

Reference No: 19/00060/OUT
Parish: Holcombe Rogus 29

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF OUTLINE PLANNING APPLICATION

Name and Address of Applicant:

Mr Batten
49 Twitchen
Holcombe Rogus
Devon
TA21 0PS

Name and Address of Agent:

Greenslade Taylor Hunt
Winchester House
Deane Gate Avenue
Taunton
TA1 2UH

Date Registered : 14th January 2019

Date of Permission : 2nd May 2019

Proposal: Outline for the erection of two dwellings with new access

Location: Land and Buildings at NGR 305670 118538 (East of 49 Twitchen) Holcombe Rogus Devon

Site Vicinity Grid Ref: 305673/118535

MID DEVON DISTRICT COUNCIL HEREBY GRANTS OUTLINE PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

NOTE: THIS DECISION NOTICE IS SUBJECT TO A UNILATERAL UNDERTAKING/SECTION 106 AGREEMENT, A COPY OF WHICH IS AVAILABLE TO VIEW ON PUBLIC ACCESS.

Subject to the following conditions:

1. No development shall begin until detailed drawings to an appropriate scale of the access, layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The detailed drawings required to be submitted by Condition CO1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, proposed site levels, finished floor levels, materials, and surface water and foul drainage.
5. Prior to their use on site, samples of the materials to be used for all the external surfaces of the building and any retaining walls have been submitted to and approved in writing by the Local Planning Authority.

6. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.
7. No part of the development hereby approved shall be brought into its intended use until the access driveway and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
8. Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 to 1200 hours (midday) on Saturdays and at no time on Sundays and Bank Holidays.
9. No development shall begin until a Method of Construction Statement to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialsshall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.
10. All telephone, electricity and mains gas services to the building shall be placed underground.
11. Prior to the first occupation of the dwelling details of refuse and recycling storage for the dwellings shall be submitted to and approved in writing by the Local Planning Authority hereby approved. Such approved refuse and recycling storage shall be retained thereafter.

REASONS FOR CONDITIONS:

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
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4. To enable the Local Planning Authority to consider the impact of the development particularly on the occupiers of the neighbouring properties in accordance with Policy DM2 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies).
5. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM15.
6. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To ensure that adequate facilities are available for the traffic attracted to the site.
8. To protect the privacy and amenities of neighbouring occupiers in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

9. To ensure the provision of adequate facilities during the construction period and in the interests of highway safety.
10. In order to safeguard visual amenity of area.
11. To ensure adequate refuse and recycling facilities are provided for the dwelling in accordance with Policy DM14 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. This is to include the necessary surveys relating to the Crested newt protection area.
2. Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.
3. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal. If mains water is to be used, would have no comment.
4. If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This application seeks to ascertain whether the siting of residential development on this site is acceptable. The proposal is acceptable in principle as the site is considered to be a sustainable location and will be within the defined settlement limit of Holcombe Rogus shortly, where minor residential development is supported in accordance with policy S13 of the emerging Local Plan. Whilst the site sits within a relatively close residential context, it is considered likely that two dwellings could be accommodated on the site at a density compatible with its surroundings. Furthermore the reserved matters application will ensure that the proposal would not result in harm to the character or appearance of the area, the amenity of neighbouring properties or any adverse impacts to the local highway network. The proposal is therefore in accordance with Policies COR1, and COR2 of the Mid Devon Core Strategy (Local Plan Part 1), together with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Local Plan Part 3 (Development Management Policies).

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included negotiations.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR12 - Development Focus
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 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
DM3 - Sustainable design
DM8 - Parking

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	2477-PL-01 A		14/01/2019
Block Plan	2477-PL-02		11/01/2019

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:

Mrs Jenny Clifford
Head of Planning and Regeneration

Date: 2nd May 2019

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.

