

## PLANNING COMMITTEE AGENDA - 4<sup>th</sup> OCTOBER 2017

### Applications of a non-delegated nature

### **UPDATES**

ENFORCEMENT LIST	
1	16/00246/UDRU - West Loosemoor Farm Oakford Tiverton Devon EX16 9JE
2	15/00171/UCU - Land at NGR 310656 113326 (Hillmoor) Culmstock Devon
3	16/00189/LIS -18 Exeter Road Crediton Devon EX17 3BL
4	16/00190/LIS - 19 Exeter Road Crediton Devon EX17 3BL
THE PLANS LIST	
1	<p>17/00855/MFUL Erection of extension to garden centre to form additional retail space, pallet store, covered entrance and covered outdoor areas and erection of a separate warehouse following removal of polytunnels (1,567sqm total) at Bow Garden Centre, Bow, Crediton.</p> <p>4<sup>th</sup> October 2017 Please amend the drafting of condition 4 as follows.</p> <p>No part of the development hereby permitted shall be occupied until the drainage scheme as set out in the Surface Water Drainage Strategy Report prepared by Aquatech (dated 30th August 2017) has been fully implemented and maintained as such thereafter as set in approved Report.</p>
2	<p>17/00914/OUT Outline for the erection of 9 dwellings with associated access at Land at NGR 277111 102951 Sunnymead Copplestone Devon</p> <p>4<sup>th</sup> October 2017 Please amend the drafting of condition 9 as follows:</p> <p>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, incorporating any requirements resulting from the proposed alterations to the existing drainage ditch that runs parallel to the site boundary with Sunnymead.</p>

	<p>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 Preliminary Drainage Layout (Drawing No. 0663-PDL-101-B, Rev. B, dated 26/07/2017). The approved details shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and maintained as such thereafter.</p> <p>Please amend condition 13 as follows:</p> <p>No part of the development hereby permitted shall be commenced until a Phase 1 intrusive investigation has been submitted to the Local Planning Authority. The investigation shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <p style="padding-left: 40px;">(i) A survey of the extent, scale and nature of contamination;</p> <p style="padding-left: 40px;">(ii) An assessment of the potential risks to:</p> <p style="padding-left: 80px;">- human health,</p> <p style="padding-left: 80px;">- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,</p> <p style="padding-left: 80px;">- adjoining land,</p> <p style="padding-left: 80px;">- groundwaters and surface waters,</p> <p style="padding-left: 80px;">- ecological systems,</p> <p style="padding-left: 80px;">- archeological sites and ancient monuments;</p> <p style="padding-left: 40px;">(iii) An appraisal of remedial options, and proposal of the preferred option(s).</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.</p>
3	<p>17/01108/OUT</p> <p>Outline for the erection of a dwelling and new vehicular access at Land and Buildings at NGR 301748 115242, North-east of Twin Oaks, Upplowman.</p>

4	<p>17/01142/FULL</p> <p>Variation of Condition 9 of planning permission 16/01180/FULL to change sections i) and ii) of the condition with reference to the location and source of feedstock and the subsequent ultimate destination of digestate from the anaerobic digester at Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton Devon</p>
5	<p>17/01197/CAT</p> <p>Notification of intention to coppice 1 Sycamore tree (T2); coppice Hornbeam trees (G3) and Sycamore trees (G1) to form hedge; crown raise Sycamore trees (G2) to 4m and raise crown of 1 Oak tree (T3) by 3m within the Conservation Area at Land at NGR 301044 112936, Between 46-48 High Street, Halberton.</p>
7	<p>17/01240/OUT</p> <p>Outline for the erection of a dwelling at Land at NGR 306965 114496 (2 Appledore Court), Burlescombe, Devon.</p>
8	<p>17/01265/HOUSE</p> <p>Retention of 1.8m high fence on block wall on west boundary and erection of 1.8m fence on existing block wall on north boundary at Hilary Barnfield Crediton Devon</p> <p>3<sup>rd</sup> October 2017 Crediton Town Council provided comments on 20<sup>th</sup> September 2017 and have no objection to the application.</p>
9	<p>17/01332/HOUSE</p> <p>Erection of two storey extension following demolition of single storey extension and porch; internal and external repairs and alterations; alterations to northern boundary/access; erection of den and relocation of greenhouse and polytunnel at Shapcott Cottage, Whitnage, Tiverton.</p>
10	<p>17/01333/LBC</p> <p>Listed Building Consent for the erection of two storey extension following demolition of single storey extension and porch; internal and external repairs and alterations; alterations to northern boundary/access; erection of den and relocation of greenhouse and polytunnel at Shapcott Cottage, Whitnage, Tiverton.</p>
<b>AGENDA REPORTS</b>	
1	<p>16/01830/FULL</p> <p>Siting of 1 mobile home, 2 motor homes and a compost w.c. at Oak Meadow, Silverton, Exeter.</p> <p><b>Location of proposed borehole</b></p> <p>The location of the proposed bore hole is shown on one of the plans that form part of the presentation. Here is currently no bore hole on site. The applicants have received a quotation for the drilling of a borehole. The company that have provided the quotation have stated that the borehole will be drilled up to 60 metres in depth and that having looked at the geological survey maps of the area plus local knowledge of the area that there are no problems anticipated with the drilling of a borehole on the land. A yield of</p>

up to 20 cubic metres of water per 24 hours has been estimated.

During discussions Environmental Health have commented that approximately 1 cubic metre of water equates to one persons requirement per day. There are proposed to be 8 people resident on the site at any one time, the estimated yield from the borehole of 20 cubic metres per 24 hours is therefore considered to be capable of providing adequate water supply. As a small supply, it is understood that the water source would need to be risk assessed and the water quality checked every 5 years.

#### **Location of compost toilets**

Following the Planning Working Group site visit, it can be confirmed that there are currently two compost toilets on the site. Both are shown on the plan included as part of the presentation.

Both compost toilets are more than 50 metres from the proposed location of the borehole. During discussions Environmental Health have commented that a compost toilet should be 50 metres from a borehole. Depending on the method of provision of the borehole the compost toilet could be closer than 50 metres from the borehole.

#### **Representation from the National Trust**

An email representation has been received from the National Trust, it states:

***Appln No: 16/01830/FULL - Oak Meadow, Silverton***

#### ***Proposed siting of 1 mobile home, 2 motor homes and a compost w.c.***

*I am concerned about the way you have presented this case in your report to the Planning Committee, and I am asking on behalf of the National Trust that the following representation is reported to the Committee.*

*Neither the Committee Report nor the application submission are able to demonstrate that impact on the setting of heritage assets has been correctly assessed in accordance with national and local policy. Setting is not identified in the report under 5.0 as a material consideration.*

*The consideration to the impact on the setting of heritage assets is made under a section titled 'visual impact' (para 5.7) and the report considers the development in accordance with Policy DM27 "with regards to visual impact". However, case law has established that it is incorrect to take too narrow interpretation of setting – by equating it with visual impact. The Planning Court recently, in the relation to the following case near Kedlestone Hall, determined Whilst "a physical or visual connection between a heritage asset and its setting will often exist, it is **not essential or determinative**". [ <https://cornerstonebarristers.com/news/planning-court-endorses-broad-approach-setting/> ].*

*The report identifies some harm to the setting of heritage assets, but it fails to adequately quantify that harm. It suggests under 5.7 that there will not be a 'significant' impact but it*

*fails to equate this with “substantial” or “less than substantial” harm, or indicate whether the appropriate NPPF test has been applied (which presumably would be the one under para 134). It is unclear from the report if it has been considered in what way the setting of Killerton contributes to its significance in order to correctly apply that test, as the report fails to establish the relationship of the site to the heritage asset.*

*I unfortunately cannot make the Planning Committee on 6<sup>th</sup> September, but please confirm by return of email that you will be communicating these comments to the Planning Committee.*

#### **Local Planning Authority response to the representation from the National Trust**

The setting of Killerton Estate, which is a heritage asset has been considered in the assessment of the planning application and was considered as part of the assessment of previous applications on this site.

The provision of two additional pitches on the site and the composting toilet are not considered to have a significant impact on the setting of Killerton as stated in the report. It is considered that the proposed use of the site (a majority of which has now occurred) results in ‘less than substantial harm’ to the setting of the heritage asset that is the Killerton Estate. A balanced judgement has been made regarding the significance of the heritage asset and the scale of harm or loss to the heritage asset. The NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. (para 132).

The local planning authority have visited the application site and assessed the visual relationship between the site and Killerton Estate. Killerton estate is a grade II\* registered park and garden. The relationship between the site and Killerton estate has also been assessed from the public footpath between Killerton and Hayne Lane, and from the public footpath that runs north east- south west close to the north western boundary of Killerton Estate. It has been concluded that the proposed additional uses of the application site will result in ‘less substantial harm’ to the setting of Killerton Estate.

Any less than substantial harm to the setting of Killerton Estate is considered to be outweighed by the provision of two further pitches within the site that would provide additional housing within the district in a location that is considered to be acceptable for the provision of traveller accommodation and the proposal is therefore considered to pass the test regarding harm to heritage assets as set out in paragraph 134 NPPF.

2	17/00016/TPO Tree Preservation Order for 1 Oak tree at Land at NGR 306770 113041 Clay Lane, Uffculme, Devon