

## PLANNING COMMITTEE AGENDA - 5th October 2016

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description  |
|-----------------|--|
| 1.              | <p>16/00750/FULL - Variation of condition (2) of appeal decision APP/Y1138/A/14/2211282 relating to planning application 13/01170/FULL to allow the substitution of previously approved plans<br/>at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.<br/><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p> |
| 2.              | <p>16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.<br/><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 3.              | <p>16/00922/FULL - Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.<br/><b>RECOMMENDATION</b><br/>Subject to the provision of a Section 106 Agreement grant permission.</p>   |
| 4.              | <p>16/00964/FULL - Conversion of redundant stables to dwelling at Hackpen Stables, Blackborough, Devon.<br/><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |
| 5.              | <p>16/01184/LBC - Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton.<br/><b>RECOMMENDATION</b><br/>Grant Listed Building Consent subject to conditions.</p>   |

**Grid Ref:** 284714 : 114143

**Applicant:** Cranbrook Renewables Limited

**Location:** Land at NGR 284927 114041  
(Edgeworthy Farm) Nomansland  
Devon

**Proposal:** Variation of condition (2) of appeal  
decision APP/Y1138/A/14/2211282  
relating to planning application  
13/01170/FULL to allow the  
substitution of previously approved  
plans

**Date Valid:** 16th May 2016



## **Application No. 16/00750/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

**This application is to be determined by the Planning Committee as the original application was determined by the Planning Committee in 2013.**

### **PROPOSED DEVELOPMENT**

This application seeks to vary condition 2 of appeal decision APP/Y1138/A/14/2211282 which relates to planning application 13/01170/FULL to allow the substitution of previously approved plans.

The above appeal granted planning permission with conditions in May 2014 for the construction and operation of a 200kW anaerobic digester with associated equipment and infrastructure at Edgeworthy Farm. Edgeworthy Farm is an existing dairy farm unit.

A concurrent Costs appeal was also granted with a full award of appeal costs to the appellant in that case. The approved anaerobic digester has not been installed on the site although some excavation works have commenced and a building has been erected on part of the application site. The planning permission granted for the installation of an anaerobic digester at Edgeworthy Farm is theoretically able to be implemented.

Since the development of the site for an anaerobic digester was granted on appeal in May 2014 permission has subsequently been approved (under application reference 15/01611/MFUL) for the erection of poultry units, biomass boiler unit, attenuation pond, access track, hardstanding, landscaping and associated infrastructure on land adjacent to the approved anaerobic digester, that also forms part of Edgeworthy Farm.

This application seeks to change the layout and appearance of the plant and equipment that together form the anaerobic digester. This has become necessary as the company that were supplying the plant/equipment approved on appeal are no longer in business. A table comparing the list of the approved plant/equipment/buildings and the proposed plant/equipment/buildings is included in the material considerations section of this report.

As this application is a Section 73 'variation of condition' application and the agent has only indicated a proposed change to condition 2, relating to the substitution of the approved plans with new plans, all information relating to the anaerobic digester that was considered as part of the original application and appeal is still relevant and as such is not required to be reconsidered or reassessed. This includes information such as the Transport Statement, Habitat survey report, flood risk assessment, environmental review. A supporting statement was submitted with regards to this current Section 73 application to vary the approved plans.

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

Information statement in support of Section 73 application.

Information linked to the original grant of planning permission: Transport statement, habitat survey report, flood risk assessment and environmental review.

### **PLANNING HISTORY**

11/01955/FULL Erection of two 20kW wind turbines mounted on 20 metre towers - PERMIT  
13/01170/FULL Erection of an anaerobic digester, associated equipment and infrastructure (APPEAL ALLOWED WITH CONDITIONS 23.5.14) - REFUSE  
14/02000/FULL Erection of an anaerobic digester, associated equipment and infrastructure (Revised Scheme) - WITHDRAWN

15/01611/MFUL Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure - PERMIT (on land to east of the anaerobic digester)

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR5 - Climate Change

COR11 - Flooding

COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM6 - Transport and air quality

DM7 - Pollution

DM22 - Agricultural development

## **CONSULTATIONS**

ENVIRONMENT AGENCY - 1st August 2016 - No objection to the proposed variation.

We have issued a Waste Management Licence for the site and the plant should be operated in accordance with this.

**WITHERIDGE PARISH COUNCIL** - 6th June 2016 -No objection subject to there being no adverse impacts over and above those associated with the previous application granted.

### **HIGHWAY AUTHORITY** - 7th June 2016

Observations:

The revised building and storage appear to be larger than previous which would lead to potential increase in feed stock and traffic generation. The applicant has not submitted details of the impact of the larger buildings or traffic generations.. The Highway Authority would seek a traffic statement indicating any variations to traffic generation and changes to feedstock sources, or justifications to show the new buildings will not generate additional traffic.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph 32 of the National Planning Policy Framework.

**CRUWYS MORCHARD PARISH COUNCIL** - 14th June 2016 - Cruwys Morchard Parish Council unanimously agreed to object to this application for the following reasons:-

1) The Parish Council originally supported the application as they considered it to be a small 'on farm' digester which was to be used to support the small farming business at Edgeworthy. The Planning Officer's original report stated that it had been considered as an on farm AD to process slurry from Edgeworthy Farm and not as a general waste facility. This application indicates that it could become much larger with the potential for further applications to increase its output which would be to the even greater detriment to the local area in particular regarding increased heavy goods traffic.

2) It has become apparent that the Greener for Life Group and the associated Companies such as the applicant in this case, Cranbrook Renewables Ltd. repeatedly submit applications to increase the size of the plant and associated infrastructure with piecemeal applications which once approved are difficult to control.

3) Construction of the plant has been commenced but the Enforcement Officer has stated that it is in breach, having not been built in accordance with approved plans. How will any further development be controlled for example the size of the tank is far larger than is necessary to produce the 326 kwe requested.

4. The Planning Officer recognised in August 2013 that the ground on which it was proposed to site the Digester had a low drainage potential. Pictorial Evidence from October 2015 and a statement from the Enforcement Officer in February 2016 confirm that the current excavations on the AD plant site area part filled with water. It is known that the water table in this area is high and we would question how drainage to support the proposed 5 metre depth of both the new Digester Tank and Digestate tank in this current submission will be achieved. We would suggest that consultation with the Environment Agency is essential regarding this.

5) The proposed gas flare appears to be next to the hedgerow bordering the unclassified, publically maintained road which could be unsafe.

The Appeal Decision to grant the approval of APP/Y1138/A/14/2211282 contained conditions which should be enforced and additional ones added to ensure that the plant cannot be increased in size by the addition of a second CHP and increased feedstock for example. There has already been an 11000 volt electricity cable laid between Edgeworthy Farm and Menchine and no explanation as to its use and thousands of tons of silage has recently been stored at Edgeworthy.

**NATURAL ENGLAND** - 2nd June 2016 - No comments.

**ENVIRONMENTAL HEALTH** - 6th June 2016 - Contaminated Land - N/A

Air Quality - N/A

Environmental Permitting - EA permit required

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - N/A

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - A PWS has been identified for this proposal address, and has been sampled and Risk Assessment carried out, therefore no further comment.

Health and Safety - No objections to this proposal enforced by HSE.

**TEMPLETON PARISH COUNCIL** - 14th June 2016 - Our Parish Council wish to request you Object to this Planning Application for the following reasons:-

- 1) The changes and amendments will facilitate a considerable potential increase in the energy production capacity of this AD.
- 2) If potential for additional power production is granted within this application how would Council prevent, given past experience and under present Planning and Conditions guidance, any future Appeal from Applicant to increase capacity being automatically approved. We feel it would be argued as unreasonable to prevent any commercial expansion of any business/industry whereby the Council had already approved the capability for such expansion. It seems apparent from information gathered from across the South West that GFL Group and Associated companies favour submitting confusing inaccurate information and data so as to misinform Local Planning Authorities as to the full impact and consequences of the Application submitted.

- 3) No commencement of the digestate pipeline from the AD to the specified lands as included in Condition 6 relating to the Approved Appeal Decision APP/Y1138/A/142211282. This even though the AD is already part completed (albeit not in accordance with the actual plans Approved) and appears to have an electrical connection to the operational Menchine AD.
- 4) Have Councillors considered the required sustainable acreage to safely dispose of digestate which is only a fertiliser and not a 'waste', when put on farm land and disposed of in accordance with Best Practice and NVZ regulations. It is a pollutant just like slurry if not disposed of properly.
- 5) This is relevant as the lands named in Condition 7 of the approved Appeal as being the only source of the specified/ approved feedstocks slurry, cow manure, grass and maize are being utilised at present to service other AD's.
- 6) Why has no Environmental permit been requested to run parallel with this Application (as per recommendation by Environment Agency)?

Although we request you to Refuse this Application should Councillors be minded to approve we ask that all the above comments and previous conditions of the Appeal Decision APP/Y1138/A/142211282 need inclusion within any Approval albeit with modification to facilitate the interpretation of Condition guidance.

Our reasons are for the benefit and clarity of Planning intent and purpose and to ensure unambiguous Operation of AD within the parameters of the Approved Appeal Decision as above, as well as to enable successful Enforcement should need arise.

We firmly believe that the above Conditions are necessary to ensure the future operations of this Application will be kept within the parameters of this Application and previous Appeal Approval Decision as above; whilst offering some protection to local residents amenities, and the wider Environment from potential pollution of water air and soil.

## REPRESENTATIONS

7 representations have been received, including a letter from the Campaign for Protection of Rural England (CPRE). The comments received have been summarised as follows:

1. The variation will give the applicant the means to increase capacity and production from the AD, to over double that considered by the Inspector;
2. No EIA was completed for the original application;
3. Need to assess cumulative effect of this proposal with the chicken farm and existing dairy herd;
4. Concern regarding increase in traffic from other development in the area;
5. Environment Agency consultation is required;
6. High water table makes digging deeper excavations difficult;
7. Concerns regarding capabilities and suitable farm land to accommodate both liquid and solid digestate;
8. Should have manure/digestate risk management;
9. No details of the 'lagoon' have been provided - unclear where this is/going to be proposed;
10. Potential to considerably increase the energy production capacity of the AD;
11. Concern regarding low drainage potential at site for digester and digestate tanks and standing waste in current partial excavations on site;
12. Concern about how electricity produced on site will be monitored as new electricity cable laid between Menchine Farm and Edgeworthy;
13. Need to ensure digestate main is provided;
14. Records relating to plants operation, including origin, destination, type and weight of vehicle load, content, gross and net weights and should be produced to LPA on quarterly basis as required at Menchine - to measure disruption to local amenity;
15. Concern that proposals will not be built in accordance with proposed plans;
16. Increased size of digester tank is bigger than needed to produce 200 KW from the AD and likely that a future application will be submitted to increase output, with associated increase in feedstock and transport requirements;

17. Digester tank should be smaller;
18. Silage has been stock piled at Edgeworthy.

Campaign to protect Rural England

1. CHP capacity should be limited;
2. Future application to increase output likely;
3. More digestate created to be disposed of;
4. Proposed digester could produce 330KW of electricity;
5. No bunding around digester and digestate tanks, a sufficient bund is required;
6. Digestate main needs to be provided;
7. Government is going to bring in feedstock restrictions under FITs scheme to minimise use of crops;
8. Suggested changes to conditions

**MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main considerations in the assessment of this application are:

1. **Changes to the design and layout of the anaerobic digester;**
2. **Visual impact;**
3. **Highways;**
4. **Drainage;**
5. **Any other issues**

**1. Changes to the design and layout of the anaerobic digester**

As stated above, this application seeks to replace the approved plans with amended plans submitted with this application. The red line of the application site remains as was approved. The equipment that together would form the Anaerobic Digester would all be within the red line. The changes to the plans relate to the layout and positioning of the plant and equipment within the red line of the application site that together form the anaerobic digester.

The changes to the size of the various pieces of equipment, plant and buildings required to form the anaerobic digester installation are included in a table below. From this table it becomes apparent that the most significant change to the proposed site layout relates to the size and appearance of the digester and digestate tanks. The excavation of the site required to accommodate the originally approved tanks has already been partially completed. The approved digester and digestate tanks measured 3m in height with 2m of the height of the tanks below ground level. These original tanks measured 43m long and 6.35m wide. They each had a capacity of 828.7m<sup>3</sup>. The proposed digester and digestate tanks are cylindrical and have a diameter of 14m and a height of 7m, with 5m of the height below ground level. Each proposed cylindrical tank has a volume capacity of 1077.58m<sup>3</sup>.

The proposed digester and digestate tanks would have a volume capacity approximately 30% greater than the approved tanks. Concern has been raised by members of the public and local Parish Councils regarding the additional capacity of the digester tank as it is perceived that this could encourage additional feedstock to be brought on to Edgeworthy Farm, which in turn could increase the number of traffic movements associated with the operation of the anaerobic digester. A number of conditions are proposed that would control the movements to and from the site, including a condition limiting the anaerobic digester capacity to 200kW. It is considered that the conditions imposed on the operation of the anaerobic digester will adequately control its operation. Further planning applications would be required should the operators of the AD wish to make further changes to the development.

Table 1 Approved plans equipment and S73 Plans Equipment

<b>Approved Plans Equipment</b>	<b>S73 Plans Equipment</b>
Two rectangular digester tanks of height above ground of 1m (with 2m below ground), length 43.5m,	1 Digester tank - 14m diameter x 7m height (5m below ground) <b>(2m above ground - higher by 1m</b>

width 6.35m and capacity 828.7m <sup>3</sup> . There would be 4m between the two tanks. One end of each of the digester tanks would have three gas collection domes.	<b>than approved.</b> 1 Digestate storage tank - 14m diameter x 7m height (5m below ground) <b>(2m above ground - higher by 1m than approved)</b>
A double membrane gas holder of height 5.8m, diameter 11m and capacity of 250m <sup>3</sup>	Gas dome - Diameter 11m x 5.8m height <b>Same</b>
A solids feeder of height 4.3m, length 5m, width 2.4m and capacity 16m <sup>3</sup>	Solids feeder - 2.8m height x 9.7m x 7m <b>(lower but wider)</b>
A process building of height 4.6m, length 6m and width 5m, housing the control panels for the anaerobic digester	Process building (and housing the CHP) - 4.7m height x 8m x 10.5m <b>(one building combining Process building and CHP)</b>
A Combined Heat and Power (CHP) unit 8m long, 6.1m high and 3m wide contained within an acoustic box.	CHP contained with Process Building above <b>(one building combining Process building and CHP)</b>
A separator and tower measuring 6m high, 5m long and 3m wide.	Separator - 6.1m x 2.7m x 2.8m height <b>(lower by 3.2m)</b>
A macerator and discharge pump measuring 2.8m long , 2.4m wide and 1.3m high	None
None	Pre-slurry buffer tank - 5.3m diameter x 5m height (3m below ground) (2m above ground)
None	Holding tank - 4m diameter x 3m height
None	Gas flare - 6m height
None	LV Panel - 2.8m height x 5.9m x 4.2m
None	Radiator - 2.7m x 2m x 1m height
None	CHP Radiator - 1m x 1m x 1.2m height

Each of the pieces of equipment are shown on the submitted plans. As stated above, although the individual elements of the AD are different to those originally approved, the area of land required for the AD remains the same.

In order to ensure the external appearance of the AD equipment is acceptable, a condition has been imposed to require these details to be agreed with the LPA prior to their installation on site.

Both individually and collectively, it is considered that the proposed equipment that is now proposed to form the AD installation, is acceptable. The design of the equipment and its layout reflects its purpose and function. The overall scale of the proposed development is not significantly different to the approved scheme. While certain elements of the equipment will be a different shape and appearance to the approved equipment it is not considered that there would be any additional impact as a result of these changes.

Table 1 lists the approved and proposed equipment. The provision of a gas flare is introduced by the proposed scheme. This has been relocated during the course of the consideration of the application so that it is away from the public footpath. Although the gas dome and digester/digestate tanks are a different shape and size the proposed appearance is more akin to the typical appearance of an AD installation.



A number of objections have been received regarding the capacity of the digester and digestate tanks. The proposed equipment would have an additional 30% capacity over and above that of the previously approved equipment. This is partially as a result of the design of the equipment but also stated by the Agent to be in accordance with guidance from the Environment Agency with regards to planning for more contingency storage.

As a condition is proposed that would limit the installed capacity of power output from the AD and conditions relating to the origin, type and number of vehicle movements to and from the AD plant are also proposed, it is considered that any concerns regarding the risk of additional traffic movements (that might have potential to be contrary to highways advice or the environmental amenity of nearby properties), can be controlled and regulated. It is not considered that the changes to the AD equipment will have any adverse impact on the residential amenity of any nearby residents.

Overall, as the baseline studies and information that were submitted with the approved AD scheme are stated to remain the same as was considered on appeal in 2013/2014, the only aspect of the approved scheme that is currently being considered is the change to the physical equipment that will be installed to form the AD. The proposed conditions are considered to provide relevant controls and restrictions with regards to the operation of the AD. This includes stating the installed capacity of the AD to be no greater than 200kW in accordance with the supporting information submitted with the 2013 application and considered by the Planning Inspectorate.

The principal of providing an anaerobic digester facility at Edgeworthy Farm has already been established. The proposed changes to the appearance and layout of the equipment that will form the AD are considered to be acceptable as they will not result in any additional impacts that were not considered under application 13/01170/MFUL. The proposed development is therefore in accordance with policy DM5 Local Plan Part 3 (Development Management Policies) which states that the benefits of renewable and low carbon - development will be weighed against its impact.

## **2. Visual Impact**

The Planning Inspector's report with regards to the approved scheme concludes that the AD would not have a detrimental impact on the visual amenity of the area.

The submitted plans indicate that the proposed equipment would be grouped together and close to existing farm buildings. The equipment would be lower than the existing farm buildings and therefore views of the AD installation would be very limited. Although the AD equipment would appear 'new', at first, over time the equipment would sit comfortably alongside the existing farm buildings and would not compete with the height or overall mass of the current farm buildings.

The supporting statement indicates that the key potential visual impact views would be from the unnamed road to the north of the site and from the track to the east of the site. Following a visit to the site, it is considered that this is a fair assessment with regards to the visual impact of the proposed development. It is considered that the proposed AD equipment would not result in any additional visual impact over an above the approved development. Elements of the equipment would have a very different appearance to the approved scheme, but this does not equate with the development being visually harmful.

Policy DM5 states that renewable energy proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. It was concluded by the Planning Inspectorate that the approved scheme would not have significant impacts on the visual quality of the area. Although the proposed equipment has a different appearance, the extent of the development in terms of the siting, height and position within the site is not so different to the approved scheme to result in the proposed equipment having significant adverse impacts on the amenity or visual quality of the area. In this regard the development is therefore in accordance with policy DM5. Additionally, it is considered that the proposed development demonstrates an understanding of the characteristics of the site and the surrounding area as well as integrating the AD equipment alongside the farm buildings. Neither will the visual changes to the appearance of the AD equipment have any adverse impacts of the residential amenity of any nearby residents. The proposal is therefore also in accordance with policy DM2 Local Plan Part 3 (Development

Management Policies).

### **3. Highways**

A Transport Statement was provided with the original application 13/01170/MFUL. The Agent has stated that the Transport Statement is the same for the current application and that the Section 73 application relates only to the AD equipment that is proposed to change. The Highway Authority have indicated that due to the potential additional capacity of the AD installation that a revised transport statement is required. As a condition is proposed to restrict the installed capacity of the AD installation to 200kW in line with the assessments of the Planning Inspectorate on the approved scheme, revised comments from the Highway Authority are expected and will be given as an update.

The capacity of the digester and digestate tanks is considered to be relevant as additional capacity could result in additional traffic movements to and from the site and this would need to be considered in detail to assess the capability of the local highway network to accommodate any additional traffic. This would require the submission of a revised Transport Assessment. The agent has stated that the type and number of traffic movements are not intended to change and therefore a revised Transport Statement has not been submitted. In order to ensure that the additional capacity of the digester and digestate tanks does not encourage additional traffic movements to and from the site, a condition has been imposed that restricts the power generation from the AD plant to 200kW. This reflects the size of AD installation that was assessed by the Planning Inspectorate during the previous appeal.

The advice from the Highway Authority will be updated prior to the Planning Committee meeting.

### **4. Drainage**

There is currently a fairly large excavation on the site that has been partially filled with standing water for a number of months. This situation has occurred as the drainage from the excavation has not been completed. A number of the representations received refer to inadequate drainage at the site and due to ground conditions the difficulty in adequately draining the site.

The partial excavation on the site represents the proposed location of the digester and digestate tanks. When installed the tanks would be 2m above ground level. The agent has confirmed that when the tanks are installed the excavation would be lined appropriately and the tanks will be bunded. The tanks will be encased in a thick impenetrable geomembrane and in between the lining and the tanks themselves a leak detection system would be installed. The system would be checked daily and linked to an out of hour's alarm.

Beyond the geomembrane a ground water drainage system is proposed. Any groundwater around the tank base would be transferred into a deep inspection chamber with a valved outfall. The level of groundwater would be checked daily and either be gravity fed into the land ditch on lower sides of the farm buildings or pumped away should the ditch be at capacity.

No below ground pipe work is proposed and therefore any potential leak would be collected by the dirty surface water drainage. If an emergency spill occurred on the site it is proposed that this would be directed into the existing slurry lagoon on the south side of the current farm buildings.

The submitted information also states that the site would be fully sealed to prevent any dirty water entering the ground and a separate drainage system would be installed to collect potentially contaminated water and recirculate it through the AD process. All clean roof water will be collected and piped off the site via a valved inspection chamber.

The Environment Agency are aware of the additional information that was received regarding drainage and bunding on the site. They have raised no objection to the current proposals. The application has demonstrated a process for managing any issues relating to the level of groundwater in the area as well as controlling and separating clean and dirty surface water. The process for managing an emergency spillage has also been identified as requiring the use of the existing slurry lagoon. The local planning authority have no information to suggest that the proposed processes to manage groundwater, surface water and a spillage in an emergency are unacceptable. Therefore the proposal is considered to be in accordance with policy

COR11 (Mid Devon Core Strategy) with regards to ensuring development does not increase the risk of flooding properties elsewhere and in accordance with policy DM2 Local Plan Part 3 (Development management Policies) as an appropriate drainage scheme has been submitted. Although the proposal for disposal of clean surface water may not represent a particularly sustainable drainage system, the reuse of dirty water into the AD process is considered to be sustainable.

On balance it is considered that the drainage and bunding solutions for the development are acceptable and in accordance with policy COR11 and policy DM2.

## 5. Other Issues

There are not considered to be any other issues to take into account in the assessment of this Section 73 application to change the details of the anaerobic digester equipment to be installed on the site.

## CONDITIONS

1. The development hereby permitted shall be begun before the 23rd May 2017.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: WIN01\_EDG4\_SP\_005 Site Plan; WIN01\_EDG4\_ELO\_005 Elevation overview; WIN01\_EDG4\_Elev\_NO\_004 North Elevation - Section A with existing buildings; WIN01\_EDG4\_Ele\_Nb\_006 -North Elevation - Section B; WIN01\_EDG4\_Elev\_E\_006 East elevation with existing buildings; WIN01\_EDGE4\_Elev\_Sa\_006 South elevation - Section A with existing buildings; WIN01\_EDE4\_Elev\_Sb\_006 South elevation - Section B with existing buildings; WIN01\_EDGE4\_Elev\_Sc\_006 South elevation - Section C with existing buildings; WIN01\_EDGE4\_Elev\_W\_006 West elevation - with existing buildings; WIN01\_EDG4\_SPOv\_004 Site plan overlay Proposed and Approved Developments; Fig 1 Overview of Digestate Main location - Mid Devon.
3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved Plan.
4. No development shall take place until a Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of vehicle types and sizes to be used and methods to ensure that mud, manure and silage or other materials is not deposited on the public highway. The hereby permitted development shall only be operated in accordance with approved Plan.
5. The operator of the development hereby approved shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby approved. The records shall also include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority within 14 days of a request that they are to be inspected.
6. Notwithstanding the details on the approved drawings, the anaerobic digester hereby permitted shall not be brought into its intended use until:
  - A digestate pipeline has been laid and is operational;
  - Insofar as the pipeline is in the Mid Devon local planning authority area it has been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority;
  - Insofar as the pipeline is in the North Devon local planning authority area it has been installed in accordance with a planning permission for it;

The pipeline shall be retained and operated as such thereafter and it shall be the only means by which Digestate is transported to fields for spreading.

7. The feedstock for the anaerobic digester shall be slurry, manure, grass and arable crops only. The slurry and manure shall be that produced only at Edgeworthy Farm, Merrifield Hayes Farm and Pulsards Farm, Cruwys Morchard.
8. No development shall take place until details of the external finishes and colours of the building materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the final colour of the gas domes. Development shall be carried out in accordance with the approved details and it shall be retained as such thereafter.
9. There shall be no external lighting associated with the development hereby permitted unless in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
10. No development shall take place until details of existing ground levels and proposed floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted have been carried out in accordance with the approved details.
11. No development shall take place until a sustainable drainage system for the management of surface water from the development, including a timetable for its provision, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall be completed in accordance with the approved details and timetable and it shall be retained and operated as such thereafter.
12. The development hereby permitted is for the erection of an Anaerobic Digester with an installed capacity of 200kW. The anaerobic digester shall be carried out in accordance with the approved plans.

## **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 minimise any impact of the proposal on the road network and to protect the amenity of nearby residents in accordance with the National Planning Policy Framework and policies DM2 and DM7 Local Plan Part 3 (Development Management Policies).
4. To minimise any impact of the proposal on the road network.
5. To minimise any impact of the proposal on the road network.
6. To minimise any impact of the proposal on the road network.
7. The application has been considered as an on-farm anaerobic digester to process slurry from Edgeworthy Farm and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with Policies DM2, DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
8. To protect the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
9. To protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 Local Plan Part 3 (Development Management Policies).

10. For the avoidance of doubt and to protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 Local Plan Part 3 (Development Management Policies).
11. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
12. For the avoidance of doubt, to minimise any impact on the highway network and to ensure the development operates in accordance with submitted details.

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

The proposal is considered to be acceptable as planning permission has previously been granted for the installation of an anaerobic digester on the site and this current application proposes to alter the layout and appearance of the equipment/plan required to form the Anaerobic Digester. Approval of this application would result in the Anaerobic Digester having a different appearance and a larger capacity digester tank than approved on appeal under application reference 13/01170/FULL. The digester will produce renewable electricity and process raw slurry and manure. A proportion of the resulting digestate will be pumped to nearby fields in order to reduce tanker movements on the road network. The proposed Anaerobic Digester is to be located adjacent to an existing farm unit and is considered to have an acceptable visual impact. The permission granted at appeal under reference 13/01170/MFUL is not able to be completed as the technology contractor is unable to provide the equipment. This has necessitated a change to the layout and appearance of the equipment to be used to form the Anaerobic Digester. It is not considered that the change of the site layout and appearance of the equipment will result in any material harm to the living conditions of neighbouring occupiers and, through the imposition of conditions, any environmental impacts relating to surface water drainage, biodiversity off-setting can be mitigated. The proposal is considered to comply with the relevant Policies: COR2, COR5, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM5, DM6, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

**Application No. 16/00817/FULL**

**Plans List No. 2**

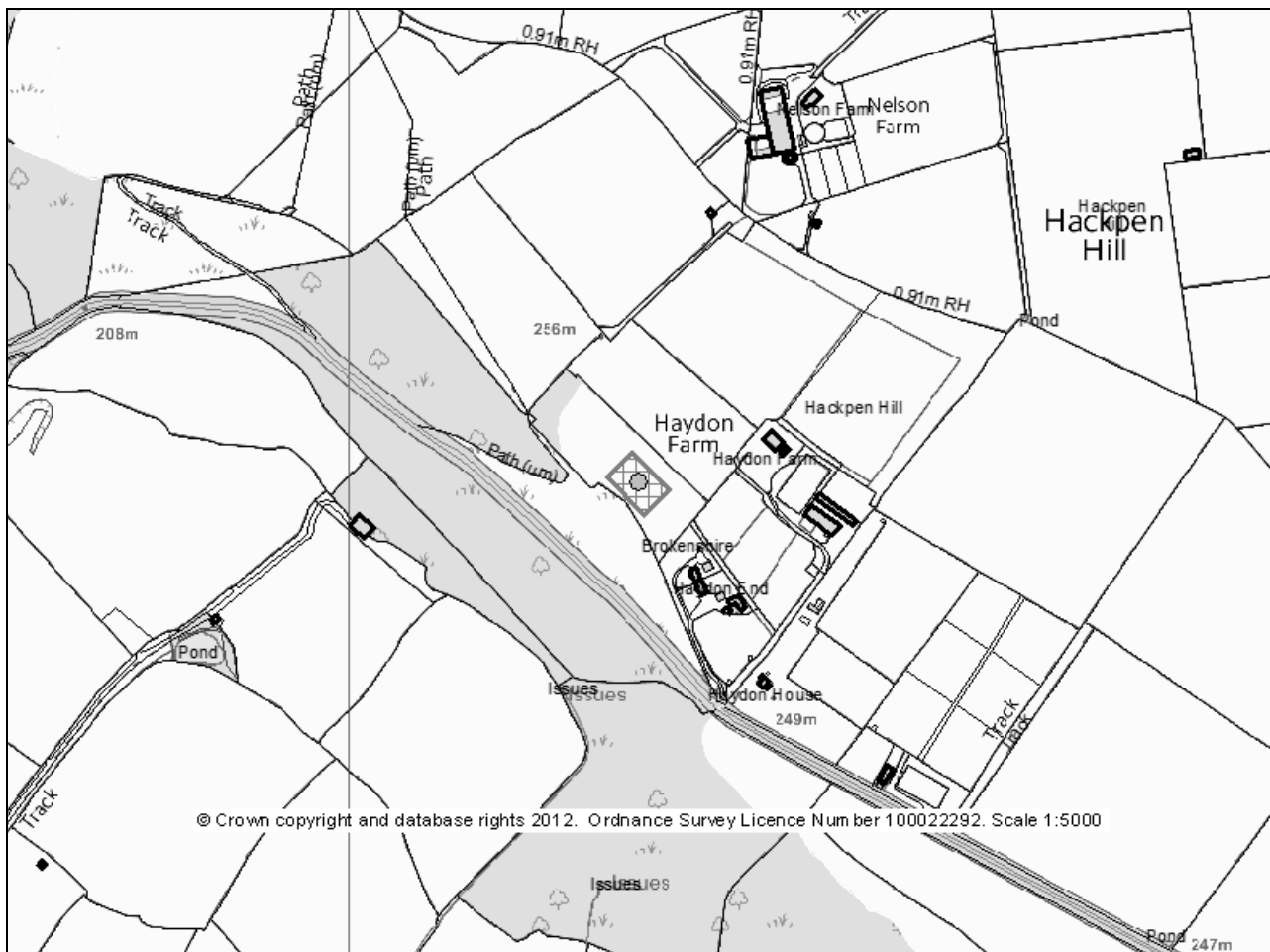
**Grid Ref:** 311230 : 111913

**Applicant:** Mrs F Bentley

**Location:** Land at NGR 311229  
111913 (Hayden End)  
Blackborough Devon

**Proposal:** Construction of an all-  
weather riding arena

**Date Valid:** 23rd May 2016



**Application No. 16/00817/FULL**

**RECOMMENDATION**

Grant permission subject to conditions.

**CLLR G HUGHES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To assess the impacts of the site drainage on the amenity of the occupiers of the neighbouring property.

**PROPOSED DEVELOPMENT**

Proposed is the construction of an all-weather riding area at Land at NGR 311229 111913 (Hayden End) Blackborough. The proposed arena will measure 45 metres in length and 30 metres in width. The arena will have timber post and rail fenced boundary treatment at a height of 1.2 metres and will have a sand and fibre surface.

**APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Site location plan, block plan, section plan, drainage plan, landscaping plan  
Ground Percolation Test results  
Supporting letters and statements  
Photographs

**PLANNING HISTORY**

None.

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR18 - Countryside

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

DM2 - High quality design  
DM23 - Equestrian development  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes

**CONSULTATIONS**

**BLACKDOWN HILLS AONB PARTNERSHIP - 26th August 2016 -**

Thank you for seeking comments from the Blackdown Hill AONB on this application. I have noted recent revised plans, in particular the proposed landscaping. I would suggest reconsidering the beech hedge indicated: reinforcing existing boundaries with additional planting of locally native species will contribute more to conserving and enhancing the special qualities and local character of the AONB (and provide the intended visual screening), rather than an arbitrary length of hedge that has no relationship to the existing field pattern.

Overall in this case it looks as if the wider landscape and visual impact of the arena would be limited as a result of being located adjacent to properties and woodland on the plateau. Nevertheless, to maintain the

rural character and appearance of this part of the AONB the details of the scheme will be important and so, in addition to the above point about planting, we would wish to ensure that;

- o earth works are kept to a minimum apart from necessary levelling,
- o the fencing is restricted to simple post and rail and of natural timber finish,
- o the colour of the arena surface is a darker, natural tone,
- o there will be no lighting or additional structures, and
- o the use is restricted to personal use.

I hope these comments are helpful to your consideration of this application.

**UFFCULME PARISH COUNCIL - 9th June 2016**

In principle the Council has no objections to this application, however we understand neighbouring properties to have concern in respect of location and the impact this will have on the privacy of the neighbouring property. The impact on reduced privacy should be addressed when considering the planning application.

**HIGHWAY AUTHORITY - 25th May 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>**

**HISTORIC ENVIRONMENT SERVICE - 13th June 2016**

I refer to the above application. The proposed development lies in an area where iron ore extraction pits were noted in the late 18th century. This industry has its origins in the early Roman period and was active on the plateaux of the Blackdown Hills until the medieval period. The construction of the proposed all-weather riding arena involves cut and fill to create a level area for the arena's surface. As such, these groundworks have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron extractive industry here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

**Reason**

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.



## UFFCULME PARISH COUNCIL - 13th September 2016 -

The Council's previously submitted response remains, no additional comments.

### REPRESENTATIONS

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

- o An enormous all weather arena placed next to the public footpath would have a significant detrimental visual impact for the footpath users and impact on wildlife.
- o Create an eyesore for footpath users and the neighbouring property
- o Concern uses of footpath would spook horses in the arena, fear of liability for this.
- o Loss of privacy for neighbouring property, overlooking as a result of the arena. Existing deciduous bank screening means there is an open view between the arena and the neighbouring properties private garden most of the year, resulting in a significant loss of privacy and a negative impact on quality of environment. Due to glazing on the property, those using the arena will see into the garden, living room, dining room and downstairs bedroom of the neighbouring property.
- o The proposed arena will generate a greater use of the back access track (vehicular and animals) increasing disturbance.
- o Unacceptable to plant Leyland cypress trees in the AONB to screen the arena, they would add to the eyesore from 2 Haydon End and from the public footpath adjacent to the field. This is not in keeping with the natural environment as they are not a native species and are known to cause problems between neighbours
- o There are numerous arenas in the area none of which are as large or in close proximity to a neighbours house or garden.
- o Object to a commercial sized area within close proximity of a neighbouring property. Need for an arena of this size is questioned.
- o Drainage concerns. The neighbouring property has had problems with excess water run off. Standing water in the corner of the field flowed onto the public footpath and onto the highway.
- o Issue with the water table levels and saturation of the neighbouring garden area, prohibiting the drains, septic tank and soak-away for the 2 Haydon End from functioning and rendering the house unusable. A processing plant and higher level soakaway has been installed next to the bank adjacent to the proposed arena site. Object to an arena sited in close proximity due to rainwater dispersed from the arena soakaway potentially saturating the neighbouring garden and soakaway with excess water, particularly as the garden is at a lower level than the arena site, with the land sloping towards the garden.
- o The arena could be relocated to the field south of the applicants house if a smaller arena was proposed but they state this isn't possible due to size, cost and visual impact in this area, this reasoning is invalid, this alternate location is preferable.
- o Concern over potential damage to the drainage system of the neighbouring property
- o Concern the arena may be covered in the future
- o Applicants currently use an arena within 100 metres of their property
- o Concern over use of floodlights
- o Concern over commercial use such as equestrian clinics
- o Object to the revised plan from the 11th of August
- o Object because the ground percolation test failed and stated the site is on a clay bed unsuitable for a soakaway.
- o The failed percolation test validates the objections, moving the arena makes no difference as the site slopes towards the neighbouring property and drainage system
- o 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.
- o Rainwater is unable to effectively soakaway underground due to the clay bed
- o The water table is exceptionally high and the ground becomes saturated very quickly
- o Due to the field slope water drains underground through the subsoil into neighbouring garden at lowest point
- o 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.
- o 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.

- o Additional letters of support are a generic letter.
- o 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.
- o Inaccurate incorrect and irrelevant information has been submitted.
- o 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.
- o The field is an unsuitable site. Action will be taken if neighbouring drainage system is disturbed or fails as a result of the decision.

Seventeen letters of support have been received in relation to this application, they are summarised as follows:

- o Hackpen Hill is dangerous for walkers, cyclists, riders and traffic due to its daily use by large lorries and farming vehicles. The applicants property adjoins the hill at a sharp blind bend, safety concerns for applicants exercising their horses on the road and when leaving the property with a horse trailer.
- o There are a number of arenas in the area that vary in size and position.
- o The applicant is an amateur competitor and a larger arena is required to train her three large horses for dressage and showing. Without an arena on site the applicant is unable to enjoy riding to the full and train as much as she would like.
- o It is appreciated the site is within the AONB but screening will ensure it is sympathetic to the environment.
- o Currently the applicant uses the site of the proposed arena for training and has done so since moving to the property 12 years ago, but this can only be done during the summer when the ground is dry enough.
- o The field is in a secluded position and is not accessible or visible from the road.
- o The field is only visible from the footpath in a couple of places due to the height of the tall bank running alongside it.
- o Assured that the arena will be for private use only, this can be controlled by planning condition.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Principle of development**
- 2. Impact on the privacy and amenity of the neighbouring property**
- 3. Site Drainage and impact on the Amenity of the Neighbouring Property**
- 4. Impact on the character and appearance Area of Outstanding Natural Beauty**

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

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. In addition, Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled rural uses. More specifically, Policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are well integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area or the amenity of nearby residents. In addition, equestrian development must not result in an unacceptable increase in traffic on the local highway network.

It is not considered there will be an unacceptable increase in traffic on the local highway network. It is submitted by the applicant that at present she transports her horses on a regular basis to use other arenas for training, this will not be necessary as a result of the proposed development therefore it is likely there will be a decrease in traffic movements. The Highway Authority have made no objections to the proposal.

A number of letters of objection have been submitted in relation to the application concerning the size of the

proposed arena; in particular that it is a commercial size and the need for this is questioned. The applicants state the proposed arena is for personal use only and will limit their need to exercise their horses on the dangerous lanes surrounding the site which are subject to heavy traffic use. A planning condition is recommended to restrict any commercial use of the arena and to ensure that it is used for private domestic equestrian purposes only. This is considered sufficient to address concerns that the arena will not be used commercially. Additionally, although the size of the arena is relatively large, it is not uncommon to have an arena of this size, or indeed much larger for training, particularly for training large horses. The standard 20x40 metre arena is the smallest size of arena used for equestrian purposes. It is often desirable to have a larger arena and in this instance it is considered the proposed arena is of an appropriate scale for its purpose in accordance with this element of policy DM23.

The other policy tests contained in DM23 are considered in detail in the sections below.

## **2. Impact on the privacy of the neighbouring property**

Policy DM23 requires that equestrian facilities are designed so as not to harm the amenity of nearby residents. A number of objections have been received in relation to this application concerning the loss of privacy to the neighbouring property, along with concerns about site drainage detrimentally impacting upon the neighbouring properties drainage system.

The objections to privacy and amenity have been raised by the occupiers and in relation to 2 Haydon End, a semi-detached property which is bounded to the north, east and south by the applicants land. These concerns are also supported by the Parish Council. At present, due to the semi-detached nature of the properties, 2 Haydon End is not entirely private, there is some overlooking between the properties, particularly at the front due to the low fence between the properties respective gardens, allowing views into each of the garden areas. As such, the proposal must be assessed in the context of the existing situation.

In addition, the applicant's state that for the 12 years they have occupied the site, they have always used the field to the north of 2 Haydon End to ride and school their horses. Whilst it is appreciated an arena in this location would increase the frequency of the use of this area, as it is currently only possible to ride in the field when ground conditions permit (summer months) it establishes that to an extent the neighbouring property is already overlooked from this viewpoint.

It is accepted that there is some impact on the neighbouring property as a result of the proposal; however, following negotiation changes have been made to the proposal in order to mitigate the impact on the neighbouring property. These changes include a revised location for the arena and additional screen planting. The new location of the arena is at its closest point approximately 30 metres from the boundary of the neighbouring property, and is approximately 60 metres from the property itself. The separation distance is considered to be reasonable and significantly reduces any overlooking impact.

In addition, on the boundary between the properties there is a planted bank, this provides a very good level of screening at present during the summer months, but due to the deciduous nature of the trees the level of screening decreases during the winter. In order to mitigate this it is proposed to plant the bank with mixed native species to infill the existing gaps. This planting will comprise of 9 Holly, 14 Beech and 8 Hawthorn, totalling 31 plants. This additional planting will provide increased visual screening between the properties, particularly during the winter months particularly as Holly is evergreen. As a further screen, the south eastern boundary of the arena will be planted with a Beech hedge screen which will retain its leaves during the winter months. This will be a single row of 600 centres planted with 300mm sets. The screening proposed and the separation distance between the properties is considered to adequately mitigate any impact on the privacy of the occupiers of 2 Haydon End.

## **3. Site Drainage and impact on the Amenity of the Neighbouring Property**

When considering the amenity of the neighbouring property, concern has been raised about the proposed drainage and its adequacy, in particular this is due to the problems experienced by the occupiers of 2 Haydon End, who state they have had issues with drainage and the functioning of their septic tank and soakaway, which last year rendered their house unusable. It is submitted that these issues were due to the high water table in this area, and as a result a new higher level soakaway has been installed in the garden

area of number 2 next to the bank adjacent to the site of the arena. The objections raise concerns about increased water runoff as a result of the arena and the impact this could have on the new soakaway system serving number 2.

Policy COR2 requires a clear understanding of the characteristics of the site and the provision of appropriate site drainage. A percolation test has been submitted in conjunction with this application; the test was carried out in accordance with BRE Digest 365, and included excavating a trial pit of a sufficient size to represent a section of the designed soakaway. The pit was filled in quick succession and monitored for water infiltration. After an hour there was no drop in the water levels and so the test was abandoned. The results of the test show there is no effective infiltration into the sub-soil and therefore the ground is unsuitable for a conventional soakaway drainage system. However, the test demonstrated reasonable porosity in the top soil to a depth of 300mm.

The proposed drainage scheme has been amended as a result of the test results; it is no longer proposed to provide a series of pipes below the arena that would be directed to a soakaway. Instead, it is proposed that below the arena surface of sand a fibre there will be a needle punched non-woven geotextile membrane, the membrane will lay on top of a clean stone compacted sub base, and below the sub base will be a geotextile permeable membrane. In addition, the arena base will be laid to a shallow gradient of 1:200, falling south easterly. The design of the arena is such that the surface and base will be permeable, therefore there will be no increase in impermeable area that would increase surface water runoff. It is considered that the existing situation will not worsen as a result of the proposal, and it is submitted the arena will likely slow down surface water runoff, mitigating the existing situation. The slope of the arena base will allow any excess surface water to drain into the porous topsoil on the south east edge, the ground in this location falls in a south westerly direction away from the neighbouring property. Due to the change in the arenas position there is a large area for any excess surface water to drain into the porous topsoil, and will ultimately be directed away from the neighbouring property due to the topography and the bank boundary.

An independent flood risk assessment prepared by Stuart Michael Associates Consulting Engineers has been submitted. In summary this report states that:

- 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 increase 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.

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. The drainage proposal has also been considered by Steve Densham (Development Services Manager) who raises no concerns to the proposal.

#### **4. Impact on the character and appearance Area of Outstanding Natural Beauty**

Policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are will integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Policy DM29 further sets out that development proposals in the AONB must demonstrate that the cultural heritage, character, appearance, setting and other special qualities of the landscape will be conserved or where possible enhanced.

The proposed arena will require some ground levelling works, however this location has been chosen due to

its relatively flat nature, limiting the amount of works required. The ground will be levelled using a cut and fill method as demonstrated on the proposed section drawings. Devon County Council Archaeology have provided comments in relation to the application which state the site may have archaeological and artefactual deposits that the ground works associated with the arena could expose and destroy; as such, in accordance with their recommendation a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation is recommended, in accordance with policy DM27 and paragraph 141 of the National Planning Policy Framework.

The proposed arena is in a well screened location by virtue of the mature trees and hedgebank surrounding the site. The letters of objection raise concerns that the Uffculme Footpath 29 runs adjacent to the sites south west boundary on the other side of the hedgebank, and that the arena would negatively impact upon this. However due to the significant screening views from the footpath are limited. The objection letters raise further concerns about flood lights and future covering of the arena, it is not appropriate or relevant to consider speculative future application to cover the arena in the determination of this application. In relation to floodlights, a condition is recommended to ensure no lighting is installed unless approved by the Local Planning Authority; in general, arena flood lighting is not considered appropriate in the AONB, in order to protect the landscape and dark skies of the AONB.

Furthermore, the objection letters suggest the arena could be relocated to the field to the south of the applicants dwelling, the reasoning for not siting the arena in this position includes that significant ground levelling works would be required on this site. In addition, this site is much more visible within the surrounding area, due to the proximity to the highway and the lack of screening. It is considered an arena in this alternative location would have a greater impact on the character and landscape of the rural area and the AONB.

A consultation response has been received by the AONB Partnership. Their response suggests the removal of the beech hedge and only reinforcing existing boundaries with planting of native species; they consider that 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. However, it has been stated that the Beech hedge could be kept if agreed as screening with neighbours and applicants, but the benefits of this are considered limited. The AONB Partnership has further stated that there are limited wider visual impacts; that 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; there should be no lighting or additional structures; and that the use should be restricted to personal use.

Overall, it is not uncommon for equestrian arenas to be located in the countryside; due to the significant existing and proposed additional screening, along with the proposed conditions, it is not considered that the proposed arena will harm the character and landscape of this rural area. It is considered the character, setting and other special qualities of the AONB will be conserved.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. The arena hereby approved shall be used for private domestic equestrian purposes only, in association with the property currently known as Hayden End, Blackborough, EX15 2HX and shall not be sold, let or otherwise used for any commercial use. On becoming redundant for such purposes, the all-weather arena shall be removed, and all materials resulting from the removal shall be removed

from the site within 3 years.

5. No external lighting shall be installed on the site unless details have been previously submitted to and approved in writing by the Local Planning Authority.
6. Within the first planting season following the date of this decision notice and by 31st March 2017, the hedge planting shown on the proposed landscaping plan numbered GH/Bentley/03 Rev B and received by the Local Planning Authority on the 16th of August 2016 shall be provided and be so retained thereafter. Any trees or plants which, within a period of 5 years from substantial 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.
7. The arena hereby approved shall be constructed only in accordance with the approved drainage plan titled 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.

### **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, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: (Development Management Policies) Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
4. To restrict the traffic generation caused by this site in the open countryside.
5. In order to protect the landscape and dark sky qualities of the Area of Outstanding Natural Beauty in accordance with Policy DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure the development does not result in an unacceptably adverse impact on the privacy and amenity of the occupiers of the neighbouring property and to ensure the development makes a positive contribution to the rural character of the area in accordance with policies DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure surface water is adequately managed to protect the amenity of the neighbouring property, in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM23 of the Local Plan Part 3 (Development Management Policies).

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

The proposed arena is considered to be acceptable in policy terms, subject to the proposed conditions. The arena is considered to be of an appropriate scale, design and materials for its use and is appropriately located so as not to harm the character and appearance of the rural area and the special qualities of the Area of Outstanding Natural Beauty. The proposed screening and drainage is considered to sufficiently protect the privacy and amenity of the occupiers of the neighbouring property number 2 Haydon End. The proposed development is for personal domestic equestrian use only and is not considered to result in an unacceptable increase in traffic on the local highway network. Overall, the proposal is considered to be in accordance with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM23, DM27 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 16/00922/FULL**

**Plans List No. 3**

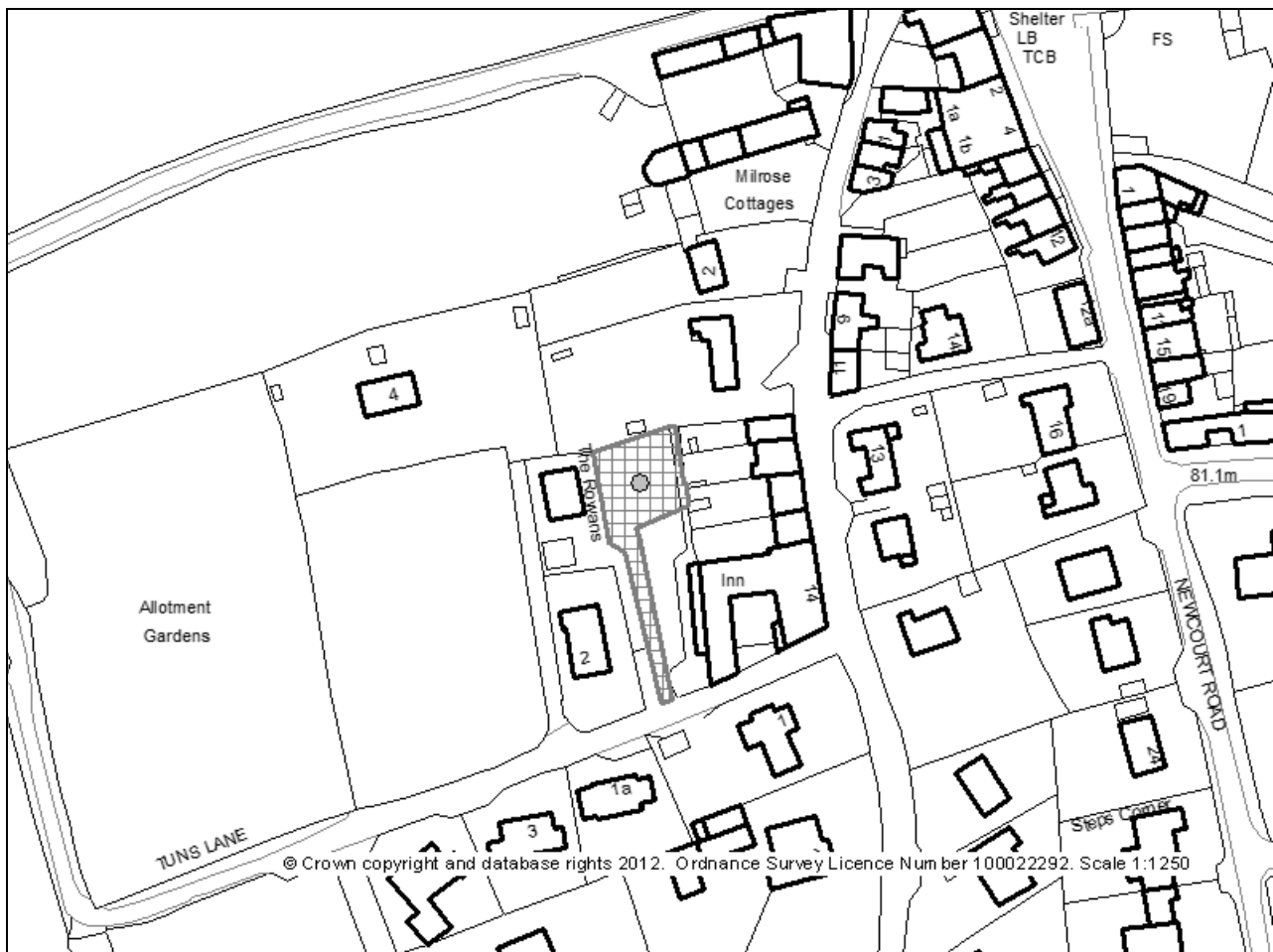
**Grid Ref:** 295502 : 102734

**Applicant:** Mr B Kilworth

**Location:** The Three Tuns  
Exeter Road Silverton  
Exeter

**Proposal:** Erection of a dwelling

**Date Valid:** 23rd June 2016



## **Application No. 16/00922/FULL**

### **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement grant permission.

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

To consider if the proposal is unacceptable development in terms of its size, detrimental impact on neighbouring properties, overdevelopment of the site, and a loss of parking spaces for The Three Tuns.

### **PROPOSED DEVELOPMENT**

The application seeks permission for the erection of a two storey, 4 bedroom dwelling within the northern part of the car park that is currently associated with the Three Tuns public house in Silverton. The dwelling is proposed to have painted render walls (with some timber boarding), a slate roof, and either timber or aluminium fenestration. There is one first floor opening the eastern elevation (gable end), however this is for a bathroom and will be obscure glazed. There are no other openings proposed on the gable ends. The proposal includes the provision of two parking spaces specifically allocated for the dwelling. Following provision of the dwelling there would be approximately 12 parking spaces associated with the public house. The previously approved scheme on this site retained 18 parking spaces.

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

None

### **PLANNING HISTORY**

82/01322/FULL Erection of kitchen extension - PERMIT

84/01592/OUT Outline for the erection of a dwelling - REFUSE

87/02192/FULL Alterations to existing skittle alley to provide hotel accommodation and erection of single storey dwelling - PERMIT

91/00565/FULL Completion of previously approved staff accommodation dwelling and use for general residential purposes with provision of independent vehicular access - REFUSE

01/02020/FULL Erection of dwelling and alterations to access - PERMIT

14/00150/LBC Listed Building Consent for works within existing dining room and bedroom to provide additional letting rooms - PERMIT

14/01943/FULL Erection of dwelling - PERMIT

16/00156/FULL Erection of 3 dwellings and boundary wall following removal of block of five letting rooms, storage buildings and boundary wall - WITHDRAWN

16/00160/LBC Listed Building Consent for erection of 3 dwellings and boundary wall following removal of block of five letting rooms, storage buildings and boundary wall - WITHDRAWN

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR17 - Villages



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

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 6th September 2016 - With current consents it would be sufficient parking for the Pub, will need to review if application for conversions comes back in.

31st August 2016 - If there is to be no conversion of the buildings I would say I would probably accept, the number you have would be 11 for the pub and 1 for holiday let. If the pub owner is to convert he would be advised to do the pub as well. I would prefer to see the access further to the south, but that would necessitate the garage being pushed back so its entrance is at ridge line.

**SILVERTON PARISH COUNCIL** - 6th July 2016 - Having commented on the inadequacy of the plans available to view on line the Parish Council does, however, feel the application is an overdevelopment of the site and does not support the application.

**HISTORIC ENVIRONMENT SERVICE** - 12th July 2016 - The consent granted for a previous application for the development of this site was conditional upon a programme of archaeological work being undertaken - Condition 3 on application 14/01943/FULL.

I would therefore advise that any consent granted for this new planning application should also be conditional upon the same worded archaeological condition, namely:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

## REPRESENTATIONS

3 letters of objection have been received. The objections have been summarised and raise the following concerns:

- o The plans ignore a 1 metre right of way for properties within Exeter Road
- o The window in the east facing wall should be frosted glass
- o The proposal will be overbearing and cause a loss of light
- o The proposal would dominate the surrounding area
- o Windows within the gable ends would create a loss of privacy
- o The outlook from neighbouring dwellings will be negatively impacted
- o The proposal will result in a loss of parking to the pub

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Impact on the conservation area and visual impacts**
- 2) **Design**
- 3) **Impact on residential amenity**
- 4) **Parking and access**
- 5) **Other**

### 1) **Impact on the conservation area and visual impact**

The proposal is for the erection of a two storey, 4 bedroom detached dwelling within part of the car park of the Three Tuns public house. The public house is a listed building and is within the Silverton Conservation Area. The public house car park and the site of the proposed dwelling are outside the Conservation Area but adjacent to it. There are views toward the site from the Conservation Area.

The dwelling is proposed to have an external appearance of render with a slate roof and aluminium windows. Conditions have been suggested that require a sample of the slate to be submitted as well as details of the render finish and the working details of the doors and windows (as well as details of the recess of the windows).

An application for a similar, albeit smaller scheme was previously approved on the site. In the previous application the conservation officer noted:

"The car park is a rather bleak area at the moment and contributes negatively to the conservation area. The car park is big enough to amply fulfil the needs of the pub and therefore I do not think that this will jeopardise the viability of the pub.

The design of the house, its size, massing, height etc. are all reasonable give the context and neighbouring properties. There are some echoes of vernacular housing nearby and therefore it will not be an alien intrusion. Silverton has a huge range of house styles and therefore I think that this will fit in reasonably well. The conservation area will be either preserved or enhanced by the proposal with no harm being caused to heritage assets, and therefore I feel that the ethos of the NPPF and the Local Plan part 3 policies are fulfilled.

Recommend consent is granted subject to timber windows (not either / or as suggested in application)." The conservation officer was re-consulted as part of this revised scheme, and noted the changes in the scheme did not cause concern, and therefore no objections were raised.

As indicated by the conservation officer, the design of the house, including its size, massing and height are all reasonable within the context of the site and the surrounding residential properties. As Silverton has a wide range of housing styles and appearances the proposed dwelling is considered to fit in well as it has a fairly traditional appearance.

It is considered that the conservation area will be preserved by the proposal and it will cause no harm to surrounding heritage assets including nearby listed buildings and the Conservation Area. The proposal is therefore considered to be in accordance with policy DM27 LP3 and the NPPF.

## **2) Design**

As previously noted, the design of the proposal is not considered to cause harm to the character and appearance of the surrounding area. The proposed dwelling affords adequate levels of sunlight and private amenity space to the dwelling. The proposal has adequate parking (as discussed later), and the design and appearance of the proposal is acceptable when considering it against the range and style of the surrounding properties.

Policies DM14 and DM15 seek to ensure that dwellings have an appropriate size and minimum level of amenity to suit its location etc. Since the publication of the dwelling size policy, the Government have produced national dwelling size guidance which supersedes this policy.

The design of the proposed dwelling is considered acceptable and delivers habitable accommodation which exceeds the space requirements established by the national standards. The application site has sufficient space to create a layout that accommodates satisfactory amenity space, including a parking area, and garden areas. In summary on this issue the design of the proposal is considered acceptable and principles established by policies DM14 and DM15 are considered to have been met.

## **3) Impact on residential amenity**

Policies DM2 and DM14 require that new dwellings do not have an unacceptably adverse effect on the privacy or amenity of the proposed or neighbouring properties and uses. The proposed dwelling would be west of existing dwellings in Exeter Road (built at the lower ground level associated with Exeter Road) and east of a detached modern dwelling called The Rowans which is built on a similar (possibly slightly higher) ground level as the proposed dwelling.

Objections have been received from the occupiers of the nearest residential dwellings to the east and west, none received from the dwelling to the north. The dwelling to the north has a lapsed planning permission for the erection of a dwelling in the garden, and a live/undecided planning application for the erection of a new dwelling in the rear garden, which is currently being considered by the LPA.

The dwelling would be gable end/side on to the rear of dwellings to the west in Exeter Road and approximately 16m from the rear of the two nearest properties 6 and 8 Exeter Road. At this distance, although the dwelling may cast some shadow over the eastern end of these gardens toward the end of a sunny day, it is not considered that the dwelling would have an overbearing impact on these dwellings. There is no unobscured first floor gable end/side windows proposed on the east elevation of the dwelling which would ensure no loss of privacy for the occupiers of these properties. The dwelling is therefore considered to be in accordance with the requirements of policies DM2 and DM14 LP3.

Numbers 10 and 12 Exeter Road are listed dwellings and although there would be some views from the rear of these properties toward the new dwelling it is not considered that the proposed dwelling would have an adverse impact either on the privacy or amenity of these properties or on their setting in accordance with policies DM2, DM14 and DM27 LP3.

The Rowans is to the west of the application site and faces toward the proposed dwelling. In order to prevent any loss of privacy to the occupiers of this property there are no windows proposed in the first floor of the western gable end. There are patio doors proposed at ground floor giving access from the new dwelling on to a patio area, however, due to the existence of a fairly tall boundary fence between the Rowans and the proposed dwelling the use of the patio doors and patio will not result in any overlooking or loss of privacy to the occupiers of The Rowans. While the proposed dwelling will be visible from the front elevation dormer windows of The Rowans and there would be a view of the upper parts of the western gable end from the downstairs windows of The Rowans, as the dwelling would be approximately 10 metres from this property it is not considered that it would have a significant detrimental impact on the amenity of the occupiers of The Rowans in accordance with policies DM2 and DM14 LP3.

There are first floor windows which overlook the garden of 4 Exeter Road. While there is some vegetation on the northern boundary of the site which would assist in reducing how visible the proposed dwelling would

be from 4 Exeter Road it is neither high enough or thick enough to form a visual screen and prevent overlooking. 4 Exeter Road did benefit from planning permission for the erection of a dwelling within the rear garden; however, this has now lapsed without development commencing. An application has been submitted for a new dwelling in the rear garden of 4 Exeter Road, however, this is yet to be decided by the LPA. The LPA have considered a loss of privacy on the rear garden of 4 Exeter Road, and have not speculated on a potential loss of privacy on any dwelling which may be approved in this area in the future.

In this case the rear garden of 4 Exeter Road is sufficiently large and private areas within the garden will remain. Considering this, the two bedroom windows that will cause overlooking to the existing garden of 4 Exeter road are it are not considered to cause significant harm to the living conditions of the occupants and is therefore acceptable.

Permitted development rights are proposed to be removed by condition for any new first floor windows in the west, east and north elevations of the proposed dwelling to protect the privacy of the occupiers of surrounding properties.

#### **4) Parking and access**

The application proposes to use the northernmost part of the existing car park to the rear of the public house as the site for the new dwelling. The site area is approximately 187 square metres and this includes the footprint of the dwelling, the garden and patio as well as two parking spaces and access to the spaces. The site would be segregated from the remainder of the car park by a hedgerow and dwarf wall.

The car parking space within the existing car park is not set out into formal spaces although it is estimated that 12 parking spaces will be retained. Within the previously application, parking was discussed and it was noted 18 spaces would be required for retention, 5 for the letting rooms and 13 spaces for the public house.

As this proposal results in a clear loss of parking, advice for Devon County Council highways was sought. Highways raised no objection to the proposal. As Devon County Council do not consider 12 parking spaces as inadequate, the LPA raise no objection to the loss of parking.

It is understood that deliveries to the public house are taken in Exeter Road rather than from the car park to the rear and the Highways Authority have not raised any specific concerns regarding this approach. While there would be parking and turning for cars and smaller vehicles within the car park, it would not be suitable for the turning of delivery lorries.

The car park is accessed from Three Tuns Lane, which in turn is accessed from Exeter Road. Three Tuns Lane is fairly narrow in places and it would not be a suitable access road to serve significant additional development. However, it already serves a number of dwellings and it is not considered that the traffic associated with one additional dwelling would have a significant adverse impact on the local highway network.

The access into the car park is also used by the residents of an off site dwelling called The Rowans. This access arrangement would not be affected as a result of the erection of one additional dwelling. The new dwelling would have access through the centre of the car park and into the dwelling site (and allocated spaces) at the northern end.

The quantity of parking allocated for the dwelling and remaining for the public house is considered to be acceptable and in accordance with the requirements of policy DM8 LP3 and the provision of a new dwelling will not have any long term adverse effects on the access and parking associated with The Rowans and will provide sufficient access for the dwelling in accordance with the requirements of policy DM2 LP3.

## 5) Drainage, ecology, private right of way etc.

### Drainage

The proposed dwelling would be connected to the mains sewer and this connection would be used for both foul and surface water drainage.

### Ecology

The site is part of a tarmacked car park. The removal of the tarmac to form the site of a dwelling will not have any adverse impact on biodiversity and the bank/trees/hedgerow on the northern boundary of the site is proposed to be retained.

### Private right of way

Concern has been raised by the occupiers of 6-12 Exeter Road that a private right of way through the car park to the rear of their properties has been blocked off by the previous owner of the public house and not re-opened by the current owner of the public house. Issues regarding private rights of way are not planning considerations and are a civil matter. Personal legal assistance would need to be sought in order to address and private rights of way issues, the planning system is not able to address such issues.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. Prior to their use of the site samples of slate and details of the render to be used for all the external surfaces of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
5. Prior to their use on site working details of the new external doors/door frames/windows, including sections, mouldings and profiles, finishes and glazing shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows shall be in accordance with these approved details, and be so retained.
6. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
7. Before the development hereby permitted is first brought into its permitted use, the first floor windows in the east elevation shall be non-opening, glazed with translucent glass, and be so retained.
8. 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 new windows or openings shall be inserted above ground floor level in the in the west, east or north elevations of the dwelling without the Local Planning Authority first granting planning permission.

9. 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, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or roof lights, and the provision of outbuildings, shall be undertaken within the dwellings 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 ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy DM27 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
5. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM/2, DM/14 and DM/27.
6. To ensure the use of materials and detailing appropriate to the development in order to safeguard the character and appearance of the conservation area and appearance of dwelling in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
7. To safeguard the privacy of the occupiers of 4 Exeter Road and new dwelling within its garden in accordance with Policy DM13 of the Local Plan Part 3 (Development Management Policies).
8. To safeguard the privacy and amenity of occupiers of nearby residential properties in accordance with Mid Local Plan Part 3 (Development Management Policies) DM2 and DM14.
9. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

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

The planning application seeks permission for the erection of a dwelling on land that formally formed part of the Three Tuns Inn, public house. Planning permission for the erection of a dwelling on this site has previously been granted. The currently proposed dwelling is larger than the extant planning permission. It is considered that the proposed dwelling will not have any adverse impacts on the character or appearance of the Conservation Area, or result in any detrimental impact to the visual amenity of the area. The design of the dwelling is considered to be acceptable. It is not considered that the dwelling would have an unacceptable impact on the residential amenity of occupiers of neighbouring properties. The dwelling would have two parking spaces and 12 parking spaces would remain to serve the public house. The proposed dwelling is considered to be acceptable and in accordance with Policies COR1, COR2, COR17 of the Mid Devon Core Strategy (Local Plan 1), DM2, DM8, DM14, DM15, DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Government guidance in the National Planning Policy Framework and has been recommended for approval.

**Application No. 16/00964/FULL**

**Plans List No. 4**

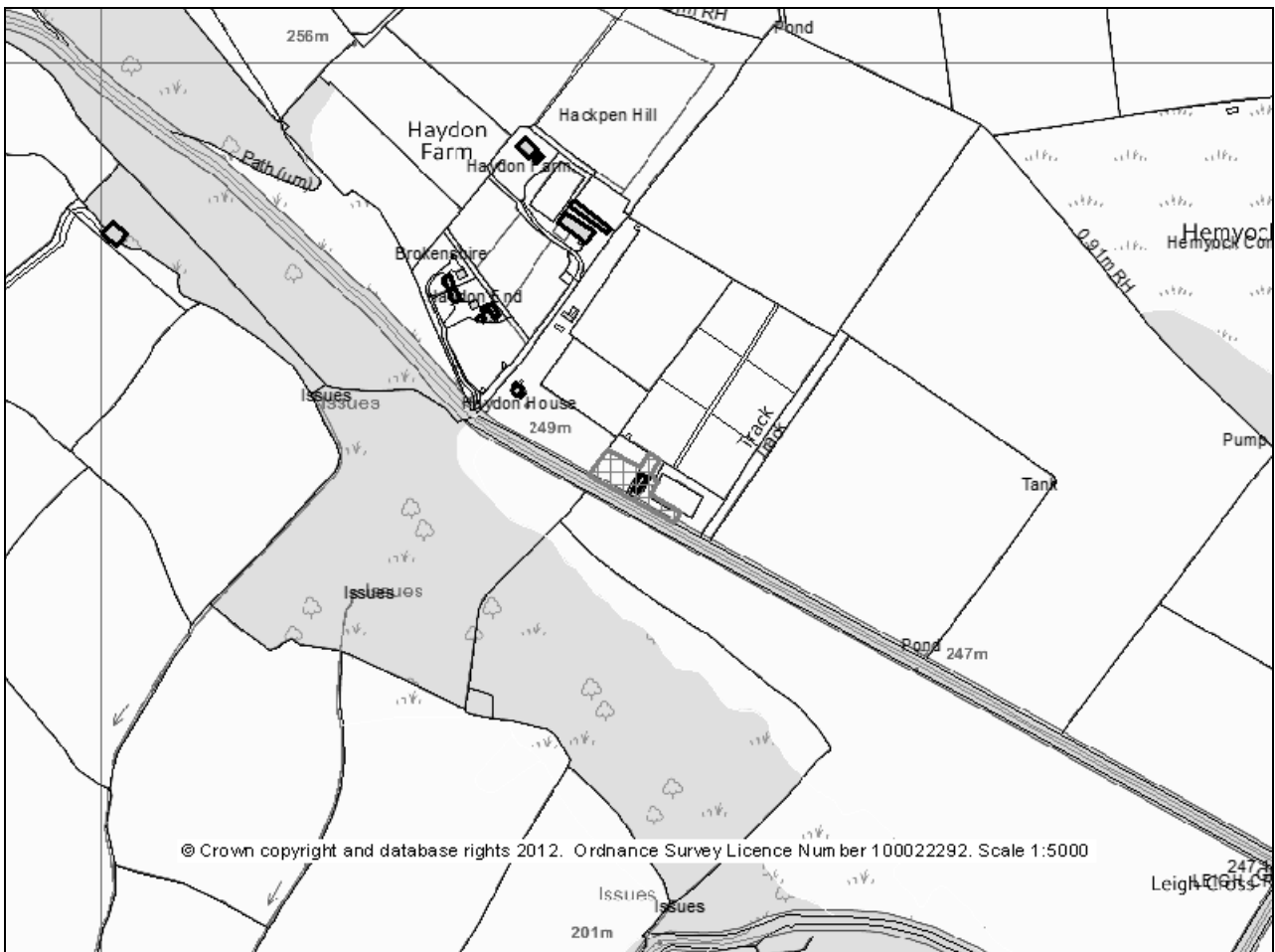
**Grid Ref:** 311447 : 111652

**Applicant:** Mrs M Newton-Yeo

**Location:** Hackpen Stables  
Blackborough Devon  
EX15 2HX

**Proposal:** Conversion of  
redundant stables to  
dwelling

**Date Valid:** 26th July 2016



**Application No. 16/00964/FULL**

**RECOMMENDATION**

Refuse permission.

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

1. To consider whether in the circumstances that it represents sustainable development and is affordable within the means of the applicant, and with regard to the reconstruction work that Policy DM11 does not apply.

**PROPOSED DEVELOPMENT**

Conversion of redundant stables to a one bedroom dwelling, at Hackpen Stables, Blackborough.

**APPLICANT'S SUPPORTING INFORMATION**

Plans  
Supporting Statement  
Bat and Protected Species Survey  
Structural Inspection Report  
FDA1

**PLANNING HISTORY**

92/01567/FULL Erection of 3 stables and tackroom - PERMIT  
03/05278/FULL Erection of equine exercise arena. - PERMIT  
07/00522/PE Proposed erection of dwelling - REC  
08/01537/FULL Erection of an agricultural storage barn - REFUSE  
08/01980/FULL Erection of equestrian storage barn and retention of change of use of land from agriculture to equestrian - PERMIT  
14/00956/FULL Retention of a shipping container/building to be used as storage/tack facility in association with equine use - REFUSE  
14/00958/CLU Certificate of Lawfulness for the retention of a caravan for residential purposes in excess of 10 years - REFUSE

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
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)**

DM2 - High quality design  
DM8 - Parking  
DM11 - Conversion of rural buildings  
DM14 - Design of housing  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes



## CONSULTATIONS

**HIGHWAY AUTHORITY** - 8th August 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

**UFFCULME PARISH COUNCIL** - 10th August 2016 -  
No Objection.

**BLACKDOWN HILLS AONB PARTNERSHIP** - 11th August 2016 -  
The Blackdown Hills AONB Management Plan seeks to ensure that all development in the AONB will be of the highest quality and would conserve or enhance the special landscape qualities of the area. If the planning authority is minded to approve this application, in order to conserve and enhance rural character and appearance the AONB Partnership would like to see conditions attached that would maintain controls on further buildings and structures and ensure the retention and management of a boundary hedge comprising locally prevalent native species. Consideration of the spaces around the dwelling, including use of materials and domestic boundaries, will also be essential to ensure that it is well integrated into its surroundings.

**NATURAL ENGLAND** - 5th August 2016 - No comments

**ENVIRONMENTAL HEALTH** - 8th August 2016 -

Contaminated Land - No objection

Air quality - No objection

Environmental permitting - n/a

Drainage - Further information required on results of any percolation tests plus the details of the treatment plant is required - before I can make any recommendations.

Noise and other nuisances - no objection

Housing standards - no objection

Licensing - no comments

food hygiene - n/a

Private Water Supplies - Informative Note:

A private water supply has been identified at an adjacent address. If this proposal is to also use this water supply the accommodation will fall under the remit of the 'Private Water Supplies Regulations 2009' as a small supply and a wholesome supply (as defined in the regulations) must be provided. A risk assessment and sampling regime will need to be undertaken by this authority prior to any residential use. Please contact Public Health at Mid Devon District Council on completion of this development. If mains water is to be used in connection with this proposal I would have no comment.

Health and safety - no objection

**NATURAL ENGLAND** - 14th September 2016 -

Please refer to associated documents for comments.

## REPRESENTATIONS

Three letters of objection have been received in conjunction with this application, they are summarised as follows:

- o Land is unsuitable for a soakaway due to the clay. Sewage will seep through top soil into land of neighbouring property creating environmental health issues.
- o Concern over compatibility of dwelling with neighbouring agricultural use.
- o Environmental sensitivity, shipping container and mobile home on the site without permission, not in keeping with the AONB.
- o Equine use is in keeping with locality.
- o Doubt if the original proposal was for a house rather than a stable block that it would have been considered
- o Development will have a negative impact on the AONB.
- o Question implications of permission, on hundreds of other stables in the area, will set a precedent.
- o Illogical that removal of generator is a contribution towards the environment, as its instillation in the

- o first place lacked sensitivity for the environment.
- o Plans do not meet the requirements and criteria of DM11
- o No justification for retaining the mobile home.
- o The occupants of the property have not complied with the previous planning ruling, disappointed this has not been enforced properly
- o Horses are stabled nearby, but winter fodder has recently turned up, unclear if use is redundant, or if new stables could be applied for after this application.
- o Risk of contamination of water supply

Three representations have been received in conjunction with this application, they are summarised as follows:

- o A condition should be imposed that the dwelling is not occupied until a mains electricity supply is secured due to the noise and disruption of the generator associated with previous site activities
- o Positive to consider the environment and the AONB after the previous siting of shipping containers and a mobile home
- o Concerns over private water supply
- o Previously argued it is necessary to live on site for security of the property and their horses, question future use of paddocks and arena, along with subsequent applications for stables.

One hundred and seven letters of support have been received in conjunction with this application, they are summarised as follows:

- o To provide a safe and secure home for applicants family on her land
- o Stables have been on the site for 20 years
- o Land has been well cared for, improved and is well maintained
- o House would enhance the property without damaging surrounding landscape or adjacent properties and would improve the area
- o This type of application is why policy DM11 exists
- o Couple are without a home and there is a shortage of low cost homes nationally, local governments are not meeting targets for providing these homes.
- o Many residential properties along this road, some have features that are not in keeping with AONB - poolhouse, polytunnels. The proposals will not have a negative impact on the AONB, will have positive impacts.
- o Stables cannot be seen from the road
- o The stables are redundant and will quickly fall into disrepair and become an eyesore. Good reuse of a redundant building.
- o Proposed building is of a good design, is aesthetically pleasing, low impact, will enhance the site and is in keeping with the surrounding area.
- o Granting permission will not set a precedent, each case is considered on an individual basis
- o Opportunity for self-build, this should be encouraged, more housing is needed. Mid Devon's policies support self-build, low cost/affordable housing.
- o Public interest and sheer number of supporters must be taken into account
- o Applicants contribute towards the local community, they are currently homeless and this conversion would negate the need for them to take up other accommodation benefitting the local community
- o Biodiversity and wildlife has been taken into consideration
- o Traffic movements likely to decrease as they won't be travelling to and from the site and the entrance will be improved.
- o Added site security
- o Objections stem from fear of change to the existing environment
- o Not isolated due to the other nearby dwellings
- o Would be a small lawful dwelling for the applicants having been forced off the site.
- o Will create revenue for the Local Authority and help to meet the housing shortage
- o The AONB do not object to the proposal
- o Removal of the generator will enhance the area and remove any possible noise pollution
- o Environmentally friendly conversion
- o Need to live on site with horses as they are vulnerable
- o Many stable blocks of this design in use, so is definitely in keeping with the surrounding area

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Planning Policy**
- 2. Planning History**
- 3. Character of the Building**
- 4. Conversion Works**
- 5. Site Access**
- 6. Impact on the Character and Appearance of the Area of Outstanding Natural Beauty**
- 7. Nature Conservation and Biodiversity**
- 8. Financial Contributions**
- 9. Whether the Proposal Represents Sustainable Development**
- 10. Planning Balance Summary**

### **1. Planning Policy**

This application seeks planning permission for the conversion of a stable block to a dwelling at Hackpen Stables, Blackborough. The building is located to the north east of Blackborough, and within the Blackdown Hills Area of Outstanding Natural Beauty. The site is outside of an adopted settlement limit, as defined by the Mid Devon Local Plan Policies Maps (adopted October 2013). Whilst new residential development is restricted in countryside locations, a general principle is established for the reuse of redundant or disused buildings under Paragraph 55 of Part 6 of the National Planning Policy Framework, where the development would lead to an enhancement to the immediate setting.

Policy COR2 of the Mid Devon Core Strategy (LP1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. Policy COR18 of the Core Strategy 2007 seeks to restrict new development in the countryside, however, the policy allows for some appropriate rural uses, aimed at promoting sustainable diversification of the rural economy. These exceptions include appropriately scaled agricultural buildings, rural worker dwellings and employment development. COR18 does not support the conversion of redundant buildings to private dwellings; however National Planning Policy Framework (2012) and Policy DM11 of the Local Plan Part 3 (2013) take precedence. Therefore in this context, the Authority considers that policy COR18 carries little material weight.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands on the overarching support in the NPPF and permits the conversion of rural buildings that are of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses.

### **2. Planning History**

The site has been subject to a number of previous applications in relation to the equestrian use between 1992 and 2008. In 2014 an enforcement notice was issued in relation to the siting of a caravan and a metal portacabin for human habitation on the site, in breach of planning control. The requirements of the notice were to cease the residential uses and remove the caravan and portacabin from the land. Following the enforcement notice, in 2014 an application was submitted for a certificate of lawfulness for the retention of a caravan for residential purposes in excess of 10 years. Alongside this was an application for the retention of a shipping container as a tack storage facility in association with the equine use. Both applications were refused. Following their refusal the enforcement notice was appealed under s174 of the Town and Country Planning Act 1990 on the ground that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. The evidence before the inquiry was that the site was occupied for safety and security reasons because of the horses and costly equipment on site, particularly as there had been a number of previous break ins. The Inspector dismissed the appeal in June 2015 and upheld the enforcement notice. The Inspector found there were many inconsistencies in the evidence provided and that on the balance of probabilities the caravan on the site was used for camping out, rather than in full residential occupation for the required 10 year period. The compliance period for carrying out the requirements of the notice was six months, this ended on the 26th of December 2016. Although it is believed that the residential occupation of the site has ceased, the

caravan and portacabin required to be removed by the notice are still in situ on the site. The Council continue to seek compliance with the notice and are currently pursuing prosecution.

Some of the representations suggest the applicant is homeless, however, the supporting letter submitted by the applicants agent alongside this application states the applicants "have now been forced to leave the land and have made alternative accommodation arrangements elsewhere in the area." In addition, it is stated that as they have vacated the site they are no longer able to safely or securely keep their horses on the site, which is why the stables have become redundant. As such, the Council do not believe that the applicants are homeless, and so it is not necessary to weigh this in the planning balance.

### **3. Character of the Building**

The first policy test of DM11 is that the building must positively contribute towards an areas rural character. The building subject to this application is a modern single storey stable building of a timber construction, with timber framed and clad walling on a brick plinth; the building has a profiled steel sheet roof covering. Although modern timber stable buildings of this type are commonly found in the countryside, they are not considered to positively contribute towards an area's rural character, they are merely functional buildings, and their impact on the countryside has been considered acceptable for the purposes of their justified rural use, in this instance, an equestrian use.

The Cambridge Dictionary defines character to mean "qualities that are interesting and unusual" it cannot be said that the application building has any interesting or unusual qualities that are worthy of retention, in order to justify the conversion and long term presence of this building as a dwellinghouse in the open countryside. Furthermore, in the supporting text to Policy DM11, it is stated that local vernacular architecture should be retained. In this instance, the building is not considered to have any positive contribution to the areas rural character, and has no local vernacular architecture to retain. This is emphasised by the conversion works detailed, which proposed to entirely remove the walls and roof covering of the existing building leaving only the frame, and replacing these materials with materials of a better quality to improve the appearance of the building.

A recent appeal was dismissed under policy DM11 for a relatively modern rendered garage/workshop building, also in Blackborough (application reference 15/00033/FULL, appeal ref: APP/Y1138/W/15/3134744). In this case the conversion works consisted of only internal works and the garage/workshop had been considered acceptable in policy terms to serve a dwellinghouse in 2007. The inspector in dismissing the appeal found that the building would not positively contribute towards the areas rural character due to its domestic construction and appearance contrary to policy, despite considering that the conversion would preserve the natural beauty of the Blackdown Hills AONB, and would sustain the existing character of the area.

The Authority considers that this building does not positively contribute to Mid Devon's rural character; the building is not of an overall shape, form or of materials that would warrant its retention. As such, it is considered that the building fails to meet the preliminary character test of Policy DM11 and does not result in an enhancement to the immediate setting as required by the NPPF.

In addition, Policy DM11 requires that the building is a redundant building, although information has been submitted stating the stables are no longer occupied due to site security reasons, it is unclear whether the equestrian use of the building and the wider site is entirely redundant so as to warrant its reuse for another purpose, particularly as the all-weather equestrian arena is proposed to remain in situ opposite the stable building.

### **4. Conversion Works**

Policy DM11 requires that:

The building can be converted without significant alteration, extension or rebuilding;  
The design will retain the original character of the building and its surroundings;

The proposed works do not involve any extension of the existing building. However, it is proposed to entirely replace the existing roof and walling material, this is considered to be a significant alteration to the building,

contrary to DM11. The submitted structural survey finds the building to be structurally sound and suitable for conversion with only minor works required to ensure the long term integrity of the property.

The design of the building aims to retain and upgrade the existing appearance of the building, whilst largely utilising the existing openings. The proposed materials include new a standing seam metal roof covering, new cedar clad walls, horizontal stained shiplap timber below the window openings, a stove pipe chimney and dark grey painted timber windows and doors. The proposed design is considered to respect the rural surroundings; however, this is insufficient to overcome the conflict with other elements of DM11.

It is proposed to deal with foul sewage with a package treatment plant, and surface water with a soakaway. Further details of the package treatment plant are required, along with further details that a soakaway is a suitable and effective way of dealing with surface water in this location.

Internally, the dwelling will be single storey, with one bedroom, a bathroom, study and kitchen/living space. The dwelling has an internal floor space of approximately 54 square metres, this exceeds the National Space Standards which require a single storey one bedroom, two person dwelling, to have a floor area of at least 50 square metres. The proposed dwellinghouse will have a reasonably sized garden. The private amenity space reflects the size, location, floor space and orientation of the property in accordance with policy DM14 of the Local Plan Part 3 (Development Management Policies). Within the existing lean to there is proposed to be a waste/recycling area for bin storage within close proximity of the access track, there is also sufficient space within the curtilage for any additional storage.

## **5. Access**

Policy DM11 requires that:

A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;

The building is accessed from an unclassified road via an existing access. The Highway Authority has raised no objections to the proposed development. The existing access is adequate to serve the building, has reasonable visibility and it is not considered that the movements associated with a dwelling on the site would be dissimilar to those associated with the equestrian use of the site. It is proposed to reposition the existing gates to be in accordance with Highways Standing advice that requires gates to open inwards only and set back from the highway, with no surface water to be discharged onto the highway.

In addition, policy DM8 stipulates that development must provide an appropriate level of parking, guiding that 1.7 spaces should be provided per dwelling. The proposed scheme provides sufficient hardstanding parking for in excess of two cars and is considered to be compliant with the Devon County Council Standing advice in terms of size, with adequate turning space; as such this policy requirement is met.

## **6. Impact on the character and appearance Area of Outstanding Natural Beauty**

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), policy DM29 sets out that development proposals in the AONB must demonstrate that the cultural heritage, character, appearance, setting and other special qualities of the landscape will be conserved or where possible enhanced. Although the site benefits from some screening from the existing hedgebank, this screening is significantly reduced in the winter months and so the proposed dwelling would be visible from the public highway during the winter months, with some more restricted views of the dwelling during the summer months.

The proposed conversion works are considered to result in some harm to the AONB, the conversion itself would not likely cause great harm to the existing character and appearance of the AONB, but would likely increase the length of time the structure is present within this open countryside location. In addition, the proposal will likely result in the domestication of the site and some sprawl of domestic paraphilia around the building, which is out of character with the rural nature of the site and will have a negative impact on the character, appearance, setting and other special qualities of the AONB.

## **7. Nature Conservation and Biodiversity**

Policy DM11 requires that:

The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

A bat and protected species survey has been submitted in support of this application. The findings of the survey were that despite potential bat access points there were no signs of bats. The stables do not support a bat roost and the proposed works are unlikely to result in any disturbance to bats. The stables are also not considered to support a breeding or roosting site for barn owls. The survey did find that the site is currently an active nesting site for swallows; it is advised that works are commenced outside of nesting season. A positive biodiversity gain could be achieved by providing bat roosting provision, bird nesting cups and barn owl nesting provision. Overall, the proposal is considered to retain nature conservation interests associated with the site in accordance with this element of DM11.

## **8. Financial Contributions**

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document 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 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.

As such, a financial contribution of £900 has been paid in accordance with policy AL/IN/3, towards landscaping improvements and the provision of park furniture at Higher and Lower Millhayes Open Spaces, Hemyock.

## **9. Whether the Proposal Represents Sustainable Development**

The NPPF establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. Policies COR 18 and DM11 should be given full weight in the decision making process.

Paragraph 55 of the NPPF sets out that Local Planning Authorities should avoid new isolated homes in the countryside unless there special circumstances. The building subject to this application is on the open countryside outside of any adopted settlement limit and is considered to be in an isolated location; its conversion would result in a new isolated home in the countryside. It is not considered that any of the special circumstances set out by the NPPF have been met, these include:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.  
Such a design should:-
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The NPPF sets out that sustainable development has three key elements: economic, social and environmental roles. There would be limited economic benefits associated with the proposal. The proposed development does not require significant construction; rather it is a conversion on an existing structure. The Council would receive finance from the New Homes Bonus and a public open space payment of £900.

However, the Council have attached limited weight to this matter in the balancing exercise.

The social role of sustainability includes providing the supply of housing required to meet the needs of present and future generations. The Council note that the creation of a dwelling is a benefit of the scheme, albeit an extremely modest one. The applicant's case is that the proposal will create an affordable self-build family home. However, there is no guarantee that the dwelling will be affordable, or that it will remain occupied by the applicants, or be sold or rented to a local person or family.

Whilst the limited benefits of the proposed scheme are acknowledged, it is considered that they are outweighed in the planning balance by the harm outlined in the reason for refusal. In addition, despite the limited objections and the significant number of supporting letters, this is insufficient to negate the conflict with Local and National Policy.

Furthermore, the new house would not be sited in a location that would be accessible to local services and facilities; key services including shops, places of employment and education, health, sport and leisure facilities are not within close proximity of the appeal site. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, the opportunities to use public transport in this instance are non-existent. There are no public footpaths or designated cycle routes which connect Blackborough to neighbouring towns and villages. Indeed, even if a future occupant was to walk to a village or town higher up in the hierarchy, the rural country roads are unlit and are unlikely to be used in inclement weather and during the evening.

The proposed development is unsustainable and therefore prejudices not just the golden thread that runs through National Policy but also the thrust of the adopted Local Plan.

## **10. Planning Balance Summary**

The site is located in the open countryside and is considered to be in an isolated location, the conversion of this building to a dwellinghouse would result in a new isolated dwelling in the countryside; no special circumstances have been identified to justify the creation of a new dwelling in the countryside, the proposal is therefore contrary to the adopted policies of the Mid Devon Local Plan and the National Planning Policy Framework.

In addition, the policy requirements of DM11 of the Local Plan Part 3 (Development Management Policies) cannot be met, as the building is not one that is considered to positively contribute towards the rural character, by virtue of its design and construction using modern materials lacking intrinsic merit so as to warrant its retention, the conversion works result in significant alteration and rebuilding and it is unclear whether the equestrian use is entirely redundant.

## **REASONS FOR REFUSAL**

1. It is the opinion of the Local Planning Authority that the building fails to meet the preliminary character test of Policy DM11. Despite being considered a rural building by virtue of its rural location, this stable block of a modern construction is not of a shape, form or materials that are worthy of retention. The building is not considered to be of any intrinsic merit, architectural or otherwise and isn't thought to positively contribute to Mid Devon's rural character. In addition there is no evidence to suggest that the building's permitted use is entirely redundant, and the proposed works, effectively stripping the building to its frame, results in significant alteration and rebuilding, contrary to Policy DM11. The proposed development is considered to be harmful to the character, appearance, setting and special qualities of the Area of Outstanding Beauty, due to the proposal securing the long term presence of the building within the rural landscape and the resultant domestic paraphernalia associated with a dwelling in this location. In addition, the existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, as proposed the development would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the other special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met so as to justify a dwelling in this location. Overall, the proposed development is considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM11 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. The application is therefore recommended for refusal.

Application No. 16/01184/LBC

Plans List No. 5

Grid Ref: 296000 : 122094

Applicant: Mr Giuseppe Giorgione

Location: 10 Briton Street Bampton Tiverton  
Devon

Proposal: Listed Building Consent for internal  
and external alterations including  
relocation of the kitchen

Date Valid: 2nd August 2016





## **Application No. 16/01184/LBC**

### **RECOMMENDATION**

Grant Listed Building Consent subject to conditions.

### **PROPOSED DEVELOPMENT**

The proposal is to make internal alterations to the house, including the relocation of the kitchen into the existing dining room, alterations to the dining room fire place to raise the lintel height, the insertion of a wood burning stove into the living room with associated removal of a later fire insert and hearth, works to alleviate damp problems and works to the floors of the dining room and living room. The replacement of rainwater goods across the whole property and the re-rendering of the gable elevation are also included.

Therefore the main issues with regard to this proposal are:

1. Are the works appropriate for the proper preservation of the listed building?
2. Will the works cause harm to the listed building?

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

Heritage, Design and Access statement

Schedule of works

Photographs

Location plan

Indicative sketches of internal wall showing fireplace arrangement (dining room)

Floor plan (ground floor)

### **PLANNING HISTORY**

04/00295/LBC Listed Building Consent for external alterations including installation of roof lights, installation of replacement window casements and internal works including loft conversion - WDN

06/00291/LBC Listed Building Consent for works to 2 no. chimneys, removal and re-plastering of front and rear elevations, and internal alterations - PERMIT

09/01398/CAT Notification of intention to fell 1 Spruce Tree within a Conservation Area - NOBJ

16/01184/LBC Listed Building Consent for internal and external alterations including relocation of the kitchen - PCO

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

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

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 8th August 2016 -

No Comments

**BAMPTON TOWN COUNCIL** - 19th August 2016 -

No Objection.

## REPRESENTATIONS

None received.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

- 1) **whether the work is appropriate for the proper preservation of the listed building, given its special architectural and/or historic interest**
- 2) **whether the work causes harm to the listed building**

This application relates to a grade II listed dwelling in Bampton conservation area. It is an early 19th century attached property with an attractive formal front elevation and a long garden to the rear which contains various small outbuildings. The proposal is to make internal alterations to the house, including the relocation of the kitchen into the existing dining room, alterations to the dining room fire place to raise the lintel height, the insertion of a wood burning stove into the living room with associated removal of a later fire insert and hearth, works to alleviate damp problems and works to the floors of the dining room and living room. The replacement of rainwater goods across the whole property and the re-rendering of the gable elevation are also included.

The ground floor of the house clearly has damp problems in the rear and gable wall and floors. The suspended timber floors in both rooms are springy and show signs of rot and damp next to the walls and in the corners in particular. Works to improve breathability of the gable wall and drainage around the house have already been carried out and have improved the situation to a degree but it is likely that the sloping rear garden and part-retaining nature of the gable are the cause of the problem and neither of these can be improved further with external alterations. The works requested include the replacement of the timber floors, joists and wall plates where rotten and in the instance of the dining room, either timber replacement or replacement with an insulated and DPMD concrete floor. The works are considered to be carefully considered and justified and in the circumstances, acceptable. They will lead to the longer term viability of the house through the creation of a better standard of living environment with the reuse and retention of as much historic fabric as possible.

The kitchen is proposed to become a utility room with no associated changes requiring consent. The kitchen will move to the current dining room. The application requests raising the lintel above the existing fireplace to allow a cooker to be used in this location. The existing fireplace is an unsecured later timber insert and is of no historic interest. There may well have been a range in this room originally as the room itself was likely to have been the kitchen. The creation of a higher lintel and inserted cooker will not harm the listed building and the very minor removal of (possibly) historic material is acceptable.

It is proposed to remove the existing living room fireplace insert with a wood burning stove. Whilst the timber mantelpiece is likely to be contemporary with the house (and will not be affected by the proposal), the insert is cast iron with a tiled surround and is likely to date from the 1920s or 1930s. The tiled hearth is a late 20th century feature and is also proposed to be removed and replaced with a slate or stone hearth. The loss of the cast iron insert and associated tiles is acceptable given their later date.

The application also seeks to replace rainwater goods on the house and carry out re-rendering works using lime on the gable end - these are retrospective elements of the application but have been done after discussions with the conservation officer. The materials used and specifications are all accepted and benefit the condition and visual appearance of the listed building. Other minor works of repair to outbuildings and boundary walls and minor landscaping works to the rear of the house are specified in the application but do not require listed building consent. They are included for information and to identify the conservation led approach to the ongoing restoration of the building.

The application is carefully supported, appropriately detailed and there is clear justification for the works within it. The proposal creates no harm and is therefore in compliance with both national guidance (NPPF) and local policies (COR2 and DM27). This report and its conclusions incorporate the views of the Conservation Officer.

## **CONDITIONS**

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

## **REASONS FOR CONDITIONS**

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of safeguarding the character and appearance of the listed building.

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

The proposed works are considered to be acceptable and will not lead to harm to the listed building. The works are carefully specified, justified and are (in part) necessary for the proper repair and restoration of the building. The proposal is therefore in accordance with the Mid Devon Local Plan Part 3 (Development Management Policies) Policies DM2 and DM27 and the National Planning Policy Framework and should be granted consent.

Mrs Jenny Clifford  
Head of Planning and Regeneration