

PLANNING COMMITTEE AGENDA - 29th March 2017

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	<p>16/01362/FULL - Conversion of 5 redundant agricultural buildings to 5 dwellings at Land and Buildings at NGR 279371 101700 (Spencecombe), Crediton, Devon.</p> <p>RECOMMENDATION Refuse permission.</p>
2.	<p>16/01772/MOUT - Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure at Land at NGR 313382 113489, Culmstock Road, Hemyock.</p> <p>RECOMMENDATION Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p>
3.	<p>16/01932/MFUL - Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank at Land at NGR 294211 123012(Higher Barn), Bampton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
4.	<p>17/00090/ARM - Reserved Matters for the erection of a dwelling following Outline approval 16/00108/OUT at Land at NGR 304865 115568, Corner of Brimstone Lane, Westleigh.</p> <p>RECOMMENDATION Refuse permission.</p>
5.	<p>17/00209/HOUSE - External alterations to include alterations to roof and installation of ground mounted solar panels at 4 Blundells Avenue, Tiverton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 16/01362/FULL

Plans List No. 1

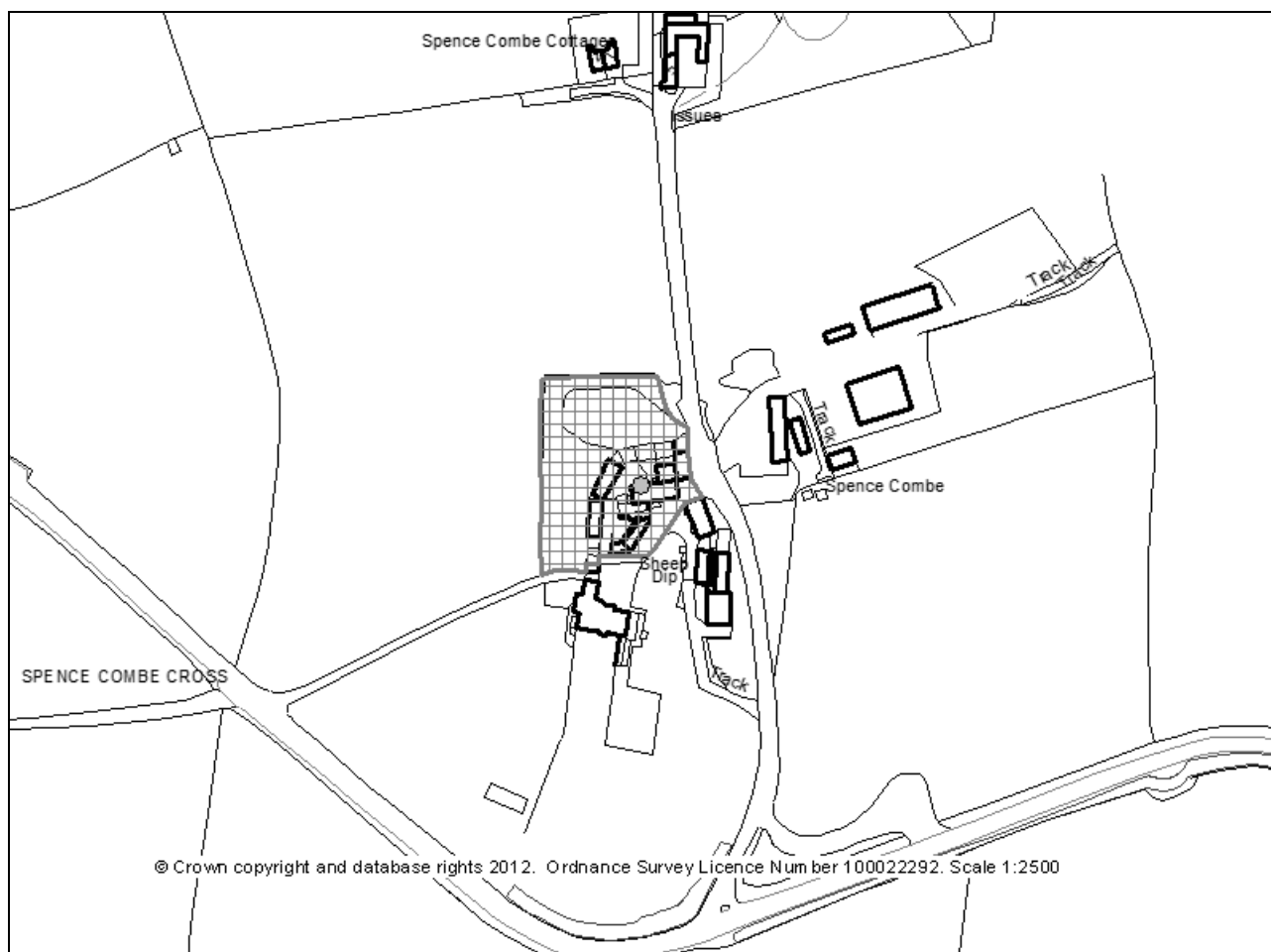
Grid Ref: 279371 : 101700

Applicant: Mr George Mortimer

Location: Land and Buildings at
NGR 279371 101700
(Spencecombe)
Crediton Devon

Proposal: Conversion of 5
redundant agricultural
buildings to 5
dwellings

Date Valid: 7th September 2016



Application No. 16/01362/FULL

RECOMMENDATION

Refuse permission.

COUNCILLOR P HEAL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider if the proposed scheme is over-development
2. To consider if the design of conversion of the Linhay buildings are acceptable

PROPOSED DEVELOPMENT

Conversion of 5 redundant agricultural buildings to 5 dwellings

The site sits as part of the collection of ancillary building to the Spence Combe Farm house which is grade II listed and part of Spence Combe Farm. Access is from an existing point off the A377 and the access serves a number of buildings / uses beyond the complex and also two recently renovated barns that also sit within the curtilage of the Farm house and are owned by the applicant (see site history section below).

The existing complex comprises a group of five buildings set to an irregular arrangement which are to the north of listed farmhouse. The buildings are listed as A-E for the purposes of this application with a minimum separation distance of 7.0 metres between the buildings at the closest point. Historically the complex has been used for a variety of storage activities to support the agricultural activity being undertaken on the holding. However it appears the buildings have been split off from the surrounding land and are now used on a low key basis for agricultural storage to support agricultural activity off site. It is clearly evident that large scale alterations and repairs have been undertaken over the years.

A description of each building and how it is proposed to be occupied and modified is set out below. The proposed plans and drawings have been amended since the planning application was lodged for consideration

Building A is a walled barn with a tiled roof covering with a tallet storey above the majority of the ground floor plan floor. There are already a number of openings set within the building A. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 99.0 square metres. The gross floor area to include the garage/storage area is approximately 220 square metres incorporating the garage and area for storage. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building B is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 95.0 square metres. In addition there is a single storey area for storage between it and building A. The gross floor area to include the storage area is approximately 195.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building C is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 3 bedroom dwelling over a floor plan area of approximately 65.0 square metres, incorporating a storage area between it and building B. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is

not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to be provided within the courtyard area.

Building D is of a stone wall construction and butts off the Linhay form of building C (with an internal link) and incorporates an arch passageway into the open yard. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from outside of the courtyards with a side garden area. No access is proposed to the rear courtyard, and the existing front canopy structure is to be demolished with an area for car parking and storage structure in it's place.

Building E is of stone/rendered wall construction. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area is approximately 180.0 square metres to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures, incorporating a new feature window opening and with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. The existing front and side extensions to this building are to be demolished as is the lean to shed currently at the front of it with a front garden area proposed leading to front door access. Dedicated parking is to be provided adjacent to the parking area for building D and a separate storage building adjacent to the garden area.

In addition to two dedicated parking spaces per dwelling, two visitor spaces are proposed providing a total 12.

On the application form it is stated that the proposals relates to 887.0 square metres of floorspace.

Natural slate roof coverings are proposed across all five buildings with new sections of cob, stone and brick to form new sections of walling. All fenestration and door units to be fabricated from hard wood.

A park railing is proposed to replace the existing close boarded timber fence between the site and Spencecombe Farmhouse with post and rail details to form the garden boundaries.

APPLICANT'S SUPPORTING INFORMATION

Heritage Assessment of Buildings at Spencecombe Farm prepared by DR J Salvatore and dated November 2016.

Phase 2 Geo-Environmental assessment dated June 2013 and Phase 1 dated August 2012: both prepared by SW Geotechnical Ltd dated June 2013.

Supporting Letter on Structural matters prepared by Barry Honeyset to accompany individual reports prepared for each barn

Foul Drainage Assessment Form FDA1 & Package Treatment / Manufacturers details by Falcon Planning, Design and Heritage Impact statement prepared by agent.

Ecological Appraisal (Bats and Birds) prepared by Devon Wildlife Consultants (August 2015).

PLANNING HISTORY

79/00268/FULL - PERMIT date 29th March 1979: Erection of an extension to existing abattoir

14/01286/FULL - PERMIT date 14th November 2014: Retention of agricultural storage/office building

14/01480/LBC - PERMIT date 19th November 2014: Retrospective Listed Building Consent for the demolition of a fire damaged building

15/01402/FULL - PERMIT date 29th October 2015: Retrospective Listed Building Consent for the demolition of a fire damaged building

15/01402/FULL - PERMIT date 29th October 2015: Retention of agricultural storage building

15/01403/LBC - PERMIT date 29th October 2015: Listed Building Consent for demolition of storm damaged building

16/01637/LBC Listed Building Consent for the conversion of 5 redundant agricultural buildings to 5 dwellings.

This application was submitted in tandem with the planning application under consideration but was withdrawn by the applicants agent prior to determination

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

NATURAL ENGLAND - 15th September 2016 -

No comments.

WEST AREA CONSERVATION OFFICER - 9th February 2017

ENVIRONMENTAL HEALTH - 22nd September 2016 -

Contaminated Land - No objection.

Air Quality - No objection.

Environmental - No objection.

Drainage - No objection.

Noise and Other Nuisances -No objection.

Housing Standards - No objection.

Licensing - No comments.

Food Hygiene - N/A

Private Water Supplier -

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.

Elevated levels of arsenic were detected in the groundwater on the site so if a private water supply is going to be used arsenic is one of the parameters that should be looked for and if confirmed within the PWS arsenic treatment may be required.

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.

Informative: There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

HISTORIC ENVIRONMENT SERVICE - 3rd October 2016 - The proposed development involves the conversion of a group of historic agricultural buildings that have the appearance of a model farm, map evidence suggests that the farmyard was re-ordered in the late 19th century. The extant buildings are part of the county's dwindling stock of historic agricultural buildings that are no longer suited to modern agricultural methods, and the buildings subject to this application appear to be somewhat grander suggesting a possible high status farmstead. The proposed development will have an impact upon the fabric and appearance of these historic buildings and I would advise that the Planning Authority's Conservation Officer was consulted with regard to any comments they may have on the impact of the proposed development upon these historic buildings.

The following comments are therefore made without prejudice to any comments may the Authority's Conservation Officer.

Given the impact upon the fabric and appearance of the historic farm buildings and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

"No development to which this permission relates shall commence until an appropriate programme of (i) historic building recording and analysis and (ii) archaeological monitoring and recording has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

Reason

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

Please note that this is a variation of the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

1. a programme of historic building recording, and
2. archaeological monitoring and recording of all groundworks that have the potential to expose archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

HIGHWAY AUTHORITY - 3rd October 2016 - The Highway Authority can find no record of the access on the planning web site and cannot verify any conditions that may have been imposed. However the access has suitable visibility and would be acceptable for the 5 conversions.

In detail the Highway Authority would wish to see the access hard surfaced in a bound material (tarmac or concrete) for the first 6.0m and that it is drained in such manner as to prevent surface water entering the public highway. This can be done by positive drainage or a re profile of the access to fall away from the road.

The site is accessed from 3 locations. The application wishes to retain access to the west new access, which is acceptable, provide access to the conversions from the Authority would seek that this access is permanently stopped up due to its substitution by the new access and the substandard nature of its visibility and location.

Therefore the Highway Authority recommends the following conditions:-

1. The site accessroad shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

3. The existing central access shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority prior to the occupation of the new dwellings.

REASON: To prevent the use of a substandard access and to minimise the number of accesses onto the public highway.

CREDITON HAMLETS PARISH COUNCIL - 30th September 2016 - The PC support the application as residential development is now the best use of the buildings.

REPRESENTATIONS

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy COR18 establishes the principle that development in the open countryside should be strictly controlled. Furthermore, it provides criteria that identify an acceptable range of uses and building types that could be considered acceptable which does not include open market housing. Whilst COR18 does not provide specific policy support however the National Planning Policy Framework (2012) advises that the government will allow for provision of high quality homes through the reuse of redundant and disused buildings in the open countryside, in certain circumstances. DM11 (Local Plan Part 3) reflects these policy objectives and the criteria are detailed below.

DM11- The conversion of redundant or disused rural buildings of substantial and permanent construction on

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.

As part of the assessment of this application your officers have sought to negotiate with the applicant and his agent a scheme which is considered supportable by policy DM11. Various options have been presented to the applicant which would achieve a layout consisting of 4 houses and which is considered to represent a supportable form of development on the site.

The scheme has been assessed on the basis that the buildings are heritage assets and form curtilage buildings to the listed farmhouse that sits directly adjacent. A summary assessment of the application scheme against policy criteria outlined at DM11 is set out below.

- A) The means of access effectively utilises the existing upper access from the A377 and the conditions as recommended by the Highway authority are noted, and on this basis the access from the highway would be considered acceptable. Access to the site from the junction with the highway is via an unadopted lane which already manages a level of traffic.

The issue of concern is that five units presents an undesirable level of parking and vehicular activity within and/or directly adjacent to the courtyard, in particular the parking that it proposed to serve building C, which as a result would promote a level of use of this central space which would adversely affect the setting of the heritage assets in terms of both the curtilage complex and main listed farmhouse, and also result in detriment to the future occupiers of the proposed houses.

In summary as a result of the level of development proposed the access (and parking) arrangements are considered to damage the areas rural character and the setting in which the site is located.

- B) The proposed drawings show a layout and design that does not result in significant alteration to the height, scale and/or massing of the individual buildings, neither do the plans show significant extensions. The evidence base to support the case that the buildings can be converted as opposed to being new builds or fresh builds are reports into each of the buildings following a visual inspection by a qualified structural engineer. It is however noted that the recommendation contained in the structural reports contain numerous significant caveats about the need for works of repair and in some cases even reconstruction to sections of roof and walling across the complex. It is also noted that the survey completed to support the application is not a full structural survey.

The issue of concern under this heading relates to the Linhay structures (as referred to building B and C in the description of development section). Specifically on the Linhay barns there are internal structural supports that if left as they are would interfere with the internal uses. As a result it is considered that there would need to be some alternative structural support imposed on the building and this is not specified.

In terms of the various alternative options proposed to the applicant, Building C which is the smaller Linhay barn is not considered suitable for conversion given the range of uncertainties about how it would be converted. This not only has the benefit of creating a better layout for the new residents it would also mean that one of the Linhay buildings would be retained in its current form and therefore making a positive contribution to the setting of the overall group whilst being used on low key basis with one of the proposed dwellings (refer to comment below).

- C) The layout and function of the central space in the farmstead are important considerations because it is being expected to play the role of providing parking and turning space for three of the dwellings.

In addition it will be the space from which the main access will be achieved to the dwellings. It also contributes to the setting of the heritage asset(s).

To try to separate the uses and to offer some privacy to residents the layout plan appears to show the sub division of the space with a new wall off the corner of Building E to achieve garden for that property. It is noted that there will be another new wall or fence adjacent to the access road to the farmhouse to further enclose that garden for Building E. A post and rail fenced arrangement is proposed to form these new boundaries but specific details are provided

The addition of two additional boundaries that will subdivide the traditional layout of this farmstead central space is considered to be contrary to policy DM 11, ie 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting';

The proposed subdivisions will not result in the 'retention of the original character of the building and its surroundings'. It would be alien to the character of the heritage assets, and as result would harm the asset not a enhance it.

It is also proposed to remove part of the existing stone wall that juncts with Building E at right angles in order to try and create an acceptable living environment for the occupiers of Buildings C and D. In the context of the buildings being curtilage listed this alteration is also considered to be harmful and not an enhancement.

Storage space is identified on the amended plans as is dedicated space to accommodate the parking requirements as referred above. However it is noted that for the 5 dwellings proposed - all of considerable size only 2 additional spaces are allocated for visitors. In addition there is a lack of clarity about how the parking will be managed (either residents and/or visitors) with the courtyard area. In addition the parking spaces allocated for Building C looks to require difficult manoeuvres in order to be realistically practicable. .

This space for turning will further be compromised by the apparent need for some form of ramping to achieve DDA compliant access to the entrances to Building C given the change in levels between the courtyard and the threshold space to the building. Also the distinction between private and public space in the courtyard for residents is not defined and could lead to further interventions by way of fences and walls etc.

In terms of the external alterations to the individual barns concerns are raised is terms of the alterations to the two Linhays (Building B & C).

For all the above reasons it is considered that the application scheme will present as a cramped of development that will have a negative impact and will not be an enhancement or retain the character of the building and its surroundings. Consequently it is considered that the proposal fails to satisfy criterion B and C of DM11 and also contrary to DM27 in terms of how it affects the complex as a heritage asset and the setting of the principal heritage asset adjacent.

There is an opportunity to reduce the density by one unit that will overcome this objection. As stated above options have been presented which achieves a scheme which is considered acceptable by your officers which excludes Building C from being converted into a separate dwelling.

- D) An ecological survey (bats and birds), including a bat emergence survey, has been carried out on behalf of the applicant and a report confirming the results of this work has been submitted to support the planning application. The report sets out a series of recommendation to deal with these issues in the event that the buildings were to be converted. In the event that permission was to be granted for the application scheme and/or another form of development these recommendations would be made a condition of the terms of the planning permission.

Other Issues

For the reasons as set out above in terms of the assessment against the policy requirements at DM11, this current application scheme is also considered to be contrary to policies COR1, COR2, COR9 (d), COR18 of the adopted Core Strategy, and policies DM1, DM2, and DM8 of Local plan 3.

Given the historic nature of the site's location the County Archaeologist has recommended a condition to manage the process of development taking place on the site, should planning permission be granted.

The replacement of the existing close boarded timber fence between the application site and the farmhouse which is unauthorised and considered to be unacceptable is considered to be a positive intervention in principal but the Local Planning Authority would wish to approve a specific design of railing

Foul waters are proposed to be managed into a Falcon sewage treatment system. The manufacturer has a number of system options to accommodate developments upto 60 people, although the system is referred to as being used in campsites, caravan parks and holiday parks. A piping network is already in place to manage the disposal of surface water from the site as per the existing arrangements.

A £7,210 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: The provision and Funding of Open Space Through Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 4 as set out above covers this matter.

In addition £22,170 contribution is required towards improving air quality with the Crediton Air Quality Management Area to comply with the requirements of Policy AL/CRE/6 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: Air Quality & Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 5 as set out above covers this matter.

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 5 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 5 years is therefore estimated to be £25,700.00 based on a net increase of 5 open market dwellings on the site. The 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.

Conclusion: For the reasons as set above it is recommended that this planning application is refused.

REASONS FOR REFUSAL

1. The infilling of the open fronted linhay structures as proposed will in the view of the Local Planning Authority result in a negative impact on their character and appearance and cumulatively on the group of buildings that are subject to this application scheme. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.
2. The layout and function of the central space in the farmstead as proposed will result in an overuse of this space that is not compatible with the character of the complex of buildings and its surroundings,

and in the view of the Local Planning Authority the proposal represents an unacceptable overdevelopment of the site complex and which would result in detriment to the setting of the adjacent listed building and the character of the application building group. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.

3. The evidence base that has been submitted and/or the information shown on the submitted plans is not considered to satisfactorily demonstrate that the complex of buildings, in particular regards Barns B and C can be converted without significant alteration and/or resulting in a new build. On this basis the proposals are not considered to sufficiently comply with the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies) in this respect.
4. The application proposals do 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 Document (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008).
5. The application proposals do not include a contribution towards the implementation of the Council's Air Quality Action Plan and therefore does not mitigate the impact of the proposal upon air quality. The development is therefore contrary to Policy AL/CRE/8 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document on Air Quality and development (May 2008).

Application No. 16/01772/MOUT

Plans List No. 2

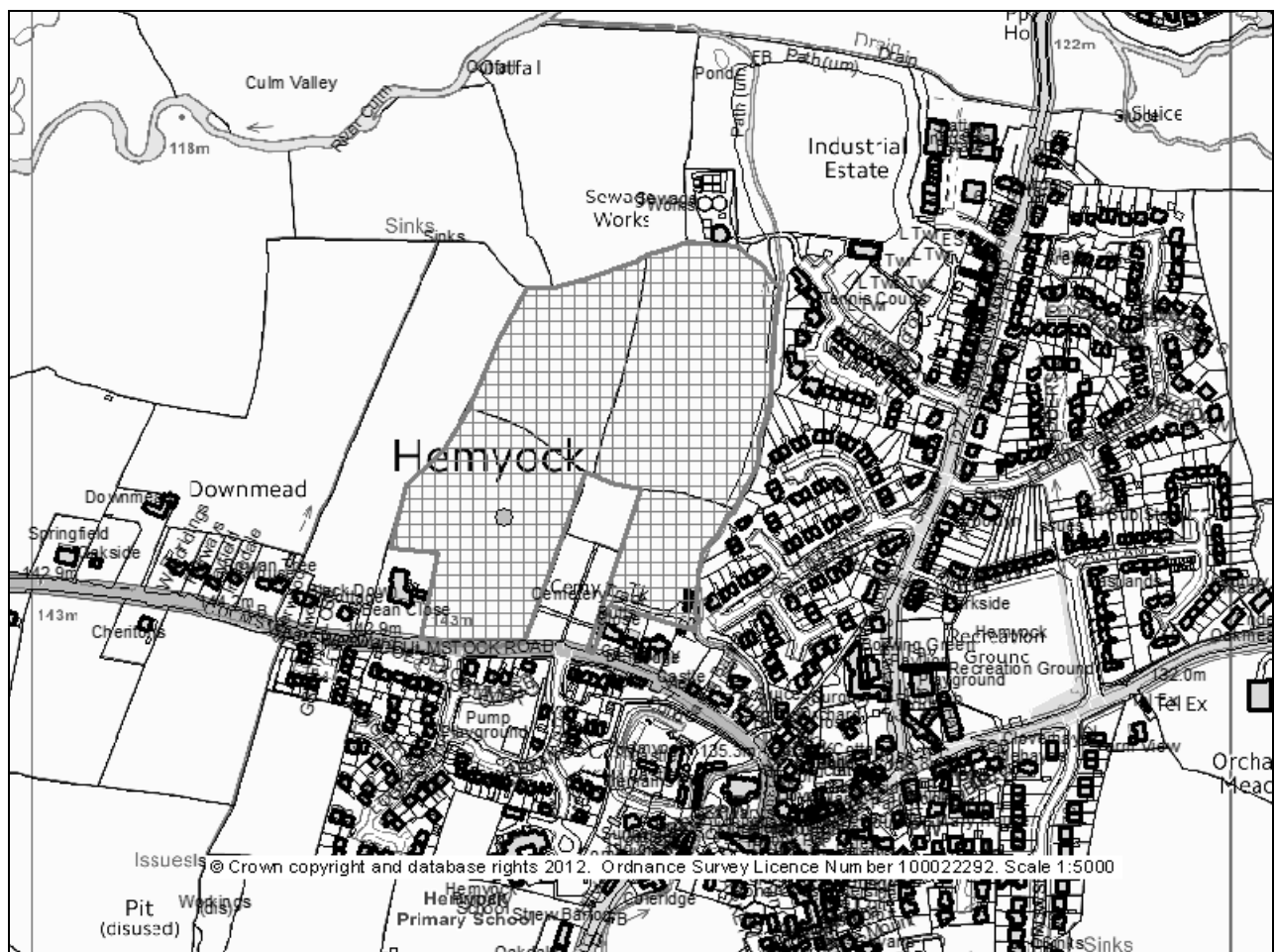
Grid Ref: 313382 : 113489

Applicant: Mr S Steele-Perkins, Waddeton
Park Ltd

Location: Land at NGR 313382 113489
Culmstock Road Hemyock
Devon

Proposal: Outline for the erection of upto 40
dwellings (including affordable
housing), public open space and
associated infrastructure

Date Valid: 16th November 2016



Application No. 16/01772/MOUT

RECOMMENDATION

Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.

Grant subject to conditions and a Section 106 Agreement to secure

1. 35% affordable housing (14 dwellings, tenure and mix to be agreed);
2. Financial contributions towards primary, early years and secondary education totalling £178,540;
3. A minimum of 3 hectares of public open space/green infrastructure to be offered to Hemyock Parish Council together with a commuted sum for maintenance (to be agreed); to provide allotments, community orchard and ancillary public open space.
4. A financial contribution of £15,000 towards provision of passing places on the road between Culmstock and Hemyock;
5. A travel plan to reduce the reliance on private motor vehicles.

PROPOSED DEVELOPMENT

The application seeks outline planning permission for the erection of up to 40 dwellings (35% affordable housing = 14 units) with associated infrastructure and the provision of on-site public open space. Access to the site is to be determined with all other matters (layout, scale, appearance, landscaping) reserved for later consideration under reserved matters application(s).

The site comprises 6.8 hectares of agricultural land on the western side of the village of Hemyock which slopes towards the north. The southern part of the site is divided in two, with the cemetery in between. The Castle Park development is on the eastern side, with open space proposed between Castle Park and the cemetery. The developable area lies between the cemetery and ribbon development leading out of Hemyock to the west. To the north of the cemetery is a large area of open land. Overall, the site comprises four fields. There is a strong hedge along the boundary of the site with Culmstock Road. The site is on the opposite side of Culmstock Road from the new development at Griffin Close and the land behind Griffin Close recently granted planning permission for 22 new dwellings.

It is proposed to erect up to 40 dwellings on the south western parcel of this land (one field, approximately 2 hectares in size), the remaining land to be utilised as public open space, except where required for the SUDS scheme (attenuation pond). Following local consultation, the initial proposal for development both sides of the cemetery was amended to exclude development from the field between the cemetery and Castle Park which precludes the need for a road link around the northern side of the cemetery.

A parameters plan has been submitted which will form part of the Section 106 Agreement detailing the area for development and the areas to remain undeveloped ("no build zone").

Access is proposed from Culmstock Road and off-site highway works are required in respect of localised road widening, new footways and a kerbed build out to improve visibility at the proposed pedestrian entrance to the public open space element. In addition, two passing places are required between Culmstock and Hemyock in order to improve access to and from the site in the Culmstock/A38 direction.

The land is within the Blackdown Hills AONB.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Draft heads of agreement
Flood risk assessment

Geographical survey report
Heritage assessment
Landscape and visual impact assessment
Appearance and landscape document
Carbon reduction strategy
Statement of community involvement
Transport assessment
Travel plan
Tree constraints report
Waste audit statement
Wildlife survey

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR17 - Villages
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/DE/4 - Occupation of Affordable Housing
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
DM27 - Development affecting heritage assets
DM29 - Protected landscapes
DM30 - Other protected sites

CONSULTATIONS

HIGHWAY AUTHORITY - 25th January 2017 - NO OBJECTION

Further to the Highway Authority's initial response, dated 11th January 2017, and following discussions between the Local Planning Authority and the Highway Authority, the proposed passing bay to the north of the village fails to meet the requirements of CIL Regulation 122 in being related to the application in scale and kind, necessary and reasonable. Therefore the Highway Authority withdraws the request for contributions on this element.

The passing bay requirements along the road to Culmstock are an existing issue which has been identified by the Highway Authority and will be exacerbated by the new development. The Highway Authority, having taken advice from the Planning Authority, withdraws the proposed Grampian style condition but would seek financial contributions to the passing bays through the appropriate legal agreement under the Town and

Country Planning Act. The contribution will be a reasonable proportion of the full costs. The estimated cost of a standard passing bay is between £7.5K and £10K each and excludes land and retaining structures etc.

Therefore the Highway Authority requests a contribution of £15,000 as an appropriate contribution towards the costs of these off site works.

The previous conditions are equally applicable.

Recommendation:

The Highway Authority will seek the access work as to be secured through a legal agreement under the highways act and any design to be accompanied by independent safety Audits. The travel plan will be secured through the Legal agreement under the Town and Country Planning Act.

Conditions:

1. Details of estate roads to be submitted and approved.
2. Phase programme submitted and approved.
3. Before occupation of any dwelling, completion of the following works
 - spine road and cul-de-sac carriageways to base course level
 - spine road and cul-de-sac footways to base course level
 - visibility splays laid out to final level
 - street lighting operational
 - car parking and vehicular access for each dwelling completed
 - verge and service margin and vehicle crossings defined
 - street nameplates erected.
4. Within 12 months of occupation, roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining walls and visibility splay works completed.
5. Approval of SUDS scheme.

LEAD LOCAL FLOOD AUTHORITY - 8th December 2016 - NO OBJECTIONS

Request that the following pre-commencement conditions imposed.

1. A programme of percolation tests carried out in accordance with BRE Digest 365 Soakaway Design (2016) and results submitted and approved.
2. Detailed design of permanent surface water drainage system submitted and approved, informed by percolation tests and submitted FRA.
3. Details of adoption and maintenance arrangements of the permanent surface water drainage system.
4. Details of temporary surface water management system during construction period.

BLACKDOWN HILLS AONB PARTNERSHIP - 12th January 2017

Thank you for advising of additional and revised information in respect of this application. In particular I note the comments, explanations and responses in the 'Response to AONB Comments', but other than Point 4, the information doesn't particularly overcome my initial comments or alter my overall opinion.

On specific points, the amendments to the masterplan to remove the eastern housing area and access road is welcomed. In the response about inclusion of the Conigar Close development in the LVIA (point 6) we draw different conclusions about views. The distant viewpoints are important in terms of special qualities and enjoyment of the AONB. In terms of the cumulative effect with Conigar Close, we suggest that this emphasises the expansion of the village from its core.

I have also seen the Highway Authority response of today, and am concerned about the highway requirements indicated, namely 'passing opportunities' on the Culmstock road and a passing bay.

19th December 2016

It is discouraging to see a submission letter for a major application that makes reference to the wrong AONB. It suggests that they have no real understanding or appreciation of the AONB designation, the Blackdown Hills, or Hemyock. Further, "It is a fact that the whole of Hemyock is washed over with the AONB designation" - the designation doesn't 'wash over' the village; the village is a fundamental part of the AONB. "The applicant considers that the landscape and visual impact is capable of being mitigated to such a degree..."; far better to get the right development in the right place. Both these points illustrate that the application has not understood that settlement character and the relationship within the surrounding landscape is one of the key components of the AONB's special qualities.

Housing development should not need to be screened away; good planning should consider how it integrates into the village, providing for organic growth of the community, not a housing estate on the edge of any settlement. The reliance on tree planting for mitigation does not reflect settlement character, with the local landscape character better conserved and enhanced by reinforcing field patterns and field boundaries.

However, hedge heights should be characteristic of the local area and not as high as 3 metres suggested in the LVIA conclusion (7.2.1). The site forms part of the rural setting of this approach to Hemyock, offering views across the site to the hills and higher ground to the north. Built development and tree planting would significantly alter this setting and obscure these contextual views.

On the issue of housing supply, it seems to us that any new housing in the AONB - a very small proportion of the Mid Devon DC area - should not be expected to pick up the district wide shortfall and the weight afforded the AONB by NPPF paragraph 115, 116 and footnote 9 to paragraph 14 should be the primary consideration.

Where significant housing or similar development is proposed in or affecting the AONB, we consider that it is best dealt with through a plan-led approach which ensures that impacts on the AONB can be properly considered and the relative merits of different sites around a settlement can be soundly assessed. For now therefore we consider that it is impossible to determine whether this development proposal constitutes sustainable development and the most appropriate for Hemyock. Looking cumulatively with other recent permissions in the village the need for this development is questionable.

It seems that benefits of the scheme also relate to the proposed provision of public open space, however given the amount of existing public open space in the village I have seen no evidence to suggest that this amount of additional provision is actually needed.

In terms of technical information in the application, the various images, drawings and photos associated with the LVIA do not appear to be available. It is suggested that the LVIA needs updating to take account of the cumulative effect of the recent permission for housing west of Conigar Close.

Ultimately the design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider AONB landscape. We would argue that it is not possible to judge impact on the AONB without seeing this detail. If minded to approve this outline proposal, the subsequent detail will require careful consideration to ensure a high standard of design so that local character is reinforced and natural beauty is conserved and enhanced. If the local planning authority does decide to approve this application then we would request that careful consideration is given to roofscape, and to the colours and materials used. Houses in the Blackdown Hills typically tend to be relatively small in scale, sitting low in their setting, and so we would further expect greater consideration be given to building height and ground levels than seen in other recent village development across the area to avoid the visual mass and scale of new housing overwhelming the settlement and its approaches.

In particular I noted references to apartments near the entrance and house heights of up to 9 metres in the application material, which we would not wish to see in this location. The road accessing the houses in the

eastern field breaching the clearly defined hedgelines is of some concern - this access and that housing area do not seem well considered.

We would wish to be assured that the area for housing is defined and controlled and provision of the public/community spaces is secured through a local agreement with the parish council or similar body.

DEVON COUNTY EDUCATION - 02 December 2016 - Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 40 family-type dwellings, will generate an additional 10 primary pupils and 6 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary and secondary schools. The primary contribution sought is £17,065 which will be used to provide education facilities at Hemyock Primary School.

A contribution towards Early Years provision for 2, 3 and 4 year olds of £10,000.

The local secondary school at Uffculme is forecast to be at capacity, DCC would require a secondary education contribution of £131,525 to provide secondary education facilities at Uffculme School.

Devon County Council will also seek a contribution towards secondary school transport of £19,950.

ENVIRONMENTAL HEALTH - 28th November 2016

Contaminated Land - A Phase 1 CL report will be required with the full application due to the proximity of the graveyard.

Air Quality - No objections

Environmental Permitting -N/A

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No comment

Licensing - No Comments

Food Hygiene -Not applicable

Private Water Supplies -Not applicable

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 18th November 2016 -

Housing Needs Report for Hemyock exported from the Devon Home Choice as of 1st October 2016.

Band	Bedrooms		
	1	2	3
B	2	0	1
C	2	4	1
D	9	3	1
E	13	11	6
Total 53			

DEVON, CORNWALL & DORSET POLICE - 21st November 2016 - It is vitally important that opportunities for crime and possibly more relevant, opportunities for community conflict, unacceptable behaviour, and anti-social behaviour are designed out at the earliest stage.

I note that the proposal includes large areas of public open space, 'informal' footpaths around the site, cycle paths, parking courts, school parking, vehicular access to cemetery and allotments, all of which have the potential to adversely affect quality of life of residents and erode sustainability.

It is requested that contact be made at the earliest appropriate time, and certainly prior to a full or reserved matters application being submitted. The seven attributes of Crime Prevention Through Environmental Design (CPTED) can then be introduced enhancing safety and quality of life for the residents of this new development.

ENVIRONMENT AGENCY - 7th December 2016 - NO OBJECTIONS IN PRINCIPLE

No in principle objections to the proposed development subject to there being no ground raising within the areas of Flood Zone 2 associated with the watercourse that flows to the east of the application site.

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. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

HEMYOCK PARISH COUNCIL - 27th February 2017 - If MDDC is mindful to grant planning permission, the council has the following wishes for the proposed community open space:-

- o community orchard
- o dog exercise area
- o allotments
- o pathway linking Longmead to the new development

The demand for these areas have come from a number of sources, over the years parishioners have been asking the council for allotments. At one time there were 31 people on a waiting list, the only land the council could use was behind the existing cemetery and access to the land was through the cemetery. This caused an uproar in the village and was therefore not pursued.

For a number of years the council has been trying to lease/buy land for a community orchard. One parcel of land was put forward, but there was ownership issues with the land and this did not come to anything.

There is an existing problem with dogs being exercised on the sports fields. Dogs being exercised on football pitches is not appropriate. The football club have had to stop several matches, whilst excrement is cleared away. This sports facility is subject to a grant from the football association and if the football club does not continue (due to problems with excrement on pitches and parents not wanting their children to attend the club) the parish council is financially liable to re pay some of the grant back to the FA.

The parish council has recently erected 20 signs asking dog walkers to keep their dogs off the football pitches, but this is not a perfect solution for the football club and dog walkers. The council would like to have an approved grassed dog exercise area, fenced off, kept mown short with appropriate dog bins.

The council has installed pavements where it can over the years but there are still sections where there is no pavement. If the council were able to link Longmead, through the proposed development this would provide an alternative safe way for children/parents to walk to the primary school.

12th January 2017 - The council supports the above application provided that it continues to be involved in the S106 discussions to ensure it receives any community open space land should planning permission be granted.

8th December 2016

Following the council meeting on 6th December to consider the above application below is the response from Hemyock Parish Council.

The council supports the plan without the light green site (see parameter plan) on the right-hand side being developed and up to 40 dwellings on the left-hand side of the site being developed. Subject to consultee comments being satisfied in particular from Highways, SW Water ref sewerage, AONB and a S106 legal agreement to include the dark and light green areas (defined on the parameter plan) being transferred to the parish council together with a commuted sum for maintenance purposes.

HISTORIC ENVIRONMENT SERVICE - 17th January 2017 - NO OBJECTION

The Devon County Historic Environment Team has now received a copy of the draft report setting out the results of the archaeological investigations undertaken as well as assurance that there is funding and resources in place for completing the outstanding post-excavation tasks.

The geophysical survey and subsequent field evaluation of the site has identified undated iron-working sites within the development site, similar sites on the Blackdown Hills have been dated from the early Roman period through to the medieval period and the iron extractive industry was once widespread across this area. While these iron working sites are at present undated radiocarbon dates will be submitted soon understand whether these iron-working sites are of a similar date to those already recording in the Hemyock area.

Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron-working sites within the development site. For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted and approved.

REPRESENTATIONS

28 objections summarised as follows:

1. Increase in traffic through the village; parking is already a problem with cars parking on footpaths, road junctions and grass verges, the development could result in an additional 80 cars driving through the village.
2. Village is approached by narrow roads with an absence of footways; cyclists, pedestrians, horse riders and people using mobility scooters are not well protected against accidents; these roads have bottlenecks where large
3. Transport assessment does not mention 22 dwellings granted permission south of Griffin Close, bio-mass facility at Clayhidon and 13 dwellings granted planning permission at Culmstock.
4. Access to the school is via one road which causes a dangerous situation, especially where there is no pavement; a voluntary one-way system is operated.
5. The secondary school buses also pick up and drop off at this point.
6. The proposed new access will conflict with junctions at Logan Way and Parklands on the opposite side of the road.
7. There is a need for road widening to cater for large vehicles and two way traffic, particularly between Culmstock and Hemyock and from Hemyock to Wellington monument.
8. Insufficient local employment, increasing out-commuting (adding traffic and congestion) and decreasing community cohesion.
9. Public transport is very poor and not suitable for commuting for work.
10. More sensible to build houses closer to employment or access to a main road.
11. Lack of capacity at the school and surgery; infrastructure cannot cope with this volume of additional housing.
12. Lack of local amenities; one shop, a post office and pub.
13. Incorrect information and inconsistencies in the application.
14. Hemyock people do not want more building; there has been a 25% rise in the number of dwellings in Hemyock in 20 years which is too much.
15. The need for housing in Hemyock is for social housing for local people not executive housing beyond the buying power of local people.
16. Local housing need has already been met with recent developments.
17. Hemyock is taking more than its fair share of new housing.
18. Dwellings in the SE field would be on higher ground, dominate surrounding properties and intrude on privacy of Castle Park bungalows.
19. Dwelling close to Castle Park would affect quiet and affect the enjoyment of residents and destroy the outlook from the Castle Park properties.
20. Light pollution and negative impacts on night sky.
21. Development highly visible from the Millennium Seat public viewpoint at Pen Cross, detracting from

- the AONB view and providing significant visual impact through increasing urbanisation of Hemyock.
22. The village in the AONB is an asset to the tourist trade.
 23. The level of development is changing a nucleated village into a sprawling one.
 24. Hemyock is prone to flooding; in periods of heavy rain the road at the end of the village floods making it impassable; rainwater and debris from the eroded and unrepaired roads block drains and causes flooding. More traffic on these roads will make the situation worse and building on a green field will add to flooding problems.
 25. Surface water from the development/attenuation pond could add to erosion of the river bank at the bottom of Castle Park and Longmead
 26. The sewerage and drainage systems are at breaking point.
 27. Mobile phone coverage and broadband is poor and there is no gas supply.
 28. Open space is welcome but should be considerably located to reduce the impact on local residents.
 29. The developer may increase dwelling numbers and the internal road could provide access for additional dwellings; need to prevent "development creep".
 30. The site is beyond the village limits and in countryside which is part of the Blackdown Hills AONB; paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.
 31. The development is wholly inappropriate in the AONB as confirmed by the objection from the AONB officer and the planning balance should weigh in favour of refusal.
 32. Construction/new housing would be distressing to cemetery visitors.
 33. Paragraph 14 of the NPPF requires development policies relating to house to be considered out of date and planning permission for housing granted unless specific policies in the NPPF indicate development should be restricted. Footnote 9 to paragraph 14 states that policies in the NPPF relating to AONBs are examples of policies that restrict development. The development is exempt from the golden thread of the presumption in favour of sustainable development in the NPPF. The development is too large, too obtrusive to the visual landscape and too detrimental to the environment of the village.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

- 1. Principle of development, including 5 year land supply**
- 2. Landscape and effect on the AONB**
- 3. Access and highway safety**
- 4. Layout, scale and parking**
- 5. Ecology and trees**
- 6. Heritage**
- 7. Flood risk and drainage**
- 8. Effects on neighbouring residents**
- 9. Section 106 and other financial considerations**
- 10. Planning balance**

1. Principle of development, including 5 year land supply

Policy COR17 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside of the Hemyock defined settlement boundary. The site is not allocated and is not being proposed for 100% affordable housing. The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

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.

However, Members will also be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The NPPF 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 OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. The footnote to paragraph 14 of the NPPF gives examples of where development should be restricted, including within Areas of Outstanding Natural Beauty.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF). Due to the Area Of Outstanding Natural Beauty (AONB) location of the application, neither does this mean permission should be granted.

The NPPF contains a presumption in favour of sustainable development. It requires local authorities to "boost significantly the supply of housing" and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. 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. However, the NPPF also states that development should be restricted within AONBs and gives a number of criteria which need to be met in order for development to be acceptable. These criteria are reflected in policy DM29 of the Local Plan 3 Development Management Policies which also states that major development within or adjoining the AONB should be refused except in exceptional circumstances. These criteria are set out below under section 2 "Landscape and effect on the AONB".

Concern has been raised that there is a lack of employment opportunities within the village encouraging out-commuting and resulting in a lack of community cohesion. Concern has also been raised that public transport is very poor and not suitable for commuting for work and it is more sensible to build houses closer to employment or access to a main road.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. Policy COR12 focuses development on the towns and states that other settlements should have only limited development to meet local needs and promote vibrant rural communities. Hemyock is classed as a village where development should be limited to meet local needs.

Concern has also been raised with regard to lack of capacity at the school and surgery and lack of local amenities; one shop, a post office and pub.

Hemyock has a number of local services and facilities and despite its lack of good public transport, is considered to be a village that is in a relatively sustainable location for the limited development of additional housing. A development of 40 new dwellings would be significant in terms of the scale of development likely to be acceptable in a village location and especially within the AONB.

Consideration of the proposal must take into account the need to preserve the special landscape qualities of the AONB.

The following paragraphs consider the impacts of the development and finally weigh in the balance the benefits of the proposal against identified harm, and assess whether there are exceptional circumstances

that warrant approval of a major development within the AONB.

2. Landscape and effect on the AONB

The site is within the Blackdown Hills AONB. Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect the setting of the Blackdown Hills AONB. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Policy DM29 of the Local Plan 3 Development Management Policies states that major developments within the AONB will only be permitted in exceptional cases. This policy reflects the NPPF which states that the highest status of protection should be given for the landscape and scenic beauty of AONBs. Great weight should be given to conserving landscape and scenic beauty in these areas. The application is for major development and Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission.

Paragraph 116 of the NPPF states that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- o the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
- o the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- o any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Taking these criteria in turn:

Need for the development

A need for additional affordable and market housing in the village has been identified through a recent housing needs survey and it is expected that both the affordable and market housing proposed will be in demand as there has been limited development in the village in the past. The Devon Home Choice register indicates a need for 53 affordable dwellings in the village. Your officers consider there to be a need for affordable housing, even taking into account the recent planning permission granted for 22 dwellings behind the Griffin Close development on the opposite side of Culmstock Road which is to provide 8 affordable dwellings.

Whilst approving or refusing the application would not have a significant impact on the local economy, there are clearly some economic benefits to be had through the construction work and the occupation of the dwellings would provide support for local business and services albeit this is not considered to be a determining factor in this instance.

As far as national considerations are concerned, the NPPF seeks to "boost significantly the supply of housing". Mid Devon's lack of a 5 year housing land supply is considered to be a material consideration carrying significant weight in determining the application. However, in your officer's opinion, significant weight should also be given to paragraph 116 of the NPPF restricting development in the AONB, as required by footnote 9 to paragraph 14, and to policy DM29 of the Local Plan 3.

Case law identifies that, in the context of decision-taking, restrictive policies such as those protecting an AONB will continue to be relevant even where housing supply policies are out of date. This does not mean that development plan policies that are out of date are rendered up to date by the continuing relevance of the restrictive policies. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out of date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision.

The emerging Local Plan Review seeks to allocate a brownfield site within Hemyock for 10 dwellings but no other housing land. Planning permission has recently been granted for 22 dwellings on the opposite side of

Culmstock Road, including 8 affordable dwellings. Hemyock is considered to be a relatively sustainable location for limited additional housing growth, having the facilities and services required for the day to day needs of the residents.

Objectors have stated that there is no need for additional housing in Hemyock and Hemyock has had its fair share of new housing. There has been only limited development in Hemyock in the recent past reflective of its AONB location and the housing needs survey identifies a need for additional housing for local people, particularly affordable housing.

Meeting the need in some other way.

It cannot be argued that housing could not be developed outside the designated area and many villages in Mid Devon are suitable for development. However, there is an identified need for affordable housing in Hemyock that could not reasonably be met by residential development elsewhere.

Effect on the environment

A landscape and visual impact assessment (LVIA) has been provided as part of the application. The AONB officer has pointed out that the LVIA contains several errors and does not demonstrate a good understanding of the landscape and settlement character of the AONB. The document refers to mitigation to screen the development, whereas the AONB officer considers that good development in the right place does not need to be screened. The AONB officer also points out that the LVIA does not take into account the cumulative impact of the proposed development with the development granted planning permission on the opposite side of Culmstock Road (22 dwellings).

The site is within Mid Devon Character Area LCT3B Lower rolling farmed and settled valley slopes. This character area is characterised by a gently rolling and strongly undulating landscape of medium to small scale landform. The landscape is most pastoral farmland with well-managed hedgerows. Forces for change include development pressure and increase in commuting and visitor traffic management and road engineering works out of keeping with the character of the landscape's narrow rural lanes.

Surrounding the site is Mid Devon Character Area LCT3A Upper farmed and wooded valley slopes. This character area is characterised by convex hills and rounded ridges with fertile smooth slopes running into small-scale views. Extensive tracts of medium-scale permanent pasture are grazed with some slopes and flatter hilltops cultivated for arable crops. Well-managed dense hedgerows bound regular medium to large pasture fields. Isolated farms, rural cottages and farm buildings tend to be visually prominent in the landscape with long views from one hilltop to another. Forces for change include the demand for affordable housing and development pressure from people moving to the area.

The LVIA describes the immediate environs of the site as having a sense of quiet and tranquillity with minimal awareness of traffic. The site is within a very rural setting with a strong visual connection to the surrounding landscape, with long views out of the site. The immediate local area is defined by its rural, edge of village nature with medium sized fields put to pasture extending along the valley, surrounded with more elevated, well wooded ground. It has a very attractive scenic quality with a strong sense of place and tranquillity. The presence of the cemetery and the nearby built up area of Hemyock does not detract from the scenic quality as the scale of the village is small when seen in the context of the wider landscape and the long distance views. The LVIA describes the value of the landscape as "excellent" as may be expected from a site within the AONB. The effect on the landscape character of the site itself is considered to be "substantial" as it will change from agricultural to residential. In the wider landscape, the small amount of land changing character in the wider area would result in a "slight/moderate" change; the existing field pattern and the visual uniformity of the landscape will be retained except when in close proximity to the site.

The site is reasonably well screened within the landscape and the proposed development would be seen in the context of existing residential development on the edge of Hemyock. Strong boundary hedges and trees minimise the impact of the development on the landscape and additional planting proposed would help assimilate the development into the landscape. The LVIA sets out a number of measures to minimise the landscape and visual impact including new hedge planting and careful consideration of materials for proposed dwellings. These issues will need to be addressed at reserved matters stage.

In considering the visual effects of the proposed development, 9 viewpoints were selected for analysis within the LVIA at distances of 0.1km to 2.8km from the site. All viewpoints were given a high level of sensitivity to change as they are within the AONB. When viewed from the cemetery and from Culmstock Road, the visual effect of the development on the area was considered to be "moderate/substantial". Further afield, from viewpoints at Penn Cross (Millennium seat), Gray's Lane and Ridgewood Hill, the visual effect of the development within the wider landscape was considered to be "moderate" as although the development would be clearly visible, it would be seen in the context of existing development in Hemyock and may be difficult to discern from the existing village built form. Some loss of landscape would be experienced from these viewpoints. From distant viewpoints, the site is difficult to discern from the general built up area of Hemyock.

The LVIA describes the visual effects of changes in views from private residential properties to be moderate and filtered through boundary and landscape vegetation. Following local concern being raised, the part of the development closest to Castle Park has been removed from the proposal.

As a result of the comments of the Blackdown Hill AONB officer and the high landscape value attributed to the AONB, your officers have commissioned an independent review of the submitted LVIA and an independent assessment of the potential harm the development could cause to the special landscape features of the AONB.

The LVIA review concludes as follows:

The applicant LVIA follows appropriate industry guidance, is based on a robust methodology and is a well written and considered report. The consultants broadly agree with the conclusions, subject to the points requiring clarification.

It is recommended that the Parameters Plan is strengthened to include key landscape and design parameters to guide any future detail application and increase certainty in relation to village setting and AONB issues.

It should be feasible to integrate the development with the existing village and the AONB without causing undue adverse effects, and without affecting the special qualities of the AONB, subject to:

- Retention and enhancement of all field boundaries with appropriate buffer zones
- Re-establishing historic field boundaries as appropriate; some dispersed tree planting to reduce visual effects to the north, but with the emphasis on tree planting along the boundaries
- Preservation of some glimpsed views to the north from the Culmstock Road
- Higher buildings to the south of the site, with the north of the site having a greater amount of lower buildings
- Clear definition of the development boundary with the countryside to offer some protection against future extension to the north
- Development pattern, style, scale and materials to reflect that of properties to the north of Culmstock Road and the older vernacular in the village, without creating pastiche.
- Consideration of neighbours and neighbouring uses avoiding any overbearing or substantial changes

The consultants consider that the site is not unsuitable for the proposed type of development, but that the extent and nature of effects will depend on the final layout, detail design and quality of mitigation. Those aspects will need to be conditioned appropriately, and an updated LVIA and detailed mitigation strategy and landscape masterplan should be prepared at detail application stage to fully confirm the level and nature of effects.

Your officers have requested the applicant to update the parameters plan to take into account the points

raised and Members will be updated on this. The LVIA review has also been forwarded to the Parish Council and the Blackdown Hills AONB officer and Members will also be updated on their responses.

In addition, concern has been raised with regard to light pollution and negative impacts on the night sky. The location of the proposed development adjacent to the existing build form of Hemyock would reduce the impact of the development in terms of light pollution within the landscape as the development would be seen in connection with the village as a whole, including lighting from development nearby and street lighting in Culmstock Road. However, it is considered reasonable to condition external lighting is provided

In conclusion, some environmental harm in terms of landscape character and visual effects has been identified, which reduces with distance and as the landscaping matures. However, it is not considered that the development would fail to protect the special environmental qualities of the landscape, in accordance with policy COR2 of the Mid Devon Core Strategy (LP1).

Recreational opportunities/other community benefits

The application includes approximately 4.8 hectares of land that has been defined as a "no build zone" and which will provide for public open space and recreational opportunities for the residents of Hemyock, as well as land for the SUDS scheme. It is proposed that at minimum of 3 hectares of the land is transferred to Hemyock Parish Council to be used for recreational purposes, along with a commuted sum for maintenance (to be agreed within the Section 106 negotiations). Some of this land will also be required for the SUDS scheme and attenuation pond.

Hemyock Parish Council has identified a number of recreational opportunities that the proposed community open space could provide:

- community orchard
- dog exercise area
- allotments
- pathway linking Longmead to the new development

The Parish Council states that over the years parishioners have been asking for allotments and at one time there were 31 people on a waiting list. The only land available was behind the existing cemetery with access through the cemetery. This was not pursued as it was unpopular with residents.

For a number of years the Parish Council has been trying to lease/buy land for a community orchard. One parcel of land was put forward, but there was ownership issues with the land and this did not come to anything.

In addition, there is an existing problem with dogs being exercised on the sports fields. The football club have had to stop several matches, whilst excrement is cleared away. This sports facility is subject to a grant from the football association and if the football club does not continue (due to problems with excrement on pitches and parents not wanting their children to attend the club) the Parish Council is financially liable to repay some of the grant back to the FA. The Parish Council would like to have an approved grassed dog exercise area, fenced off, kept mown short with appropriate dog bins.

There are still sections of the village where there are no pavements. If the Parish Council were able to link Longmead through the proposed development, this would provide an alternative safe way for children/parents to walk to the primary school.

The Mid Devon Open Space & Play Area Strategy 2014-2033 identifies access to strategic open space and woodland in Hemyock is quite good and the availability of public rights of way is well above average. However, the Strategy identifies that small-scale open space and play area land coverage is low in comparison to other catchment areas.

The Open Space & Play Area Strategy sets out the methodology for assessing the quantity and quality of public open space and play area provision in each settlement measured against national and locally derived standards. The area profiles detail whether the existing open space provision (by type) is sufficient for the existing and projected population of the settlement and identifies any shortfalls.

For Hemyock, the Strategy identifies that there is an under-supply 0.54 hectares of allotment space (there being no allotments in Hemyock at present) and an under-supply of 1.35 hectares of amenity green space (there being an existing provision of 0.81 hectares). With the exception of a small under-supply of children's play area of 0.01 hectares, provision of the remaining types of open space in Hemyock is considered sufficient. The Strategy does not analyse green infrastructure provision such as community orchards.

In addition, policy DM29 of the Local Plan 3 Development Management Policies requires that major development incorporates green infrastructure to provide a number of benefits: enhancing biodiversity, providing flood and water resource management, green corridors and rights of way to improve walking and cycling opportunities, creating new woodland and encouraging local food production.

Mid Devon's Green Infrastructure Assessment (2013) defines green infrastructure as "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities". Examples of green infrastructure include parks and gardens, natural and semi-natural greenspace and amenity greenspace such as community gardens, allotments and informal recreation spaces. Benefits of green infrastructure include biodiversity and nature conservation, climate change adaptation, improving landscape setting, local food production and public health and wellbeing. The Assessment details the provision of green infrastructure in each settlement catchment area. It refers to Hemyock having a good access to strategic open space and woodland, but small-scale open space and play area land coverage is low.

Mid Devon has produced a Green Infrastructure Strategy and Delivery Plan. Although this has not yet been finalised or adopted, it provides useful background evidence in respect of where the green infrastructure shortfalls lie. The Strategy sets out four key objectives: to promote sustainable growth and economic development, to encourage health and wellbeing, to adapt to climate change and to improve biodiversity and a number of policies support these objectives.

Policy GI/1 of the Strategy states that the Council will work in partnership with local communities to deliver green infrastructure enhancements including the provision of public open space and allotments and access to green space, as well as habitat restoration, flood attenuation and sustainable food production.

Policy GI/2 of the Strategy sets out priority catchment areas for improved GI. Hemyock is 26th out of 28 on the list of priority catchments.

Policy GI/5 of the Strategy sets out the need for allotment sites. Hemyock is 7th on a list of 13 priority catchments.

The green space land would include land to be used for the SUDS scheme, including attenuation pond, and provide opportunities to enhance hedge boundaries and linkages to improve landscape character as identified in the landscape and visual impact assessment, and enhance biodiversity. The provision of a community orchard would create an accessible new wooded area as well as produce local food for the community. There is also opportunity to provide a footpath link to improve walking opportunities.

Your officers consider that the provision of the public open space is justified in terms of an identified need for the village to improve recreational facilities.

As the development is capable of being assimilated into the village reasonably well, your officers do not consider that the development would have a material impact on the enjoyment of existing recreational facilities in the area such as public footpaths.

Conclusion on paragraph 116 of the National Planning Policy Framework.

Some harm is identified to the landscape character and visual amenities of the area, particularly at the local level where the change is considered to be "moderate/substantial", and less so when the development is viewed from a distance where it appears part of the built form of Hemyock. The LVIA review concludes that careful detailing and planting mitigation needs to be achieved at reserved matters stage, and a more detailed parameters plan is needed to inform the design. A need has been identified for affordable housing in the village (less so for market housing), such need not being capable of being met elsewhere. In addition,

the opportunity for the Parish Council to acquire 3 hectares of public open space to meet community needs and address a shortfall in provision weighs in favour of granting planning permission.

3. Access and highway safety

The site is proposed to be accessed from Culmstock Road. Access drawings have been submitted for approval showing the new access at the eastern side of the western field. A new footway would be installed and there is a requirement for localised road widening and minor junction realignment at the junction with Parklands opposite. Visibility splays at the entrance would require some minor hedge removal but otherwise the hedge along Culmstock Road would remain intact. It is also proposed to improve the existing access into the eastern field in order to provide pedestrian access to the public open space areas. There is currently very poor visibility at this access and a kerbed build out would be required to improve visibility for pedestrians.

Concern has been raised by local residents with regard to a number of highway related issues, including the ability to local roads to cope with additional traffic, on road parking and congestion in the vicinity of the school. The off-site highway works would facilitate walking to school from the development with the installation of improved footways and crossing provision.

The Highway Authority has not raised any particular concerns regarding traffic circulation within the village but has recommended that the off-site highway works shown on the access plan are conditioned prior to occupation of the development. Subject to these improvement works, the Highway Authority considers the access arrangements to be acceptable.

In their initial response, the Highway Authority recommended that passing opportunities were created in the road between Culmstock and Hemyock and a previously requested large vehicle passing bay provided on the Hemyock to Wellington road. The nature of the surrounding road network was also highlighted in responses from local residents.

Section 106 contributions can only be requested in certain circumstances that comply with the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are that the obligation must be:

- o necessary to make the development acceptable in planning terms
- o directly related to the development; and
- o fairly and reasonably related in scale and kind to the development.

Having considered this further, your officers do not consider it reasonable to require the proposed development to provide the large vehicle passing bay on the Hemyock to Wellington Road as it is neither directly related to the development nor fairly and reasonably related in scale and kind to the development. The passing bay does not form part of the Highway Authority's transport plan. There would also be potential issues in respect of the impact of the provision of a large vehicle passing bay on the character of the AONB.

However, your officers do consider that a financial contribution of £15,000 from the development towards the provision of two smaller passing bays along the road between Culmstock and Hemyock meets the CIL tests. The need has been identified by the Highways Engineer and work now is underway in terms of scoping out the project. The provision of 40 dwellings on the site in question would increase traffic on the Hemyock to Culmstock road to an extent that would make the additional passing opportunities necessary, as highlighted in several objections from local residents.

The submitted Travel Plan seeks to reduce the number of single person car journeys to and from the village and also to make sure new residents are informed of travel options. The Travel Plan also includes an element of traffic monitoring. The Highway Authority has recommended that compliance with the Travel Plan is secured within the Section 106 Agreement.

The Highway Authority has also recommended conditions relating to the provision of the access roads, footways and other highways infrastructure, as well as approval of a construction management plan to minimise the impact on local residents.

Subject to these provisions, the development is considered to be acceptable in terms of its access arrangements and impact on highway safety, in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) which seeks to co-ordinate development and transport planning and provides for development to consider its impact on highway safety and policy DM2 of the Local Plan 3 Development Management Policies which seeks the creation of safe and accessible places.

4. Layout, scale and parking

Details of the layout of the site and the scale and appearance of the dwellings have been reserved for later consideration under a reserved matters application(s). However, the indicative plans indicate that the amount of development proposed can be achieved on the site in an acceptable manner, taking into consideration the requirements of Mid Devon's parking and design standards for residential development within policies DM2, DM8, DM14 and DM15 of the Local Plan 3 Development Management Policies and SPDs on parking and refuse storage.

5. Ecology, trees and landscaping

The extended phase 1 habitat survey identified the need for additional bat and dormouse surveys which were undertaken during 2015. The survey concluded that the improved grasslands were of minimal conservation value. The hedges are diverse and some qualify as "important" under the Hedgerow Regulations 1987; these have high nature conservation interest. Other hedges are of low conservation value.

The survey concludes that there would be no ecological impacts associated with the loss of the grasslands in the fields; however, there would be an adverse impact if high value hedges were lost with the potential to have a negative impact on bats and dormice. The ecology report sets out a number of mitigation measures to protect habitats during construction and in respect of light spill and run-off during the lifetime of the development.

Only a small section of hedge is intended to be removed to provide for the access; otherwise the hedges and trees are to be retained. There are a number of trees on the site that add to the landscape value. These trees are outside the area proposed for development and would form part of the public open space area. There is also opportunity to enhance hedges and tree planting in the open space areas as well as around the boundaries of the site.

Subject to the recommended mitigation measures, the development is not considered to harm habitats and protected species and is considered to be in accordance with policy DM2 of the Local Plan 3 Development Management Policies in this respect. In addition, there is opportunity to enhance landscape features on the site such as hedges and trees, and the proposal would contribute towards the provision of green infrastructure in the village in accordance with policy DM28 of the Local Plan 3 Development Management Policies.

6. Heritage

Preliminary archaeological investigation has taken place on the site. The geophysical survey and subsequent field evaluation of the site has identified undated iron-working sites within the development site; similar sites on the Blackdown Hills have been dated from the early Roman period through to the medieval period and the iron extractive industry was once widespread across this area.

Groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron-working sites within the development site and Devon Historic Environment Service has recommended a further programme of excavation work be conditioned.

Hemyock Castle scheduled monument and several associated Grade I and II listed buildings and structures, and the Grade II* Church of St Mary lie within approximately 150 metres of the site and the development has the potential to affect the settings of these heritage assets. A heritage assessment has been submitted

which identifies these heritage assets but concludes that agricultural land within the proposed development site may originally have formed part of the agricultural hinterland to the Castle. However, in the context of the currently layout of Hemyock, including the presence of intervening residential development, it is not considered to contribute to the significance of Hemyock Castle Scheduled Monument. Residential development within the proposed development site would not adversely impact any of these designated heritage assets, in accordance with policy DM27 of the Local Plan 3 Development Management Policies.

7. Flood risk and drainage

The majority of the site is outside Flood Zones 2 and 3, although a strip of land along the eastern side is within the Flood Zones. The Environment Agency has no in principle objections to the development provided that there is no ground raising within the Flood Zone. The EA also requires the sequential test to be passed which guides development to the most sustainable location in terms of flood risk.

The south western field that is proposed to be developed is entirely outside of the Flood Zones 2 and 3, which meets the flood risk sequential test and complies with policies in the National Planning Policy Framework and COR11 of the Mid Devon Core Strategy (LP1) which seek to direct development to the areas least likely to flood.

A sustainable urban drainage system (SUDS) is proposed which directs surface water from the development via swales and porous paving to an attenuation pond with a restricted outfall to the adjoining watercourse. The drainage strategy confirms that the drainage scheme will provide betterment to existing greenfield run-off rates. The Lead Local Flood Authority has confirmed it has no in-principle objections from a surface water drainage perspective, at this stage.

Details of the final SUDS solution will be required to be submitted prior to commencement of development and the Lead Local Flood Authority has recommended conditions in respect of additional percolation testing and the approval of a detailed design for the SUDS. Management and maintenance of the SUDS will also be conditioned for approval, as well as details of temporary surface water management provisions during the construction period.

Foul drainage would discharge into the main sewer.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

Concern has been raised with regard to the road to Culmstock flooding in bad weather. The Highway Authority has confirmed that in very extreme weather the river can overtop, but this is in exceptional circumstances. In recent bad weather, the road to Culmstock flooded but this was due to debris and detritus blocking a gully. This is a maintenance issue and operational concern for the Highway Authority who are aware of the problems.

8. Effects on neighbouring residents

Concern has been raised by local residents that the development would have an unacceptable impact on the residents of Castle Park in terms of the development being overbearing on higher ground, leading to a loss of privacy, and affecting the stability of the watercourse banks that runs between Castle Park and the site. Development on the eastern side of the site, between the cemetery and Castle Park, has now been removed from the proposal.

One other dwelling on the western side of the proposed development has the potential to be directly affected by the development. The reserved matters application will need to address any potential for loss of privacy and amenity for the residents of this dwelling.

Your officers consider the development of the site is capable of compliance with policy DM2 of the Local Plan 3 Development Management Policies in respect of its impact on the privacy and amenity of existing residents.

9. Other representations

Concern has been raised that the developer may increase dwelling numbers and the internal road could provide access for additional dwellings and "development creep". The application is for 40 dwellings on the south western field. The road around the cemetery to the eastern field has now been removed and a parameters plan detailing land for development and a "no build zone" will form part of the Section 106 legal agreement. Whilst there is nothing to prevent additional planning applications being submitted in the future, the planning application now being considered is for 40 houses on one field. Any future planning applications would be considered on their own merit and if submitted on the "no build zone" land, would require a change to the Section 106 legal agreement.

Concern has been raised with regard to construction of the new housing being distressing to cemetery visitors. Whilst some disruption during construction is inevitable, the construction period would be relatively short. The cemetery is already in reasonably close proximity to housing and provided the development allows a buffer/screening between the housing and the cemetery, there should be little additional impact on people visiting the cemetery.

10. Section 106 and other financial considerations

Affordable housing

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35% for open market. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 35% affordable dwellings on the site totally 14 affordable dwellings, tenure and mix to be agreed. The Devon Home Choice register shows a need for 53 affordable rented dwellings in Hemyock (bands A-E) and the Section 106 Agreement will contain a cascade according to housing need and low connection.

Public open space and commuted sum

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling. Policy DM29 of the Local Plan 3 Development Management Policies also requires major development to provide an element of green infrastructure. The applicant has agreed to transfer a minimum of 3 hectares of land to Hemyock Parish Council to be utilised for a number of public open space purposes, for example, allotments, community orchard, etc, which will provide for both the public open space and green infrastructure requirements of the development. The applicant has also agreed to pay a commuted sum to the Parish Council for ongoing maintenance of the land, such sum to be agreed prior to the signing of the Section 106 Agreement.

Education

Concern has been raised that there is no capacity within Hemyock primary school for the additional pupils that would be generated by the proposed development. Policy AL/IN/5 provides for new development to cover the cost of additional education provision required to meet the needs of the development. Devon County Council has confirmed that the local primary school is forecast to have 8.75 spare places in spring 2020, and therefore a financial contribution £17,065 is required in respect of the excess of 1.25 pupils that would be generated by the development, to be used to provide education facilities at Hemyock Primary School.

In addition, a contribution towards Early Years provision of £10,000 (£250 per dwelling) is needed ensure provision for 2, 3 and 4 year olds likely to be generated by the proposed development.

The local secondary school at Uffculme is forecast to be at capacity. DCC would require a secondary education contribution of £131,525 to provide additional secondary education facilities at Uffculme School. In addition, a contribution of £19,950 is required towards secondary school transport.

The applicant has agreed to make these financial contributions through the Section 106 Agreement.

Off-site highway works and travel plan

As set out in section 3 above, the applicant has agreed to make a financial contribution of £15,000 towards the provision of two passing bays along the Culmstock to Hemyock Road. Compliance with a travel plan to reduce the reliance on private motor vehicles will also be secured by the Section 106 Agreement, as recommended by the Highway Authority.

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), New Homes Bonus is under review by the Government. Assuming completion in 2017/18 the award would be paid over a period of 5 years, amounting to £230,100. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £184,080.

11. Planning balance

The NPPF contains a presumption in favour of sustainable development and requires local authorities to boost significantly the supply of housing. The development would provide 26 open market and 14 affordable dwellings which would provide economic and social benefits for Hemyock.

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 or specific policies in the NPPF indicate development should be restricted.

The site is within the AONB where major development is restricted in accordance with paragraph 116 of the NPPF and policy DM29 of the Local Plan 3 Development Management Policies. These policies require that major development within AONBs should be refused unless there are exceptional circumstances to warrant approval. The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.

Your officers consider consideration of this application to be finely balanced. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and off-site highway works. The visual effects of the development would depend very much on the designs submitted under a later reserved matters application and the final landscaping proposals. The AONB officer and the independent LVIA review considers that the design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider AONB landscape.

Your officers consider that there would inevitably be some harm to the special landscape qualities of the AONB. Depending on design, it is likely that this harm would only be significant from closer viewpoints and would lessen as mitigation planting matures. In the wider landscape, your officers consider that the development would be seen in the context of the existing built form of Hemyock, although in terms of the cumulative effect with the 22 dwellings granted planning permission behind Griffin Close, the AONB officer considers that the development would emphasise the expansion of the village westwards from its core.

Weighing in favour of the development is the provision of 14 affordable dwellings to meet an identified local need. In addition to this, the application includes the provision of a minimum of 3 hectares of public open space/green infrastructure land which the applicant has agreed to transfer to the Parish Council, together with a commuted sum for the maintenance of the land.

Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission for a major development in the AONB, in accordance with policies DM29 of the Local Plan 3 Development Management Policies and paragraph 116 of the NPPF.

Whilst the decision is finely balanced, taking all the above into account, your officers consider that the inclusion of a substantial area of public open space within the proposed development to meet a need identified by the Parish Council to provide community public open space facilities, is a public benefit that makes the proposal exceptional enough to tip the balance in favour of approval.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (including the attenuation pond area) informed by the approved parameters plan (the Reserved Matters) shall be submitted to and 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 three years from the date of this permission.
3. The development hereby permitted shall begin 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 latter.
4. The details required by condition 1 shall include the following additional information:
 - a) Updated landscape and visual impact assessment informed by the detailed design of the development
 - b) Landscaping masterplan with detailed landscape mitigation strategy and planting plans
 - c) Existing and proposed site levels and finished floor levels
 - d) Tree protection plan and arboricultural method statement
 - e) Phase 1 land contamination report in respect of potential contamination from the adjacent cemetery.
5. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall have been previously submitted to and approved by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority, and the results of the fieldwork and post-excavation specialist analysis shall be undertaken and submitted to the Local Planning Authority in an appropriately detailed and illustrated report.
6. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such Construction Management Plan shall include:
 - a) the timetable of the works;
 - b) daily hours of construction;
 - c) any road closure;
 - d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm on Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
 - e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - f) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - h) 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;
 - i) the means of enclosure of the site during construction works;
 - j) details of proposals to promote car sharing amongst construction staff in order to limit construction

staff vehicles parking on-site;

k) details of wheel washing facilities and obligations;

l) details of the amount and location of construction worker parking;

m) photographic evidence of the condition of adjacent public highway prior to commencement of any work

7. 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 and approved in writing by the Local Planning Authority.
8. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
9. No development shall begin until a temporary surface water drainage management system to serve the development site for the full period of its construction has been implemented and is operational. Details of such temporary surface water drainage management system shall be submitted to and approved in writing by the Local Planning Authority before its implementation and shall address both the rates and volumes, and quality, of the surface water runoff from the construction site.
10. No development shall begin until a programme of percolation tests have been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. The programme shall take the form of a representative number of tests to provide adequate coverage of the site, with particular focus on the locations and depths of the proposed infiltration devices.
11. No development shall begin until details of the permanent surface water drainage management system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be informed by the programme of percolation tests required by condition 5. and the principles set out in the Level 2 Flood Risk Assessment (Report Ref: 422/FRA2, Rev. V1, dated 20/10/2016). Once approved, the development shall be constructed in accordance with the approved the permanent surface water drainage management system, and the system shall be fully operational before any of the proposed dwellings are first occupied.
12. No dwelling shall be first occupied until the full details of the adoption and maintenance arrangements for the permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be retained and maintained in accordance with the approved adoption and maintenance arrangements for the lifetime of the development.
13. No dwelling shall be first occupied until the off-site highway works detailed on approved drawing number SK01 have been constructed and made available for use.
14. 8.No dwelling in any agreed phase of the development shall be first occupied 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 have 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.

15. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the approved details.
16. No external lighting shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

REASONS FOR CONDITIONS

1. 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.
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 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with Paragraph 141 of the National Planning Policy Framework and Mid Devon Local Plan Part 3 (Development Management Policies) Policy DM27.
6. 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).
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure the proper development of the site.
9. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area, , in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
11. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage

systems, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

12. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development so not as to increase flood risk elsewhere, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
13. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of the National Planning Policy Framework.
14. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with Policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
15. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with Policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).
16. In order to minimise light pollution in the Area of Outstanding Natural Beauty and to minimise the development's impact on bats, in accordance with Policy DM29 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. A suitable programme of work should take the form of the archaeological excavation of all areas where iron-working has been identified by the geophysical survey and field evaluation works already undertaken within the application area to ensure an appropriate record is made of these heritage assets.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is, on balance, considered to be acceptable in that the development would provide 26 market and 14 affordable dwellings to meet an identified local need, as well as a substantial area of public open space/green infrastructure. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and off-site highway works. The visual effects of the development would depend on the design, size, scale, form, and layout of the houses and the landscaping proposals to be approved under later reserved matters application(s). However, although there would be some harm to the special landscape qualities of the Area of Outstanding Natural Beauty, depending on design, it is considered that this harm would only be significant from closer viewpoints. In the wider landscape, the development would be seen in the context of the existing built form of Hemyock, although the development would emphasise the expansion of the village westwards from its core. The provision of a substantial area of public open space within the development meets a community need identified by the Parish Council and weighs in favour of the development proving exception enough to warrant approval in the public interest.

The development is considered to be broadly in accordance with Policies COR1, COR2, COR3, COR9 and COR11 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, DM2, DM8, DM27 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole, and the SPDs on parking, public open space and meeting housing needs. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) as it is outside any defined settlement boundary and is not allocated for 100% affordable housing. However, as stated above the benefits of the scheme are considered to weigh in favour of approval of the development in accordance with the National Planning Policy Framework as a whole.

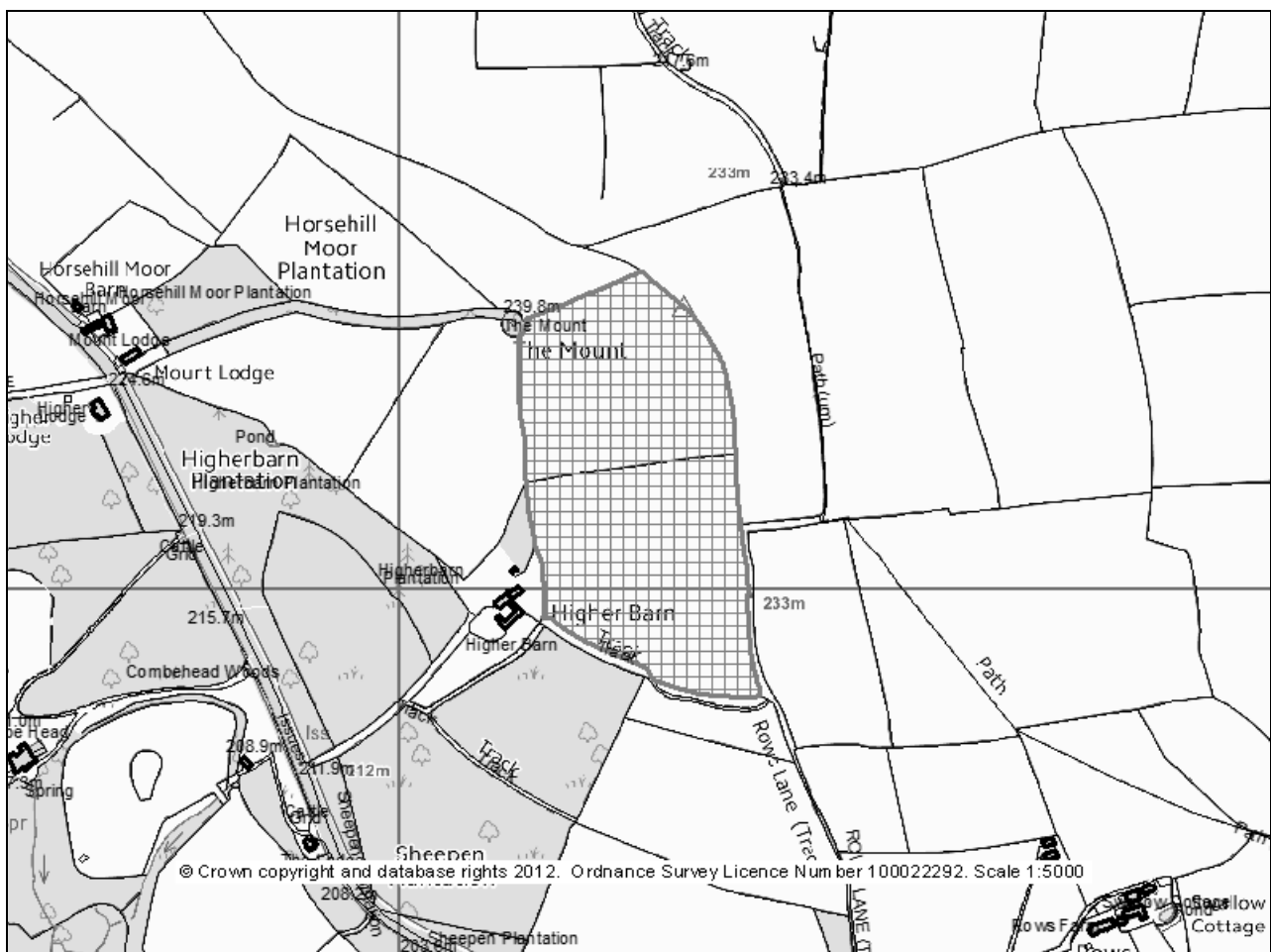
Grid Ref: 294211 : 123012

Applicant: Mr Fraser Cropper

Location: Land at NGR 294211
123012(Higher Barn)
Bampton Devon

Proposal: Construction of 2 ponds, a
wetland area, an attenuation
basin and creation of
additional 120m of Devon
hedgebank

Date Valid: 15th December 2016



Application No. 16/01932/MFUL

RECOMMENDATION

1. Grant permission subject to conditions.
2. That service of the Enforcement Notice (Planning Committee resolution November 2016) be held off for a period of 6 months from 29th March 2017 pending a review of progress in completing the works contained within this application

PROPOSED DEVELOPMENT

The application seeks planning permission for the construction of 2 ponds, a wetland area, and attenuation basin and creation of additional 120m of Devon hedgebank within two fields to the north east of Higher Barn, Bampton. The application site is within the same ownership as Higher Barn and is accessed via the private driveway that serves Higher Barn (over which a neighbouring landowner has access rights).

The development is partially retrospective as the 2 ponds and wetland area have already been provided, and the attenuation basin has been partially provided.

The two ponds are drainage retention ponds and are located in the south west corner of the fields. Due to the surrounding topography surface water would naturally drain toward these ponds. Surface water also naturally flows toward the wetland area in the south eastern corner of the application site. The planning permission being sought includes the attenuation of surface water through hedgebanks and swales prior to it connecting to the wetland area and ponds.

The attenuation basin refers to the management of surface water from the entire application site. Significant unauthorised works have been carried out on the site prior to the submission of this planning application including the installation of the two ponds and wetland area as well as other drainage works. The attenuation basin includes the retention of 2 ponds, wetland area as well as the provision of an additional wetland area, swales, reed planting and filter drains.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Extended Phase I Habitat Survey Report
Plans and elevations
Soft landscaping plan
Drainage strategy

PLANNING HISTORY

No history of planning applications within the application site, although there are enforcement matters, which are discussed within this report.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM27 - Development affecting heritage assets

CONSULTATIONS

DEVON, CORNWALL & DORSET POLICE - 5th January 2017 - No comments

BAMPTON TOWN COUNCIL - 9th January 2017 - Objection - Council considers that only re-instatement of the land back to its original state would be acceptable.

HIGHWAY AUTHORITY - 21st December 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENTAL HEALTH - 3rd January 2017

Contaminated Land - no objection to this proposal

Air Quality - no objection to this proposal

Environmental Permitting - N/A

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety I have no objection to this proposal.

LEAD LOCAL FLOOD AUTHORITY - 23rd January 2017

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

Observations:

The proposed strategy is acceptable given that the site will remain effectively a 'greenfield' and have no in-principle objection to the proposed strategy.

However, the applicant should provide further detail on the drainage route of the proposed outfall which should indicate that there is sufficient capacity and condition to convey the proposed flows. Although alluded to in drainage strategy, the applicant should explicitly indicate the proposed controlled rate of discharge into the ditch network, in which this rate will be no greater than 'greenfield' performance presented.

Where filter drainage is to be abandoned appropriate measure should be employed to seal this drainage and/or surrounding ground, so that these areas do not act as preferential flow paths.

It is proposed to maintain an opening linking the northern and southern catchments with a drainage connection, where opportunities exist to reinstate this hedge bank in its entirety should be explored as to reinstate the previous drainage regime.

NATURAL ENGLAND - 3rd January 2017

No comments.

HISTORIC ENVIRONMENT SERVICE - 23rd December 2016 - I refer to the above application. The north-western part of the application site lies adjacent to an undesignated heritage asset. This monument is a substantial mound, described in the County Historic Environment Record either as a possible prehistoric burial mound, a medieval motte or a prospect mound associated with the landscaped gardens around

Combe Head. No archaeological investigations have been undertaken on this site so the exact nature and age of the mound is unknown.

However, it is clear from its position in the landscape that the monument has been sited to occupy a prominent position in the landscape to enable it to be visible on the skyline and to have extensive largely uninterrupted views to the south and north. The site is also a prime location for prehistoric funerary activity and if the extant mound is a post-medieval landscape feature it may be sited on an earlier earthwork feature here.

The remedial groundworks associated with the releveling of the site have the potential to expose and destroy archaeological and artefactual material within the situ subsoil and surviving remnant topsoil in the north-western part of the application area.

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks in the vicinity of the artificial mound that lies just to the north-west of the application area to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

REPRESENTATIONS

6 letters of representation received. The comments received are summarised below:

- Concern that changes to the drainage regime will affect neighbouring properties;
- Concern that changes to drainage has resulted in a culvert running under the road has dried up;
- Concern regarding impact on water table down hill;
- Concern regarding the use of the putting greens;
- Support the enhancement of local biodiversity;
- Encouragement for the works to be implemented as soon as possible;
- Support the removal of the soil and subsoil mounds;
- Support professional drainage assessment and proposals;
- Support design and inclusion of eco system works and new hedgerow;
- Support removal of structure from the site;
- Various planning conditions suggested.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in the assessment of this application are:

- 1. Planning history including recent enforcement action**
- 2. Drainage**
- 3. Archaeology**
- 4. Ecology and biodiversity**
- 5. Visual amenity and landscape character**
- 6. Access**

1. Planning history including recent enforcement action

Higher Barn is part of a former farmstead. The original farmhouse was replaced with a new dwelling a few years ago. There are three fields to the north east and east of Higher Barn that are associated with, and within the same ownership as the dwelling.

The most recent planning history relates to the carrying out of unauthorised engineering and other development with the fields to the north east of Higher Barn, with the intention of providing a small private golf course and pavilion building. Without planning permission engineering works were undertaken on land to the north west of Higher Barn in 2016. The incomplete engineering works have resulted in the partial provision of what was intended to be a quad bike track and a number of raised golf tees/greens as well as a partially installed surface water drainage scheme that includes the provision of two attenuation ponds as well as a wetland feature and a number of filter drains. Extensive earth movements occurred on the site resulting in large earth mounds on the site as well as the shallow ditches required for the filter drains and the excavations required to provide the 2 attenuation ponds and wetland area.

The Local Planning Authority served a temporary stop notice on the owner of Higher Barn and any works on the site subsequently ceased.

The unauthorised works and proposed enforcement action was reported to and agreed by Planning Committee in November 2016. The Planning Committee agreed that an Enforcement Notice should be served to seek the reinstatement of the fields north east of the dwelling. Between the resolution of the Planning Committee to serve an Enforcement Notice and the actual preparation and serving of the Enforcement Notice a planning application for the reinstatement of the land has been received. The Enforcement notice has not therefore been completed or served on the applicant pending determination of the application. Should the application be refused then it will be necessary for the Enforcement notice to be served in accordance with pre-existing instructions.

The current planning application seeks to reinstate the fields but includes the retention of the ponds and wetland area, a completed land drainage system and indicates additional and extensive tree, hedgebank and scrub planting to enhance the biodiversity of the site. The design and access statement originally submitted suggested the inclusion of four mounds that could be used as a putting greens as well as general grazing areas. The design and access statement has been amended following discussions with the Agent. The application is not seeking any change of use of the land. The land is to be restored and to remain as agricultural land. Under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 4, Class B (Temporary use of land), the landowner does have the ability to use the land for other temporary uses for 28 days in any calendar year. There are limitations on the number of days that certain temporary uses can take place. The supporting information does not suggest that any specific form of temporary use of the land is proposed.

While work on site stopped following the serving of a temporary stop notice it should be noted that the low walls and floor slab associated with the original proposal for the provision of a pavilion type building have been removed from the site. The applicant's Agent has indicated that a couple of the reinforced rods that were being used to construct the pavilions have had to be left in the ground as they in turn are helping to protect the stability of the ground source heat pump which is located in the south western corner of the site.

2. Drainage

The original aspiration of the applicant was to provide a quad bike track and a small private golf course within the two fields. In association with these proposals the fields were to be drained to the two attenuation ponds and the wetland area.

The land drainage system that was begun in 2016 is not complete. A drainage strategy has been submitted with this application which indicates the amendments required to ensure surface water run off does not exceed greenfield run off rates and can be adequately contained within the applicant's land ownership. The proposed drainage scheme includes the provision of swales in the northernmost of the two fields. These are located behind the retained hedgebank that will also assist in the natural containment of surface water. The northern fields will also benefit from the creation of a new hedgebank that reduce the size of the field and help to manage surface water.

The southern field is proposed to contain a network of filter drains that will connect to a swale and wetland feature on the eastern side of the field and to the two attenuation ponds in the south western corner of the field. An overflow from the two ponds would connect to the southernmost field in the applicant's ownership (to the east of Higher Barn) where any overflow would be piped and accommodated within this additional land.

The Lead Local Flood Authority have been consulted on the application. They have indicated that they do not object to the principle of the proposed land drainage scheme on this land. During the consideration of the application they requested additional information relating to the drainage scheme and this has been provided by the Agent. They confirmed that they have no objections to the proposals via email on the 9th February 2017.

Policy COR11 of the Mid Devon Core Strategy requires development to prevent an increased risk of flooding and policy DM2 Local Plan Part 3 (Development Management Policies) requires development to be supported by sustainable drainage solutions. It is considered that the proposed drainage scheme would be fit for purpose and provide a mix of natural and engineered solutions toward the management of drainage of the application site. The drainage scheme is considered to be a sustainable solution that will reduce risk of surface water affecting neighbouring land and prevent any localised flooding. The proposal is therefore in accordance with policies COR11 Mid Devon Core Strategy (LP1) and DM2 Local Plan Part 3 (Development Management Policies).

3. Archaeology

The Historic Environment Service (HES) were consulted on the application due to the proximity of part of the disturbed ground to an archaeological feature known as "The Mound". The northwestern part of the application site lies adjacent to an undesignated heritage asset. This monument is a substantial mound, described in the County Historic Environment Record either as a possible prehistoric burial mound, a medieval motte or a prospect mound associated with the landscaped gardens around Combe Head. As no archaeological investigations have been undertaken on this site the exact nature and age of the mound is unknown. The HES have stated that it is clear from its position in the landscape that the monument has been sited to occupy a prominent position in the landscape to enable it to be visible on the skyline and to have extensive largely uninterrupted views to the south and north. The site is also a prime location for prehistoric funerary activity and if the extant mound is a post-medieval landscape feature it may be sited on an earlier earthwork feature here.

The remedial groundworks associated with the re-levelling of the site are considered to have the potential to expose and destroy archaeological and artefactual material within the situ subsoil and surviving remnant topsoil in the north-western part of the application area. As a result of the potential to expose or destroy archaeological and artefactual material while reinstating the site it is necessary to impose a condition that requires a programme of archaeological work and a written scheme of investigation to be submitted to the Local Planning Authority for approval prior to the works to reinstate the site commencing.

Without an appropriate worded condition, the further works to the site have potential to disturb a heritage asset contrary to the requirements of policy DM27 Local Plan Part 3 (Development Management Policies)

which requires heritage assets to be preserved. However, through a programme of archaeological work and a written scheme of investigation any impact on the heritage asset should be prevented.

The archaeological condition will ensure that an appropriate record is made of archaeological evidence that may be affected by the development. A suitable programme of archaeological work is suggested to include the supervision of all groundworks in the vicinity of the artificial mound to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report. As long as the reinstatement works are carried out in accordance with the approved archaeological works then the development would be in accordance with policy DM27 Local Plan Part 3 (Development Management Policies).

4. Ecology and biodiversity

The proposals include the reinstatement of the fields, to a pre-development state. Instead of simply re-sowing the land with the same grass species it is proposed to take the opportunity to enhance the biodiversity of the land by introducing other flora in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) that requires development to make a positive contribution to local character, including any biodiversity assets. This policy is echoed in COR18 Mid Devon Core Strategy (LP1) as it too requires development to enhance the biodiversity of the countryside. A planting schedule was submitted with the application and it includes the planting of trees, new hedgerows and scrub mixes as well as other specific plants suitable for different areas of the site, including:

- Trees from the arboretum to the south including: field maple, lime, silver birch, mountain ash, english oak and sweet chestnut;
- Native hedge mix (for 120m of additional hedgerow);
- Native scrub mix including;
- Amenity grasslands;
- Butterfly banks;
- Wild flowers;
- Pollen and nectar meadow mixture;
- Meadow mixture for wetlands (including swales)

Although the physical earth moving required to reinstate the site to its former condition/level is considered to be an engineering operation that requires planning permission, the planting of various flora across the site is not development. The details are included in this application as the planting is intended to enhance the biodiversity of the site, however, the planting of these species does not require planning permission.

5. Visual amenity and character of the site

The unauthorised works that took place on the site resulted in the formation of very large mounds of earth at various locations on the site as well as the removal of a section of hedgerow and the formation of the two ponds.

The original contours of the site have been disturbed throughout the site, however, aerial photography and the perimeters of the site indicate the general gradient of the site prior to works taking place.

The tree cover around the perimeter of the site provides visual containment. There are no views of the site from the public highway and long distance views of the site are limited. There are some views into the site from the public footpath to the east. Following the reinstatement of the site in accordance with the submitted plans it is considered that the visual amenity of the site will be restored and will not have a detrimental impact on the visual amenity of the surrounding area in accordance with policy DM2 that requires development to be well integrated with surrounding landscapes.

The character of the site was significantly affected by the unauthorised works. The proposed plans indicate the site will be re-contoured to reflect the previous ground levels.

Policy COR18 Mid Devon Local Plan (LP1) and policy DM2 Local Plan Part 3 (development Management Policies) require development to enhance and/or positively contribute to the local character, appearance and

biodiversity of an area. The proposed plans indicate extensive planting is proposed to improve the biodiversity of the site. The two larger ponds in the south western corner of the site are proposed for retention as well as the wetland area in the south eastern corner. It is considered that these features will sit comfortably within the site, especially when the additional planting has become established. Following the completion of the development and the planting indicated on the submitted plans it is considered that the character of the site will be restored. The application does not propose any change of use of the land and its lawful use will remain as agricultural land. The site will ultimately have a different appearance to its pre-development condition as it has been disturbed significantly and needs extensive re-contouring. The planting schedule will also contribute to its appearance. Built development on the site is limited to the two ponds and following adherence with the submitted plans the character will be returned to that of agricultural land.

The Local Planning Authority, Bampton Town Council and local residents require the site to be reinstated, and were an enforcement notice served the reinstatement would be required. This application seeks to reinstate the site but to also retain the ponds and wetland area and to provide a completed drainage scheme as well as to enhance the biodiversity of the site. The proposals are considered to be in accordance with policy COR18 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies). Members need to also consider the previous resolution to issue an enforcement notice. There is a further recommendation that the serving of the enforcement notice is reviewed, pending progress on completing the works. It is recommended that the Local Planning Authority wishes to see the works including planting to be completed within 6 months of the date of this permission (if granted).

6. Access

The vehicular and pedestrian access to the application site will be unchanged as a result of the proposals. The vehicular access from the private driveway serving Higher Barn will be retained. The pedestrian access via the driveway will also be retained. There are third party access rights across part of the land belonging to Higher Barn and these access rights will not be negatively affected by these proposals. The proposals do not have a detrimental impact on access to the site or adjoining land and is therefore in accordance with policy COR9 Mid Devon Core Strategy (LP1) and the NPPF in this regard.

CONDITIONS

1. The development hereby approved shall be commenced within 3 months of the date of the decision notice in accordance with the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in accordance with the details on the approved plans.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.' The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall be carried out in strict accordance with the drainage strategy indicated on drawings 39494-2001-500 and 39494-2001-501 received 15th December 2016 and once provided the drainage scheme shall be permanently retained and maintained.
5. The development hereby permitted shall be carried out in accordance with the planting schedules indicated on drawing SPP 2047.002 received 15th December 2016.

REASONS FOR CONDITIONS

1. To ensure the timely remediation of the site and to ensure that new planting takes place within the next planting season.
2. For the avoidance of doubt and to ensure the site is remediated in accordance with the approved plans.
3. To ensure, in accordance with Paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in Paragraph 5.3 of the Mid Devon Local Plan Part 3: (Development Management Policies) Policy DM27, that an appropriate record is made of archaeological evidence that may be affected by the development.
4. For the avoidance of doubt and to ensure surface water on the site is managed in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. For the avoidance of doubt and to ensure the additional planting is achieved in order to achieve the biodiversity improvements on the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development seeks planning permission to reinstate the site following the carrying out of unauthorised works in 2016 and therefore to negate the requirement for the Local Planning Authority to serve an enforcement notice.

The proposed development would result in the recontouring of the site, retention of two ponds and a wetland area, the completion of a land drainage scheme (including swales, filter drains and other drainage features), creation of new hedgebank and extensive tree, hedge and scrub planting throughout the site.

It is considered that the proposed development would improve the visual amenity of the site and restore and enhance the character of the site once the reinstatement works and additional planting have been completed. The completion of the drainage scheme should ensure that the works that have taken place on site do not result in any localised flooding. The archaeological monitoring of the reinstatement works at the northern end of the site will ensure that the off site archaeological feature known as the "Mound" is not detrimental affected. The additional planting will enhance the biodiversity of the site.

For the reasons given it is considered that the proposals are in accordance with Policies COR2, COR9, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework and that conditional planning permission should be granted.

Application No. 17/00090/ARM

Plans List No. 4

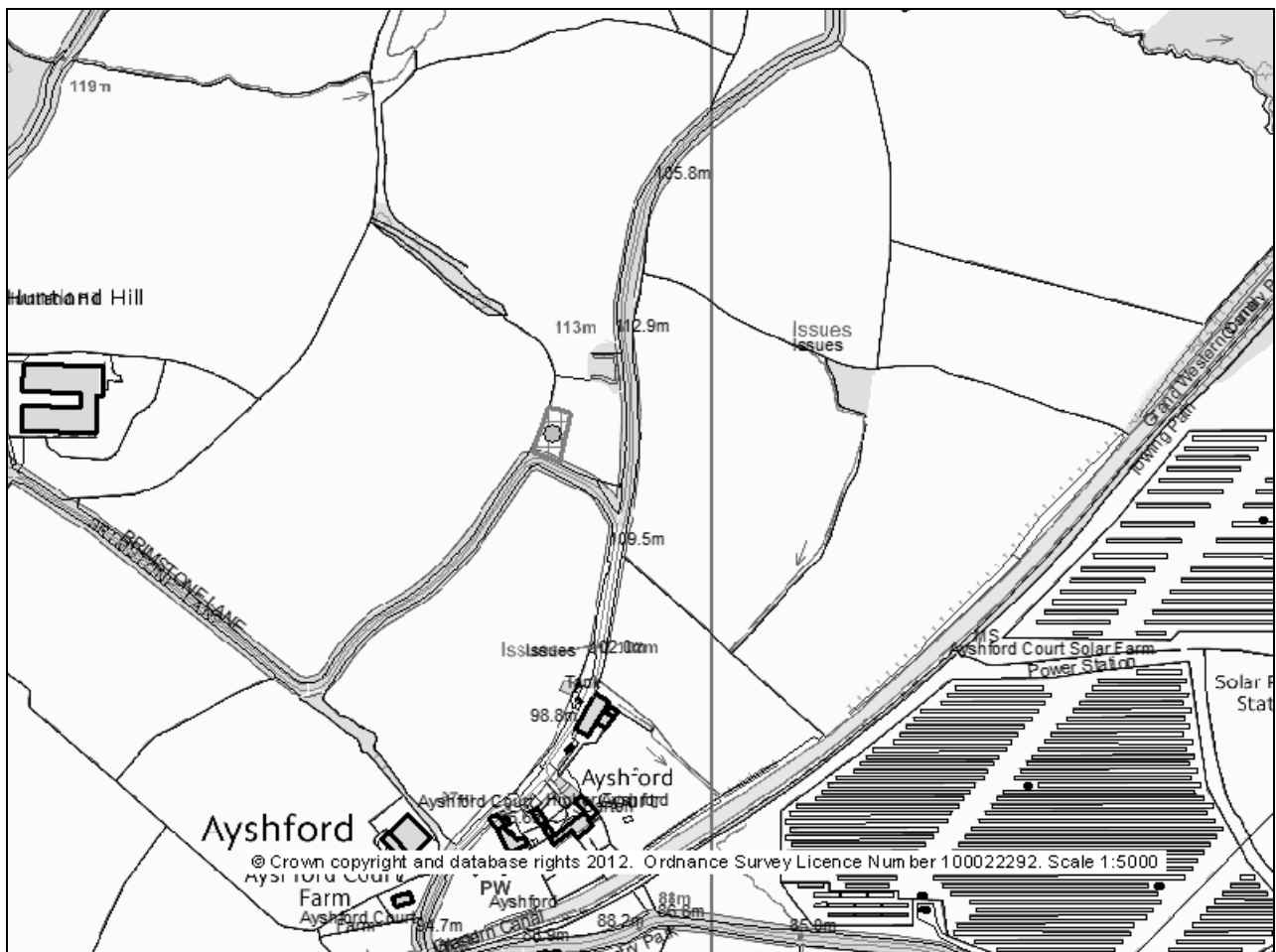
Grid Ref: 304856 : 115771

Applicant: Mr & Mrs S Caudwell

Location: Land at NGR 304865
115568 Corner of
Brimstone Lane
Westleigh Devon

Proposal: Reserved Matters for
the erection of a
dwelling following
Outline approval
16/00108/OUT

Date Valid: 23rd January 2017



Application No. 17/00090/ARM

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

The application is for reserved matters in respect of access, appearance, landscaping, layout and scale, following grant of outline planning permission 16/00108/OUT for a rural workers dwelling.

The site is in an isolated rural location approximately 200 metres north of Ayshford Court and approximately 2.3 km by road from Sampford Peverell. The site is an agricultural field which forms part of a holding that extends to approximately 64 hectares. The site is adjacent to Brimstone Lane and elevated above the road. The field itself is reasonably well screened from the road by hedges and trees.

The proposed dwelling is intended to be a 2 storey, 4 bedroom dwelling with kitchen, living room, study, hall, farm office, shower room and boot room on the ground floor and 4 bedrooms, 3 bathrooms and a storage area on the first floor. The overall internal floorspace is proposed to be approximately 250 square metres (internal). Materials are proposed to be rendered walls (with stone to the single storey office element), under a slate roof with aluminium windows, timber doors and featuring a large glazed wall to the front. The height of the proposed dwelling is intended to be approximately 8 metres to ridge.

The access is to be in the same location as the existing field gate access with visibility improved by trimming an existing hedge. The access drive is to be tarmacked with a drainage strip at the boundary. Three parking spaces are to be provided within the site. No additional landscaping is proposed.

APPLICANT'S SUPPORTING INFORMATION

Planning and Design Statement

PLANNING HISTORY

14/00290/FULL Re-instatement of dwelling; including erection of extension and the re-use of existing structures as ancillary accommodation - REFUSE

The application was to rebuild a derelict cottage which was refused as the building was not of permanent and substantial construction and the applicant had not demonstrated the essential need for a rural worker. The application did not meet policies COR18, DM10 or DM11

15/00475/PNAG Prior notification for the erection of a grain store - APPROVAL OF PRIOR APPROVAL

16/00108/OUT Erection of a rural workers dwelling - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM10 - Rural workers dwellings

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

CONSULTATIONS

CENTRAL AREA CONSERVATION OFFICER - 13th March 2017

Thank you for consulting me. I have no objections to the application as the impact on the setting of Ayshford Court and the conservation area (canal) are not harmed.

ENVIRONMENTAL HEALTH - 30th January 2017

Contaminated Land - N/A for these reserved matters

Air Quality - N/A for these reserved matters

Environmental Permitting - N/A

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - I recommend the following Planning condition

A private water supply has been identified for an adjacent address. If this supply is to be used in connection with the proposal 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. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used I would have no comment.

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

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

- 1. Background**
- 2. Whether the size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.**
- 3. Access and parking**

1. Background

The site is in an isolated rural location where national and local planning policies restrict the provision of new residential dwellings unless there are special circumstances such as an essential need for an agricultural (or other rural) worker to be present on site at most times to meet the needs of the holding. The National Planning Policy Framework states that isolated new homes in the countryside should be avoided except in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Outline planning permission has been granted for a rural workers dwelling on the site.

Policy DM10 of the Local Plan Part 3 (Development Management Policies) sets criteria for the consideration of applications for rural workers dwellings. DM10 states that applications for rural workers dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full

time worker has an essential need to be permanently resident at or near their place of work so they are available most times.

- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

Criteria a), b) and d) were considered at outline application stage. Criterion c) remains to be considered under this reserved matters application.

1. Whether the size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site

The Planning and Design Statement submitted with the outline application refers to the type of dwelling that was envisaged. The following statements were made:

"The ethos of the owners is to provide a dwelling suitable for modern farm life whilst keeping the house to a modest size and simple design, to serve only the needs of the farm".

"...it is also envisaged that the dwelling would be designed to utilise the enclosed nature of the site and topography; sitting the property into the landscape".

"...it is envisaged that the house would form a modest farm dwelling".

"It is also proposed that the design will be sensitive to the character of the local area and also sensitive to the setting of the site within the surrounding landscape".

Your officers do not consider that the dwelling proposed under this reserved matters application could be described as modest or sensitively designed for the location. It is a large 4 bedroom house which at 250 square metres internal floorspace is considerably larger than 4 bedroom houses commonly found on modern developments. National space standards (replacing the standards in policy DM15) set the minimum space standard for a 4 double bedroom 2 storey dwelling at 124 square metres. Recently approved developments show 4 bedroom dwellings with internal floorspace in the region of 140-160 square metres.

Whilst Mid Devon has no maximum floor area for rural workers dwellings, the size of the dwelling must allow the dwelling to remain affordable for rural workers to buy in the future. As a general guide, your officers would expect a rural workers dwelling to have a maximum internal floorspace of approximately 150 square metres. There is some flexibility for the main farmhouse in that it needs to contain office and other farm facilities. As a guide, the maximum internal floorspace for the main farmhouse on a holding of this size would therefore be in the region of 180 square metres, including office facilities. Internally, the layout of the dwelling contains large areas used inefficiently including an open double height hallway and office when a farm office is already provided. A smaller more efficiently designed layout will still achieve a four bedroomed dwelling.

The design of the dwelling is also not considered to be sympathetic to its setting. The ground level of the site is elevated above the road, such that the field level at the top of the site is just visible above the boundary fence in winter. Rather than sitting the proposed dwelling into the landscape as proposed at outline application stage, the proposed dwelling would sit above the site and from the adjacent road would appear as skyline development. Whilst your officers accept that in longer views, the development would not appear on the skyline, your officers consider that a dwelling of the scale and appearance proposed dominate views from the adjacent road. The existing boundary hedges would do little to screen the development from the road, although the treelines to the west and north would help filter views within the landscape.

The design of the proposed rural workers dwelling is considered to be contrary to criteria c) of policy DM10 of the Local Plan Part 3 (Development Management Policies). The proposal is also considered to be contrary to policy DM2 of the Local Plan 3 Development Management Policies which requires proposals to

show a clear understanding of the characteristics of the site and to be well-integrated with surrounding landscapes.

The site is approximately 200m north of Ayshford Court and the Grand Western Canal Conservation Area. However, it is not considered that the dwelling would be highly visible from the Conservation Area and would not affect its setting to any material degree. The proposal is considered to be in accordance with policy DM27 of the LP3 DMP in this regard.

2. Access and parking

Access to the site is to be via an improved existing agricultural access. Although Brimstone Lane is narrow, there is good visibility at this point and the new drive would be surfaced and drained and the boundary hedge trimmed to ensure improved visibility. Devon County Highways standing advice requires visibility in both directions of 23 metres assuming a road speed of 15 mph. The road is narrow and bends sharply at this point and 15 mph is considered to be a realistic speed. There is more than adequate visibility in each direction. The proposal is considered to be in accordance with policy DM2 of the Local Plan 3 Development Management Policies which requires a safe access to be provided. The three parking spaces to be provided are considered to be in accordance with the level of parking required by policy DM8 of the Local Plan 3 Development Management Policies (1.7 spaces per dwelling).

There is adequate space within the dwelling curtilage for an amenity area, cycle parking and bin stores and the proposal is considered to be in accordance with policies DM8 and DM14 (design of housing) of the Local Plan 3 Development Management Policies in this respect.

REASON FOR REFUSAL

1. The size and scale of the dwelling is considered to be excessive to accommodate rural workers and of a size that has not been justified to meet the needs of agricultural workers on the holding. In addition, the scale and design of the dwelling is not considered to be sympathetic to its setting or to show a clear understanding of the characteristics of the site and well-integrated with the surrounding landscape. The dwelling would sit above the surrounding landscape and appear as skyline development when viewed from the adjacent road, the large scale and size of the dwelling dominating views from that road. The development would not be commensurate with the scale of the agricultural holding or designed to reflect the location and setting of the proposed site, contrary to Policies DM2 and DM10 of the Local Plan Part 3 (Development Management Policies).

Application No. 17/00209/HOUSE

Plans List No. 5

Grid Ref: 296707 : 112816

Applicant: Mr & Mrs Pillinger

Location: 4 Blundells Avenue Tiverton
Devon EX16 4DL

Proposal: External alterations to include
alterations to roof and
installation of ground mounted
solar panels

Date Valid: 8th February 2017



Application No. 17/00209/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

PROPOSED DEVELOPMENT

The proposal comprises of external alterations to include alterations to the roof and installation of ground mounted solar panels at 4 Blundells Avenue, Tiverton.

More specifically, the alterations include:

1. Removal of the half hipped roof on the front southern elevation and the creation of a gable end, finished with Cedral cladding and with an enlarged window at first floor level.
2. Glazing the central portion of the front single storey lean to over a new front door.
3. Alterations to the steps up to the new front door including a handrail and glazed panels
4. Removal of the existing side bay window on the west elevation and replacement with glazed double doors
5. Installation of three roof lights on in the eastern roof slope
6. Installation of three roof lights on the western roof slope
7. Replacement of an existing window with a smaller window on the north elevation at ground floor level
8. There will be some minor internal alterations at ground floor level and the creation of a third bedroom with an en-suite at first floor level.
9. Externally it is proposed to install 14 ground mounted solar panels to the rear of the property adjacent to the northern boundary, the panels will be 285 watt microcrystalline all black panels, mounted in two rows of 7 panels at 34-35degrees. The panels will be mounted at below fence level and will be south facing. Each panel will have a height of 2 metres, a length of 3.4 metres and a width of 1.5 metres.

of these, planning permission is only required for items 1 and 9, with the others being permitted development.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, various plans and elevation plans
Heritage statement
Wildlife Mitigation Letter

PLANNING HISTORY

86/01093/OUT - REFUSE date 13th August 1986
Outline for the erection of bungalow, garage and construction of vehicular access
86/01967/OUT - REFUSE date 30th January 1987
Outline for the erection of a bungalow, garage and construction of a vehicular access
89/00378/FULL - PERMIT date 31st March 1989
Erection of extension to provide granny annexe
90/01392/FULL - PERMIT date 17th August 1990
Erection of double garage
17/00209/HOUSE - PCO date
External alterations to include alterations to roof and installation of ground mounted solar panels

17/00219/CAT - PCO date

Notification of intention to reduce 1 Silver Birch tree by approximately 7m within the Conservation Area

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM8 - Parking

DM13 - Residential extensions and ancillary development

DM27 - Development affecting heritage assets

CONSULTATIONS

TIVERTON TOWN COUNCIL - 22nd February 2017 - Support

HIGHWAY AUTHORITY - 10th February 2017 - No comments

REPRESENTATIONS

One letter of representation has been submitted in support of this application and is summarised as follows:

- Concerns raised about the installation of velux windows into the eastern roof slope and the overlooking of the neighbouring property

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Design of the external alterations**
- 2. The acceptability of solar panels in this location and the impact on the character and appearance of the conservation area**
- 3. Impact on the privacy and amenity of neighbouring properties**

- 1. Design of the external alterations**

The proposed alterations are of a minor nature and will not increase the footprint of the existing property. The removal of the hipped roof at the front will alter the street scene but this is not considered to be out of character with the surrounding area as many nearby dwellings have gable ends fronting the highway. The proposed materials include UPVC windows and doors, slate and glass roofing and brick, render and weather board walling. The design of the proposed alterations are considered to respect the character, scale, setting and design of the existing property and the alterations do not result in overdevelopment of the dwelling or its curtilage, in accordance with the requirements of Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

The parking and access arrangements are not altered as part of the proposal and there is sufficient parking for two cars in accordance with Policy DM8.

2. The acceptability of solar panels in this location and the impact on the character and appearance of the conservation area

Policy DM5 and the NPPF require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable. Furthermore, the Planning Practice Guidance requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

The solar panel installation proposed is of a domestic scale located within the domestic curtilage of an existing dwellinghouse. The site is located within the Tiverton Conservation Area, Blundells Road area. Policy DM27 requires that development proposals affecting heritage assets to respect their character setting, significance and local distinctiveness, considering opportunities to enhance the asset. In respect of the solar panels they are located to the rear of the dwelling and its plot and will to some extent be screened by the existing garage, dwelling and northern boundary fencing. In addition, there is tree, hedge and shrub screening along the front and side boundaries of the site that further reduce views into the site from the conservation area. Whilst there are likely to be some views into the site of the solar panels, particularly in the winter, these are considered to be limited. The solar panel installation is of a small domestic scale that is not considered to dominate the site and is considered to have a very limited visual impact. Overall, the proposal is considered to adequately respect the character and appearance of the conservation area and its setting and will not result in any significant adverse impacts on the character, amenity and visual quality of the area in accordance with Policies DM5, DM13 and DM27.

3. Impact on the privacy and amenity of neighbouring properties

The proposed alterations include the provision of rooflights in the east and west roof slope, to allow the first floor to be used as a third bedroom with an en-suite. Concerns have been raised about the resultant overlooking impacts of the roof lights; however, a section drawing has been submitted showing that the lowest rooflight will be positioned at a minimum height of 1.8 metres above floor level. Due to the height of the rooflights, it is not considered that they will allow an average person any direct views in the direction of the neighbouring property. No other elements of the proposal are considered to impact on the privacy and amenity of the neighbouring properties as they are minor in nature, largely at ground floor level and due to the existing level of overlooking in this residential area. As such, the proposal is not considered to result in any unacceptable overlooking impacts, in accordance with Policy DM13.

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. Removal of redundant Photovoltaic Array - The Photovoltaic Array hereby approved, shall be used only for the production of electricity. On its becoming redundant for such purpose, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 6 months of the date this occurs.
4. All electricity services associated with the development shall be placed underground.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the character and appearance of the conservation area in accordance with Policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).
4. To safeguard the character and appearance of the conservation area in accordance with Policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed alterations in terms of their scale and design are not considered to dominate the host dwelling and are considered to be supportable in policy terms. The proposed works are considered to respect the character, scale, setting and design of the existing dwelling. The proposal is not considered to result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of neighbouring properties. The proposed domestic solar installation is of a small scale that will not dominate the site and is not considered to result in any significant adverse impact on the character, amenity and visual quality of the surrounding area and is considered to preserve the character, setting and special of the conservation area within which the site is located. Overall the proposal is considered to comply with the following Policies; Mid Devon Core Strategy (Local Plan Part 1) COR2 and COR13, Local Plan Part 3 (Development Management Policies) DM2, DM5, DM13 and DM27 and Government advice in the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration