

PLANNING COMMITTEE AGENDA - 4th January 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>16/00924/MOUT - Outline for the erection of up to 60 dwellings and means of access at Land and Buildings at NGR 277744 102582 (East of Dulings Farm), Copplestone, Devon.</p> <p>RECOMMENDATION
Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.</p> |
| 2. | <p>16/01232/FULL - Conversion of a redundant rural building to a residential dwelling at Redgates Farm, Bickleigh, Tiverton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 3. | <p>16/01450/OUT - Outline for the erection of 2 dwellings with attached garages and formation of shared access (Revised Scheme) at Land at NGR 286952 106264 (Rear of Holes Cottage), Cheriton Fitzpaine, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>16/01566/FULL - Erection of a dwelling at Land and Buildings at NGR 282555 99153, (Beare Mill), Crediton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>16/01594/FULL - Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations at 28 High Street, Crediton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 6. | <p>16/01595/ADVERT - Advertisement Consent to display 1 externally illuminated fascia sign and 1 externally illuminated hanging sign at 28 High Street, Crediton, Devon.</p> <p>RECOMMENDATION
Grant Advertisement Consent</p> |

Application No. 16/00924/MOUT

Plans List No. 1

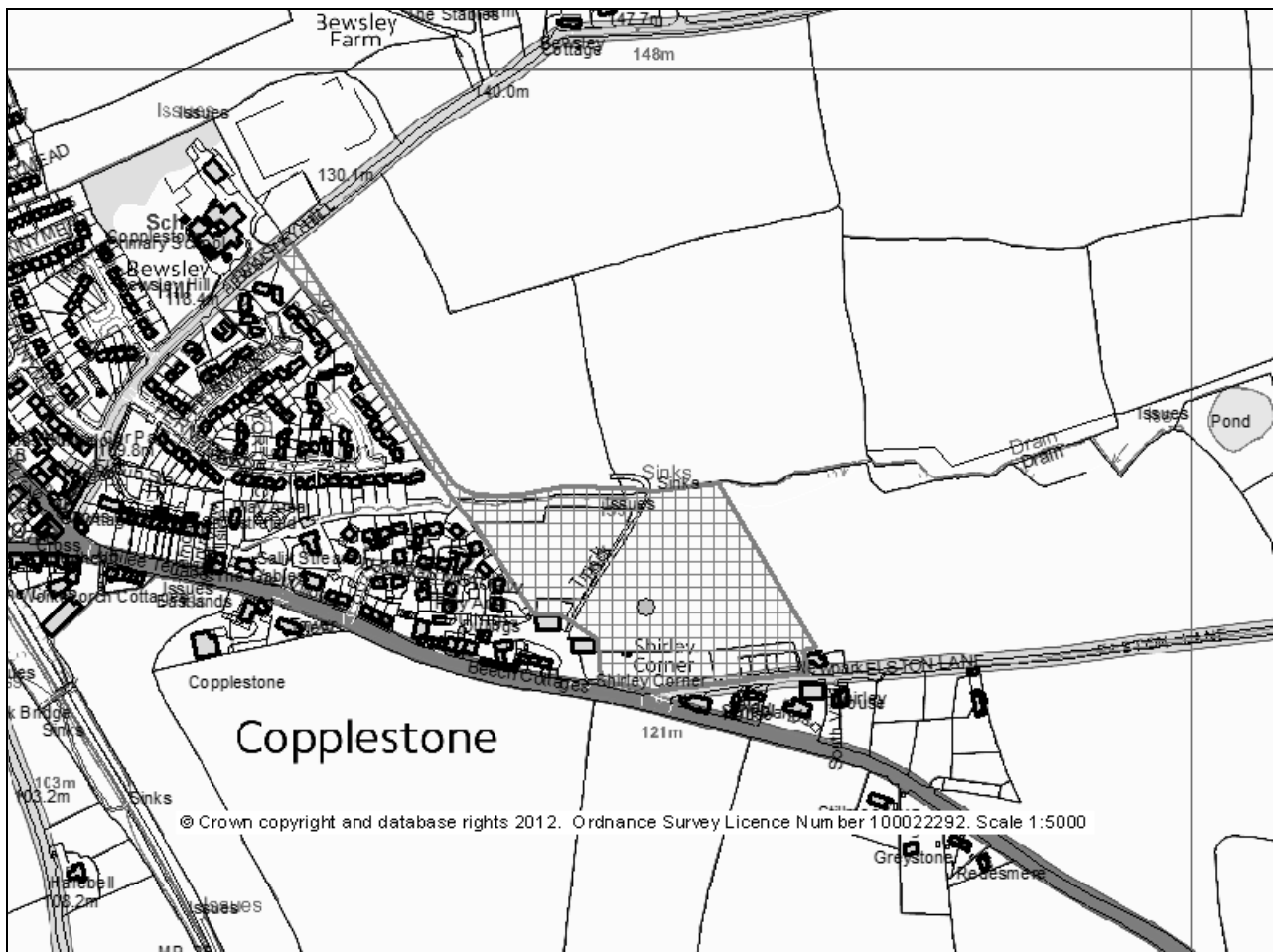
Grid Ref: 277744 : 102582

Applicant: Mr L Dulling

Location: Land and Buildings at
NGR 277744 102582
(East of Dulings Farm)
Coplestone Devon

Proposal: Outline for the erection
of up to 60 dwellings
and means of access

Date Valid: 20th June 2016



Application No. 16/00924/MOUT

RECOMMENDATION

Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.

Section 106 agreement to include:

1. Affordable Housing: 35% affordable housing on-site.
2. A primary school contribution of £170,422, to be used at Coplestone Primary School.
3. A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust.
4. A financial contribution of £247,666.00 towards the enhancement of the existing sports field and associated facilities in Coplestone.
5. Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill - adjacent to Coplestone Primary School - (as indicated on plan number 141102 L 02 02 (Illustrative Layout)).
6. A financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.
7. Monitoring and Legal costs.

PROPOSED DEVELOPMENT

This description of development provided by the applicant as the application was initially submitted was for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access with all matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The applicants agent confirmed that (24th October 2016) the terms the application proposals were to be amended to remove the Doctors Surgery from the scope at the application scheme, with the description of development amended as follows: Outline for the erection of up to 60 dwellings and means of access.

The site lies sandwiched between the A377 and Bewsley Hill and adjacent to the existing housing estates along Fernworthy Park and Dulings Meadow and the Dulings farmyard, which includes the farm shop and parking and two buildings. The application site is located just beyond the settlement boundary for Coplestone.

The site is agricultural land (classified as grade 2), measuring approximately 3.81 hectares, and slopes from both north to south and south to north, with a water course running across the site within the shallow valley that is created as part of the natural land form. The development area broadly comprises two field areas with a public right of way running across it (north to south).

The new vehicular access is proposed just beyond the junction between the A377 and Elston Lane. In addition a 10.0 metre strip section (running parallel to the site boundary) of the field to the north is included as part of the red line area, in order to deliver a footway/cycleway that links the development area back up to Bewsley Hill.

An indicative layout showing how the 60 dwellings could be arranged across the site has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

APPLICANT'S SUPPORTING INFORMATION

Draft Heads of Terms (dated 16 June 2016) as amended on 30th November 2016.

Planning Statement prepared by PCL Planning: dated June 2106 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement

Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning

Design and Access Statement prepared by Clifton Emery Design: dated June 2016GJR Architects

Level 2 Flood Risk assessment Report prepared by Teignconsult V2 25.05.2016, and addendum report dated 25th May 2016.

Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 9th JuneAWP Consulting

Heritage Desk Based Assessment prepared by Costwold Archaeology: dated December 2015. Landscape

Protected Species Report prepared by Engain: dated 26 May 2016. Ecological Survey - Extended Phase I habitat Survey Summary & Phase 2 Reptile Survey prepared by PLAMeco

Environment Noise Assessment Report Prepared by Ian Sharland Ltd

Plans & Drawings:.

Location Plan, Illustrative Layouts - drawing 02F and03

Site Access Junction Option Rev F.

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR18 - Countryside

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

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/IN/3 - Public Open Space

AL/IN/5 - Education Provision

AL/IN/6 - Carbon Footprint Reduction

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

CONSULTATIONS

COPPLESTONE PARISH COUNCIL - 25th July 2016 - Coplestone Parish Council cannot support the planning application on the following grounds.

a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.

b. If the application was to go ahead, it would be considered to be over development It is felt that the application should be refused on this ground.

c. The Highways structure is not sufficient for such a development.

d. It is understood that local businesses would suffer nuisance and disturbance from the proposed development.

Copplestone Parish Council also wish to note that a significant number of objectors have consulted with the Parish Council on the above application.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School.
For the above reasons, Copplestone Parish Council can not support the application.

COPPLESTONE PARISH COUNCIL - 7th December 2016

Copplestone Parish Council have met again and discussed the above planning application following the removal of the GP's Surgery. Copplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within Mid Devon District Council's Local Plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.

The Parish Council also wish to comment on the following:

Flooding - Despite comments from the Flood and Coastal Risk Management Team of the 16th August, it is felt that flooding has not been adequately been considered. Residents have raised issue relating to Salix Stream and the effect of inadequate drainage that already exists stemming from Dulings Meadow as now built. With the continual flood risk increasing within Copplestone, to not have a detailed permanent surface water drainage management plan for this application appears to be perverse. Real fears exist that the existing flood issues within Copplestone will be significantly increased if this development is approved.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School and the figures that are stated within the education report are disputed. It is also noted that due to the concerns of the residents, further consultations are to be had between Copplestone's District Councillor and the education department at DCC over these figures.

It appears that S.106 money for the agreement would be diverted to the Clean Air and Open Space budget for Crediton. With such a large proposed development, why is the money from the development not being passed to Copplestone in fair manner?

For the above reasons, Copplestone Parish Council cannot support the application.

HIGHWAY AUTHORITY - 15th September 2016

Further to my previous comments I can confirm that the Local Transport scheme is as per the plans submitted by Email on the 14/9/2016 and that the estimated cost of the scheme is £100,000.00.

I can also confirm that there is an error in the condition for offsite works and that it should read Elstone Lane and not Dullings Lane.

Recommendation:

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Elstone Lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF

13th September 2016

The applicant has submitted a revised plan showing the necessary road width and indicative relocation of the 30mph limit. and drawing "REV F. revised road markings and Signs" indicates the appropriate road widths and footways. These are acceptable to the Highway Authority albeit there may be changes to the signs and lines to reflect the current County Policies and terminal signs in Dullings lane are to be finalised.

However these are matters for the Highway Authority legal agreement under section 278 of the highways act and do not affect the planning application.

The Highway Authority therefore would recommend the following conditions should planning consent be granted and would also seek the provision of a contribution towards the provision of a footway identified through Local transport plans in Bewsley hill Such provision should be subject to a legal agreement under the Town and Country Planning act. The estimated cost of the Amount of contribution is to being determined and will be forwarded to the Planning Authority in due course.

Recommendation:

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

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

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

2. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

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

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

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Dullings lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.

LEAD LOCAL FLOOD AUTHORITY - 17th August 2016

Following my previous correspondence (FRM/744/2016, dated 11th July 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted an Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev.dated 20th July 2016), which is acceptable.

Assuming that the pre-commencement planning condition outlined below is imposed on any granted planning permission, I am happy to confirm that we have no in-principle objection to the proposals, and that we do not require any additional information at this stage.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

12th July 2016

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information now, as outlined below, in order to demonstrate that all aspects of the surface water drainage management plan have been considered.

Section 2.6 of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) states that during infiltration testing, groundwater ingress was noted in some of the test pits. Due to this, and

because the proposed attenuation ponds are located above, and adjacent to, existing dwellings, we require the attenuation ponds to be lined. This will remove the infiltration component from the attenuation ponds, thus requiring a resizing of the proposed surface water drainage management system.

The applicant will then be required to provide long term storage to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres / second/hectare.

Furthermore, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control features across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (i.e. the two attenuation ponds). Examples of these source control features could include underdrained permeable paving, formalised tree pits or other bioretention features such as rain gardens, as well as green roofs and filter drains.

The applicant must also submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

ENVIRONMENT AGENCY - 11th July 2016 - Environment Agency Position

We confirm that we have no in principle objections to the proposal given that the proposed properties would all be built on Flood Zone 1 - where there is lowest risk of flooding.

Flood Risk Sequential Test - general advice

The application site lies partly within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

1st August 2016 - We have no further comment on the application as the addendum deals with the disposal of surface water which is now commented on by Devon County Council in its role as the Lead Local Flood Authority.

HIGHWAYS ENGLAND - 22nd June 2016 - No objection.

ENVIRONMENTAL HEALTH - 6th July 2016 - Contaminated Land - Satisfied with the information supplied with this outline application and have no objections.

Air Quality - Satisfied with the information supplied with this outline applications and have no objections

Drainage - No objection

Noise & other nuisances - No objection

Housing Standard - No comment

Private Water Supplies - Not applicable mains water supply assumed

Health and Safety - No objection to this proposal enforced by HSE

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 22nd June 2016 - Extract from Devon Home Choice for Coplestone, including applicants living, working or lived in area.

Count of Bedroom	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
Band B 2	2		1			5	
Band C 2	6		2	1		11	
Band D 7	4	2	3			16	
Band E 13	19	8			1	41	
Grand Total	24	31	10	6	1	1	73

HISTORIC ENGLAND - 28th June 2016 - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

NATURAL ENGLAND - 28th June 2016 - No comments

DEVON, CORNWALL & DORSET POLICE - 22nd June 2016 - The Police have some concerns at the location of the doctors surgery as buildings on corners of junctions are the most vulnerable to crime, also there seems to be a lack of parking. Once staff have parked it would be limited if any for patients that would mean patients abandoning their vehicle on the road or residents parking spaces causing potential community friction.

DEVON COUNTY EDUCATION - 8th July 2016 - The proposed 60 family-type dwellings, will generate an additional primary pupils 15 and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £170,422 (based on the current DfE extension rate per pupil of £11,361.50) which will be used to provide education facilities in the Coplestone area.

There is currently capacity secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Queen Elizabeth's Academy Trust. The costs required are as follows: -

9.00 secondary pupils

£2.80 per day x 9 pupils x 190 academic days x 5 years = £23,940

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

Additional Comments received 17th November 2016

As you are aware, Copplestone Primary does not have sufficient capacity to accommodate additional pupils and as a result we have requested a contribution towards additional primary places to mitigate the impact of the proposed development.

The primary school currently has one class per year group, which is considered to be effective in terms of organisation as year groups don't need to be mixed. Although it might not be desirable to expand the school, it is considered that this is achievable, or there may be alternative options, in order to mitigate the impact of the development. As there are solutions to mitigate the impact of the development, we do not consider that it would be reasonable to object to the planning application and consider the previous response remains justified.

HISTORIC ENVIRONMENT SERVICE - 27th June 2016 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets.

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

REPRESENTATIONS

The application has been subject to two rounds of consultation and notification, with a second process undertaken following the change to the application scheme as set out above.

In response to the first round of consultation 59 objections to the application scheme have been received. A summary of the key concerns expressed is set out below:

1. There has not been a proven need for the Doctors Surgery. There have also been positive comments supporting the Doctors Surgery and also raising the need for a Village Hall
2. Concern as to the impact on the numbers of pupils attending the Village school, and how they will get to the school in terms from a safety point of view.
3. Negative impact on the village with addition strain on all services, including public transport provision, and further congestion on the A377 as the residents commute to work.
4. Concerns about flooding in the locality given additional hardscape that is proposed.
5. Reference to an online petition with 100 signatories objecting to the development.
6. The site is outside the development boundary for Copplestone, and is considered unsustainable.
7. The site form part of larger area that was considered through the SHLAA process as an unacceptable site for new housing.
8. The existing public footpath will be affected.
9. The attenuation ponds will present a danger/risk for local children.
10. The proposals should include a local shop or petrol station.
11. Negative impact on the character of the Village.
12. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.
13. Loss of farm land
14. Impact on wildlife and the rural character of the locality.
15. The visual amenities of the area will be adversely affected.
16. Fernworthy Park and Gardens was built out in 1988/89 and not 2004 as referred to in the planning statement. Also the farm shop and local stores have both been closed for some time as opposed to the suggestion in the Planning Statement
17. Concern that the Sewage Infrastructure in locality will not be able to cope with the extra demand from 60 new houses.
18. The footpath link is a good idea but it use as part of the highway would not be supported if were to become a road existing onto Bewsley Hill.
19. Concern that if permission is granted for this application it will set a precedent to redevelop the agricultural field to north of the application site.

20. The alteration on the highway to form the entrance to the housing estate, and the level of traffic arising, will make it more difficult to travel down this lane to access the residential and business addresses along it.
21. There is no formal car parking area to serve the train station in the village.
22. How will Copplestone benefit, is the developer going to contribute to local infrastructure. .
23. Dog walking will be made harder as a result of the loss of open space.
24. Community and play facilities are much needed in Copplestone.
25. There is a general view that Copplestone, as small rural village is already at capacity

Following the second round of consultation undertaken following the amendment to the description of development as referred above a further 19 comments have been received maintaining a position of objection to the application scheme.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development, including 5 year land supply - Policy Issues.**
- 2. Local context considerations, impact on landscape character and visual amenities and density of development**
- 3. Highways, Movement & Air Quality Issues**
- 4. Affordable housing provision and Section 106 matters**
- 5. Other matters**
- 6. Summary & Planning balance**

- 1. Principle of development, including 5 year land supply - Policy Issues.**

Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The application scheme is for up to 60 houses and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside of the Copplestone defined settlement boundary. Copplestone has a number of local services and facilities. It has good public transport connections, and is considered to be a village that is a sustainable location for the limited development of additional housing as promoted at COR17. However as the application scheme is beyond the settlement boundary of the village it is considered to be contrary to policies COR18 and COR17 of Mid Devon's adopted development plan.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policies relating to affordable housing are set out policy AL/DE/3 which requires as a general requirement that 35% affordable housing is required on sites of more than 2 dwellings. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/IN/3 requires development to contribute to the provision and maintenance of existing and new open space. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In terms of determining how much weight can be given to the fact the application site is not as a matter of principle supported by development plan policy members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) advises that where a five year land supply of deliverable housing sites cannot be

demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The applicant in their planning statement makes reference to the recent appeal case at Uffculme where the Inspector resolved to grant outline planning permission for up to 60 houses on land beyond the settlement boundary, as is the case with the current application. In recommending to grant outline planning permission the Inspector on the Uffculme case, at paragraphs 98-100 of his report, concluded as follows:

98. To conclude, the proposal would be in conflict with Policies COR 17 and COR 18 of the CS. However, the development plan is inconsistent with the policies of the Framework by reason of its failure to properly identify, and plan for, the full objectively assessed need for housing in the District. Moreover, the Council has been unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 49 of the Framework deems that relevant policies for the supply of housing should not be considered up-to-date. I have therefore attached limited weight to the policies upon which the Council has sought to rely in refusing planning permission.

99. The proposal would bring important social benefits in terms of delivering market and affordable housing and it would also promote economic activity. I attach considerable weight to these matters, in light of the Council's current housing land supply position and the need for economic growth. No environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and the submitted S106.

100. Accordingly, it is my view that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. There are no specific Framework policies indicating that development should be restricted. I therefore consider that the proposed development should be regarded as sustainable. This is a significant material consideration sufficient to outweigh the development plan conflict.

The following sections of this report consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weigh in the balance the benefits of the proposal against identified harm.

2. Local context considerations, impact on landscape character and visual amenities and density of development

The application scheme is an outline application and proposes a maximum of 60 dwellings across a gross site area of approximately 3.81 hectares. Approximately on a quarter of the site it is proposed to accommodate open attenuation basins set within a remodelled and landscaped zone as shown on the indicative block plan layout has been provided in support of the application.

The southern boundary of the application area is formed by a mature hedgebank to Elston Lane. There is a single property to the south east that shares a boundary with the application site. There is also a cluster of residential properties and car garage on the southern side of Elston Lane with a single dwelling on the northern side adjacent to the site in the south east corner. There is no formal field division along the eastern boundary. The western boundary abuts the existing suburban edge of the settlement adjacent to the houses at Dulings Meadow, Fernworthy Park and Fernworthy Gardens back onto the site. The western boundary is formed by a low tree lined hedgerow, to the south and taller hedgerow with more frequent mature trees to the north. To the north the application area adjoins Bewsley Hill.

The design and access statement sets out a series of supporting principles, and based on the principles as set out an illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

- o Proposed development fronting Elston Lane will need to consider a suitable buffer to existing properties.
- o Provision of a 10m landscape buffer running the length of the western boundary and generous areas of open space will reduce the potential impact upon the existing development.
- o Development will be kept to the Southern area where topography raises no issues.
- o Habitat corridors including the stream corridor and hedgerows will be retained, protected and enhanced with additional planting. All mature trees and will be retained, enhanced and protected during the construction and operational phases of the development.

A illustrative masterplan has been submitted to support the application, and it shows a housing mix includes that 1 and 2 bedroom apartments, 2, 3 and 4 bedroom houses. The illustrative layout is configured so that all the buildings are a maximum of two storeys and provides a parking arrangement of 1.8 spaces per dwelling. The development area sits away from existing houses on the western boundary but would form an area of new frontage to Elston Lane, and a new hedgerow arrangement is proposed to contain the development on the eastern boundary. This layout is not for approval at this stage as the detailed layout would be approved at the reserved matters stage, along with the layout, appearance and landscaping details.

The Mid Devon landscape character assessment identifies the application area and the northern edge of Copplestone within Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. A summary of the key characteristics of this type of landscape:
The key characteristics of this area are:

- o This is a gently rolling and strongly undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills.
- o Characterised by a tightly rolling, medium to small scale landform. The landscape has generally been carved away by tributaries of the River Exe, Taw, Creedy and Culm to create smooth convex slopes with a uniformity of slope angle and scale of the resultant hills.
- o The drainage patterns within this landscape are defining characteristics key to both the resultant landform and vegetation patterns. The sources of rivers create a lush damp character with rushes in the valleys and lower slopes. The stream channels emerging from the valley heads are small in scale and are little more than field ditches that are seasonally wet.
- o Woodlands are mixed with dense scrubby undergrowth, giving a well wooded character. Where this well-wooded characteristic is found there is a strong sense of enclosure. Towards the south and west of the district, woodland cover is extensive.
- o Hedgerows are well-managed and dense bounding regular and irregular shaped, medium to large-scale enclosures of pasture.
- o This is primarily a pastoral fertile farmland, predominantly improved pasture with some arable. The more improved and intensively managed areas have undergone field amalgamation, disrupting the intimate scale of this landscape.
- o Much of this landscape is characterised by the Red Devon Sandstone giving great soil fertility for arable farming.
- o Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- o There are a mixture of buildings styles present from traditional cob render, slate or thatched roofs to Victorian and modern.

The site itself appears to display characteristics outlined in the above bullet points. Historic hedgerow boundaries have been removed and fields enlarged to create larger agricultural pastures. The more established hedgerows lining the roads and lanes have been well-managed and tightly clipped. Sporadic mature trees are established along the stream corridor.

The site's character is therefore informed by its current pastoral use, boundary hedgerow conditions, adjacent development and roads, as well as its position in the wider landscape character area. Although the appearance of the site would change, it is considered that the development of the site for new homes could be brought forward in a respectful manner to the local landscape character of the area integrating landscaping features across the development, area including the area to accommodate the SUDs scheme, and the footpath link to Bewlsey Hill. Given the local topography the visual impact will be restricted to a local impact and sitting as an extension to the existing residential housing estate.

The level of development equates to approximately 20 dwellings per hectare which falls below the range promoted at Core Strategy policy COR1.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the sitting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 60 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

3. Highways, Movement & Air Quality Issues.

There are a number of aspects to consider under this part of the assessment at this stage as follows. The applicant has submitted a Transport Assessment to inform the assessment process, and comments have been received from the Highway Authority as set out above. Key points to note:

The site is directly adjacent to the village boundary.

Pedestrian access from the site to the village shop, pub and train station beyond is achievable at present, and would be improved once the 'proposed works' to the corner of Bewlsey Hill and the A377 have been completed which the applicant has agreed to contribute £100,000 towards the completion of at the request of the Highway Authority

Pedestrian access from the site to the Primary School on Bewlsey Hill would be facilitated along the new footpath / cycleway (design details to be agreed to reflect adoptable standards) proposed as part of the application scheme, in addition to the improved route along A377 and Bewlsey Hill as referred above.

The number 5 bus services runs between Exeter and Coplestone and onto North Tawton and Oakhampton with a frequent daily Service which runs directly past the site.

There is an hourly train service between Coplestone to Crediton, Exeter and Exmouth beyond and Coplestone to Barnstaple, with a pedestrian connection from the site as referred above.

Based on traffic generation data the proposed development mix would add a total a of 55 additional vehicular trips in the am peak and 50 in the pm peak. The new junction arrangements at the A377 and Elston Lane on the Shirely Corner have been remodelled and designed to reflect the advice of the Highway Authority in addition to Manual for Streets 2 in terms of width of highway corridor proposed in order to be able safely manage the additional traffic. The new arrangement will allow for two way traffic to pass comfortably whereas at present Elston Road narrows significantly beyond the junction with the A377 and therefore presents a risk. The setting and access arrangement for the residential dwelling on the corner of Elston Lane would also be improved.

A travel framework is proposed to manage travel associated with the residential development.

With regards to Air Quality, policy AL/CRE/8 is relevant given the site location in relation to the Crediton Air Quality Management Area. In response to the requirements of this policy the applicant has agreed to make a financial contribution of up to £172,926 to be provided towards supporting initiatives to manage air quality within the Crediton AQAMA. A schedule of costings for the initiatives as set out below have been provided by Devon County Council to include the following: Upgrade the existing bus stop infrastructure adjacent to the site, provision of secure, sheltered cycle parking at Copplestone railway station, car club provision in Copplestone and bus subsidies to improve frequency of bus services to/from Copplestone.

In summary the proposals to access the development site are considered acceptable by the Highway Authority and therefore there are not considered any reasons on highway safety and/or capacity ground to refuse the application. The scope of additional infrastructure proposed directly as part of the application site, and off-site, will enable safe and convenient pedestrian access to key services and facilities within the village. On this basis the proposals are considered to be in accordance with policies COR8 and COR9.

4. Affordable housing provision and Section 106 matters

Following discussions with your officers, the applicant has agreed to the following Section 106 package for consideration as part of the application proposals as set out below. The scope of off- site highway works and education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters. The scope of the off-site contributions towards open space and air quality initiatives have been calculated using the formula set out in the respective Supplementary Planning Guidance Notes to support AL/CRE/8 and AL/IN/3 but excluding the affordable houses in terms of calculating the contribution towards managing air quality within the Crediton AQMA, as set out below:

- Affordable Housing: 35% affordable housing on-site which would equate to a maximum of 20 units.
- A primary school contribution of £170,422, to be used at Copplestone Primary School - see also other issues section.
- A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust, Crediton Public Open Space.
- A financial contribution of £75,000 towards the enhancement of the existing sports field and associated facilities in Copplestone will be made, or £1250.00 per residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- A financial contribution of £172,926 will be provided towards supporting initiatives to manage air quality within the Crediton AQAMA, or £4434.00 per market residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill is provided - adjacent to Copplestone Primary School - as indicated on plan number 141102 L 02 02 (Illustrative Layout).
- Provide a financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.

In summary the package as outlined above delivers a scheme that would be compliant in terms of policies AL/DE/3, AL/IN/5, AL/IN/3 and AL/CRE/8, and in terms of the section 123 of the CIL regulations which require that each obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fair and reasonably related in scale and kind of development

With regards to the tenure of the affordable housing the Housing Options Manager, on behalf of the Head of Property Services has confirmed that the affordable housing should be provided on an affordable rented tenure (100%) and with the following split on house type: 30% x 1 bed units, 55% x 2 bed units and 15% x 3 bed unit. It is recognised that 100% affordable for rent is at odds with the provisions of AL/DE/2 but is commensurate with current market conditions and current demand as indicated on the Devon Home Choice data base.

Finally it is noted when the indicative layout plan indicates an area to be provided for recreational open space within the area of the blue line area toward the boundary with Bewsley Hill. However following

discussions, and reflecting on submissions made by local stakeholders the applicant has agreed to meet this provision by offering an off- site contribution in accordance with the requirement of AL/IN/3 which could be utilised to complete the delivery of the project authorised under LPA ref: 14/00747/FULL for the erection of a sports, village and community centre building which although permitted under the above LPA reference remains unimplemented.

The detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report. **As members will note the recommendation seeks to maximise the contribution towards assisting with the delivery of the sports, village and community centre building which would maximise the benefits to the local community. Therefore it is recommended that the scope of this contribution is increased in lieu of the contributions to redress the requirements of policy AL/CRE/8.** This is considered to be an acceptable balance to the package of Section 106 contributions given the scope of the off-site and on site highway works that are proposed identified at points 5 and 6) of the recommendation section which will secure significant improvements in terms of improvements to the transport network in Copplestone and to the benefit to all.

5. Other Matters

Contaminated Land Issues: There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination with by condition.

Flood Risk Issues: The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. The comment from the Environment Agency reflects the fact that part of the wider site, directly adjacent to the water course is classified as land within Flood Zone 3. However there is no requirement to apply the sequential test given the development area is contained within a flood zone 1 location.

Surface Water Drainage Issues: Development of the site will lead to an increase in impermeable area, which could have a consequential impact on the existing site runoff rates of the site as a greenfield location. The Level 2 Flood Risk assessment Report, as amended in part by the addendum report dated 25th May 2016 sets out a framework for the detailed design of the proposals to mitigate the impact of increased surface water off. The scheme will include two retention ponds as shown on drawing FRA4A which will then discharge into the existing watercourse (Salix Stream) in a controlled manner. The calculations and supporting information demonstrate that there is sufficient land within the application site area to accommodate the development and the scope of the SUDs proposals that has been outlined. Devon County Council, as lead Flood Risk Authority have confirmed that subject to the terms of condition as recommended that they have no objections to the planning application proposal. A further condition is also recommended to redress the surface water drainage impacts of the construction phases of the project. In summary based on the evidence provided it has been demonstrated that subject to the scope of mitigation provided in terms of the SUDs scheme that the development as proposed would not generate surface water run-off conditions into the Salix stream that are over and above green field run off rates. This has been accepted by the Lead Flood Authority in advising your officers regards this part of the assessment.

Concern has been raised by a number of local stakeholders regards the ponds that are proposed in that they will present as safety hazard. Although the provision of open drainage ponds are a common feature within many new housing projects, this is considered to be a valid point and further details will be required to address this point will as part of the reserved matters process.

In addition to the above concerns a number of local residents and the Parish Council have voiced concerns that the existing conditions lead to flooding issues further down stream to the application site. Your officers understand that this is as result of the culverting arrangements that are in place down stream of the application site. If surface water run-off rates are maintained as per greenfield run-off rates then the existing flows would not be affected. Therefore as part of the flood mitigation proposals further investigation of the arrangements downstream will be required. Measures will need to be put in place that to seek to resolve the inadequacy of the existing arrangements to which the development area is to benefit from, as without the ability to discharge into this watercourse the development would not be acceptable.

Ecological Impacts: On behalf of the applicants, Engain consultants have undertaken a series of surveys across the site as set out in the report submitted to support the application dated 26th May 2016. The results of the survey indicated that whilst the land close to and adjacent, (incorporating a number of trees) to the stream provides habitat (permanent and/or foraging) for a variety of protected species, the development area as arable crop fields is of little ecological value. Measures to protect these areas during construction will also be required as part of the construction management plan.

In terms of impact the application scheme, the proposals result in the loss of two sections of hedgerow along Bewlsey Hill to form the footpath connection, and approximately 45.0 metres of hedgerow to the southern frontage with the A377/ Elston Lane. Although the hedgerows provide a typical habitat for dormice none were found to be present during the survey period. Subject to the removal of these sections of hedgerow being undertaken in accordance with the recommendations in the report no adverse impact should be caused. Additional areas of habitat would be provided within the new section of hedge to be planted to the eastern boundary of the development area.

In summary the survey work undertaken indicates that the application scheme could be accommodated without resulting in significant adverse impact on the ecological and wildlife value of the site. Furthermore it is noted that no objections have been raised from Natural England.

Heritage Impact: The heritage resource within the site comprises remains associated with enclosures based on medieval agricultural fields, incorporating hedgerows along the field boundaries. A desk and field based assessment of how the application scheme would affect the setting of designated heritage assets has been undertaken with a report submitted to accompany this application. It is acknowledged that there are a number of heritage assets within the wider environs to the site and whilst there is visual connection with a number including the Grade II Listed Bewlsey Cottage, Denver Cottage, Beers Farmhouse and the Grade I Listed Church of St Andrew within Colebrooke, because of the separation distance between them and the proposed development area, the impact is not considered to be overriding and/or damaging. Both the Archaeologist at Devon County Council and Historic England have considered this evidence base and assessed their own records. They have advised your officers that there would be no harm to the significance of any designated heritage assets within the surroundings of the site. In summary, a sympathetically designed development would not result in either substantial, or less than substantial harm to designated heritage assets.

Cumulative impact on Coplestone: Concern has been expressed by local stakeholders and the Parish Council as to the impact that the proposals will have on Coplestone given that there the site referred to as the Old Abattoir is proposed to accommodate up to 30 houses. This proposal has now been submitted for outline planning permission under LPA ref: 16/01888/MOUT with the following description of development: Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Coplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure.

It is accepted that the delivery of this site for new development has been brought forward in order to specifically redress the shortage of sites (5 year land supply), with the decision to bring forward the site allocation (first proposed in the Local Plan Review 2013-2033) taken on the 7th August 2015 by the Cabinet (ref: minute 51). Although this decision was taken to seek to accelerate the delivery of housing on the Old Abattoir site, the delivery of development on this site would not be a justified reason to refuse this current planning application. The correct policy framework for the assessment of this application is outlined at section one above.

The other significant issue raised by stakeholders, including the Coplestone Parish Council, is the impact that the application scheme will have on day to day life in the village, in particular how the primary school will manage to accommodate additional pupils and the lack of community facilities in village. These issues are considered further below.

1. With regards to the impact on the Primary School, the school is a popular one form intake with a capacity of 210 and with 199 pupils currently on the roll. Taking into account the need arising from permitted developments for small windfall sites in the locality and forecasted localised increases, the residual capacity at the school would be taken up. The consultation response from DCC this application would generate the

need for an additional 15 primary school places which in addition to the other planned development at the Old Abattoir site would require a total of a further of 23 places to be provided on the roll rising to 25 if permission is granted for 40 houses on the Old Abattoir site. This would be equal to the provision of an additional 4/5 pupils per year group across the school roll. The applicant has agreed to make a contribution towards funding improvements that are required to accommodate any additional capacity to serve the development, in accordance with the supplementary planning guidance published by Devon County Council.

The guidance clarifies that the County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity and/or where development places an additional burden on home to school transport. Additional facilities will either be provided through the expansion of an existing provision or through the development of a new provision. This will be determined by the circumstances of the nearest provision and the scale of the development on a case by case basis, taking account of wider development allocations.

In summary the Education Authority have assessed the application against their published guidance and have confirmed the level of mitigation that would be required in terms of an off-site contribution, as opposed to recommending refusal for the application. Notwithstanding, local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority apply in the determination of planning applications and the specific advice that they have provided regards the determination of this application.

2. The applicant has agreed to make a reasonably significant contribution towards facilities off site which could be used to assist the delivery of the Sports Village on the site adjacent to the primary school on Bewsley Hill. The scheme retains the existing public right of way through the site and the field beyond and includes a further landscaped link through to Bewsley Hill adjacent to the Primary School.

Following on from the view expressed by local stakeholders the proposal to include the Doctors Surgery has now been removed.

Strategic Housing Land Availability Assessment (SHLAA): Reference has been made to the fact that the site was considered as part of the SHLAA process and was set aside at that time given concerns about flood risk and in terms of the impact on the primary school. This is correct, however it is noted that this application site is for a much smaller site with a lower level of housing. Matters in relation to managing flood risk and the demand for places at the primary have been considered as part the assessment of this application as set out above with no objections raised by the statutory consultee for each issue.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £370,800.00 (plus an extra £7,000.00 for the affordable homes).

6. Summary & Planning balance

The overall thrust of Government policy as set out in the NPPF is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Your officers consider that the test as outlined at paragraph 14 of the NPPF, and as set out under section key issue 1, is capable of having being met by this application proposal.

The development would provide up to 40 open market and up to 20 affordable dwellings which could provide economic and social benefits for Copplestone in accordance with the thrust of guidance in the NPPF.

It is also recognised that there is significant local objection to the proposals which appears to be founded on the fact that the site falls outside the existing settlement boundary and will therefore sit as an isolated development, and also given the overall lack of any focused community facilities in the village at this current

point in time. There are concerns as to the impact that the occupiers of the new development will have upon existing services in the village in particular the primary school. The Parish Council do not consider that the application could be considered to be sustainable development because the scheme would add to the population of the village notwithstanding it's village status and the lack of infrastructure to support additional growth over and above the level that is proposed in the emerging development plan for the period (2013 - 2033).

In terms of the assessment of the application at this outline stage it is not considered that the development would harm the overall character and visual amenities of the area and it is considered that a detailed scheme could be designed for the development area would sit comfortably and be respectful to it's neighbours. Alterations to the A377 and Elston Lane are proposed to form an acceptable access into the site, whilst improving highway conditions in the village. A pedestrian link is proposed as part of the application scheme that will form a direct link back to the northern part of the village, and importantly provide an off road direct route to the Primary School.

Other benefits for the locality include financial contributions towards enhancing the range of existing sports and community facilities on the Bewsley Hill community playing field site, towards the education facilities that would be required at the Village primary school and towards securing improvements at the junction of A377 and Bewsley Hill. The highway improvements would assist existing and proposed residents in Coplestone to travel more safely and more sustainably. These factors are all considered to carry some weight towards justifying the application scheme and officers have made reasoned judgements as to how much weight should be afforded to these matters in the assessment of the planning application.

The impacts of the development have been considered very carefully reflecting on the advice provided by the range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved in terms of on-site or off-site mitigation. Furthermore it is recognised that the amount of weight that can be afforded to the provisions of policies COR17 and COR18 is reduced given the circumstances relating to the supply of land for housing and the delivery of new housing across the district. Taking into account the site location with village access to both bus and rail travel and the scope of off-site contributions which the applicant has agreed to the application scheme is considered to be a sustainable form of development in transport planning terms. It is also considered that the planning application proposals in terms of the proposed Section 106 package could help accelerate the delivery of new community facilities in the village.

Therefore it is considered by officers that on balance a case could be made to support this application proposal, notwithstanding the development plan policy position. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 18 calendar months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within 6 calendar months of the date of the approval of the last of the reserved matters, whichever is sooner.

4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic arrive at and depart from the site;
 - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
 - (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
 - (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.

Works shall take place only in accordance with the approved Construction Management Plan.

6. No development shall take place on site until drawings of the off-site highway works for the construction of the access and realignment of Elston Lane have been submitted to and approved in writing by the Local Planning Authority and such works shall have been constructed in accordance with the approved details, and be available for use thereafter.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development in relation to the construction of the dwellings hereby approved shall be commenced until:
 - A) The access roads into the site have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
9. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the approved details:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is

operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

10. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme and the section of Salix stream which the surface water flows will be discharged into, have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plans will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

Once agreed, the development shall be constructed in accordance with the approved scheme and the approved SUDS scheme shall be fully operational before any of the proposed dwellings are first occupied. Once provided, the approved SUDS scheme shall be permanently retained, managed and maintained in accordance with the approved details.

11. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
12. The development shall take place only in accordance with the recommendations in section 6 of the Engain Protected Species Report dated 12th May 2016.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and Country Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing, affordable housing, and general off-site infrastructure provision carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and the amenities of local residents within locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space and community facilities, education facilities, on site and off - site works to facilitate pedestrian movement between the site and other facilities in Copplestone and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with Policies COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, the development plan has been found to be inconsistent with the policies of the National Planning Policy Framework by reason of its failure to properly identify and plan for the full objectively assessed housing need for the District and the Council has been found to currently not have a five-year supply of deliverable housing sites. Limited weight is therefore placed on these development plan policies. The benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.

Application No. 16/01232/FULL

Plans List No. 2

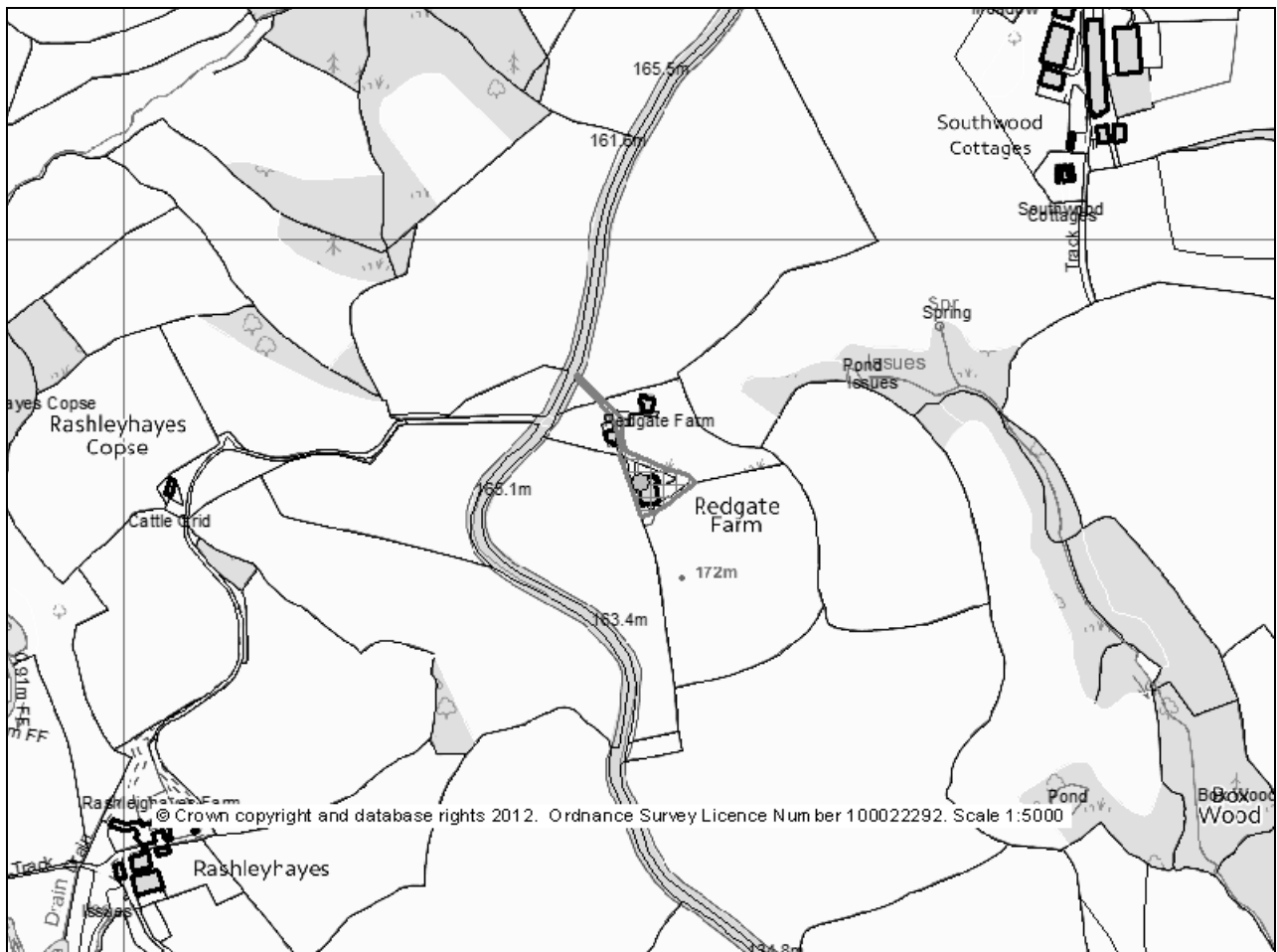
Grid Ref: 293436 : 108864

Applicant: Ms A Forbes

Location: Redgates Farm
Bickleigh Tiverton
Devon

Proposal: Conversion of a
redundant rural
building to a residential
dwelling

Date Valid: 8th September 2016



Application No. 16/01232/FULL

RECOMMENDATION

Refuse permission.

Councillor J SMITH HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider if this application is for the conversion of a redundant building and meets the criteria of Policy DM1 of the Local Plan Part 3 (Development Management Policies).
2. To consider if the development would provide additional housing. It also meets the criteria of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

Conversion and modest extension of a detached building to a 2 storey 4/5-bedroomed dwelling and associated parking. The building was originally erected as an agricultural building and appears to have later been altered to be used as a business premises with some residential accommodation. The Local Planning Authority have been informed that the building has, in part, been used for residential accommodation including bedrooms, living area and kitchen on the first floor. The dwelling created through conversion would be an open market property if granted would result in a 4/5 bed dwelling over 2 floors.

The certificate of lawful use for the use of part of the building for B1 (light industrial) and B8 (storage and distribution) purposes was granted in 2002. Between 2002 and the purchase of the property by the applicants a couple of years ago the Local Planning Authority understood the property was used for a B1 purpose. However, there are no records of how long the building was used for this purpose. The Local Planning Authority have also been informed that the first floor of the building was used prior to 2014 for residential purposes. This use was unauthorised and ceased. There is no evidence available to indicate how long the first floor was used for residential purposes.

The barn faces south and is partially cut into the landscape. There is a country lane to the west. The A396, Tiverton to Exeter road, is approximately 1.5 km to the south east. The land rises steeply from the A396 to the ridge upon which the site is located.

Access is via the existing access from the country lane. There are at least 3 parking spaces.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location, floor plans and elevations (existing and proposed).

Structural Appraisal

Ecology Appraisal

Ecological Survey Report prepared by David F Wills

Foul Drainage Strategy prepared by Architectural Services

Design & Access statement prepared by Architectural Services

PLANNING HISTORY

84/00257/FULL - Change of use from agricultural building to assembly and manufacturing of handcraft items (1500 sq. ft.) - 25.04.84

85/01725/FULL - Erection of building for commercial and agricultural storage - 06.01.86

02/00389/CLU - Certificate of lawful use for the use of part building for B1, (light industrial) and B8 (storage and distribution) purposes - 09.09.02

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 16th September 2016 -

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

TIVERTON TOWN COUNCIL - 4th October 2016 -

Support.

REPRESENTATIONS

No representations received at the time of writing (17/11/2016).

MATERIAL CONSIDERATIONS AND OBSERVATIONS

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues with this application relate to:

- 1. Planning Policy**
- 2. Ecology implications**
- 3. Highway Implications**
- 4. Impact upon neighbouring properties**
- 5. S106 obligations; and**
- 6. Local finance considerations**

1. Planning Policy

The Development Plan in force consists of the Mid Devon Core Strategy 2007, adopted July 2007, the Allocations and Infrastructure DPD (2010) and Local Plan Part 3 (DM policies).

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. In relation to this current proposal significant weight is given to the relevant policies produced by Mid Devon District Council (other than Policy COR18 in the regard detailed below).

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit boundary

and is therefore considered to be in the open countryside in planning terms, where restrictive policies apply. Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principal and this does not include the conversion of rural buildings to dwellings. However, the Framework states at paragraph 55 that the conversion of redundant or disused buildings is acceptable where this would lead to an improvement of the setting of the building. The Framework takes precedence and policy COR18 carries little weight.

The application scheme would lead to the provision of a new dwelling in the countryside, which would in most circumstances be contrary to the policies of restraint in the Development Plan. Paragraph 55 of the National Planning Policy Framework also advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Policy DM11 (Local Plan part 3) reflects these policy objectives of the Framework and the criteria are detailed below. In light of an appeal decision, it is important to clarify that in order for the criteria in Policy DM11 to apply, the proposed conversion must be of "redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses."

Therefore, to be converted to a dwelling, policy DM11 only applies if the existing building positively contributes to the area's rural character. The test does not merely require a building to reflect the rural character of an area but, significantly, it raises the bar by requiring any such building to positively contribute to it, regardless of its age.

The building cannot be argued to positively contribute to the area's rural character. The applicant's structural appraisal describes it as a steel portal frame with conversion works have been completed to turn it into a usable building and this includes block walls and concrete pad floors. The front elevation looks like an industrial building equivalent to 2-storeys in height with a shallow pitched metal roof with a roller door opening. Although it sits comfortably in its rural setting and is reflective of other structures that can be found in the countryside it is little more than utilitarian in its form and appearance. It is of no particular architectural merit and is of low amenity value. Its impact is nothing other than neutral within the wider character of this local landscape.

Therefore, the building is inappropriate for conversion and the proposal does not conform to the initial requirement of policy DM11.

In view of the above and have regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite the conflict with the development plan.

Paragraph 55 of the NPPF advises that whilst isolated new homes in the countryside should be avoided, development will be appropriate in certain special circumstances. One is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. The re-use of redundant or disused buildings in such circumstances may be accepted as a special circumstance notwithstanding that at the heart of the NPPF is a presumption in favour of sustainable development. As such the conversion of a redundant building could be acceptable even though not sustainable development in terms of enhancing or maintaining the vitality of rural communities.

The pertinent issue in regard to paragraph 55 is whether the development would in fact amount to a re-use of a redundant or disused building. The NPPF does not assist on this and no guidance on this matter is contained in the PPG. However, in this case the majority of the work would be in respect of the installation of new windows, doors, roof and perhaps exterior walls. The proposed internal works are not a material consideration in deciding whether the building requires significant alteration. The works are necessary for the building to function as a dwellinghouse and can be considered, as a matter of fact and degree, to be within acceptable limits to conclude that the proposal is a re-use of the existing building.

Notwithstanding the above, inherent in the exception in paragraph 55 is that the re-use should retain the architectural character of the building and its rural setting. Whilst on the whole the proposal would do so, the building is of no intrinsic merit and currently makes little contribution to the character of the countryside. The lack of merit in retaining the building carries weight when considering whether the development would lead

to an enhancement of the immediate setting, given that such enhancement must be material. If it is not, the exception in the NPPF cannot apply.

In this case, the improvements to the immediate setting would arise in part from the creation of a residential curtilage. The Council attaches little weight to this argument in favour of the proposal. Other works, although reasonably necessary to enable the residential use to take place, would be essentially cosmetic, given that the basic form and appearance of the building would remain.

Paragraph 55 of the NPPF provides an exception to the general presumption in provision of isolated new homes in the countryside where there is an essential need for a rural worker to live permanently at or near the site. The YN ecology appraisal notes that "by siting the dwelling here it also enables the occupiers to detect and respond to emergencies at short notice, and to be able to be alerted to persons entering the site". In this case there is no evidence that the site has been the target of theft or vandalism or that it is especially vulnerable to this. The evidence is that the applicant lives in close proximity to the site (Redgate Farmhouse) and could attend in an emergency within seconds. Thus there is insufficient reason to conclude that there are special circumstance that would justify the development on the basis of a claimed essential need.

Therefore, there are no material considerations that would outweigh the conflict of the development with Policy DM11 and national planning policies. The application building is therefore inappropriate for conversion to a residential dwelling and therefore the scheme is not required to be tested against the remaining criterion of Policy DM11.

However, for completeness, this is done in the following sections.

The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

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

A summary assessment of the application scheme against these criteria is set out below;

1. The means of access effectively utilises the existing access from the country road and the main access likely to be from the A396 (some 1.5km away) which has adequate visibility. This road is acceptable in terms of alignment and visibilities. The country road is more restricted in width and alignment. However, the access onto this road is good via the existing residential access serving the farmhouse, the holiday let and the application building.

The Council has been mindful of the use of part of the building as B1 and B8 uses and the traffic generation that this would have generated. In comparison to the comings and goings of a dwellinghouse, it is considered that the change in traffic attracted to the site is not significant.

This is considered to be acceptable, and criterion A is considered satisfied.

B) A document entitled structural survey has been submitted as part of the application. There is no detailed appraisal of the building to indicate that it is suitable for conversion. There is no schedule of works indicating what works are required to the existing structure to accommodate the new heavier roof or the timber cladding to the first floor elevations. The Council cannot therefore be satisfied that the existing works to the building were/are capable of allowing the conversion without significant rebuilding. The Council notes the porch extension but do not believe that this is a significant extension, contrary to this criterion.

In summary, the proposal is not shown to satisfy criterion B of DM11.

C) The proposed external alterations are illustrated on drawing no 2C.

Whilst there has been alteration to the number and position of glazed sections/window/door openings, it is considered that the proposals strike an appropriate balance in terms of converting the building into a residential dwelling.

Overall, the works proposed are considered to sufficiently reflect the character of the building and its surroundings as it currently stands. On this basis it is considered that the application scheme is acceptable in terms of assessing how it will affect the building and on this basis the proposal satisfies criteria C of DM11.

D) Two documents have been submitted in this regard; one entitled Ecology Appraisal by YN and another by David Wills dated September 2016. The YN report indicates that as the building has been converted already, it does not have any bats or barn owls present. In direct conflict with this statement are the findings of the David Wills report which indicates that evidence was found which suggests that bats roost within the exterior of the northern gable end of the extension, although further survey work would be required to establish the type of roost, the species and number of bats using the area. This area is proposed to form the garage area of the proposed development and a letter of clarification by David Wills dated 7th September indicates that if this area remains as existing and the bat roost area is not disturbed, the building could be used as a garage and makes recommendations for wildlife gain.

It is unclear how the YN report writer is qualified to make the assertions made. Mr Wills qualifications are noted in his report. Therefore subject to complying with the recommendations of the David Wills report dated 3rd September and subsequent letter of 7th September 2016, criterion D of DM11 is considered to be satisfied.

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 scope of the alterations to the building and the layout for the conversion to a dwelling is considered acceptable and deliver 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 met.

2 Ecology implications

The ecological interests in the site are noted above. Appropriate conditions are required to ensure that the mitigation suggested in the report is followed and that a European Protected Species licence may be required from Natural England.

3 Highway Implications

As described above, the access to the proposed development is via the existing vehicular accesses.

For the reasons outline above the proposed development would not be harmful to the safety and convenience of road users. The provision for parking and manoeuvring on-site would comply with the Council's parking standards, and would not conflict with policies DM8 and DM14, and in accordance with policy COR9 in that it would not have an adverse impact on road safety.

4 Impact upon neighbouring properties

Given the location of the site it is not considered that the development would have an adverse impact on any adjacent residential occupiers. The farmhouse and its converted outbuildings are sufficiently far enough away so as to not be affected by the proposed development. It is therefore considered that the proposed development does not have a detrimental impact on the living conditions of the occupiers of the

neighbouring properties or the proposed property itself. Overall, the application will not cause harm to the privacy or amenity of any neighbouring property and the application therefore meets with policies COR2, DM2 and DM14 in this respect.

5 S106 obligations

As this application is recommended for refusal, a POS contribution has not been sought from the applicant. In the event of an appeal against the issue of a refusal, the Council reserve the right to seek such a contribution towards the creation and/or improvement of public open space within the vicinity of Bickleigh and/or its surrounding catchments area.

6 Local finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £6,168. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the building is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. It is therefore contrary to the initial test of Policy DM11 of the Local Plan Part 3 (Development Management Policies) and the guidance in the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority it has not been demonstrated that the building is capable of being converted without significant rebuilding. Without such evidence, the proposal is contrary to criterion B of DM11 of the Local Plan Part 3 (Development Management Policies).
3. The application proposal does not include a contribution towards the provision of open space. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2) and Supplementary Planning Document "The provision and funding of open space through Development" (May 2008).

SUMMARY

The National Planning Policy Framework establishes the principle that the reuse of redundant or disused buildings in the open countryside as dwellings, could be considered acceptable, and Policy DM11 of the Local Plan Part 3 (Development Management Policies) reflects this guidance.

To be converted to a dwelling, Policy DM11 only applies if the existing building positively contributes to the area's rural character. The building cannot be argued to positively contribute to the area's rural character. It is little more than utilitarian in its form and appearance. It is of no particular architectural merit and is of low amenity value. Its impact is nothing other than neutral within the wider character of this local landscape. Therefore, the building is inappropriate for conversion and the proposal does not conform to the initial requirement of Policy DM11.

The issue then is whether there are material considerations that would justify the development despite the conflict with the development plan.

Paragraph 55 of the National Planning Policy Framework advises that whilst isolated new homes in the countryside should be avoided, development will be appropriate in certain special circumstances. Inherent in the exception in paragraph 55 is that the re-use should retain the

architectural character of the building and its rural setting. Whilst on the whole the proposal would do so, the building is of no intrinsic merit and currently makes little contribution to the character of the countryside.

There are no material considerations that would outweigh the conflict of the development with Policy DM11 and national planning policies. The application building is inappropriate for conversion to a residential dwelling and therefore the scheme is not required to be tested against the remaining criterion of Policy DM11.

That said, for completeness, this assessment has been carried out. Criteria A, C and D of Policy DM11 are satisfied. However, the Council cannot be satisfied that the existing works to the building were/are capable of allowing the conversion without significant rebuilding. The proposal is therefore not shown to satisfy criterion B.

Overall the works to the building are considered to respect the character of the building and the surrounding rural environment, and will not adversely affect the amenities and living conditions of any neighbouring properties. The proposed access arrangements are considered acceptable. The proposal is not considered to cause harm to nature conservation interests in the local area subject to adopting the mitigation measures as recommended.

The applicant has not made appropriate provisions to satisfactorily mitigate against the need to provide a contribution towards public open space.

Application No. 16/01450/OUT

Plans List No. 3

Grid Ref: 286952 : 106264

Applicant: Mrs A Lewis

Location: Land at NGR 286952 106264
(Rear of Holes Cottage)
Cheriton Fitzpaine Devon

Proposal: Outline for the erection of 2
dwellings with attached garages
and formation of shared access
(Revised Scheme)

Date Valid: 21st September 2016



Application No. 16/01450/OUT

RECOMMENDATION

Grant permission subject to conditions.

CLLR MRS P COLTHORPE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the significant concern expressed by local residents concerning the proposed shared access and the number of dwellings it will serve, which is contrary to the standing advice published by Devon County Council.

PROPOSED DEVELOPMENT & RELEVANT BACKGROUND

BACKGROUND: By way of background, planning permission was sought earlier this year (LPA ref: 16/01094/OUT) for outline planning permission for three dwellings. This application was withdrawn without determination. This current application follows on from this earlier application. In addition planning permission was granted in April 2016 for the conversion of a redundant building to a dwelling directly adjacent to this current application site. As part of that application the approved arrangements for the parking of Holes Cottage and Holes Cottage Barn were proposed alongside the highway on Bary Close.

PROPOSED DEVELOPMENT: This application seeks outline planning permission for 2 dwellings together with means of access and layout. Appearance, landscaping and scale will be subject to future consideration as reserved matters.

It is proposed that the access drive will pass between Holes Cottage and Holes Cottage Barn (the recently granted conversion). To facilitate this, part of the modern single storey extension to Holes Cottage will be demolished. The access drive continues westward between Holes Cottage Barn and the garden of Holes Cottage into the area of the former nursery garden. Further west, the access road terminates in a hammerhead turning head. At the western end of the site, the land is split into two, forming two house plots on the north and south of the plot respectively (plot area: approximately 1,575 square metres across a site area of 0.2 hectares in total).

The development will be served by a 4.1m wide shared surface drive for the first 25m and then this reduces to a 3m wide road with a passing bay at 30m and 1m verge either side for the whole length. At around 55m the shared surface drive terminated in a hammerhead of sufficient size to accommodate delivery vehicles.

Two visitor parking spaces are provided off the north end of the hammerhead. Access for parking two vehicles each at the rear of Holes Cottage and Holes Cottage Barn are provided to replace the off-street parking for these two dwellings which would be lost at the eastern end of the site due to the formation of the access.

It is anticipated that the proposed dwellings will be two storey with single storey garages. The external appearance of the proposed dwellings is reserved for future consideration.

Whilst the landscaping is reserved for future consideration, the planning statement notes that the existing mature trees and hedges around and within the site will be retained.

The site is directly adjacent to the boundary of Cheriton Fitzpaine Conservation Area and surrounded by the Chapel on the high street, and detached and semi-detached dwellings, and their gardens.

APPLICANT'S SUPPORTING INFORMATION

Block Plan showing existing trees across the plots.

Planning Statement, Design & Access statement and Heritage Impact assessment prepared by the Mr K Garside (agent)

Wildlife Preliminary Triggers schedule

Completed application form and accompanying plans/drawings

PLANNING HISTORY

15/02004/FULL: Conversion of redundant building to dwelling: Granted subject to conditions - 08.04.16

16/01094/OUT: Outline for the erection of 3 dwellings with attached garages and formation of shared access - withdrawn - 13.09.16

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR12 - Development Focus

COR17 - Villages

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM27 - Development affecting heritage assets

CONSULTATIONS

NATURAL ENGLAND - 6th October 2016 -

No comments.

HIGHWAY AUTHORITY - 22nd September 2016 - The Highway Authority initially made no comment regarding the application.

16th November 2016 - Further Comments

The access arrangements are in accordance with standing advice, more over since the standing advice document was produced, and is being considered for revision, the interpretation of Manual for Streets (MfS) mean that more than 3 off a private drive are considered acceptable today. Notwithstanding this the site access with 4.1m carriageway width, and two 1.0m verges is compliant to manual for streets in terms of two way traffic. Three off a private drive is born out of the Advance payment code and formation of Private streets by new build dwellings and the need to ensure that it is to a standard suitable for adoption. This site would not meet that criteria for APC as conversions are exempt and the two existing properties already front a public highway so in technical terms there are only two new dwellings off a private drive, albeit with the parking for the existing also accessed from it.

In terms of your points

1. No it would no longer need to comply with adoptable standards in this instance due to the APC exemptions, more over the initial 4.1m carriageway and 1.0m verges would be compliant with MfS and we would not be able to object based on MfS guidance and it would be to a standard suitable for adoption.
2. The plans are suitable to serve the development and with a 4.1m carriageway and 1.0m verges the first 25m would be of a suitable standard to be adopted, as a "housing Court" as it is compliant with MfS., The remainder of the road would then be 2 dwellings off a private drive in any case, with the added benefit of a passing bay. MfS is a very flexible tool and where verges do not have services in them vary in width and 0.5m margins have been adopted in the past up to the full 2.0m and as such the proposal is not only to standing advice but also compliant with a standard suitable for adoption. However given the sites exemptions under APC and the applicants desire to keep it private the road would not be adopted nor could we insist on an adoption.
3. The site is in compliance but the benefits of moving vehicles from the public highway to off-site private parking will always benefit free flow of traffic and Highway safety in general.

ENVIRONMENTAL HEALTH - 4th October 2016

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - no objections to this proposal

Drainage - no objections to this proposal

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

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

Housing Standards - No Comments

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies Informative Note

No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used I would have no comment.

Health and Safety I have no objections to this proposal enforced by HSE.

HISTORIC ENVIRONMENT SERVICE - 13th December 2016

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets with archaeological interest.

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

Any comments from the County Archaeologist regarding the application will be reported as an update before the meeting.

REPRESENTATIONS

8 letters of objection have been received raising the following issues;

- Reducing to two houses is better, but bungalows would be more desirable. 2 bedroomed bungalows would encourage older generation to down size releasing more affordable accommodation.
- There are already 2 cars, a trailer and a large motorhome belonging to Holes Cottage normally parked where the access drive is to be made, with only 2 off road spaces to park them behind Holes Cottage. This could lead to dangerous parking on the road or splay.
- Highway safety concerns for pedestrian along Bary Close. There is normally no space to park in Bary Close already in the evenings, without the extra parking caused by the moving of cars and motorhomes.
- The access looks impractical and dangerous (as well as against the council's own official rules)
- Whilst policy suggests 1.7 vehicles per property, given today's demographic it could easily be 3 or 4, this could also include commercial vehicles.
- These additional vehicles generated from the proposed additional properties together with the existing Holes Cottage and agreed conversion would suggest that the new access road would be a busy access point onto the Bary Close cul-de-sac.
- The current use of the cul-de-sac for parking (resident's and others) means this road is almost always a single carriageway from the village street junction and not fit for purpose for the proposed additional traffic flow.
- The suggested visibility splay together with the parking would make this a dangerous access point with parked vehicles, persons walking and visibility all to consider at the same time for any vehicular movement. This could cause problems with car owners arguing and quarrelling about parking places.
- Privacy concerns for surrounding occupiers..
- There are needs for affordable new builds and other more appropriate sites have been identified.
- The lower end of Bary Close is used as a drop off and pick up area meaning that it is a highly utilised part of the village and as such each action adds potential danger.
- Proposed entrance is opposite 3 drives, a lane to the back of two houses and the bottom drive at 12 Bary Close. This will only encourage more people to use Bary Close as a turning area.
- Noise and disturbance from vehicles, particularly on the recently converted house which has the access drive running straight past it.
- Doesn't Cheriton Fitzpaine have designated land for planning to building 2/3 bedroomed houses (White Cross, Barnhill and Carrs Farm)
- Shame to demolish part of Holes Cottage.
- Private drives are only suitable for up to 3 dwellings. This serves 4.
- The width of the access is planned to be 3.1m, after the initial 4.1m width. If 1m clearance strips should be provided on both sides of the access drive. This would make the access a minimum of 6.1m wide as it goes past Holes Cottage which would necessitate rather more demolition than initially described and totally change the appearance of the entrance splay.
- Fail to see how the proposal fits with the aims of the Council. It could come under COR17 where it says that development will be limited to minor proposals within their defined settlement limits. Building 2 large detached houses with a driveway in excess of 70m which necessitates demolition of a not insignificant part of an existing building in a Conservation Area is neither a minor proposal nor infill.
- COR17 depends on the village having a school, shop and daily transport links. There is no possible way of using the bus service that we do have to go to work anywhere, and even shopping by bus us almost impossible. The only shop in the village is closing in December this year, and although there are discussions about opening a community shop, this is by no means certain. We would then move into the definition of COR18, which excludes minor proposals within the defined settlement limits. Full planning permission would then not be grantable.
- Policy DM15 shows 118 sqm for a 7+ bed space which would mean larger houses than people are anticipating.
- The original objections should still be taken into account, apart from the objections referring to the deleted house plan.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on amenity of neighbouring dwellings**
- 3. Impact on character and appearance of the area**
- 4. Highway safety, transportation and Parking issues**
- 5. Other matters**
- 6. Finance considerations**

1) Policy

The Government's commitment to a "plan led" planning system is apparent throughout the NPPF. Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration.

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

The site is located within the settlement limit of Cheriton Fitzpaine where policies COR1 and 17 (CS) seek to encourage development in locations which are sustainable. COR17 notes that minor proposals in Cheriton Fitzpaine will be allowed.

Some local stakeholders argue that Policy COR17 is not relevant in that the development is not minor. The planning definition of minor is less than 10 dwellings and therefore, the proposed development does accord with Policy COR17 in that the development is minor in nature and is infill within the settlement limit. Whilst the Council would agree with interested parties that the proposed development is not insignificant, it does not agree that it is not minor development or infill.

The interested party's argument continues that the transport links are not meaningful for work or shopping and that some of the facilities are waning and therefore the application cannot be assessed against Policy COR17 and rather that Policy COR18 is more appropriate. Policy COR17 only requires that there are some facilities and that there is access to public transport. Both of these are true for Cheriton Fitzpaine. As the village has a settlement limit, the site is not in open countryside in planning terms and therefore Policy COR18 is not relevant.

Other relevant policies include Policy DM14 (design of housing)) and DM8 (parking). DM14 looks for dwellings with suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage. The required size for each dwelling is set to accord with the technical housing national standards.

The proposal must not adversely affect the safe functioning of the highway and provides appropriate parking facilities in line with policy COR9 of CS. Policy DM8 seeks to provide the appropriate level of parking.

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to the delivery of Public Open Space.

In summary this application scheme is in line with the general locational policies for residential development as set out in the development plan. Following on, Government advice in the NPPF seeks to make more efficient use of previously developed land and/or in some cases garden land. The site is a former orchard area and both local and national policy guidance would support a residential use on it subject to the impact on the character and appearance of the local area. This matter, together with impact on the amenity of residents are covered separately below.

2) Impact on neighbours and the host dwellings

Para 17 of the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 which sets out that new development should respect the privacy and amenity of neighbouring residents.

The site itself is part of the garden (former orchard) of Holes Cottage. Although Holes Cottage Barn is also currently within the applicant's control, the Council need to consider the living conditions of the occupiers of that property in the future.

The majority of the habitable windows of the barn being converted will face onto the proposed access (2 kitchen windows, 2 bedroom windows and a sitting room window). The kitchen windows in particular will be close to the pedestrian and vehicular access. In addition, these habitable windows would face the 2 parking spaces for Holes Cottage. However, it is considered that both the pedestrian and vehicular activities arising from the 2 new dwellings and the manoeuvring of vehicles into and out of the Holes Cottage parking spaces are not considered to be significantly detrimental to the living conditions of the occupiers of Holes Cottage Barn as to warrant the refusal of the application.

Having excluded the now proposed parking spaces for Holes Cottage Barn, the usable residential curtilage remaining for Hole Cottage Barn is modest. However, the property is a modestly proportioned 3 bedroomed property and as such, the proposed residential curtilage to remain with the host property is considered to be acceptable. In addition the application seeks the partial demolition of an extension to Holes Cottage. This building is not listed, and whilst it is not objectionable, the loss of part of the building would not be significant to that character or appearance or to the amenities of the dwelling.

Whilst the main living room window in Hole Cottage Barn faces Plot 2 of the proposed new dwellings, there is sufficient distance (in excess of 20.0 metres) between the two properties to prevent any adverse effect on the living conditions of the occupiers of either dwelling.

The separation distance between Holes Cottage and Plot 1 is in excess of 30.0 metres and therefore there are no concerns with window to window distances in that respect.

To the north of Plot 1 is a playing field and there are no privacy issues in that regard. To the south of Plot 2 are the Chapel and the buildings to the rear. The gable of Plot 2 aligns with these buildings and, as such limits the opportunity for the final design to present overlooking issues.

The occupiers of Victoria Cottage, which lies to the west of the Post Office on the village road, have raised concern regards the loss of privacy and overlooking of their property. From the rear façade of this property to the boundary with Plot 2 there is some 18.0 distance. Furthermore and as stated above it is proposed that that property on plot 2 will present with its gable towards the southern boundary and at oblique angle. Therefore it is concluded that there is sufficient distance between Plot 2 and the rear façade of Victoria Cottage is sufficient to prevent any undue loss of privacy.

Therefore there is sufficient distance between the proposed dwellings and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. Therefore the development is considered to comply with Policies DM2 and DM14 of LP3 DMP with regard to allowing sufficient privacy and amenity for existing and future occupiers.

3) Impact on character and appearance of the area

Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which makes clear that in considering whether to grant planning permission for development which affects a Conservation Area or its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application site, being immediately adjacent to the Conservation Area boundary has the capacity to affect the setting of the Conservation Area. The Conservation Officer has considered the proposal and comments as follows:

'This site lies to the north of Cheriton Fitzpaine conservation area but is a plot surrounded by existing development on three sides. I have no objection to development on this site (as per my previous advice). Layout is improved and I feel that the sites visibility is very restricted from public vantage points within the conservation area and therefore impact should be lessened. Given the proximity to the conservation area I would expect any subsequent reserved matters application to carefully consider site lines through to this plot and selection of materials appropriate to the area.'

It is noted that the site is discretely situated in a backland position, behind the existing properties on both the village road and Bary Close. In addition, it is noted that the moderate changes the conversion of the barn to a dwelling (Holes Cottage Barn) would make on the character and appearance of the area.

The Conservation Area Appraisal notes that there is a significant view down Bary Close towards the village road. Due to the orientation of Holes Cottage with Bary Close, the demolition of part of the Cottage and the creation of a vehicular access at that point is not likely to have a detrimental impact on that view.

As the application is outline in nature with appearance and landscaping being reserved for future consideration, the design of the properties and the materials to be used for hard landscaping are not part of this application and therefore the visual impact of the application scheme and on the impact on the character and appearance of the Conservation Area is a structural assessment at this point in time. Going forward to the design stage as the site is within the historic core of the village the detailed design of the houses will need to strike the balance of the buildings in the historic core and the more modern development of Bary Close. With careful consideration of the detail of a reserved application, it is expected that the design can be acceptable for the location and not detract from the character and appearance of the Conservation Area adjacent.

Views into the site from the Conservation Area, even after the creation of the new vehicular access, are considered to be limited and furthermore the impact of two storey development houses on the Conservation Area would be negligible. The design will need to be considered against Policies COR2 of the Core Strategy and Policies DM2, DM14 and DM27 at the reserved matters stage.

The dwelling sizes will need to meet or exceed that of the nationally described space standards.

A tree survey has been submitted with the application which notes that only 1 tree (a mature Silver Birch) is considered to be a constraint on the development and this tree has been carefully avoided. It is in a prominent position and will help assimilate the development within it's context. The report refers to a number of other trees and groups but doesn't specifically note whether these tree are to be felled as a result of the proposed development. However, paragraph 3.2 of the Planning Statement notes that "all existing mature trees and hedgerows within and around the site will be retained". A tree protection plan will be conditioned to ensure that the development does not have a negative impact on the retained trees and subsequently on the character of the Conservation Area.

In addition to the Conservation Area outlined above, Wreylands Cottage is a traditional thatched Grade II Listed Building (to the SE of the site). Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) require the local planning authority have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The listing includes primarily internal features of note, other than the front railings to the village road. Externally the property is also of merit and adds to the character and appearance of this historic core. However, the intervisibility of and between both this Listed Building and the proposed dwellings is somewhat limited, primarily due to the presence of boundary treatments and soft landscaping and the distance involved.

The Chapel is listed in the Conservation Area Appraisal as an unlisted building of merit. One of the proposed dwellings will be adjacent to that building and the reserved matters application will need to be carefully considered at that stage so that the impact of any new dwelling is not detrimental to the setting of The Chapel.

There are no other special features in the locality.

Reflecting on the considerations as set out above it is not considered that the proposed development would result in a form of housing which would be at odds with the built character and/or special interest of the surrounding area, and therefore it is considered that the objectives of COR2 of Mid Devon Core Strategy 2007, NPPF paragraphs 132 and 134, DM2 and DM27 of Local Plan Part 3 (Development Management Policies).

4) Highway safety, transportation and parking issues

Access is not reserved for future consideration. The proposal indicates the site would be accessed from a new drive from Bary Close by way of demolition of part of Holes Cottage.

Concern has been raised with the proposed arrangements and the number of dwellings that it will serve, which includes the 2 new houses and the two existing houses- Holes Cottage and Holes Cottage Barn. This concerns appear to be generated from an assessment of the arrangements against the Highway Authority's Standing Advice noting that no more than 3 dwellings should be serviced from a private drive. As stated above the highway officer has confirmed that the guidance in this document has now been superseded by the guidance in the Manual for Streets.

The interpretation of guidance in the Manual for Street means that more than 3 dwellings off a private drive are now considered acceptable. Previously, more than 3 dwellings off a private driveway was born out of the Advance Payment Code (APC) and formation of private street by new build dwellings and the need to ensure that it is to a standard suitable for adoption. Applying the old Standing Advice means that this site would not meet the criteria for the APC as conversions are exempt and in addition, Hole Cottage fronts a public highway. However in technical terms there are only 2 dwellings off this private drive, albeit with the parking for an exempt property and an existing property also accessed from it.

Moreover, the initial 4.1m carriageway and 1m verges would be compliant with the Manual for Streets guidance and would be a suitable standard to be adopted. The remainder of the road would then be 2 dwellings off a private drive in any case, with the added benefit of a passing bay.

Therefore, the proposed access arrangements are in accordance with the most up to date guidance (Manual for Streets) and is also compliant with a standard suitable for adoption. However the site's exemption under APC and the applicant's desire to keep it private, the road would not be adopted unless the Highway Authority insist on an adoption.

Concern has also been expressed that the creation of the proposed access will negate the existing parking facilities for both Hole Cottage and Hole Cottage Barn which is indicated exceeds the replacement 2 parking spaces indicated for each property as part of the application scheme, resulting in on street parking. Other representations indicate that this (dangerous) on street parking already occurs. It is noted that Bary Close is not subject to any parking restrictions, and therefore any dangerous or inconsiderate parking on footpaths is a matter of enforcement for other authorities. Notwithstanding as stated above the proposals remove the parking for the existing two properties to a safer location.

There is sufficient space on site to turn a car so that vehicles are able to enter and leave the site in a forward gear. The development indicates a single garage (although the Council do not count this as a parking space) and there is adequate space to park 2 cars for each dwelling. In this regard, the total number of parking spaces conforms with the Council's policy and Parking Supplementary Planning Document for the proposed and existing dwellings that are affected by the application scheme.

Concern has also been expressed from other road users and how the new access arrangements will affect intervisibility between existing road users and the emerging vehicles from the new access, particularly if

there is on street parking. As Hole Cottage and Hole Cottage Barn are set back from the roadside edge, there is a reasonable degree of visibility both north and south from the proposed access. Bary Close is subject to a 30 mph speed limit, and as the access is close to the junction with the village road, it is expected that traffic speed is likely to be less than 30mph as it passes the site. In addition any on street parking in the vicinity not related to the application scheme would also serve to restrict traffic speed whilst not unduly restricting the movement of traffic into and out of the proposed access.

Concern has been raised about the additional impact from the vehicles from the proposed properties. It is very likely that vehicles emerging from the site access will turn right towards the village road and vice versa. It is some 37m from the village road to the point of access. It is not considered that this length of heavily trafficked highway is significant and the impact of that additional traffic is not considered to be detrimental to or conflict with the existing accesses along that part of the network.

In summary it is not considered that the proposed development would be harmful to the safety and convenience of road users. The provision for parking and manoeuvring on-site would comply with the Council's parking standards, and would not conflict with policies DM2, DM8 and DM14 in that there would be satisfactory provision for parking and manoeuvring in accordance with adopted standards, and in accordance with policy COR9 in that it would not have an adverse impact on road safety. Finally as stated above the proposals are supported by the Highways Officer at Devon County Council.

5) Other matters raised by interested parties

Interested parties have indicated that smaller bungalows are more acceptable on the site. However the Council must determine the application which is for two 2-storey houses. Two storey dwellings, for the reasons outlined above, is considered to be an acceptable development solution for the site. The potential to release larger houses to the market by granting planning permission for smaller bungalows on the site is not something that is an issue which can be considered as part of the planning balance in this instance.

The need for affordable housing has been raised. No affordable housing requirement is required as part of this application due to its scale. This is in compliance with the Written Ministerial Statement on such matters and/or development plan policy.

The presence or otherwise of more appropriate sites is not something which can be considered as part of the planning balance either in this instance. The Local Plan Review is currently consulting upon residential allocations within and adjacent to the village. As is not adopted policy, the weight to be given to these potential allocations is limited at this time and would not override the policy support for the application under COR17.

Interested parties have indicated that the objections to the three dwelling scheme should still be taken into account, apart from the objections referring to the deleted house plan. Each application is determined in its own right and on its own merits.

6) Finance considerations

An appropriate contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document, and the applicant made appropriate provisions on 17th November 2016 through a payment of £2410.00 in accordance with policy.

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £12,336. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

CONDITIONS

1. No development shall begin until detailed drawings to an appropriate scale of the scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The detailed drawings required to be submitted by Condition 1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, finished floor levels, external lighting, materials, and surface water drainage.
5. Subject to the effect of any condition of this permission the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
6. Prior to its use on site, samples of the materials to be used for the roof of the building will have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained
7. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.
8. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan to protect the trees to be retained on the site has been submitted to, and approved in writing by, the Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction.
9. No part of the development hereby approved shall be brought into its intended use until the access driveway, turning areas and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and once provided, they shall be retained for that purpose at all times.
10. No development shall begin until a Method of Construction Statement to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialsshall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.
11. All telephone, electricity and mains gas services to the building shall be placed underground.
12. The surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway.
13. Construction works shall not take places outside 07.30 hours to 19.00 hours Mondays to Fridays and 07.30 to 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 and 5 of The Town and Country Planning (Development Management) Order 2010.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To enable the Local Planning Authority to consider the impact of the development particularly on the occupiers of the neighbouring properties and the adjacent Conservation Area, in accordance with Policy DM2 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies).
5. For the avoidance of doubt and in the interests of proper planning.
6. 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, DM15 and DM27
7. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate facilities are available for the traffic attracted to the site.
10. To ensure the provision of adequate facilities during the construction period and in the interests of highway safety.
11. In order to safeguard the visual amenity of the area and the character and appearance of the building in accordance with Mid Devon Core Strategy (Local Plan 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM27.
12. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
13. To protect the privacy and amenities of neighbouring occupiers accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).

Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.

No record is held for the water supply at proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used you do not need to contact the Council in that regard.

As the site is within the historic core of the village as noted in Map 4 of the Conservation Area Assessment, it is expected that the proposed development will reflect the more historic design details and materials of this historic core rather than the more modern development of Bary Close.

If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in principle as the site is within the defined settlement limit of Cheriton Fitzpaine. The proposed development will be at a density compatible with its surroundings and this proposal will reasonably complement the appearance of the streetscene. Adequate on-site parking and vehicle manoeuvring facilities with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwellings and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. The applicant has made the appropriate public open space contributions in accordance with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 1). There are no flood risk or drainage issues resulting from the scheme. The proposal is therefore in accordance with Policies COR9, COR2, and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), together with Policies DM1, DM2, DM3, DM8, DM14, and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies), pending the consideration of the reserved matters.

Application No. 16/01566/FULL

Plans List No. 4

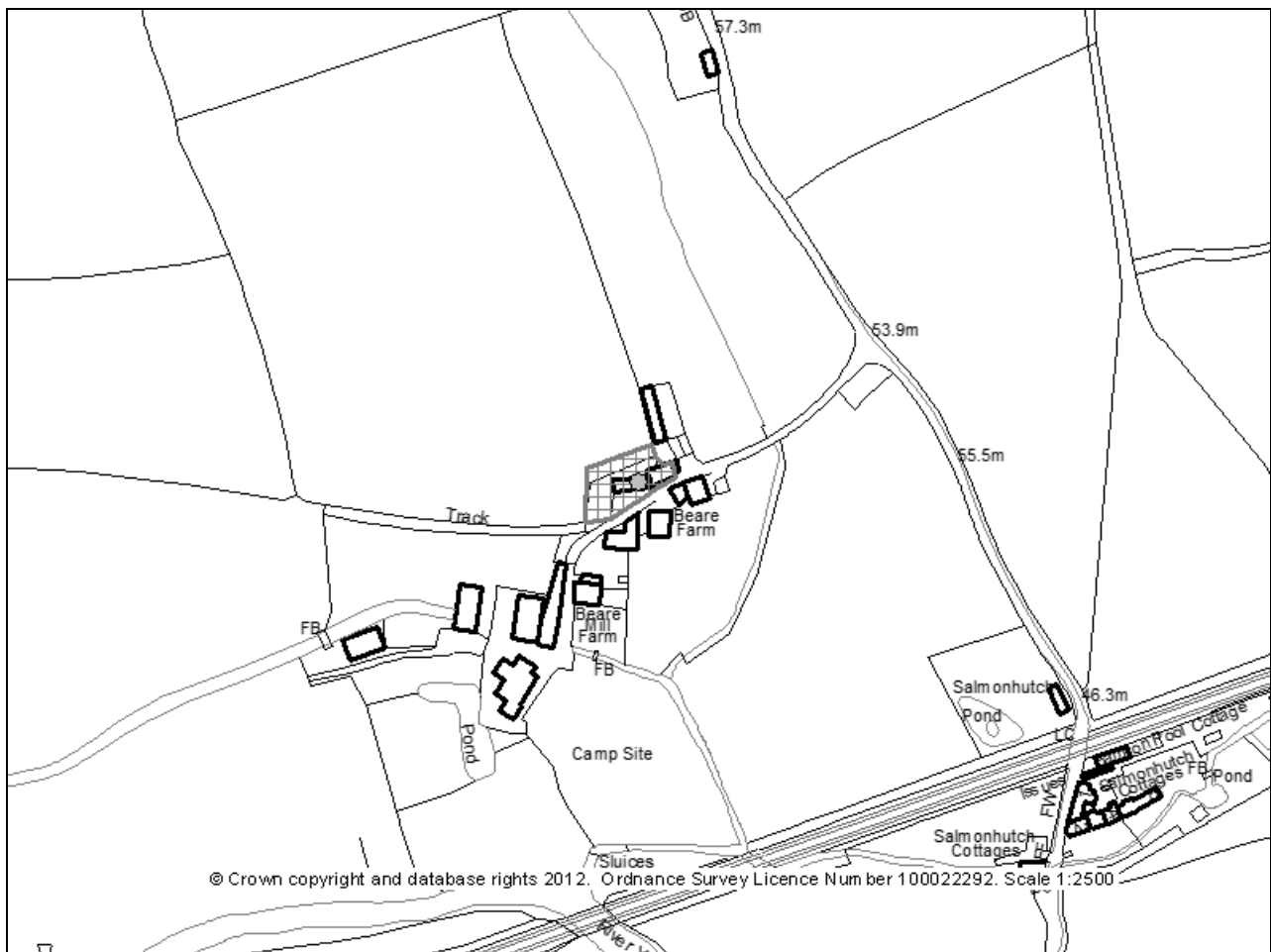
Grid Ref: 282555 : 99153

Applicant: Mr & Mrs C Tucker

Location: Land and Buildings at
NGR 282555 99153
(Beare Mill) Crediton
Devon

Proposal: Erection of a dwelling

Date Valid: 11th October 2016



Application No. 16/01566/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

The applicant has described the proposals as for the erection of a dwelling, on the site of a former agricultural barn.

The application is submitted retrospectively in that the dwelling and surrounding garden area are part constructed. This situation has arisen as a result of the applicant commencing the implementation of planning permission granted under LPA ref: 13/00981/FULL which allowed the conversion of the barn to a dwelling. Working within the existing fabric of the building the approved scheme was for a three bedroom unit with accommodation over two floors (approximately 140.0sq m). The approved scheme retained the low level pole barn at the front of the main barn and the plot area was 605.0 square metres.

The application seeks permission to seek to complete the project to for a revised layout arrangement on a similar footprint, height, scale and massing to the barn conversion scheme and still providing accommodation over two floors. However it is not now considered to be a conversion, but instead a new build.

In addition the proposals incorporate an additional single storey outshot at the front (east elevation) in place of the single storey pole barn, and wrapping around the side elevation (north elevation). When scaled off the plans this element adds approximately 36 square metres to the total area of floorspace. The applicants agent states that the unit would provide approximately 169 square metres and a wider site area of 834 square metres.

Other key differences relate to the propose access arrangements into the building and the manner in which the garden curtilage to the north of the building is to be provided.

The design approach is not dissimilar to the approved scheme, retaining a solid low level with a more open upper level created with boarding and fenestration details to reflect the design and appearance of the former barn. The stone base (partly constructed) is formed from stone reclaimed from the barn with the upper sections of walling either completed as rendered finish and/or timber boarding. A slate tile roof covering proposed with all window and door frames to be purpose made timber effect.

APPLICANT'S SUPPORTING INFORMATION

Application form

Plans, elevations, block and site plans - as previously existed and proposed

Design & Access Statement

Protected Species Survey by EPS Ecology Ltd dated March 2013 as submitted with 13/00981/FULL.
FD1a form

PLANNING HISTORY

03/00542/FULL Conversion of barn to dwelling with associated garden and parking. - REFUSE

89/01720/FULL Change of use of agricultural building to dwelling - REFUSE

99/03202/FULL Conversion of barn to a dwelling - REFUSE

04/01215/FULL Conversion of barn to dwelling - REFUSE

77/01750/FULL Change of use from farm building to self-catering unit - PERMIT

12/01330/FULL Conversion of barn to dwelling - WDN

13/00981/FULL Conversion of barn to dwelling (resubmission) - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

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

AL/IN/3 - Public Open Space

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 13th October 2016 -

No specific comments are raised.

CREDITON HAMLETS PARISH COUNCIL - 8 November 2016 -

At their meeting on the 7th November Crediton Hamlets Parish Council resolved to object to the application and agreed the following comments: "The Parish Council is concerned that issues raised when the original application was submitted were subsequently ignored. The present development should reflect the traditional building, aspect and construction and should not be significantly altered and therefore object to the application as it stands. It is requested it be called in for decision by committee"

NATURAL ENGLAND - 24th October 2016 -

No comments.

HISTORIC ENVIRONMENT SERVICE - 27th October 2016 -

Since the development of the site has already commenced under the consent granted for planning application 13/00981/FULL the Historic Environment Team has no comments to make on this planning application.

ENVIRONMENTAL HEALTH - 25th October 2016 -

Contaminated Land -

No objection.

Air Quality -

No objection.

Environmental Permitting-

No objection.

Drainage -

No objection.

Noise and Other Nuisances -

No objection.

Housing Standards -

No comments.

Licensing -
No comments.

Food Hygiene -
N/A

Private Water Supplies -
N/A

Health and Safety -
No objections.

REPRESENTATIONS

At the time of writing this report a single letter in support of the application has been received. The comment is set out in full below.

The barn has been a long standing feature at the farm and we (the signatories on the letter) are keen to see the project completed and the barn rebuilt to retain this building as part of the building at Bear as we know it. From the stonework that has been so far, it is obvious that it is going to be re-built to look like it was

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application sits as part of a group of buildings comprising a former Mill and farm. The site is on the east facing sloping site set above the flood plain yet set into the hillside obscuring it from North and West views with limited visibility from the South and East. Access from the public highway is via an access road which serves the group of buildings running into the site from the east. There is a mature hedgerow which partially screens the site at the junction with the public highway. The history regards development at the site is set out above as is the reasoning for this application being submitted.

The main issues in the determination of this application are as follows:

- 1. Policy as it applies to barn conversions and new dwellings in the countryside**
- 2. Other material considerations which should be weighed against policy**

1. Policy as it applies to barn conversions and new dwellings in the countryside

Central Government guidance and the Council's own Development Plan Policies seek to strictly control new development in the open countryside. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) establishes that development in the open countryside should be strictly controlled and the policy identifies a range of uses and building types that could be considered acceptable. There is no policy support under Policy COR18 for the application proposal as a new build dwelling in the open countryside.

Also for consideration, paragraph 55 of the NPPF provides a number of examples of where exceptions to the general presumption against new homes in the countryside can be made. One of these exceptions is for proposals where the re-use of redundant or disused buildings would lead to an enhancement of the immediate setting.

Therefore the guidance in the National Planning Policy Framework and Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) provide support for conversion of rural buildings and it is on this basis that application 13/00534/FULL was approved, as the building was considered to be of substantial and permanent construction and to positively contribute to an area's rural character. Following partial demolition, this no longer applies.

The tests of Policy DM11 are set out below. Taking into account the scheme design and the supporting information provided by the applicant when application 13/00981/FULL was submitted which included a

Structural Survey completed by Simon Bastone Associates Ltd dated 25 February 2013 it was considered that the conversion could be undertaken satisfying all the necessary tests as required.

- a) A suitable access to the building is in place or can be created without damaging the surrounding areas rural character and the road network can support the proposed use.
- b) The building can be converted without significant alteration, extension or rebuilding.
- c) The design will retain the original character of the building and its surroundings.
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

With regards to the current application the proposals are not capable of being supported by Policy DM11, COR18 and/or the guidance in NPPF as the building that previously stood on the site has been demolished with the applicants effectively commencing a new build without the benefit of a valid planning permission.

However a range of other issues are also to be considered and are set out below: the planning history; the former condition of the barn; the circumstances that lead to the demolition and how the proposals affect the setting of the group of buildings at Beare. All these factors are material planning considerations which need to be weighed against the policy provisions.

2. Other material considerations which should be weighed against policy

- a) The planning history

Planning permission was granted for the conversion of the barn under LPA ref: 13/00981/FULL, as stated above. The applicants agent has set out the series of events that took place once implementation had started as set out below:

Works commenced on the scheme in accordance with the approved proposals. Preliminary excavation to gain access to the external walls and to determine foundation depths etc. revealed that the cob wall to the south which retained 2.4m soil and internally presented as rendered concrete was of little substance. As works progressed the extent of the retaining element and condition of the cob element of the West and North walls gave concern and the ground works immediate to these walls was found to be made-up ground with large voids and areas of loose fill requiring a reappraisal of these walls. It was decided to replace these walls with properly designed retaining walls to the line of the existing walls.

The first floor structure being timber post and a frame was carefully dismantled and set aside for timber treatment and repair, and works progressed with the remaining walls in situ. As works progressed the stone quoin was damaged by machinery and rendered unsafe. Roof trusses and timbers were set aside and remain on site ready for incorporation into the works. These are to be remade and reinstalled in the works.

Retained elements at the commencement of the works required further work until finally it has been assessed that the project can no longer be considered a "conversion" and as such the applicant is now required to seek planning permission for a "new build" to complete the project as intended.

The applicant has submitted photographs to clarify this passage of events.

- b) The former condition of the barn

Structural Stability of the Building - Policy requires that applicants submit evidence that the building is structurally sound and capable of being converted without significant extension, alteration and/or rebuild. As stated above the structural report that was submitted with the earlier application for conversions confirmed that the scope of works that were required were limited. The specific recommendations of the report for the building is set out below:

Feasibility of Proposals

4.3.1 The proposals involve little alteration to the existing structure, retaining all areas of existing wall. The

roof will need to be strengthened with new purlins, supporting structure and rafters. The older timber roof trusses can be retaining as a non structural feature if required.

4.3.2 The necessary structural repairs involve making good cob walls with cob blocks, stitching of a number of cracks, re-pointing of stone and general making good.

4.3.3 Damp proofing/drainage cavity works will need to be carried out to existing walls.

4.3.4 The external levels to the north and west sides of the building need to be reduced and land drainage installed.

Taking into account the advice provided in the structural report it was clear at that time that the building was structurally sound and capable of conversion without significant extension, alteration or rebuilding in accordance with policy requirements.

c) The circumstances of the demolition

As stated above, during the course of the conversion works and following the removal of the roof and flooring structure the applicant took the view that the standing walls were structurally unsound. Neither your planning officers and/or building control officers were involved in the decision. The Building Regulations process is being managed by an approved inspector under ref:15/0033/AI which was submitted with the following description: Proposed barn conversion and associated works.

d) The impact of the loss of the building to the setting of Beare Mill

It would appear that the applicants set out in good faith to implement the terms of the planning permission to convert the barn into a residential dwelling. The applicant has unilaterally decided to deviate away from the terms of the planning permission without seeking advice from the Local Authority officer team. This application proposal seeks permission to complete the dwelling as a new build which will retain the visual character of the barn as it was approved to be converted, albeit with a slightly larger floorplate and visually significant garden area which includes adequate provision for car parking. Visually the application scheme would recreate the group setting of the built complex at Beare Mill. It is not considered that the application scheme would cause harm to the visual amenities and/or character of the area. The objections therefore relates to lack of policy support for a new build dwelling in the countryside as there is no special justification.

e) Financial contributions

Financial contributions towards air quality (£4,434) and public open space (1,250) were made under the previous permission and if granted will be carried over to this application which would require a deed of variation to be completed.

f) New Homes Bonus

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £6,168. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is not considered to outweigh the matters as discussed above.

REASON FOR REFUSAL

1. The site is located in the open countryside where new residential development is strictly controlled. This proposal no longer achieves the conversion of an existing building without significant extension, alteration or rebuilding as permitted by Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). Instead, following the demolition of the barn structure that had been approved for conversion to a dwelling, the proposal is effectively for a new build and is therefore contrary to

Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). The application is therefore considered in policy terms to be for the erection of a new dwelling in the open countryside, for which no special justification has been given, which is contrary to Policies COR1 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

Grid Ref: 283119 : 100306

Applicant: Jurassic Coast Coffee Limited

Location: 28 High Street Crediton Devon EX17 3AH

Proposal: Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations

Date Valid: 12th October 2016



Application No. 16/01594/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Change of use from Class A1 (Retail) to mixed use: Class A1 (Retail)/A3 (café) on ground floor 28 High Street, Crediton. The site is a three storey unit (ground floor and two floors above) located on Crediton High Street in the middle of the primary shopping area and within the primary shopping frontage. The current use class of the unit is A1 retail, having previously been used as "High Street Saver"; however the site is now currently vacant.

The building is within the Conservation Area and adjacent to a Listed Building.

The proposal includes external works, primarily the insertion of 2 air conditioning condenser units at first floor level on the rear. The floor space of the site extends to 203sqm, some of which will be lost to washroom and back of house facilities.

The layout as proposed includes a 'retail' area (Class A1 Retail) to sell coffee and other hot and cold drinks, sandwiches, filled rolls, cakes, pastries, coffee beans, cafetieres, percolators, coffee cups and mugs, and other related products. The café (Class A3 Retail) use relates to the 79 covers that could be accommodated within the floor area. The applicant indicated that the proposed use would generate some 5 full time and 5 part time staff.

The unit would be open between the hours of 07:00 and 19:00 Monday to Saturday and 09:00 to 17:00 on Sunday and Bank Holidays.

In addition, advertisement consent is sought for an internally illuminated fascia sign and 1 externally illuminated hanging sign. A separate application for advert consent has been submitted.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement
Application forms and associated plans
AC details
Letter from the agent dated 22nd November 2016
Agent's email dated 2nd December 2016.

PLANNING HISTORY

89/01220/ADVERT - Consent to display shop sign - withdrawn
89/01221/FULL - Installation of shopfront - permitted
16/01302/FULL Change of use from Class A1 (Retail) to mixed use: Class A1 (Retail) on ground floor and Sui Generis in basement/backroom - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR6 - Town Centres
COR15 - Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM16 - Town centre development

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 24th October 2016 - No comments.

CREDITON TOWN COUNCIL - 16 November 2016 - Recommend Approval.

ENVIRONMENTAL HEALTH - 2nd November 2016 - Contaminated Land - No Objection.

Air Quality - No Objection.

Environmental Permitting - No Objection.

Drainage - No Objection.

Noise and Other Nuisances - Further information required confirming that there will be no external AC/chiller units running during night-time hours.

Housing Standards - No Comments.

Licensing - Please visit our web pages via the following link

<https://www.middevon.gov.uk/business/licensing/alcohol-and-entertainment-licences/> as some activities such as light night refreshment or the sale of alcohol will need a licence.

Food Hygiene - No objections to the proposal. However a dedicated wash hand basin is required for food handlers where open food is handled.

Private Water Supplies - N/A

Health and Safety - No Objections.

DEVON, CORNWALL & DORSET POLICE - 21st October 2016 - No comments.

REPRESENTATIONS

A 1689 signature petition objecting to the application on the basis of the coffee chain brand.

12 letters of support of the change of use application received at the time of writing the report (01/12/2016) raising the following issues;

1. The primary shopping frontage extends from Ivory Secret to Tesco Express on the south side of the High Street and from CREDITON Tandoori to the Indian Lounge on the north side. The council currently accept that the percentage of A1 retail was 67.93% in October 2016.
2. A Costa coffee shop would be an attractive addition, particularly if a refusal resulted in the eyesore that No. 28 is, continuing - and bear in mind this large building has been up for sale for several years.
3. Costa's opening will almost treble the A3 seating in the principal shopping area and to be a commercial success therefore Costa will need to generate business that does not currently exist. If they are successful this will result in increased footfall in the high street which is bound to benefit its "vitality and viability". On this basis the application should be approved.
4. Very little to do/nowhere to go on a Sunday or bank holiday in CREDITON, to have a coffee shop open on these days would be lovely for lots of local residents, particularly those who may be elderly and potentially isolated at these times, great for people to meet up and enjoy a coffee together.
5. Over the past few years there has been a large improvement within the Market street area and the square with a couple of cafés and a coffee shop which service that area of Market street and the customer that use the post office, bank and market stalls and other shops within that area. However, with the improvements within that area of CREDITON the High Street has now somewhat been split in two. There is the "lower" high street from the Steve B bakery up until Susan's Flower Shop which include the local newsagents, a mini super market, book shop but to name a few businesses along with all the businesses along Market Street itself. Then there is the "Upper" high street from the

Wine shop up until the two Fish and Chip shops that have been left behind somewhat with the development of the Market street area. There are some wonderful little shops in this part of the high street and I feel they would greatly benefit the extra foot fall Costa Coffee would bring to that part of the high street.

6. If Costa Coffee or some other big brand does not take over the building that the work will never be done and will remain an eyesore for many years to come, which could result in local businesses either moving out of Crediton or closing altogether.
7. The local government would benefit from the extra income from the council tax Costa Coffee would pay were as if the building was left empty they could loss out of tens of thousands of pounds every year until an opportunity like this comes around again.
8. A number of other big brands are now trading within the Crediton area and have had little or no impact on the local businesses community and have in fact added to the prosperity of Crediton and the surrounding area.
9. The current coffee shops have a loyal customer base and each cater for a different clientele.
10. Those driving through, as well as those requiring a central meeting place would use the new outlet, adding revenue to the District Council car park, as well as these new customers visiting other retail outlets during their visit. Although Crediton prides itself on its independent shops, we are fortunate enough to benefit from chain shops as well. Tesco & Co-op have fitted into the Town well and with the addition of a Costa Coffee, those driving through will see a thriving town and this will create a positive impression.
11. A new investor in Crediton is what the dying town desperately needs, Costa will not go out of business 6 months after opening, which is what tends to happen in Crediton and will also provide jobs to local people
12. It's better than seeing another empty shop in town or charity shop

43 letters of objection to the change of use application received at the time of writing the report raising the following issues;

1. The proposed floor plan shows that only about 10% of the ground floor area will have an A1 use and more than 80% an A3 use. Weighting this proportion to take account of the fact that the A1 area is at the front of the premises gives a figure of about 15% A1 use and 85% A3 use. The use is therefore predominantly A3 and should be wholly allocated as such and not the 50:50 A1:A3.
2. The Planning Statement claims the existing A1 use percentage at 69%, reducing to 68% by virtue of allocating No 28's current A1 use 50% to A1 and non A1 uses. The 69% claimed is at odds with the council's figure.
3. Transferring No 28's current A1 use to A3 use reduces the percentage below 65% and on this basis therefore the application should be refused.
4. The proposals will cut off independent access to the first and second floors. Should be modified to enable access to the upper floors and present the opportunity to redevelop these spaces into residential accommodation or perhaps the much talked about cultural hub for Crediton.
5. It is considered to be terrible idea to have a chain such as Costa Coffee where a wealth of independent shops and cafe flourish - mainly because of the absence of multinationals locally. In Totnes people successfully challenged the presence of Costa, and with good reasons. Please do not introduce a further threat to the livelihood of local people.
6. Crediton doesn't need more coffee shops and the proposals will ensure a sense of feeling that Crediton is just any old high street and not distinctive.
7. When we lose this independence and there are no proper local shops and cafes left in town leaving just charity shops, insurance offices, estate agents and Costa, the likelihood of more people going to Exeter to shop will increase, diminishing the towns appeal and long term prosperity.
8. The population of Crediton is insufficient to keep all the town's shop units in continuous occupation. The number that use the town centre is fairly static. There is not a thriving 'tourist' population, hence the certainty that another café provider will not increase the 'cake' but diminish the share for each player that exists.
9. This is a large retail space. Using it for a coffee shop will restrict the range of retail outlets that could serve the town. At least, time should be given to encourage alternative users who could enhance the town's offering without this duplication. Perhaps conversion to an arcade format in such a prominent position c.f. the other 'arcades' would be attractive particularly if the units were larger.
10. Appreciate that it is not the District Council's to dictate what landlords do with their properties.

However, no one else has the power to influence the development of town centres in order to reflect both the medium/long term needs of a community and its wishes [see the petition against the application].

11. For every new job created there will be an equivalent or greater number of jobs lost locally when local cafes are forced to shut down through undue competition.
12. If this application is granted one needs to ask 'what's in it for those granting the application?'
13. Costa coffee is already available at the service station just outside of Crediton.
14. There is no local support for a multinational chain at the expense of local independent businesses
15. Our local cafes offer healthy, local sourced food and drinks. Costas produce travels miles damaging the environment in the process.
16. Concerned about the opening hours which will have an impact on the town with the noise and more rubbish on the streets.
Food and drink outlets that open in the evening should provide payment for cleaning the main thoroughfares through the town.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Having regard to the relevant policies of the development it is considered that the main issues arising from this application are:

- 1. Principle of development and retail mix**
- 2. Impact upon the vitality and viability of the area.**
- 3. Impact upon the character and appearance of the Conservation Area,**
- 4. Impact upon residential amenity, and**
- 5. Other matters raised.**

1. Principle of development and retail mix

The application site sits in the centre of the primary shopping area of Crediton and is in the primary shopping frontage.

The National Planning Policy Framework seeks to ensure the vitality of town centres and states that Local Planning Authorities should pursue policies to support their viability and vitality. Paragraph 18-21 set out the importance of securing sustainable economic growth in order to create jobs and prosperity and that the planning system should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Being within the town centre, policy COR6 of the Mid Devon Core Strategy (Local Plan part 1) seeks to promote key town centre uses that contribute to the vitality and viability of the area. This is re-iterated through policy COR15 which seeks to enhance retail provision within Crediton particularly to reduce the need to travel to Exeter.

Policy DM16 states that the shopping function within the primary shopping area will be safeguarded and enhanced.

The applicant indicates that the proposed use is a mixed A1/A3 use in that customers purchase items to either takeaway or consume on the premises. Whether the sale amounts to an A1 or A3 will depend on the customer's choice to either sit down or walk out the door. Whilst the applicant has not submitted evidence in regard to the trade profile of the proposed end user, the Council's own research has indicated that a significant number of Councils have accepted and agreed that such enterprises are mixed A1/A3 uses. Where there has been a disagreement and a refusal has been appealed, it is clear that Planning Inspectors agree that each case needs to be assessed on its own merits, but have indicated that where a mixed A1/A3 scheme is proposed that a significant element of the trade should be from A1 sales, and the appeal decisions indicate that a significant element relates to approximately 30% of the business trade.

Reflecting on these appeal decisions, although the applicant has not submitted any sales forecasts for the unit and/or any comparable data sets, the applicant's description of development for an A1/A3 mixed use

and the layout as proposed is likely to generate a significant element of A1 retail activity. It is therefore considered that a 50/50 split in floorspace across the A1/A3 use classes is considered justified and the assessment against the provisions of DM16 is completed on this basis, as set out below.

The provisions of policy DM16 does not prevent the loss of A1 shops provided that such uses predominate in the primary shopping area. Within primary shopping frontages (as opposed to the primary shopping area), at ground floor level the proportion of A1 retail uses will not be permitted to fall below 65% of all units. The Council's own monitoring survey (April 2016) indicates that there are 54 units in the primary shopping frontage. The survey indicates that 34 of these units were in A1 use, 18 units were in other uses and 2 units were vacant.

The 2 units that were vacant have an A1 planning use. Therefore, there were 36 units out of the 54 units in the primary shopping frontage that are capable of having an A1 use. This amounted to 66.6% of the units being in A1 retail use. As stated above the proposal seeks a mixed A1/A3 use and therefore the application unit is split so that half the unit is apportioned to an A1 use and half the unit is apportioned to an A3 use, this results in 35½ units being in A1 retail use (65.7%). Therefore, although marginal, the proposed development as a mixed use unit does not cause the A1 retail uses to fall below 65%. This generally accords with the applicant's own survey dated October 2016 which counts 55 units within the primary shopping frontage and, following any grant of this permission, apportions 37½ to A1 uses (68%).

Policy DM16 also requires that the primary retail role and character is not undermined, causing unacceptable fragmentation and isolation of the remaining shops. In this instance, using the Council's own April 2016 survey, the council have considered the streetscene or run of shops adjacent to No. 28. Taking, for example, the consecutive Nos. 22-30 High Street, the Council's own records show that No 22 is an A3 use and that Nos 23 to 27 inclusive are in A1 use. No 28 is the application site and No 29 is in B1 use. To the west of No. 29 is a vehicular access which breaks the run of units at this point. Therefore, when considering whether the mixed use of No. 28 fragments and isolates remaining shops, the Council is of the opinion that there is a sufficient group of A1 units in the vicinity of the application site so that the A1 uses are neither fragmented nor isolated.

Therefore, in regard to the principle of the development and the retail mix, the proposed development meets the aims and objectives of the promotion of retail development within the town centre, and therefore if the application scheme is allowed it is considered that within the primary shopping area, the shopping function would be safeguarded.

2. Impact upon the vitality and viability of the Primary Shopping Area.

Policy DM16 also seeks to ensure that in the primary shopping area uses should not harm the vitality and viability.

The unit is not particularly large. Although it has a double frontage it is split into two planes. The two main windows are either side of a recessed entrance door. This visual break up to the front of the unit means that it does not add to the prominence of the unit. In relation to the degree of the primary shopping frontage, the size of the front of the property is not significant. As for the shopping area as a whole, the factors of frontage and size do not lead to the conclusion that the loss of the unit to a sole A1 use would be harmful to its retail function.

In addition and since Policy DM16 was written and adopted there have been recent amendments to the General Permitted Development Order (GPDO) in England in 2015 which allow flexibility between town centre uses. In particular, Part 3, Schedule 2, Class C of the GPDO states that planning permission is no longer required for the change of use for up to 150m² of floorspace within a building falling within Use Class A1 (retail) to Use Class A3 (food and drink).

Therefore although the unit is in excess of some 200 square metres, and therefore in excess of the Class C permitted development opportunity as referred above, the application proposals reflect current Government guidance on the need to revitalise town centres. Currently, as a vacant unit, the ground floor use is inactive. Therefore, the A1/A3 use enhances the provision of an active ground floor use, particularly with the proposed seating in the window.

In support of the application, the applicant has submitted a report prepared by Allegra Strategies into the role of coffee shops on the High Street (March 2010). The report shows that coffee shops attract people to the high street and improve their vitality. Branded coffee shops contribute significantly to local vitality and they can act as a catalyst for further development on the high street. In summary the mixed-use nature of this proposal is considered to be beneficial as it will continue to provide an element of retail activity as well as new opportunities for social interaction. .

Taken together, the A2 financial and professional services/A3 restaurants and cafes/A4 changing establishments/A5 not food takeaway uses across the primary shopping area are considered to be dispersed and they vary in their nature in terms of the retail offer. There is no dangerous concentration of other uses in the designated frontage. Therefore it is considered that the application scheme will not have an adverse impact on the balance and diversity of uses in the High Street. Retail uses would still predominate in the primary shopping frontage and the locality.

The petition "Say No to Costa" is noted. It, together with a significant number of objections, expresses concern about the effect that corporate chains might have on the viability of independent traders in town and the character of a centre where independent traders dominate. However, it is not a role of the planning system to control competition and it cannot influence whether the end user is corporate or independent.

This planning application is required to be decided as a change of use and if granted is capable of being implemented by a range of occupiers. It is not coffee brand/chain specific and cannot be considered on that basis.

In summary it is not considered that the application scheme will harm the vitality and/or viability of the retail function of the shopping area.

3. Impact upon the character and appearance of the Conservation Area,

Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which makes clear that in considering whether to grant planning permission for development which affects a Conservation Area or its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This site is within the Conservation Area and adjacent to both a Listed Building and an important unlisted building.

The application does not provide an assessment of significance of the heritage assets in the locality, an assessment of the impact of the proposed development on significance of the assets or a justification for the proposed works, contrary to para 128 of the NPPF. However, the Council, by way of its own Conservation Area Appraisal and the site visit has been able to assess the significance of the Conservation Area in the locality. Plan 2 of the Conservation Area Appraisal does not note any important features in the locality. Therefore it is considered that the significance of this particular site to the character and appearance of the Conservation Area is somewhat neutral at best and detrimental at worst.

Other than the redecoration to the front ground floor façade, the proposal does not propose any external alterations to the application building other than the display of illuminated advertisements at fascia level. Please refer to the application 16/01595/ADVERT.

Whilst it is disappointing that the proposal does not propose improvements to the shopfront itself, the redecoration of at least the ground floor is to be welcomed in this street scene, having a positive effect on the character and appearance of the Conservation Area and the setting of the Listed Building.

In addition the proposals include the installation of air conditioning units on the rear elevation, which given the location are not considered to be visually intrusive to the locality. Therefore, in this instance, the proposed development will lead to less than substantial harm to the significance of this part of the Conservation Area and the setting of the Listed Building. In such circumstances, paragraph 134 of the NPPF is clear; this harm should be weighed against the public benefits of the proposal, including securing its

optimum viable use.

In summary it is concluded that the proposed development in terms of the external alterations would at least preserve (and/or possibly enhance) the character and appearance of this part of Conservation Area and the setting of the adjacent Listed Building and would therefore accord with the planning Policy COR2, DM2 and DM27.

4. Impact upon residential amenity

There are a number of residential units in the locality, particularly on upper floors. In regard to the air conditioning units at first floor level, the Council have carefully considered the potential for noise and disturbance from such units.

The application submits details of a number of models of air conditioning unit and does not specify which unit the applicant might engage. Given the existing factory to the rear of the unit and the fact that the applicant proposes that the AC units would be turned off outside of opening hours, a noise survey is not considered necessary. It is proposed that a suitably worded condition is imposed that the AC units are not running outside opening hours and that they do not significantly exceed background noise levels (as suggested by the Council's EHO) in any case.

5. Other matters raised

Concern has been raised that only about 10% of the ground floor area will have an A1 use and more than 80% given to the A3 use and should not be considered as 50:50 split as proposed by the applicant. Please refer to key issue 2 above for a response to this matter in terms of completing the assessment of the application.

Concern has also been raised about the prospect of losing independent access to the upper floors. The building benefits from a rear door with separate access to the upper floors. Despite not using the upper floors, the applicant's lease includes an obligation to keep this part of the building wind and watertight to ensure these will be maintained for occupation by another.

Some criticism has been levelled at the application and that time should be given to encourage alternative uses that are considered more sympathetic to the town's offering. Alternative suggestions have been put forward by interested parties, such as its conversion to an arcade. The unit has been vacant since September and no other planning application has been submitted for an alternative use or works to the building. The Council cannot fail to determine the application that is in front of it and must deal with it on its own merits.

Scepticism has been raised about the job creation aspect of the application, suggesting that for every job created there will be an equivalent or greater number of jobs lost locally when local cafes are forced to shut down through undue competition. The interested parties have supplied no evidence to support the stance that there would be no net increase and probably a job decrease. However, whilst the Council consider that the probability of job creation from the proposed development weighs in favour of the grant of planning permission, this is not an overriding factor in its determination.

Suspicion has been levelled at the Council in regard to "what's in it for those granting the application. As set out above the planning application has been assessed against the policies in the development plan and guidance in the NPPF.

Concern has been expressed about Costas' business, tax and healthy eating models. These are not planning considerations and there is no requirement to have regard to them as part of the planning application.

Concern has been expressed about the opening hours, with the noise and more rubbish on the streets. Food and drink outlets that open in the evening should provide payment for cleaning the main thoroughfares. The Council is of the opinion that the opening hours proposed by the applicant are reasonable in this town centre location and would seek to condition that they are maintained as such. The

applicant's social responsibility in regard to any litter dropped by its takeaway customers is a matter for the applicant.

Concern was also expressed about the longevity of applicant in its interest in the town. Although the applicant has confirmed that they will be taking a 10 year lease, this is not strictly a consideration to be taken into account in the determination of the application. The Council do not expect other proprietors or entrepreneurs to establish or show viability projections when considering other business development proposal at the planning application stage. Doing so would be contrary to encouraging sustainable economic growth.

In completing the assessment of the application scheme as set out above, and having considered the matters raised by local stakeholders, whilst the Council are aware of the views of some local stakeholders regards the introduction of a corporate branded offer to the Town, it is not considered that this should tip the planning balance in favour of refusal given the proposals are considered to be accordance with the development plan.

Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan 1), DM1, DM2, DM16 and DM27 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework. The NPPF advises that development proposals according with the development plan should be approved without delay.

Therefore a conditional approval is recommended for both the planning application and the application for advertisement consent, as set out below.

The application is considered to be supportable in policy terms. The proposed use being a mix of retail and café is considered to be in accordance with the aims of national and local planning policy that seek to retain the vitality and viability of town centres. The proposed will not result in the fragmentation of the primary shopping frontage. The use of the application site, as proposed, would not result in the proportion of A1 uses within the primary shopping frontage falling below the policy threshold. The scope of the alterations to the building would not have an adverse impact on the special interest of the Conservation Area or the setting of the Grade II listed building. Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan 1), DM1, DM2, DM16 and DM27 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The premises shall not be used other than as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises.
4. No primary cooking of unprepared food shall be carried out within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.
5. The rating of any noise generated by plant or equipment (including any amplification equipment) as a part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997 "Method of rating industrial noise affecting mixed residential and industrial areas"
6. The use hereby permitted shall not be open to customers outside 0700 to 1900 Monday to Saturday and 0900 to 1700 on Sundays and Bank Holidays.

7. The air conditioning units at first floor level will not be operational outside of the opening hours of the development hereby permitted.
8. All refuse and recyclable materials associated with the development hereby permitted shall only be stored within the existing bin storage area.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In accordance with the submitted details and to protect the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. In accordance with the submitted details and to protect the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
8. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is considered to be supportable in policy terms. The proposed use being a mix of retail and café is considered to be in accordance with the aims of national and local planning policy that seek to retain the vitality and viability of town centres. The proposed will not result in the fragmentation of the primary shopping frontage. The use of the application site, as proposed, would not result in the proportion of A1 uses within the primary shopping frontage falling below the policy threshold. The scope of the alterations to the building would not have an adverse impact on the special interest of the Conservation Area or the setting of the Grade II listed building. Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM16 and DM27 of the Local Plan Part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

Grid Ref: 283119 : 100306

Applicant: Jurassic Coast Coffee Limited

Location: 28 High Street Crediton Devon
EX17 3AH

Proposal: Advertisement Consent to display
1 externally illuminated fascia sign
and 1 externally illuminated
hanging sign

Date Valid: 12th October 2016



Application No. 16/01595/ADVERT

RECOMMENDATION

Grant Advertisement Consent subject to conditions.

PROPOSED DEVELOPMENT

Advertisement consent is sought for an internally illuminated fascia sign (lettering only) and 1 externally illuminated hanging sign in connection with the proposed change of use of the unit from Class A1 (Retail) to mixed use: Class A1 (Retail)/A3 (café) on the ground floor of no. 28 High Street, Crediton, which is proposed under LPA ref: 16/01594/FULL.

APPLICANT'S SUPPORTING INFORMATION

Plans showing detail of signage

PLANNING HISTORY

16/01594/FULL: Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM7 - Pollution

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 24th October 2016 -

No comments.

CREDITON TOWN COUNCIL - 16 November 2016 -

No objection.

HIGHWAYS ENGLAND - 17th October 2016

Thank you for providing Highways England with a copy of this advertisement application, but we believe we have received this in error. Highways England's responsibilities cover the strategic road network which includes the M5 and A30 in Mid Devon. The High Street in Crediton forms part of the local highway network and it will be for Devon County Council as local highway authority to offer comments. Can you please forward to them if you not already done so.

REPRESENTATIONS

2 letters of objection received in relation to the adverts raising the following issues;

- o Crude neon sign.
- o Would not be in keeping with the appearance and character of the recognised conservation area.
- o Risk of other coffee shops and neighbouring businesses also then having to make judgements whether to request illuminated signs to compete with the Costa signage.
- o The building is also next to a recognised important unlisted building. By allowing the proposed signage we could see a significant change to a recognised area of special architectural or historic

- o interest.
- o The signs should be non illuminated as proposed, as proposed they are considered alien and jarring features on the existing building and would cause harm to visual amenity, the special character and appearance of this part of the conservation area.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The material considerations in this case are the impact on the visual amenity of the surrounding area, and any issues the proposal may cause in terms of highways safety.

Visual Amenity

The existing fascia sign is not currently illuminated and there are no projecting signs on the unit. The proposed scheme includes a timber board with individual lettering applied and externally illuminated by a slim aluminium strip light across the lettering only. In addition a hanging sign of modest proportions and to be hung on an ornate bracket fixture and externally illuminated is proposed towards the party boundary with no. 27. Taking into account the proposals and the nature of illumination as proposed the proposed signage scheme is considered discrete. A condition is that the illumination is turned off outside of opening hours. Although the proposed hanging sign oversails a public highway (the footpath) it is not considered that it would cause a public safety issue. In summary these aspects are considered acceptable.

Highways Safety

The Highway Authority have no observations to make regarding the signage. Although the proposed hanging sign oversails a public highway (the footpath) it is not considered that it would cause a public safety issue. The Local Planning Authority considers that there are no significant highway safety issues arising from the proposed advertisements.

CONDITIONS

1.
 - i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. The advert(s) hereby granted consent shall be removed on or before [fill in] at the end of a period of 5 years from the date of this consent._
3. The hours of illumination of the approved signs shall be limited to the store opening hours.

REASONS FOR CONDITIONS

1. In accordance with the provisions of the Town and Country Planning (Control of advertisement) (England) Regulations 2007.
2. The adverts hereby granted consent shall be removed on or before 5th January 2022 at the end of a period of 5 years from the date of this consent in accordance with Part 3, Paragraph 14(7) of the Town and Country Planning (Control of advertisement) (England) Regulations 2007.
3. In the interests of the visual amenity in accordance with Policy DM27 of the Local Plan Part 3: (Development Management Policies).

INFORMATIVE NOTE

1. You are advised that unless otherwise conditioned, the normal period of express consent for the advert(s) is 5 years. When the period of express consent ends, an advertisement may normally continue to be displayed with deemed consent unless the Local Planning Authority commence discontinuance action for its removal.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed illuminated signs are considered acceptable in terms of their design and will not harm public safety and will not be detriment to the amenity of the locality or the conservation area within which the site lies. On this basis the proposals would accord with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM7 and DM27 and guidance in the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration