additional control measures. Repeat this exercise every week from April 1st to November 1st each year. The results must be recorded on a table or in graph form to enable trends to be recognised.
  - 2.2 Remove a 15cm x 15cm sample of the top 5cm of manure from 6 locations within each shed, the first sample being taken 6 weeks after re-stocking and subsequent samples every 7 days thereafter, but only between 1st April and 1st November. The number of live fly larvae shall be counted and the results tabulated or recorded. The presence of live larvae indicates need for additional control measures.
3. Control
  - 3.1 Remove all manure from each poultry house between flocks. Ensure that the building is clean and dry prior to introducing the next flock.

- 3.2 Apply a proprietary larvicide to the litter at the first signs of any infestation of larvae and commence a programme of re-treatment as recommended by the manufacturer in order to control and reduce the numbers of fly larvae within the manure.
  - 3.3 Apply an adulticide at the first signs of adult fly emergence and implement a programme of re-treatment as recommended by the manufacturer in order to control and reduce the numbers of flies emerging from the poultry sheds.
  - 3.4 Employ additional knock down treatment measures such as electronic fly killers and residual insecticides within the poultry sheds, egg packing rooms and elsewhere within the curtilage of the farm as shown on the plan at any time when the control measures specified in 3.2 to 3.3 above have not been entirely effective.
  - 3.5 Where it is reasonably practicable to do so, any chemicals selected to carry out the treatments specified above should be alternated with other similar products with a different active component in order to reduce the potential for pesticide resistance to develop.
- 4. Documentation and Record Keeping
    - 4.1 Maintain a written record of all works and actions carried out to prevent, monitor and control flies and larvae including the location, date and specification of the insecticide used along with the volume, concentration and method of application.
    - 4.2 All records shall be retained for not less than 3 years in order that annual trends can be established.
    - 4.3 Copies of all documents and records shall be provided to an authorised officer of the Council on request.

NB The following national best practice guidance has been referred to in the preparation of this schedule

- 1. DEFRA Guidance on sections 101 to 103 of the Clean Neighbourhoods & Environment Act 2005
- 2. DEFRA Guidance Laying Hens Code of Recommendations for the Welfare of Livestock

Reason: To minimise the risk of fly infestations occurring which may cause nuisance to local residents.

Licensing - No comments

Health and Safety - No objections

**HIGHWAY AUTHORITY** - 7th October 2015

Standing advice applies.

**BUTTERLEIGH PARISH COUNCIL** - 30th October 2015

10 local people attended the meeting to discuss the proposed erection of a poultry house, feed store and access track at East Butterleigh Cross.

The Parish Meeting decided unanimously not to oppose the application, but with a recommendation that associated lorries should not be permitted to go through the village on their way to and from the site.

## REPRESENTATIONS

A total of 10 objections were received (not including repeat objectors). These are summarised below;

The chickens will create an unacceptable smell to surrounding residents.

The sheds will produce an unacceptable level of traffic onto the local road network

East Butterleigh residents were not properly consulted

East Butterleigh cross has very poor visibility

Traffic should not go through Butterleigh or East Butterleigh village

The chicken sheds may increase fly nuisances

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This application site forms part of a working farm located approximately 3 kilometres to the south (Wishay Farm). The application seeks planning permission for the erection a poultry shed measuring approximately 472 square metres. The farm land is situated between Butterleigh and East Butterleigh. There is a storage building on the site, however this is not being used for livestock.

The material planning considerations in respect of this proposal are:

- 1. Principle for development in this location & is it reasonably necessary to support farming**
- 2. Will the location of the development result in adverse living conditions to the local residents or harm the character and appearance of the area**
- 3. Impacts on the environment**
- 4. Traffic impacts on the local road network**

- 1. Principle for development in this location & is it reasonably necessary to support farming**

Policy COR18 of the Mid Devon Core Strategy strictly controls development outside of any defined settlement limit, with some exceptions. One of these exceptions is the erection of agricultural buildings which are required for an agricultural purpose. Policy DM22 of the Local Plan Part 3 (Development Management Policies) goes on to support this, and states that agricultural development will be acceptable where the development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community. The applicant has entered into a growing agreement with a chicken buyer to support the existing farm income, and therefore the development is considered reasonably necessary to support farming activity on the holding. Policy DM22 of the Local Plan Part 3 (Development Management Policies), goes on to give additional criteria which must be met in order for the development to be acceptable, these are addressed below.

- 2. Will the location of the development result in adverse living conditions to the local residents or harm the character and appearance of the area**

Policy DM22 of the Local Plan Part 3 (Development Management Policies) requires the development to be sensitively located to limit any adverse effects on the living conditions of local residents, be well-designed, and respect the character and appearance of the area.

The local planning authority requested justification for locating the agricultural building away from the existing farmstead. The owner of the applicant's farmstead (The Duchy) has raised objection to the siting of this chicken shed on their land. The applicant owns the application site, and a parcel of land nearer Butterleigh village. Considering the application site has an existing access and agricultural building, it is deemed a reasonable site.

The design of the proposal is typical of a chicken shed, including timber boarded walling and a box profile sheet roof. The shed is adjacent to existing agricultural development at the site, and is not prominent from the surrounding highway network which is supported by the well-established hedgerow screening surrounding the site. The proposal includes the removal of approximately 30 metres of bank and hedgerow adjacent to the entrance of the site. The existing bank is well established; however the applicant has agreed to replant hedgerow outside the visibility splay. This is shown on drawing titled 'entrance splay detail', and will be conditioned.

The loss of this bank will result in some harm to the character and appearance of the area, however, the benefits to the highway from improving the access and the replanting of hedgerow is considered to adequately militate against this harm. The proposed chicken shed benefits from being reasonably low in height, and will be excavated into the hillside to reduce its impact. Considering the above, the proposal is not deemed to significantly harm the character and appearance of the local area.

The nearest non-agriculturally associated dwellings are some distance away (between 200 & 400 metres). A significant level of objection has been received from local residents, noting the chicken sheds will create an unacceptable level of smell and fly nuisance. Environmental Health was consulted as part of the application

process, and raise no objection to the proposed development in terms of noise & other nuisances, subject to conditions being imposed. The applicant has submitted a farm waste management plan in support of their application, which has been updated to include Environmental Health's comments on prevention, monitoring, control, documentation and record keeping. To ensure the development does not produce unacceptable impacts on local amenity, a condition will be imposed, requiring the applicant to adhere to the submitted farm waste management plan. This will fulfil the condition recommendations of Environmental Health within their consultation response.

### **3. Impacts on the environment**

Policy DM22 of the Local Plan Part 3 (Development Management Policies) requires the development will not have an unacceptable impact on the environment.

The poultry are stated as being housed for a period between 4 and 6 weeks, at which point the poultry house is given a complete clean. The waste will be removed from the building and either stored on site or at Wishay Farm. The chicken waste will be spread on the applicant's land, which amounts to approximately 45 acres. This is considered to be an acceptable holding size to spread the amount of waste produced, and it is likely the applicant can comply with DEFRA regulations.

The application site is within Flood Zone 1, and unlikely to cause an unacceptable risk of flooding to the surrounding area.

A section of hedgerow is outlined for removal within the application, to create a widened access. An ecological survey was submitted as part of the application dated November 2015. As noted within the survey, the proposed bank removal will result in the loss of approximately 30 metres of hedgerow.

No protected species were present on the site visit; and the hedge is not considered to be important under the wildlife and landscape criteria of the hedgerow regulations 1997. Replacement hedgerow will militate against this loss and will be conditioned.

The proposal has been screened to ascertain if it is development which constitutes the need for an Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. Due to the proposals size, including the number of birds housed within the barn, the proposal is not considered to be Schedule 1 or Schedule 2 development. Supporting this, the development is not in an environmentally sensitive location as defined by the EIA regulations, is a limited size and does not have any additional livestock installations on the site. The development does not constitute the need for an EIA.

### **4. Traffic impacts on the local road network**

The Highway Authority was consulted as part of this development and advised standing advice applies. The existing site entrance has reasonably poor visibility; however, the applicant has included a revised access scheme as part of this application. This includes the relocation of approximately 30 metres of hedgerow to create increased visibility and turning radii. The site will be laid with 400mm porous scalpings which should prevent water runoff onto the highway. There is reasonable space on the site for the turning of vehicles.

Objections have been received that the proposal will increase transport movements in the surrounding area which will create a danger to the highway, particularly on East Butterleigh crossroads. The applicant has submitted details regarding vehicular movements to the site (per crop) which are as follows;

- 2 feed lorries (22 Ton) per crop
- 3 Land Rovers + trailers to stock
- 6 Land Rovers + trailers to destock
- 4 grain trailers (10 ton) to clean out the shed

The above figures do not include daily trips by the applicant to work at the site. The number of vehicles accessing the site is not considered to cause significant safety concerns. It is acknowledged East Butterleigh crossroads is not ideal, however, the applicants' route from the farmstead to the site maintains priority in

terms of lining and signing over this crossroads, which supports the application.

An informal discussion was held with the Highway Authority regarding the increased vehicle movements, including use of East Butterleigh Cross. Highways raised no concerns, and has been re-consulted. The formal response will be included as an update.

The proposal is not considered to have a detrimental impact on the local highways network and the proposal includes improvements to the site access.

### **Other Considerations**

There are no other material considerations to weigh against the grant of planning permission and conditional approval is recommended.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. All new hedgerow planting detailed on drawing 'Entrance Splay Detail' as 'newly planted hedge' shall be carried out within 9 months of the substantial completion of the access improvement works granted, and any trees or plants which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the hedgerow shall be retained.
4. The applicant shall adhere to the details within the submitted farm waste management plan to prevent, monitor and control nuisance, including the disposal of farm waste, for the duration of the buildings operation.
5. Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway). Following their provision, these facilities shall be so retained.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 and DM22 of the Local Plan Part 3: (Development Management Policies).
4. To ensure the application will not have an unacceptable impact on the environment or local amenity in accordance with policy DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with policy DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

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

The application seeks planning permission for the erection of a poultry building. The proposal will be grouped with an existing agricultural building, and will sit comfortably within the landscape without having any adverse impacts upon the rural character or appearance of the surrounding area. The proposals will not have any materially adverse impacts on the amenities of occupiers of nearby properties, due to the distance from the properties, and a waste management plan to control the removal, and storage of waste. The development would not have any detrimental impacts on the safety of the surrounding highway network. The proposal is considered to be in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM22 of the Mid Devon Local Plan Part 3 and the National Planning Policy Framework.

**Application No. 15/01511/MFUL**

**Plans List No. 5**

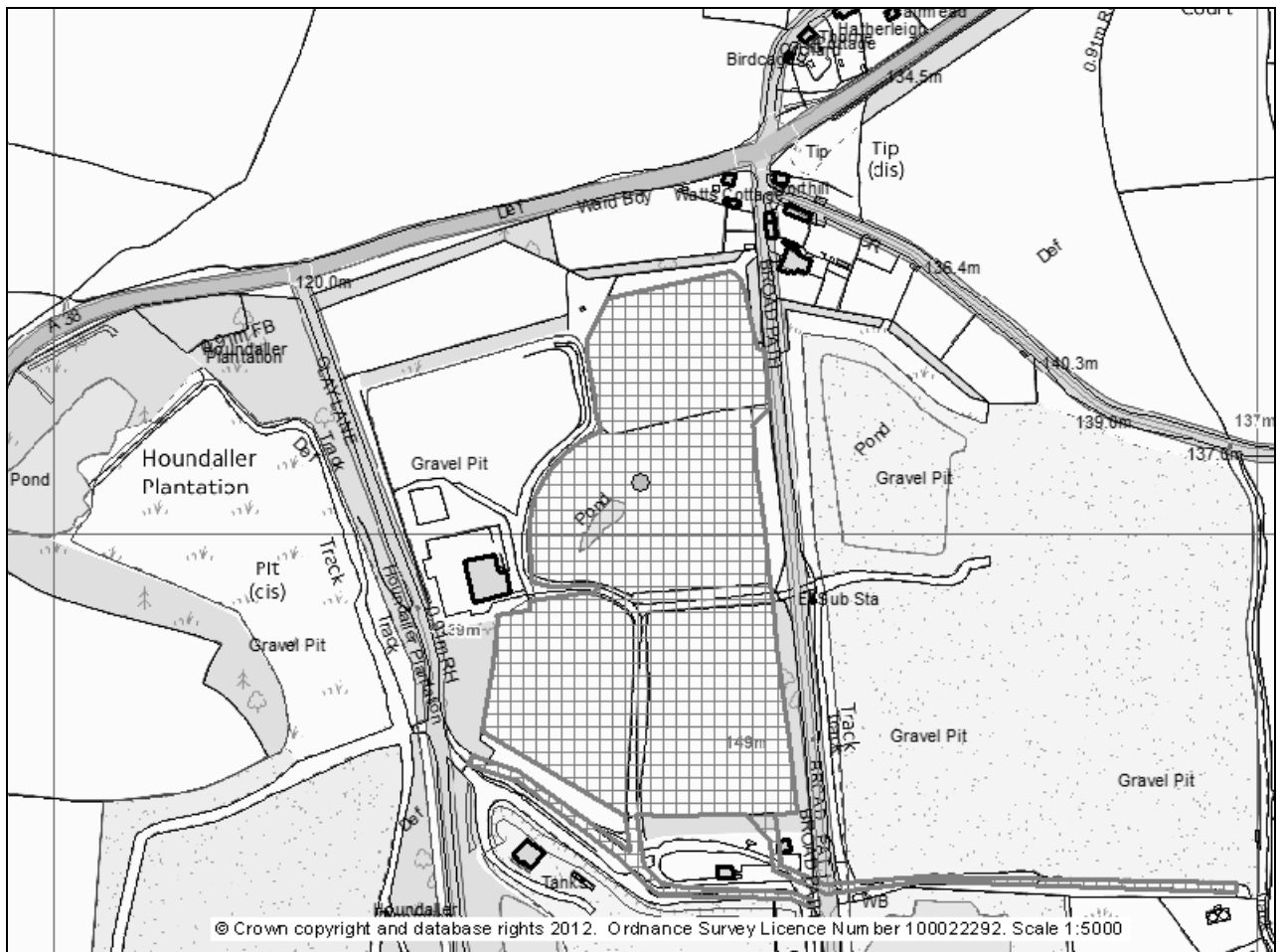
**Grid Ref:** 306557 : 113719

**Applicant:** Mr P Wishart

**Location:** Viridor Waste Management Ltd  
Broad Path Landfill Site  
Burllescombe Cullompton

**Proposal:** Installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power (site area 8.5 hectares), and associated infrastructure

**Date Valid:** 29th September 2015



## **Application No. 15/01511/MFUL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application is for the installation of a ground mounted photovoltaic solar array on approximately 8.5 hectares (including the access) of restored agricultural land to generate up to 5MW of power, together with associated infrastructure.

The application site is 0.7km to the north of Uffculme and lies on land east of Clay Lane and to the west of Broadpath Landfill Site. The site consists of four fields, amounting to approximately 7.7 hectares with the remaining 0.6 hectares covering the access and electric routing to an existing grid connection. The land previously consisted of silt lagoons used in association with mineral extraction operations, prior to being restored to improved grassland. The two southern fields are grassland; the adjacent field to the north has permission to be used as a temporary soil stocking area in association with the restoration of Broadpath Landfill Site due to be completed by July 2023, with the far northern field currently being used for sheep grazing.

The development would consist of PV panels mounted on steel frames. The panels will be of an overall height of between 2.54 and 2.7 metres above ground level, there will be 4.8 metres between each row, and the panels will be at a variable angle of between 22 and 25 degrees. The site is intended to come forward in two phases, with the southern two fields coming forward first as phase 1 (3.7 hectares). The northern two fields (4 hectares) coming forward in phase two, once the temporary soil stocking area is no longer required, this use will have ceased by 2023 and will be followed by a 6 month restoration period. There will be 6 associated inverter units which will be 2.6 metres in height, 2.4 metres deep and 6 metres wide, finished in a moorland green colour; there will be a temporary contractors compound in both phase 1 and 2, in phase 1 the temporary compound will be located in the southern part of field 2, in phase 2 the temporary compound will be located in the southern part of field 3.

The development will be connected to the existing electrical grid connection, with the two phased approach to accord with the spare grid capacity available through the existing connection. The proposed development will include the installation of inverters connected with the main grid connection via underground routing, utilising an existing underground conduit under Broad Path road, with one new conduit proposed, this will link into the current electrical connection at the existing compound that contains the gas powered generator units.

The site is accessed by an entry point on the southern site boundary via the existing site access road from Clay Lane, with an exit provided via Broad Path road. There are no proposed alterations to the existing site access roads.

It is intended that the security fencing would be deer fencing to a height of 2 metres with security cameras mounted on the fence posts. No lighting is proposed.

Permission is sought for a temporary 25 year period to begin on the date of first export, after which the land would revert to agriculture.

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

Planning Application Statement  
Landscape and Visual Impact Assessment  
Extended Phase 1 Habitats Survey  
Fencing Technical Details



Agricultural Land Classification  
Statement of Community Involvement  
Photographs  
Hydrological Response of Solar Farms Abstract

## **PLANNING HISTORY**

01/00944/TELCOM Proposed radio base station - PERMIT  
01/01089/FULL Creation of new road crossing traversing existing lane - NOBJ  
02/00779/FULL Temporary use of site as engineering compound and the siting of two portacabins - WD  
86/00542/FULL Landfill site, construction of vehicular access, erection of control office, toilets, weighbridge and wheel washing facilities - WD  
87/00862/FULL Temporary permission for the formation of new access - PERMIT  
88/00889/FULL Landfill site, construction of vehicular access, erection of control office, toilets, weighbridge and wheel washing facilities - REFUSE  
88/02728/FULL Section 53 to determine whether planning permission is required in respect of filling the voids formed by quarrying with waste at Broadpath - WDN  
88/03066/FULL Relaxation of condition (g) of planning permission EN11144 for the reinstatement to agricultural use - PERMIT  
89/01356/FULL Construction of vehicular accesses - PERMIT  
89/02554/FULL Winning and working of sand and gravel (34.42 hectares) - PERMIT  
95/01404/FULL Waste disposal through landfill and mineral extraction within existing sand and gravel quarry. (County Matter). - OBJ  
96/01542/FULL Waste disposal through landfill within former sand and gravel quarry and associated engineering works (involving hedgerow removal) - OBJ  
98/00664/FULL Consultation in respect of infrastructure roads, office, car park and screening bunds associated with waste disposal operations on adjacent land - NOBJ  
04/02252/FULL County Matters application for the installation of in vessel composting facility - DELETE  
05/00038/FULL County Matter application for the construction of an in-vessel composting facility including reception building, composting tunnels, maturation bays, compost storage areas and associated office buildings, circulation space wheelwash, weighbridge and office - NOBJ  
05/02084/FULL Laying of buried electricity cable - PERMIT  
06/00605/FULL County Matters application for the installation of weighbridge - NOBJ  
06/01661/FULL County Matters application for the provision of trailer park for waste vehicles - NOBJ  
14/01605/DCC Devon County Council Screening Opinion Response from Devon County Council. (DCC reference: PRE/0913/2014) - CLOSED  
15/00490/DCC County Matter Application for a proposed temporary soil stocking area to support restoration of Broadpath Landfill site - DEVON COUNTY GRANT OF CONDITONAL PLANNING PERMISSION - 30TH JULY 2015 - DCCGNT

## **DEVELOPMENT PLAN POLICIES**

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

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

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

DM2 - High quality design  
DM4 - Waste management in major development  
DM5 - Renewable and low carbon energy  
DM7 - Pollution  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes  
DM30 - Other protected sites

### **CONSULTATIONS**

#### **DEVON COUNTY COUNCIL - MINERALS & WASTE - 12th October 2015**

The application site is located on a previously worked and now restored area of Hillhead Quarry. Consenting development would not sterilise mineral resources.

Assurances are required that cabling from the solar development to the substation would be suitably buried and protected so to not constrain future mineral working.

Given these assurances, it is considered that the above planning application would not impact mineral operations at the Hillhead Quarry site and the Mineral Planning Authority would not wish to raise an objection.

A condition would be required to ensure all solar PV panels, frames, foundations, inverter housings (and associated structures and fencing) be dismantled and removed from the site once no longer in operation.

#### **NATIONAL AIR TRAFFIC SERVICE - 1st October 2015**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

#### **EXETER INTERNATIONAL AIRPORT - 5th October 2015**

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

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

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

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

**NERL SAFEGUARDING (BURRINGTON) - 13th October 2015**

No comments

**KENTISBEARE PARISH COUNCIL - 22nd October 2015**

No objection

**WILLAND PARISH COUNCIL - 15th October 2015**

No objection

**HALBERTON PARISH COUNCIL - 13th November 2015 - No comments as the site is too far away**

**CULMSTOCK PARISH COUNCIL - 26th October 2015 - The Council does not support the application as the site can be seen from the Beacon.**

**HEMYOCK PARISH COUNCIL - 9th October 2015**

The Council is in favour of renewable energy on suitable sites. The council has no objections to the application, providing there are no reflective issues with any neighbouring properties.

**UFFCULME PARISH COUNCIL - 9th October 2015**

UPC recognises the operator's viewpoint that the site is well suited to this type of development and, indeed, it wishes to enter into a meaningful dialogue with Viridor over a number of issues in relation to their land ownership in the area.

This is the only parcel of land that has been restored within the Hillhead complex and this proposal would add to the cumulative effect of permanent industrial development on land on which planning consent was granted with restoration conditions. UPC would wish to see a tangible benefit to the local community if this development is permitted.

**HIGHWAY AUTHORITY - 16th October 2015**

Observations:

The site is located on part of the old quarry and the traffic generation of the proposal would be less than the original operation or that of exist operations on the remaining sites and uses. Therefore the Highway Authority has no objections to the proposal but would recommend the imposition of a construction management plan.

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. 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) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste 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;

- (g) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (h) details of wheel washing facilities and obligations
- (i) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (j) Details of the amount and location of construction worker parking.

**ENVIRONMENT AGENCY - 1st October 2015**

The site is in FZ1, we are no longer consultees for surface water management matters, therefore will not be commenting on this proposal. The Local Lead Flood Authority (DCC) should be consulted. I did notice a paragraph entitled Flood Risk Assessment in the Planning Statement which appears to be lacking in any detail.

**HISTORIC ENVIRONMENT SERVICE - 9th October 2015**

Since the proposed development site has previously been disturbed, and subsequently re-instated as agricultural land I do not regard the proposed development as having any impact upon any below-ground archaeological deposits (heritage assets with archaeological interest). However, I would advise that the Mid Devon District Council's Conservation Officer was consulted with regard to any comments they may have on the impact of the scheme upon the setting of any designated heritage assets in the surrounding landscape.

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

**DEVON & CORNWALL POLICE AUTHORITY - 1st October 2015**

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

**Risk**

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on.

Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re emerging for sale.

**Site**

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

**Access to the Site**

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

To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible.

All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87) The security measures to be incorporated at each location will have to be considered on a site

specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc. The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection.

In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

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

#### Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence.

The recommendation would be to install fencing which has been tested and approved to current UK Government standards.

Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate.

Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable.

Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc..

The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request.

There should be a minimum number of vehicular access points onto site, ideally only one. Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence. Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

#### Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role. In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose. For CCTV this assessment is commonly called an Operational Requirement (OR). An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment.

There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this?

There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended.

The OR also identifies the expectations of each individual camera as well as response requirements.

There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

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

### Other Options

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

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

### **LEAD LOCAL FLOOD AUTHORITY - 26th November 2015**

Following my previous correspondence (FRM/2015/185) dated 21/10/2015, I have been in communication with the agent for this application, Rick Bright, to discuss his response (BP1030-L3) dated 10th November.

Mr. Bright has now addressed all of my concerns in an update to BP1030-L3, dated 20th November 2015. Specifically, the proposed straw bales across the downslope boundaries of Fields 2, 3 and 4 have now been formalised into swales which discharge into the former quarry and soakaway, as detailed in Figure P3 (Rev C). I am happy with this arrangement, and have confirmed with Charlotte Pope (Devon County Council's Development Management Officer for Minerals) that the swale system discharging into this area will not have any adverse effects on the mineral resources because the site is located on a restored area of Hillhead Quarry.

If the works are undertaken in accordance with Figure P3 (Rev C), supported by the information outlined in section Number 7 of the response letter BP1030-L3 dated 20th November 2015, Devon County Council's Flood and Coastal Risk Management Team would have no objections to this application.

22nd October 2015

Devon County Council Flood Risk Management Position.

Section 2.4.2 of the Planning and Access Statement states that this development will not affect the site's drainage because areas of improved grassland will continue to be maintained or grazed by sheep. It is exceptionally likely that the surface water drainage will in fact be affected because the ground surface is likely to be cultivated or severely disturbed by plant movement and left with exposed soil. As a result, there is great potential for soil erosion and the concentration of downslope flows in rills or gullies, as well as water quality issues for the surrounding agricultural land. Devon County Council's Flood Risk Management Team strongly recommends that no work is undertaken until a wide perimeter cross-contour vegetated swale is constructed around the downstream boundary of the site. It is essential that this swale is constructed to intercept flows and limit the aforementioned impacts to the surrounding land.

Section 1.1.4 of the Landscape and Visual Impact Assessment states that the site consisted of silt lagoons prior to being restored to improved grassland. It is important that this grassland, which should feature tussock grasses, is reinstated across the entire site immediately after construction to limit soil erosion. Allowing the site to naturally colonise is likely to leave the soil surface significantly vulnerable to erosion, particularly during intense precipitation events. It is also imperative that these grasses are maintained regularly when the site is operational as the soil structure and the quality of the downstream watercourse will greatly depend on this. In this regard, I am unable to find any significant detail regarding the maintenance of this site for its operational lifetime. It is strongly advisable that the applicant consults Natural England's Technical Information Note (TIN101) 'Solar Parks: Maximising Environmental Benefits', for further information on the vegetation and soil erosion issues associated with these developments. The above document can be accessed through the National Archives at the following address:  
<http://publications.naturalengland.org.uk/publication/32027>.

Section 1.2.4 of the same document states that the existing track network will be used for the construction and maintenance of the solar farm. Any access tracks across the site should be constructed with permeable materials which can be demonstrated to withstand the significant loadings of the machinery required for the construction of these sites. It would therefore be helpful for the applicant to provide some information on the construction of the existing track network to determine its suitability. In order to manage any surface water exceedance from the permeable

tracks, further swales should be incorporated to convey the water to the crosscontour perimeter swale at the downstream boundary of the site in order to limit soil erosion and maintain downslope water quality.

This site will also feature a temporary contractors' compound and inverter units which will contribute to the perturbed surface water runoff, and without sufficient control measures, will exacerbate soil erosion. Filter strips should therefore surround the bases of these ancillary buildings to capture any runoff from the roofs, which could in turn be conveyed to the wide cross-contour perimeter swale around the downstream boundary.

Finally, the Environment Agency's Risk of Flooding from Surface Water Map shows a high-medium risk of isolated surface water flooding approximately 50 metres from the north-west boundary of the site. Although this does not appear to be within the site boundary, I would expect the applicant to have noted this in the Flood Risk Assessment as this may be exacerbated or otherwise as a result of the development.

#### **NATURAL ENGLAND - 7th October 2015**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected landscapes - no objection

Having assessed this application and consulted the AONB partnership, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the Blackdown Hills Area of Outstanding Natural Beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Local sites

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

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every Public Authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

For guidance for providing biodiversity enhancements within a solar development: Solar farms and biodiversity opportunities BRE guidance

<http://www.bre.co.uk/filelibrary/pdf/Brochures/NSC-Biodiversity-Guidance.pdf> Natural England's solar guidance note TIN101 solar parks: maximising environmental benefits

<http://webarchive.nationalarchives.gov.uk/20150909000001/http://publications.naturalengland.org.uk/publication/32027>

### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

## REPRESENTATIONS

Two objections have been received in relation to the application, they are summarised as follows:

- Cumulative impact when considering the visually intrusive sites at Ayshford, Town Farm Quarry, Whiteball and the Willand site.
- Cumulative impact of vehicles at Appledore crossroads and surrounding highways during construction phase. Improvements to Clay Lane needed and to divert traffic from Appledore crossroads. Transport plan is only voluntary despite quasi-legal document, need signage during construction phase to ensure the correct route is used.
- Access to the site is not safe and suitable for all people due to the severe level and speed of traffic on the Class C roads
- May take 8 years to complete the Broad Path restoration, for which part of phase 2 is a soil storage area. HGVs on soil and roads may generate dust, along with quarrying, impacting on panel efficiency, erosion and requiring cleaning.
- Required road improvements have not been done despite the intensification of the uses in and around the site. Passing bays could be provided. Large vehicles are currently unable to pass one another.
- Quality of the restored agricultural land is poor, this application will yet again take the site out of agricultural use that was previously BMV.
- Original restoration plans for the site have not been completed, it was proposed hedges would be kept and restored where removed. Boundary hedging and trees were poorly maintained. Post and wire fencing is the reality. What is the restoration plans for the site after the solar panels have been removed?
- Security fencing vulnerable due to trees
- Development is inconvenient and intrusive, what is the benefit to the local community.
- Not in accordance with the NPPF as does not achieve sustainable development that involves positive improvements to the quality of the built, natural and historic environment, as well as peoples quality of life; this application must be considered in the broader context of minerals and waste planning in the area.
- Insufficient engagement with the local community



## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

1. **Benefits of renewable energy production and policy**
2. **Agricultural land classification**
3. **Landscape character**
4. **Visual impact**
5. **Ecology**
6. **Access**
7. **Flood risk**
8. **Construction/decommissioning phases**
9. **Environmental Impact Assessment**
10. **Representations**
11. **Consideration of alternative sites**
12. **Planning balance**

### **1. Benefits of renewable energy production and policy**

The scheme would be capable of generating up to 5 megawatts annually which the applicant states is capable of powering 1223 homes, based upon the average consumption per household of 4217kWh. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. A report published in July 2015 by the Department of Energy and Climate Change: Renewable sources of energy: Chapter 6, Digest of United Kingdom Energy Statistics, states that provisional calculations show that only 7% of energy consumption in 2014 came from renewable sources. According to RegenSW's Renewable Energy Progress Report 2015, to date, the amount of electricity generated from renewable sources in the South West stands at 14% of demand. Solar PVs in Devon contribute 368 megawatts. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (LP1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 and the NPPF require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy. Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with policy DM7, quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation).

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

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

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the proposed use of any agricultural land has been shown to be

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

## **2. Agricultural land classification**

This application is not supported by an assessment of the Agricultural Land Classification due to the nature of the site being restored land. The site's previous land use was as silt lagoons, the land has since been restored through a capping and soil placement process, resulting in the existing land quality being grassland cover, with the grassland being improved pasture; the grass is cut by a local farmer, with the far northern field presently grazed by sheep. Given the nature of the former silt lagoons, protection of the soils placed to achieve restoration means that it cannot be re-cultivated for growing arable crops; accordingly the Agricultural Land Classification falls into Grade 5 which is described as: very poor quality agricultural land, and is land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

The government have been clear (in recent ministerial statements, including Eric Pickle's written statement in March 2015, the National Planning Policy Framework and the Planning Practice Guidance) that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of Best and Most Versatile land. In addition, Policy DM5 seeks to avoid renewable energy developments on best quality agricultural land (Grades 1, 2 and 3a) and the development is considered to comply with this policy and Planning Policy Guidance in that poor quality agricultural land should be used in preference to higher quality land (if the use of agricultural land is considered to be necessary). As this land is considered to be grade 5 it would comply with policy DM5 and Government policy insofar as not utilising Best Most Versatile agricultural land, as well as resulting in a positive reuse of this restored site. Although previously its use for mineral extraction, it is now considered a greenfield site, having been restored.

## **3. Landscape character and sensitivity**

At a national level the site is located on the northern edge of the Devon Redlands National Character Area. In addition to this the Devon Landscape Character Assessment identifies Devon Character Areas and recognises the site to primarily be within the Culm Valley Lowlands Devon Character Area D17, which describes a colourful patchwork of fields, thick hedgerows, and distinctive red soils forming the gateway to Devon viewed through major transport corridors. The site is within the 'Lower Rolling Farmed and Settled Valley Slopes' Landscape Character Area as identified in the Mid Devon Landscape Character Assessment (October 2011) (LCA 3B), this expands to the south 1.3km and to the north east where it extends beyond the study area. The landscape is characterised by gently rolling and strongly undulating landscape, with low-lying land adjacent to the rivers in a series of irregular rolling hills, with tightly rolling medium to small scale landforms. The landscape has generally been carved away by tributaries of the River Exe, Tae, Creedy and Culm to create smooth convex slopes with a uniformity of slope angle and scale of the resultant hills. Woodlands are mixed with dense scrubby undergrowth, giving a well wooded character with a strong sense of enclosure. Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points, with roads that are mostly winding and are frequently sunken, sometimes intermittent hedgerows with wooden fencing or wire and post boundary treatments are also present. Tree rows enclosing fields and within open fields add interesting vertical rhythms and make a varied textured landscape; the landscape has high degrees of variation in terms of the levels of visual containment, open vistas and framed views can be obtained from many routes, but within valleys the level of enclosure is high with very few open views within or out due to the dense hedge network, extensive woodland and the incised form of the landform creates intimate spaces.

In addition there are some other landscape character types within the study area, these include: Open Inland Planned Plateaux in small isolated areas approximately 4.5km to the north east and south east of the site; Steep Wooded Scarp Slopes in limited areas approximately 4.3km to the north east and south east of

the site; Upper Farmed and Wooded Valley Slopes in three separate and relatively large areas 1.8km to the north west, 3.5km to the north east and 3.6km to the east; Sparsely Settled Farmed Valley Floors 1km to the south and north west; with Lowland Plains in three separate large areas 0.65km to the west expanding to the south west, 2.4km to the west and 3.1km to the south west.

The topography of the site ranges from c.149m and 140m AOD, with subtle differences between each field. Field 1 slopes gently westward, field 2 slopes gently north east to south west, whilst field 3 comprises of an area of gently sloping land east to west, the most northerly field slopes northwards. Agricultural fields within the 5km adopted study area are generally a medium to large scale, including arable and pasture, hedgerow boundaries are a common feature both close to the site and in the wider context. Overall the study area has a well wooded character due to the frequency of small woodland blocks, including Homebush Plantation and Leonard Moor Cross to the south west between 1 and 2km away; larger woodland areas occur beyond 2km including Maiden Down (north east), Gaddon Down (south) and parkland within designated landscapes (Bridwell Park and Bradfield). In addition to the woodland and agricultural uses there is an altered landform due to mineral extraction and landfill processes. A former quarry excavation is located to the west of field 3, and to the south west is the former, now un-operational, area of Hillhead Quarry.

Beyond the site boundary to the north is established mature woodland adjacent to the site and along the A38, this is more dense in places due to the double screen belt located to the north and south of a small paddock. To the east of the site Broad Path road is lined on both sides by a mature hedgerow and trees. A traditional hedgebank along the roadside creates a physical barrier for pedestrians on the road looking into the site, although there are some gaps due to access gates. Ash and Oak woodland is being established due to natural regeneration adjacent to fields 1 and 3. To the south of the site and adjacent to fields 1 and 2, screens bunds of 2 to 4 metres in height feature mature vegetation, gaps between the bunds allow for track access. To the west and south of the composting facility is a large area of bunded soil, this is established with mature woodland and effectively screens all of the direct views from this direction. The vegetation alongside Clay Lane consists of a more traditional hedgebank of mature trees and some hedgerow species. Further to the west of the site and separated by Clay Lane is the Houndaller Plantation comprising of mature woodland and deciduous woodland priority habitats; a further area is found to the south of the site around a remnant lagoon.

Within 100metres there are several residential properties to the north near the junction of Broadpath and the A38, including Watts Cottage (45m) and Worthill (60m); these properties are divided from the site by established woodland. In addition, Hill Head Cottage and Hill Head Farm (250-290 metres) are located to the south. In terms of the general settlement pattern within the study area, the 2012 Mid Devon Town & Village Character Assessment describes isolated villages and springline farmsteads, whilst the low land to the west of the area is more heavily settled; this is evident in the village (and environs) of Appledore and Burlescombe to the north and the larger villages of Uffculme (south), Willand (south west) and Sampford Peverell (West). The A38 to the north of the site connects to the M5 at Junction 27; however minor public roads and lanes are more frequent, as represented by Clay Lane and Broad Path road close to the site.

The site is not within an AONB, County Wildlife Site, Site of Special Scientific Interest (SSSI) or scheduled monument which would be identified as a 'sensitive area'. The site lies approximately 1400m to the west of the Five Fords Fen County Wildlife site, which is designated for its purple moor grass and rush pasture. The Grand Western Canal Country Park and Conservation Area is located approximately 1900m to the north west. The Blackdown Hills AONB begins approximately 3.6km away, broadly to the east. Taking into account the nature of a solar installation any impact upon these features is likely to have a localised impact only. There are a number of public rights of way close to the site, including footpath Uffculme 5 to the south of the site, and bridleway Uffculme 50 to the east of the site. The Landscape and Visual Impact Assessment (LVIA) found the common characteristic of the routes found within the study area is that of a relatively enclosed character due to mature vegetation and topography.

The LVIA identified a number of Conservation Areas within the study area: Uffculme 0.68km to the south; Grand Western Canal 1.59km to the north west; Craddock 2.3km to the south east; Sampford Peverell 2.98km to the west; Ashill 3.01km to the south east; Culmstock 3.4km to the east; Willand 4.2km to the south west. In addition, Canonsleigh Abbey Scheduled Monument is located 3.2km to the north of the site. Bridwell Park registered historic park and garden and Grade 1 listed building is located approximately 950m to the south of the site and Bradfield is a locally important historic park and garden 3.6km to the south of the

site. There are 7 listed buildings within 1km of the site, with Hill Head Farm the closest, being a listed building approximately 300m to the south. There are also a number of listed buildings within the village of Uffculme itself.

The LVIA considers that proposed development will not modify the National Character Areas and so these effects were not assessed. The Lower Rolling Farmed and Settled Valley Slopes LCT 3B within which the site is located has been assessed to have a medium sensitivity, however, within the site is a low sensitivity level is considered more appropriate due to the restored nature of the agricultural fields, the temporary soil stocking area and the self-contained nature of the site restricting potential impacts of the landscape. The LVIA sets out that the development will result in direct landscape impacts on the site, with a reversible loss of restored agricultural grassland. Within the site the landscape character will become a solar energy landscape where the solar array is the dominant feature. It is nevertheless concluded that the site is well screened by adjacent woodland and topography, which reduces the impact on the landscape character at a further distance. The visual containment of the proposed site, high levels of enclosure, with very few views in or out due to dense hedging and woodland is a key characteristic of the sites landscape character type. The LVIA states the development will result in a large magnitude of impact on the Landscape Character Type within the site where there are direct effects on the Landscape Character Type, with the outcome being a moderate adverse significance of effect overall. The LVIA concludes that the medium sensitivity of the landscape character will result in a negligible magnitude of impact within the Zone of Theoretical Visibility beyond the site where there are indirect effects and a consequential negligible significance of effect.

In terms of the impact on landscape designations there is a limited area round Culmstock Beacon in the Blackdown Hills AONB within the Zone of Theoretical Visibility. The LVIA considers there is no impact in the summer and a negligible impact in the winter. The LVIA finds no impact on Bridwell Park, Bradfield, Canonsleigh Abbey, the Conservation Areas or the listed buildings within 1km.

The LVIA concludes that the proposed development is not unsuitable when considering the landscape character and that the landscape setting has the capacity to accommodate the proposed development. In addition the LVIA states the proposed development adheres to the strategic guidelines for the landscape character as it will not adversely affect the landscape's strong rural character, will protect the views to the rising valley slopes and will not interrupt the character of undeveloped skylines, nor will it adversely affect species diversity or wildlife habitats and is located on restored land. The development is not considered to affect the existing setting, landscape character or heritage assets identified, and the LVIA considers the proposed development to be of a suitable size and scale that constitutes an appropriate land use for the site.

In terms of landscape sensitivity, the LUC report produced for Mid Devon in 2013 An Assessment of the Landscape Sensitivity To Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District, recognises the landscape character 3B within which the development is sited to have moderate sensitivity to medium scale solar proposals. The report indicates that the best form of and location for solar development is developments up to 10 hectares and located in more enclosed areas avoiding highly visible slopes and valued areas of semi natural habitat, the proposed development is considered to fall within this category. In addition, the overall aim is to make sure solar PV developments do not have a defining influence on the overall experience of the landscape within the landscape character type. Your officers consider that due to the extensive screening and enclosed nature of the site, the development will not have a defining influence on the experience of the landscape, nor will there be significant cumulative impacts, in accordance with the recommendations of the report.

Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to sustain the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas and policy DM2 of the LP3 DMP requires development to show a clear understanding of the characteristics of the site its wider context and surrounding area and to make a positive contribution to local character. Policy COR18 of the Mid Devon Core Strategy (LP1) requires development outside settlements to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy COR18 goes on to identify development that will be permitted outside of defined settlements, including renewable energy, and states that these types of development will be subject to specific development policies and subject to appropriate criteria identified on those policies.

Policy DM5 of the LP3 DMP sets out the criteria for assessing renewable and low carbon energy. The policy

requires the benefits of renewable energy to be weighed against its impact. It states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

In terms of the landscape impacts of the development, your officers consider that the development would not have adverse impacts on the landscape character of the area in accordance the requirements of policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP.

#### **4. Visual impact**

In terms of the visual impact, the submitted LVIA adopted a study area of 5km from the boundary of the site to evaluate the visual impact. The Zone of Theoretical Visibility (ZTV) shows the theoretical visibility of the proposal and has been calculated using CAD ground modelling software, in order to determine the ZTV vegetation around the site has been digitised as a screening feature. The established woodland surrounding the site is generally in excess of 12metres in height. The ZTV takes the woodland into account but at an assumed overall height of 8metres to allow for any reduced screening effects of the woodland in the winter due to reduced leaf cover. In addition, buildings, hedgerow and subtle topography changes are not accounted for in the ZTV, therefore there is a more restricted area of visibility than actually demonstrated.

The ZTV identified three distinct areas of potential visibility: to the north of the site at close range (700m-1km viewpoints 1-3); an expansive arc from the north to the west (2-5km viewpoints 4-7); to the north east of the site (3.5-5km). The first two areas were considered appropriate to illustrate using representative photographs, the third area comprised of rising ground and features foreground woodland and hedgerow; combined with the topography it was concluded this appeared effective screening and was discounted for representative viewpoints.

Viewpoint 1 was from the Dual Carriageway (A38) to the south west of Southdown Cross. Viewpoint 2 was from the A38 between Southdown Cross and Appledore. Viewpoint 3 was from the public road north of Appledore. The receptors from all three viewpoints are road users with a low sensitivity. The LVIA concludes the proposed development will have no impact on viewpoints 1 to 3 with no impact during phase 1 or 2 in the summer, and a negligible significance of impact in phase 2 during the winter, due to the effective screening of established woodland and the topography.

Viewpoint 4 was from the public footpath adjacent to Little Landside (Farmstead). In phase 1 there would be a negligible magnitude of impact and a negligible significance of effect, in phase 2 there would be a very small magnitude of impact with minor significance of effect for footpath users and from residential properties due to the existing screening.

Viewpoint 5 was from the public road to the north east of Pitt. Due to the more elevated nature of this viewpoint there are potential views of the site. During phase 1 and 2 there would be a small magnitude of impact for road users of viewpoint 5 with a negligible significance of effect due to the distance from the site (3.4km); no direct views from residential properties were found in this locality.

Viewpoint 6 was from near Rocknell to the west of Westleigh. In phase 1 there would be no impact as the development would be hidden by the woodland screening. In phase 2 from viewpoint 6 there would be a negligible magnitude of impact resulting in a negligible significance of effect for road and public footpath users and residential properties during the summer months; with a very small impact with a negligible significance of effect for road users and a minor significance of effect for footpath users and residential properties in the winter, due to the possibility of glimpsed views through the trees.

Viewpoint 7 was from the public footpath to the north of Whitnage, the route leads through the village and continues in a northerly direction, this is the most distant viewpoint from the site at 4.3km. In phase 1 there would be no impact in the summer or winter due to the woodland screening. In phase 2 from viewpoint 7 there would be a negligible magnitude of impact and a negligible significance of effect in the summer for

footpath users, this would slightly increase in the winter to a very small impact with a minor significance of effect, due to reduced leaf cover, the development will not be intrusive and could readily be missed.

It is concluded for viewpoints 4 to 7 which are located to the north west and offer a more direct and elevated situation that all representative viewpoints the development would be viewed against a backdrop of woodland and/or higher ground limiting glint and glare opportunities. The LVIA concludes that the nature of all the above effects is neutral.

In addition the LVIA examined the public roads at close range. The topographical features of the site and the immediate surrounding areas have been considered by the LVIA to have an influence on both the local and long range visibility; with the established woodland around the periphery of the site within the applicants landholding considered to be a significant factor. During the summer the development will be generally hidden; in the winter on the eastern and western sides from Broad Path road and Clay Lane respectively, parts of the proposed development will be slightly more visible as a glimpsed feature due to reduced leaf cover.

From Clay Lane, glimpsed views of the most western area of field 3 may allow a partial view of the development, with no other close range views during the summer, causing a negligible magnitude of impact with a negligible significance of effect. From Broad Path road glimpsed views may occur through gaps in the existing vegetation where there are gateways; these decrease as the road elevation drops and the woodland density increases. The LVIA sets out that the primary increase in visibility will be from Broad Path road, resulting in a medium magnitude of impact and a minor moderate significance of effect, reducing to a small magnitude of impact and a minor significance of effect in the wider context.

The residential properties were examined using representative viewpoints, the LVIA found even in the winter the likelihood is that the proposed development will either not be visible (no impact) or only partially seen (negligible impact).

Culmstock Parish Council have objected to the proposal on the basis that it will be seen from the Beacon, however the LVIA concludes that the views will be restricted due to a combination of Broad Path Landfill Site and the screening from mature woodland; resulting in the total screening of the development in the summer, and due to the distance involved even in the winter there will be little or no opportunity to view the proposed development. Consequently there will be no impact in the summer and a negligible significance of effect in the winter.

When considering the cumulative effect with other development, there is a 5MW (15 hectare) operational solar installation on land at Ayshford, approximately 1500m to the north west of the proposed site; this operation's installation has high public visibility, particularly from the M5. There is an operational solar installation at Langlands Farm, Uffclume (6.15 hectares, 1.8MW, ref. 12/01417/MFUL) approximately 2.8km to the south west. A further operational installation is located at Barton Farm, Burlescombe (1.3MW on 4.3 ha, ref. 12/01240/FULL) approximately 3km to the north. This operational installation has limited public visibility, with the greatest visibility being from the main line railway which runs immediately to the north of the site. Other permissions include Higher Pirzwell, Kentisbeare (2.95 hectares, 12.00373/MFUL) 4.2km to the south of the site; Nether Mill Farm, Willand (9.1 hectares, 12/01518/MFUL) 4.7km to the south west; Red Hill Farm, Burlescombe (9.3 hectares, 14/01984/MFUL) 4.5km to the north of the site; Venn Farm, Sampford Peverell (1.9 hectares, 13/01416/MFUL) 3km to the west of the site. The LVIA identifies no potential adverse cumulative effects within a 5km study area due to the screening of the site and lack of viewing opportunities of this site in isolation, or in conjunction with other solar development.

Overall the LVIA concluded due to the nature of the development and the retention of the existing vegetation, the landscape and visual effect are reversible long term and the proposed development is not judged to be unsuitable when considering the visual amenity of the study area, with the landscape setting considered to have the capacity to accommodate the proposed development.

## **5. Ecology**

An extended Phase 1 Habitats Survey was undertaken in November 2014 by Ahern Ecology, although the survey was primarily carried out in relation to the temporary soil stocking area the whole of the site subject to

this application was included within the survey. In addition, an Ecologist has confirmed that the Extended Phase 1 Habitat Survey remains applicable for a period of two years from the survey date, and the recommendations in the submitted ecological report (Extended Phase 1 Habitat Survey dated November 2014 by Ahern Ecology) remain applicable to this Application.

The study area comprised of improved grassland fields, scrub, hardstanding and a small patch of ruderal habitat (early plant colonisation of disturbed areas), the site was recognised to have the potential to support a number of protected species, including badgers, bats, birds, dormice and greater crested newts.

Suitable greater crested newt terrestrial habitat was recorded on and adjacent to the study area, including improved grassland of a low suitability due to cutting, and a number of ponds within the study area. Five ponds were identified during the survey within 500metres of the site: three were assessed as having poor suitability to support greater crested newts, one pond was assessed as having below average suitability and another could not be assessed. A Natural England Rapid Risk Assessment was undertaken in respect of the greater crested newts and an offence as a result of the proposal in terms of type and scale is considered highly unlikely even when assuming the pond that could not be assessed and the pond with below average suitability had greater crested newts present. Consequently, greater crested newts are unlikely to be affected by the proposed development due to the scale and distance of the proposed works, the low sward height of the improved grassland and the overall quality of the terrestrial habitat and the abundance of suitable habitat in the surrounding area.

The report considers there is a negligible potential for impacts on dormice, badgers and bats. Habitats on and adjacent to the site, including improved grassland fields, scrub and tall ruderal habitat were considered to provide potential shelter, foraging and basking habitats for reptiles, although the well maintained nature of the cut grassland is considered to remove its suitability to support reptiles. Despite this, measures of best practice have been outlined to ensure works proceed in line with the relevant legislation. This would safeguard common amphibian species as well as greater crested newts in the unlikely event that this species does occur within the works area. The recommendations are to take a precautionary approach to the issue of reptiles and amphibians (herptiles) and that no further survey work is required.

A precautionary approach will be applied to this application and an exclusion fence will be installed, this will be similar to that installed around the current temporary soil stocking area on site. Prior to the commencement of phase 1, exclusion fencing will be erected around the perimeter of Field 1 and Field 2 to prevent the unlikely event of herptiles hibernating within the site. Phase 2 works will be dependent upon an updated ecological survey and thus review of exclusion fencing around this phase area prior to construction. Given the potential lapse of time between Phase 1 and Phase 2 of the solar farm development, the extended Phase 1 Habitat Survey would need to be re-assessed after two years and any recommendations followed at that time. A condition will be imposed to require the submission of an updated Phase 1 Habitat Survey prior to the commencement to phase 2, the recommendations and mitigations of which shall be implemented prior to the commencement of phase 2. Other mitigation measures include the regular and ongoing maintenance of the grassland, either grazing or mowing.

## **6. Access**

Access to the site will be along the southern boundary utilising the existing site access road from Clay Lane with an exit via Broad Path road, both connecting with the A38 to the north of the site. The existing track network within the site will be used for construction and maintenance purposes. The track currently provides access from the weighbridge to the south of the site to the green waste composting facility located immediately to the west of the development site. There are no proposed changes to the existing access arrangements. The Highway Authority has no objections to the proposal and considers that the traffic generation would be less than that of the site's original and existing operations, but would recommend the imposition of a construction management plan, to be required by condition.

## **7. Flood risk**

The National Planning Policy Framework and policy COR11 of the Mid Devon Core Strategy (LP1) require that development is directed to locations with the lowest risk of flooding and that development does not increase the risk of flooding properties elsewhere. Concern has been raised that the development may

increase surface water run-off and contribute to an existing surface water flooding problem. Policy requires that development does not exacerbate any existing problems with flooding, but developers are not required to address existing flooding issues.

The site is in flood zone 1; however the Environment Agency's Risk of Flooding from Surface Water Map shows a high-medium risk of isolated surface water flooding approximately 50 metres from the north-west boundary of the site. Although not appearing to be within the site boundary, there is potential for this to be exacerbated as a result of the development. The initial consultation response from the Lead Local Flood Authority, raised concerns regarding the surface water management on the site, subsequent amendments have resulted in the Lead Local Flood Authority having no objections to the proposal.

The grassland will as far as possible be retained to minimise runoff and the machinery used will have low ground pressure tyres or tracks to limit compaction, any disturbance will be short term and mitigated through re-seeding the grass. A series of swales will be installed to intercept surface water run-off and will allow natural soakaway of the water. Drainage swales will be constructed prior to the installation of the solar panels to ensure adequate collection and dispersion of surface water drainage and thereby removing any potential risk of surface water flooding beyond the site boundary.

The swales will be constructed with a shallow side slope gradient of 1:25 angle which will allow easy future grass cutting and access for maintenance. The excavated top soil material will be placed on the down slope side of the swale to form a shallow 'berm' to further enable the direction of the surface water flow along the swales. The swales will be seeded with Germinal A4 grass seed at 30gms/m and once established they will form part of the wider grassland cutting regime. The swales will be constructed to direct water flow into an existing excavated area that is within the ownership of the applicant. This area currently acts as a soakaway feature for existing surface water from the access track and will continue to form this function.

The formation of the swales will be designed to be adequate for the purpose of water drainage whilst allowing grassland management to continue following establishment of the A4 type grassland seed. The formation of the swales will for the most part comprise a depth of circa 0.3m to 0.5m depth from current ground levels with a cut side angle of 1:2.5. Where the swale requires increased depth (on the western side of Field 2) and where it enters a culvert to cross the existing hard standing of the composting facility, it will follow a more traditional ditch with a 'V' notch cut and will be up to 1.2metres in overall depth from current ground levels.

Swale 1A follows the southern boundary of Field 2. It will be cut to 0.3metre depth and will follow the natural grade of the land, being between a gradient of 1:30 to 1:35. Swale 1B follows the western side of Field 2, alongside the proposed solar array. To enable catchment of silts, an average flow gradient of 1:150 will be formed with the swale increasing from 0.3mtres depth (southern end), through to 0.5metres depth approximately halfway along the swale. Thereafter the construction will comprise a 'V' cut ditch increasing in depth on the northern boundary of the solar array in Field 2. At this point the ditch will enter a 0.3m diameter culvert referred to as 'culvert section' on Figure P3 (Rev C) which will extend across the access area to the existing composting facility. The culvert section will then enter an existing ditch and soakaway feature that will be enlarged to act as a 'preliminary water collection and soakaway', prior to onward direction via Ditch A and into the existing excavated area and current soakaway feature. All of these soakaways and ditches are within natural sand and gravel mineral and thus they form an excellent soakaway function.

Swale 2A will be formed along the south-western corner of Field 3 and will follow the natural gradient of the existing field at circa 1:15 to 1:20. This swale will turn northward and will be immediately directed into the preliminary water collection and soakaway feature. Swale 2B follows the western and north-western edge of the Field 3 and will be formed at a depth of between 0.3 and 0.5metres with side gradients of 1: 25.As with Swale 2A, this swale will be linked into the preliminary water collection and soakaway prior to onward flow into Ditch A. The western side of Field 4 comprises an existing bund that will direct any surface water directly northward. Swale 3 is designed to intercept all surface water draining northward, directing it along a swale approximately 0.3m in depth (from current ground levels) and directed via Ditch B into the existing former quarry and soakaway.

The proposed system will intercept surface water during construction of the solar array and will reduce any potential siltation runoff as well as controlling the natural surface water runoff into an existing soakaway. The



access tracks will remain as existing and temporary contractors compound areas will drain into the swale system. As such it is not considered there will be any impact on the surrounding drainage networks. Your officers consider that the proposal meets with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (DMP).

## **8. Construction/decommissioning phases**

It is intended to establish a temporary site construction compound on the site during each phase of the development which will be removed on completion of the works. The construction period will last approximately 12 weeks for each of the phases of development. The land will be returned to agricultural use as open grassland at the end of the 25 year period, with the decommissioning methods to be submitted for approval 12 months prior to commencement of decommissioning. It is recommended that a detailed decommissioning plan is conditioned to be submitted and approved in accordance with this timescale.

## **9. Environmental Impact Assessment**

The development has been screened and found not to require an Environmental Impact Assessment. A screening opinion was previously requested on the 12th of September, and a negative screening opinion was issued; however it was considered necessary to issue a new screening opinion in relation to this application as the site area has increased to 8.5 hectares.

## **10. Representations**

The representations received raises that there has been insufficient engagement with the local community. The Statement of Community Involvement sets out that engagement took place through the community site liaison group which has for many years been held jointly by Viridor and Aggregate Industries in relation to the activities at Broad Path Landfill site and the Mineral activities in the area. The community liaison group was briefed on the proposed development at a meeting on the 21st of September, with informal discussion and emails/letters prior to this. A commitment to provide an onsite drop in session if necessary following the feedback and responses to the proposal was made; such a session has not been required. The level of community engagement is considered appropriate; only two objections have been received in relation to the application with the majority of the surrounding parishes having no objections to the proposal.

Devon County Council Minerals and Waste in their consultation response raised concern about the cable depth constraining future minerals working. The cable depth will be at 1 metre below the ground surface where it is proposed to follow the existing access track on the southern edge of the landfill site to where it will link with the current electricity sub-station on the eastern side of the current landfill site. The cable route is within the landfill site boundary (which is itself historically worked for sand and gravel reserve) and therefore will not compromise any potential future mineral development.

Devon and Cornwall Police in their consultation response raised concerns about the security measures on site. The proposed solar farm is located adjacent to an operational green waste composting plant and active landfill site and site security will continue as per existing arrangements for current operations. In addition, and specific to this solar farm proposal, security measures will include the 2 metre high fencing as noted above, and gates will be a lockable timber style to adhere to the deer fencing specification. Ten CCTV cameras will be positioned on 3 metre high steel box section posts around the site CCTV will be monitored by staff at the weighbridge control room or via remote security access. There will be no lighting associated with this Application. Your officers consider the proposed measures are satisfactory in terms of site security.

Uffculme Parish Council in their consultation response raised a need for there to be a direct community benefit as a result of the development, this is not something that can be secured through the planning process and your officers consider the scheme to be acceptable without a direct community benefit, however there are overall benefits of the provision of renewable energy.

The solar installation will not affect the long term after care of the restored grassland, and once operational there will be routine maintenance of the electrical inverters and panels.

An objection has been received regarding the planting and landscaping of the site as required by the original

permission and as part of the site restoration works. The LVIA has assessed the site with the current planting/screening and considers the landscape character and visual impacts to be acceptable, as such no further mitigation has been required in conjunction with the proposed development.

### **11. Consideration of alternative sites**

Planning Practice Guidance on renewable and low carbon energy encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. It provides that where a proposal involves greenfield land (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. A consideration of alternative sites is not necessary in this instance as the site is previously developed land of poor agricultural quality.

### **13. Planning balance**

Policy DM5 of the LP3 DMP requires the benefits of renewable energy to be weighed against its impact. It states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

The NPPF also states that planning 'plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' It requires Local Planning Authorities to have a positive strategy to promote energy from renewable and low carbon sources. Planning Practice Guidance supplements the NPPF and states the importance of considering landscape and visual impacts in assessing renewable energy schemes.

The benefits of the scheme in terms of producing renewable energy is clearly set out above, as is the benefit that this site offers in terms of not utilising BMV agricultural land, not resulting in any additional flood risk, preservation of ecological interests and the utilisation of existing site accessed. There are no residual objections from statutory consultees. Overall, the benefits of producing renewable energy which will play a part in contributing towards the Government's renewable energy targets are considered to outweigh the disbenefits in terms of landscape and visual impact, although they are judged to be acceptable; your officers consider the scheme to be acceptable subject to conditions.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) hours during which delivery and construction traffic will travel to and from the site;
  - (d) 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;
  - (e) hours during which no construction traffic will be present at the site;

- (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (g) details of wheel washing facilities and road sweeping obligations
- (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (i) Details of the amount and location of construction worker parking.

The works shall take place in accordance with the approved construction management plan.

4. The development hereby approved shall be carried out in accordance with the submitted flood risk management details contained in a letter dated the 20th of November 2015 reference BP1030-L3 under heading Number 7 and shown on the Indicative Layout for the Solar Array dated August 2015 and received on the 20th of November 2015 Drawing Figure P3 (Rev C). The drainage swales shall be constructed prior to the installation of the solar panels and shall be permanently retained and maintained for that purpose while the development hereby permitted is sited on the land.
5. The development hereby approved shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitats Survey produced by Ahern Ecology in November 2014 and received on the 17th of September 2015 and the details contained in a letter dated the 20th of November 2015 reference BP1030-L3 under heading Number 6. Exclusion fencing shall be erected around fields 1 and 2 as annotated on the Indicative Layout for the Solar Array dated August 2015 and received on the 20th of November 2015 Drawing Figure P3 (Rev C) prior to the commencement of phase 1.
6. Prior to the commencement of phase 2 of the proposed development concerning fields 3 and 4 on the Indicative Layout for the Solar Array dated August 2015 and received on the 20th of November 2015 Drawing Figure P3 (Rev C), an up to date Extended Phase 1 Habitats Survey shall be submitted to the Local Planning Authority, the recommendations and mitigation measures set out in the survey shall be implemented in full, in accordance with a timescale which shall be submitted to and approved in writing by the Local Planning Authority.
7. The existing hedge and tree screening around the perimeter of the proposed site shall be retained and maintained while the development hereby permitted is sited on the land in accordance with a maintenance scheme which shall first have been submitted to and approved in writing by the Local Planning Authority within three months of the commencement of the development. No trees or shrubs shall be removed without prior consent from the Local Planning Authority.
8. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
9. All cables shall be placed underground.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those expressly granted by this planning permission and required for the approved ecological mitigation, no fences, gates walls or other means of enclosure shall be erected within the application site.
11. The planning permission hereby permitted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 28 days after its occurrence.
12. The developer shall notify the local planning authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include the following:
  - i) Details of the removal of the solar PV panels, frames, inverter modules, substation, fencing, cabling, foundations and access track and restoration of the land;

- ii) Parking of vehicles for site personnel and operatives;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials;
- v) Programme of works including measures for traffic management;
- vi) Provision of boundary hoarding behind any visibility zones;
- vii) Vehicle wheel wash facilities;
- viii) Highway condition surveys;
- ix) Extended Phase 1 habitat survey, which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months; and
- x) A soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 12 months of the cessation of electricity generation.

## **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 and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To ensure the adequate protection of protected species in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies)
6. To ensure the adequate protection of protected species in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies)
7. To ensure adequate screening and to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To minimise the potential for light pollution and disturbance to local amenity in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
11. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
12. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Policy COR2 of the Mid

Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

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

Given that there are no residual objections from statutory consultees and LVIA concludes that the site is not unsuitable for the proposed development when considering the existing landscape character and visual amenity of the study area and that the landscape setting has the capacity to accommodate the proposed development. It is considered that the benefits of the scheme outweigh any harm arising and the application meets with the requirements of Mid Devon Core Strategy (Local Plan 1) Policies COR2, COR5, COR9, COR11 and COR18, Mid Devon Local Plan Part 3 (Development Management Policies) Policies DM2, DM4, DM5, DM7, DM27, DM29 and DM30 and the National Planning Policy Framework.

**Application No. 15/01632/FULL**

**Plans List No. 6**

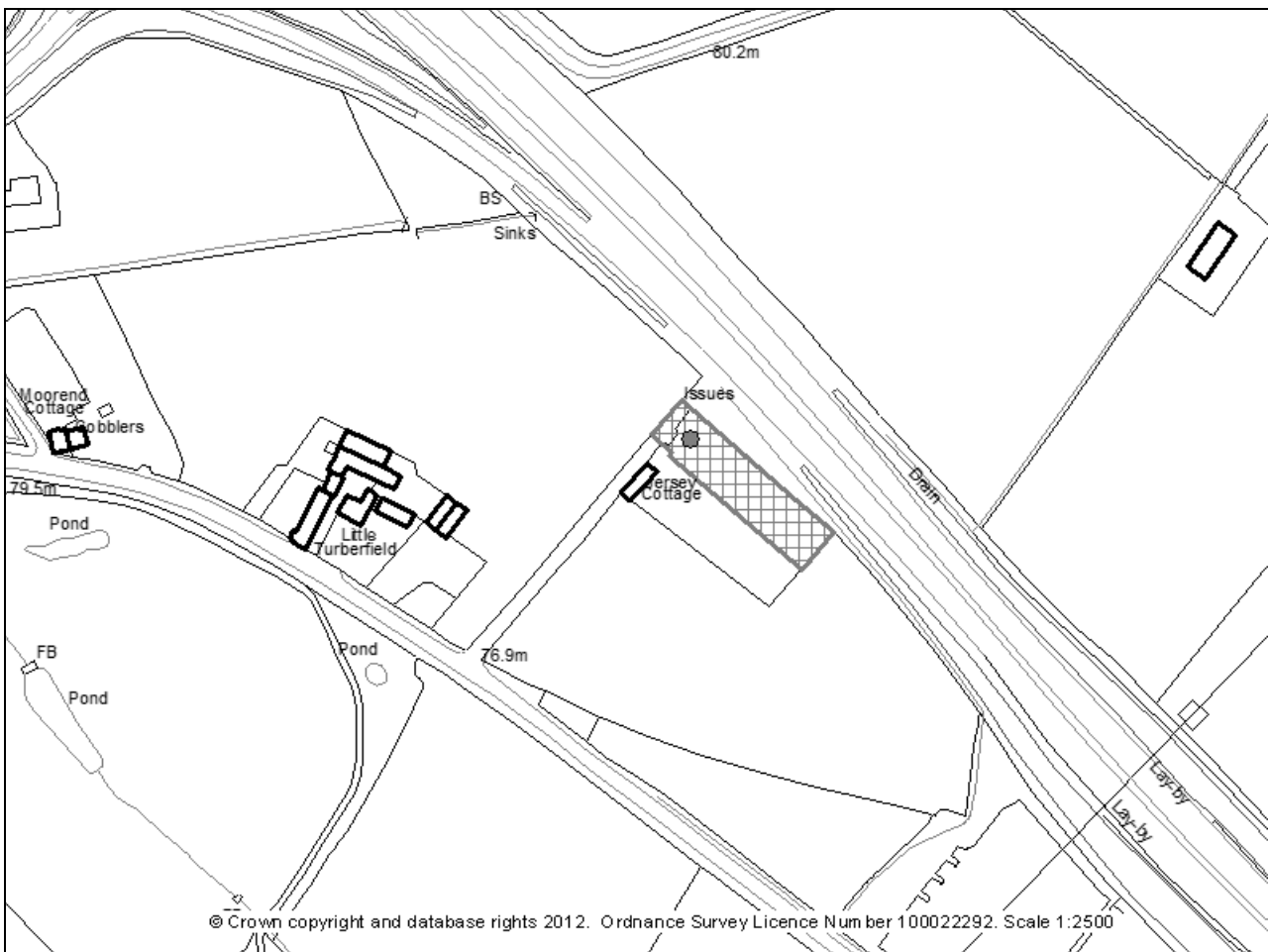
**Grid Ref:** 304268 : 114353

**Applicant:** Mr Mike Johnson

**Location:** Jersey Cottage  
Sampford Peverell  
Tiverton Devon

**Proposal:** Erection of a dwelling

**Date Valid:** 15th October 2015



## **Application No. 15/01632/FULL**

### **RECOMMENDATION**

Refuse permission.

### **COUNCILLOR MRS C COLLIS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

1. To consider the development will have an adverse impact on the character of the area and is located within a sustainable location, although in the countryside.

### **PROPOSED DEVELOPMENT**

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

The plans show a single detached house of reasonable proportions. The internal layout shows 2 bedrooms, one on the ground floor and another on the first floor with a reception room on the ground floor along with a kitchen/dining room and utility area. A rearranged access to the site is proposed off the existing track serving the existing dwelling, leading into a front area with provision for 2 vehicular parking spaces. At the rear and to the side of the house there is a large amenity space. The palette of materials includes render for the walling with a brick detailing with a tiled roof.

The application site, an area of gravel hard-standing, with a Detached Garage and part of the garden of the associated existing property is relatively level from north to south and east to west. The site sits between a detached house of a similar size to the application scheme and immediately adjacent to (25m from the carriageway) the A361 Link Road.

A previous planning application for the erection of a dwelling on this site was refused in May 2005 (application 15/00448/FULL).

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

Overview of Development  
Design and Access Statement

### **PLANNING HISTORY**

08/00087/FULL Erection of extension and garage - PERMIT

13/01626/FULL Erection of a dwelling - WDN

15/00448/Full Erection Of Dwelling - REFUSED

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR18 - Countryside

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

AL/IN/3 - Public Open Space

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM7 - Pollution  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 30th October 2015 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

**SAMPFORD PEVERELL PARISH COUNCIL** - 13th November 2015

A planning subcommittee of Sampford Peverell Parish Council has considered the application. We have also met with the developer and noted local support recorded on the planning website.

In normal circumstances, we object to development outside of the village's development boundary. However, we note that this is a proposal to use the same footprint as an existing building - a garage - and so it does not involve the loss of any countryside. We also understand that the applicant is prepared to make the new property available in the first instance to a purchaser with a local connection. If this condition is applied, then we have no objection to the application.

**ENVIRONMENTAL HEALTH** - 9th November 2015

Contaminated land - No objection to this proposal  
Air quality - No objection to this proposal  
Environmental Permitting - N/a  
Drainage - No objections to these proposals  
Noise and other nuisances - Recommend approval with conditions:

The windows units should be acoustic double glazed offering at least a 31 dB RW sound insulation against road traffic noise. Where openable windows cannot be relied upon for ventilation, acoustic trickle ventilators should be fitted. Windows may remain openable for rapid or purge ventilation, or at the occupant's choice.

In the absence of any fitted acoustic trickle ventilators mechanical acoustic ventilation units should be provided for the bedrooms.

A 2.5m high acoustic fence shall be installed on the boundary adjoining the A361 as detailed in the Noise Impact Assessment.

Housing standards - I have no objections to these proposals

Licensing - N/a

Food hygiene - N/a

Private water supplies - **INFORMATIVE NOTE:**

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

Health and safety - No objections



## REPRESENTATIONS

There have been no representations of objection.

There have been 7 letters of support for the proposal.

- The proposed is considered to be sustainable
- Short distance from village and public transport
- It would sustain the economy of Sampford Peverell
- Excellent Design and fits into the location
- Benefit in terms of additional housing

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

### 1. The principle of development in the countryside

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

The National Planning Policy Framework states at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances, such as: where there is an essential need for a rural worker to live near their place of work; where development would represent the optimal viable use of a heritage asset; or, where development would re-use redundant or disused building and lead to an enhancement to the immediate setting.

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

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

At Paragraph 6 the Inspector concluded:

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

The Inspector concluded at paragraph 17:

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

A further appeal decision considering isolated location and the relation to the nearby village was issued in October 2013 and considers an outline application for a new dwelling on the outskirts of Bow, Mid Devon. Appeal Ref: APP/Y1138/A/13/2195732.

'The main issue is the effect of the proposal on the character and appearance of the area, having particular

regard to the housing objectives of the development plan.'

'Therefore, whilst I would not consider the appeal site to necessarily be remote, it is isolated from the settlement, and shares no particular visual relationship with it. The proposal would therefore be development outside the settlement and in the countryside for the purpose of CS Policy COR 18 and the Framework'.

'Overall, it is my view that any proposed dwelling would appear as a noticeable incursion of built development into the countryside, in a form that would be insensitive to the area's rural character. In this regard its failure to enhance the character, appearance or bio-diversity of the countryside would be contrary to CS Policy COR 18. When seen in the round, in the absence of any special circumstances, it would not bring forward the environmental gains that are necessary to achieve a sustainable form of development as required by the Framework and Policy DM/1 of the emerging LP3'.

The village of Sampford Peverell has a small shop, doctors surgery, primary school and some other local facilities but in terms of the application site's relationship with this and other settlements it is approximately 1 kilometre from Sampford Peverell, 4.5 kilometres from Willand and 8/9 kilometres from Cullompton/Tiverton the closest main shopping and employment areas.

It is considered that the Inspector's assessments of isolated as discussed above are equally applicable to this application. In the first stated appeal case the hamlet was 1 kilometre from the village of Kentisbeare. In the second case the proposed units were within 0.5 kilometres from the centre of Bow. In the current case although there are some dwellings located in the immediate vicinity to the application site, and planning permission has been granted for a carpark close to the site to serve the station, the site is none the less approximately 1 kilometre from the edge of the nearest settlement at Sampford Peverell, and therefore is considered to be isolated in terms of applying policies COR9 and COR18. As such, the location will necessitate further reliance on private motor vehicles to meet the everyday needs of occupiers, although it is noted there is a good rail transport link available relatively close by at Tiverton Parkway station.

No evidence has been submitted alongside the application to demonstrate that any of the special circumstances under paragraph 55 are met. Information has been submitted with regard to the site meeting sustainability criteria as set out in the National Planning Policy Framework. This information is submitted with regard to section 6 of the NPPF, 'delivering a wide choice of high quality homes'. This considers in part the supply of housing over a 5 year period and that Local Authorities use their evidence base to ensure that their local plan meets the full objectively assessed needs for market and affordable housing. The Local Authority considers that it has an up-to-date Local Plan in place which meets this criteria and the latest housing land supply calculations demonstrate a 129% 5 year housing land supply so speculative sites outside defined locations can only be considered when and if they meet local and national policy.

The site is not previously developed land; it is part of the garden of Jersey Cottage and as such considered to be a greenfield site, contrary to the supporting information supplied by the applicant. The existing building on site is a double garage associated with Jersey Cottage. This building will be removed to make way for the proposed new dwelling.

As stated earlier Para 55 of section 6 of the NPPF clearly sets out what is considered to be sustainable development in rural areas. This application does not comply with this part of the NPPF and is therefore considered not to be a sustainable site for the development of a residential property. In addition the supporting information makes reference to COR17 villages. This Policy considers limited to minor proposals within their defined settlement limits and not to development outside other than to allocated sites therefore this is an incorrect policy to assess the proposal against. In this case the appropriate policy is COR18 countryside. This policy considers proposed development outside the settlements defined by COR13 - COR17 and any such development in the countryside will be strictly controlled with only agricultural and other appropriate rural uses. This proposal does not fall to be considered under any of the sections (a-f) of COR 18.

Although there are nearby transport links to the site by way of the train and bus service, it is still likely that the main means of transport will be the car. No condition can be imposed which would be reasonable to insist the use of the house is by persons without a vehicle, indeed the proposal is providing two parking spaces.

Sampford Peverell Parish Council have made comments with regard to the occupation of the unit. It appears their reason not to object is because they have been informed that the applicant is prepared to make the new property available in the first instance to a purchaser with a local connection. However good these intentions may be, the application has not been made on this basis. No evidence of local need has been submitted, nor have the policy considerations for an exception site been considered. The only appropriate method is to provide the dwelling as an affordable unit. This is not proposed by the applicant and as such is not able to be considered within the parameters of this application. The applicant has not offered to enter into a Section 106 Agreement to this effect and the Authority is unable to impose an reasonable and enforceable condition.

The proposal is for a market value dwelling located in the countryside outside the settlement limits of Sampford Peverell without special justification, contrary to policies COR9 and COR18 of the Mid Devon Core Strategy (Local Plan 1) and paragraph 55 of the NPPF. Refusal on this basis is therefore recommended.

A previous application for the erection of a dwelling on this same site under application 15/00448/FULL was refused on the 18th May 2015 for the following reason:

The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policy DM10 of Local Plan Part 3 (Development Management Policies) or paragraph 55 of the National Planning Policy Framework which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection and the application is contrary to the provisions of policies COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM10 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

The current application still provides no justification for the erection of a new dwelling in the countryside.

## **2. Parking and access**

Access to the site can be achieved from the existing track off the adjacent highway with an area for car parking in front of the house large enough for at least two vehicles to park. The means of access is considered to be appropriate with adequate visibility splays either side. The access is off a straight section in the highway, giving good visibility for drivers in relation to the level and speed of traffic travelling on the highway. It is not considered the application scheme would result in highway safety concerns. The proposal is considered to be in accordance with policies DM2 and DM8 and the NPPF in this respect.

## **3. Design & Amenity**

The building has been designed to match the appearance of the existing house with predominantly rendered walling and a tiled roof, with the building being split level the majority of which is single storey with a dual ridge height of 3.8m and 7m to ridge levels. The proposal delivers habitable accommodation which exceeds the space requirements established by DM15 and the National Space Standards. The application site has sufficient space to create a layout that accommodates amenity space at the front, incorporating a parking area, with a large garden/amenity at the rear. On the issue of design of the building only, the application scheme delivers a proposal which is compliant with policies DM8, DM14 and DM15 (National Space Standards).

The proposed house sits in an area where the existing house's garage is located and is between the existing dwelling and the A361 Link road. The house has been designed without any side windows to the west facing the existing dwelling but with a single window facing east toward the A361, to avoid overlooking issues. It is sited on the plot to avoid overshadowing and/or the creation of an oppressive environment for the occupiers of the neighbouring property.

The proposed new dwelling is to be sited within 25m of the metalled surface of the A361 dual carriageway and the slip road leading to Sampford Peverell. There is screening provided along the carriage way which will provide a certain amount of a buffer. It is likely that there will be a high level of noise and pollutants associated with the road. Mid Devon's Environmental Health department have considered the noise impact assessment to appraise the day-time and night-time noise levels in order to demonstrate whether there would be significant adverse impacts and also to include any mitigation measures. There has been a noise impact assessment submitted with this application and assessed by the Environmental Health department. Policy DM7 of LP3 sets out that development will only be permitted where the direct, indirect and cumulative effects of pollution (including noise) will not have an unacceptable negative impact on health, the natural environment and general amenity.

A recent appeal decision considered as part of its reason for dismissal noise associated with a nearby industrial units. APP/Y1138/A/13/2199735.

#### 'Main Issues

These are, firstly, whether the proposed development is likely to provide satisfactory living conditions for future occupiers of the dwelling; secondly, whether the proposal is likely to constitute a constraint to future industrial or business development in the area.'

'It cannot be assumed that previously recorded environmental conditions in the surrounding area would remain unchanged. Local Plan Part 3 Policy DM14 says that new housing development should be designed to deliver high quality local places, taking into account physical context amongst other factors.'

'Accordingly, on the first main issue, there are reasonable grounds for doubt that the proposed development would provide satisfactory living conditions for future occupiers. Since the securing of a good standard of amenity for all future occupants of buildings is amongst the core planning principles set out in the National Planning Policy Framework, this is a compelling factor against allowing the proposed development to proceed.'

Having regard to this appeal decision and the comments of the Environmental Health department, it is considered that sufficient evidence has been provided to demonstrate that the amenity level for the proposed development will be on balance acceptable provided the windows units are at least acoustic double glazed offering a minimum 31 dB RW sound insulation against road traffic noise. Where openable windows cannot be relied upon for ventilation, acoustic trickle ventilators should be fitted. Windows may remain openable for rapid or purge ventilation, or at the occupant's choice. The noise assessment also states:

- i) In the absence of any fitted acoustic trickle ventilators mechanical acoustic ventilation units should be provided for the bedrooms.
- ii) A 2.5m high acoustic fence shall be installed on the boundary adjoining the A361. Therefore subject to the above on amenity grounds the application is considered on balance to meet with Policies DM2, DM7 and DM14 of the Local Plan Part 3 and the NPPF.

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

Policy AL/IN/3 makes clear that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the Open Space Supplementary Planning Document (SPD). The SPD makes clear in paragraph 14 that the scheme for collecting contributions for off-site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes. There is therefore a clear policy justification for this contribution. Which is in this instance amounts to £1,166 towards the enhancement of public open space as a result of the additional demand arising from the proposal. The applicant has not paid this financial contribution and a second reason or refusal on this basis is considered to be justified.

## REASONS FOR REFUSAL

1. The site is located in the countryside where policies and in particular Paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The application has not addressed and does not meet the requirements of Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) or Paragraph 55 of the National Planning Policy Framework which allow for limited development where it meets strict criteria. The building is not required for an essential rural worker and, in the opinion of the Local Planning Authority, the proposal is for the erection of a new dwelling for which no special circumstances exist that would override the policy objection. The application is therefore contrary to the provisions of Policies COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
2. The proposed development will result in need for additional public open space and it is neither proposed or appropriate that it be located on site instead a financial contribution toward the provision of open space is required by policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The applicant has not provided either a section 106 agreement or a unilateral undertaking for the required sum of £1166.00, which is considered to be contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

Mrs Jenny Clifford  
Head of Planning and Regeneration