

PLANNING COMMITTEE AGENDA - 7th January 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | 14/01592/MFUL - Erection of polytunnel (1200 sq. m) at Ebear Farm, Westleigh, Tiverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 14/01670/FULL - Erection of a 2 storey extension (Revised Scheme) at Ash Cottage, Washfield, Tiverton.
RECOMMENDATION
Refuse permission. |
| 3. | 14/01851/FULL - Retention of a ground mounted photovoltaic system to generate 6kW of power at Land at NGR 287945 110268 (Middleway), Pennymoor, Devon.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 14/01592/MFUL

Plans List No. 1

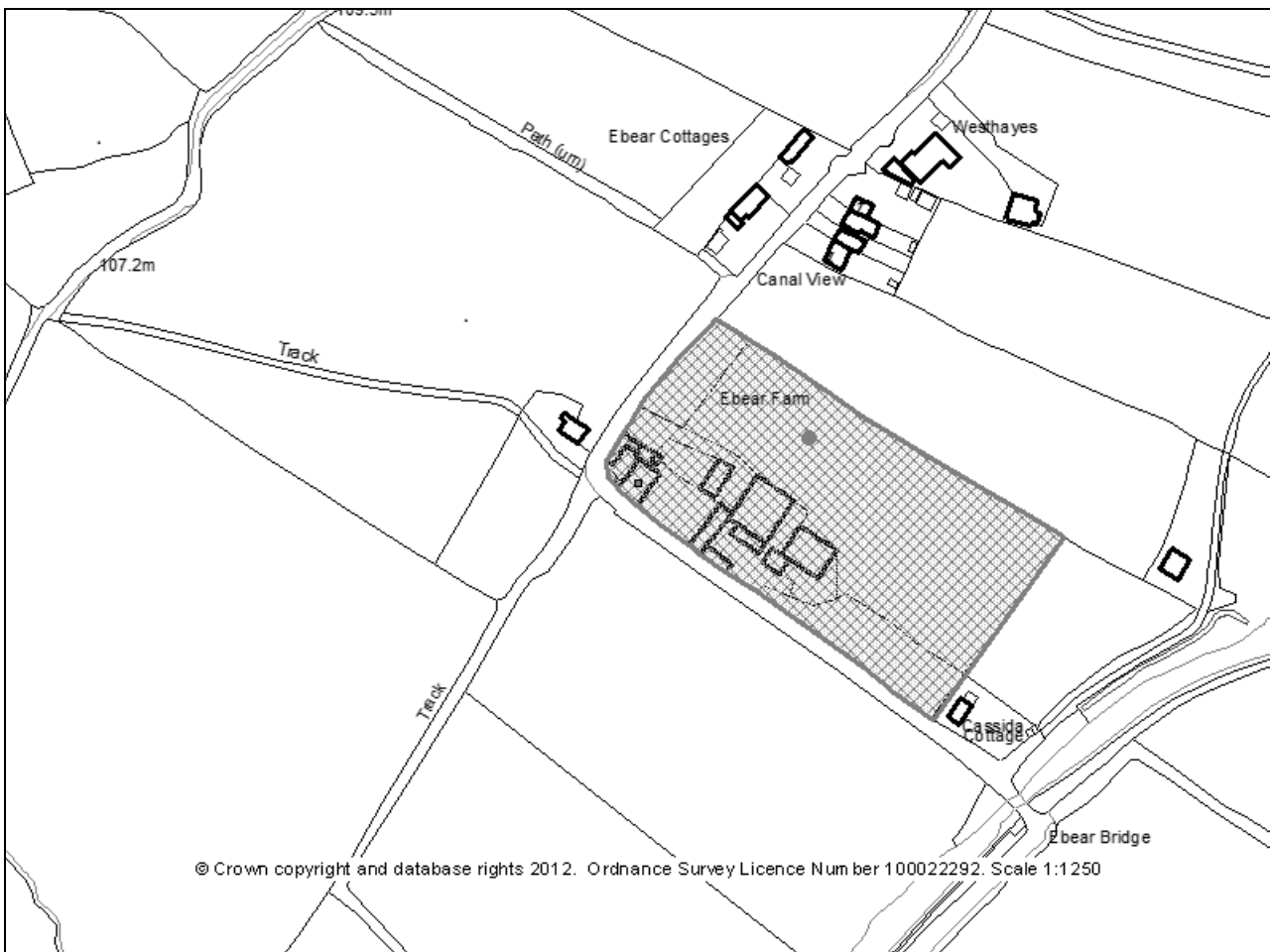
Grid Ref: 305894 : 116485

Applicant: Ms F Box

Location: Ebear Farm Westleigh
Tiverton

Proposal: Erection of polytunnel
(1200 sq. m)

Date Valid: 21st October 2014



Application No. 14/01592/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of a polytunnel with 4 bays measuring 39m x 32m to a maximum height of 4m on an agricultural field to the north east of existing agricultural buildings serving Ebear Farm. The site consists of a slightly sloping field running from its highest point at the northwest where it adjoins the highway, down to the south east. The entrance to each of the 4 bays are located on the south west and north east elevations. The Grand Western Canal (which is a Conservation Area) lies further to the south east. The polytunnel is located a minimum of 130m from the canal.

APPLICANT'S SUPPORTING INFORMATION

Design and Access statement

PLANNING HISTORY

91/01877/FULL - DEEMED CONSENT for the erection of slurry Store - DEMCON - 20.12.91

01/02158/FULL - Conversion of office/games room on footprint of part demolished barn, construction of utility on footprint of demolished dairy, closure of vehicular access to traffic and erection of replacement boundary wall, change of use of agricultural - PERMIT - 27.01.04

03/05511/FULL - Erection of single storey extensions - PERMIT - 19.02.02

14/01885/CLU - Certificate of lawfulness for the existing solar panels on workshop roof - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM22 - Agricultural development

DM27 - Development affecting heritage assets

CONSULTATIONS

BURLESCOMBE PARISH COUNCIL - 10th November 2014 - No additional comments.

ENVIRONMENTAL HEALTH - 11th November 2014

Contaminated Land N/A

Air Quality N/A

Drainage N/A

Noise & other nuisances N/A

Housing Standards N/A

Licensing N/A

Food Hygiene N/A

Private Water Supplies N/A

Health and Safety: Checked - no objection

REPRESENTATIONS

At the time of writing this report, none had been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Policy**
- 2) **Need**
- 3) **Visual impact and the impact on the Grand Western Canal Conservation Area**
- 4) **Impact on neighbouring residents**
- 5) **Impact on the local road network**

Policy

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development but allows 'agricultural and other appropriate rural uses'. COR 2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) seek 'high quality sustainable design'. Policy DM22 of Mid Devon Local Plan Part 3 (Development Management Policies) states that agricultural development will be permitted where the development is reasonably necessary to support a farming activity on the farm of in the immediate locality, where the development is sensitively located to limit adverse impacts on residents or the character of the area, where it will not have an adverse impact on the environment and where it will not have an unacceptable traffic impact on the local road network. Each of these issues is dealt with below.

Need

The applicants advise that they currently run a wholesale plant nursery for the propagation and growing of Japanese Maple shrubs on rented land at Budlake (Near Killerton). They employ 3 people and are organic, mixing their own peat free potting soil. They also advise that due to the wholesale nature of the business, traffic to the site is limited. They also intend to utilise the current redundant farm buildings which are already on the site and that they consider them to be suitable for their plant nursery requirements. On this basis, it is considered that the development is reasonably necessary to support a horticultural activity on the holding in compliance with policy DM22.

Visual impact and the impact on the Grand Western Canal

The polytunnel, whilst having a large footprint, is less than 4m high at its highest point. It is proposed to site the polytunnel behind the existing large agricultural building on site and therefore its visual impact from the Highway to the south west would be limited. However, there are more open views from the road to the north west of the site but the polytunnel would be on lower ground and therefore the visual impact would again be limited. The main view of the site and the polytunnel would be from the Grand Western canal which is also a Conservation Area. Policy DM27 requires that proposal which are likely to substantially harm heritage assets of their settings should only be approved where the public benefit outweighs the harm and where there is less than substantial harm this is weighed against any public benefit.

The polytunnel will be visible from the canal but will be viewed at some distance and in conjunction with the existing redundant agricultural buildings on the site. It is not considered that the polytunnel will harm the setting of the Grand Western Canal Conservation Area and therefore the proposal is considered to comply with policy DM27.

Impact on neighbouring residents

There are a few residential properties around the boundary of the site. Canal View and Ebear Cottages sit in excess of 50m away to the north on slightly higher ground, Ebear farmhouse itself to the west (in the applicants ownership) and Cassida Cottage sits 90m to the south east on slightly lower ground. No letters of objection have been received from any occupiers of those properties and Environmental Health have been consulted regarding noise and other nuisances but have raised no objection. It is not considered that the growing and propagation of shrubs would be a noisy activity but there may be some impact as a result of lighting used in the polytunnels, given the transparent nature of the construction material.

At the time of writing this report, further information was being sought on this issue and an update will be provided to members.

Impact on the local road network

The application site has an agricultural use and there are a number of buildings on site, which although not currently used, have the ability to be used for agricultural purposes. It is not considered that the erection of the polytunnel will result in an unacceptable level of traffic generation and no contrary advice has been received from the Highway Authority. On this basis the proposal is considered to comply with policy DM22.

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.

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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The Authority considers that the proposal is reasonably necessary to support a farming activity on the farm of in the immediate locality, that it is sensitively located to limit adverse impacts on residents or the character of the area, that it will not have an adverse impact on the environment and will not have an unacceptable traffic impact on the local road network. In addition, it is not considered that the proposal will result in harm to the setting of the Conservation Area. The proposal therefore complies with COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 14/01670/FULL

Plans List No. 2

Grid Ref: 293619 : 115364

Applicant: Ms Jessica Lampard

Location: Ash Cottage
Washfield Tiverton

Proposal: Erection of a 2 storey
extension (Revised
Scheme)

Date Valid: 4th October 2014



Application No. 14/01670/FULL

RECOMMENDATION

Refuse permission.

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

To consider whether the scale and design of the proposed extension is acceptable in this location.

PROPOSED DEVELOPMENT

The application is for a two storey extension to the side of a semi-detached traditional stone house. The house is one of a pair elevated above the road in a highly visible location. The dwelling has been extended to the rear with a two storey brick extension. Planning permission was granted for a single storey extension to the side in 2005 but this permission has now lapsed. A planning application for a very similar extension to the current one was refused earlier in the year.

The proposed extension is to measure approximately 5.9 metres wide x 3.2 metres deep and is to provide a family room on the ground floor and bedroom, ensuite bathroom and wardrobe on the first floor. The garden slopes away to the south west resulting in an overall height of 8.7 metres to ridge height of the extension on the south western elevation. Materials are to be rendered walls over a stone plinth, a slate roof and white UPVC windows.

APPLICANT'S SUPPORTING INFORMATION

None.

PLANNING HISTORY

05/02330/FULL Erection of a single storey extension - PERMIT - 16.12.05
14/00616/FULL Erection of 2 storey extension - REFUSE - 19.06.14

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM13 - Residential extensions and ancillary development

CONSULTATIONS

HIGHWAY AUTHORITY - 16th October 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

WASHFIELD PARISH COUNCIL - 19th November 2014 - Support

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Design and visual impact on the existing dwelling and the street scene
2. Other

1. Design and visual impact on the existing dwelling and the street scene

The dwelling is of traditional design and has a small stone two storey projection to the side which is well set back from the front elevation. The projection to the side of the neighbouring attached dwelling is similarly set well back from the frontage. The proposal is to construct a two storey extension forward of the existing side projection, and to extend approximately 1.8 metres further into the garden. The scale and wide proportions of the proposed extension are considered to be out of keeping with the existing narrow frontage, the extension being considerably wider than the existing house. In addition, the fenestration in the proposed extension does not retain the proportions and vertical emphasis of that in the original dwelling. The use of a render finish in such a prominent position would detract from the traditional character of the dwelling and emphasise the scale of the extension in relation to the original dwelling. It is considered that the proposed extension would dominate the view of the house and would eradicate the view of the existing traditional stone two storey side element, unbalancing the pair of semi-detached dwellings.

The dwelling is on sloping land with the side garden somewhat lower than the house. At present there is a retaining wall and pathway around the side of the dwelling. It is proposed to replace the retaining wall with the new extension. From the side, the simplicity of the original dwelling would be compromised by the proposed configuration of three differently designed and proportioned extensions, the proposed extension raised above ground level dominating the view. The dwelling is not listed or in a conservation area, however, the dwelling itself and the group of dwellings visible from the road of which it forms part, are of a traditional nature and form part of an attractive street scene. The current proposal only differs from that previously refused by the removal of the basement storage area doors and the raised terrace. In all other respects, the design remains the same.

It is considered that there is scope to extend the dwelling, perhaps by remodelling and extending the existing rear extension which would also serve to improve an existing poor quality extension, but the benefits of achieving improved living accommodation as a result of the current proposal do not outweigh the harm to the character and appearance of the existing cottage and the area. It is considered that the proposal would be contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

2. Other

The proposal is not considered to lead to any loss of privacy or amenity for any neighbouring occupants, or to negatively affect parking and highway safety, in accordance with policies DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

Mid Devon District Council requires new development to respect the character and appearance the area and to demonstrate a clear understanding of the site and its context. Extensions to existing dwellings should respect the character, scale, setting and design of the existing dwelling. In the opinion of the Local Planning Authority, the proposed extension is out of scale and proportion with the existing dwelling and the design, fenestration and materials do not respect the scale, character, setting and design of the existing dwelling, contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/01851/FULL

Plans List No. 3

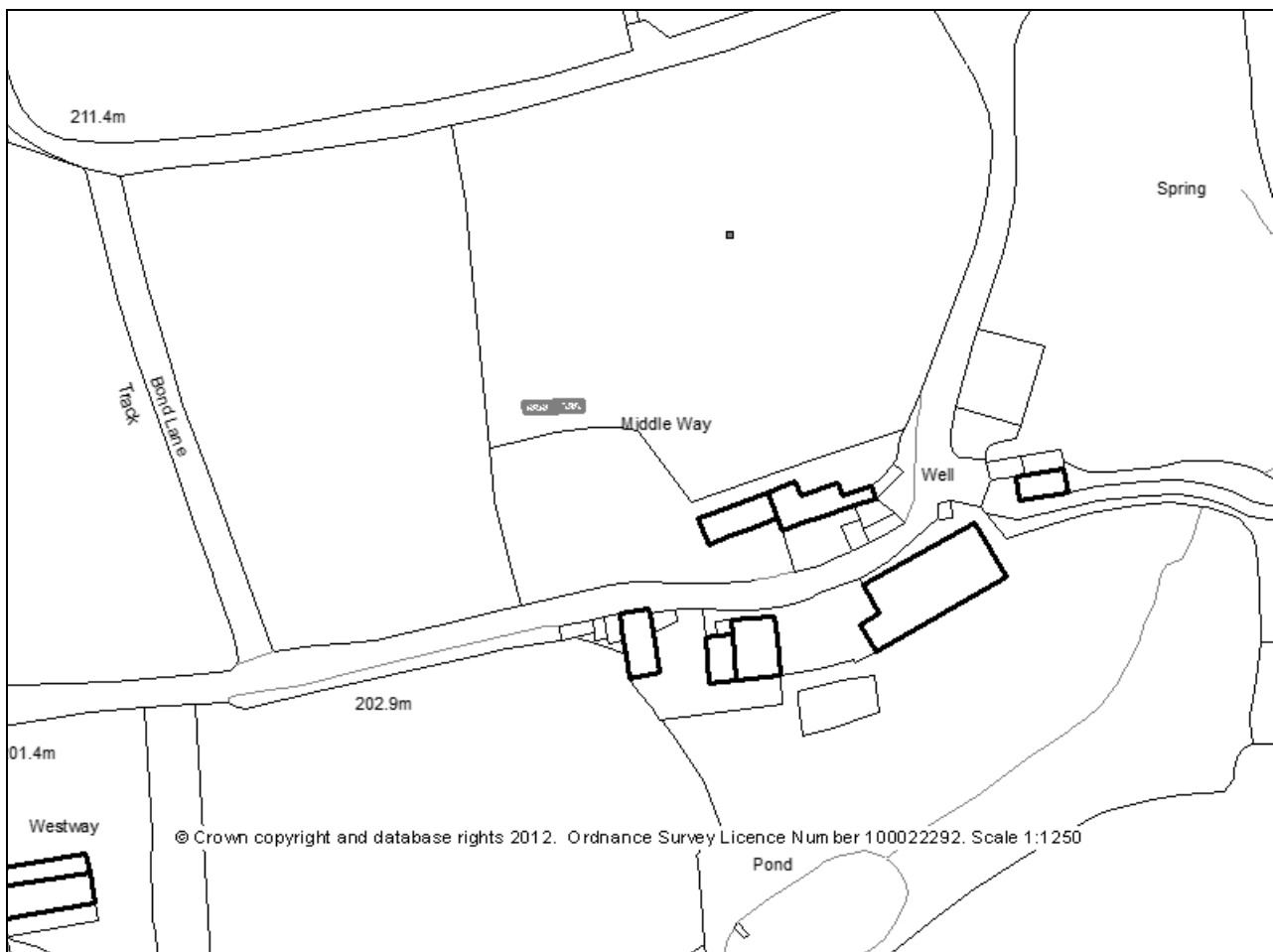
Grid Ref: 287982 : 110304

Applicant: Mr G Hall

Location: Land at NGR 287945
110268 (Middleway)
Pennymoor Devon

Proposal: Retention of a ground
mounted photovoltaic
system to generate
6kW of power

Date Valid: 3rd November 2014



Application No. 14/01851/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application site relates to an agricultural piece of land bordering the curtilage of a residential property at Middleway, Pennymoor, EX16 8LX. The proposal seeks planning permission for the retention of a ground mounted solar panel array to generate 6kW of power in connection with the dwellinghouse. The solar panels have been constructed next to land used as a vegetable garden, approximately 30 metres from the dwelling. The panels form two lines, 12 panels across; 24 panels in total. The rows are parallel, one above the other and are constructed on a wooden frame (painted green). The panels (including the frame) measure approximately 12.11 metres in length, 3 metres in width, with a height of approximately 2.5metres. Public vantage points of the site are limited, with hedgerow screening provided to the North, South, East and West of the site. It should be noted that the panels are visible from a small section of highway to the South East, from a gateway to the North East, and distant views from Way village to the East. The landscape character of the area is considered to be upper farmland and wooded valley slopes.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

14/01851/FULL Retention of a ground mounted photovoltaic system to generate 6kW of power - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM5 - Renewable and low carbon energy

CONSULTATIONS

HIGHWAY AUTHORITY - 14th November 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

None received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Design, scale, location and use**
- 2. Impact upon landscape**
- 3. Impact upon heritage assets**

1. Design, scale, location and use

As previously noted, the application seeks planning permission for the retention of a 6kw solar panel installation, consisting of a total of 24 panels in 2 rows of 12, mounted on treated timber racking. The panels (including the framing, span a total length of 12.1M, including a 3 metre width and an overall height of 2.5 metres. The solar panels will face south, maximising the sun's trajectory. The height of the panels are considered relatively low, however it was noted the development may be visible from a gateway to the North East, and from a small section of highway to the Southeast. There may be distant views of the array from properties situated 600metres to the East, however, due to the array's orientation, impacts on the properties will be minimal. The proposal uses the site to its advantages, minimizing its visual impact whilst being sited to gain the most efficient use of the panels. This is deemed to be in accordance with policy's DM2 and DM5 and the Local Plan Part 3 (Development Management Policies) Part 10 of the National Planning Policy Framework and COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1).

The nearest dwelling (excluding the applicants) is a listed property to the South West of the site, this is significantly screened in the form of well-established hedging and the solar panels are unlikely to be visible from the listed building or its curtilage. The application is not deemed to have an impact on a heritage asset (see below) and is therefore in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

The panels will be sited on an agricultural piece of land, just outside the curtilage of the associated property, Middleway. The panels are proposed in a location where views are limited from the surrounding area by the vegetation to the North, East, South and West, whilst the site area is gently sloped. Land reduces in height to the South and rises gently to the North. There are very limited viewpoints to the site. As noted in the design and access statement, Middleway is a residential property aiming to reduce the rising costs of energy, and moving towards more sustainable energy consumption. It is deemed the proposal causes minimal harm to the surrounding area, due to its limited visual impact from public vantage points, respects the agricultural setting of the area, and is relatively small in scale, therefore, it is considered to comply with policies COR18 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 and DM27 of the Local Plan Part 3, and Part 10 of the National Planning Policy Framework

2. Impact upon Landscape

Due to the relatively small scale of the panels, together with the limited views of them, the impact upon the landscape is considered to be minimal. This is aided by existing screening in the form of the well-established vegetation such as hedge rows which will screen the panels to the North, East, South and West. Overall, the panels are not widely visible from public vantage points within the surrounding landscape, and given their small scale and positioning, the development does not amount to an unacceptable impact on the local landscape character. Therefore the proposal is deemed in accordance with policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM5 of the Local Plan Part 3 (Development Management Policies) and Part 11 of the National Planning Policy Framework.

A Landscape Sensitivity Study has recently been published for the Mid Devon district which acknowledges the application site to be within a landscape character type with a low to moderate sensitivity to solar photovoltaic development under 1 hectare in size (Land type 3A: Upper Farmed and Wooded Valley Slopes). The small scale of this proposal which is far below 1 hectare in size means that when referenced against the Landscape Sensitivity Study, the proposal site is deemed to be of low sensitivity.

3. Impact Upon Heritage Assets

The nearest Heritage Asset to the proposal is Westway Farmhouse, a grade two listed building situated 130M to the South West of the proposal. There are no other heritage assets near the proposal. Heritage Assets and their setting are an irreplaceable resource, and therefore, it is important to consider any impact on them the development may produce. During the site visit it was noted that the proposal is well screened and would not be visible from any surrounding Heritage Asset.

Due to the limited size of the proposal and its limited prominence in the surrounding area, the impact on the surrounding heritage asset, along with its setting, is considered minimal and in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

CONDITIONS

1. The date of commencement of this development shall be taken as the 12/11/2014, when the Local Planning Authority undertook a site visit to the application.
2. When no longer required for the purposes of electricity generation, the solar photovoltaic panels, and all other associated infrastructure shall be removed from the site within 12 months of the cessation of electricity generation and the land restored to its former state.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the application to be monitored by the Local Planning Authority.
2. In the interests of maintaining the character and appearance of the rural landscape, in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan 1), the National Planning Policy Framework and Policy DM5 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The 24 ground mounted panels are not considered to harm the privacy or amenity of the occupiers of another dwelling, the future productivity of the agricultural land, the visual amenity of the surrounding countryside or harm a Heritage Asset. The proposal is therefore deemed to be in accordance with policies COR2, COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration