

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
1.	<p>16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.</p> <p>Technical Note (Flood Risk) dated 3.9.16 submitted by applicant 5.9.16</p> <p>6th September 2016 -</p> <p><u>Drainage:</u> An independent flood risk assessment prepared by Stuart Michael Associates Consulting Engineers has been submitted. In summary this report states that:</p> <ul style="list-style-type: none"> • The arena will not generate increased runoff or increase flood risk. • Any rain falling on the arena will infiltrate through the permeable surface of the arenas construction and through to the impermeable clay layer where it will flow along the top of the clay and dissipate into the surrounding soil, or if the soil is saturated will continue downhill towards the southwest boundary of the field. • It is recommended that the arena base is laid so that it falls in a north to south direction to mimic the existing situation. • The plateau formed by the arena and its permeable sub surface will have a small attenuation effect on the flow of water through the arena construction. • The report confirms there would be no increased in flood risk in extreme events. • Overall the report concludes the flood risk will be managed acceptably and the proposed arena should not increase flood risk elsewhere. <p>An additional drainage plan has been received to reflect the recommendations of the drainage report, the base of the arena will be laid so that it falls in a north to south direction.</p> <p>An additional condition is recommended to secure the implementation of the drainage scheme. The proposed wording is as follows:</p> <p>Condition: The arena hereby approved shall be constructed only in accordance with the approved drainage plan titled: Proposed drainage and arena section, Drawing reference GH/Bentley/04 Rev B and received by the Local Planning Authority on the 6th of September 2016, and shall be retained and maintained in accordance with the approved drainage details thereafter.</p> <p>Reason: To ensure surface water is adequately managed to protect the amenity of the neighbouring property, in accordance with policies COR11, DM2 and DM23.</p> <p><u>Area of Outstanding Natural Beauty:</u> A consultation response has been received by the AONB Partnership:</p> <ul style="list-style-type: none"> • Suggests removal of the beech hedge and only reinforcing existing boundaries with planting of native species, this will contribute more to conserving and enhancing the special qualities of the AONB, as the new hedge has no relationship to the existing field pattern, but could be kept if agreed as screening with neighbours and applicants, but the benefits of this are considered limited. • Limited wider visual impact.

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- Earth works should be kept to a minimum apart from necessary levelling
- Fencing should be restricted to simple post and rail timber fencing with a natural finish
- The arena colour should be a darker natural tone
- No lighting or additional structures
- Use should be restricted to personal use.

An additional condition could be imposed to require a sample of the surface material to be submitted and agreed if this is felt necessary to respect the character and appearance of the AONB.

Supporting letters:

An additional 10 letters of support have been received, the points raised are consistent with summary already provided.

Objections:

An additional letter of objection has been received and is summarised as follows:

- Object to the revised plan from the 11th of August
- Object because the ground percolation test failed and stated the site is on a clay bed unsuitable for a soakaway.
- The failed percolation test validates the objections, moving the arena makes no difference as the site slopes towards the neighbouring property and drainage system
- Any disturbance or change to the sub surface will have a significant and negative impact on the neighbouring drainage system with high risk of system failure.
- Rainwater is unable to effectively soakaway underground due to the clay bed
- The water table is exceptionally high and the ground becomes saturated very quickly
- Due to the field slope water drains underground through the subsoil into neighbouring garden at lowest point
- Excess water would cause the neighbouring soakaway to become saturated causing sewage to back up, as happened earlier in the year. The engineers who installed the new system advised underground water from the field was the cause of the previous system failure.
- The plans offer no detail of construction or drainage and reiterate concerns that rain water will drain south easterly into neighbouring garden at a faster rate.
- Additional letters of support are a generic letter.
- Within 200m there is an all weather arena within 10m of the road which poses no danger or distraction to drivers due to screening, the citing justification has no credibility.
- Inaccurate incorrect and irrelevant information has been submitted.
- Future weather patterns and the impact of this on surface water and sub surface water courses are unpredictable. We have experienced very wet conditions in 2012 and 2015, and may experience much wetter in the future.
- The field is an unsuitable site. Action will be taken if neighbouring drainage system is disturbed or fails as a result of the decision.

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	<p>7th September 2016 Response from Steve Densham, Property Services MDDC – I refer to our discussion and confirm advice that in my opinion the proposed creation of the arena will not add to flood risk of neighbouring property.</p>
2.	<p>16/01007/FULL - Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times at Gilberts Lodge, Morebath, Tiverton.</p> <p>7TH September 2016</p> <p>Morebath Parish Council considered the planning application 01007 Gilberts Lodge (to allow a holiday let to be used as a dwelling between Spt and April) at its meeting yesterday evening, and their comments are:</p> <p>"Morebath Parish Council has no grounds for objection, however if the property was to be converted to a dwelling on a permanent basis, the Council would expect to see a new planning application for change of use, so as to not set a precedent for development creep."</p>
3.	<p>16/01090/FULL - Installation of 2 replacement windows with doors at Tiverton Library & Learning Centre, Phoenix House, Phoenix Lane.</p>

Enforcement

16/00131/AGTIE	Non-compliance with agricultural tie imposed by planning permission 88/01786/OUT at Nethercott, Brithem Bottom, Cullompton Devon EX15 1NB
09/00048/LIS	Unauthorised works to a Listed Building - uPVC replacement windows and door installed at 5 Dukes Cottages, Bow, Crediton, Devon EX17 6HH

Agenda Items

14/01332/MOUT	<p>Land at NGR 288080 098230 – East of Station Road, Newton St Cyres</p> <p>Two local residents have circulated a number of emails (via the Committee Clerk) regards this agenda item. Issues relating to highway safety and capacity are covered in the reports and the Highway Officer from Devon County Council will provide clarification at the meeting on Wednesday. This update note clarifies the issue of the process that has been followed by the parties regarding the acquisition of the land that would be necessary to complete a two passing system.</p> <p>The owner of the land has stated that there has been no meaningful discussions regarding the acquisition of his land since the outline consent was granted back in 2015. Whilst it is not a condition of the planning permission for the LPA to oversee this process it would appear that, the landowner has stated in his email, t a baseline value of £20,000 has been established for the section of his garden that would be required. In addition the landowner has stated his Solicitor and Kingswood Homes (the developer) have been in contact with the landowner’s solicitor setting out the basis for any negotiations. What is evident from the correspondence that has been provided to the Case Officer is that expectations of an appropriate land value exceed the baseline value as referred to above.</p>
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Members are however advised that on the basis of the advice provided by the Highway officer at Devon County the design of the junction improvements as shown on the drawing attached at appendix B to the report (a one way managed system), which has now been subject to a Stage 1 and 2 Road safety Audit, is considered acceptable in highway safety terms for existing and proposed users of the highway.

Finally to assist Members understand the operational context of the junction, based on TRICS data, the development in conjunction with existing traffic levels, would generate predicted peak hour traffic flows of no more than 2 cars per minute passing through the junction.

7th September 2016 –

One further objection has been received which raises concerns about both the recommendations covered in the report for reasons relating to highway safety concerns. It is considered that the junction improvements should include the additional land so that a two way system can be achieved.

Officer Response: The justification for the two recommendations are clearly set out in the report.

Page 86/87/91: amend the drafting of recommendation 1 and to the drafting of point 2.8 (which is to be read in conjunction with 2.7) as set out below. The drafting changes to the text as set out in the report as circulated are considered necessary to add clarity to the scope of control imposed by the revisions to conditions 6 and 10.

Page 86/87:

1. Confirm agreement in principle (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as:

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

Page 91:

2.8 Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

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<p>16/00180/FULL</p>	<p>19 Exeter Road, Silverton</p> <p>SILVERTON PARISH COUNCIL (6/9/16): the proposed development is too large, represents overdevelopment of the site, is overbearing and will dominate and change the appearance of Exeter Road. Concerns are also expressed relating to loss of Devon hedge bank and volume of traffic that will use the proposed access.</p> <p>MRS P DAVIES (31/8/16): concern that the Conservation officer has misunderstood the revised proposal that the height of the hedgebank is ambiguously labelled as 'below 900mm'. The revised drawings indicate that the visibility splay cuts across the neighbouring property – land beyond the applicants control.</p> <p>MRS C MARTIN (26/8.16): comments of support withdrawn.</p>
<p>16/00465/OUT</p>	<p>Land and Buildings at NGR 294162 107150 (Site Adjacent to Bickleigh Church) Bickleigh Devon</p> <p>Supporting information submitted – Arboricultural Input Assessment Plan Drawing Ref 04728-AIA.TPP-Aug2016 dated 3.8.16</p> <p>Since the application was considered at the Planning Committee meeting of 3rd August, the application paperwork has been supplemented with additional information and assessment of the existing trees on site. The additional information includes an assessment of amenity value of the trees by the Council's Tree Officer and an Arboricultural Impact Assessment from the applicant's arboriculturist. The Council's tree officer assessment scoring confirms their initial view that the trees do not have significant enough amenity value to warrant protection by a Tree Preservation Order.</p> <p>The Arboricultural Impact Assessment provides a more detailed evaluation of the existing trees on site than previously provided by the applicant. It confirms the tree grouping to the south of the development is of moderate quality though is reasonably visible in the local landscape. The assessment states that the loss of the tree group is unfortunate, but notes that the trees are not particularly well-formed, having grown at such close spacing; the trees within the group are aerodynamically dependant on each other having developed together from a young age and recommends phased removal and replacement tree planting. These proposals have already been taken into account in the consideration of the application. One further tree, located to the west of the tree group is noted of low quality and is also recommended for removal because of its poor structural condition. The tree has significant bark inclusion and weak union between its two main stems. The removal of this tree is not noted in the committee report, being new information arising from the impact assessment. Given its poor condition, its loss is considered a minor impact and mitigation planting would ensure provision of a more suitable long-term replacement. The impact assessment recommends the imposition of conditions for the management and maintenance of the trees and the protection of existing trees during construction phases. The following conditions are therefore proposed to be added to any permission if granted in addition to those stipulated in the report:</p> <p>1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.</p> <p>2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.</p>

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	<p>Reasons:</p> <ol style="list-style-type: none"> 1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies. 2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies. <p>In addition, it should be noted that the officer’s report incorrectly states that Bickleigh Castle (grade I listed building and conservation area) lies 1.5km to the south west of the site. The distance has been re-measured and is approximately 600 metres. This is not considered to alter the conclusions in relation to the impact on the historic environment as the less than substantial harm identified is associated with change to views to and from the church. The church has also now been able to confirm the height of the tower, which is 18.2 metres from the centre crenellation to the ground. A spiral staircase leading to the tower roof is external to the tower and has its own conical roof which adds 0.7m to the overall height. The applicant has amended the cross sectional drawings using a height of 18.9m accordingly.</p> <p>The planning committee working group also asked if further consideration could be given to reducing the size of the visibility splay and the associated loss of hedgerow. Subsequently the site was visited by the case officer and Devon County Council’s highway officer. The latter confirmed that the width of the splay was at the lowest level relative the local speed limit and could not be reduced further. However, the size of the splay was measured to determine the exact extent of the impact on the hedge. The highways officer estimated that the actual loss of hedgerow may be less than that identified on the plans, potentially being down to 5m on the south side of the proposed access (as opposed to approximately 10m). Bramble growth along the frontage of the hedgerow to the south of the proposed access artificially enlarges the depth of the hedgerow, with the bank set back relatively deep. Once the overgrowth is removed the bank is unlikely to be affected to the extent identified. To the north of the proposed access the boundary the splay overlaps with the existing access so the loss of hedgerow is about 6m from the edge of the proposed access – this will be lost as it is proposed as part of the footpath to the site. In total the loss of hedgerow is likely to be approximately 16-20m (having taken account of the loss from the proposed access road of 4.5m) – the range being dependent on the amount to be reduced on the south side.</p>
<p>16/00918/MOUT</p>	<p>Outline for the erection of 22 dwellings at Land at NGR 313224 113301 (West of Conigar Close) Culmstock Road, Hemyock</p> <p>2nd September 2016 –</p> <p>Hemyock Parish Council has noted that their comments on foul drainage have not been addressed in the officer’s report. South West Water has a duty to accept connections into its system for new dwellings. SWW receives a list of all planning applications and comments only on those applications where it has concerns, for example it will object if it has concerns over the capacity of the sewage system to take additional foul drainage. SWW has not commented on this proposal and it is therefore accepted that the SWW has no issues with the additional foul drainage from this development.</p> <p>6th September 2016 –</p> <p>Additional response from Devon County Lead Local Flood Authority –</p> <p>Following my previous correspondence (FRM/915/2016, dated 26th August 2016), the developer has contacted me in order to clarify the surface water drainage management proposals for this site, for which I am grateful.</p>

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	<p>The developer has confirmed that the design infiltration rate of 3.89×10^{-6} is a calculated value based on intrusive ground investigations as part of the Phase 1 development, which is acceptable.</p> <p>The developer has also confirmed that the proposals to discharge the surface water runoff from the highway have been agreed with my colleagues in Highways, and that they are complemented by various highway drainage improvement works secured as part of the Phase 1 development, which is also acceptable.</p> <p>I am therefore happy to confirm that my objection is withdrawn, and that if the Planning Case Officer is minded to grant permission in this instance, that the following pre-commencement planning condition is imposed:</p> <ul style="list-style-type: none"><input type="checkbox"/> No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016). <p>Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.</p> <p>Advice: Refer to Devon County Council's Sustainable Drainage Guidance.</p> <p>Officer comments:</p> <p>Page 158 of the committee agenda refers to Members being updated with the final comments of the Lead Local Flood Authority. The response has now been received and they have confirmed that they confirm their objection is withdrawn and the drainage scheme is acceptable, subject to a condition relating to a detailed surface water drainage management plan being submitted.</p> <p>Amended condition 14.</p> <p>No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016). PTO</p> <p>7th September 2016 Housing and Enabling Officer – Just to confirm that I'm happy with the mix of 4 AF Rents, 3 SO & 1 Starter home</p>
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