

Reference No: 17/00353/FULL  
Parish: Burlescombe 06



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPROVAL OF FULL PLANNING APPLICATION**

**Name and Address of Applicant:**

Mr A Busby  
Mid Devon District Council  
Phoenix House  
Phoenix Lane  
Tiverton  
EX16 6PP

**Name and Address of Agent:**

Mr N Gale  
RGP Architects Ltd  
Victoria Street  
Barnstaple  
EX32 9HT

---

Date Registered : 3rd March 2017

Date of Permission : 18th January 2018

**Proposal:** Erection of 6 affordable dwellings and formation of access

**Location:** Land at NGR 307578 116857 (SE of Oakfield) Burlescombe Devon

**Site Vicinity Grid Ref:** 307580/116858

**MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. In accordance with details that shall previously have been submitted to, and approved in writing 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.

5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and access drainage have been provided in accordance with the approved drawings..
6. All development shall be carried out in accordance with the recommendations and mitigation measures set out in section 4 of the Ecological Impact Assessment carried out by Richard Green Ecology and received by the Local Planning Authority on 6th March 2017
7. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained
8. The approved drainage scheme shown on drawing number 16.11.283\_1002 - po2 contained within the drainage statement (ref 16.11.283\_Rev02 dated 13.6.17.) shall be carried out in full prior to the first occupation of the dwellings and thereafter be so retained

#### **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, in accordance with Paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in Paragraph 5.3 of the Mid Devon Local Plan Part 3: (Development Management Policies) Policy DM27, that an appropriate record is made of archaeological evidence that may be affected by the development.
4. In the interest of public safety and to prevent damage to the highway.
5. To ensure that adequate facilities are available for the traffic attracted to the site.
6. In the interests of preserving protected species and their habitats and to enhance the ecological value of the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies)
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To ensure that adequate measures are in place to manage surface water and foul drainage from the site.

## REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

A need for affordable housing in Burlescombe has been demonstrated and the proposed dwellings in terms of size, mix and design are considered appropriate for this location. The design and layout of the dwellings are considered acceptable and the comments of the Highway Authority have now been successfully resolved. No concerns regarding air quality have been raised by Environmental Health and it is considered that the removal of young trees, whilst regrettable, does not justify a refusal. No adverse impact on residential amenity is considered to result which justifies a refusal and subject to resolution of the outstanding issues relating to ecology and drainage the proposal is considered to comply with Policies COR1, COR2, and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/6 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM8, DM14 and DM15 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 paragraph 69 of 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  
COR18 - Countryside

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

AL/DE/6 - Exceptions Policy  
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  
DM14 - Design of housing  
DM15 - Dwelling sizes

### Relevant Plans

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

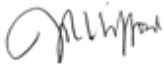
Plan Type	Reference	Title/Version	Date Received
Site Location Plan	15021/L1		01/03/2017
Proposed	15021/P2A	Plots 1-3 Plans & Elevs.	01/03/2017
Proposed	15021/P3B	Plots 4-6 Plans & Elevs.	03/03/2017

Proposed	15021/C2B	Site Boundary	01/03/2017
Proposed	15021/P4B	Site Sections	01/03/2017
Proposed	2401 Rev. P01	External Works Layout	01/03/2017
Proposed	15021/P1H	Site Plan	08/05/2017

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: 18th January 2018**

**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 [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 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.