

PLANNING COMMITTEE AGENDA - 29th March 2017

Applications of a non-delegated nature

UPDATES

	ENFORCEMENT ITEMS
	15/00171/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for storage of builders materials at Land at NGR 310656 113326 (Hillmoor) Culmstock
	16/00140/UDRU – Erection of dwelling at Longwood Farm, Burlescombe, EX16 7JT
	16/00200/UDRU – Storage on agricultural land, construction of bund, change of use of agricultural barn at Trobridge Farm, Trobridge, Crediton EX17 3QA

<u>Item No.</u>	Description
	PLANS LIST ITEMS
1.	<p>16/01362/FULL - Conversion of 5 redundant agricultural buildings to 5 dwellings at Land and Buildings at NGR 279371 101700 (Spencecombe), Crediton, Devon.</p> <p>The applicants agent has circulated a submission to members, and the following is a summary response to the points raised as already articulated in the committee report.</p> <ol style="list-style-type: none"> 1. The agent challenges if the buildings are listed, taking into account the relevant factors as set out below you officers are of the view that the buildings are curtilage listed: <ul style="list-style-type: none"> • The buildings are pre 1948. • The farm buildings have a close physical relationship with the farmhouse. The farmhouse is called a farmhouse because it has an associated farm holding and associated farm buildings - i.e. the buildings the subject of the application. • The farm buildings are in the same ownership and have historically been in the same ownership as the farmhouse. • The use of the farm buildings was historically and is currently directly related to the farm holding and the farmhouse. • It is inconceivable that the farm buildings have any reason for being other that related to the farmhouse which is adjacent. • The farm buildings are subordinate to the farmhouse. 2. The agent challenges the views expressed about the Linhay buildings. The architectural design of Linhay conversions is very often complicated. They are commonly very fragile buildings that require considerable reconstruction. This is because they are open fronted and open to weather impacts. The survey work that is referred to by the applicant was

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	<p>carried out in 2015. It was not a full structural survey. It was observational only. There are many caveats in the report that raise more questions about the extent of works required and these have not been properly addressed. The requirement of the policies for barn conversions require more than this as evidence of the structural condition and the works required to repair and/or reconstruct. The design for conversions does not 'retain the original character' of the linhays as required by policy.</p> <p>3. The agent challenges the assertions made about in the officer report about the parking arrangements and makes further comments /suggestions how this issue could be redressed. The comments do not, in the view of officers, address their serious concern that the proposal will have a significant adverse impact on the setting/surroundings of the courtyard group as set out in the report. Harm accrues from a number of factors that are discussed in the officer's report. It is not just one matter that if amended will overcome the concerns.</p> <p>4. The conversion of three of the barns does not give rise to concerns. These are supportable. The objections are raised with the works to the linhays are for design and structural reasons and for reasons associated with the impact of the conversions to create a fifth dwelling which will have a negative impact on the setting of the group for a variety of explained reasons in the report. Officers have sought to be proactive in achieving an agreed solution on this basis but this has been rejected by the applicant</p>
<p>2.</p>	<p>16/01772/MOUT - Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure at Land at NGR 313382 113489, Culmstock Road, Hemyock.</p> <p>20th November 2016 - The applicants agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below:-</p> <p>Asset Protection - A plan showing the appropriate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.</p> <p>Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.</p> <p>Clean Portable Water - South West Water is able to provide clean potable water services from the existing public water main for the proposal.</p> <p>Foul Sewerage Services - South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.</p> <p>Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public</p>

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	<p>and environment.</p> <p>Surface Water Services - The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement, To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none">1. Discharge into the ground (infiltration); or where not reasonable practicable, Provide written evidence as to why infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drain do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m2. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.2. Discharge to a surface waterbody; or where not reasonable practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc.).3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership).4. Discharge to a combined sewer (Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer. <p>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.</p> <p>28th March 2017 – Blackdown Hills AONB</p> <p>The AONB Partnership is appreciative of the Council for commissioning an independent review of the LVIA for this application in the absence of its own in-house landscape expert, which we believe demonstrates the required 'regard' to the AONB designation under Section 85 of the Countryside and Rights of Way Act.</p> <p>I note that the assessment has identified several issues with the LVIA, but doesn't disagree with the overall conclusion.</p>
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	<p>The findings do appear to support the AONB view that it is difficult to judge the effects of the development proposals without the detail.</p> <p>If Committee is convinced by the case for this development in terms of NPPF Paragraph 116, then we would request that the review conclusion and recommendations (page 29 of the Review Final Report) are fully taken account of in relation to any future detailed application. Specifically,</p> <ul style="list-style-type: none"> • We support the recommendation in paragraph 62 regarding the Parameters Plan • We note the conclusion in paragraph 63 and agree with the bullet points, with some reservation on the point about 'higher' and 'lower' buildings • We agree with paragraph 64. <p>On an associated point, the propose Condition 16 (lighting) is welcomed. We would also request that Condition 7 (presumably to be signed off by County Highways) is addressed in a manner commensurate with location and the recommendations of the LVIA review.</p> <p>28th March 2017 - I would reconfirm South West Water has no objection the development in terms of foul drainage capacity – problems experienced in Longmead have related to blockages//equipment failure (p Station breakdown) which does not indicate a lack of capacity being the only grounds we could justify an objection on.</p> <p>Also this site will not drain directly through the sewer network in Longmead but rather will enter the sewer network just upstream of the sewage works along a different route.</p> <p>2 recommendations appear on the report. Delete the first of the two.</p>
3.	<p>16/01932/MFUL - Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank at Land at NGR 294211 123012(Higher Barn), Bampton, Devon.</p> <p>27th March 2017 The reference to drawing numbers in proposed conditions 4 and 5 should be altered to refer to the following drawings.</p> <p>Condition 4: Final drainage strategy: 39494-2001-500 Rev A, dated 31 January 2017 and 39494-2001-501 received 15th December 2016</p> <p>Condition 5: Final landscape masterplan = SPP 2047.002 Rev D, dated 10 February 2017.</p>
4.	17/00090/ARM - Reserved Matters for the erection of a dwelling following Outline

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	approval 16/00108/OUT at Land at NGR 304865 115568, Corner of Brimstone Lane, Westleigh.
5.	<p>17/00209/HOUSE - External alterations to include alterations to roof and installation of ground mounted solar panels at 4 Blundells Avenue, Tiverton, Devon.</p> <p>24th March 2017 One additional condition to be added to the recommendation for approval:</p> <p>5. Prior to its first use on the building, details and a sample of the proposed Cedral cladding shall be submitted to and approved in writing by the Local Planning Authority and shall be so retained thereafter. REASON: To ensure the materials are of a high quality and are appropriate to conserve the character and appearance of the conservation area within which the site is located, in accordance with policies DM2 and DM27.</p>
	AGENDA ITEMS
10	<p>14/00667/MFUL - Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier at Land at NGR 298039 113326 (Off The A361), Blundells Road, Tiverton. AND 14/01168/MFUL - Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping</p> <p>Objection letter from Tim Lutley regarding Agenda items 10,11 and 12 I do not understand why both developers keep trying to chip away at S106. Presumably planning applications take month or years to put together, so either the developers didn't do their sums properly or they are trying to wriggle out of the commitments they have made in order to make more profit. I would suggest it is time for strong governance and I call upon the councillors to do what is best for local people by not approving these amendments.</p> <p>It is my understanding that MDDC will be taking out loans on behalf of the developer in order that some of the infrastructure is built. Surely the council should be devoting all of its financial resources to public services. As a council tax payer, I object to this course of action. Why are the developers not taking out the loans themselves?</p>

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11	<p>14/00881/MOUT - Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road at Land East of Tiverton, South of A361, and Both North and South of Blundells Road, Uplowman Road, Tiverton.</p> <p>Objection letter from Tim Lutley regarding Agenda items 10,11 and 12 I do not understand why both developers keep trying to chip away at S106. Presumably planning applications take month or years to put together, so either the developers didn't do their sums properly or they are trying to wriggle out of the commitments they have made in order to make more profit. I would suggest it is time for strong governance and I call upon the councillors to do what is best for local people by not approving these amendments.</p> <p>It is my understanding that MDDC will be taking out loans on behalf of the developer in order that some of the infrastructure is built. Surely the council should be devoting all of its financial resources to public services. As a council tax payer, I object to this course of action. Why are the developers not taking out the loans themselves?</p> <p>Under this amendment it seems that construction of houses may start before the A361 southern junction is in place. Consequently, all of the construction traffic will either have to come through Halberton or use Blundell's Road, both of which are wholly unsuitable for this kind of vehicle. Has anyone considered the impact of the noise and dirt on local residents? What about the increased risk of accidents with Blundell's School pupils and staff who cross the road in several places many times a day? I would ask the council not to allow this to take place. Surely the construction of the acoustic bund behind some of the properties in Uplowman Road also needs to be completed before any building work gets under way? The councillors have a duty to ensure this protection is afforded to residents.</p> <p>Construction of the northern side A361 junction appears to be up in the air. I am concerned that, by not committing to a timescale, it will not get built for years, by which time rising costs might mean it never gets built.</p>
12.	<p>13/01616/MOUT - Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements. at Land at NGR 298671 113603, Uplowman Road, Tiverton.</p> <p>Objection letter from Tim Lutley regarding Agenda items 10,11 and 12 I do not understand why both developers keep trying to chip away at S106. Presumably planning applications take month or years to put together, so either the developers didn't do their sums properly or they are trying to wriggle out of the commitments they have made in order to make more profit. I would suggest it is time for strong governance and I call upon the councillors to do what is best for local people by not approving these amendments.</p>

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13.	16/00008/TPO – Provisional TPO 1 X Oak tree at High Banks, Clay Lane, Uffculme