

PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES

<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 at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.</p> <p>Highway Authority comments received 5th October 2016</p> <p>Observations: I confirm the conversation, discussions with the Planning Officer, the comments received from the Developer and with the imposition of the condition in respect of the output and feed stock. The Highway Authority withdraws its objection and is confident that the Local Planning Authority will have appropriate control and that there will be no material increase in traffic from this application.</p> <p>Recommendation: THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT</p> <p>Updates for Plans list item 1 The report states that planning permission has previously been granted for the installation of an Anaerobic Digester at Edgeworthy Farm. Permission was granted on appeal under reference 13/01170/Full. While works have started on site, not all of the pre commencement conditions have been discharged and therefore the works that have taken place are technically unauthorised. On 21st August 2015 the Department for Communities and Local Government (DCLG) set out changes to national planning policy to make intentional unauthorised development a material consideration that should be weighed in the determination of planning applications (the Statement has a specific focus on impact on Green Belts).</p> <p>With regards to the development at Edgeworthy Farm, the unauthorised works did not take place in advance of planning permission being obtained. Planning permission had been granted but the pre commencement conditions had not been discharged prior to starting on site works. While the Local Planning Authority have taken the DCLG statement into account when assessing this current Section 73 application, it is not considered that the applicants failure to discharge the pre-commencement conditions (on a scheme that will no longer be implemented), overrides the planning merits and acceptability of the currently proposed development.</p>

PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES

	<p>Condition 5 Line 3, change "...point of origin or destination" to "...point of origin or ultimate destination" (add in word ultimate – but not in bold text)</p> <p>Condition 7 Change to:</p> <ul style="list-style-type: none">i) 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.ii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from. The log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery.iii) No other sites are to be utilised for feedstock source. Such log book records shall be submitted to the Local Planning Authority quarterly or within and other frequency as requested by the Local Planning Authority.iv) Records of feedstock input into the digester by weight from the hopper hall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority. <p>Condition 12 Change to: The permission hereby granted is for a 200kw anaerobic digester only. Power generation from the development shall not exceed 200kw averaged over a quarterly period (such quarterly period to commence from the first Feed in tariff submissions and continue thereafter). Such records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.</p> <p>Additional condition 13. The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted. Reason: To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.</p>
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Applications of a non-delegated nature

UPDATES

<p>2.</p>	<p>16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.</p> <p>30th September 2016 Two additional reports have been submitted.</p> <p>An investigation report from UKDN Waterflow has been submitted by Ms Criddle (objector).</p> <ul style="list-style-type: none"> • The report concerns inspection results and observations of the drainage system • Summary of works carried out at the property: there was damage to the septic tank and water backing up from the soakaway system, a new system was recommended. • Percolation tests revealed a high water table, it was determined a traditional septic tank and soakaway system was not viable. A pump station, sewage treatment plant and low level drainage field was installed in May 2016. • Sub topography of the soil is a mixture with a high clay element. The report states that in these circumstances it is impossible to accurately forecast the course of surface water. • Due to the high water table the report advises that any development or building works which increase the flow of water to the property could cause damage to the new drainage system, causing saturation and the system to cease to function to specification. <p>An updated Technical Note – Flood risk Assessment by Stuart Michael Associates has been submitted by the applicant, this has been informed by a topographical survey of the site by South West Surveys.</p> <ul style="list-style-type: none"> • The technical note is based upon a topographical survey of the site showing contours at 0.1m intervals, ordnance survey mapping, submitted plans and infiltration test results, British Geological Survey information and Environment Agency Information. • A drawing of the existing site has been prepared showing the direction of surface water runoff across the field. • The topographical survey shows that the existing ground levels, in the area where the arena is proposed, fall approximately 1.2m from the highest point to the lowest point. • The site has a very low risk of flooding from surface water. The field is close to the local high point so the catchment area affecting the field to the north is small. • The existing ground levels in the vicinity of the proposed arena show that surface water would flow directly southwest towards the

PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES

	<p>southwest boundary of the site.</p> <ul style="list-style-type: none"> • The arena will not generate increased runoff or increase flood risk because any rain falling on the arena will infiltrate through the permeable surface of the arena construction and through to the impermeable clay layer where it will flow along the top of the clay and either dissipate into the surrounding soil or if the soil is saturated continue downhill, as currently, towards the southwest boundary of the field. • It is recommended that the arena base is laid the shallow falls in a southwest direction to mimic the existing situation rather than the direction shown on drawing GH/Bentley/04. • The plateau formed by the arena and its sub-surface permeable construction will have a small attenuation effect on the flow of water through the arena construction when compared with saturated ground on top of the impermeable clay. • In extreme events, when the ground and arena are saturated, there would be no increase in flood risk. • The topographical survey provides evidence that the majority of the field is sloping towards the southwestern boundary. Surface water runoff from the area where the arena is proposed to be located cannot flow towards 2 Haydon End and will not affect the drainage system. • This report confirms that flood risk will be managed acceptably and that the proposed arena should not increase the risk of flooding elsewhere. <p>4th October 2016 A revised drainage plan has been submitted in accordance with the findings of the topographical survey, this amends the direction of the gradient that the arena base is laid to.</p>
3.	16/00922/FULL - Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.
4.	<p>16/00964/FULL - Conversion of redundant stables to dwelling at Hackpen Stables, Blackborough, Devon.</p> <p>30th September 2016 A percolation test has been undertaken in accordance with the Building Regulations 2010 H2 document the results found the site to be within the</p>

Applications of a non-delegated nature

UPDATES

	<p>suitable range for a soakaway and sewage treatment plant to support a single bedroom dwelling.</p> <p>The applicants have suggested the following conditions should Planning Committee be minded to approve the application:</p> <ul style="list-style-type: none">• Timing – Standard Condition – commencement of proposed development within 3 years of approval – reason: in the interests of proper planning• Materials – Standard Condition – To supply and agree external materials with the council prior to their use on site - reason: in the interests of proper planning• Generator – the development shall not be occupied as a dwellinghouse until the provision of a fixed mains electrical power supply is installed at the property – reason: to improve the residential amenity of the area (in accordance with DM11) and in the interest of improving the peace and tranquillity of the Blackdown Hills AONB• Landscaping, Planting & Hedgerow maintenance – the development shall not be commenced until details of a planting scheme and management plan has been received and approved in writing by the council – reason: in the interest of maintaining and enhancing the Blackdown Hills AONB (Condition as proposed by the AONB partnership)• Bat boxes/ biodiversity enhancement – development shall be completed in accordance with the attached biodiversity report recommendations – reason: to ensure that net biodiversity gains result from the proposed development.• Lighting plan – the development shall not be occupied until a lighting plan has been submitted and agreed in writing by the LPA – reason: to ensure that the residential amenity of the area is not adversely affected by the proposal and to limit light pollution in the Blackdown Hills AONB Restriction on permitted development rights - a planning condition which restricts permitted development rights for subsequent extensions and alterations – reason – to comply with Policy DM11 and para 2.9 of the 2013 Mid Devon local plan.• The applicant would be prepared to restrict the property to ‘local needs’ housing. <p>3rd October 2016</p> <p>Three additional letters of support have been received, they are summarised as follows:</p> <ul style="list-style-type: none">• There is a shortage of low cost affordable housing.• No effect on the environment nor are there any other reasons that the planning application cannot go through. Removal of the generator would be an improvement.
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PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES

	<ul style="list-style-type: none"> • Application is for a local couple on land they have owned for many years, will utilise the now redundant stable block and is in keeping with the surrounding area. • Allowing local people to remain in the area should be encouraged, they have lived on the site for some time, this would formalise the issue. • Low impact proposal, not easily visible and would not affect the peaceful nature of the surrounding countryside. • Good use of an existing building. • The existing access would be improved. • The Government is encouraging the use of redundant agricultural buildings and self build. <p>4th October 2016</p> <p>An additional letter of objection has been received from an existing objector, the points raised are summarised as follows:</p> <ul style="list-style-type: none"> • Raises that the activities of the site have caused stress and disruption over the past 10 years. • Concern over the reliance on the existing water supply and that the supply will become contaminated if more septic tank drainage is discharged onto the hill. • Question the percolation test results, where the water will drain to and the proximity of the neighbouring property. • Concern about the affordability of this one bedroom dwelling due to the cost of finding and connecting a water supply, electricity, and foul and surface water drainages. Low cost homes should be built in areas where services are available to accommodate them. • A one bedroom property is not a family home, concern about the occupation of the mobile home and shipping container as a result. • Questions the footprint of the stables as the generator shed was built without planning. • Claims to need to live in site with horses, there are many horses stabled on this hill and no one lives with them.
5.	16/01184/LBC - Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton.
	AGENDA ITEMS
	16/00180/FULL – Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) at 19 Exeter Road, Silverton

PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES

	16/00458/FULL - Erection of 3 dwellings and associated infrastructure following removal of existing nursery building at Action For Children at Crediton Area Childrens Centre Newcombes Crediton
	<p>14/01332/MOUT - Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space at East of Station Road, Newton St Cyres</p> <p>3rd October 2016 Page 132.</p> <p>As stated at point 3 of the report an informal presentation to the planning committee was undertaken on Monday 26th September. The meeting was well attended with various presentations from the developers team. The notes of the meeting have been circulated to the members with comments from a number of key speakers.</p> <p>The comments as set out below add further to report in terms points i) and ii) reflecting on that meeting and further submissions to yours officers since the update report was drafted.</p> <p>i) Third Party land: Discussions have progressed and it has been agreed that the additional section of land currently owned by the by the occupiers of the corner property will be acquired by Kingswood Homes and transferred to Devon County Council. This will enable the Highway Authority to complete phase 2 as indicated on the junction improvement plan which was submitted to support the outline planning application and as produced at appendix A of the report.</p> <p>Members will have received a letter from Newton St Cyres parish Council putting forward the following recommendation:</p> <p>That approval be given to the proposal for an amended one way system as presented by Kingswood Homes and DCC Highways on condition that once the new School is occupied this system is fully monitored for 12 months and, if after 12 months, there is a problem then the full widening scheme should be implemented on land that will then be owned by Devon County Council.</p> <p>ii) At the presentation on the 26th September Mr Joliffe, the Executive head of the Primary school clarified further the benefits of the new school as proposed and the scope of the travel planning survey work that is ongoing in relation to how pupils and parents will travel to the new school. The notes as circulated confirm that Mr Joliffe</p>

Applications of a non-delegated nature

UPDATES

	<p style="text-align: center;">stated that:</p> <p>The building was no longer fit for purpose and disabled access was virtually impossible. The safeguarding of the children was severely compromised in that there was no secure entrance whereby identity checks could be undertaken. The road on which the school was located was extremely busy and very steep meaning that parents found pushing a buggy up it very difficult. The community fully supported the building of a new school with neighbouring properties willing to sacrifice their views for the betterment of the community.</p> <p>A new school would have full disabled access, all the children would be under one roof, would provide a secure entrance and be in a safer location with off street parking.</p> <p>A survey had been undertaken with parents asking them how they travelled to school. The results had shown that if the school moved to the new site, car usage would drop to 35%. There was a great willingness amongst parents to bring children to school on foot. A walking bus would be encouraged and the numbers of cars actually entering the school would drop from 40 to 10. The breakfast and after school clubs would mean that the comings and goings of vehicles using the busy junction would be staggered. In addition to this 466 members of the community had signed an on-line petition in support of the new school.</p> <p>Alison Beacham from the Education Funding Authority confirmed that the funding allocated to the project would only be released once there was an agreed programme to complete the necessary infrastructure as required by the terms of the planning permission.</p> <p>Finally since the update report was drafted 28 letters of support for the building of the new School have been received.</p> <p>In summary since confirming their resolution on this issue at the meeting on the 7th September, clarification of the matters which were a concern to the members has now been provided. Clarification as to how the new junction arrangements would operate with the phase 1 works completed have been clearly set out in the various reports presented to members. These are the scope of works shown on drawing number 4058 RevD which members are requested to approve in terms of allowing condition 10 to be discharged. The phase 2 works would then be completed in compliance with a programme to be set by Devon County Council who will own the land and the necessary rights to complete the works following the completion of the land transfer.</p>
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PLANNING COMMITTEE AGENDA - 5th October 2016

Applications of a non-delegated nature

UPDATES