

**Application No. 17/00136/MOUT**

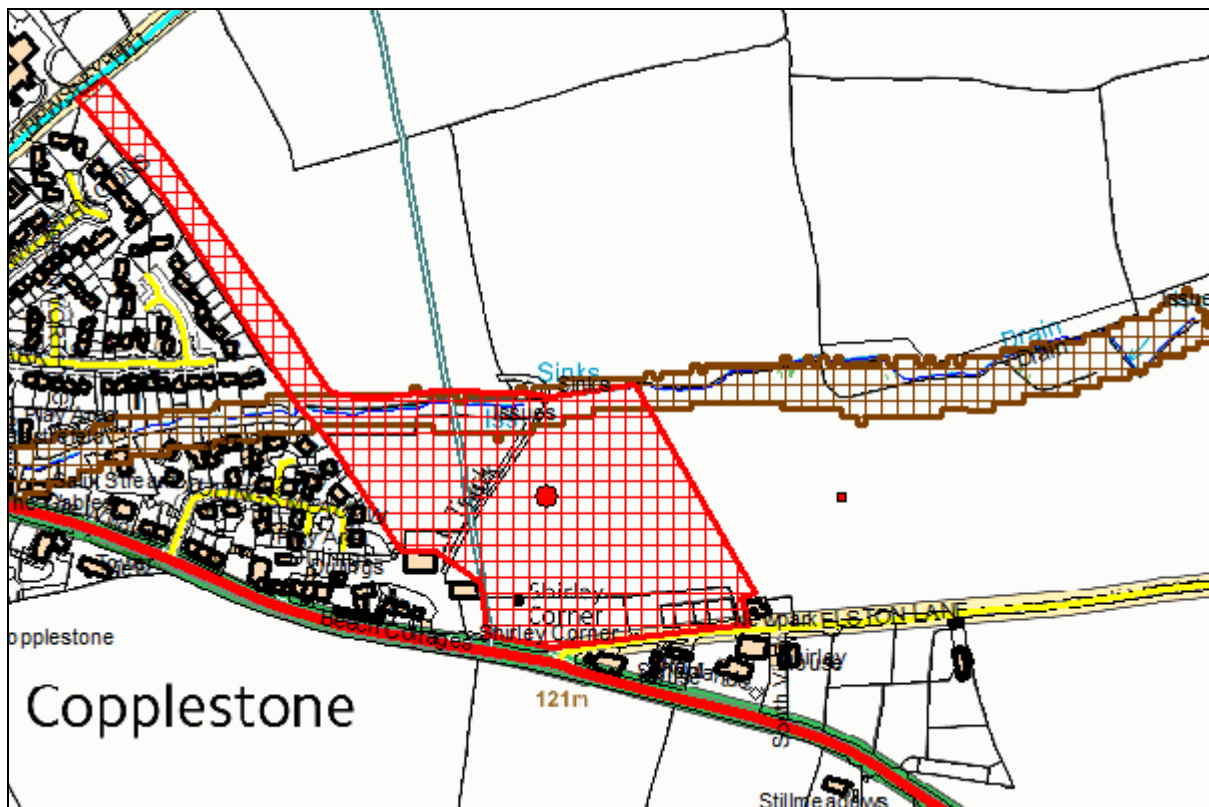
**Grid Ref:** 102582 : 277744

**Applicant:** Mr Louis Dulling

**Location:** Land and Buildings at  
NGR 277550 102582  
(East of Dulings  
Farm) Copplestone  
Devon

**Proposal:** Outline for the  
erection of up to 60  
dwellings and means  
of access (Revised  
Scheme)

**Date Valid:** 27th January 2017



## AGENDA ITEM

PLANNING COMMITTEE  
19<sup>th</sup> April 2017

### REPORT OF THE HEAD OF PLANNING AND REGENERATION

## **17/00136/MOUT - OUTLINE FOR THE ERECTION OF UP TO 60 DWELLINGS AND MEANS OF ACCESS (REVISED SCHEME) - LAND AND BUILDINGS AT NGR 277550 102582 (EAST OF DULINGS FARM) COPPLESTONE DEVON**

### **Reason for Report:**

To determine this new planning application following the refusal of an earlier application for 60 dwellings on this site.

### **RECOMMENDATION**

That Members determine this application in light of the decision on the previous application 16/00924/MOUT also taking into account the additional information on reasons for refusal 4 and 5.

### **RELEVANT PLANNING HISTORY**

This current planning application as described above is a re-submission of the planning application 16/00924/MOUT as it was amended (outline for the erection of up to 60 dwellings and means of access) and subsequently considered at the planning committee meeting at their meeting on 6th January 2017. Although the officer recommendation on this application was for approval (refer to appendix A), the application was refused by the Committee for the following reasons:

1. The application site is outside the current settlement limit boundaries of the village of Coplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Copplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Copplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. The Local Planning Authority consider that the application would result in an unacceptable impact upon the highway safety for users of the highway of Elston Lane and it's junction with the A377. Whilst the application scheme includes amendments to the highway and a new junction arrangement the alterations as proposed are not considered to satisfactorily address the detrimental impacts of the development upon highway safety contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

This case has been appealed by the applicant and the timetable for the appeal is set out below:

By 18th April – the Local Planning Authority must submit its statement of case, including any conditions to be recommended for the Inspectors consideration in the event that it is decided by the Inspector that the appeal should be allowed.

By 2nd May – the Local Planning Authority must submit any final comments.

#### **PROPOSED DEVELOPMENT & APPLICANT'S SUPPORTING INFORMATION.**

The current application has been submitted as an outline application for the erection of up to (circa as described by the applicant) 60 dwellings together with means of access, with all other matters reserved for future consideration.

The applicant has submitted the following information:

Draft Heads of Terms document undated and confirming as follows:

Affordable Housing: The proposal will provide 35% affordable housing on-site.

Education: To be confirmed with MDDC.

Public Open Space: To be confirmed with MDDC.

Air Quality Contributions: To be confirmed with MDDC.

Provision of Footpath: To ensure provision of footpath as indicated on plan number 141102 L 02 02 (Illustrative Layout).

Planning Statement prepared by PCL Planning: dated January 2107 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement

Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning: undated.

Design and Access Statement prepared by Clifton Emery Design: dated January 2017

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

Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 24<sup>th</sup> January 2017.

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

**Protected Species Report prepared by Engain: dated 26 May 2016.**

Phase 1 and Phase 2 Environmental Reports GCE00545/R" dated January 2016

Agents letter, completed application form plans and drawing as follows.

Site location plan and illustrative Layout plan – drawing no 141102 L 02 03F.

Site Access Junction Option Rev G.

Vehicle Tracking & Junction plans Rev A.

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR18 - Countryside

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

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/IN/3 - Public Open Space

AL/IN/5 - Education Provision

AL/IN/6 - Carbon Footprint Reduction

AL/CRE/8 - Crediton Air Quality

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

DM1 - Presumption in favour of sustainable development

## **CONSULTATION responses to 17/00136/MOUT**

COPPLESTONE PARISH COUNCIL - 20th March 2017 - Coplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.
- f. The revisions made to the application do not cover the shortcomings raised on the 1st application as detailed within the grounds for objection provided by MDDC.

The Parish Council also wish to comment on the following:

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

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

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

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

HIGHWAY AUTHORITY - 27th February 2017 - Observations:

The Local Planning Authority will be aware of the Highway Authority's previous comments and observations with regard to this site as set out in the responses to application 16/00924/MOUT all of which are still relevant to the current application.

Therefore should consent be granted the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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

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

2. No part of the development hereby approved shall be commenced until:  
A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00metres back from its junction with the public highway;  
B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;  
C) The footway on the public highway frontage required by this permission has been constructed up to base course level;  
D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

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

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

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

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

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

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

LEAD LOCAL FLOOD AUTHORITY - 2nd March 2017

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment (Report Ref. 436- FRA Addendum V1 10.07.16, dated 20/02/2016) and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2, Rev. V2., dated May 2016) not superseded by the former document.

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

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: 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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Observations:

Further to our previous responses to 16/00924/MOUT with regard to the surface water management, the Flood Risk Assessment and subsequent Addendum remain unchanged and still relevant to the current application. As such we have no objection to the proposals subject to the above pre-commencement conditions.

HIGHWAYS ENGLAND - 9th February 2017 - No objections

ENVIRONMENTAL HEALTH - 14th February 2017

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 31st January 2017

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

No change with numbers

HISTORIC ENGLAND - 6th February 2017

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

NATURAL ENGLAND - 7th February 2017

No comments.

DEVON, CORNWALL & DORSET POLICE - 3rd February 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available drawings do not reveal any details that would be of concern to the police. However, following a recent site visit and having reviewed the illustrative plans, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street.

Car parking areas should be well illuminated to provide the potential for natural surveillance during hours of darkness.

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in.



If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

I would also advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Will the proposed foot/cycle link to the school (14) be fully adopted and lit as per normal council standards?

DCC RIGHTS OF WAY OFFICER - West - 31st January 2017

I attach a copy of the Definitive Map showing the recorded line of Copplestone FP 53, which differs slightly to what is evident on the ground. Since at least the late 1990s, the signpost has been sited at the entrance to Dulings Farm, rather than to the east as the map indicates. Therefore, the development would have an impact on the recorded route. However, it may be possible to divert this southern section of the path on to the proposed shared use cycle/footpath link to the school under the Town and Country Planning Act 1990.

Following our recent conversation I understand that this application is currently only outline, but I would like to register an interest at this stage.

DEVON COUNTY EDUCATION - 14th February 2017

Devon County Council would like to provide an education response for the application above.

The proposed 60 dwellings, will generate 15 additional primary pupils and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The primary contribution sought is £204,780 (based on the current DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the Copplestone area.

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

9 secondary pupils

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

In addition, a contribution towards Early Years provision is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

HISTORIC ENVIRONMENT SERVICE - 30th January 2017

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

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

## **REPRESENTATIONS**

85 letters of objection have been received to this current application raising a range of reasons for their objections, they express the same reasons why 16/0094/MOUT was objected to (refer to appendix A).

In addition a petition against the development from the Parents of Children at the Coplestone Primary School has been submitted with 40 over signatures on it

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This current application proposal proposes an identical form of development to that which has already been considered by the Local Planning Authority within the last four months. The policy framework against which to determine the application has not changed, and the applicant has not sought to redress the reasons why the earlier application was refused (16/00924/MOUT). The response from statutory consultees has not changed significantly since the earlier application was submitted and the level of public objection to the application remains significant.

Your officers recommendation on this current application would be for approval for the same reasons and as was the case for application 16/00924/MOUT. However as stated above your officers can not advise that this current application goes any way to redress the earlier matters on which the members voted to refuse the earlier application. In terms of those reasons which are set out below, Member's attention is drawn the following two points regarding reasons 4) and 5) which are set out in bold after each reason.

## **MEMBERS REASONS FOR Refusal (16/00924/MOUT)**

1. The application site is outside the current settlement limit boundaries of the village of Coplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Coplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).
3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Coplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

(Since the meeting on the 6<sup>th</sup> January your officers have had a meeting with the Head and Executive head at **the Coplestone Primary to understand the capacity levels at the school. As reported in the earlier planning application on this agenda (LPA ref: 16/01888/MOUT) it recognised that the Primary School in the village is popular with admissions and over recent years has been very close to the capacity (210 spaces). There is current capacity to accommodate additional pupils especially in the upper years (years 3, 4, 5, 6). The application scheme based on the DCC formula would generate 15 primary school places which spread over the school years would present a challenge.**

**However, Members should be aware that Devon County Council do not allocate school places on a first come first served basis and would only allocate a space for a child if there was sufficient capacity at the school site. The application site is within a school catchment area that includes other schools (for instance Bow, Lapford and Yeoford) and in the event there are no places at the village primary school places would be found at other school, which is why DCC have not objected to the planning application.**

**In summary officers advise that reason for refusal No.4 would be difficult to defend without any objection from the relevant statutory consultee.)**

5. The Local Planning Authority consider that the application would result in an unacceptable impact upon the highway safety for users of the highway of Elston Lane and its junction with the A377. Whilst the application scheme includes amendments to the highway and a new junction arrangement the alterations as proposed are not considered to satisfactorily address the detrimental impacts of the development upon highway safety contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

**The Highway Officer has specifically commented on this reason for refusal as follows:**

**“I would not be able to support that refusal reason as the new junction is proposed with appropriate widths, radii visibility and alignment and is a betterment of the existing junction. They have not identified the detrimental impacts so cannot comment on their reasoning or reasonableness of the recommendation.”**

**In summary officers advise that reason for refusal No.4 would be difficult to defend without any objection from the relevant statutory consultee.**

Finally the decision members take on this application would also be carried through on the appeal on 16/00924/MOUT. Accordingly, should Members wish to refuse this application for reasons 1, 2 and 3 only, the Council's case on the appeal will be to defend reasons 1, 2 and 3 and to indicate that reasons 4 and 5 are no longer to be defended.

<b>Contact for any more information</b>	Simon Trafford (01884) 234369
<b>Background Papers</b>	16/00924/MOUT
<b>File Reference</b>	17/00136/MOUT
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee