

PLANNING COMMITTEE AGENDA - 12th July 2017

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	17/00034/FULL - Retention of slurry lagoon at Land at NGR 276429 99746 (Adjacent to Mardles Gate), Brocks Cross, Colebrooke. RECOMMENDATION Refuse permission.
02.	17/00129/OUT - Outline for the erection of a dwelling with access at Land and Buildings at NGR 300985 112877, Between 36 and 42 High Street, Halberton. RECOMMENDATION Refuse permission.
03.	17/00617/MFUL - Erection of a commercial unit (1180sqm) following demolition of 2 existing units at Hartnoll Business Centre, Hartnoll Farm, Tiverton. RECOMMENDATION Grant permission subject to conditions.
04.	17/00792/FULL - Erection of 2 dwellings at Land at NGR 302323 107962, Adjacent to 75 Head Weir Road, Cullompton. RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement
05.	17/00854/OUT - Outline for the erection of a dwelling at Land at NGR 306965 114496 (2 Appledore Court), Burlescombe, Devon. RECOMMENDATION Refuse permission.

Application No. 17/00034/FULL

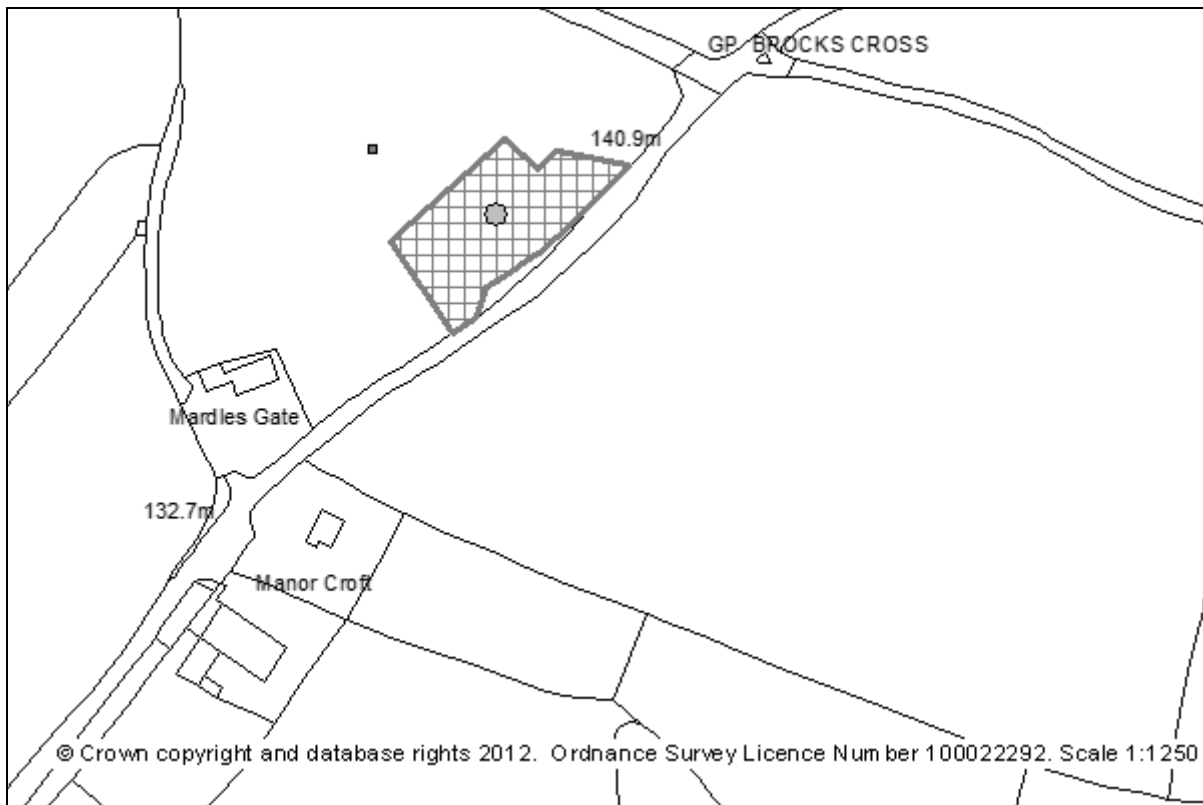
Grid Ref: 276387 : 99761

Applicant: Mr G Pitts

Location: Land at NGR 276429 99746 (Adjacent to Mardles Gate)
Brocks Cross
Colebrooke
Devon

Proposal: Retention of slurry lagoon

Date Valid: 9th May 2017



Application No. 17/00034/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

This application seeks the retention of a slurry lagoon measuring some 50m x 35m and some 3m deep (5,250 cubic square metre capacity) with an earth bank around it up to approximately 1.5 metres to store dirty water arising from the dairy unit at Brocks Farm. In addition a formal access (previously standard 5bar low level farm gate).

The development was carried out in Summer 2016. The site was first visited by an enforcement officer on the 14th June 2016.

APPLICANT'S SUPPORTING INFORMATION

The application was first submitted back in January but with insufficient information for it to be registered.

The application was finally registered on 9th May 2017. The application includes the Completed application form, and accompanying plans/drawings and an email setting out that the applicant considers that the application site is the most suitable site on his holding (Brocks Farm) to accommodate the development. This involves one tanker a day from Brocks farm being emptied into the lagoon (2 vehicular movements). The content is then spread over the holding between February - October (2 or 3 times) using a pumping system.

In a supporting email from the applicant reference is made to redressing any odour issues with an airtight membrane and proposing strategic tree planting. However no details of either have been formally proposed.

PLANNING HISTORY

No applications various agricultural applications for the farm but nothing on this site.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM22 - Agricultural development
DM30 - Other protected sites
DM7 - Pollution
DM2 - High quality design

CONSULTATIONS

NATURAL ENGLAND - No Objection

ENVIRONMENT AGENCY - NO comments submitted

COLEBROOK PARISH COUNCIL - Comment Date: Wed 07 Jun 2017 - Colebrooke Parish Council held an extraordinary meeting on the 6th June to consider this planning application. Seven members of the public were present including the applicant.

The Council regretted that the proper process had not been followed in this case. In principle the Council is keen to be supportive of any local enterprise but wanted to reflect the interests of other residents. The applicant indicated that he was willing to take a number of steps to address residents' concerns namely:

1. A structural survey to address the issues of safety
2. All the actions recommended by Highways in their comments on the application
3. Placing an effective lid on top of the slurry lagoon to eliminate all odour
4. Water testing every two weeks (currently showing clear water)
5. Ensuring the facility was now locked at all times
6. Planting of trees to improve the visual impact

The Council resolved that if all the above measures were taken so that residents' concerns were eliminated then they would support the application to retain the slurry lagoon at its present location. The Council was particularly concerned that the odour problem would be eliminated.

ENVIRONMENTAL HEALTH - Comment Date: Mon 22 May 2017

Contaminated land - No objection

Air quality - No objection

Environmental permitting - N/A

Drainage - No objection

Noise and other nuisances - I have taken into consideration that people living and working in a rural environment should occasionally be expected to be affected by a reasonable level of odour from the keeping of livestock, storage and spreading of slurry/FYM. However the incursion of a slurry lagoon at around 60m from the nearest residential property does raise concerns in terms of odour nuisance. Having carried out a site visit and looked at the close proximity of the existing residential properties in my view the development has the potential to give rise unreasonable levels of odour for extended periods of time and therefore, enforcement action could be justified under sections 79(1) (d) of the Environmental Protection Act 1990. Taking this into consideration I would recommend that the application is refused.

Housing standards - No comments

Licensing - N/A

Food hygiene - N/A

Private water supplies - N/A

Health and safety - No objection - enforced by HSE

Further comments from Environmental Protection Officer received on 21st June 2017:

In order to control the levels of odour from the new storage lagoon guidance has been sought from the Department for Environment Food and Rural Affairs (DEFRA). DEFRA recommends that slurry and manure stores should not be located within 400m of a residential development (Dirty water, in legal terms it is still defined as slurry).

The Environment Agency recommends that any proposed slurry lagoon within 200m to a neighbouring residential property or protected building should provide a specific Odour Management plan which would also include an Odour Impact Assessment. An Odour Impact Assessment is used to establish the potential implication of odour generated from the storage of slurry upon neighbouring residential or protected properties. Whereas a slurry lagoon over 200 metres from a neighbouring residential property or protected building the need for a lagoon cover or other management intervention to deal with flies and odours is less likely.

The problem with this application is the close proximity of neighbouring residential properties to the slurry lagoon. At 40m to the nearest residential property I am not convinced that even with a cover that odour at times (during loading and unloading) will still have the potential to cause a statutory odour nuisance even with an odour management plan in place therefore, I am still recommending that the application is refused.

HIGHWAY AUTHORITY - Comment Date: Fri 26 May 2017 - I have visited the site and the Highway Authority has no objections in principle, however the current access to the field is substandard in terms of construction, visibility and drainage.

Therefore the application should be conditional on the provision of visibility splays measuring 2.4 m back along the centre line of the access and extending to a point 25m either side of the access with no obstruction greater than 600mm. The access should be constructed in a bound material (tarmac or concrete) for the first 6.00m back from the edge of the carriageway, and should be drained so as to prevent surface water slurry and detritus entering the public highway. In addition to which the gates should be hung to open inwards. Therefore the following conditions should be imposed

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

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

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

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway and any gates should be hung to open inwards

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

REPRESENTATIONS

3 letters of objection received raising the following issues;

1. It has not been lined. I'm concerned that there will be natural seepage through what is a quite sandy soil, and our land lies downhill from the lagoon. There are a set of very clear springs at the base of the hill, which used to supply the village, and I am concerned that these and the rest of our land could be compromised.
2. Perhaps another site would be more suitable.
3. I regularly walk or cycle past it and can confirm that the stench from it is intolerable.
4. Have concerns about its location close to the road. What provision has been made to protect the adjacent property and the lane from being flooded should the lagoon overflow?
5. The lagoon is uphill and only approx 40 metres from my home. Given that it was constructed without the necessary planning permissions I am unsure as to whether it conforms to the relevant structural and environmental requirements. I am worried that should the structure fail my home could be in danger.
6. The smell from this structure can, at times be overpowering. During the recent hot weather and many times previously I was unable to leave washing to dry outside my home and had to keep all the windows closed. This is an intolerable situation.
7. During and after construction (summer 2016) I was informed by several parties (minuted on the Colebrooke Parish Council website) that the structure was only to be used as a dirty water store. The resulting clean water to be used to clean the adjacent lanes. It is interesting that the application now concerns a slurry lagoon. There appears to be a degree of misinformation.

1 letter of support has been received raising the following points;

1. Slurry lagoons are nothing new. A modern dairy farm such as Brocks farm will inevitably have one associated with it. This farm also supports the agricultural infrastructure of the immediate area.
2. The odour problem on emptying is short lived as the slurry is pumped in closed pipework to the field and direct injected in an almost smell free operation.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. The implications of the proposed development on living condition of the neighbours properties.**
- 3. Impact on the character and appearance of the area.**
- 4. Loss of Grade 2 agricultural land**
- 5. Other Matters**
- 6. Planning Balance & Conclusion**

1. Policy Issues

The site is outside settlement limits and is therefore in the open countryside. Local and national planning policies make clear that new development in the countryside should be controlled. However, there is also scope for essential agricultural development to be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural uses.

The NPPF is supportive of the rural economy as well as balancing the need to protect the environment and amenity.

Policy DM22 requires that new, reasonably necessary, agricultural development supports farming activity and is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area. In this case, the applicant has indicated why the proposed development is reasonably necessary. Policy DM30 is also a relevant consideration as the site lies within the impact zone of the Nymet Barton Marsh SSSI.

2. The implications of the development on living condition of the neighbours properties

There is a body of case law that holds that fears about the harmful effects of a development are capable of being a material consideration, notwithstanding that there is no objective evidence to support such a fear.

There are two residential properties not connected to the farming enterprise in close proximity to the lagoon, the closest being Mardles Gate, the garden of which is less than 40.0 metres from the boundary of the site. The other property is Manor Croft. The garden areas to these properties have a clear relationship to the lagoon.

The lagoon with its banks forms a dominant element in views from these properties, although the distance is sufficient not to create an oppressive outlook within the nearby houses or their gardens and there are no significant harmful effects on outlook from the properties.

However, there are good grounds to conclude that there would be a considerable risk of adverse effect on neighbouring residents due to odour, both within the two closest dwellings and in their gardens. The evidence base to prove this is set out in the representations from local residents and on the occasions the site has been visited by the planning case officer (including 15/05 and 08/06).

As stated above whilst the applicant offered to address any odour issues with an airtight membrane no details of such or any other odour reduction methods have been submitted. Therefore there is no evidence that a cover, and/or other odour reduction methods, would be adequate to offset the inherent issue of closeness to residential occupiers in terms of odours arising. Furthermore given the response provided by the Council's Environmental Protection Officer it is not considered that the harm that has been caused can be satisfactorily mitigated in the long term with an appropriately worded condition in the event that planning permission was to be granted.

In summary given the development has already been carried out (retrospective permission being sought) the transmission of odour from the lagoon is considered to have a harmful impact on the living conditions of neighbouring residents, which would not be adequately mitigated by proposed management techniques. In addition one of the neighbouring properties is concerned with the impact of a leak or breach of the earth bund in that the property is downhill of the lagoon and in close proximity of lagoon. This fear is also considered to be a material consideration in the determination of this application.

In arriving at this conclusion it is recognised the site sits as part of an agricultural holding where there would be an expectation for ongoing associated activities although for approximately 6 months of year spreading is not permitted as the field area adjacent to the residential properties (including where the lagoon has been constructed) is within a nitrate vulnerable zone (NVZ).

The proposal is therefore considered to be contrary to Policies DM2, DM7 and DM22, which respectively seek to prevent unacceptable adverse impacts on the amenity of neighbouring properties (health and general living conditions), and direct that where new uses individually and cumulative result in harmful impacts, in this case primarily odour nuisance impacts, planning permission should be refused. These policy objectives are consistent with the guidance of the National Planning Policy Framework ('NPPF'), whose core principles include the achievement of a good standard of amenity for all existing and future occupiers of land and buildings.

3. Impact on the Landscape Character and Appearance of the area

The site is rural in character but is not within any statutory protected landscape designation, and sits within the Devon Redlands National Character Area. The Devon Redlands National Character Area (NCA) covers a diverse area, stretching from the fringes of Exmoor NCA in the north to the Exe Estuary and coast in the south, and from the edge of Dartmoor NCA and The Culm NCA in the west to Blackdowns NCA in the east. This generally low-lying, fertile NCA is centred on the north-south axis of the Exe Valley, with an important extension to the west through Crediton, intruding into The Culm NCA and the north-eastern fringes of Dartmoor NCA. Towards the edges of the Devon Redlands NCA, the landscape becomes more diverse in character.

At a local level, the site is located within the lowland plains character area. This landscape is described as "typically present in the Crediton area and east of the River Culm. It has an open, low lying flat landscape and is a prosperous agricultural area. Primarily managed as arable farmland with some areas of improved grassland. This is a traditional Devon landscape where the Redland characteristics are superimposed on the rolling landform of the Culm giving great soil fertility." Its special characteristics include "a highly fertile arable landscape which is valued for its contribution to the agrarian character and quality of Mid Devon".

From a number of viewing points, in particular from land to the north of the site, the lagoon appears as a self-evidently man made intrusion into a sparsely developed landscape, standing out from the natural contours. Given the large size of the earthworks, (50 m by 35 m), it appears as a stark feature in the landscape. Any planting to the earth banks would highlight the man-made shape of the lagoon, accentuating its visual impact in this attractive landscape.

From the roadside the lagoon is visually restricted by a Devon bank, although the new solid gate detail appears alien within the landscape. There are no public footpaths or bridleways in the immediate locality that would afford a public view of the lagoon.

In summary whilst the proposed development has an additional visual impact on the landscape and general character of the area, it is not considered sufficiently harmful to warrant refusal of the application, given that it sits within a non-designated landscape. It is therefore not considered to be contrary to Policy DM2 and COR2.

4. Loss of Grade 2 agricultural land

The site comprises Grade 2 agricultural land. Paragraph 112 of the NPPF requires that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The Local Planning Authority recognise that applicant in running the holding is required to comply with Nitrogen Vulnerable Zone [NVZ] legislation; however, no information has been submitted about the extent of the holding beyond that the lagoon sits in (a field of some 2 hectares). It is unclear whether other areas of the farm are classified to be a lower grade of agricultural land. Such a factor should be taken into account in any genuine assessment of alternatives. No evidence has been submitted to suggest this is the only siting across the holding area to accommodate a lagoon in order to comply with the NVZ requirements legislation. In the absence of such information and an assessment of alternative locations, the Local Planning Authority cannot be satisfied that the application scheme is the only realistic alternative.

5. Other matters raised

Interested parties have raised concern about the structural integrity of the lagoon and risk of leakage to ground water and nearby springs. Although verbally the applicant has suggested that he did undertake some initial survey work regards the ground conditions at the site prior to carrying out the development, no evidence to demonstrate the findings has been submitted to support the application. Furthermore it is evident from the walls of the lagoon that it is not a lined pit. However any infiltration into the local water system and/or a nearby watercourse would be subject to separate regulation by the Environment Agency, should infiltration occur. In addition if the application is approved the applicant will need to ensure that the Lagoon is compliant with SSAFO regulations - in consultation with the Environment Agency.

Indirectly connected to the point above, is the fact that the site is located within the impact risk zone of the Nymet Barton Marsh SSSI. Nymet Barton Marsh is an extensive and largely intact wetland of a type that is nationally scarce and of which there is only one other undisturbed example in Devon. As a result of the size and type of development, and it's location in relation to the SSSI consultation with Natural England has been undertaken. As confirmed in their consultation response based on an assessment of the detail submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

6. Planning Balance, Conclusion and the Way Forward

It is recognised that the lagoon could improve the efficiency of the farm business and foster its development, although no evidence has been submitted that it is the best location for the development in terms of it's siting across the holding. It is also recognised that it results in the loss of Grade 2 agricultural land, judged to be of the "Best and Most Versatile" characteristics, and that it is unclear whether other areas of the farm are classified to be a lower grade of agricultural land. Such a factor should be taken into account in any genuine assessment of alternatives. There is nothing before the Council to suggest this is the only siting and design that could comply with the Nitrogen Vulnerable Zone Legislation. In the absence of such information and an assessment of alternative locations, the Council cannot be satisfied that the application scheme is the only realistic alternative.

The Council have assessed the impact of the development as it has been constructed and have concluded that it would adversely affect the living conditions of neighbouring occupiers for the reasons as set out above, and whether the development could be made acceptable by the use of appropriate conditions. In this instance due to the close proximity to residential properties, the Local Planning Authority do not consider that this matter could be adequately controlled by imposing a condition. In the location that the development has been undertaken the evidence points to an inherent conflict with the need to avoid harm to living conditions. As such the proposal cannot be regarded as a sustainable form of development.

If the recommendation to refuse is supported by members, officers would seek to try and agree an alternative and more suitable location on the Brocks farm holding to relocate the slurry lagoon. In the event that the applicant will not enter into discussions voluntarily, it is recommended that an Enforcement Notice is served requiring the applicant to cease using the slurry lagoon, discharge the dirty water and fill in/reinstate the land to its former state and condition. A three month compliance period from when the notice takes effect is considered a reasonable timeframe should members wish to pursue enforcement action.

REASON FOR REFUSAL

The slurry, by reason of its scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants by way of odour nuisance, air quality impact and the creation of an un-neighbourly impact, contrary to Policies DM2, DM7 and DM22 of Mid Devon Local Plan part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

Application No. 17/00129/OUT

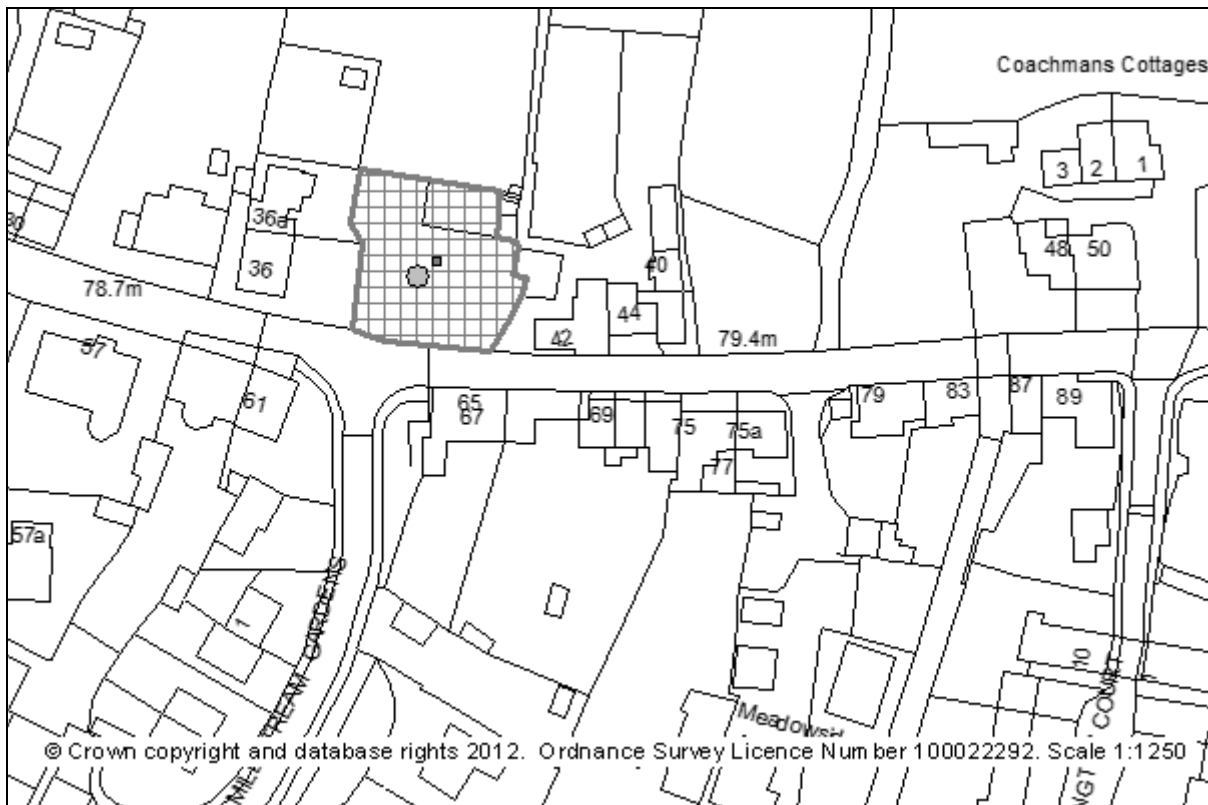
Grid Ref: 300985 : 112877

Applicant: Mr Graham Stoneman

Location: Land and Buildings at NGR 300985 112877
Between 36 and 42 High Street
Halberton
Devon

Proposal: Outline for the erection of a dwelling with access

Date Valid: 17th February 2017



Application No. 17/00129/OUT

RECOMMENDATION

Refuse permission.

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

To consider access to the highway and impact on the Halberton Conservation Area.

PROPOSED DEVELOPMENT

The proposal is an outline application for the erection of one dwelling within the Halberton Conservation Area. The means of access is to be determined under this application with all other matters reserved for consideration under a later reserved matters application.

The site lies to the north of High Street, the main road through Halberton and between existing residential dwellings. The site is elevated above the road and a stone retaining wall runs along the frontage. There is an existing access between the site and 42 High Street which is used by 6 existing properties as well as the site itself. A grassed track runs from this access into the site. The site is laid to grass and there is an existing dilapidated block building to the rear of the site.

The proposal is to create a new access adjacent to the existing access by removing a 6.5 metre section of the stone retaining wall and reducing the height of an 18 metre section of the wall to no more than 600mm in height to create a visibility splay "shelf" with a relocated wall to the full height of the existing wall behind the "shelf" at an angled alignment. In addition, a new 3 metre long section of wall would separate the existing and proposed accesses.

The layout of the site and scale and appearance of the dwelling are reserved matters but there is space on site for two parking spaces and a turning area, as well as for amenity space.

APPLICANT'S SUPPORTING INFORMATION

Ecological appraisal and wildlife and geology trigger table
Planning statement
Photographs

PLANNING HISTORY

89/00249/OUT - Outline for the erection of a dwelling and improvement to existing access - REFUSE date 26th July 1989

89/02841/OUT - Outline for the erection of a dwelling and improvements to existing access - REFUSE date 20th February 1990

96/01748/OUT - Outline for the erection of a dwelling and improvements to existing vehicular access - REFUSE date 21st February 1997

01/00200/OUT - Outline for the erection of a dwelling and improvements to existing vehicular access - PERMIT date 21st January 2002

06/00607/FULL - Erection of 1 no. dwelling - REFUSE date 4th July 2006

06/00608/CAC - Conservation Area Consent for the erection of a dwelling - CACNR date 16th May 2006

07/01623/FULL - Erection of dwelling following demolition of outbuilding - REFUSE date 15th October 2007

09/00082/FULL - Erection of dwelling following demolition of outbuilding - REFUSE date 16th March 2009

10/00031/FULL - Erection of dwelling following demolition of outbuilding - REFUSE date 5th March 2010

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR17 - Villages

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 4th April 2017

The Highway Authority has visited the site and has taken into consideration the neighbours comments on the use of the existing drive by a number of properties. The Highway Authority has no objections in principle to the development and the provision of visibility splays would only be of benefit to the existing drive. However the conflicts with existing users may give rise to interruptions to the free flow of vehicles on the highway and excessive manoeuvring on the highway to the detriment of highway safety. The Highway Authority considers that should an access paired to the existing be constructed with the appropriate visibility splays there would be a reduction in conflict by the removal of the agricultural right of access and an improvement to visibility providing benefit to all. To this end the Highway Authority has provided a sketch layout and recommends that an amended plan incorporating this information is submitted for consideration.

The Highway Authority would also recommend conditions on provision of access, parking and visibility splays and surface water drainage.

ENVIRONMENTAL HEALTH - 27th February 2017

Contaminated Land - There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/vulnerable land-use, in this case a proposed residential dwelling.

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.

Air Quality - no objections to this proposal
Environmental Permitting - Not applicable
Drainage - No objections to this proposal
Noise & other nuisances - No objections to this proposal
Housing Standards - No comment
Licensing - No comments
Food Hygiene - Not applicable
Private Water Supplies - Not applicable
Health and Safety - I have no objection to this proposal enforced by HSE.

NATURAL ENGLAND - 1st March 2017 - No comments

HALBERTON PARISH COUNCIL - 1st March 2017

Recommend refusal, access on to High Street, over burdening on the roadside wall, height, visual intrusion and overlooking other properties. Cllr Radford to call this application in.

28th June 2017 - The Council informally discussed this item at their meeting last night and there draft response is below. However this will need to be formally ratified at the next Planning Meeting on the 11 July.

REPRESENTATIONS

9 objections summarised as follows:

1. The character of the Conservation Area would be eroded.
2. The application fails to provide a sufficient and compelling argument to override previous refusals in respect of the impact on the Conservation Area.
3. The wall is an integral and longstanding part of the village. Its removal would harm the Conservation Area.
4. The proposal affects an open space important to the character of the Conservation Area.
5. The High Street is a busy and dangerous thoroughfare.
6. Visibility at the existing access is practically zero, is blind and dangerous.
7. The proposal would increase traffic from the site which is at present agricultural.
8. The access is shared by 6 other properties and is frequently blocked for deliveries to these properties; congestion would lead to disputes and conflict.
9. The proposal would lead to additional on-road parking and reduce the existing availability of parking spaces.
10. Construction would disrupt the lives of existing residents.
11. The proposal would have an adverse effect on the residential amenity of neighbours in terms of overlooking, loss of privacy and overshadowing other houses, loss of views.
12. The design is out of character with properties nearby.
13. The application is outline only which does not allow sufficient consideration of the impact of a sensitive site in the Conservation Area.
14. If approved, the development would open up the area to similar developments on green spaces, changing the nature of the village.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

1. **Principle of development and planning history**
2. **Access and parking**
3. **Impact on the Conservation Area**
4. **Other: contaminated land, ecology, archaeology, drainage, impact on amenities of residents**
5. **Section 106 and other financial considerations**
6. **Planning balance**

1. Principle of development and planning history

Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. It seeks to provide accessible forms of development that reduce the need to travel by car and are integrated with public transport and other sustainable modes of travel and allow for ease of movement. COR3 sets a District-wide target for new housing development and COR12 seeks to focus development in the most sustainable locations with a limited role for villages.

Policy COR17 provides a definition of villages and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. These villages are characterised by having some local facilities and employment and access to public transport. The site is within the Halberton defined settlement boundary and is therefore considered to be a sustainable location in terms of access to services and facilities.

The site has been the subject of a number of applications over the years for the erection of a dwelling and access improvements, all but one of which have been refused. Outline planning permission was granted for one dwelling on the site in January 2002 against conservation officer advice; however, this was not implemented and has now lapsed. This planning permission was before the conservation area appraisal was approved in 2006.

The most recent application for one dwelling on the site was refused in 2010 due to its negative impact on the Conservation Area and inadequacy of the proposed access.

Pre-application advice was given at a meeting in September 2010. There is no formal response on file but an email from the planning officer at the time stated:

As I thought the problem is the wall and I have discussed the proposal with all three Conservation Officers and they are all of the opinion that to make any alterations to the wall is completely out of the question. With this in mind I would suggest that there is probably little chance of this proposal being considered in a positive light from the point of view of the conservation officers.

2. Access and parking

Policy COR9 of the Mid Devon Core Strategy (Local Plan part 1) requires that proposals are in accessible locations and road safety is managed through control of development.

Policy DM2 of the Local Plan 3 Development Management Policies requires development to be safe and accessible.

Access to the site is to be determined under this outline application. The proposal is to create a new access adjacent to the existing access by removing a 6.5 metre section of the stone retaining wall and reducing the height of an 18 metre section of the wall to no more than 600mm in height to create a visibility splay "shelf" with a relocated wall to the full height of the existing wall behind the "shelf" at an angled alignment. In addition, a new section of wall would separate the existing and proposed accesses.

Concern has been raised in connection with the adequacy of the proposed access, the poor visibility and danger to road users, as well as the potential for dispute and conflict to arise through the shared use of the access with occupiers of nearby dwellings.

The original plans showed use of the existing access with some visibility improvements. Following comments from the Highway Authority, the plans have been amended to provide a separate access adjacent to the existing access. The revised proposal is based on the recommendations made by the Highway Authority in its consultation response. However, a formal consultation response from the Highway Authority is awaited and Members will be updated on this. Subject to this confirmation, it is considered that the proposal would now be acceptable to the Highway Authority and in accordance with policies COR2 and DM2.

There is space to provide 2 parking spaces on site which would accord with the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies.

3. Impact on the Conservation Area

Policy COR2 of the Mid Devon Core Strategy (LP1) seeks the preservation and enhancement of Mid Devon's cultural and historic environment and the protection of sites, buildings, areas and features of recognised national and local importance, such as conservation areas.

Policy DM27 of the Local Plan 3 Development Management Policies seeks to preserve Mid Devon's heritage assets. The policy expects applicants to consider the significance, character, setting and local distinctiveness of heritage assets. Where a development proposal would lead to less than substantial harm, harm must be weighed against any public benefit. Developers are required to make a proportionate but systematic assessment of the impact on setting.

Policy DM2 of the Local Plan 3 Development Management Policies required development to make a positive contribution to local character, including any heritage assets and their settings.

The National Planning Policy Framework sets out how local planning authorities should treat development that affects heritage assets or their settings.

Paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of a heritage asset should be treated favourably. Paragraph 138 states that not all elements of a conservation area will necessarily contribute to its significance. Loss of an element that makes a positive contribution to its significance should be treated as substantial or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area. Where a development proposal would lead to less than substantial harm paragraph 134 states that this harm should be weighed against the public benefit.

The Halberton Conservation Area Appraisal states:

"There are several open areas of elevated land retained by stone walls, lying between groups of cottages along the northern side of Higher Town. These spaces are integral to the character of this part of the village and are an essential contribution to the pattern of development (see aerial photo 2). Their retention is important for protecting the character of this part of the Conservation Area. These green spaces are under constant pressure for development."

The site the subject to this application is one of the important open spaces referred to in the Halberton Conservation Area Appraisal. The Mid Devon conservation officer OBJECTS to the proposal and has commented as follows:

"The application site is an area of rising land to the north side of High Street, Halberton and within the Halberton Conservation Area. The site is identified as a visually important space in the Halberton Conservation Area Appraisal. The front of the site is clearly defined by a tall red stone retaining wall one of several that typify this side of the main road through the village. The boundary wall is identified as a feature of special importance in the conservation area appraisal. ... Since the conservation area appraisal was approved in 2006 there has been a consistent history of refusals for residential development of this site."

"The sketch drawings indicate a two storey three bedroom slate and rendered house at right angles to the road. Parking is proposed along with a turning area to the east of the house. A significant amount of excavation would be required to accommodate a building. The proposal includes the removal of a 4 metre long section of stone wall to widen the existing access point [plans now amended so that 6.5 metres of wall is to be removed]. It is also proposed to lower the existing stone wall from around 2.5metres in height to 0.9 metres [now to be lowered to 0.6 metres in height] and set a new wall back at an angle to create a visibility splay whilst creating a tapered "shelf" between the remains of the existing wall and the new wall."

"The proposed development with house, parking and turning areas together with retaining walls would intrude to a significant degree into an area noted as important to the Conservation Area in the appraisal. The various features which would be clearly visible from High Street particularly through the widened opening would result in a suburbanisation of the site."

"The currently enclosed character of this part of High Street would be eroded by both the wider access and the proposed setting back of the top part of the wall. The shelf created as part of the proposed setting back of the line of the wall would be an incongruous feature in the context of High Street and would no longer have the appearance of the tall stone retaining wall on the back edge of the carriageway that is typical of this part of the Conservation Area. This partial demolition and reconstruction even if reusing the existing stone would fail to respect the significance of this feature as a mature and integral part of the Conservation Area."

"The proposed development is contrary to paragraph 137 of NPPF since the development would not enhance or better reveal the significance of Halberton Conservation Area. It is also contrary to paragraph 138 since loss of ...other element which makes a positive contribution to the significance of the conservation area...should be treated as either substantial harm under paragraph 133 or as less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the conservation area ..as a whole. Similarly it would be contrary to DM27."

The conservation officer's response has been clarified further:

"The alteration of the wall in the conservation area in Halberton at his point is such that very high levels of 'less than substantial' harm are caused to the Conservation Area. The impact of the alterations on a feature that has been identified as being of high importance to the character of the Conservation Area is such that it is 'substantial harm' to the feature itself and the impact on the Conservation Area is negative - neither preserving nor enhancing the conservation area (which is the test required under the 1990 Act)."

Appeal decisions on similar sites also refer to harm to the Conservation Area through development of important open spaces.

A decision notice relating to the erection of 2 dwellings on land between 38, 40 and 46 and 48 High Street (06/00971/OUT and 06/00973/CAC) stated that the open spaces retained by stone walls along the north side of High Street are integral to the character of this part of Halberton and that they make an essential contribution to the pattern of development. The Inspector was critical of the realigning of the wall and creation of visibility splays stating that the development would have an inappropriate suburbanising effect. Reusing the stone would not overcome the harm. The Inspector stated that the development would fail to preserve or enhance the character and appearance of the Conservation Area.

Similarly, in an appeal against refusal for the erection of 4 dwellings between 26 and 28 High Street (06/01658/FULL), the Inspector stated that a similar landform (elevated land with retaining stone wall) creates a sense of enclosure that is an important characteristic of this part of the Conservation Area that contributes positively to the Conservation Area's character. The Inspector stated that the development would fail to preserve or enhance the character and appearance of the Conservation Area.

The application is in outline only and no details of the layout of the site or the scale and appearance of buildings is known at this stage. However, due to the nature of the site elevated above the road with neighbouring residential dwellings at road level, it would seem likely that significant excavation would be required in order to accommodate a dwelling, access drive and parking on the site. Although the Planning Statement submitted refers to the dwelling being set behind the retaining wall at a lower level. Without excavation, the dwelling would sit significantly above the neighbouring built form. The Planning Statement states that: "Design, appearance, layout and siting are reserved for subsequent approval so little further information can be provided at this outline stage."

Your officers do not consider it possible to fully assess the potential impact of the development on the Conservation Area without have sight of the layout and dwelling plans and elevations. A full application, rather than outline, would have been more appropriate for this site.

Your officers consider that it has not been demonstrated that the proposed development would preserve or enhance the Conservation Area. Further, the removal/alteration of a substantial length of retaining stone wall and development of an open space important for the character of the Conservation Area would cause high levels of less than substantial harm to the Conservation Area, contrary to policies COR2, DM2, DM27 and the NPPF.

4. Other: contaminated land, ecology, archaeology, drainage, impact on the amenities of residents

Policy DM7 of the Local Plan 3 Development Management Policies requires an understanding of the likely pollution impacts of development. The NPPF states that the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Environmental Health has requested further information in respect of ascertaining the contaminated land risk at the site in the form of a Phase 1 survey as existing records are not sufficiently clear on the status of the site and potential sources of accommodation, bearing in mind the proposed sensitive/vulnerable land use (residential dwelling). The applicant not provided further information on land contamination on the site, contrary to policy DM7 and the NPPF.

The Ecological Appraisal submitted found that the site was suitable for reptiles and the boundaries were suitable for nesting birds. The report recommends mitigation in terms of site clearance and construction protocols, but otherwise does not require any further survey work or mitigation. The development is considered to be in accordance with policy DM2 of the Local Plan 3 Development Management Policies in this respect. If the application is approved, a condition is recommended to ensure development takes place in accordance with the ecologist's recommendations.

Devon Historic Environment Service has not requested any archaeological investigation at the site.

Foul drainage is proposed to discharge to the mains sewer and surface water to a soakaway on site. This would be in accordance with policy DM2 of the Local Plan 3 Development Management Policies in respect of drainage.

Concerns have been raised with regard to the impact of the development of the privacy and amenities of neighbouring residents. The application is outline only and the layout of the site and scale and appearance of the dwelling, as well as landscaping, are reserved matters. The site is large enough to accommodate a dwelling without it having an unacceptable impact on the privacy and amenities of neighbouring residents. The construction period is temporary and the temporary effects on residents would not be sufficient to warrant refusal of the planning application. The development is considered to be in accordance with policy DM2 in this respect.

5. Section 106 and other financial considerations

No public open space is intended to be provided on site. Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seeks financial contributions towards play areas and open space facilities where no on site provision is made, where new facilities or improvements to existing facilities are required, and where the proposed development would put additional pressure on those facilities. Accordingly, the applicant has agreed to enter into a Section 106 Agreement (unilateral undertaking) to secure a financial contribution of £1,205 for the provision of teen facilities on public open space within the Parish of Halberton. However, as at the date of this report, the payment has not yet been made.

The proposed dwelling 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 2016, 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 £5,140.

If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £4,112.

6. Planning balance

The NPPF has a presumption in favour of sustainable development and identifies three dimensions to sustainable development: an economic role, a social role and an environmental role. The NPPF requires local planning authorities to boost significantly the supply of housing and planning applications for housing should be considered in the context of the presumption in favour of sustainable development. Mid Devon cannot at present demonstrate a 5 year housing land supply so paragraph 14 of the NPPF is engaged. However, the site is within the Halberton defined settlement boundary where new residential development is already acceptable in principle. In addition, paragraph 14 of the NPPF states that where paragraph 14 is engaged, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole OR specific policies in the NPPF indicate that development should be restricted. One of those specific policies is in respect of designated heritage assets such as conservation areas.

Whilst some weight can be given to the provision of a new dwelling, the public benefit of the provision of only one market dwelling is not considered to be significant. The third dimension to sustainable development is an environmental one. Your officers consider that the harm to the Conservation Area carries substantial weight in the planning balance and the harm to the environment would conflict with national and local planning policy to such a degree that the development could not be considered to be sustainable.

The lack of a contaminated land risk assessment also weighs against approval of the application.

The development is considered to be contrary to policies COR2 of the Mid Devon Core Strategy (LP1), AL/IN/3 of the Allocations and Infrastructure DPD and DM2, DM7 and DM27 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework. Refusal is therefore recommended.

REASONS FOR REFUSAL

1. The site is identified as a visually important open space within the Halberton Conservation Area Appraisal and Management Plan adopted by the Local Authority on 29th March 2006. It is considered by the Local Planning Authority that this open area, one of a number of such spaces elevated above the road, retained by a stone wall and lying between groups of cottages along the northern side of High Street, is integral to the character of this part of the village. Consequently, the proposed development which would result in the loss of the significant section of the rubble stone wall and the loss of open space within the street would in the opinion of the Local Planning Authority cause a high level of less than substantial harm to the character and appearance of the Conservation Area that is not outweighed by the public benefit, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM27 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
2. No assessment has been made of the potential land contamination risks on the site and the status of the site in terms of land contamination and risks to future users of the site is unknown. This is not considered to be consistent with the introduction of a new sensitive/vulnerable land use where the history of the use of the site is not known, contrary to policy DM7 of the Local Plan 3 Development Management Policies.

Application No. 17/00617/MFUL

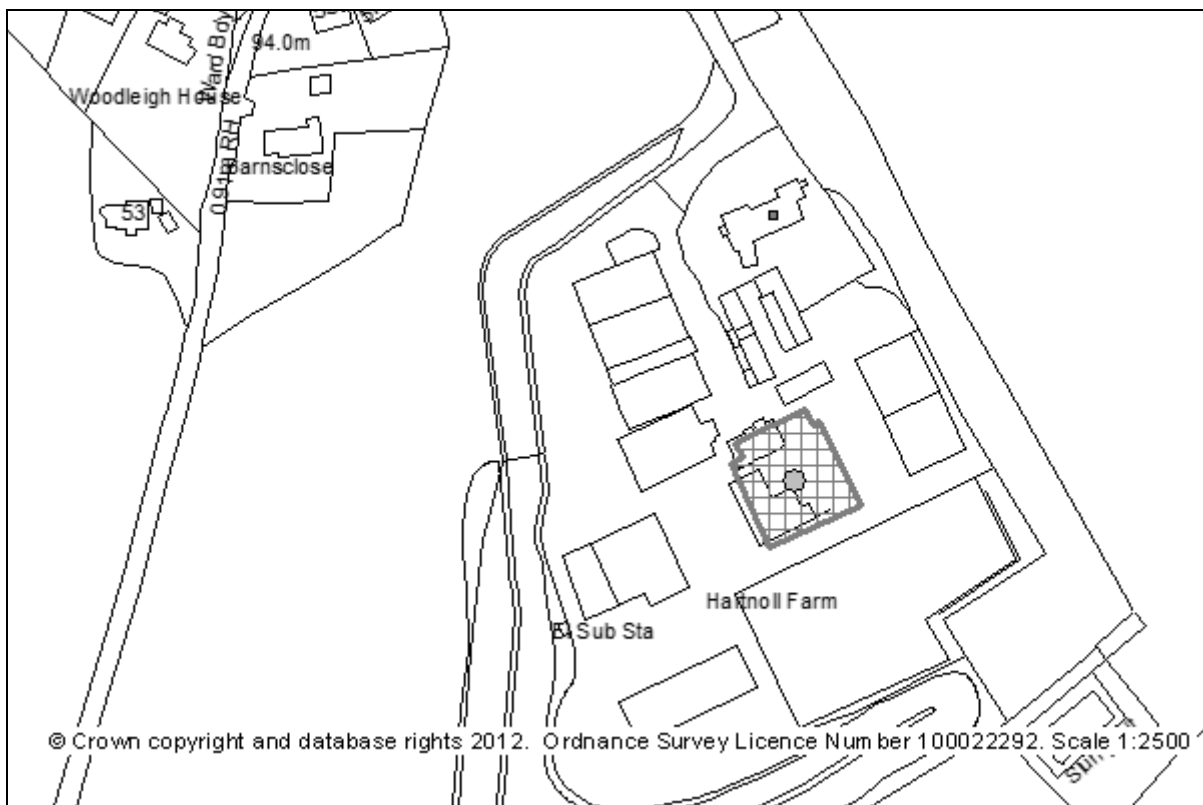
Grid Ref: 299124 : 113063

Applicant: Mr Clapp

Location: Hartnoll Business Centre
Hartnoll Farm
Tiverton
Devon

Proposal: Erection of a commercial unit (1180sqm) following demolition of 2 existing units

Date Valid: 8th May 2017



Application No. 17/00617/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application seeks planning permission for the demolition of two existing industrial units with a total floor area of approximately 425sqm to be replaced with a new single larger building of modern design.

The site is the Hartnoll Business Park and the development is located to the centre of the site and would utilise the existing point of access from Post Hill. The replacement building will be provided over the location of the existing units, and amounts to 1114sqm of floor space an increase over the existing of approximately 689sqm. The new building is intended to be 9.3m to ridge with eaves of 7.6m. the application submissions indicate that the height as proposed is required in order to accommodate the proposed occupier (a Tiverton based firm relocating out of necessity). The building materials will be of a similar style and appearance to that already on site.

Appropriate parking provision is being made for the site and in addition a new passing bay is to be provided at the entrance to the site to assist in providing a better flow of traffic to and from the public highway.

This application was submitted in tandem with application ref: 17/00619/FULL (refer to planning history section below).

APPLICANT'S SUPPORTING INFORMATION

Plans

Additional Information

PLANNING HISTORY

01/00648/FULL - Change of use of conference centre to B1 Offices - PERMIT date 16th July 2001

98/01130/FULL - Variation of condition (7) of planning permission 4/25/95/2058 to enable conference centre to be additionally used as a training facility for countryside and rural skills and promotional events associated with rural skills, agriculture and horticulture together with Christian events on Sundays - PERMIT date 25th September 1998

99/02509/FULL - Variation of condition (7) of planning permission 4/25/95/2058 to enable conference centre to be additionally used for non-agricultural events (i.e non-agricultural conferences & business meetings) on 25 days per annum - PERMIT date 29th July 1999

04/00775/FULL - PERMIT date 14th July 2004

Change of use from redundant agricultural building to workshop with associated parking

04/02194/FULL - Change of use from redundant agricultural buildings to office (B1 use class) - DELETE date 15th March 2005

04/02198/FULL - Erection of an agricultural building - PERMIT date 18th January 2005

04/02199/FULL - Change of use from redundant agricultural buildings to workshops, landscaping, and new internal service road - PERMIT date 8th February 2005

07/00161/FULL - Erection of extension to agricultural shed - WDN date 4th April 2007

08/01448/FULL - Change of use to provide storage compounds and bunding - DELETE date 2nd October 2008

13/00872/FULL - Conversion of redundant building to 2 dwellings (APPEAL DISMISSED 4.7.14) - REFUSE date 18th October 2013

16/00306/FULL - Erection of 2 business units (Use Class B1/B2) - PERMIT date 4th May 2016

17/00619/FULL - Erection of 2 commercial units following demolition of existing units - PERMIT date 26th June 2017

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM17 - Development outside town centres
DM20 - Rural employment development

CONSULTATIONS

HALBERTON PARISH COUNCIL - 14th June 2017

The Council notes the revised plans which have reduced the proposed height of the building. However, the Council's view is that any development on this site should be no higher than any of the existing buildings. Therefore this Council still objects to the application due to the height of the proposed building.

I trust you will take the Council's view into account when considering this application.

DEVON, CORNWALL & DORSET POLICE - 18th May 2017

Police have no objections or comments at this time.

HALBERTON PARISH COUNCIL - 30th May 2017

The Council objects to the application on the grounds that the proposed building is too high making it highly visible to nearby residents and from the canal. Future developments on the site should be no higher than the existing buildings. The Council also objects on the grounds of the increased HGV traffic to and from the site.

HIGHWAY AUTHORITY - 24th May 2017

Observations:

The Local Planning Authority will be aware of the comments submitted for application 17/00619/FULL Which are equally applicable to this application. The Applicant has submitted amended plans for both parking, and passing for HGVs which the Highway Authority welcome and would request that they are conditioned as available prior to occupation of the new build.

The Highway Authority has considered the internal swept path of the HGVs and is satisfied with the layout for both this application and 17/00619/FULL.

Therefore subject to drawing P553/10 parking layout and P553/11 potential passing point being conditional of the consent, implemented and available for use prior to occupation of the development (insofar as it relates to the proposal in terms of parking). The Highway Authority would raise no further observations.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

TIVERTON TOWN COUNCIL - 17th May 2017

Because of its height the proposal, if passed, would be visible from both the canal and Blundell's Road. It would therefore be visually intrusive. If the planning authority are of a mind to approve this application it should insist that the height does not exceed other buildings on the site. Tiverton Town Council is therefore unable to support this application.

ENVIRONMENTAL HEALTH - 23rd May 2017

No Objection

LEAD LOCAL FLOOD AUTHORITY - 23rd May 2017

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has not provided any information in relation to the disposal of surface water from the site. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems.

It is not clear whether this application will result in an increase in impermeable areas compared to the existing situation.

REPRESENTATIONS

There have been 11 representations, a summary of the matters raised which are relevant to this application are set out below:

1. Not a sustainable location
2. Policy COR18 states that there is a need for development to be of an appropriate scale for its location and not lead to harm
3. Excessive height and scale as shown in previous refusals and will be seen over the bund
4. Adverse visual impact on the character of its location
5. Detrimental to amenity, health or safety of nearby occupants through smell, noise, dust glare, light pollution, heat, vibration, fumes etc.
6. Cumulative development and the site is becoming an industrial estate with a multiplicity of uses.
7. Alternative sites have not been sought or considered
8. Local road system has not been adequately considered, and will place additional strain on the local transport system.
9. Intensification of use of the site
10. The visualisation is misleading due to the topography
11. Adverse impact on users of the canal

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

1. **Policy and site evolution**
2. **Design and impact upon the amenity of the area and neighbouring properties**
3. **Transport, access and Movement issues.**
4. **Economic justification**
5. **Drainage**
6. **Planning balance**

1 Policy and site evolution

Policies; COR4 - Meeting Employment Needs, COR9 - Access COR18, - Countryside, all seek to ensure sustainable development objectives area achieved through protecting the environment, providing employment in locations accessible to those who use them and creating self-sustaining communities.

Policy DM2 refers to general development and design criteria, which should be assessed in determining planning applications. This includes general design, local amenity visual impacts and wider environmental impacts.

The economy policies which must also be considered are; COR4, COR9, DM17 - Development outside town centres and DM20 - Rural employment development. These consider the need for expansion and the likely impacts there may be. COR4 sets out the level of employment development required up until 2026, 300,000 square metres of B1 - B8 employment use floorspace is required.

The NPPF indicates at paragraph 19 that "planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. The site is considered an appropriate location for growth.

The planning history section details how the site has evolved from functioning as a working farmyard towards becoming an established Business Park. The application scheme further promotes that shift.

2. Design and impact upon the amenity of the area and neighbouring properties

There have been a number of objections to this proposal which centre on the height of the building and its impact on the Grand Western Canal and the surrounding area and nearby residential properties. It is clear that the proposed new building will be higher than the surrounding buildings which vary in height across the site from approximately 6m to 8.8m with this latter building located to the southern extremity of the site. This proposed building will be 9.3m to the ridge. A visualisation drawing has been provided to show the impact of the building against the back drop of the site. From this drawing it would appear that the building would not dominate the skyline and would be seen in context of the site. Although taller than the other buildings it is not considered that the building would be detrimental to the visual amenities of the area.

Reference has been made to how the new building would affect views from the Grand Western Canal. The Canal is at its closest point 600m to the south east of the site to the other side of the approved Anaerobic Digester Plant at Red Linhay. As a result it is considered that any views of the new building would be distant views and would therefore have little impact on the setting of the canal and any local stakeholders passing along the towpath.

Views into the site from other public realm area are mainly from Post Hill and the lower part of Manley Lane. These views will be obscured by the natural vegetation along the roads and the site itself especially the planting to the bunding on site (southern and easterly edges) which is maturing and delivering a visual screen.

Noise has been raised by local stakeholders as a possible issue. However given the local context this is not considered to be reason to refuse the application. Any statutory noise nuisance arising in the future could be controlled under Environmental Health legislation. No concerns are raised by the Environmental Health Officer in respect of the application proposals

Lighting has been raised as a potential concern however there are no proposals to include lighting to the building. However as the building will be higher than surrounding units it is considered in this case to place a condition on any approval for details of any external lighting to be submitted prior to installation.

The nearest private property to the proposal is some 170m to the north west, although views can be seen from certain vantage points from these dwellings, it is considered that the distance is sufficient to protect the properties from any visual intrusion.

The nearby dwellings do not benefit from a right to a view in terms of development, external lighting will be restricted by way of a condition and noise is governed by Environmental Health, although it is intended that provision will be made to insulate the building and for all manufacturing and noisy work to be carried out within the building. It is therefore considered that the proposed will have no substantial impacts on the amenity of neighbouring property and so the proposal is compliant with DM2 of the Local Plan Part 3.

3. Transport, Access and Movement issues

The proposed unit will generate additional traffic over current levels arriving and departing from the site. A Transport assessment has been submitted to support the application, and a summary of the predicted impacts is set out below.

TIME PERIOD	TRIP RATE (ARRIVALS)	TRIP RATE (DEPARTURES)	VEHICLE TRIPS (ARRIVALS)	VEHICLE TRIPS (DEPARTURES)
08:00 -09:00	1.295	0.218	10	2
17:00 - 18:00	0.168	1.1	2	8
DAILY TRIPS	5.122	4.934	36	35

The table above shows that based on TRICS data the additional 689sqm GFA of employment floorspace would generate approximately 71 two-way trips per day with less than an additional 12 trips two way during the AM and PM peak periods.

Of the total daily trips for Business Parks and Industrial units, between 3% and 5% are HGV traffic. Applying this figure to the total, results in approximately 4 additional HGV's per day, which is unlikely to have a detrimental impact on the local road network.

There are currently no significant transport issues with the site access or local highway network. Post Hill serves local traffic.. There may be some concerns over the potential increase in trips through the village of Halberton, which mainly relate to HGV movements. However HGV movements are directed to travel between the site and the A361 via the A396 and Blundell's Road. In addition traffic movements will be further relieved on completion of the Left-in and Left-out junction for the Eastern Urban Extension due to commence shortly.

Included as part of the planning application scheme is a passing bay to be provided at the entrance of the site to ensure that there is reduced potential for vehicles at busy times to be cued onto the highway and reversing to allow other vehicles into or out of the site, thus reducing any potential noise and danger to the free running of the highway. The Highway Authority has raised no issues with regard to the proposed development and have requested that the passing bay and dedicated parking provision to serve the unit is provided prior to the first use of the building.

4. Economic justification

Officers in the Economic Development team fully support the proposed development at Hartnoll Farm, and consider it as a crucial investment to secure the future of an excellent Mid Devon business within the area. The prospective tenants of the new building, Stenner, who are currently based at Lowman Works have been served notice by their landlords, and are therefore in a position where they need to find a local site that can accommodate them for the foreseeable future. The comments from the team are set out below in full:

As a local authority we should be supporting the relocation of Stenner within the Mid Devon area, as losing the business would see both the loss of 28 highly skilled jobs and a negative impact on local engineering supply chain businesses. Though the business was hit during the 2008 recession, it has re-modelled itself under the current management, and is now in a strong position to weather periods of wider economic uncertainty. Their new found resilience gives securities to staff that are working there, and will enable steady growth into the future. The company has a positive global reputation, and the machinery they produce is industry leading.

The proposed tenant have strong ties with the local community, and a positive relationship with PETROC, who have been a source for apprentices for the company for many years. Their chief electrician is a former local apprentice, and they are keen to continue to create an environment in which local young people have the opportunity to find high quality work without having to leave Mid Devon. If the business were forced to move further afield, there is a real risk that this community connection would be lost, and that staff would either have to relocate, or new employees found. This is something that the business is strongly opposed to due to the value it puts on its employees.

There are limited sites available that could accommodate the business, and as stated above the Economic Development team have discussed several sites with future tenant and are of the view that application site would be the best and most suitable for them to be based.

The proposed premises will meet the requirements of proposed tenant who need to have a bespoke building due to the nature of the work they undertake (the movement of machinery components requires overhead lifting machinery).

5. Drainage

The Lead Local Flood Authority (LLFA) initially object to this planning application because they do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. Therefore the LLFA required the applicant to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

In response to the initial concerns additional information has been submitted which has been assessed and considered by the LLFA. The details confirm that the scheme promotes a like for like replacement of impermeable area with an existing drainage system in place. Therefore the proposals which are detailed within the documents Surface Water Drainage Strategy (Rev A) and P553/12 will essentially provide betterment over the existing system. The betterment being in terms of offsite discharge rates or to ensure better control of surface water quality.

A condition is recommended to ensure that a surface water management scheme is designed in accordance with the details that have been submitted, and on this basis the LLFA raise no objections to the scheme.

6. Planning Balance and conclusions

The NPPF contains a presumption in favour of sustainable development and requires local authorities to provide a suitable supply of commercial space(s). This presumption is considered to carry significant weight. The development will provide a good sized multi-functional building which would provide economic and social benefits for Halberton and Tiverton Area.

The site has over the years developed from its original use as an agricultural farm to a fully functioning light industrial/business site serving the immediate area. The site is progressively upgrading its units to bring them in line with the needs of the occupiers. The need to increase the heights of the buildings to cater for changes is one of the ways of providing units which are fit for purpose as is the case with this application scheme

Subject to the delivery of the passing bay and parking prior to occupation to mitigate against the impacts of the development, in terms of how the development would potentially affect the highway the scope of harm that the development, including cumulative impacts with other authorised developments in the locality, have been assessed and it is considered that the impacts arising from the development on the locality would not be significant in environmental impact terms. The higher building will be seen in the context of existing units and the retention of a Tiverton based business is to be a material consideration in determining this application in this instance.

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. Detailed drawings confirming the existing site levels, proposed finished floor levels for the buildings, and the proposed datum levels across the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be completed in accordance the approved details thereafter.
3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Rev A, dated 16/05/2017) and Drawing No. P553/12
4. The application site including any building(s) thereon shall be used for B1/B2/B8 use only and for no other purpose (including any purpose in Class D1, C3, A1, A2, A3 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
5. No part of the development hereby approved shall be brought into its intended use until the passing facilities at the entrance of the site as set out in plan P553/11 have been provided, surfaced and drained in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The passing facilities shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
6. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided, surfaced and drained in accordance with the submitted plan P553/10 (area blue) and shall be retained and maintained for that purpose at all times.
7. The vehicle parking shown on the approved plan shall be marked out in accordance with the layout on drawing numbered [P553/10 (area Blue)] prior to the vehicle parking first being brought into use. The parking spaces shall be so retained for vehicles visiting the site.
8. There shall be no outdoor storage of any waste materials generated by the approved scheme of development either on the application site and/or on any other land controlled by the applicant.
9. No external lighting shall take place until details of such external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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 surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

4. To ensure the building is utilised for appropriate use within close proximity to a residential dwelling and to protect the amenity of this dwelling.
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site.
6. To ensure that adequate facilities are available for the traffic attracted to the site.
7. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site.
8. In order to protect the general amenities of the area, and in accordance with Policy DM2 of the Mid Devon Local Plan (Development Management Policies).
9. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2, DM20 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application scheme proposes the erection of a new business unit on the Hartnoll Business Park. Given the site location and context the scale, massing, and overall design is not considered to harm the privacy or amenity of the occupiers of another unit, the site surroundings or any residential dwelling within the area. The introduction of a further unit on the site following demolition of two smaller units is not considered to result in additional levels of traffic that would result in adverse conditions on the local highway network. Dedicated parking provision and the provision of a passing bay at the entrance to the site are included as part of the proposals. The economic development benefits of the proposals have been taken into account. As such the proposal is considered to comply with policies COR4, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM17 and DM20 of Mid Devon Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

Application No. 17/00792/FULL

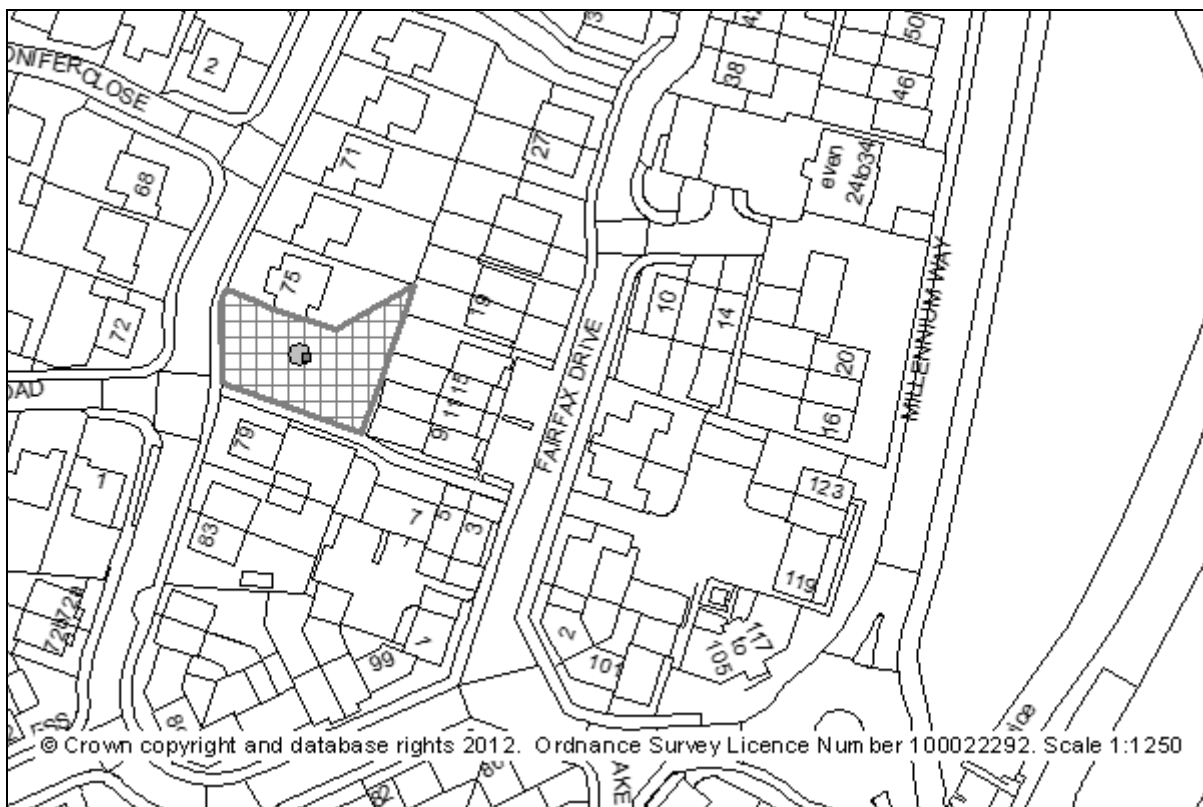
Grid Ref: 302323 : 107962

Applicant: Mr Sanderson

Location: Land at NGR 302323 107962
Adjacent to 75 Head Weir Road
Cullompton
Devon

Proposal: Erection of 2 dwellings

Date Valid: 18th May 2017



Application No. 17/00792/FULL

RECOMMENDATION

Grant planning permission subject to the provision of a S106 agreement/Unilateral Undertaking to provide the following:

- £2,500 towards improvements to the improvements to public open space at Crowbridge /Tufty Park, Cullompton (Public Open Space contribution)
- £10,436 towards Public Electric Vehicle (EV) Charging infrastructure in Cullompton (Air Quality contribution)

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a pair of semi-detached dwellings with associated access, parking and amenity spaces on a parcel of land within the settlement limit of Cullompton. The dwellings are proposed to be located on land to the south of 75 Head Weir Road and to the north of 79 Head Weir Road. The site is formally allocated as amenity area for the estate, with the southern boundary abutting a pedestrian pathway between Fairfax Drive and Head Weir Road.

The dwellings are each to have kitchen/dining room with a separate living room on the ground floor and two double bedrooms and a single bedroom and bathroom on the first floor. Externally the dwellings are to have a primarily brick finish to the ground floor with upper half clad under a concrete interlocking tile roof covering. Windows are proposed to be white UPVC and a small canopy porch with matching concrete tile roof is proposed over the front door.

Access to the site is proposed via a new access onto Head Weir Road for each dwelling and providing two parking spaces in series for one unit and in parallel for the other both approximately 6 metres long and with the area for the spaces for the southern house being 3m metres wide and 10m in length.

APPLICANT'S SUPPORTING INFORMATION

Design & Access statement

PLANNING HISTORY

No specific Planning History

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR14 - Cullompton

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

AL/IN/3 - Public Open Space
AL/CU/15 - Cullompton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking

DM14 - Design of housing
DM26 - Protection of recreational land and buildings

CONSULTATIONS

HIGHWAY AUTHORITY 25th May 2017 - No objections.

CULLOMPTON TOWN COUNCIL 16th June 2017 - It is recommended that this application is refused on the grounds of a significant loss of public amenity and that the proposed development is not in keeping with the existing dwellings. Head Weir Road is used as a through road although the design of the road is considered to be inadequate for this purpose and these proposed dwellings will probably exacerbate the traffic speeds by removing cars parked on street. High fencing surrounding the site will create a potentially unsafe alley to the south.

ENVIRONMENTAL HEALTH 31st May 2017 - No objections

SOUTH WEST WATER 9th June 2017 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection, Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Surface Water Services

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

REPRESENTATIONS

There have been 7 representations all objecting to the proposal. A summary of the relevant comments are set out below:

1. Overlooking issues
2. Overshadowing
3. Highways and in particular the parked cars, and the road is a rat run.
4. The Land is public amenity land not vacant and a covenant is on the land barring any development.
5. Why do the two houses need to be built considering the proposed North West Cullompton Masterplan.
6. The boundary of the southern property extends into the existing path reducing it's width.
7. The proposed will create a blind alley with no visibility splay, children will go out onto the road. The enclosed area is likely to be a breeding ground for antisocial behaviour.
8. The design of the dwellings will not sit well with the rest of the estate.
9. Major electrical supply under the site.

A number of comments have been made regards the applicant being a Company which sits as part of the Council. However, the status of the applicant and whether they implemented the terms of the permission is not relevant to the assessment of the planning application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

1. **Planning history**
2. **Design and impact upon the amenity of the area**
3. **Impact upon neighbouring properties**
4. **Highways**
5. **Local finance considerations**

6. Loss of Amenity Space
7. Planning balance

1. Planning history

The site lies within the settlement limits of Cullompton where policy COR14 of the Core Strategy allows for new residential development; therefore the principle of developing this site is acceptable subject to consideration against more detailed development management policies.

The application site has no specific history of planning applications for residential development associated with it and the land is secured as amenity land for the use of the estate. Consideration of the relevant assessment issues is set out below.

2. Design and impact upon the amenity of the area

The properties would not benefit from particularly large private amenity spaces. However, the overall size of the plots and the dwellings that are proposed is not considered to represent over development broadly representing the local context. Therefore the application scheme is not to be in conflict with COR1 in respect of density.

The front elevation of the proposed houses is broadly inline with the neighbouring properties (75 and 79 Head Weir Road). Both houses are slightly deeper than those neighbouring properties. The proposed houses would be situated a similar distance back from Head Weir Road as number 75. Relative heights of the two new dwellings would be similar to those of the adjacent dwellings.

The properties would be best viewed in context when travelling along Head Weir Road. From here, the street scene consists of primarily Red brick and Upper floor smooth rendered dwellings with small dormer type windows. In addition, all houses provide small front gardens and attached garages. The site is open flat ground although classed as amenity land is not utilised as a formal play area but does provide a relief and interruption to the rows of housing along this stretch of the road.

The design of the houses is a slight departure to that of the surrounding properties although presenting an overall appearance to those nearby. The first floor is to utilise Marley Eternit Cedral cladding system. Most of the properties in Head Weir Road have either rendered finishes to the first floor or all brick. Most of these properties could be considered to lack detailing and have rather plain façades and this is not unusual, or with more modern dwellings of the type seen in the new estate off Head Weir Road. The detailing and materials now proposed to be used for the two dwellings is considered to be a more modern approach over the design of the original houses for the estate. It is considered this change to materials for the first floor will sit comfortably with the other dwellings in the area.

The proposal includes for two new vehicular accesses from Head Weir Road and dedicated drives and parking bays to the front and side of the properties. This element of the proposal would introduce a reasonably extensive area of hard standing to accommodate vehicles and their parking. It would therefore alter the parking regime on the main road but would not necessarily reduce the number of cars already parked on the highway and as such this change to the street will not impact on the parking within the road. The provision of an access and driveway in this location is therefore not considered in itself to cause material harm to the character and appearance of the area.

Concerns have been raised with regard to the inclusion of a 1.8m high fence along the southern extent of the site bordering the foot path. Although the proposed fencing will enclose this space to some degree it is not considered to be so oppressive as to warrant refusal on this point. There is still an appropriate width to the path and it is not considered that the development would cause harm to the users of this path in terms of forming an unsafe environment.

The dwellings meet with the nationally described space standards for three bedroom properties, thereby according with policies.

Although modest in size, each of the dwellings would be accorded with an appropriate amount of private amenity space having regard to the type of properties proposed and their orientation.

Taking all of the matters discussed above, it is considered that the proposed development can be said to have an acceptable design when looked at in the context of the site and the surrounding area and will not cause harm to the character or appearance of the town location and the street scene, thereby meeting with the overall objectives of policies COR1 and COR2 of the Core Strategy (Local Plan Part 1) and DM2 and DM14 of Local Plan Part 3 in this regard.

3. Impact upon neighbouring properties

Policy DM2 sets out that new development should create visually attractive places and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties, taking account architecture, siting, layout, scale and massing, orientation and fenestration, materials, landscaping and green infrastructure.

The separation distance between the two houses and the neighbouring properties is considered sufficient for there to be no harmful overlooking or overbearing impact upon the dwellings either side or to the rear.

The dwellings are proposed with no windows to the side elevation and would have windows facing directly towards the rear and front of the properties only. The nearest window to window relationship being 18m to the front over the highway and 20m to the rear. The proposal seeks to erect a 1.8m fence on the boundary to screen the proposed garden area and parking. This is considered acceptable.

75 Head Weir Road is a reasonably modern detached property located to the north of the site which relies upon its rear garden for an amenity area that is private from this part of the site and is therefore of great importance to the living conditions of the occupiers of that property. The garden of 75 Head Weir Road would abut the northern boundary of the application site. It is acknowledged that the garden area of 75 Head Weir Road is currently overlooked at distance by the rear windows of Fairfax Road and from neighbours on the other side at number 77.

On this basis, and having regard to the orientation of the windows the houses at the rear of the northern unit (i.e. directly overlooking the garden area of no. 75) it is considered that the presence of the windows to the rear elevation is acceptable and will not result in a loss of privacy to properties adjacent to the site.

The proposed dwellings will have only limited impact, and it is considered that the level of harm resulting is on balance not concluded to justify refusal on this basis it is considered the application accords with policies DM2 and DM14 of Local Plan Part 3.

4. Highways

Interested parties raise concern that the proposed vehicular access to the site is on a blind bend at the narrower end of Head Weir Road, and people who cross here will have reduced visibility due to the fencing, along with traffic turning into and out of the cul-de-sac opposite (Linden Road). The proposed access and the individual driveways in terms of their location, width and gradient are acceptable, meeting with Highways Standing Advice, with the detail of the access having been agreed with the Highway Authority during consideration of this application.

Sufficient parking (2 for each unit) spaces for the proposed development have been provided. Therefore, the proposed development is unlikely to result in a severely harmful impact upon users of the road or interfere with the free flow of traffic thereby meeting with the requirements of policies COR9, DM2 and DM8.

5. Local finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as previously, the award for each market house is estimated to be £1,028 per year, paid for a period of 5 years.

The amount of New Homes Bonus that would be generated from this proposal over a period of 5 years is therefore estimated to be £10,280. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

Financial contributions toward public open space and the improvement of air quality in Cullompton have been requested in accordance with policies AL/IN/3 and AL/CU/15 of the Allocations and Infrastructure DPD. At the time of writing the monies have not been received but the recommendation is to grant planning permission subject to a legal agreement being signed to pay these monies.

6. Loss of Amenity Space

Policy DM26 considers the protection of recreational land and buildings, for the Authority to consider the loss of this type of open space then there needs to have been an assessment undertaken which demonstrates that the site is surplus to requirement.

The site area is open grass with no play equipment and maintained by MDDC with limited use by local residents, other than to cut across the site to walk along Head Weir Road. The Current public footpath to the south of the site, is utilised for access from Head Weir Road to Fairfax Drive, and thereon via cycle path/footway access to the more significant open space area off the Millennium Way some 200m away. This being a more appropriate area with play equipment and space for ball games.

The site is surrounded on all sides by estate housing, with a relatively busy road to the frontage of the site. Furthermore the use of this site for recreational activity is likely to cause a nuisance to neighbouring properties. The site also has an unprotected side adjacent to Head Weir Road, presenting the risk of children and balls running onto the road if it is used formally.

As the site is underused it is not considered to be an important open space and with little local significance or interest. On this basis the change of use of the site as proposed is considered acceptable in terms of the provision of policy DM26.

7. Planning balance

The issues in relation to this planning application are considered to be fairly clear cut. The site is within the settlement limits of Cullompton and the principle of developing it for residential purposes meets with policy COR14 of the Core Strategy (Local Plan Part 1). The proposal would deliver two dwellings which would accord with the requirements of the nationally described space standards and would provide suitable vehicular access and parking arrangements. The loss of an under-used amenity space is not considered to outweigh the benefit of securing the development of two new houses.

Aesthetically, the dwellings have been designed in an acceptable manner and subject to conditions to secure additional details, the development will not detract from the character and appearance of the surrounding area to a degree to merit refusal. It is acknowledged that the development will lead to some minor degree of overlooking and overbearing of private gardens, however the extent of this is not considered to be significantly adverse over and above the current situation with regard to the neighbouring properties. Equally, it may not be appropriate for them to be extended, additional windows inserted and therefore it would be necessary to remove permitted development rights in relation to these matters.

Therefore the application is considered to meet with the requirements of policies Mid Devon Core Strategy (Local Plan Part 1) COR1, COR2, COR14, Allocations and Infrastructure Development Plan Document AL/IN/3, AL/CU/15, Local Plan Part 3 (Development Management Policies) DM2, DM8, DM14 and DM15.

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 above ground building works shall begin until details or samples of the materials to be used in the construction of the external surfaces of the development (to include roof coverings, render and cladding, windows and doors) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details or samples and be so retained.
4. No above ground building works shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be provided in accordance with the approved details and shall be so retained.
5. Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Following their provision, these facilities shall be so retained.
6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, E of Part 1 relating to the extension of a dwelling (including the insertion of dormer windows), the insertion of additional windows or enlargement of existing windows, the provision of outbuildings, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

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 the use of materials appropriate to the development in the interests of the visual amenities of the area, in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
4. To safeguard the character and amenities of the area and the privacy of neighbouring properties in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
5. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with policies DM2, DM8 and DM14 of Local Plan Part 3 (Development Management Policies).
6. To safeguard the privacy and amenity of neighbouring properties in accordance with policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Considering all material considerations together, on balance the dwellings are considered to be acceptable and subject to the conditions imposed, will not cause demonstrable harm to the privacy or amenity of any neighbouring dwelling to a degree to merit refusal of the application. The dwellings will sit within the wider street scene without detriment to the character and appearance of the area. Therefore the application is considered to meet with the requirements of policies Mid Devon Core Strategy (Local Plan Part 1) COR1, COR2, COR14, Allocations and Infrastructure Development Plan Document AL/IN/3, AL/CU/15, Local Plan Part 3 (Development Management Policies) DM2, DM8, DM14 and DM15.

Application No. 17/00854/OUT

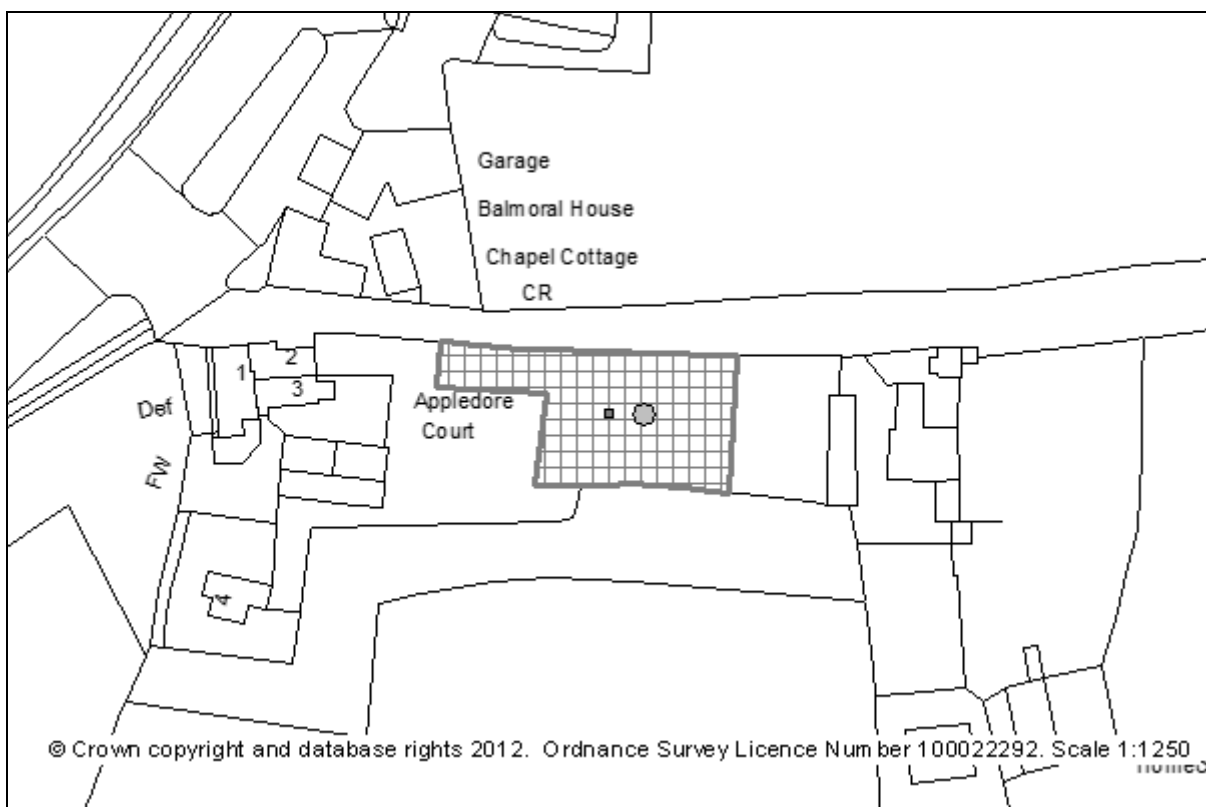
Grid Ref: 306965 : 114496

Applicant: Mr & Mrs B Evans

Location: Land at NGR 306965 114496 (2 Appledore Court)
Burlescombe
Devon

Proposal: Outline for the erection of a dwelling

Date Valid: 24th May 2017



Application No. 17/00854/OUT

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

This application seeks outline consent for the erection of a dwelling at Land at NGR 306965 114496 (2 Appledore Court) Burlescombe. The application is made in outline with approval for access also being sought. The access plan submitted shows the existing site access will be utilised. All other matters are reserved for subsequent approval.

The site is located to the east of the main part of the hamlet of Appledore. The site is accessed off a C Class Road from the A38 on the road from Lambs Inn to Higher Cross. Appledore is not defined in the Mid Devon Core Strategy as one of the districts defined rural settlements. The site is therefore located in the open countryside

APPLICANT'S SUPPORTING INFORMATION

Site location plan, indicative layout, covering letter, planning statement, photographs, wildlife and geology table.

PLANNING HISTORY

80/01022/OUT - Outline for the erection of two dwellings and septic tank - REFUSE date 24th September 1980

81/00567/OUT - Outline for the erection of 2 dwellings and garages - REFUSE date 28th April 1981

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
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

REPRESENTATIONS

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. The principle of development on the site, including 5 year land supply**
- 2. Location**
- 3. Design and amenity**
- 4. Access and highway safety**
- 5. Public open space contribution**

1. The principle of development on the site, including 5 year land supply

COR1 of the Mid Devon Local Plan Part 1 (Core Strategy) 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 100 affordable dwellings per year across the district.

The application site is outside the current settlement limit boundaries of any village set out in the Mid Devon Local Plan Part 1 (Core Strategy) and is therefore considered to be located in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework.

The Local Planning Authority accepts that it is unable to demonstrate five years worth of housing against its housing requirement as set out within the National Planning Policy Framework and as such paragraph 14 of the National Planning Policy Framework (the Framework) therefore applies. Under paragraph 14 it is therefore necessary to consider whether there are any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework and this is discussed further below.

2. Location

Consideration must be given to whether this is an appropriate location for residential development particularly, having regard to the proximity of services. The development would be located some distance from the nearest goods and services and it is highly likely that future occupants would be reliant on the private car. Whilst it is appreciated that there is a bus stop relatively close to the site which provides a service between Tiverton and Taunton, the service appears to provide a fairly limited services (4-5 buses a day Monday-Saturday depending on the direction of travel). Any future occupier would be expected to travel for basic services such as shops, a doctor's surgery or schools.

Para 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking' and para 49 of the NPPF advises that, 'Housing applications should be considered in the context of the presumption in favour of sustainable development.' In the opinion of your officers, this remote location without any access on foot to services and facilities, and only a limited bus service will result in occupiers relying upon a private car. To this end the location is not considered sustainable and therefore at odds with the NPPF.

3. Design and amenity

Policy DM2 requires that new development must be of high quality. Whilst this is an outline application and no 'designs' have been put forward, it is appropriate to consider whether the development of this site would be appropriate in terms of the impact on the character of the area and in landscape terms. The landscape character of the site is defined as being lower rolling farmed and settled valley slopes. The land is Grade 3 agricultural land. The site itself is elevated in relation to the road running along the frontage of the site. The land is fairly level once on the site. The site is screened to some extent by the bank and vegetation along the frontage; however glimpses of the site are afforded from the road. The rear of the site is well screened by mature trees. The site comprises part of the garden of 2 Appledore Court, Burlescombe. To the West of the site are 4 existing dwellings (1-4 Appledore Court). To the East of the site is the property of Homecroft. The existing site is currently used as a vegetable garden in association with 2 Appledore Court. The site has a polytunnel on it, fruit/vegetable cage and a shed. An indicative layout plan shows a possible location for a new dwelling within the site; however this location is not fixed at this stage. The Local Planning Authority would require a detailed submission of reserved matters before being able to conclude whether a scheme would be acceptable.

4. Access and highway safety

The site is accessed off a C Class Road from the A38 on the road from Lambs Inn to Higher Cross. The national speed limit applies in this location; however realistically due to the vegetation on either side of the road a vehicle would be more likely to be travelling no more than 30 mph. The applicant has ownership of the hedges either side of the access, provided they are suitably maintained the visibility at the junction is considered to be sufficient so as to accommodate the additional traffic arising from the proposed development. As such the application is considered to be in accordance with policy DM8 of the Local Plan Part 3 (Development Management Policies). Moreover, the local road network is suitable to support any additional traffic movements occurring as a result of the proposed use, it is considered that the number of additional movements created and any resultant impacts are negligible.

In addition, policy DM8 stipulates that development must provide an appropriate level of parking, guiding that 1.7 spaces should be provided per dwelling. The proposed scheme shows parking and turning space for the proposed new dwelling on the indicative layout plan. Two car parking spaces would be required to be shown in a reserved matters application.

5. Public open space contribution

Development resulting in the creation of new dwellings leads to a cumulative demand for public open space and therefore policy AL/IN/3 of the Allocations and Infrastructure DPD requires such development to contribute toward the provision of POS. A financial contribution of £1205.00 towards the provision and funding of POS in the form of Phase Two improvements to Station Road open space, Burlescombe has been made in accordance with this policy and the scale of charges set out in the relevant SPD. A further monitoring fee of £110.80 has also been paid.

6. Planning Balance / Overall Conclusion

Officers have considered the shortfall in housing land supply and have attached appropriate weight to the benefits of the application scheme. However the shortfall in supply does not override all other considerations. In this instance, the harm that has been identified in providing residential development in an unsustainable location significantly and demonstrably outweighs the benefits that would be derived from the scheme. The proposal would not satisfy the environmental dimension to sustainable development, as defined within the Framework, and in failing to meet overall sustainability objectives it would also conflict with Mid Devon Core Strategy (Local Plan Part 1) policy COR1 and Mid Devon Local Plan Part 3 (Development Management Policies) policy DM1.

REASON FOR REFUSAL

The site is located in the countryside where national and local planning policy and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural workers dwelling. No information has been submitted to demonstrate there are any such special circumstances. The Local Planning Authority have considered the shortfall in housing land supply and have attached appropriate weight to the benefits of the application scheme. However the shortfall in supply does not override all other considerations. In this instance, the harm that has been identified in providing residential development in an unsustainable location significantly and demonstrably outweighs the benefits that would be derived from the scheme. The proposal would not satisfy the environmental dimension to sustainable development, as defined within the Framework, and in failing to meet overall sustainability objectives it would also conflict with Mid Devon Core Strategy (Local Plan Part 1) policy COR1 and Mid Devon Local Plan Part 3 (Development Management) policy DM1.

Mrs Jenny Clifford
Head of Planning and Regeneration