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Committee Administrator
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MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 2 March 2022 at 2.15 pm

The next meeting of the Committee will take place on Wednesday, 16 March 2022 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

22 February 2022

Councillors: P J Heal (Chairman), G Barnell, E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, F W Letch and B G J Warren

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 3 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 2 February 2022.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 7 **THE PLANS LIST** (*Pages 13 - 42*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 43 - 44*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 45 - 46*)
To receive for information a list of recent appeal decisions.

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the

requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here:
<https://democracy.middevon.gov.uk/documents/s23135/MeetingProtocolUpdateOct2021nextreviewFeb2022.pdf>

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 February 2022
at 2.15 pm

Present

Councillors

P J Heal (Chairman)
G Barnell, E J Berry, S J Clist,
Mrs F J Colthorpe, L J Cruwys,
Mrs C P Daw, R J Dolley, F W Letch,
B A Moore and B G J Warren

Apologies

Councillor(s)

C J Eginton

Also Present

Councillor(s)

R J Chesterton, R M Deed, R Evans,
Mrs N Woollatt and R L Stanley

Present

Officers:

Richard Marsh (Director of Place), Angharad Williams (Interim Development Management Manager), Maria De Leburne (Operations Manager for Legal and Monitoring), Adrian Devereaux (Area Team Leader), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

147 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.46)

Apologies were received from Cllr C J Eginton who was substituted by Cllr B A Moore.

148 PUBLIC QUESTION TIME (0.04.09)

Mr Elstone referring to No 2 on the Plans list asked:

Why are the Applicant i.e., Zed Pods being permitted to very seriously violate the privacy of existing residents?

Why are Zed Pods stating that a building just 14 metres from the Zed Pods structure is an office building when in fact it is a residential building?

Why are there are only 7 parking spaces provided when MDDC policy requires 10?

Are Members aware that MDDC's own contracted Tree Officer first used the word "significant" when determining the amenity value of the Sycamore Tree?

Mr Hughes referring to No 1 on the Plans list asked:

The line block plan currently on the table still shows 3 shower/WC blocks and could, therefore, still lead to a misunderstanding in the future.

In order to avoid any confusion in the future could the agent be asked to submit a line block plan showing just the 2 WC and 1 boiler blocks accurately reflecting the elevations, floor plans and the statement, showing foul water drainage to just the two WC blocks?

That leaves just a couple of questions:

For the record are plumbed in structures, with electricity, classified as permanent or temporary buildings?

Where does the dividing line lie between these two classifications?

Would the boiler block require planning approval for 'change of use' should the applicants wish to convert it to a shower/WC block in the future?

The Chairman indicated that answers to questions would be provided when the application was considered.

149 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

The following declarations were declared:

Cllrs G Barnell, S J Clist, L J Cruwys, P J Heal, F W Letch, B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received emails from objectors and applicants with regard to applications 21/02158/FULL and 21/01956/FULL

Cllr R J Dolley declared a personal interest for application 21/01956/FULL as he was the Chairman of Homes PDG

Cllr R J Dolley declared a personal interest for application 16/01707/MOUT as he was a personal friend of the applicant

Cllr S J Clist declared a disclosable pecuniary interest for application 16/01707/MOUT as he was related to the applicant and left the meeting during the discussion and vote on this item.

150 MINUTES OF THE PREVIOUS MEETING (0.12.55)

The minutes of the meeting held on 19 February 2022 were agreed as a true record and duly signed.

151 CHAIRMAN'S ANNOUNCEMENTS (0.13.39)

The Chairman informed the Committee that there may be a need for an additional meeting in March.

152 DEFERRALS FROM THE PLANS LIST (0.14.11)

There were no deferrals from the Plans list.

153 THE PLANS LIST (0.14.16)

The Committee considered the applications on the *Plans List

Note: *List previously circulated and attached to the minutes

a) Application 21/02158/FULL - Variation of condition 2 of planning permission 21/00443/FULL to allow substitute plans - Change of use of land for the siting of 2 glamping tents and associated facilities at Deer Park Camping, Hockworthy, Wellington.

The Interim Development Management Manager outlined the application by way of a presentation which highlighted the site location, the approved block plan and elevations, the proposed block plan and photographs of site in summer and winter. She explained that the new plans had introduced low level lighting but this was not considered harmful to bats by the applicants ecologist.

In response to public questions she stated:

- The application included two shower/WC blocks and a store to hold a fire extinguisher
- The site as a whole includes two units of holiday accommodation, three facilities blocks and car parking with lighting
- Floor plans for the ancillary blocks had been provided and included within the presentation
- The proposed plans were deemed to be sufficiently detailed
- No conditions had been imposed to remove the ancillary buildings whilst they remained in use and they were referred to semi-permanent as they were relatively easy to dismantle and remove
- The third ancillary building would not require change of use permission if it was turned into a shower/WC block
- Two shower blocks were not considered too onerous for the site
- Planning officers had looked into the ecological advice from the ecological advisor which stated that the low level lighting would cause no harm to wildlife

The officer explained that as the Committee had approved the original application it now came before them to determine the amended plans.

Consideration was given to:

- Members views that the amended plans would not cause any additional harm
- That the ancillary buildings should be accessible by disabled users

It was therefore:

RESOLVED that planning permission be granted with delegated authority given to the Interim Development Management Manager to amend conditions 3, 4 & 9 and to

introduce a condition to ensure the ancillary buildings were accessible for disabled users

(Proposed by R J Dolley and seconded by Cllr E J Berry)

Notes:

- i) The Chairman read a statement by the applicants agent
- ii) The following late information was received:

21/02158/FULL - Variation of condition 2 of planning permission 21/00443/FULL to allow substitute plans - Change of use of land for the siting of 2 glamping tents and associated facilities - Deer Park Camping Hockworthy Wellington.

1. A revised version of plan reference P/SS/01, now Rev 3. This shows an additional floor plan for the facilities building noting the layout to include storage of an emergency telephone, honesty box for store, emergency contact details, fire extinguisher and first aid kit.
2. Rope light specification, showing a typical detail for such lighting, this was alongside an email which confirmed that this rope light is proposed or another of the same specification.
3. A specification for the outdoor wall light fitting
4. A specification for the Rusty Slot 80, outdoor floor stand LED light
5. A specification for the Adana Solar Lantern
6. A letter from the Ecologist, Richard Green Ecology confirming the following:

An extended phase 1 habitat survey of land at The Deer Barn, Hockworthy, Wellington, TA21 0NW, NGR ST 03716 19607, was undertaken by Richard Green Ecology Ltd on 18 March 2021.

Since the initial survey and ecological appraisal report issued on 1 April 2021 (Richard Green, 2021), there have been some minor amendments to the proposal plans.

The initial proposal plans included the installation of two bell tents, three shower and W.C. shacks, and a car park screened by a new double row native species hedge, with no external lighting.

The amended proposal plans include the installation of one bell tent, a larger safari tent, three shower and W.C. shacks, a car park screened by a new double row native species hedge, and a variety of low energy lighting solutions (refer to Figure 1).

The amended plans would increase the loss of improved grassland from approximately 550 m2 to approximately 570 m2, considered to result in a negligible ecological impact.

The addition of external lighting is also considered to result in a negligible ecological impact, given that the proposed lighting is to be at a low Lux level and to use passive infrared (PIR) sensors. The site boundaries would remain dark, resulting in minimal impact upon commuting and foraging bats that may be crossing the site or foraging around trees and hedgerows.

The other measures for ecological mitigation and enhancement referred to in our ecological appraisal report would remain unchanged.'

7. A photograph of the proposed canvas lodge adopting beige canvas. This application originally proposed green canvas but this is not available at present and so the agent has sent an email to confirm that the applicant is now proposing that either green or beige canvas will be used for the canvas of the canvas lodge. This will be dependent on the availability of the canvas at the time that it needs replacing. The approved glamping tents were proposed to be beige and the canvas lodge was proposed to be green at the time of completing the committee report. Both the beige canvas and the green canvas has been considered acceptable by officers and it is not considered that varying between these two colours will cause any harm to the character or appearance of the locality.

8. A brochure for the canvas lodge include build specification

9. In addition to the attached documents/plans, the Agent has confirmed that the scaling on the plans is accurate, an additional block plan has also been submitted omitting the aerial photograph and clarifying the position of the proposed holiday units and facilities blocks.

The outstanding matters referred to within the recommendation are now considered to be resolved. The updated recommendation is now as follows: Conditional approval. Final wording and drafting of conditions to be delegated to the Interim Development Management Manager.

b) 21/01956/FULL - Erection of a three-storey block of 6 dwellings with associated soft and hard landscaping works at Garage Site 10 to 19, St Andrews Road, Cullompton

The Area Team Leader outlined the application by way of a presentation which highlighted the site location, block plan, site plan, floor plans, elevations, section plan, landscape plan site aerial view, street view and photographs of the site.

In response to public questions he stated:

- The LPA did not have adopted design guidance to certain distances
- The 23 metres was usually taken between two rear elevation windows facing each other and that the rear elevation of the application faced a car park and the gable end of the nearest property
- The distance between neighbouring properties was considered adequate
- The neighbouring property was described as an office as it was believed there was an architect's office on site but the development did not face the rear of the property and was offset to the car park
- The shortfall in parking had been noted in the officers report and the Highways Authority had no objections to the proposal

- There was a difference of opinion between the Council's Arboricultural Officer and the tree consultants appraisal about the condition of tree but further tree planting had been provided and the tree officer had advised that this would be a benefit to the area in terms of amenity.

Consideration was given to:

- The views of the objector who felt that the application did not comply to parking standards and that the application was trying to shoehorn 3 storey flats into a small area
- The views of the ward member who welcomed the scheme but stated that car parking was a concern and that alternative provisions for this on the estate should be explored. That she would like to see the sycamore tree preserved even if this meant ongoing maintenance to it
- The officer outlined to Members of the legal position behind listed buildings and the need to weigh up the harm against the public benefits of the development. On this occasion the officer advised that given the conservation officer view that the harm was negligible, the officer advised members that it was considered the public benefit arising from the development outweighed any impact on the listed building
- The officers explanation that the existing tree could not be maintained but that the tree officer had noted the benefit of more replacement trees with semi mature specimens
- Additional car parking was not possible on the site but could be available elsewhere on the estate subject to relevant planning permissions
- Members views that they would have liked to have had a site visit
- National space standards had been used to determine the likely occupancy of the flats

It was therefore:

RESOLVED that planning permission be granted with delegated authority given to the Interim Development Management Manager to condition the use of semi mature replacement trees and for the Cabinet Member for Planning and Economic Regeneration to investigate the introduction of additional parking on the estate

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

Notes:

- i) A motion to defer a decision to allow members to properly consider the implications and advice contained in the Conservation Officers report and to allow a site visit for members to assess the affect the proposed building would have on the area was not supported
- ii) Cllrs S J Clist, L J Cruwys and B G J Warren requested that their abstention from voting was recorded
- iii) Cllr G Barnell requested that his vote against the decision be recorded
- iv) Mr Elstone spoke as the objector
- v) Cllr Mrs N Woollatt spoke as the ward member
- vi) The following late information was received:

Response received from Ward Member Cllr Ashley Wilce:

'I wish to echo Cllr Woollatt's concerns over parking and the increased pressure that any development not complying with local planning policy in this regard, will cause. Cullompton is a rural commuter town without a train station and poor links to the nearest one, not an urban conurbation well-served by public transport, or with a wealth of local jobs. Cars - and parking for them – are a necessity until such time as this situation significantly improves. If the developer plans to place reliance on the argument that cars are not needed for those living in the Town centre, such a position is clearly untenable; residents already have to drive around trying to find somewhere to park.'

02/02/22

21/01956/FULL - Erection of a three-storey block of 6 dwellings with associated soft and hard landscaping works on Garage Site 10 to 19, St Andrews Road, Cullompton

Response received from Conservation Officer – 2/02/22

The site is in an elevated position on the hillside as the land rises up St Andrews Road, and it separated from the conservation area by the public car park to the east. To the south the conservation area includes the dwelling to the rear of No 28 High Street off of St Andrews Road. Listed Buildings near the site are Nos 28, 38, 40, 42 and 44 (all separate entries). This part of the conservation area is clearly visible from the site and vice versa. There is clear inter-visibility between the listed building at Nos 28, 40 and 42 with the site.

It should be noted that the draft Cullompton Conservation Area Assessment and Management plan, due for adoption at Full Council on the 23rd of February does not propose any changes to the extent of the conservation area nearby. There are no important unlisted buildings nearby.

You will recall that when you first consulted me on this application I visited the site and noted that the proposal had potential to impact on heritage assets: the conservation area and nearby listed buildings. No heritage assessment had been submitted with the application, and the application was contrary to policy DM25 and the NPPF in that respect.

154 APPLICATION 16.01707/MOUT SOUTH OF LEA ROAD, TIVERTON - S106 ALLOCATION

The Committee had before it a *report of the Interim Development Management Manager which confirmed the Committees resolution on 1st December 2021 to accept changes to the S106 agreement relating to outline planning permission 16/01707/MOUT. The Committee were asked for clarification as to how members wished for the revised S106 agreements to be allocated.

The Area Team Leader reminded members of the application by way of a presentation which highlighted an illustrative layout, photographs of the site and the background of the S106 agreement.

Consideration was given to:

- Members views that the relatively small amount of money requested for education from Devon County Council would not have much impact
- There was a mechanism for review of the contribution should the viability assessment change

It was therefore:

RESOLVED that the Council allocate the £23,000 to off-site housing provision for affordable housing.

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

- i) Cllr S J Clist had declared a Disclosable Pecuniary Interest as he was related to the applicant and was not present for the deliberations or vote
- ii) *Report previously circulated and attached to the minutes
- iii) The following late information was received:

Response received from Children's Services at D.C.C.:

'Given the viability assessment completed on this application, we understand that full education contributions originally signed into a section 106 agreement against this development cannot be secured. Therefore, as you have requested, we have reviewed our position and provide a revised response below based upon current pupil forecasts within Tiverton.

Regarding the above application, Devon County Council has identified that the proposed increase of 41 family type dwellings will generate an additional 10.25 primary pupils and 6.15 secondary pupils which would have a direct impact on the Primary Schools in Tiverton and Tiverton High.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan. Based on this, a percentage is established, which will be requested for developments in the area.

The primary schools in Tiverton are forecast to have capacity for the number of pupils likely to be generated by the proposed development. Therefore a contribution towards primary education infrastructure will not be sought.

Tiverton High is forecast to have capacity for 96% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council would seek a contribution based on the Tiverton secondary percentage of 4% of the total number of pupils generated directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary is £5,790 (based

on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the cost of transporting pupils from Bampton to Tiverton High. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.'

155 **MAJOR APPLICATIONS WITH NO DECISION (1.54.10)**

The Committee had before it, and **NOTED**, a *list of major applications with no decision.

It was agreed that:

22/00063/MARM – To be determined by committee and full committee site visit was required

22/00040/MARM – To be determined by committee and full committee site visit was required

Note: *list previously circulated and attached to the minutes.

156 **APPEAL DECISIONS (1.58.09)**

The Committee had before it, and **NOTED**, a *list of appeal decisions

Noted: *List previously circulated and attached to the minutes

Update Sheet

(The meeting ended at 4.33 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 2nd March 2022

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	21/02137/MFUL - Erection of 21 dwellings with associated open space, landscaping and infrastructure at Land and Buildings at NGR 302094 104175 (Westcott Park), Westcott, Devon. RECOMMENDATION Refuse permission.
02.	21/02113/FULL - Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking at Newcombes Surgery, Clifford Gardens, Crediton. RECOMMENDATION Grant permission subject to conditions.

Application No. 21/02137/MFUL

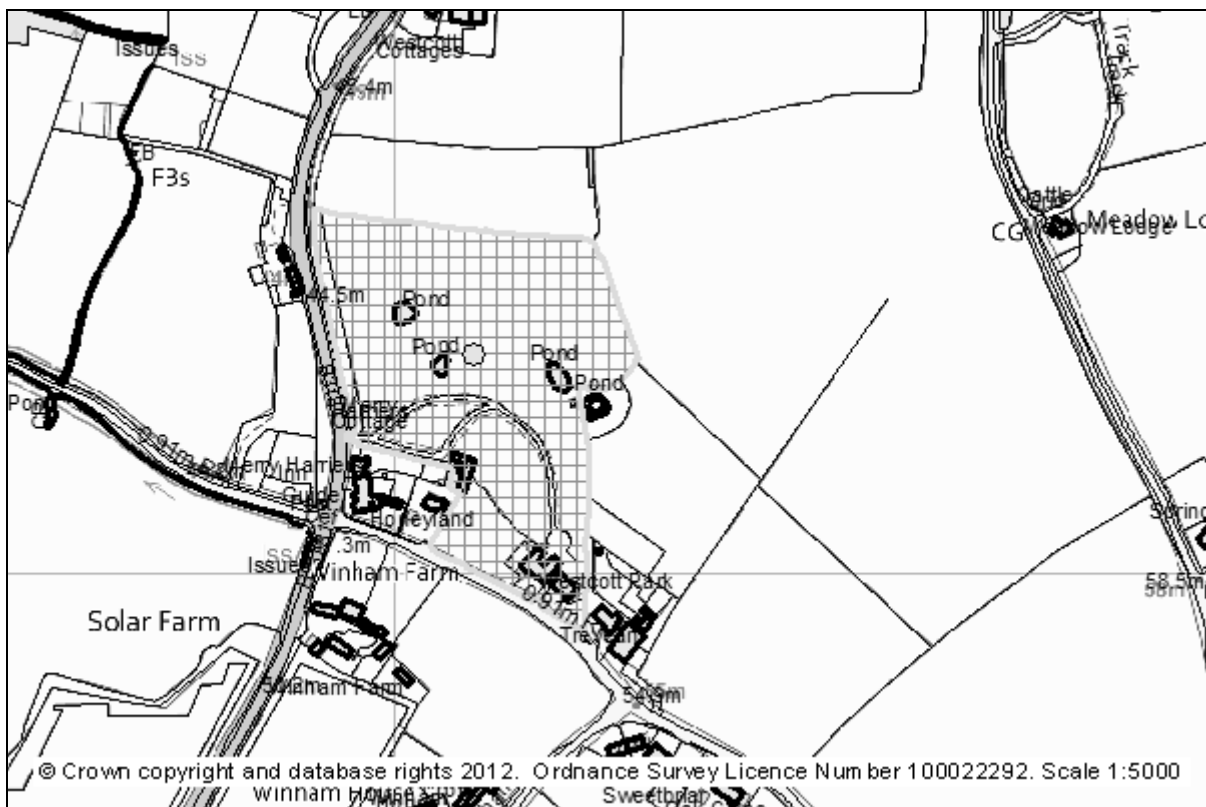
Grid Ref: 302055 : 104122

Applicant: Mr S & Mrs V Rowe

Location: Land and Buildings at NGR 302094 104175 (Westcott Park)
Westcott
Devon

Proposal: Erection of 21 dwellings with associated open space, landscaping and infrastructure

Date Valid: 29th October 2021



APPLICATION NO: 21/02137/MFUL

MEMBER CALL-IN

At Planning Committee on the 1st December 2021 it was AGREED that application 21/02137/MFUL - Land and Buildings at NGR 302094 104175 Westcott Park Westcott be brought before the Committee for determination and that a site visit take place.

RECOMMENDATION

Refuse permission

PROPOSED DEVELOPMENT

This application is for full planning permission for 21 dwellings with associated open space, landscaping and infrastructure on land at Westcott Park, Westcott.

The scheme would comprise the following number of dwellings:

Market housing

4 x 4 bedroom dwellings over three storeys;
6 x 4 bedroom dwellings over two storeys;
2 x 3 bedroom dwellings.

Total 12 dwellings.

Affordable housing in the form of First Homes

4 x 2 bedroom dwellings over 2 storeys;
5 x 1 bedroom dwellings over 1 storey.

Total 9 dwellings.

The proposals also provide landscaping and on site public open space in the form of a green which would provide informal public open space.

The applicant has submitted a draft S106 Planning Obligation which has provided the following planning obligations:

1. Financial contributions of £175,599 towards education (early years, primary school, transport and secondary education).
2. Financial contributions of £3,834 towards off site public open space at Knightshayes.
3. Restrictions of occupation of the 9 affordable dwellings to First Homes.
4. An Owner covenant that in the event that development is commenced that the following permissions cannot be implemented:
19/01127/FULL, 19/01421/FULL, 19/01582/FULL and 19/02122/PIP.

5. For a period of 5 years no other development would come forward, thereby only the existing property of Westcott Park and outbuildings would remain in addition to the proposed development.

APPLICANT'S SUPPORTING INFORMATION

Plans, Planning Statement, Drainage Plan, Arboricultural Impact Assessment, Flood Risk Assessed, Waste Statement, Carbon reduction statement, Preliminary Ecological Appraisal

RELEVANT PLANNING HISTORY

The planning history associated with the site is fairly complex. Whilst not on the same site footprint as that of the subject application, it is important to note the planning history of the wider site area in order that members understand why the officer has recommended that the application not be supported.

Members will note there are currently extant permissions on and around the site area, which would enable the applicant to provide up to 21 units in total which does not include the subject application (see in bold/red below).

82/01273/OUT - REFUSE date 29th September 1982 Outline for the erection of one dwelling

86/02073/OUT - REFUSE date 7th April 1987 Outline for the erection of two dwellings garages and construction of a vehicular access; use of land for one septic tank to serve three dwellings (including one existing dwelling)

88/02493/OUT - REFUSE date 5th December 1988 Outline for the erection of a dwelling and alterations to vehicular access

89/01275/FULL - REFUSE date 7th August 1989 Erection of detached bungalow and alterations to vehicular access

91/02186/OUT - REFUSE date 12th February 1992 Outline for the erection of a dwelling and garage

91/02187/OUT - WD date 12th February 1992 Outline for the erection of a dwelling and garage

92/00611/FULL - PERMIT date 2nd July 1992 Extensions to dwelling and curtilage retention of ponds and formation of drive to existing entrance (domestic use)

92/01325/FULL - PERMIT date 18th September 1992 Erection of conservatory and summer house

93/00064/FULL - PERMIT date 12th March 1993 Erection of garage and snooker room

93/00572/FULL - PERMIT date 10th June 1993 Replace existing sheds with private swimming pool and squash court

95/01579/OUT - REFUSE date 21st December 1995 Outline for the erection of a dwelling

98/00746/FULL - PERMIT date 18th August 1998 Retention of dormer windows in snooker room over garage (approved under p.p. no. 4/21/93/064) to facilitate its conversion to ancillary self contained residential accommodation for housekeeper/carers

98/01350/FULL - PERMIT date 26th July 2000 Erection of domestic outbuilding to incorporate swimming pool, gymnasium, tractor store and garden store (Revised scheme to that approved under ref. 4/21/93/572)

19/00815/PIP - REFUSE date 20th June 2019 Permission in Principle for the erection 5 dwellings

19/01127/FULL - PERCON date 25th November 2019 Conversion of swimming pool and store to 2 dwellings

19/01421/FULL - PERCON date 10th September 2021 Conversion of existing dwelling into 6 residential units

19/01582/FULL - PERMIT date 25th November 2019 Conversion of garage to form 2 dwellings

19/02122/PIP - REFUSE date 24th January 2020 Permission in Principle for the erection of up to 5 residential units as a rural exceptions site - APPEAL ALLOWED 13.10.20

21/00763/PIP - PERMIT date 24th May 2021 Permission in Principle for the erection of up to 6 'self build' dwellings

21/01199/PIP - WDN date 15th October 2021 Permission in Principle for the erection of 6 self build dwellings and associated works

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

Policy S1 - Sustainable development priorities

Policy S9 – Environment

Policy S3 – Housing

Policy S5 – Public open space

Policy S13 – Villages

Policy S14 – Countryside

Policy DM1 - High quality design

Policy DM5 – Parking

Policy DM6 – Rural Exception Sites

National Planning Policy Framework

National Planning Practice Guidance

Cullompton Neighbourhood Plan 2020 – 2033

Policy SD01 – Traffic Impact of Major Development

Policy SD03 – Flood Attenuation

Policy SD04 – Solar Design in Housing Schemes

Policy HS01 – Housing Mix

Policy HS04 – Parking on Housing Schemes

Policy EN01 – Protecting and Enhancing the Natural Environment

CONSULTATIONS

Bradninch Town Council – 07.12.2021

As the town council feels that this application will be favoured by MDDC Planning Department, it will not object to it. However, the town council feels that the houses would represent over development in the area and it requests that a condition is applied for any permission previously granted to be formally withdrawn. Furthermore, the drainage issues should be fully addressed, as should the parking space matter as 44 parking spaces, which includes garages, would appear to be insufficient for the number of houses involved. The town council was disappointed not to see the inclusion of electric vehicle charging points within the plans.

Cullompton Town Council – 10.11.2021

Resolved that the council OBJECTS to planning application 21/02137/MFUL on the basis that: It is considered that the artists impression illustrated dwellings that are not representative of those traditionally found in the County. Cullompton Neighbourhood Plan Policy SD04 refers to designs making the most of passive solar energy, renewable energy technologies and low energy systems. There is little mention of this in this outline application. Cullompton Neighbourhood Plan Policy HS04 provides for 3, off-road, parking places at each 4 bedroomed dwelling. In addition, Cullompton Neighbourhood Plan Paragraph 8.14 reinforces the need for residential garages to be of sufficient size to house a modern vehicle. There is no sewerage system at this development. As a result, either a mains sewerage system will need to be installed or that a septic tank will be required for each dwelling or the community at large. There is little mention in this outline application on the management of foul and grey water particularly as immediately downhill from this site is the Bear Trail which is reliant on the land it operates from remaining uncontaminated. It is recommended that the Environment Agency are consulted with regard to the discharge of locally treated water into the environment. There is not an attenuation pond in the plans in an area that is known to flood after periods of heavy rain.

Local Highways Authority - 15.12.2021

Previous Comments

The site is accessed off the B3181 a Primary County Route which is restricted to 40 MPH

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is one serious accident 27th November 2019. Although this was not at the proposed existing access.

The access proposed for this development is using an existing access, although no drawing has been put forward showing the existing visibility is suitable for the additional number of trips this proposal could create and the for the speeds of traffic.

The number of trips this development could generate will not be a severe affect on the Highway. Although we do need to ensure a safe and suitable access is achieved.

A note to the Applicant that this site may be eligible for Advance Payment Code under the Highway Act 1980

Therefore the County Highway Authority cannot put forward a recommendation until the information required has been submitted.

Further Information Received 30/11/2021

The Applicant has submitted Drawing Number 01/PHL-101 rev C which shows the access is safe and suitable for the number of dwellings proposed.

Therefore the County Highway Authority has no objections.

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

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

Flood Risk Team D.C.C (LLFA) - 02/02/2022

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations

Following my previous consultation response (FRM/MD/02137/2021; dated 22nd November 2021), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via email, for which I am grateful. The applicant must submit the following documents/plans/outputs to the Local Planning Authority for their review:

LLFA Consultation Response - Technical Note (dated 2nd December 2021)

Preliminary Drainage Layout (drawing No. 01-PDL-101; Rev. C; dated 20th January 2022)

Micro Drainage model outputs (Ref. Attenuation pond-(no permave); dated 20th January 2022)

The applicant has included the access road within the drainage network. This has caused the basins to increase in size. The applicant will need to design suitable easements around the basins. The applicant will also need to design suitable access paths to the basins. Plant and machinery may be required to access the basins for maintenance.

The applicant should design a suitable easement along the length of the existing culvert through the site.

This culvert should not be built over.

The MicroDrainage model outputs do not demonstrate a 300mm freeboard. However, the applicant has confirmed that a 300mm freeboard will be designed within all basins (the applicant will need to demonstrate this at the next stage of planning).

The SuDS Management Train for the site should be revised if permeable paving is not proposed within the access roads and driveways.

D.C.C. Waste Authority - 22.11.2021

I am contacting you in the County Council's role as the Waste Planning Authority with regard to the above planning application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

Within the Waste Audit Statement submitted, the applicant has made a good attempt to consider the targets for the reuse, recycling and recovery of waste as well as demonstrating the management of waste in accordance with the waste hierarchy.

However, the following points need to be addressed:

- We note that the amount of excavation waste has been provided, however we request that the amount of construction waste in tonnes is also provided;
- The type of material the waste will arise from during construction;
- The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- Identify the main types of waste generated when development is occupied (If possible);
- Identify measures taken to avoid waste occurring; and
- Provide detail of the waste disposal method including the name and location of the waste disposal site.

We would expect this information to be provided at this stage of the application. As such our preference is for the statement to be updated to include this information.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Please do not hesitate to get in touch should you have any queries in relation to our comments.

Devon CC Education – 10.11.2021

Regarding the above application of 21 dwellings, Devon County Council has identified that the proposed increase of 16 family type dwellings will generate an additional 4 primary pupils and 2.4 secondary pupils which would have a direct impact on primary schools in Cullompton and Cullompton Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

In accordance with the Education Infrastructure Plan 2016-2033, DCC will consider the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. We will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan. Based on this, a percentage is established, which will be requested for developments in the area.

The existing primary schools within Cullompton are forecast to have capacity for 16% of all pupils likely to be generated by the proposed development. A new primary school is proposed within Mid Devon's Local Plan to serve the development. This primary school will increase the towns primary capacity and therefore, Devon County Council will seek a contribution of 84% of the total number of pupils generated directly towards the delivery of this additional education infrastructure. The contribution sought would be £77,668 (based on the DfE new build rate of £19,417 per pupil). This would relate directly to providing education facilities for those living in the development.

Cullompton Community College is forecast to have capacity for 19% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution of 81% of the total number of pupils generated directly towards additional secondary education infrastructure at Cullompton Community College. The contribution sought towards secondary is £54,031 (based on the DfE extension rate of £22,513 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

DCC will also require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Willowbank Primary School. The cost required is as follows: -

4 primary pupils

$\text{£}7.50 \text{ per day} \times 4 \text{ pupils} \times 190 \text{ academic days} \times 7 \text{ years} = \text{£}39,900$

A contribution towards Early Years education would also be required to ensure delivery of provision for 2, 3 and 4-year olds. Based on £250 per dwelling, this would cost £4,000. This would be used to provide additional early years provision for pupils generated by the proposed development which would be expected to be delivered at the proposed new school.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on March 2019 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Natural England - 18.11.2021

Natural England has no comments to make on this application.

Devon and Cornwall Police – 03.11.2021

Police have no objections in principle to proposed scheme. However, as there appears to be no detail within either the Design or Planning Statements of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where/how it is proposed they be implemented.

Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following information is to inform the applicant:-

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016.

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. Secured by Design is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit and should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-

- Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security
- Structure: Places that are structured so that different uses do not cause conflict
- Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed
- Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ
- Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.
- Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB

Site specific details

The proposed layout will on the whole will offer reasonable overlooking and active frontages to the new internal streets and public open space (POS). Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety.

I note the applicant wishes to avoid the use of close boarded fencing and favours rendered walls and hedges as a boundary treatment. Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such, it is recommended all rear boundary treatments be 1.8m high, solid and robust to prevent being breached. Traditionally, close boarded fencing or walls would be deemed appropriate, however, it is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass. Any proposed new boundaries must not undermine the safety and security of existing dwellings and facilities.

There must be clear definition between public and private space, particularly where a dwelling immediately abuts a footpath. However, where there is insufficient room to create defensible space between public and private space, an appropriate (non-destructive) climbing plant should be planted adjacent to the wall, or a finish applied to the wall that will allow easy removal of graffiti. Where ground floor windows are indicated/installed, defensive space & or defensible planting would be considered essential to prevent anti-social and nuisance behaviour by for example, tapping on windows etc.

The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood. In order to do this it must be carefully located to suit its intended purpose, mere residual space unwanted by the developer is very unlikely to be acceptable. Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Care should be taken to ensure that a lone dwelling(s) will not be adversely affected by the location of the amenity space and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance leading to community conflict.

From a designing out crime and disorder perspective, it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles and designed that it is both convenient and practical to use. For example, side by side parking as oppose to tandem style parking is preferable as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

Public Health - 23.11.2021

Contaminated Land - No concerns, this development would take place on land which has not had any potentially contaminative uses in the past. 16.11.21

Air Quality - No concerns 16.11.21

Environmental Permitting Not applicable - 16.11.21

Drainage - We are concerned about both foul and surface water drainage. Local residents and the town council report issues of flooding on the road in this location on a number of occasions but this is not addressed by the applicants consultant. 4 attenuation ponds are shown as part of a SUDS scheme, and the proposal is to release water at a controlled rate into a piped stream which passes via a culvert under the road to the River Culm. More information is required in order to demonstrate that this system will not negatively impact on the situation on the road, or might improve it. The planning statement suggests that foul drainage will be provided by one treatment plant suitably sized for the whole development; the drainage report suggests it will be individual package treatment plants discharging to controlled private drainage leading to the same piped stream; and the FDA1 form suggests that an existing system will be used discharging neither to a stream or drainage field. We would wish to see the FDA1 form properly completed and supported by a report which sets out exactly what is proposed as the 3 statements currently contradict one another. Without this clarification this would be a reason for refusal on a scheme of this size in this rural location. 16.11.21

Noise & other nuisances No concerns once built. However there is potential for the construction process and traffic to affect nearby residents and those on the access routes. Therefore the standard CEMP condition, including transport assessment, should be included on any approval. 16.11.21

Housing Standards House type F - the bedroom is an inner room so the window must be an escape window and provide escape to a place of safety 03.11.21

Licensing - No comments 23.11.21

Food Hygiene - Not applicable 03.11.21

Private Water Supplies - Not applicable 03.11.21 Health and Safety - Not applicable HSE enforced 03.11.21

REPRESENTATIONS

This planning application has been advertised by means of a site notice, neighbour notification letters and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement (October 2016).

6 letters of objection have been received identifying the following material planning considerations:

- Increase to local flooding and drainage issues;
- Road safety and parking;
- Scale of the development;
- Amenity through loss of privacy to number dwellings;
- Character and appearance of the development on the landscape;
- Impact on listed building;
- Allowing further development on the site.
- Lack of services.

4 letters of support were received identifying:

- Prefer this scheme;
- Well designed scheme;
- Development will help support village.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- Principle
- Design and character and appearance
- Highways and parking
- Other issues

Principle of development

Policy S1 of the Mid Devon Local Plan 2013-2033 sets out the strategic priorities with part a) identifying a focus of development at Tiverton, Cullompton and Crediton with a limited amount of development in identified villages.

Policy S13 – Villages identifies a series of villages which are suitable for **limited** development. Westcott is not a recognised settlement within the local plan and as such it would be considered to be in the countryside in policy terms.

Policy S14 – Countryside seeks to preserve and where possible enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable diversification of the rural economy. Policy S14 identifies that only a limited number of uses will be permitted including affordable and low cost housing to meet local needs, residential conversion or appropriate existing buildings.

As this is a market led residential development in a countryside location and not a proposal for a rural exception site, it is not a form of development which helps to sustain or preserve the countryside. Westcott has limited local facilities and cannot support day to day living requirements such as employment, education or health care. As a result, market led residential development in this location would be unsustainable and contrary to Policies S1 and S14 of the Mid Devon Local Plan 2013-2033.

Furthermore, Policy S14 of the Mid Devon Local Plan this policy has the objective of preserving and where possible enhancing the character, appearance and biodiversity of the countryside. The built form of the development will spread out over the site and will result in dwellings spreading out on the rural edge of the settlement. Whilst the dwellings have been carefully designed it will extend the built form of the settlement into the countryside. In this context, without a secure fall-back position on site allowing residential development, the development will fail to preserve the character and appearance of the countryside.

Policy S14 a) does permit affordable housing and low cost housing to meet local needs and Policy DM6 Rural Exception Sites provides further consideration through a range of considerations a) to e). This scheme is not predominately affordable or low cost housing led as it provides 42% affordable housing and therefore not able to meet Policy DM6.

It should be noted that, a series of planning permissions have been granted by the LPA and on appeal (see above under Planning History) for up to 21 residential units, which could be delivered on the application site and an area just outside of it subject to both of the permissions for 11 units going through Technical Details consent. This amounts to a material planning consideration which is pertinent to the assessment of the application.

The weight to be attached to the planning history (and more particularly the extant permissions) is a matter for the local planning authority to determine. Officers do not consider that all of the extant consents will in practice be implemented, taking account of the site location and mix of development. Indeed it is considered that the current application is a more viable development option.

In support of approval of the application (contrary to the policies identified by the officers), the applicant has offered to complete a Section 106 deed to prevent the extant permissions from being implemented or developed further. If the committee is minded to approve the application, the terms of the deed currently drafted by the application, will need to be strengthened. Any resolution to approve should be subject to the completion of a satisfactory S106 deed as determined by the Interim Development Management Manager.

Officers are however still concerned that if the currently proposed development is permitted and the extant permissions not developed out (given a satisfactory S106 deed), there is still a significant prospect of new applications for development being presented in the future which the Council would find difficult to refuse; thereby intensifying the extent of the development in the countryside and the expansion of the residential development, in short, defeating the object of approving the current application.

In response to that concern, the site owner has offered to enter into a further planning obligation, to covenant not to submit a further application for development for a period of five years. Clearly that obligation is time limited and therefore offers little reassurance. Further, the legality of such is questionable; any application would need to be determined taking account of the planning law (in particular policies) at the time.

Officers have worked extensively with the applicant on this scheme to request a suitable alternative clause, but have not had success to date. Such suggestions would be to demolish the outbuildings on site, or re-design the scheme in order that the footprint of the newly proposed units was over that which had already been approved. Therefore ensuring only one set of development could be carried out.

It is therefore concluded that whilst there is a fall- back position, limited weight should be placed on this planning consideration. It is not considered sufficient to warrant approval of the proposed development which will result in a market led housing scheme in an unsustainable location, which that fails to preserve the character and appearance of the countryside and is therefore contrary to Policies S1 and S14 of the Mid Devon Local Plan.

Affordable housing, self build and Public open space.

As noted, the site is within the open countryside, outside of the settlement boundary. As such, any consideration to residential development within this area should only be that of affordable and low cost housing to meet local needs, gypsy and traveller accommodation.

The development is predominately market housing led, and no viability information has been put forward to the Council for consideration. The development as proposed would provide first homes which is a recognised form of affordable; however overall, the scheme only provides 9 dwellings. In terms of self-build plots, Policy S3 requires 5% of schemes of 20 units or more to provide 5% serviced plots on site. This would need to be considered via planning condition should Members resolve to grant permission, as this is not something currently proposed by the application.

Policy S5 – Public open space identifies that in this parish development will be required to provide public open space. This has been provided on site in the form 1650 sq.m of natural green space. In terms of play space an offsite financial contribution has been agreed using the methodology within the Mid Devon Play Space Strategy. This will provide a policy compliant level of public open space.

Design and housing mix

Policy HS01 Housing Mix of the Cullompton Neighbourhood Plan identifies on major development sites such as this the mix and type of housing must contain a variety of sizes that responds to local housing need. It is accepted that the development provides an acceptable mix and size of dwellings and will provide good choice.

The dwellings have been designed to a high environmental standard to maximise solar gain and incorporate low carbon technologies such as solar panels. The design has also responded to the Design Guide SPD and provides a modern form of housing with a pallet of materials and design detailing which responds well to the local vernacular. The scale of the development is a mixture of single and two storey dwellings and responds to the traditional form of housing within the rural District. This has been achieved through the development responding to the Mid Devon Design Guide and designing a development which responds to the scale and sense of enclosure within the landscape setting of Mid Devon. The frontages of the elevations are orientated to address the street or key public spaces. In the submitted Design Report it is detailed that this form of development is similar to other towns in the District such as Bradninch.

Furthermore the design has responded to the traditional roof forms of housing across the District with a simple pallet of materials, with design detailing such as porches and bays designed to create contrast.

Whilst the design does provide a much more contemporary approach to development in terms of materials the design principles employed do allow for form to be interpreted as a more traditional and acceptable design response. This is primarily due to the scale and form which creates a layout which delivers a sense of place and a good quality and well considered overall development.

This is a good quality design is a benefit of this scheme compared to the previously consented schemes. This is supported through Policy SD04 of the Cullompton Neighbourhood Plan.

Furthermore all of the dwellings will meet the Nationally Described Space Standard, provide good levels of external amenity space and sufficient on site car parking to comply with Policy DM5. The design would provide a spacious character which places public open space at the centre of the development. This results in a high quality design which has a clear understanding of the characteristics of the site and its wider context.

In regards to drainage matters, the Lead Local Flood Authority, on receipt of further details, have withdrawn their previous objection and have no in principle objections, subject to pre commencement conditions. This would need to be agreed with the applicant should members choose to approve the application.

In regards to waste and construction methods, information would need to be conditioned should members be minded to approve.

In terms of designing out crime Devon and Cornwall Police have raised no objection in principle but have detailed that further information to ensure that security arrangements are considered further. Should planning permission be approved a planning condition would need to be used.

The submitted tree report identifies that it is not necessary to remove any trees to facilitate this development. Planning conditions would need to be used to provide protection during construction.

Amenity

The site is well contained within the boundaries of the site and as a result the development will not give rise to a significant loss of residential amenity with adequate separation to nearby neighbouring properties and dwellings have been orientated so that the development will not give rise to harmful loss of outlook or privacy. Therefore the development would comply with Policy DM1.

Parking and access

The site is accessed off the B3181 a Primary County Route which is restricted to 40 MPH. The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is one serious accident 27th November 2019. Although this was not at the proposed existing access. The access proposed for this development is using an existing access. The number of trips this development alone could generate is not considered to have a severe effect on the Highway. The requirement is still to ensure a safe and suitable access is achieved. The Applicant has submitted Drawing Number 01/PHL-101 rev C which shows the access is safe and suitable for the number of dwellings proposed. Therefore the County Highway Authority has no objections. However, this is another reason why the LPA want to ensure that other extant permissions are not able to be constructed in conjunction with this subject proposal as one would need to assess the impact on the highway with a much higher level of traffic.

In terms of car parking this has been provided on site through 44 individual plot parking and visitor parking bays. This results in an average across the development of 2.1 spaces per dwelling in addition to the garages provided. As a result each 4 bedroom dwelling has 2 parking spaces and a double garage. This level of parking will comply with Policy DM5 of the Mid Devon Local Plan and the Neighbourhood Plan which requires a minimum of 1.7 spaces per dwelling and 4 spaces per 4 bed dwelling respectively.

Ecology

The application has been submitted with an Ecology Survey. This demonstrates how the layout of the site will not result in the loss of protected habitats. Biodiversity enhancements could be secured through planning conditions, this would include bat roosting provision in each dwelling, lighting plans to ensure that low level and sensitive external lighting is designed, native planting within the landscaping, and the retention and provision of trees and landscape features.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASON FOR REFUSAL

Planning permission for the erection of 21 dwelling with associated open space, landscaping and infrastructure is refused planning permission for the following reason:

1. The proposal for 21 dwellings is located in the countryside and outside of a defined settlement within the local plan. The development will result in a market led housing scheme in an unsustainable location that fails to preserve the character and appearance of the countryside and is therefore contrary to Policies S1 and S14 of the Mid Devon Local Plan 2013-2033.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 21/02113/FULL

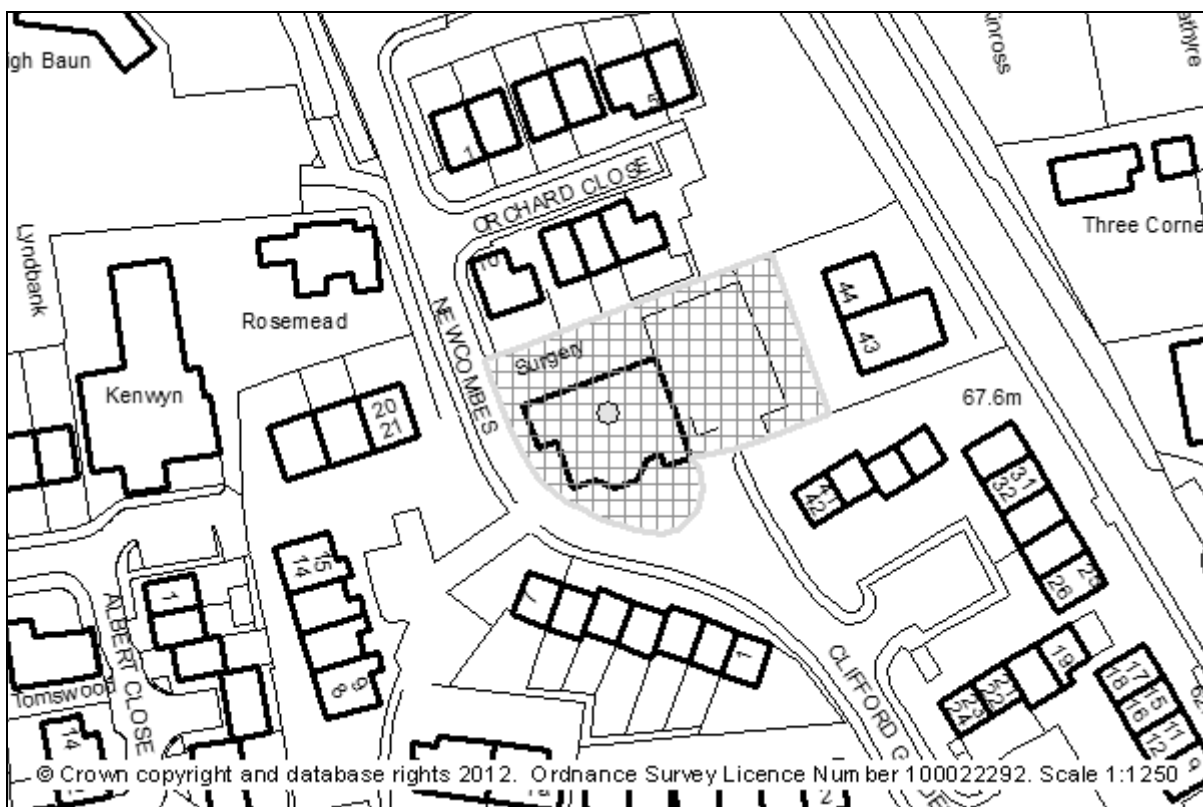
Grid Ref: 283524 : 100505

Applicant: Mr Jeff Jenner

Location: Newcombes Surgery
Clifford Gardens
Credon
Devon

Proposal: Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking

Date Valid: 22nd October 2021



APPLICATION NO: 21/02113/FULL

MEMBER CALL-IN

This application has been called in by Cllr Wyer to consider the impact to the amenities of neighbouring occupiers.

A second application for the same site has been submitted concurrently and is also called in for consideration by committee (21/02115/FULL).

RECOMMENDATION

Grant permission subject to conditions and subject to a legal agreement with DCC to secure the education contribution of £17,097 towards primary education infrastructure.

PROPOSED DEVELOPMENT

Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking.

This site is the former Newcombes Health Centre, located within Crediton. The building is a two storey with a car park to the side. The surrounding area is predominantly residential, including a retirement living complex at Clifford Gardens. The application seeks permission to convert the surgery to 4 residential dwellings. The proposal includes physical alterations to the single storey element at the rear to raise the roof height to provide accommodation within the roof space. The material palette comprises a natural slate roof, brickwork and stained timber windows. The building would be subdivided to provide 4, 2 storey dwellings of which one would be 3 bedroom and the rest 4 bedrooms. Each dwelling would have separate external access at the front of the building and a private garden area at the rear. The existing car park to the side would be mainly retained with 14 parking spaces proposed as well as an area for cycle storage and recycling.

To the east of the site there is a bungalow building which formerly served the health centre as a pharmacy/ office building. This is connected to the main surgery building by a covered walkway which is proposed to be demolished. The 'bungalow' benefits from planning permission for change of use to a residential childrens home (C2 use) and a separate permission for change of use to a dwelling.

APPLICANT'S SUPPORTING INFORMATION

Application form
Design and access statement
Bat and nesting bird survey report
Existing and proposed floor plans

RELEVANT PLANNING HISTORY

88/01263/FULL - PERMIT date 10th February 1989 Erection of Doctors surgery and car park
92/00832/FULL - PERMIT date 18th June 1992 Conversion of roof space to ancillary office accommodation, including the installation of roof lights
00/01458/FULL - PERMIT date 10th October 2000 Installation of five rooflights
06/00145/FULL - PERMIT date 21st March 2006 Erection of a single storey extension to doctors' surgery
06/01515/FULL - PERMIT date 16th August 2006 Erection of single storey extension (Revised Scheme)

15/01885/FULL - PERMIT date 8th February 2016 Conversion of existing building (D1 Use) to form new Pharmacy (A1 Use) and Nurse Consulting Rooms (D1 Use), and erection of covered walkway

21/02113/FULL - PCO date Conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking

21/02115/FULL - PCO date Conversion of former doctors surgery to 4 childrens home dwellings (C2) with associated landscaping and parking

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1- Sustainable development priorities

S2- Amount and distribution of development

S3- Meeting housing needs

S5- Public open space

S8- Infrastructure

S12- Crediton

DM1- High quality design

DM3- Transport and air quality

DM5- Parking

DM19- Protection of employment land

DM23- Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY- 15th November-

The site is accessed off an unclassified County Route which is restricted to 30 MPH. I would like to respond to this application in conjunction with the other Planning Application submitted 21/02115/FULL. These application show the same building to be converted with two different proposals. I would like this to be clarified to ensure the correct amount of parking is being proposed to ensure no parking will be on road parking.

9th December- The Highway Authority has no objections to this application, now the above has been clarified.

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

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.;

9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

NATURAL ENGLAND- 19th November- no comments.

PUBLIC HEALTH- 19th November

Contaminated Land - No concerns - 16.11.21

Air Quality - No concerns - 16.11.21

Environmental Permitting - Not applicable - 16.11.21

Drainage - No concerns - 16.11.21

Noise & other nuisances - No concerns anticipated - 16.11.21

Housing Standards - No comments -03.11.21

Licensing

Food Hygiene - Not applicable - 03.11.21

Private Water Supplies - Not applicable -03.11.21

Health and Safety - Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive.

Asbestos:

Prior to demolition commencing, a work plan and risk assessment shall be submitted for approval to the Local Planning Authority. This plan and assessment should identify and risk-asses any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.- 03.11.21

CREDITON TOWN COUNCIL- 14th December- It was resolved to recommend refusal on the grounds of inadequate detail in the planning application, such as lack of private outdoor space for each dwelling, covered bin storage, secure cycle storage, limited amenity space for drying clothes; very limited outdoor space for the number of occupants; lack of proposed planting to contribute to biodiversity net gain; lack of information on boundary treatment and lack of proposals for boundary planting to contribute to biodiversity net gain; lack of proposals for facilities for alternative energy generation and use, such as solar panels and other considerations towards climate change

DCC EDUCATION- 23rd December- Regarding the above planning application, Devon County Council has identified that the proposed increase of 4 family type dwellings will generate an additional 1.00 primary pupils and 0.6 secondary pupils which would have a direct impact on the primary schools in Crediton and Queen Elizabeth's School, Crediton.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Devon County Council has forward funded a scheme at Hayward's Primary School to expand the school to 420 places to provide capacity for future development and increasing demographics within the town. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at Hayward's Primary School which serves the address of the proposed development. The contribution sought is £17,097 (based on the DfE extension rate of £17,097 per pupil) This will relate directly to providing education facilities for those living in the development.

We have forecasted that the nearest secondary school has currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards secondary education infrastructure.

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

All contributions will be subject to indexation using BCIS.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

REPRESENTATIONS

At the time of writing this report 4 representations have been received (3 objections, 1 neutral), the key concerns are summarised below;

1. The location is unsuitable for these applications
2. The proposal seems to be overdevelopment of the property
3. The parking allocation will not be enough, there is already a shortage of parking in the area
4. The plans lack detail with regards to landscaping, impact on neighbours, use of outdoor space, size of gardens, refuse storage, storage, parking or fencing.
5. The plans do not outline sustainability measures or measures to fight climate change

6. Although new housing is needed a new children's home would be of a greater service to the community

Other comments are also made in respect of the concurrent application 21/02115/FULL and these are considered in the assessment of that application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principle of development
2. Design, amenity, impact to the character and appearance of the area
3. Impact to the amenities of neighbouring occupiers
4. Highway and parking
5. Ecology
6. Other issues

1. Policy and principle of development

Policy S1 sets a number of strategic priorities to support the creation of sustainable communities. In relation to residential development this sets a development focus at Tiverton, Cullompton and Crediton with a limited level of development in identified villages. Policy S3 states that the diverse housing needs of Mid Devon will be met through the provision of a minimum of 7860 dwellings over the plan period. Policy S12 states that Crediton will continue to develop its role as a small and vibrant market town with a strategy to improve access to housing, expand employment opportunities and improve the quantity and quality of existing retail provision.

Policy DM19 relates to protection of employment land and seeks to ensure that sites that are currently being used to provide jobs are protected. Policy DM23 seeks to guard against the loss of community facilities including those for health or wellbeing. The building is the former Newcombes Surgery building (operating as New Valley practise) which has now relocated to the new Crediton medical hub/ Redland Primary Care at Joseph Locke Way. The new purpose built medical hub at that site is intended to be a strategic and integrated Primary Care Facility facilitating the co-location of the Chiddenbrook and New Valley GP surgeries within a purpose built building. On this basis, as the relocation of the community facility and associated employment has been secured, the change of use of the existing site is considered to be acceptable in principle.

The site is located within a residential area of Crediton. It is considered that the site location offers good access to facilities within the town and public transport services. The site is considered to provide a sustainable location for the provision of a residential use with good proximity to services within the town and on this basis is considered to accord with the aims of policies S1 and S12.

2. Design, amenity, impact to the character and appearance of the area

Policy DM1 requires designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) *Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) *Efficient and effective use of the site, having regard to criterion (a);*
- c) *Positive contribution to local character including any heritage or biodiversity assets and the*

setting of heritage assets;

d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;

e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:

i) Architecture

ii) Siting, layout, scale and massing

iii) Orientation and fenestration

iv) Materials, landscaping and green infrastructure

f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;

g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;

h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and

i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.

The existing building has an unusual appearance with a central octagonal tower feature at the front, the larger footprint area adjoining this comprising a variety of roof forms at a lower level. The alterations to the building are considered to be in keeping with the character and appearance of the building, the new raised ridge line would match the adjacent roof line to which it would run parallel and would still remain subservient to the tower feature. The physical alterations proposed are not considered to be harmful to the character, appearance or general amenity of the area.

Each dwelling has a floor space ranging between 116-134 sqm which is in excess of the requirements of the Nationally Described Space Standard. The dwelling at the eastern side of the building would benefit from a larger garden area given the additional space given over between the side of the building and the car park. However the other units would have a limited garden area. Whilst the private gardens are limited in size, it is proposed that a level terrace area would be formed that would provide useable space for the occupiers. Furthermore it is noted that occupiers would have good access to public open space facilities in the local area including the park at Newcombes Play area approximately 100m south of the site. Overall it is considered that the dwellings would achieve an acceptable level of amenity for future occupiers. Having regard to the constraints of the site and the limited curtilage areas it is considered reasonable and necessary to restrict permitted development rights for the dwellings.

It is proposed that a communal recycling/refuse facility is provided within the car park. It is considered that the refuse and recycling facilities could potentially be accommodated within the curtilage of the dwellings at either end of the building which is the preferred approach set out within the Council's SPD *Refuse storage for new residential properties*. At this stage it is considered that further information is required in respect of the proposed refuse arrangements, a condition is proposed for this purpose.

3. Impact to the amenities of neighbouring occupiers

Policy DM1 requires that development is of a high quality and does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

In terms of the physical alterations to the building, having regard to the design, scale and siting of the development it is considered unlikely that it would result in any significant adverse impacts in terms of being overbearing or resulting in a loss of light. The site is located at a lower level than the residential properties to the north, therefore it is not considered that the proposed roof lights within the new roof pitch, would result in an unacceptable overlooking or loss of privacy to neighbouring properties.

The proposed residential use will change the character of the site and result in a more active use outside of normal working hours than would be likely to arise from the previous use of the site. However the surrounding area is predominantly residential and it is considered that the residential use can be accommodated without resulting in harmful impacts to the amenities of neighbouring occupiers. In this regard the proposal is considered to comply with policy DM1.

4. Highway and parking

Policy DM3 requires that development must ensure safe access to the transport network. The proposal would utilise the existing access to the health centre with no alterations proposed. The access has good visibility and it is considered suitable to serve the proposed use. The Highway Authority have raised no objections to the scheme.

Policy DM5 requires that development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport; and the type, mix and use of development. The minimum standard set by DM5 is 1.7 spaces per dwelling which in this case would equate to a requirement for 7 spaces. The development would retain 14 spaces which significantly exceeds the minimum standards established by DM5. A condition is proposed to ensure that two spaces are allocated per dwelling in accordance with DM5 and the remainder as visitor spaces. The existing covered walkway between the main surgery building and the 'bungalow' to the east of the site, is proposed to be removed. As set out above, the 'bungalow' already benefits from planning permission as a single dwelling or a children's home. That property benefits from its own parking provision within its curtilage and therefore it is not considered that the proposed uses would be likely to conflict in terms of the levels of parking provision.

An area is proposed within the car park for cycle storage. This is supported in principle and it is considered that an appropriate cycle store can be accommodated without undue impact to the character, appearance and amenities of the area however given the lack of detail further details are required by condition to ensure it is of an appropriate design, scale and appearance.

5. Ecology

Policy S1 requires development to minimise impacts on biodiversity and provide a net gain in biodiversity.

The application is supported by a bat and nesting bird survey report which considers the potential impacts to protected species arising from the alterations to the existing roof. The survey work found no evidence of bats or nesting birds. The building is well maintained with no obvious potential roosting features. The ecologist's findings are that it is unlikely that the proposed development works will impact upon bats or their roosts. On this basis it is considered unlikely that an offence would be committed in respect of protected species and no further survey work is recommended. General precautionary recommendations are set out in the report and should be followed during the construction works, this is secured by condition 4.

In terms of biodiversity enhancements, through the landscaping scheme it is proposed that part of the existing car park would be replaced by a garden area which would be enclosed by approximately 28m of new hedgerow planting. Further details of the hedgerow planting mix can be secured by condition.

6. Other issues- education, PSED

Education: DCC have requested a contribution towards education infrastructure at Haywards Primary school on the basis that the proposed development is likely to generate an additional demand on these facilities. The contribution of £17,097 has been agreed in principal by the applicant. The officer recommendation for approval is on the basis that the contribution is secured through a legal agreement with Devon County Council. If committee are minded to recommend approval subject to this being secured, it would be necessary to agree an extension of time to enable the necessary legal agreement to be arranged with DCC.

The representations suggested that the proposals do not provide details for sustainability/ climate change measures. Whilst it is acknowledged that the application scheme as proposed does not detail any energy efficiency measures the sustainability credentials of the scheme include the reuse of an existing building in a sustainable location with good access to services and facilities which is likely to reduce reliance on private car travel. On this basis and having regard to the assessment set out in this report, it is considered that the proposal accords with the development plan and is therefore supported.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

CONDITIONS

1. The development hereby permitted shall commence 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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The development shall be carried out in accordance with the approved CMP unless otherwise agreed in writing by the Local Planning Authority.

4. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the recommendations as set out in the Lee Ecology Daytime Bat & Nesting Bird Survey Report (dated October 2021).
5. Prior to first occupation of any of the dwellings hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme for the site. The landscaping scheme shall include details of the proposed hedgerow planting and details of the proposed boundary treatments (including a plan indicating the height, positions, design and materials and a timescale for its implementation). All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development 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. The proposed boundary treatments shall be provided in accordance with the approved details and shall be so retained.
6. Prior to first occupation of any of the dwellings hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, details of the proposed cycle store as shown on drawing number NV SK23 B. The cycle store shall be provided in accordance with the approved details and made available for use by residents prior to first occupation of the dwellings hereby approved and retained as such thereafter.
7. Prior to first occupation of any of the dwellings hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, details of the proposed refuse and recycling arrangements for the proposed dwellings. The approved arrangements shall be provided prior to first occupation of the dwellings hereby approved and retained as such thereafter.

8. Prior to first occupation of the use hereby approved, parking will be laid out in accordance with a parking plan that will first be submitted and approved in writing by the Local Planning Authority. Parking will include 2 spaces per unit with 7 number of visitor spaces. Once approved the parking will be laid out and maintained in accordance with the approved plan for the lifetime of the development.
9. 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, AA, B, C, D and E, of Part 1 relating the extension and alteration of the dwelling, extensions or alterations to its roof and the provision of outbuildings or Class A of Part 2 relating to enclosures, shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of highway safety and the amenities of neighbouring occupiers.
4. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with Policy DM1 of the Mid Devon Local Plan 2013- 2033.
5. In the interests of the character, appearance and biodiversity of the site in accordance with Policies S1 and DM1 of the Mid Devon Local Plan 2013- 2033.
6. In the interests of the character and appearance of the site and to ensure appropriate provision is made for cycle storage for future occupiers in accordance with Policies S1, DM1 and DM5 of the Mid Devon Local Plan 2013- 2033.
7. To ensure appropriate facilities are providing for occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013- 2033.
8. To ensure appropriate parking provision is provided for each unit in accordance with Policy DM5 of the Mid Devon Local Plan 2013- 2033.
9. To safeguard the character and appearance of the area and the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013- 2033.

INFORMATIVE NOTE (FOR DECISION NOTICE)

Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive

REASON FOR APPROVAL

The application for conversion of former doctors surgery to 4 new dwellings with associated landscaping and parking is considered to be supportable in policy terms. The site is located in a sustainable location with good access to services and facilities within the town such that a residential use of the site is considered to be supportable in principle. It is considered that the proposal would provide a suitable level of amenity for future occupiers and is not likely to result in any significant adverse impacts to the amenities of neighbouring occupiers. Furthermore it is not considered that the proposal is likely to result in any unacceptable impacts in terms of transport, drainage or ecology. Overall it is considered that the proposal is supportable in accordance with Policies S1, S3, S9, S12, DM1 and DM5 of the Mid Devon Local Plan 2013- 2033 and government advice in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	17/05/2022	22/00338/MOUT	Outline for the erection of up to 43 dwellings and associated open space, landscaping and infrastructure	Land and Buildings at NGR 302994 107178 Cummings Nursery Culm Lea Cullompton Devon	Ms Tina Maryan	DEL	
2	0	17/05/2022	22/00067/MFUL	Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings (Use Classes B8, E, Sui Generis)	Wellparks Exeter Road Crediton Devon EX17 3PJ	Mr James Clements	DEL	
3	1	11/05/2022	22/00350/MARM	Variation of condition 1 of planning permission 19/01344/MARM for the substitution of plan relating to plot 14 to provide Westerly elevation windows at ground and first floor level	Land at NGR 306965 113252 (Belle Vue Rise) Ashley Road Uffculme Devon	Mr James Clements	DEL	
4	3	22/04/2022	22/00219/MOUT	Removal of condition 9 of planning approval 09/00244/MOUT relating to combined heat and power unit	Tesco Stores Limited Joseph Locke Way Crediton Devon EX17 3FD	Mr Adrian Devereaux	DEL	
5	3	28/04/2022	21/02312/MFUL	Variation of condition 2 of planning permission 18/00423/MFUL - Erection of 11 dwellings with garages - to allow substitution of previously approved plans	Land at NGR 313832 114004 Former St Ivel Station Hemyock Devon	Mr John Millar	DEL	
6	3	26/04/2022	21/02011/MFUL	Erection of a free range poultry building and associated works (1245 sq.m)	Land at NGR 305368 107474 Dead Lane Kentisbeare Devon	Mr James Clements	DEL	

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LIST OF APPEAL DECISIONS FROM 21st Jan 22 to 17th Feb 22

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
21/00829/HOUSE	Installation of dormer window on front elevation to create room in roof	2 Colebrooke Lane Cullompton Devon EX15 1PB	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Allowed
21/01259/PIP	Permission in Principle for the erection of a dwelling	Loranne Silverton Exeter EX5 4DS	Refuse permission in principle	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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