

## PLANNING COMMITTEE AGENDA - 19th April 2017

### Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	<p>16/01888/MOUT - Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Coppleshone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure at Land at NGR 276566 103177 (Old Abattoir Site), Shambles Drive, Coppleshone.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions and the prior signing of the provision of a Section 106 Agreement</p>
2.	<p>16/01898/MARM - Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton.</p> <p><b>RECOMMENDATION</b> Approve Reserved Matters subject to conditions.</p>
3.	<p>17/00106/MOUT - Erection of 16 dwellings with access and associated works at Land at NGR 306965 113252 (North of Belle Vue), Ashley Road, Uffculme.</p> <p><b>RECOMMENDATION</b> Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p>
4.	<p>17/00217/FULL - Erection of a polytunnel and field shed at Land at NGR 310932 109654 (The Shippens), Blackborough, Devon.</p> <p><b>RECOMMENDATION</b> Refuse permission.</p>
5.	<p>17/00318/FULL - Permanent retention of log cabin (caravan) at Land at NGR 295221 103171(The Orchard), Great Pitt, Silverton.</p> <p><b>RECOMMENDATION</b> Grant temporary permission for a period of 3 years subject to conditions.</p>
6.	<p>17/00323/FULL - Erection of 3 dwellings (Revised Scheme) at Land at NGR 296643 113493, Adjacent 37 Beech Road, Tiverton.</p> <p><b>RECOMMENDATION</b> Subject to conditions and payment of a financial contribution of £2,700 towards provision of public open space</p>

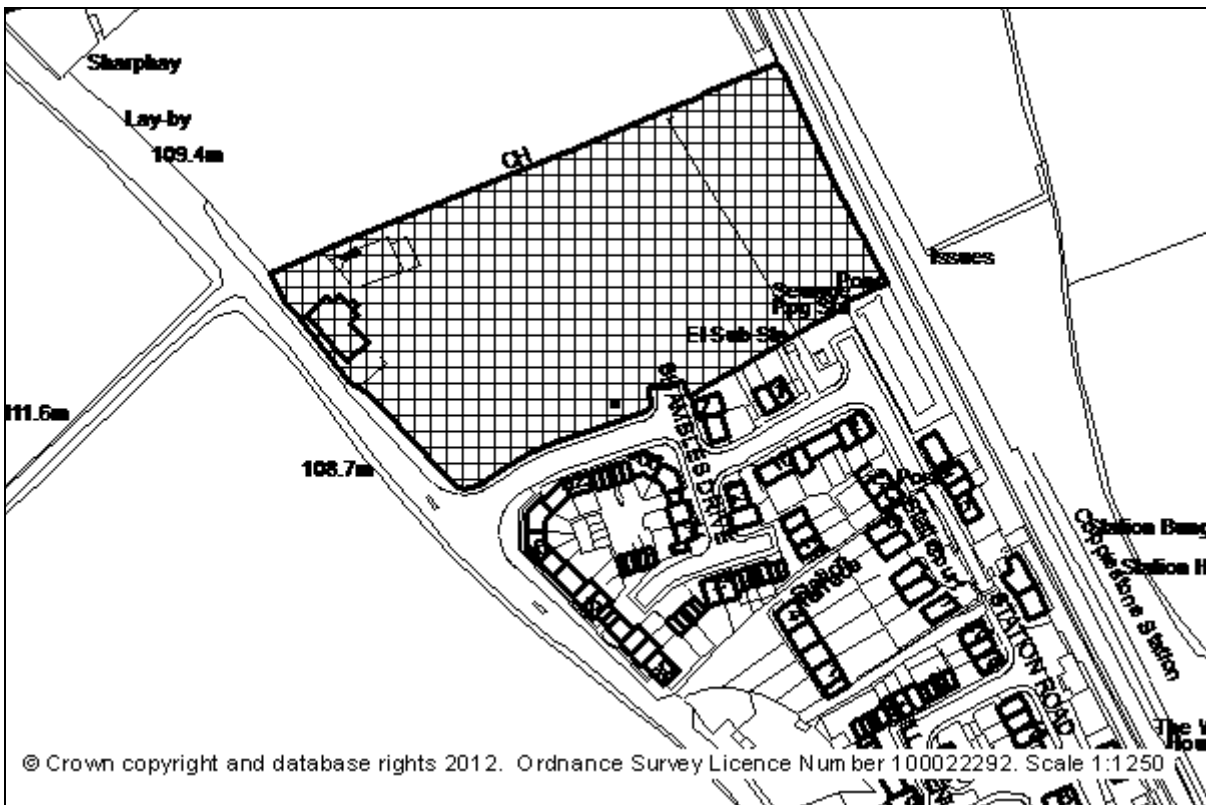
**Grid Ref:** 276567 : 103177

**Applicant:** Moorview Homes Ltd

**Location:** Land at NGR 276566 103177 (Old Abattoir Site) Shambles Drive  
Coplestone Devon

**Proposal:** Outline for the erection of up to 40 dwellings, formation of 64 space  
car park to service Coplestone Railway Station, public open space,  
vehicular access from Shambles Drive, pedestrian links and  
associated infrastructure

**Date Valid:** 5th December 2016



## **Application No. 16/01888/MOUT**

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of the provision of a Section 106 Agreement to secure:

1. Affordable Housing: 24 % affordable housing on-site (9 Units).
2. A combined primary school and early years education contribution of £146,520.00 to be used to provide facilities within the Copplestone catchment area.
3. A secondary school contribution of £15,960.00 towards school transport to Queen Elizabeth's Academy Trust.
4. Specification for layout of and ongoing maintenance provisions for the formal open space area and sustainable urban drainage scheme (SUDs).
5. Specification for car park and transfer arrangements

### **PROPOSED DEVELOPMENT**

Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Copplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure.

The application proposes a new access into the site from Shambles Drive.

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The site is 1.52 hectare in extent and is broadly comprises one rectangular field. The site is located on the northern edge of Copplestone with access from the A377 at the front of it (west) and directly bounded to the east by the train line between Exeter and Barnstaple, with open countryside beyond. The south boundary consists of Shambles Drive and the housing estate built out post 2004 with the village area beyond.

The application as submitted is supported by an illustrative Masterplan - which is at a scale of 1:500 on an A1 sheet and presents an illustrative layout based on the means of access as described above. Showing:

1. A layout based on a single means of access at the existing field gate, incorporating a raised pedestrian table detail.
2. A landscaped frontage immediately adjacent to the A377 wrapping around into more formal open space / village green along Shambles Drive.

### **APPLICANT'S SUPPORTING INFORMATION**

Application form, site plan drawing and proposed access drawing.

Constraints plan drawing, heights plan drawing, parameters plan drawing and Illustrative master plan prepared by Place by Design.

Design and Access Statement prepared by Place by Design

Ecological Impact assessment prepared by EPS Ecology dated October 2016.LDA Design.

Level 2 Flood Risk assessment prepared by Teign Consulting Engineers dated 31.10.2016.

FRA addendum to redress Railtracks concerns dated 17.01.17

FDA1 Form.

Land Contamination Phase 1 Desk Study Report prepared by Robson Liddle dated 2012.

Noise assessment prepared by ACT Acoustic dated 13/10/2016 vegetation removal plan

Transport Statement prepared by GREGG Consulting Ltd dated October 2016.

Tree Survey prepared by High Line dated 8th April 2016.

Sustainability statement prepared by JSP Sustainability dated November 2016.

Planning Statement

## **PLANNING HISTORY**

The two records below relate to the site immediately adjacent to the current application site:

1. Local Planning Authority ref: 02/02877/OUT - PERMIT date 23rd April 2004: Outline for residential development including live/work units; commercial development for B1 (Offices), B2 (General Industrial) and B8 (Wholesale and Distribution); closing off Station Road and formation of new vehicular access; construction of new footway along A377 and associated works

2. Local Planning Authority ref: 04/01151/ARM - PERMIT date 15th March 2005: Reserved Matters for the erection of 92 no. dwellings (including 20 no. live/work dwellings) with garages, carports, roads and associated works

The record below relates to the current application site.

12/00616/MOUT - Outline for the erection of 44 dwellings. This application was withdrawn following advice from officers that it would be refused. Withdrawn date 12th October 2012.

Pre-application advice was sought regards bringing forward development on the site submitted under Local Planning Authority ref: 15/01370/PREAPP.

The applicant sought advice at this stage in terms how it would be best to tackle the site layout. The outcome of this process following advice from your officers and also the Housing Excellence Design Panel was to progress the application scheme on the rationale of delivering an inclusive development which provided a positive relationship with the existing housing development adjacent. Initially at this pre-application stage the site layout showed the development being very compartmentalised and with the new housing set around a village green concept but turning it's back on the adjacent residential estate. The Panel provided their advice in a letter dated 6 September 2016. An overview of the various options examined are set out in the Design and Access Statement.

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR3 - Meeting Housing Needs  
COR9 - Access  
COR8 - Infrastructure Provision  
COR11 - Flooding  
COR12 - Development Focus  
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/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

## **CONSULTATIONS**

COPPLESTONE PARISH COUNCIL - Coppleshone Parish Council have not submitted any comments at the time of writing.

HIGHWAY AUTHORITY - 19th December 2016: Supportive subject to the imposition of planning conditions.

The Highway Authority have commented that the means of access is acceptable and the reduction in the number of car parking proposed for the public car park is acceptable as agreed at the pre-application stages of this project.

LEAD LOCAL FLOOD AUTHORITY - 4th January 2017: Supportive subject to the imposition of planning conditions.

The lead flood authority have raised no specific comment to report.

ENVIRONMENT AGENCY - 10th January 2017: Supportive subject to the imposition of planning conditions

ENVIRONMENTAL HEALTH (MDDc) - 23rd December 2016: ENVIRONMENTAL HEALTH - 23rd December 2016: Supportive subject to the imposition of planning conditions.

Both the Agency and MDDc Environmental Health Team have proposed condition to manage further investigation regards land contamination issues arising from the historic use of the site

DEVON COUNTY EDUCATION - 15th December 2016: Supportive subject to securing an off-site contribution as set out in the recommendation section.

The proposed 40 dwellings, will generate 10 additional primary pupils and 6 secondary pupils.

The comments provided clarify that the primary school education contribution as set out above will be used to provide education facilities in the Copplestone area.

NETWORK RAIL - 28th December 2016: raised some initial concerns regards the potential for flooding of the railway line. Any further comments to be report as an update.

DEVON, CORNWALL & DORSET POLICE - 19th December 2016: have raised some concerns regards design layout and boundary treatment issues which are more in relation to the reserved matters stage should permission be granted.

THE HEAD OF HOUSING & PROPERTY – 15<sup>TH</sup> March - I confirm that I am happy to agree to the affordable housing provision as detailed in Neil Mantels' email below:

- 4 affordable rented units comprising: 2 x 1 bed unit(flats or houses), 1x 3 bed unit, 1x 4 bed
- 5 affordable starter homes at 80% of their market value, to be delivered by the developer and comprising: 3 x 2 bed units and 2 x 3 bed units.

NATURAL ENGLAND - 15th December 2016: No comments submitted.

HISTORIC ENVIRONMENT SERVICE - 19th December 2016 - No comments submitted.

## **REPRESENTATIONS**

39 notifications were sent out to neighbours when the application was first submitted, and the application was advertised by way of a site notices presenting to the A377, and a press notice was placed in the Devon Star. In total 7 representations have been submitted, 5 of which have confirmed conditional support for the application scheme with 2 specifically objecting

A summary of the comments submitted are set out below:

#### Supporting comments

1. Good use of the site (unproductive land), for both housing and the car park.
2. Any section 106 funding should be ring fenced for the benefit of the community.
3. The development would take the local population to approximately 2000 which is considered to be about right but more community facilities are required
4. The principal of development is supported but is the density appropriate.

#### Objecting comments

1. Impact of developing on a former brownfield site
2. Ecological impacts
3. Transport and movement issues in terms of additional congestion on the A377 and through Coplestone village.
4. Does the village need so many car parking spaces
5. Inadequate education and community facilities to serve the development

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues to be considered at this stage are:

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

The site is outside defined settlement limits of the adopted local plan and is therefore contrary to Policy COR17 and COR18 of the Core Strategy (adopted 2007). However the application proposal reflects the direction of travel of policy as set out in the Local Plan Review (2013-2033). With the proposed policy framework the site is promoted (Policy CO1) for 30 dwellings with 30% affordable housing and 100 space railway car park. The policy statement prescribes a single point of access from Shambles Drive to serve both aspects of the development and recognises the need for land contamination and remediation appropriate to reflect the site's now historical use. Policy CO1 was first included in the pre-submission public consultation draft of the Local Plan Review (between February and April 2015) and received little or no objection in terms of public comment.

The application scheme is for up to 40 houses with a 64 space carpark and as stated above 24% affordable housing.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) which seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling and to contribute to the provision and maintenance of existing and new open space.

Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by a current adopted development plan policy there are two issues for members to consider.

1. Given the low level of comment to the site being allocated at the first public consultation stage, the Council's Cabinet at a meeting on the 7th August 2015 resolved to bring forward the allocation of the site (and others). The background to this decision was in order to boost the Council's position with regard to identifying a 5 year supply of land for housing.
2. Notwithstanding this decision and mainly because of low completion rates since 2008, members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

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

As stated above the proposals build on from the allocation under proposed policy C01 but include 40 houses and 64 parking spaces against a proposed policy target of 30 and 100 respectively. The following sections of this report consider the impacts of the development when considered against the objective of delivery sustainable development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weighs in the balance the benefits of the proposal against any identified harm.

## **2. Highway, Transport and Movement Issues**

The Highway Authority have made comments in support of the planning application scheme both in terms of the proposed new access into the site directly off Shambles Drive the site as shown on drawing SK02 and the delivery of the car park for the station which delivers 64 spaces as opposed to 100 spaces which are promoted in the proposed policy framework.

The reduction in space numbers was agreed by County Council at the pre-application stage and a construction specification has been agreed to include a cellular construction for the spaces served by tarmac roads. The detailed specification for the car park construction is to be included as part of the agreed terms in the Section 106 agreement and are the transfer details of this facility to the County Council who will manage, own and operate the car park.

The Transport assessment predicts 6 movements per dwelling which cumulatively would generate 240 additional movements onto the highway. This equates to a predicated rate of 25 vehicular movements in and out of the site (combined) during peak hours. However based on survey work done to confirm the actual trip generation level from the existing residential estate which incorporates 70 units, the actual surveyed traffic levels are less, being 200 movements daily. The difference can be explained by the close proximity of the site to public transport connections (bus and rail) and the proximity of the site to the range of facilities in Copplestone as a pedestrian.

In summary the proposals are considered to be in compliance with policy COR9.

The indicative site layout shows how the site could be developed for 40 dwellings and ensure compliance with policy DM8 in terms of providing 2 spaces either on site or adjacent to site.

Given that some of the traffic generated by the development is likely to pass through the Crediton Air Quality management area (AQMA), the development has the potential to affect air quality in the Crediton Air Quality management area (AQMA). However given the costs of providing the car park which far exceeds the level of contribution that would be required under Policy AL/CRE/8 (32 units x £4434.00) and which is considered to deliver a significant community benefit in terms of facilitating a potential decrease in vehicular movements on the highway, the pursuit of any further financial contribution to deliver other off site initiatives is not considered to be reasonable and/or justified as it would impinge on the viability of delivering the development (refer also to section 4 below).

### **3. Local context considerations, impact on landscape character and visual amenities and density of development**

The application scheme is an outline application and proposes a maximum of 40 houses and a car park with 64 parking spaces. An illustrative masterplan has been submitted to demonstrate how this quantum of development would be achieved across the site. The gross site is 1.52 hectares with the development footprint as proposed across approximately 1.25 hectares, with an area retained for a retention basin and surrounding open space (referred to as the SUDs scheme) occupying an area in the north east corners of the site with substantial and generous landscaping and public open space zones on the northern, western and southern perimeters of the site. As stated above the numbers of houses proposed exceeds the policy guidance for the site which promotes the site for 30 dwellings. However, even with 40 dwellings proposed the density of development would equate to 26 units per hectare which would be considered to be in accordance with guidance as set out at policy COR1, and similar to the development adjacent on a net basis.

The development would sit as an extension to the urban edge of the village on its western boundary and share a common means of access of the A377 with the existing residential properties adjacent. The location of the public open space will help knit the new development into the existing built landscape together. This principal has been developed as a result of pre-application discussions to ensure the development does not present as a gated community which turns it's back on the existing development. This was a concern with some of the original development concepts/layouts as put forward for consideration at the pre-application stage. The treatment to the site's southern boundary will ensure that the development is set back from the A377 as is the case with the existing development with substantial tree and shrub planting along the boundary to create an environment suitable for residential occupation. In addition following on from the pre-application discussions the juxtaposition between the new housing and car park is to be managed in a manner that is inclusive with a single point of access to serve both, and with the closest residential properties overlooking the car park. The car park will be designed with pockets of planting and landscaping to help reduce the visual impact of it.

The design and access statement sets out a series of supporting principles to demonstrate how the site could be developed as reflected in the illustrative masterplan layout as referred above which proposed 12 x two bed units, 19 x three bed units and 9 x four bed units. The proposed development aims to create a pedestrian friendly, neighbourly environment where streets are designed to look and feel inviting (rather than traffic routes), where street play, walking and cycling is encouraged, and where existing residents' amenity is protected.

A number of the key principles are set out below:

**Perimeter Blocks:** The scheme embraces the perimeter block approach to urban design, ensuring backs of properties are secure and frontages face onto streets to create natural surveillance. This approach would result in the completion of the existing unfinished street scene along Shambles Drive.

**Units defining the village green and site access:** The two-and-a-half and three storey buildings are positioned adjacent to the site access and the strong built line that surrounds the village green.



This approach would provide a strong sense of enclosure to the space, and reinforce the focal points of the development, reflecting on the building designs that have been achieved on the existing development adjacent.

**Development Gateway:** The taller buildings would reflect the existing massing that sits adjacent to the site.

**Car Park and Eastern edge:** The design of station car park, the public realm surrounding and the eastern edge of the development have been designed to ensure the scheme presents as one development. An active edge of two and two and half storey dwellings have been provided to offer natural surveillance overlooking the space, and new tree planting provided to soften its appearance.

**North-south pedestrian link:** This is proposed to increase the connectivity between the site the land adjacent, in particular a pedestrian connection between the car park and Railway Station.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the siting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 40 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

## **5. Other Matters**

**Contaminated Land Issues:** There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination. Conditions are recommended to set out a process of further investigation that must be undertaken in advance of development commencing on site.

**Flood Risk Issues:** The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding.

**Surface Water Drainage Issues:** The Lead Flood Authority have recommended necessary conditions to ensure that the necessary further percolation testing and detailed design work to finalise the proposed surface water management system is submitted prior to the commencement of development and to ensure a safe environment for both either existing and/or proposed new residents.

Indicatively the proposals show that the car park will be designed with a porous paving arrangement with an outflow control mechanism to link into the retention pond basin that is proposed in the south west corner of the site which will in turn be linked into SUDS system that manages the surface water from the existing housing estate.

**Ecological Impacts:** On behalf of the applicants, EPS Ecology have completed a desk top and subsequent survey analysis of the ecological baseline for the site as set out in the report submitted to support the application dated October 2016. The results of the survey indicated that the site provides a transitional habitat for bats in terms of the western hedgerow boundary and as existing provides a habitat for slow worms. A mitigation strategy to manage the protection of the hedgerow and removal of the slow worms is set out, and the recommendations will be required to be followed by way of a condition. Measures to protect these areas during construction will also be required as part of the construction management plan.

**Public Comments:** The delivery of houses and a car park on the site is supported locally. One of the public comments submitted to this planning application raises the issue of the lack community and education facilities within the village to serve the development. The application delivers a significant community facility in terms of the Car Park and as part of the Section 106 a contribution towards providing education facilities will be secured. Whilst it recognised that the Primary School in the village is popular with admissions over recent years 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).

Based on the County Councils standard formula 40 houses will generate a need to manage 10 more pupils into the primary school environment. This could be at the village primary school and/or another primary school in the locality depending on the age of the pupils that require schooling.

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). The amount of New Homes Bonus to be generated by this development would be £205,600.00 (plus an extra £15,750.00 for the affordable homes) on the basis of payment over 5 years. However, Members should be aware that the payment period beyond 2018/2019 is proposed to be further reduced to 4 years.

## **6. Summary & Planning balance**

The overall thrust of Government policy as set out in the National Planning Policy Framework (NPPF) is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing.

This application reflects the emerging local policy framework which covers the period 2013 - 2033. The proposals offer an increase in the numbers of houses compared against the policy provisions which reflects a comparable reduction in the site area required for the proposed car park. In addition it has been demonstrated by the applicant in terms of the design work undertaken at this outline planning application stage that 40 dwellings on the site would achieve a development in density terms which reflects that set out at policy COR1. The assessment of this planning application has not identified any adverse impacts that would arise from the number of dwellings proposed and therefore paragraph 14 of the NPPF also lends support to the application.

The development would provide up to 9 affordable home, and a new car park to serve Copplestone Railway Station which is considered to be represent a significant community benefit.

Therefore it is recommended that planning permission should be granted subject to conditions and the completion of a Section 106 as outlined above. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

## **CONDITIONS**

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters, whichever is sooner.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development adjacent to the application referred to as the Shambles housing estate.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
  - (a) the timetable of the works;
  - (b) daily hours of construction;

- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
- (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.
- (i) Details of the amount and location of construction worker parking

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

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

10. No part of the development hereby permitted shall be commenced until a programme of percolation tests across the site, the scope of which shall have been agreed in writing by the local planning authority, has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results have been submitted to and approved in writing by the Local Planning Authority.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system together with management and maintenance arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests as required to be undertaken by Condition 10, and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 327/FRA2, Rev. V2, dated 31st October 2016).
12. The development shall take place only in accordance with the recommendations in section 5 and 6 of the EPS Ecological Impact Assessment Report dated 12th May 2016.
13. Prior to the commencement of any development a Phase 2 intrusive investigation shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
14. Following the completion of requirements of condition 11 if necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
15. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

## REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure the proper development of the site.
10. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
15. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The principal of developing the site for a residential scheme in conjunction with a public car park is considered to be in accordance with emerging policy CO1 (2013-2033) for the site. Although the number of houses proposed exceeds the emerging policy target it remains at a density which is policy compliant and has been off set by a reduction in the car parking requirements as agreed by Devon County Council. Furthermore the means of access is considered acceptable in of highway safety and local area capacity concerns. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings and site layout issues, including the design of all open space, landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The applicant has agreed to enter into a section 106 agreement to cover matters relating to the level and nature of affordable housing to be provided on site, the delivery of the car park and on site open space and contributions towards delivering education facilities off site. No issues are raised in terms of this application scheme regards drainage, flood risk and/or ground contamination or the impact on protected species/ecology that can not be satisfactorily mitigated against. On this basis the application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/3, AL/DE/3, AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Given the proposals respond positively to the emerging policy allocation for the site, little weight in the application assessment has been given to existing policies COR17 and COR18. Further given the proposed community benefits in terms of securing on site affordable housing and the provision of the car park the proposals as considered to be in accordance with the National Planning Policy Framework, both paragraph 14 and the guidance as taken as whole.

**Application No. 16/01898/MARM**

**Plans List No. 2**

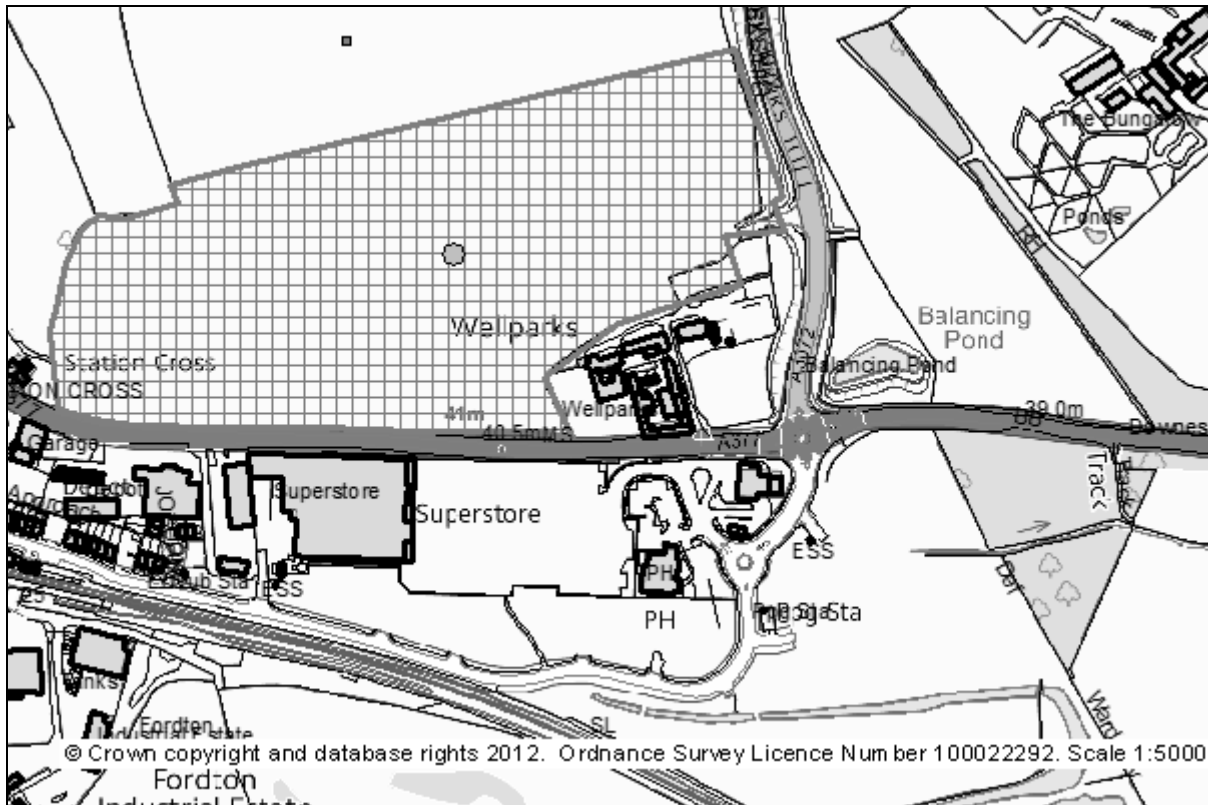
**Grid Ref:** 284242 : 99827

**Applicant:** Mr K Stockwell

**Location:** Land at NGR 284242 99827 (Wellparks) Exeter Road  
Crediton Devon

**Proposal:** Reserved Matters in respect of appearance, landscaping,  
layout, and scale following Outline approval 14/00830/MOUT

**Date Valid:** 14th December 2016



## **Application No. 16/01898/MARM**

### **RECOMMENDATION**

1. Approve Reserved Matters subject to conditions
2. Agreed a deed of variation to the terms of the Section 106 agreement to allow for a revised mix in terms of affordable housing types and tenure from 97.5% affordable rent and 2.5% shared ownership to 50% affordable rent and 50% shared ownership and to include the following mix in terms of unit sizes.
3. Agree to a revised mix in terms of units sizes of the affordable dwellings as follows: 6 one bed flats, 29 two bedroom houses, 14 three bedroom houses and 1 four bedroom house (total of 50).

### **PROPOSED DEVELOPMENT**

Outline planning permission has been granted for a mixed use development for the erection of up to 185 dwellings and 1935m<sup>2</sup> of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space.

This application seeks consent for the reserved matters relating to the residential element of the outline consent: in respect of appearance, landscaping, layout, and scale. The scheme as proposed shows a layout for 185 houses, the proposed details for the footpath link from the north west corner of the site around to Downshead Lane, and a revised arrangement for the section of footpath along Exeter Road which sits directly in front of the site separated by a Devon Bank arrangement.

Vehicular access to the new estate (already approved) is from a single point from the new link road with a distributor road that circulates around the site creating 3 distinct character areas as follows:

Rural - Mock farmhouse & barn conversion architectural style approach with larger dwellings on individual plots across the northern section of the site. In total there will be 55 of these house types in this area of the site.

Parkland - Rows of semi detached houses with feature gables and some hipped roofs across the middle of the site creating street scenes with strong sense of rhythm to overlook an extensive of area of public open space. In total there will be 40 of these house types in this area of the site.

Town - A combination of 3 storey terraced Georgian style properties running along the site frontage with groupings of cottages style set around the Wellspark farm complex. In total there will be 90 of these house types in this area of the site, including 6 one bed flats in a single block.

The proposed palette of materials include brick (two types), render panels (6 subtle colours) and sections of timber panelling (two types) for the walling, timber with artificial slate and clay pan tiles for the roof coverings.

The layout includes 135 open market dwellings (comprising of: 28 two bedroom houses, 83 three bedroom houses and 25 four bedroom houses) and 50 affordable houses (comprising of : 6 one bed flats, 29 two bedroom houses, 14 three bedroom houses and 1 four bedroom house).

The existing section of footway is to be planted with the introduction of a new section of footway/cycleway (2.0 metres in width) running parallel to the section of estate road which serves the frontage properties

The northwest footpath follows a path close to the boundary wall of the adjacent property (Fairparks) and will present as a hard surface detail (Hoggin surface set with treated timber edge and to be laid on a sub base).



The form of the boundary treatments between the plots is generally 1.8 metres close boarded timber fencing, with occasional sections of rendered walling between 1.0 and 1.8 metres high and a run of timber fencing standing at 1.2 metres across parts of the northern most boundary. The boundary to the Wellspark Farm complex is proposed as a Devon hedgebank detail.

The layout shows 442 car parking spaces which includes garages.

## **APPLICANT'S SUPPORTING INFORMATION**

Application Form, site layout plans, house type plans, street elevations, site sections, car park strategy plan, bin storage plan, retaining wall details

Design and Access Statement

Flood Risk Assessment Addendum

Heritage Asset Setting Protection Statement

Phase 1 Desk Study, Phase 2 and Phase 2a Preliminary and Supplementary Ground Investigation Reports

Following the initial submission the applicant has submitted amended plans proposing changes to the scheme design following on from comments from Historic England, the Lead Flood Authority and discussions with Local Planning Authority officers. Notification of the changes and a further invitation to comments on these changes was sent a number of Statutory Consultees as set out below in the Consultations section.

The application package as described above also seeks to discharge the requirements of conditions 1, 4, 6, 7 8, 12 and 13 of the outline planning permission.

## **PLANNING HISTORY**

14/00830/MOUT - Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

This application was considered and approved by the planning committee at their meeting in December 2014 and the decision was issued on 16th March following the completion of the Section 106 agreement.

16/00440/PREAPP - Devonshire Homes submitted an application for pre-application advice as part of their discussions with key stakeholders to assist them in preparing this reserved matters application. As part of this process they completed an informal presentation to the Planning Committee on the 17th October. At the meeting discussion took place around the following points:

- Traditional design which would be easier on the eye.
- The placing of the footpaths within the site and along the A377 and links to Tesco and the town centre.
- Crossing points
- Environmental issues with regard to the design of the dwellings.
- The design of the footpaths within the site
- The placing of the affordable dwellings on the site.

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR15 - Crediton

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

AL/DE/1 - Housing Plan, Monitor and Manage  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/IN/6 - Carbon Footprint Reduction  
AL/CRE/7 - Wellparks A377

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable design  
DM8 - Parking  
DM14 - Design of housing  
DM27 - Development affecting heritage assets

## **CONSULTATIONS**

HISTORIC ENGLAND (HE) - 17th January 2017: In their initial representation Historic England felt that the proposal as submitted would a detrimental impact on the setting of the historic asset of the Wellspark farm complex.

Following consideration of the revised plans HE have noted that some account has been taken of our previous comments and on the basis of this information, we do not wish to offer any further substantive comments. We suggest that you seek the views of your specialist conservation and archaeological advisers. The views of the West Team Conservation Area are set out below in the main body of the report at key issue 4 but he is supportive.

HIGHWAY AUTHORITY - 2nd March 2017

Since submission of the application the Highway Authority have continued to work the applicant's consultant team to resolve the design aspects in terms of the proposed highway design and layout, and in principle are supportive of the application with the section 38 design process providing a back stop for any unresolved or details that need to be varied.

It is noted that the level of parking provision is sub- standard as garages are not allowable. It is for the Local Planning Authority (LPA) to consider if this is acceptable but should this be the case the Highway Authority would seek a condition that imposes that the garages shall be for the parking of vehicles only and shall be maintained free from obstruction in perpetuity.

The new layout indicates that the footway on Exeter Road will be replaced by planting and the footway made an integral part of the development. This is supported subject to resolving the maintenance arrangements. This was to deter pedestrians from walking alongside Exeter Road and use the internal

There is a permissive footpath between the site and Downshead Lane. This is acceptable and as a permissible footpath a hogging style surface covering without lighting is considered acceptable.

The submitted construction details are acceptable and any variation can be dealt with at the section

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. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Flood Management Act

2. Off-Site Highway Works No development shall take place on site until the off-site highway works the provision of a planted verge on Exeter road have been submitted and approved in writing with the Local Planning Authority

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

ENVIRONMENTAL HEALTH - 3rd January 2017

Contaminated Land No comments on these reserved matters

Air Quality No comments on these reserved matters

Environmental Permitting N/A

Drainage I have 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 - no objection to this proposal enforced by HSE.

DEVON, CORNWALL & DORSET POLICE - 19th December 2016 – Comments submitted include Guidance on how to fully comply with the requirements and specifications of Secured by Design (SBD), and the importance of securing the boundary treatments as shown on the approved plans.

NATURAL ENGLAND - 21st December 2016

No Comments.

LEAD LOCAL FLOOD AUTHORITY - 12th January 2017

Initially expressed concerns as not all aspects of the proposed surface water drainage management system had properly considered and reflected on the submitted plans. However the applicant's drainage consultants have worked positively to redress the outstanding matters and now able to confirm support for the application.

30th March 2017 –

We have no objection to the above reserved matters planning application, and recommend discharge of Condition 12 of the above outline planning application.

The applicant has provided further information in their email dated 06/03/2017 and following discussions with the consulting engineer an updated surface water management strategy has been provided within the updated drawings: Drawing No. 293-1003-P03(Dated 29/03/2017), Drawing No. 293-2501-P10 (Dated,29/02/2017) , Drawing No. 293-2502-P10 (Dated,29/02/2017), Drawing No. 293-2504-P10 (Dated,29/02/2017), Drawing No. 293-2504-P11 (Dated,29/02/2017), Drawing No. 293-2505-P10 (Dated,29/02/2017). As such we have no further objection to the proposed strategy.

CREDITON TOWN COUNCIL having initially considered the application on 20<sup>th</sup> December 2016 and raising no objection, the application was considered again on 23rd March 2017 and CTC subsequently recommend OBJECTION due to the proposed layout of the highway and pedestrian connectivity to local services being non-existent.

## REPRESENTATIONS

At the time of writing this report two letters of representation have been received. The first letter objected to the routing on the footpath connection from the northwest corner around to Downshead Lane but this matter has since been resolved. The second letter was in regards to managing surface water run-off from the site.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determination of this application are:

1. **Policy**
2. **Layout**
3. **Design Quality**
4. **Heritage Impact Assessment**
5. **Parking Provision**
6. **Other issues**

### 1. **Policy**

The site is allocated for development under policy AL/CRE/1 and as stated above the principle of residential development on this site has been established by the outline consent as set out above. The outline consent requires 27.5% of the new dwellings to be provided as affordable housing.

Recommendations 2 and 3 as set out above reflect a revised tenure and unit mix for the affordable units compared to that agreed at the outline stage. Although the revised tenure mix is different to the requirements of policy AL/DE/2 the proposed tenure is now reflective of current market conditions for the delivery of affordable housing and with the unit mix reflecting current local need

The units are clustered in groups along the lower part of the site but are distributed so as to avoid a concentration and it is considered that as a result the new estate will function as a mixed and balanced community.

The revised arrangements are supported by the Head of Housing and Development and his team and therefore it is requested that members endorse the revised arrangement for the delivery of affordable housing. This will require the signing of a supplemental S106 agreement.

The policies relevant to consideration of the reserved matters are set out above and will be addressed in the relevant sections below.

### 2. **Layout**

The proposed scheme utilises the means of access as approved by the outline consent with the main spine road being 5m wide with sections of footway on both sides, and then circulating to create a network of streets and spaces as described above.

Where the streets have housing on either side there is a footway on either side of carriageway. Towards the top of the site (rural Zone) there is single section of footway on the upperside of the carriageway with the two cluster groupings of six properties each to form book ends to the upper level street scene.

The parkland zone from a layout perspective is designed to include properties set within an organic layout as well as presenting in a more formal street scene arrangement. Shared surface arrangements are proposed to access small cluster groups in a cul-de-sac style arrangement of housing defined street scene. The parkland zone is defined by a significant area of open space presenting at it's narrowest point at 15.0 metres in width and 40.0 metres at its widest.

The space seeks to aid legibility and pedestrian movement across the site effectively presenting as green lung comparable to Peoples Park above Buller Road in Crediton. This open space terminates at the site entrance in the northwest corner of the site linking to the new footpath connection.

The layout as designed will ensure that there is always natural surveillance of this route.

The lower part of the site accommodates the most dense form of development with formal terraced street scenes and mews style cottage groupings adjacent to the boundary with the Wellspark farm complex in the south east corner. The mews style cottages are accessed via a shared surface arrangement. As stated above the site frontage is to incorporate the substandard footpath along Exeter Road with a ramped connection from the existing footpath at the western boundary and a ramped connection back down to the footway at the eastern boundary, and at the mid point of the route stepped and ramped to link into a future strategic crossing point.

The majority of the new highway network is to become adopted highway but with some sections remaining as private driveways. The adopted highway is mainly a tarmac surface with the private driveways articulated with a different treatment. There are ramped section in the highway that are treated differently at key points to manage traffic circulation and speeds around the estate.

Apart from the parkland open space the site includes a number of landscaped areas to incorporate new tree planting, shrub planting and amenity grass land areas, with significant planting to the southern (highway boundary) and western boundary. In total 232 new trees are proposed to be planted in addition to the provision of hedgerows and whip planting.

### **3. Design quality**

The site is set back from Exeter Road but where the new development will be highly visible at the highway edge. The scheme includes a variation of two and three storey units which are arranged so as to step up the site and the horizontal and vertical street scene sections that have been submitted clarify how the scheme will present in axonometric format. The relation with the Wellspark fam complex is considered at point 4 below but with the exception of this sensitive boundary the application site does not sit within a strong built context. The proposed dwellings all provide accommodation over two storeys with garage and entrance levels making a third storey at the front of units where the topography presents a difficult change in level that has to be managed. These split level units present at the rear as two units. The range of unit types across the site (18 plus the apartment block) create visual interest whilst all the house types draw from a common palette of materials. Following on from the pre-application consultation undertaken by the applicant a traditional palette as described above is proposed to reflect the preferred choice of local stakeholders.

The number of units reflects the terms of the outline planning permission and delivers a relatively low density scheme which is reflective of the challenging site conditions. Overall it is considered that the design strikes an acceptable solution for this edge of settlement location which will deliver an estate type environment with house designs that are respectful to the wider context of Crediton and in accordance with policy DM2.

All of the dwellings benefit from private amenity space and specific provision for refuse storage. The dwelling sizes range as set out above and all the house types exceed the overall floor space requirements set out by the Government's nationally described space standards.

A condition will be imposed for provision of the material samples and the refuse storage enclosure detail.

A variety of treatments are proposed as set out on the boundary treatment plan and as described above.

The applicant has submitted a Carbon Reduction Strategy which promotes a fabric first approach with the implementation photovoltaic roof panels as an option on some properties with a south facing roofscape.

In summary the layout as proposed is considered to present an efficient and effective use of the site. The scheme is considered acceptable in terms of the quality of the housing, the visual appearance of the new buildings, and in terms of the standard of the accommodation for the future occupiers and in this respect the application is considered to meet with the requirements of policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seek high quality design.

#### **4. Impact on the setting of heritage assets**

Condition 4 of the outline planning permission required an analysis of how the development affects the setting of both the Downes Park farm estate and the Wellparks farm complex. Given the Downes Park farm complex sits beyond the new section of link road the development does not impinge on the setting of the Estate neither does it present a visual connection.

However the Wellparks farm building complex is set adjacent to the site in the south east corner, with the buildings set approximately 12-16.0 metres from the site boundary with plots units on plots 3, 6, 27 and 23 sitting very close to the boundary and with a limited boundary treatment comprising of lightweight fence detail.

In response to these concerns and following discussions with West Team Conservation Area Officer the applicant has amended the boundary detail to include Devon bank detail with a field maple hedgerow on top which will grow to present a screen between just below 5.0 metres in height. In addition the siting of the nearest units have been slightly pushed away from the site boundary and the roof detail of these units has been changed to a hipped roof.

Combined these changes help to present a better arrangement in terms of protecting the setting of the Wellspark farm complex and reflecting the fact that the site is promoted for development under allocation policy AL/CRE/1. Historic England have confirmed that they do not wish to maintain an objection to the application. Furthermore the West Team Conservation Area officer has confirmed that he considers that the proposed alterations, in particular the introduction of the Devon bank hedgerow have gone a considerable way to help the new buildings assimilate into the setting of the listed buildings at Wellparks.

In summary the proposals are considered to be compliant with Policy DM27 in terms of protecting the setting of both the Wellspark farm complex and the Downes Estate.

#### **5. Parking provision**

Policy DM8 requires the provision of 1.7 parking spaces per dwelling which across the whole site would generate a need for 315 spaces in order to be policy compliant. The parking strategy proposes 443 parking including garage provision, and a number of the properties on the southern section of the site have a second parking space on plot directly in front of the garage on adjacent to plot. Your officers have discussed with the applicants team alterations to the layout that could increase the number of parking spaces on plot and/or adjacent but none of the solutions presented are ideal in design terms (use of garage courts/loss of open space etc). Excluding garages/car ports, the scheme provides for a total of 276 parking spaces.

However there remains concern that with this arrangement the garages could be lost from use and therefore vehicles would be forced to park on the highway. To overcome this concern a condition is recommended to ensure that the garages are retained for the purposes of car parking only.

On this basis it is considered that parking arrangements for the scheme is acceptable, albeit that it does not fully comply with the requirements of policy DM8 and the Council's SPD on the provision of parking in new developments.

#### **6. Other issues - Concerns of Town Council and other third party comments and Flood Risk concerns**

##### **6.1 Concerns of Crediton Town Council (CTC) and other third party comments**

As set out above CTC confirmed on the 20th December that they raised no objection to the scheme, however having considered the revised drawings CTC have raised an objection due to the proposed layout of the highway and pedestrian connectivity to local services being non-existent. A summary of the proposed connections from the site is set out below:

The footpath link from the north west corner remains part of the development and is proposed to follow a course which the occupier of the adjoining property (Fairparks) is happy to support and this will effectively provide an off road route back up to Down Heads Lane, connecting through to Mill Street and along East Street onto the High street with a schedule of off-site highways (required as part of the outline permission) works to support safe movement along the route. This is as per the approved detail at the outline stage, and was a condition of the outline consent (condition 13). In addition a more direct route up to the pedestrian bridge on the eastern side of the site is also proposed.

The other requirement under condition 13 was the increase in width to the footpath along Exeter Road. However as shown on the original plans as submitted, the applicants are seeking to vary how they provide this detail by effectively taking the footway back into the application site. Whilst the revised plans now show this pathway on the other side of the road to the houses on the lower section of the site it remains an integral part of the proposed scheme maintaining the routes down to the Exeter Road at key strategic points to enable pedestrian access to the facilities on the other side of Exeter Road including Tescos and Crediton Railway station. The existing footway is to be planted over presenting as grass verge. The approach as outlined is considered to represent a to provide a safer route for pedestrians and cyclists. Furthermore, subject to agreeing a maintenance regime for the new roadside landscaping, Devon County Council are sympathetic to this approach.

Therefore your officers are of the view that the connections to local services are acceptable.

## 6.2 Flood Risk Concerns

The mitigation strategy to deal with surface water run off was established at the outline planning application stage. The northern catchment will be positively drained to a new attenuation pond to the east of the site, across the new link road, where the water will be attenuated and flows from the pond controlled to meet the approved discharge rates. The discharge will be to the minor watercourse on the southern side of A377 Exeter Road. The southern catchment will also be positively drained and will then be attenuated in an on-site attenuation tank (oversized pipe channels below the frontage highway). Discharges off site will be to the South West Water sewer located on the southern side of the A377 Exeter Road with appropriate discharge rates.

The applicant has continued to engage positively with the lead Drainage Authority to resolve outstanding issues with regards the finer detail to ensure that the mitigation strategy as designed is sufficiently robust.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to their use on site samples of the materials to be used for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
3. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
4. The approved details of all new tree planting and hedgerows in addition to all seeding, turfing and associated earthworks as shown on the approved plans shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of 15 years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Once provided, the landscaping scheme shall be so retained.

5. The garages as shown for plots 1, 2 and 10 through to 129 as shown on the overall site plan layout drawing no. 55revP hereby approved shall be permanently retained and made available for the purposes of vehicular parking only.
6. Prior to the occupation of any of the dwellings on the site details of the storage enclosures for the refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with these agreed details prior to the occupation of the dwelling to which it relates and be so retained.
7. Within a calendar month of the date of this decision notice a phasing plan confirming the timing and delivery of the provision of the permissive footpath from the north west corner of the site to Downshead Lane, from the north east corner to the pedestrian overbridge to the north of the site, the new permissive footway/cycleway across the site frontage and new grass verge along Exeter Road and the new boundary treatment proposed to Wellparks farm complex shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented accordingly.

#### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM14 and DM27.
3. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
4. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
5. To ensure that an appropriate level of parking provision is retained in order to protect the general amenity of the area in accordance with Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM8.
6. To ensure that there is appropriate facilities for refuse storage on site in accordance with Policy DM14 of Local Plan part 3 (Development Management Policies).
7. To ensure that the approved connections to and from the site and the new boundary treatment as specified are delivered in an orderly and timely fashion and in accordance with the policy COR9, DM2 and AL/CRE/1.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

This is a reserved matters application for the erection of 185 dwellings with parking and open space. The site is allocated for development under policy AL/CRE/1 and the principle of residential development on the site with a single point of vehicular access has been established by the outline consent 14/00830/MOUT. The density of the development proposed is in accordance with the terms of the outline permission and the overall the layout with three distinct character areas is considered a positive design response to the site. The design and housing mix for the three areas as proposed is considered acceptable and will positively redresses the challenging topography the site presents, and will help to create a mixed and balanced community for future occupiers.



The parking arrangements as proposed are on balance considered acceptable. Given the site location it is considered that the application proposal incorporates suitable linkages to the other services in the Town, and includes proposals for a safer passage for pedestrians/cyclists along Exeter. Satisfactory arrangements are proposed for the management of surface water from the site.

Finally it is not considered that the proposals adversely affect the amenities of neighbouring occupiers to the site. On this basis the proposal is recommended for approval in accordance with Policy COR1, COR2, COR3, COR8, COR9, COR11 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), AL/CRE/1, AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan part 2) and Mid Devon Local Plan part 3 (Development Management Policies) DM1, DM2, DM3, DM8, DM14 and DM27 and guidance in the National Planning Policy framework and the Governments National Space Standards.



## **Application No. 17/00106/MOUT**

### **RECOMMENDATION**

Grant subject to conditions and a Section 106 Agreement to secure

1. 35% affordable housing (4 affordable dwellings on site);
2. Financial contributions towards primary and secondary education totalling £107,218;
3. A financial contribution towards provision of new multi-play, toddler and flat seat swings at Pathfields Play Area, Uffculme of £19,280.

### **PROPOSED DEVELOPMENT**

The application seeks outline planning permission for the erection of 16 dwellings (35% affordable housing = 4 units) with access and associated works. Access to the site and site layout are to be determined under this outline application with all other matters (scale, appearance, landscaping) reserved for later consideration under reserved matters application(s).

The site comprises 0.66 hectares of agricultural land on the north eastern side of the village of Uffculme. The site is not allocated and is outside the defined settlement boundary of the village.

The site adjoins Ashley Close to the east and Hillhead Quarry, the concrete factory and bagging plant lies to the north east. The site is to the rear of a development site granted planning permission for 10 dwellings in April 2014 under reference 13/01702/MOUT, although that consent has lapsed during the consideration of this application without an application for reserved matters being submitted. The proposed development is to use the same access as that development site.

The land rises towards the rear of the site. The proposed central estate road would be a continuation of the road serving the development of 10 dwellings to be erected to the front of the site. The sixteen dwellings would be arranged around the central road with a turning head to the northern end of the site. The dwellings would take the form of two terraces of three dwellings each, one pair of semi-detached dwellings and 8 detached dwellings. Each dwelling would have two parking spaces and private amenity space with space for cycle and bin storage. It is intended that the estate road be adopted.

A SUDS scheme will be provided on site and foul drainage will discharge to the public sewer.

Although landscaping is a reserved matter, it is intended to retain and supplement existing hedge boundaries and retain a large Oak tree on the western boundary. A landscaped "buffer" is intended to be provided on the northern side of the site between the proposed dwellings and Hillhead Quarry. The site is within Devon County's Minerals Consultation Zone.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Transport Statement  
Acoustic Assessment  
Draft Heads of Terms  
Energy Reduction Statement  
Flood Risk Assessment  
Landscape & Visual Impact Assessment  
Drainage Strategy  
Planning Statement  
Protected Species Survey  
Waste Audit Statement

## **PLANNING HISTORY**

13/00677/MOUT - Outline for the erection of 13 dwellings following demolition of existing dwelling - REFUSE date 24th October 2013

13/01702/MOUT - Outline for the erection of 10 dwellings and construction of new vehicular and pedestrian accesses - PERMIT date 3rd April 2014

## **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/DE/5 - Inclusive Design and Layout  
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  
DM7 - Pollution  
DM8 - Parking  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes

### **Devon Minerals Plan 2017**

M2 – Mineral Safeguarding Areas

## **CONSULTATIONS**

### **UFFCULME PARISH COUNCIL – 13<sup>th</sup> February 2017 - OBJECTION**

The Parish Council opposes this application as it is outside the accepted settlement limits of the village. The Parish Council cannot support this application as it is not a parcel of land that is allocated for housing development in the local plan. The site also presents issues in terms of the access onto Ashley Road, an already very busy road. The cumulative effect of the additional travel on insufficient infrastructure within the village will cause problems. We understand there is local opposition.

### **HIGHWAY AUTHORITY - 30th January 2017 – NO OBJECTIONS**

The Local Planning Authority will be aware of the Highway Authority comments on this site at pre application, and through The Strategic Housing allocation assessment and that an extension of the existing consented development through the proposed new access arrangements is acceptable to the Highway Authority. The applicant has set out the transport issues in the transport statement which is acceptable to the Highway Authority. However the road serving the existing development previously granted consent should be built and open to use prior to commencement on site and a suitable Grampian condition should be imposed. In addition it will be necessary for a construction management plan to be submitted and approved for this development.

The indicative layout turning and parking are acceptable therefore subject to the following conditions the Highway Authority would raise no further observation.

Conditions:

1. Approval in writing of estate road details.
2. No development to begin until access road and footway along highway frontage are constructed to base course level; visibility splays are laid out; site compound and car park provided.
3. No development to begin until surface water drainage scheme (SUDS) approved in writing.
4. No development to begin until Construction Management Plan approved in writing.
5. No occupation until cul-de-sac carriageway, turning head, visibility splays and footways are constructed to base course level; sewers, manholes and service crossings are completed; street lighting is erected and operational, service margins and vehicle crossings on road frontage of dwelling are completed with highway properly defined, street nameplates are erected.

LEAD LOCAL FLOOD AUTHORITY - 27th March 2017 – NO OBJECTIONS

Further to the submission of the Drainage Strategy Report (Report Ref. RMA-C1652, Rev. 3, dated 17 January 2017) we have no objection to the proposed surface water management strategy presented subject to detailed design and assuming that pre-commencement planning conditions are imposed on any approved permission in respect of:

1. detailed design of the proposed permanent surface water drainage management system
2. details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management
3. detailed design of the proposed surface water drainage management system to serve the development site for the full period of its construction

DEVON COUNTY EDUCATION - 15th February 2017 – NEUTRAL

Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 16 family-type dwellings will generate an additional 4 primary pupils and 2.4 secondary pupils.

Devon County Council seeks a contribution towards provision of both primary and secondary school infrastructure with regard to these proposed dwellings. Our Primary contribution request is £54,608 and the Secondary education contribution is £52,610.

ENVIRONMENTAL HEALTH – 27<sup>th</sup> February 2017 – NO OBJECTIONS

Contaminated Land - Phase 1 Contaminated Land survey required

Air Quality - No objections to this proposal

Environmental Permitting - N/A

Drainage - No objections to this proposal

Noise & other nuisances - It has been identified that the nearby blockworks operates two wheeled front end Loaders which regularly work within the vicinity of the proposed development (<170m). Due to noise levels from the blockworks and quarry, recommend approval with condition in respect of glazing. The noise reduction measures for Plots14-16 will provide the residents a greater level of protection from any road access noise.

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 - 24th January 2017 - NEUTRAL  
Currently we have a housing demand of 39 for Uffculme (Bands B-D).

Bed	Band B	Band C	Band D	Band E	Total
1	6	3	13	9	31
2	2	1	6	6	15
3	3	1		2	6
4		3			3
5	1				1
Total	12	8	19	17	56

DEVON, CORNWALL & DORSET POLICE - 21st November 2016 – NO OBJECTION

I am aware that this application is in the outline stage, and that the drawing was illustrative as opposed to indicative. 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.

ENVIRONMENT AGENCY - 26th January 2017 - NO OBJECTIONS

The site lies within Flood Zone 1. We advise that we have no comment to make on this application and recommend that you consult Devon County Council, the Lead Local Flood Authority, on the proposal.

NATURAL ENGLAND – 31<sup>st</sup> January 2017 – NO OBJECTIONS

Statutory nature conservation sites - no objection

Protected species - standing advice applies

DEVON COUNTY COUNCIL MINERALS AND WASTE PLANNING - 1st February 2017 - NO OBJECTIONS

Mineral Safeguarding

The application site in Belle Vue is outside of the new Mineral Safeguarding Area but within the associated Mineral Consultation Area.

The site is close to the concrete products factory and aggregates bagging plant associated with Hillhead Quarry, with the northern boundary of the site adjoining the access road to those facilities. As these mineral facilities are subject to a condition limiting noise levels at any noise sensitive property, it is important that new development in the vicinity does not constrain operation of these facilities to any greater degree.

Subject to inclusion of the condition recommended by your Council's Environmental Health Officer requiring acoustic glazing and ventilation for plots 14-16, Devon County Council has no objections on mineral policy grounds.

Waste Audit Statement

Given the outline nature of the application, the submitted Waste Audit Statement is considered appropriate, but it would be prudent to require submission of details of waste storage for the dwellings at reserved matters stage.

## REPRESENTATIONS

17 objections summarised as follows:

1. Significant visual impact for residents of Ashley Close; the proposed development would be too close
2. The land slopes steeply and is not suitable for housing
3. Development could significantly impact on privacy of existing residents
4. Proposed planting could negatively impact on light to existing properties
5. Excavation work could affect the retaining walls for the properties in Ashley Close
6. Increase in traffic between Ashley Close and primary school; there are sections with no pavement
7. The transport report under-estimates the number of vehicle movements
8. Ashley Road is narrow and already congested at peak times, particularly on entry to The Square; buses have difficulty getting through; extra vehicles will worsen the situation

9. The access will generate noise pollution and air quality will be damaged (construction and when built)
10. No safety barriers are shown; any car falling down the slope would fall into the neighbouring garden
11. The access road is single lane and unsuitable for the site
12. The access would not be suitable for the amount of vehicles and is unsafe with no visibility
13. Issues with drainage and potential waterlogging at the bottom of the site of neighbours gardens
14. The site is suitable for housing but a greater variety of sizes is needed; more larger properties
15. The site will not help young families trying to get on the housing ladder as only 2 x 2 bed properties
16. There is no shortage of housing in the area, including in the village
17. The number of houses on the neighbouring site was reduced as it was originally considered to be over-development; the current proposal is also over-development
18. A housing development is not visually attractive and will not integrate well and does not empower local people to shape their surroundings; it will result in substantial harm to landscape character
19. The land is outside the village boundary and should only be development if there is urgent need for housing in the village; this is not the case
20. Mid Devon has an up to date local plan with extensive proposals for new build housing
21. The development would result in loss of productive farmland
22. Services such as the sewer would be overloaded and require upgrading
23. Lack of capacity at primary and secondary schools (no room to expand primary school); how does the financial request from Devon County add up and how will this provide extra classrooms and employ extra teaching staff
24. The development would affect wildlife
25. The proposal would not provide local employment as the company are based in Exeter; Mid Devon does not have high rates of unemployment
26. The site is within the Hillhead Quarry Minerals Consultation Area, the northern boundary adjoining the quarry access road. The closest dwellings would be 30m from the road. Noise and vibration from the bagging plant, concrete factory, vehicle movements permitted from 6am to midnight could give rise to complaints.
27. The development would be contrary to the Devon County Minerals Plan (MP3, MP16); planning permission for residential development may limit the operations at the quarry.
28. In the event planning permission is granted, the buffer zone shown on the plans must be maintained.

1 letter of support summarised as follows:

1. The country is in need of housing and it is selfish for people to object to new build on their doorsteps when the development could house 16 families in need of a home.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in determining this application are:

1. **Principle of development, including 5 year land supply**
  2. **Minerals consultation zone**
  3. **Landscape and visual amenity**
  4. **Access and highway safety**
  5. **Layout, parking and impacts on existing residents**
  6. **Ecology, trees and landscaping**
  7. **Heritage**
  8. **Flood risk and drainage**
  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 Uffculme 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 (Local Plan Part 1) 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.

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).

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.

Uffculme has good level of local services and facilities and is considered to be a village that is in a relatively sustainable location for the development of additional housing. In allowing the appeal, the Inspector in relation to an appeal for 60 dwellings at the western end of the village, stated that:

"Uffculme has a wide range of facilities, including two shops (one of which contains a Post Office), a pair of public houses, hot food takeaway, doctor's surgery, community hall and playing fields, pre-school and primary school. Comparatively speaking, it is better served than the other villages listed in Policy COR 17 and is the only one to have its own secondary school and dedicated library".

He goes on to state that: "It would be unrealistic to expect the village to achieve self-containment. Nevertheless, in relative terms and in a rural context, this is a sustainable location for development"; and "I am not persuaded that the proposal would be inherently unsustainable, either by virtue of its scale or location. It would bring social benefits in terms of delivering much needed housing against a background of historic undersupply and an absence of a five-year supply of deliverable sites. This carries considerable weight in the overall planning balance."

In addition, concern has been raised that there is little employment in Uffculme. This was considered in the previous appeal, the Inspector commenting that:

"Residents may choose to travel further afield for leisure, shopping or commuting purposes. However, there are opportunities to use sustainable transport modes and villagers have a real choice about how they travel.



There are bus services to Tiverton, Cullompton, Taunton and Exeter and the timings of these would be suitable for the daily journey to work. Moreover, the Langlands and Mid Devon Business Parks are both on bus routes."

As mentioned above, paragraph 14 of the NPPF requires 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. The paragraphs below assess the potential harm and benefits of the proposed development.

## **2. Minerals consultation zone**

The Devon Minerals Plan was adopted on 16th February 2017. The site is close to Hillhead Quarry with its associated concrete products factory and bagging plant. Concern has been raised by the operators of the quarry that residential development on this site would prejudice their ability to operate effectively as it may result in complaints of noise and other pollution.

The application site is outside of the Mineral Safeguarding Area (MSA) identified within the Mineral Plan but within the associated Mineral Consultation Area (MCA). There is a requirement to consult Devon County to check whether development within the MCA may constrain working within the MSA.

Devon County has explained that inclusion of land within a MSA and/or MCA does not represent a veto on non-mineral development being permitted but the designation ensures that the presence of a mineral resource or mineral infrastructure is recognised and taken account of in decision-making.

Policy M2 of the Devon Minerals Plan allows for permission to be granted for non-mineral development within or affecting a MSA where one of five criteria are met. In the case of the proposed housing, the noise assessment provided by the applicant, together with the proposed layout and noise condition recommended by Environmental Health, indicate that the development can be carried out without constraining operation of the existing mineral plant. On that basis, Devon County has no objection to the proposal subject to inclusion of its recommended conditions.

In addition, Devon County has provided specific observations on the consultation response by Aggregate Industries UK Ltd (AIUK). They state that AIUK's concrete products factory is entitled to operate 24 hours per day and is a potential source of noise nuisance for occupiers of the proposed dwellings. However, the application site is located further from the concrete products factory than the existing housing at Ashley Close and Hill Park, and it is considered that development of the site would not constrain the factory to any greater degree than existing dwellings. AIUK also refer to the proximity of the factory access road, which is entitled to be used for deliveries during the hours 0530-0000 Mondays to Saturdays. The applicant's acoustic assessment included consideration of the effects of traffic using the factory access road and, subject to measures reflecting the condition recommended by Environmental Health, concludes that the predicted noise level would be acceptable.

The area between Plots 14-16 and the concrete products factory access road is proposed to be planted with trees and Devon County recommends conditions requiring details of this planting and its subsequent implementation and management, and preventing any part of this landscaped area being used as a garden.

With regard to the allocation of land West of Penslade Cross in the emerging Devon Minerals Plan, the applicant's acoustic assessment included the potential noise impacts of this future development. Given the intervening distance (approximately 300m at the nearest point) and topography and the presence of existing dwellings closer to the proposed mineral site, it is not considered that the proposed development would amount to a significant constraint.

Policy DM7 of the Local Plan Part 3 (Development Management Policies) pollution impacts to be assessed and mitigation measures put in place where necessary. Development will only be approved where the effects of pollution will not have an unacceptable impact on health, the environment and general amenity. The applicant has submitted an acoustic assessment with the application.

Environmental Health has considered the issue of potential noise impacts on future residents and has confirmed that, subject to the implementation of the recommended noise reduction measures for Plots 14-16 which would provide the residents a greater level of protection from any road access noise, they have no objections to the proposal.

Based on Devon County and Environmental Health's advice, your Officers do not consider that proximity of the site to the quarry, concrete products factory, bagging plant and associated road, would have an unacceptable impact on future residents of the site, nor would the proposed residential development amount to a significant constraint to the quarry operators.

Environmental Health has requested a Phase 1 land contamination report be submitted as part of the reserved matters application, as a precautionary measure due to the proximity of the quarry.

Subject to conditions, the development is considered to comply with policies DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies) and M2 of the Devon Minerals Plan.

### **3. Landscape and visual amenity**

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape. 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.

Concerns have been raised that the development would not be attractive or integrate well, and would result in substantial harm to the landscape character. The appearance of the dwellings is to be determined at reserved matters stage.

However, the impact of the development on the landscape has been considered under this application.

The applicant has submitted a landscape and visual impact assessment that confirm that the site is not within or close to a designated landscape and not within the Uffculme conservation area. The visual impact of the development has been assessed from a number of public vantage points including public rights of way and roads. The LVIA describes the potential effects of the development on visual amenity. From Ashley Close immediately adjoining the site to the east, the LVIA describes the visual effects as being "moderate adverse". Houses in Ashley Close currently look onto agricultural land and the view would be changed to a housing development. Otherwise, changes in views are described as "minor adverse" or "neutral".

The site is to the rear of an existing development site for 10 dwellings that fronts Ashley Road granted planning permission under reference 13/01702/MOUT. Concern was raised at the time of that application that the development it would appear dominant on Ashley Road as the ground is elevated above the road. For this reason, the number of dwellings was reduced and the development pulled back away from the road frontage. The proposed development would be to the rear of that site and the current proposal would be somewhat screened by that development.

The site slopes towards the north and the site would be visible in some longer distance views. However, the northern (higher) part of the site is being left undeveloped and will form a screen between the development and the quarry/concrete plant to the north. There is existing development to east (Ashley Close) and in longer distance views the development would be seen in the context of existing development as Ashley Close or other development in Uffculme. The site would not be viewed as isolated from the village.

Overall, it is considered that the development would be visually well-integrated into the village and to comply with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 Development Management Policies in respect of its visual and landscape effects.

#### **4. Access and highway safety**

Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) seeks development in accessible locations to reduce the need to travel by car and which has an acceptable impact on road safety through management of car parking and traffic.

Policy DM2 of the Local Plan 3 Development Management Policies seeks the creation of safe and accessible places that encourage sustainable modes of travel such as walking and cycling.

Whilst the development is outside the defined settlement boundary of Uffculme, it adjoins the village and is within walking distance of a number of facilities including the primary school and village centre.

The site is proposed to be accessed from Ashley Road, using the same access as previously approved (but now lapsed) for the development of 10 dwellings to the south granted planning permission under reference 13/01702/MOUT, the access road extending through that development on the current application site.

The access approved under that planning permission required improved visibility at the junction with Ashley Road and a new pedestrian footway across the entire frontage of the site.

Concern has been raised with regard to a number of highway-related matters: vehicle numbers underestimated; the narrow and congested nature of Ashley Road; unsafe access with poor visibility; safety of access provisions.

The Highway Authority has considered the transport statement and highway safety issues and considers the proposal to be acceptable.

The Highway Authority considers that the proposed new access arrangement is acceptable provided that the road serving the development previously granted planning permission and the frontage footway is built and open to use prior to commencement on site. The Highway Authority also recommends the approval of a construction management plan.

Given that the permission for the development of the site to the south has lapsed during the consideration of this scheme it is no longer possible to impose a Grampian condition that those works be undertaken and at the time of writing additional drawings are expected to be submitted to include the details for the construction of the road and the provision of the frontage footway. An update on this will be provided prior to the committee meeting.

The development is considered to be in accordance with the requirements of policies Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan 3 Development Management Policies in respect of access and highway safety.

#### **5. Layout, parking and impacts on existing residents**

Layout is to be determined under this outline application, with scale, appearance and landscaping being reserved matters.

Policy DM2 of the Local Plan 3 Development Management Policies requires development to show a clear understanding of the characteristics of the site, its wider context and surrounding area, as well as creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes. Policy DM2 also requires that development does not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties.

Policy DM8 of the Local Plan 3 Development Management Policies sets parking standards of 1.7 parking spaces per dwelling and secure cycle storage. Mid Devon's SPD on parking sets out further parking standards.

The proposed layout shows a mix of detached, semi-detached and terraced dwellings fronting a central road with turning head to the north of the site.

Two parking spaces are indicated for each dwelling either immediately in front or to the side of the dwellings, or opposite. Cycle parking is to be provided in each private garden. The Highway Authority has confirmed that the indicative layout, turning and parking are acceptable and it is considered that the development complies with policy DM8 in this respect.

Concern has been raised both that the development should include larger properties and the development will not help young families as there are not enough smaller properties. There is intended to be a mix of sizes and tenures on the site, the development including 2, 3 and 4 bedroom properties. The mix is considered to be acceptable.

Concern has been raised that the land is steep and not suitable for housing and the proposal would represent overdevelopment of the site. However, the applicant's layout plan demonstrates that a suitable layout can be achieved. The steepest part of the site (to the north) is to be planted with trees and not developed. Whilst the layout is not imaginative, the site is relatively narrow and there are limited ways the site could be developed.

Where existing dwellings in Ashley Close back onto the site, the layout provides a suitable separation distance between the Ashley Close dwellings and the proposed dwellings and/or orientation to reduce any loss of privacy and amenity.

The area closest to the existing dwellings is not to be used for houses but would be used for parking, turning and gardens and will be landscaped. At the northern end of the site, plot 16 of the proposed development would be orientated side on to the existing dwellings, with a single storey garage and parking area closest to the existing dwellings, reducing the potential impact. Where the proposed dwellings face towards Ashley Close, there would be a separation distance of some 35 metres.

Whilst scale and appearance are reserved matters, your officers consider that the applicant has demonstrated that the site can be developed without there being an unacceptable impact on the privacy and amenity of existing residents, in accordance with policy DM2 of the Local Plan 3 Development Management Policies.

## **6. Ecology, trees and landscaping**

An ecology report has been submitted with the application that confirms the development would not have an unacceptable impact on protected species, provided existing hedges and trees on the boundary of the site are retained and maintained traditionally, the site is surveyed for reptiles before clearance and any reptiles found are appropriately relocated before site works begin. The report also suggested biodiversity enhancements in terms of the provision of bat boxes and precautionary working practices in respect of protected species.

Subject to the development proceeding in accordance with these recommendations, the development is not considered to harm protected species in accordance with policy DM2 of the Local Plan 3 Development Management Policies and the NPPF.

There are a number of trees on the boundary of the site, including one large Oak. All trees are to be retained and a tree protection plan and arboricultural method statement is required to ensure their protection during construction.

Landscaping is a reserved matter. However, it is proposed to plant a number of additional trees on the site. Most importantly, a buffer area to the north of the dwellings between the developable area and the quarry/concrete factory site must be established and retained. It is proposed to closely plant this area with trees to provide a small woodland area. Concern has been raised that the additional planting would affect light to neighbouring properties. However, the new wooded area would be to the north of existing properties and have little effect on sunlight reaching existing dwellings. The planting is considered to contribute towards green infrastructure in the area, in accordance with policy DM29 of the Local Plan 3 Development Management Policies.

Concern has been raised that the development would result in the loss of productive farmland. The land is agricultural Grade 3 and it is not known whether it is 3a or 3b. The field is small and unlikely to be high value for agricultural production.

## **7. Heritage**

The site is outside the conservation area and there are no listed buildings nearby. Devon Historic Environment Record Service has not requested any archaeological investigation. The proposal is therefore considered to be in accordance with policy DM27 of the Local Plan 3 Development Management Policies with regard to impacts on heritage assets.

## **8. Flood risk and drainage**

Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to direct development to areas with the least potential to flood. The site is not within the flood zone.

Policy DM2 of the Local Plan 3 Development Management Policies seeks a sustainable urban drainage system scheme, if appropriate, to deal with surface water drainage.

Concern has been raised that there are issues with drainage on the site and the potential for waterlogging at the bottom of the site, near neighbouring gardens.

The drainage strategy proposed seeks to provide a detention basin on the south western part of the site as well as geocellular storage elsewhere on the site, likely to be in the central car parking area. Driveways would be constructed with permeable materials. Infiltration testing on the site proved to be unacceptable due to ground conditions.

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

Subject to these details, the Lead Local Flood Authority is satisfied with the surface water drainage proposals. It is not considered that the development would lead to an increase in flood risk for neighbouring properties.

Foul drainage would discharge into the main sewer. South West Water has not objected to the proposal.

## **10. 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 12 open market and 4 affordable dwellings which would provide economic and social benefits for Uffculme.

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 potential harm of the development has been considered in this report and it is considered that, subject to conditions and the provisions of the Section 106 Agreement, any harm could be mitigated to an acceptable degree.

Weighing in favour of the development is the provision of 12 market and 4 affordable dwellings which the NPPF states should carry significant weight.

Taking all the above into account, your officers consider that it cannot be demonstrated that the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, and therefore approval is recommended in accordance with paragraph 14 of the NPPF.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

## **9. 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 totalling 4 affordable dwellings, tenure and mix to be agreed.

### Public open space and commuted sum

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling or a financial contribution towards off site provision of play areas and open space facilities where no on site provision is made. Policy DM29 of the Local Plan 3 Development Management Policies also requires major development to provide an element of green infrastructure.

No formal open space is intended to be provided on site. Accordingly, the applicant has agreed to enter into a Section 106 Agreement to secure a financial contribution of £19,280 towards provision of new multi-play, toddler and flat seat swings at Pathfields Play Area, Uffculme.

### Education

Policy AL/IN/5 provides for new development to cover the cost of additional education provision required to meet the needs of the development. Concern has been raised that there is a lack of capacity at local schools.

Devon County Council estimates that the proposed 16 family-type dwellings will generate an additional 4 primary pupils and 2.4 secondary pupils and has requested an education contribution to mitigate its impact.

A contribution is sought towards provision of both primary and secondary school infrastructure, being £54,608 in respect of primary education and £52,610 in respect of secondary education.

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

### 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). Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £89,240. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £71,392.

## **CONDITIONS**

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (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 to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, Phase 1 land contamination survey.
5. 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 which shall be restricted to between 8.00am and 6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm on Saturdays, and not on Sundays and Bank/Public Holidays;
  - c) any road closure;
  - d) hours during which delivery and construction traffic will travel to and from the site, 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;
  - 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.

The development shall be carried out in accordance with the approved Construction Management Plan.

6. No development shall begin until the trees and hedgerows to be retained on the site have been protected in accordance with a tree protection plan and arboricultural method statement which shall have previously been submitted to and approved in writing by the Local Planning Authority. The tree and hedge protection measures shall be retained during the period of construction of the development.
7. No development shall begin until a protected species mitigation/biodiversity enhancement plan (to include a timetable for implementation of measures) for the site has been submitted to and approved in writing by the Local Planning Authority. Such plan shall be informed by the Protected Species Survey dated September 2016 by Country Contracts. The development shall be carried out in accordance with the approved protected species mitigation/biodiversity enhancement plan.
8. No other development shall begin until:
  - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - b) The ironwork has been set to base course level and the visibility splays have been laid out
  - c) The footway on the public highway frontage has been constructed up to base course level.

9. 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.
10. 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.
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 design of which shall be in accordance with the principles set out in the submitted Drainage Strategy Report (RMA-C1652, Rev 3, dated 17th January 2017). 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 on plots 14, 15 and 16 as indicated on the approved plans, shall be occupied until all windows in that dwelling have been glazed at a set standard of 4/16/4 to achieve a decibel reduction of 27 dB(A). The glazing shall be fitted with acoustic trickle ventilators which shall have an acoustic rating of not less than 30 dB Dn,e,w.
13. 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.
14. 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 cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - b)The 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 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 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 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.

## **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 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 3 (Development Management Policies).
6. To ensure the development makes a positive contribution to the landscape character and visual amenity of the area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
7. To ensure the site makes a positive contribution to biodiversity in accordance with policy DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
8. 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 Mid Devon Local Plan 3 (Development Management Policies).
9. To ensure that adequate information is available for the proper consideration of the detailed proposals.
10. 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 Mid Devon Local Plan 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 policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
12. To ensure satisfactory living conditions in respect of noise for the future occupiers of dwellings to the three dwellings to the north of the site, in accordance with policy DM7 of the Local Plan 3 Development Management Policies.
13. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development, in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
14. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).
15. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan 3 (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal is, on balance, considered to be acceptable in that the development would provide 12 market and 4 affordable dwellings in a sustainable location. Subject to reserved matters in respect of scale, appearance and landscaping, the landscape and visual effects of the development are considered to be acceptable. In the wider landscape, the development would be seen in the context of the existing built form of Uffculme. In addition, it is not considered that the proximity of the site to the quarry, concrete products factory, bagging plant and associated road, would have an unacceptable impact on future residents of the site, nor would the proposed residential development amount to a significant constraint to the quarry operators. The layout is considered to be acceptable and provides adequate levels of parking and amenity space and, subject to detailed housing design, the development is not considered to have an unacceptable impact on the privacy and amenity of existing residents. The access has already been approved under planning permission 13/1702/MOUT and is suitable for the additional houses. The applicant has agreed to make financial contributions towards education and public open space provision in the village.

The development is considered to be 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 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.

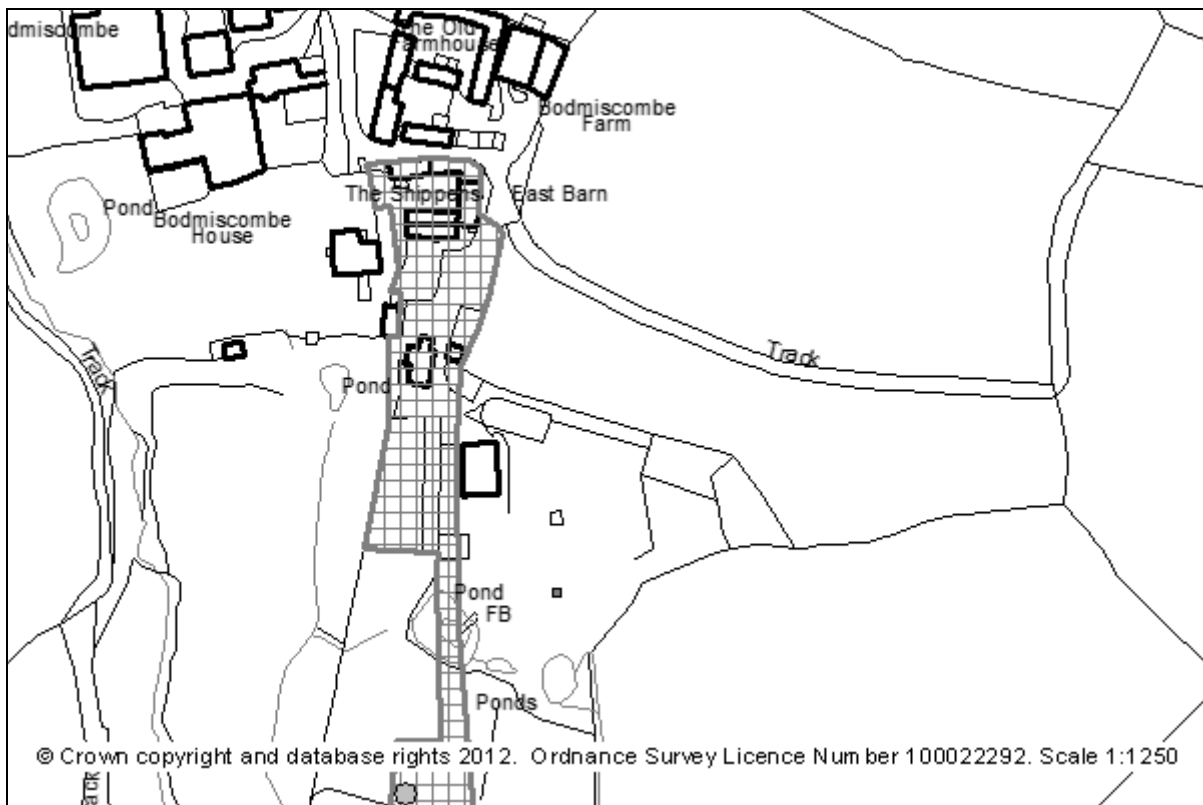
**Grid Ref:** 310932 : 109654

**Applicant:** Mr Raymond Hill

**Location:** Land at NGR 310932  
109654 (The  
Shippens)  
Blackborough Devon

**Proposal:** Erection of a  
polytunnel and field  
shed

**Date Valid:** 8th February 2017



## **Application No. 17/00217/FULL**

### **RECOMMENDATION**

Refuse permission.

### **PROPOSED DEVELOPMENT**

The proposed development is for the erection of a polytunnel and field shed at Land at NGR 310932 109654 (The Shippens) Blackborough.

The proposed polytunnel would measure 4.88 metres wide x 12.8 metres long with an overall height of 2.5 metres. The polytunnel would be constructed of 50mm diameter tubing with polythene stretched over.

The proposed field shed would measure 3.6 metres wide x 6 metres deep with an overall height of 2.7 metres at the front of the field shed sloping down to 2.1 metres at the rear of the field shed. The structure would be constructed of timber cladding with a gentle sloping green metal profile roof with small overhang to the front of the shed.

An application was granted planning permission in 2010 which included amongst other development, the change of use of land to garden. The extent of the land permitted to change use from agricultural land to domestic garden is considered to be fairly significant for a residential property. The current application seeks permission to site a polytunnel and field shed on land which is not defined within the area changed to domestic garden and therefore would be sited on agricultural land. The extent of land permitted for domestic use extends from the residential property in a southerly direction and includes the music/ recreation block as shown on the existing and proposed site plans. Both the polytunnel and field shed would be outside of this permitted domestic garden area. It is also noted that there is currently a large play area to the south of the site (shown on the existing and proposed site plans) also on agricultural land which is the location of unauthorised play equipment including adult exercise equipment, a zip wire etc.

### **APPLICANT'S SUPPORTING INFORMATION**

Site location plan, existing and proposed site plans, proposed polytunnel plans, proposed field shed plans, design and access statement.

### **PLANNING HISTORY**

89/00024/FULL- PERMIT date 14th August 1989 - Change of use to convert buildings into three houses and alterations to vehicular access

93/00046/FULL - PERMIT date 29th April 1993 - Conversion of redundant farm outbuilding to dwelling and installation of septic tank

93/01326/FULL - PERMIT date 16th December 1993 - Detailed drawings for the conversion of redundant outbuildings to dwellings and provision of car parking

96/00008/FULL - PERMIT date 23rd February 1996 - Variation of condition (2) relating to conformity with approved drawings & condition (2)(i) relating to making good in natural stone p.p 4/53/93/1326 to permit (a) the rendering of the south gable end & elevation of unit 3 & the enlargement of the first floor window in the same elevation (b) the application of dark stained boarding to the left hand side of the west gable end elevation of unit 2 & (c) the rendering of the upper part of the west elevation of unit 2.

96/00447/FULL - PERMIT date 29th September 2000 - Erection of a timber play hut and provision of play area

95/01205/FULL - PERMIT date 6th September 1995 - Conversion of garden store/workshop to residential annexe for use in association with Unit 3

01/00544/FULL - PERMIT date 11th September 2001 - Retention of shelter and shed

00/01048/FULL - PERMIT date 15th November 2000 - Retention of two metal flues one on unit 2 and one on annexe to unit 3, revised design of stable door on west elevation of unit 2, timber cycle shed located to south of unit 2 and erection of glazed extension to play hut and garden shed

04/01413/FULL - REFUSE date 5th August 2004 - Erection of conservatory

07/00306/FULL - PERMIT date 2nd May 2007 - Replacement playroom and tractor shed

10/00206/FULL- WITHDRAWN date 7th April 2010 - Erection of two conservatories and activity centre  
10/00542/FULL - PERMIT date 4th June 2010 - Change of use of land to garden and erection of two conservatories and outbuilding for ancillary domestic use (Revised scheme)  
12/01701/FULL - PERMIT date 7th March 2013 - Erection of extension to existing building to house a prefabricated portable swimming pool  
12/01785/FULL- PERMIT date 11th April 2013 - Erection of single storey extension to form garage/store  
13/01660/FULL - DELETE date 17th July 2014 - Change of use of agricultural land for the siting of a timber shed for storage, work and relaxation

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR18 - Countryside

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

DM2 - High quality design  
DM29 - Protected landscapes

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 10th February 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

UFFCULME PARISH COUNCIL - 13th March 2017  
No objections

BLACKDOWN HILLS AONB PARTNERSHIP - 28th February 2017

The Blackdown Hills AONB Management Plan seeks to ensure that all development, of any type or scale, in the AONB will be of the highest quality and would conserve or enhance the special landscape qualities of the area. It contains the following policies considered to be of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

PD 1/C Protect the AONB from inappropriate and unnecessary development, including promoting the use of existing buildings to accommodate new uses where appropriate and compatible with current planning policies and the special qualities of the AONB.

Over the years, several planning approvals have resulted in the gradual intensification of development and encroachment of this property into the open countryside. In this case, it appears that the polytunnel would be sited within a well defined area, and adjacent to buildings. More of a concern is the location of the 'field shed' at the southern extent of the property. The purpose of this building is not clear, and we believe that further consideration should be given to siting so that it is better related to the rest of the site.

My comments on the application will be the same as your own conclusions - polytunnel OK, but question the shed's need and siting.

My thoughts on the play equipment - this does concern me, both in terms of the principle of installing it in a non-domestic area, again adding to the encroachment of this property into the countryside, and the incongruity of the structures (and children/young people playing on them) in the rural setting.

## **REPRESENTATIONS**

One letter of objection has been received in relation to this application. The objections contained in the letter are summarised below:

- Encroachment of development into countryside;
- Existing large buildings not being used in accordance with their permissions;
- Lack of justification for the proposed polytunnel and storage shed;
- The proposed development will lead to cluttering of the countryside.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. The principle of development on the site**
- 2. Whether there is sufficient justification for the proposed development on the site**
- 3. Impact on character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty**

### **1. The principle of development on the site**

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) deals with development in the countryside stating that development outside of settlements will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) deals with local distinctiveness; seeking that development should sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the preservation and enhancement of the distinctive qualities within the Blackdown Area of Outstanding Natural Beauty. For the reasons set out later in this report the proposed development is not considered to sustain the quality or character of the AONB and lacks the required justification for the encroachment of domestic development on agricultural land.

### **2. Whether there is sufficient justification for the proposed development on the site**

The application site consists of a main house with a number of other buildings serving a community of assisted living adults. Access to the site is via a private lane which comes off the unclassified road between Blackborough and Ashill.

It is appropriate to consider the need for this development as the site has been subject to a relatively large amount of ancillary development with the occupation of the domestic property and the proliferation of unnecessary development in the AONB should be avoided. Information has been provided by the application regarding the personal circumstances and needs of the residents of the property in order to justify the polytunnel and field shed. This information is personal and confidential but it is not considered to provide adequate reasoning to justify the principal of the proposal, a view that is shared by the officer of the AONB Partnership who has also paid many visits over the years to the site.

The justification given in the application for the field shed states that the field shed will be used to store tents and a barbeque which the residents enjoy using in the summer months. The field shed would provide them with space to store the equipment close to where the activity occurs on the lower section of the site (agricultural land) so as to minimise the time taken to erect the equipment.

It has been suggested that there are no other more suitable spaces to store such equipment on the site, however, given the amount of other existing outbuildings and storage buildings on the site it would appear that another storage building on the site is both excessive and unnecessary.

It is further considered that the siting of a domestic field shed on agricultural land so far from the main house (over 180 metres to the South of the residential property) is not supportable given the amount of land which is currently classed as domestic garden and other agricultural land which is closer and better related to the main house which might be considered to be more appropriate for domestic development. It is also questionable that a field shed of the dimensions proposed (3.6 metres wide x 6 metres deep) is justifiable for tents and a barbeque used on a site occupied by only a small number of people.

In terms of the proposed polytunnel, whilst it is considered that the siting of a polytunnel on agricultural land might be supportable with its proposed use which might broadly come under uses for agricultural purposes albeit associated with a domestic property, it is considered that a polytunnel of the scale proposed; 4.88 metres wide x 12.8 metres long might be considered to be rather large for a domestic polytunnel with no real evidence of need on the site. The proposed location of the polytunnel is considered to be located more appropriately and it is considered to be better related to existing structures on the site in relation to the main house.

### **3. Impact on character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty**

Policy DM29 of the Mid Devon Development Management Policies (Local Plan Part 3) deals with development in affecting protected landscapes stating that development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty must demonstrate that the cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.

The site is within the Blackdown Hills Area of Outstanding Natural Beauty where new development should not cause harm to the special beauty of the landscape. Whilst the proposals would not be highly visible in the wider landscape, it is considered that the proposed development, along with previous development permitted on the site and the currently unauthorised play equipment to the South of the site, that the proposed development would be adding to the encroachment of domestic development on agricultural land within the AONB without sufficient justification or reasoning.

### **REASON FOR REFUSAL**

1. In the opinion of the Local Planning Authority, the proposal would result in undesirable encroachment of domestic development on agricultural land within the Blackdown Hills Area of Outstanding Natural Beauty. The erection of a field shed and polytunnel on agricultural land to be used ancillary to the associated residential dwelling has not been adequately justified either in respect of their need or siting within the site. The proposed locations of the field is not considered to be well related to the residential dwelling or existing buildings on the site, nor do the scale of the proposed polytunnel or field shed reflect the nature of domestic activity the development is to be used for. The development proposed is not considered to be necessary given the amount of other storage buildings currently on site, parts of which could be better used or reutilised to provide such required storage space for tents. As such, the proposal is considered to be contrary to policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 17/00318/FULL**

**Plans List No. 5**

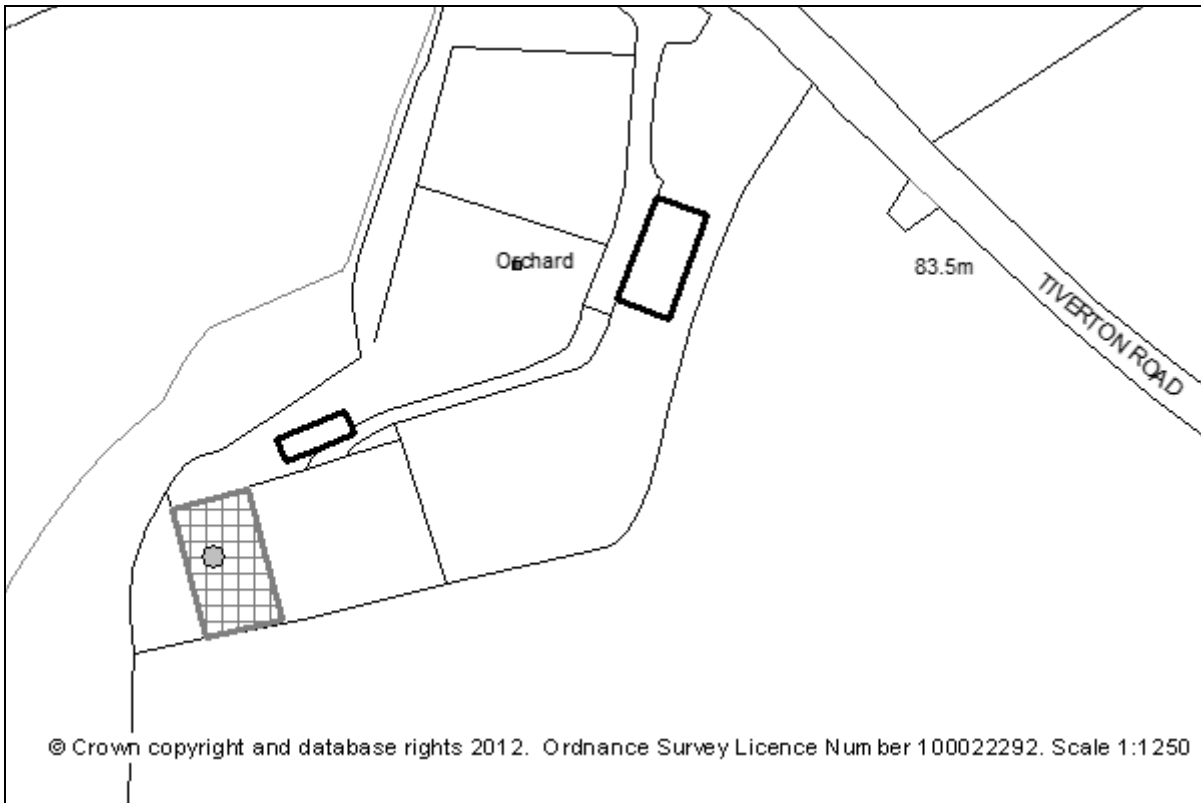
**Grid Ref:** 295221 : 103171

**Applicant:** Ms J Tye

**Location:** Land at NGR 295221 103171(The Orchard) Great Pitt Silverton Devon

**Proposal:** Permanent retention of log cabin (caravan)

**Date Valid:** 27th February 2017





## **Application No. 17/00318/FULL**

### **RECOMMENDATION**

Grant temporary permission for a period of 3 years subject to conditions.

### **COUNCILLOR MRS J ROACH HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider whether the business has become more established and justifies the need for a dwelling in the countryside as required by policy DM10 Local Plan Part 3 (Development Management Policies).

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for the siting of a caravan, in the form of a mobile log cabin, to serve as the dwelling associated with an existing equine business and charity in Silverton. Temporary permission was granted in 2013 for the provision of the log cabin (which replaced a caravan on site) to serve the equine business. This temporary permission has now lapsed. The applicant wishes to remain living on site and this application seeks a further three year temporary permission for the siting of the log cabin. The business is now well established and is registered as a charity, however, a further period of time is required to prove the financial viability of the business as an ongoing venture.

The applicants business is called New Life Horse Care, it has been operating on the site, known as The Orchard since 2009. It is approximately 150m beyond the north west settlement boundary of Silverton and immediately south of an area called Great Pitt.

In addition to the log cabin and domestic waste treatment plant present on the site there is also a barn containing 5 loose boxes and storage area positioned roughly in the centre of the land owned by the applicant, as well as a horse exercise arena in the south west corner of the site.

The current application seeks permission for another temporary period of 3 years for the siting of the log cabin to provide the residential accommodation on the site to support the equine business. The log cabin is on site and is proposed to be retained in its south western position adjacent to the horse exercise area. The log cabin is surrounded by trees and shrubs on the north and western boundaries.

### **APPLICANT'S SUPPORTING INFORMATION**

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

Statement regarding the work of New Life Horse Care

Full accounts for September 2014 - 2015 and September 2015 - September 2016

### **PLANNING HISTORY**

01/01410/PNAG Erection of shed for storage of machinery - No objection - 23.08.01

03/00105/FULL Formation of agricultural access onto classified highway including excavation of bank and provision of hardstanding - Grant permission - 20.03.03

03/01855/FULL Retention of stable building and manege/horse riding arena - Grant permission - 09.10.03

06/02480/FULL Siting of static caravan and installation of treatment plant - APPEAL DISMISSED - 26.02.07

07/01011/FULL Temporary siting of mobile home and installation of treatment plant - Refused - 23.07.07

09/00831/FULL Change of Use of stables and manege to non domestic equestrian purposes - Grant permission - 05.08.09

09/01271/FULL Retention of change of use of land for the siting of a caravan and sewage treatment plant - Grant permission - 17.11.09

13/00652/FULL Replacement and re-siting of temporary dwelling with permanent portable log cabin (caravan) - Grant permission - 3 year permission - 14.03.14

## **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

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking  
DM10 - Rural workers dwellings

## **CONSULTATIONS**

HIGHWAY AUTHORITY - 6th March 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SILVERTON PARISH COUNCIL - 15th March 2017

After further considering the above application the Parish Council would support the applicant if a business case is established and the business proves to be viable and on condition that should the Charity use cease to exist then the building is removed.

7th March 2017

The original business plan related to the care of sick horses and 24 hour care being provided for them on site. However, the Parish Council understands that this business plan has now altered and no sick horses are kept at the property and therefore there is no requirement for someone to be on site 24 hours a day. With this in mind can you please confirm a Statement of Change of Use of Business would need to be submitted by the Applicant in addition to the paperwork already provided and provide a copy for the Parish Council's consideration prior to their comments being submitted.

ENVIRONMENTAL HEALTH - 6th March 2017

Contaminated land - No objections

Air quality - No objections

Environmental permitting - N/a

Drainage - No objection

Noise and other nuisances - No objection

Housing standards - Any accommodation that is to be lived in as a main residence needs to comply with the principals of the Housing Health and Safety Rating System, as defined by the Housing Act 2004. Please contact the Private Sector Housing Team for more information

Licensing - A permanent residential caravan would require a licence please contact the licensing team for more information [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk)

Food hygiene - N/a

Private water supplies - No comment

Health and safety - No objection

## REPRESENTATIONS

Five letters of support have been received, summarised as follows:

- Equine assisted learning for young people with physical or learning disabilities is beneficial for the horse/ponies and the young people;
- The work carried out with horses and people at the site is outstanding

One letter of objection has been received summarised as follows:

- Access on to the highway is poor;
- It is not a good location for a riding school

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the determination of this application are:

- **Policy**
- **Essential need**
- **Design and impact on the countryside**
- **Other issues - Access/Trees/Public Open Space/New Homes Bonus/S106**

### 1. Policy

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (Part 6) replaced Annex A of Planning Policy Statement 7 which set out test by which to assess rural workers' dwellings. Paragraph 55 of the NPPF states that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to at or near their place of work in the countryside.

Although Planning Policy Statement 7 has been replaced, recent appeal decisions have indicated that the functional and financial tests in Annex A to Planning Policy Statement 7 remain an appropriate way of assessing essential need.

Mid Devon Core Strategy (LP1)

Policy COR 1 states growth will be managed so development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places. It is a multi criteria policy which requires development to, among many things, meet housing needs of all sectors of the community, provide access to jobs, supports economic prosperity and provide accessible forms of development that reduce the need to travel by car.

Policy COR2 refers to local distinctiveness states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through a series of requirement criterion. Those relevant are:

- a) High quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places,
- b) The efficient use and conservation of natural resources of land, water and energy,
- c) The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas.
- d) Protection of national and local biodiversity

Policy COR18 states that development in the countryside will be strictly controlled to those proposals that enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It goes on to state that detailed development control policies will support affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural worker and accommodation ancillary to a dwelling.

Local Plan Part 3 (Development Management Policies) Proposed Submission

Policy DM1 establishes the presumption in favour of sustainable development.

Policy DM2 requires new development to be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties and uses taking account of: architecture, siting layout, scale and massing, orientation and fenestration, materials, landscaping and green infrastructure;
- f) Appropriate drainage including sustainable drainage systems (SUDs) and connection of foul drainage to a mains sewer where available.

Policy DM10 permits rural workers dwellings where an essential need can be demonstrated, the need cannot be met by existing housing nearby or through the conversion of redundant buildings.

## **2. Essential need**

The National Planning Policy Framework requires applications for new agricultural worker's dwellings to demonstrate there is an essential need for a rural worker to live at or near their place of work.

The applicant operates her equine business "New Life Horse Care" from the site and has done so with temporary planning permission since 2009. The applicant rehabilitates horses as well as rescuing and rehabilitating Dartmoor ponies and other. Additionally the applicant teaches children and young people with physical and learning disabilities to handle (and in some cases ride) the ponies and horses for both therapeutic benefits as well as to provide practical skills to help them secure jobs in the equestrian industry.

A previous appeal decision relating to the establishment of residential accommodation on this site (in association with this business) was dismissed. However, the Inspector in that case concluded that the "needs of the business would justify a residential presence as it had been justified that a full-time worker needs to be available at most times, i.e day and night, in case animals require essential care at short notice". Following the appeal dismissal, the Local Planning Authority granted temporary planning permission for the applicant to live on site in association with the business in 2009 and granted a further 3 year temporary period in 2013.

The core elements of the business have not changed since temporary planning permission was granted in 2013 although the emphasis is now more toward working with the children/young people and the rescued/long term ponies and horses rather rehabilitating horses belonging to private clients.

The applicant works alongside "Friends of the Dartmoor Hill Pony" and takes on ponies that would otherwise not have a future. The applicant has stated that New Life Horse Care (NLHC) is in its 10th year of providing a facility for sick, injured, traumatised, damaged horses. It is stated that NLHC have cared for over 200 equines, from orphan foals to horses en route for slaughter, giving them a few days of love and care before the end of their lives.

New Life Horse Care is a Registered Charity, in its third year of charity status.

The NLHC website states that its objectives state that they care for and rehome if possible, vulnerable equines, and that they provide a service for young people with disabilities and special needs. The Articles of Association are on the Charity Commission website.

The Local Planning Authority have been informed that there are 3 charity ponies on site, all with chronic medical and behavioural issues, needing regular assistance from vets and specialist behaviourists. There is a further horse, with Post Traumatic Stress Disorder, who does not belong to the charity, and foster foals from Friends of the Dartmoor Hill Ponies Charity, who are at NLHC for safe guarding, handling and training for 2 years on a rotation basis. The Foster Foal program is stated to be an integral part of the work carried out by NLHC.

All the equines, including all the foals, work with young people who attend NLHC. The applicant states that most of these young people cannot get placements anywhere else due to the severity of their conditions and the need for them to have 1:1 help and support.

Maintaining a safe and quiet environment is considered to be essential for the care and recovery of the animals. To ensure this the applicant maintains that a person is required to be readily available on the site at most times.

The applicants work is stated to extend beyond normal working hours, late in the evening, and sometimes during the night (it is assumed this depends on what animals are on site) or in an emergency. The applicants supporting information provided in 2013 states that the work generated by running New Life Horse Care requires more than 2000 work hours per annum. The applicant has confirmed that the hours worked still equate to more than 2000 work hours per annum.

Having considered the nature and demands of the work carried out on the site and the previous Inspectors report it is considered that there remains an on going requirement for a person to be on hand at most times and therefore there is a functional need for a person to live on the site. The log cabin would continue to provide this function. It is in line of sight from the stables and close enough for the proprietor to be within 'sound' of the stables. There is also a small fenced area to the west of the log cabin where horses/ponies can be kept if requiring very close supervision.

Although the village of Silverton is only a few hundred metres to the east, there are no available properties close enough to the site to be able to meet the requirement for a person to be available on site at most times.

The applicant has submitted financial information for New Life Horse Care, including audited accounts.

The business accounts and additional information from the Agent indicates that the business has not made a profit in the last 3 years but indicates that the income has increased year on year and the business has prospects of making a profit in the near future. The accounts for 2016 - 2017 are not yet available. The business is a registered charity.

The applicant is currently taking part in the Peoples Project and if successful this would provide further financial support for New Life Horse Care.

In summary, it is considered that there is an essential need for a full time worker to live on site in order to continue to run the business. While the business is not currently profitable, progress is being made and income is increasing.

The permission would allow the applicant to remain living at The Orchard in the log cabin. A suitable occupancy condition is recommended to prevent the log cabin (caravan) being occupied other than by an essential worker in connection with the equestrian business.

### **3. Design and impact on the countryside**

The log cabin (caravan) is sited in the south westernmost part of the applicant's land at the western end of the existing horse exercising arena.

This area has previously been levelled. This area is screened from the west by trees and a man-made bank formed when the arena was created. The site is lower than the land to the south and there is a tall hedgerow on the southern boundary which screens views of the site from this direction. To the north of the site (looking toward the highway from the site of the log cabin) there is a steep drop to a stream and a row of trees. The site of the log cabin is not obvious in the landscape when viewed from the highway to the north.

The log cabin is positioned to provide a view toward the stables as well as being within sound of the stables. In this regard the proposed location is considered to be better than the existing caravan.

The log cabin has a timber exterior and is not be obvious within the landscape. It is not in an elevated position within the site. The log cabin has minimal impact on the character or appearance of the surrounding rural area.

Overall, as it is considered that the log cabin is an acceptable design and appearance in this rural location. The design and appearance of the log cabin is considered to be in accordance with policy COR2 Mid Devon Core Strategy (Local Plan Part 1) and policy DM2 Local Plan Part 3 (Development Management Policies).

#### **4. Other issues - Access and parking, Public Open Space, New Homes Bonus, Drainage**

Neither the access nor the parking provision at The Orchard are proposed to change as a result of this application. Both are currently considered acceptable to serve the business and the log cabin. The access and parking provision are in accordance with policy DM8 Mid Devon Local Plan Part 3 (Development Management Policies).

The development would, if approved, provide residential accommodation for a further 3 years. As the permission would be for a further temporary period a financial contribution toward the off site provision of public open space will not be requested.

The log cabin is connected to a private foul drainage treatment plant. There is already a consent to discharge to the watercourse which runs alongside the northern boundary of the site. There are no known concerns regarding the existing drainage arrangements.

#### **CONDITIONS**

1. The residential caravan shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the period ending on 19th April 2020.
2. This permission shall only authorise the use of the application site for the stationing thereon of one caravan which complies with the description 'caravan' as defined by Section 29(1) of the Caravan Sites and Control of Development Act 1960 (revised 1977) and Section 12 (1) (2) of the Caravan Sites Act 1968.
3. The occupation of the log cabin (caravan) shall be limited to the Applicant, a widow or widower of the Applicant or to any resident dependants.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
5. No external lighting shall be provided at the site unless the lighting has first been approved in writing by the Local Planning Authority.
6. There shall be no retail sales from the application site or adjoining land or buildings owned by the applicant.

## **REASONS FOR CONDITIONS**

1. In order to allow the applicant a temporary period of 3 years in which to further establish the business, in line with Government advice set out in the National Planning Policy Framework.
2. To clarify the terms of the consent and for the avoidance of doubt.
3. The site is in the countryside beyond any recognised settlement limit where it is the policy of the Local Planning Authority to restrict new residential development unless it is required to meet the needs of agriculture, forestry or other rural enterprise. In this instance the Applicant's need relates to a very specific equestrian business and equestrian activities, whereas without this specific business and activities, the occupancy of the site may not meet the requirements of Policy DM10 of the Local Plan Part 3 (Development Management Policies).
4. For the avoidance of doubt and in the interests of proper planning.
5. To minimise light pollution in the open countryside in accordance with the National Planning Policy Framework.
6. The site is in the countryside beyond any recognised settlement limit where it is the policy of the Local Planning Authority to restrict retail development and to prevent unnecessary traffic from being attracted to the site as a result of direct sales to customers, which may adversely affect safety on the local road network in accordance with Policy DM19 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The current proposal is acceptable in that it has been demonstrated that there continues to be an essential need for a full time worker to live on site in order to operate the business. The further three year period will enable the business and charity to expand its income to enable it to become financially sustainable. The site is suitably screened and the log cabin has a minimal visual impact on the rural area. The proposal will have no additional impact on the highway network or on neighbouring residents. The proposal is considered to be in accordance with the relevant policies: COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM1, DM2, DM8, DM10 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.

**Application No. 17/00323/FULL**

**Plans List No. 6**

**Grid Ref:** 296644 : 113493

**Applicant:** Mr A Busby, Mid Devon District Council

**Location:** Land at NGR 296643 113493 Adjacent 37 Beech Road Tiverton Devon

**Proposal:** Erection of 3 dwellings (Revised Scheme)

**Date Valid:** 28th February 2017





## **Application No. 17/00323/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions and payment of a financial contribution of £2,700 towards provision of public open space

### **PROPOSED DEVELOPMENT**

The application is for the erection of a block of 3 x 1 bedroom flats on a parcel of land in a residential area of Tiverton that is currently used for parking. The land is laid to grass with 3 tarmac parking spaces and turning, and access from Beech Road.

The block would have one flat on the ground floor and two flats on the first floor, the remainder of the ground floor being used for cycle and bin storage. Six parking spaces are to be provided to the front and a communal garden to the rear. Materials are to be brick walls, fibre cement slate roofs and double-glazed UPVC windows, the upper windows being partly within the roof slopes.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

### **PLANNING HISTORY**

15/00062/FULL - PERMIT date 9th March 2015 - Relocation of existing parking spaces with access and erection of 2 dwellings with altered access

### **DEVELOPMENT PLAN POLICIES**

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

COR13 - Tiverton

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

DM14 - Design of housing

DM15 - Dwelling sizes

### **CONSULTATIONS**

ENVIRONMENTAL HEALTH - 8th March 2017 - Contaminated Land - No objection

Air Quality - No objection

Environmental Permitting - N/A

Drainage - No objection

Noise & other nuisances - I recommend approval with conditions:

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

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

Housing Standards - No comment

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

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

HIGHWAY AUTHORITY - 6th March 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 8th March 2017

Whilst this Council supported the original scheme it feels that the revised scheme is over development and would be out of keeping with the area. The original scheme was more in keeping with the area, therefore it is recommended for refusal.

SOUTH WEST WATER - 16th March 2017 - Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public surface water sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant: 1) discharge into the ground, 2) discharge to a surface water body, 3) discharge to surface water sewer, highway drain or other drainage system.

3rd April 2017

As you are already in discussions with the Asset Protection team in terms of building near the sewers once an agreement has been reached nothing further will be required.

Surface water discharging into the public surface water sewer is acceptable but please note South West Water will not accept any surface water discharging into the dedicated foul sewers in the vicinity.

## REPRESENTATIONS

1 objection summarised as follows:

1. Objection to the change to the original planning application
2. No 43 is entitled to use a parking space
3. Drains run across the site and the storm drain causes waterlogging
4. Rear access to existing properties may be compromised

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The key issues in determination of this application are:

- 1. Design**
- 2. Parking and highway safety**
- 3. Effect on neighbouring residents**
- 4. S106 and other financial contributions**

### **1. Design**

Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) permits new residential development in sustainable locations within the Tiverton settlement boundary. The proposal is for a block of 3 x 1 bedroom dwellings in an established residential area which would be set back from the road frontage by approximately 9 metres, in line with the adjoining terrace of houses. Surrounding development is either in small brick built terraces or as semi-detached dwellings. Materials are either red brick with light brick bands, slate roofs and canopy porches or lighter brick with tile hanging and tile roofs. It is proposed to use brick for the walls, a fibre cement roof tile (samples to be agreed) and UPVC windows, also used on surrounding development.

The design is similar in scale and design to that approved under the previous planning permission 15/00062/FULL for 2 dwellings. Changes in appearance are in respect of the upper windows being set partly into the roof, and one of the upper flats oversailing the area to be provided for cycle and bin storage. The reason for the change in design is in order to avoid mains and surface water sewers running through the site. Whilst the undercroft area would be open, it would be gated to provide security.

The immediate area does not feature any particular architectural style or design. Your officers consider that the proposed dwellings would fit relatively well into the street scene as the scale, design and materials reflect adjacent development. Overall, the design of the development is considered to comply with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site.

Each dwelling would be very small but would meet the Government's technical space standards in terms of the minimum level of accommodation and built-in storage. The communal garden to the rear would provide adequate amenity space. The development is considered to comply with DM14 which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes (replaced by the Government's technical space standards).

### **2. Parking and highway safety**

Each dwelling will be provided with 2 parking spaces to the front accessible directly from Beech Road. The use of off-street parking to the front of the houses is a similar arrangement to the adjacent terrace. The existing 3 parking spaces on the site are available for use by 39, 41 and 43 Beech Road. 39 and 41 Beech Road now have off-street parking to the front of each dwelling. 43 Beech Road does not currently have off-street parking but the Council has confirmed that off-street parking will be provided to the front of 43 Beech Road and it is understood that the occupier of that dwelling is happy with the arrangement.

Your officers consider that the level of parking is consistent with the requirements of policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) which requires 1.7 parking spaces to be provided for each new dwelling.

Accordingly, the proposal is not considered to have an unacceptable impact on highway safety, in accordance with the provisions of the National Planning Policy Framework.

### **3. Effect on neighbouring residents**

Windows in the front elevations of the dwellings would look onto Beech Road and there would be no windows in the side elevations. Windows in the rear would look towards or across the rear gardens of neighbouring dwellings. However, these rear gardens are already somewhat overlooked from other dwellings in the area and your officers do not consider that there would be a material loss of privacy for existing residents in respect of views from the first floor windows. New timber fences will screen at ground floor level. The proposal is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) in this respect.

Concern has been raised that mains sewers serving nearby dwellings cross the site. South West Water has identified these sewers and the revised scheme avoids building on these assets. Foul drainage will drain to the mains sewer and surface water drainage will discharge to a soakaway on the site, in accordance with the drainage hierarchy referred to by South West Water and policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Concern has also been raised in respect of the loss of access to the rear of the adjacent terrace. This is not a matter for the planning application but is between the parties.

### **4. Section 106 and other financial contributions**

Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seek financial contributions towards play areas and open space facilities where no on site provision is made. Accordingly, the applicant has agreed to make a financial contribution of £2,700 towards the provision of new sports equipment at Amory Park.

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. Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £15,420. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £12,336.

### **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. No development shall begin until details/samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
4. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

### **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 ensure that the proposed development does not prejudice the amenities of neighbouring properties.

4. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area in accordance with:

Local Plan Part 3 (Development Management Policies) DM2

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The current proposal is acceptable in that the development is in a sustainable location in an established residential area. The dwellings have been designed to respect the character and appearance of the surrounding development and provide an acceptable level of accommodation and adequate parking and amenity space. In addition, the development is not considered to have an unacceptable impact on the privacy and amenity of neighbouring residents. The applicant has agreed to make a financial contribution towards the provision of sports equipment at Amory Park and the development would attract the payment of a New Homes Bonus. The development is considered to comply with the following policies: COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Mrs Jenny Clifford  
Head of Planning and Regeneration