

# Public Document Pack

Committee Administrator

Sally Gabriel

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**PLEASE NOTE:** this meeting will take place at Phoenix House, but members of the Public and Press can and should attend via Zoom only. Please do not attend Phoenix House without prior agreement. The attached Protocol for Hybrid Meetings explains how this will work.

Join Zoom Meeting

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Meeting ID: 990 2802 4090

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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, 11 August 2021 at 2.15 pm

The next special meeting of the Committee will take place on Wednesday, 18 August 2021 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

### STEPHEN WALFORD

Chief Executive

3 August 2021

**Councillors:** Mrs F J Colthorpe (Chairman), G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, 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     **HYBRID MEETING PROTOCOL** *(Pages 3 - 10)*  
Members to note the Hybrid Meetings Protocol.
- 3     **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.
- 4     **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 5     **MINUTES OF THE PREVIOUS MEETING** *(Pages 11 - 32)*  
Members to consider whether to approve the minutes as a correct record of the meeting held on 28<sup>th</sup> July 2021.
- 6     **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 7     **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 8     **THE PLANS LIST** *(Pages 33 - 70)*  
To consider the planning applications contained in the list.
- 9     **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 71 - 72)*  
List attached for consideration of major applications and potential site visits.

### 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. For a short period – probably until 30 June – 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/s21866/aaaaHybridMeetingProtocolMay2021.pdf>

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto: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](mailto:sgabriel@middevon.gov.uk)

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## Mid Devon District Council – Hybrid Meeting Protocol

### 1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 to (and including) 30 June 2021, unless the Council decides to change, curtail or extend them. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

### 2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

#### (a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

#### (b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

### **3. Zoom**

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **4. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are open again.

### **5. Setting up the Meeting for Zoom attendance**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

### **6. Public Access and Participation**

#### **(a) Public Access:**

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are exceptional circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

[Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk)

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

The meeting risk assessment may need to be updated. Member Services will liaise with the Chief Executive, Monitoring Officer and the Chairman of the meeting. A decision will be taken on whether attendance in person can be safely accommodated.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## **7. Arrangements for any person attending meetings at Phoenix House**

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room, so that the meeting risk assessment can be updated.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Wear a mask at all times except when invited to speak by the Chairman of the meeting. If you have a medical exemption for wearing a mask, please attend via Zoom unless you are a Member who must attend to vote.
- (d) Use the hand sanitiser which is available in the building.
- (e) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (f) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (g) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (h) Bring your own water/refreshments, as these will not be available for the time being.
- (i) Maintain social distancing throughout – this is 2 metres apart, or 1 metre with additional safeguards (e.g. face masks).

## 8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

## 9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

## 10. The Meeting and Debate

- (a) For Members and Officers physically present



Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

(b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

## **11. Voting**

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

## **12. Meeting Etiquette Reminder for Zoom attendees**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. Technical issues – meeting management**

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

#### **18. Technical issues – Individual Responsibility (Members and Officers)**

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an ‘understudy’ or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 28 July 2021 at 2.15 pm

### **Present Councillors**

G Barnell, S J Clist, L J Cruwys,  
Mrs C P Daw, R J Dolley, C J Eginton,  
P J Heal, F W Letch and B G J Warren

### **Apologies Councillor(s)**

Mrs F J Colthorpe and E J Berry

### **Also Present Councillor(s)**

S J Penny and D J Knowles

### **Present Officers:**

Myles Joyce (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), Oliver Gibbins (Planning Officer), Michelle Woodgates (DCC Highways Officer), Janet Wallace (Public Health Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

## 51 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.32)**

Apologies were received from Cllrs Mrs F J Colthorpe (Vice Chairman in the Chair) and E J Berry.

## 52 **HYBRID MEETINGS PROTOCOL (0.03.56)**

The Committee had before it, and **NOTED**, the \*Hybrid Meetings Protocol.

Note: \*Protocol previously circulated and attached to the minutes

## 53 **PUBLIC QUESTION TIME (0.04.09)**

**Mr Salter** – referring to Item 9 on the agenda (Tiverton EUE)

Nationally, there is a consensus that key requirements for affordable homes on new developments are:

- that there should be proximity to local services, and facilities, and access to public transport,

- that such housing should be indistinguishable from market housing in terms of visual appearance and its location within the development site,
- that it should contribute positively to the high-quality design of the scheme,
- that, on larger developments, this housing should be distributed in small clusters of no more than 10-15 dwellings throughout the development site,
- that social housing should form part of mixed and balanced communities, and,
- that all those living in this type of housing should share and enjoy with other residents equally high levels of quality of life and good health.

In Tiverton Civic Society's first objection to this planning application, we approved of the provision of much needed social housing, but we argued against the construction of the large visually obtrusive three storey Neighbourhood Hub in Plot C, which had been introduced without consultation since the Outline Application, and we suggested that, to encourage greater social cohesion, affordable housing should be distributed throughout the development site. Russell Smith, for Walsingham Planning, countered by stating that the hub will be of an appropriate scale and that it is not a sensitive location, going on to write that 'affordable housing has been provided in a mix of apartments and two storey dwellings, with affordable housing being spread across all phases'.

Examination of the recently posted plan of affordable housing shows this statement to be somewhat economical with the truth. In particular, apart from the Neighbourhood Hub, there is no other housing of this category in Plot C, the extensive development south of Blundell's Road, it being entirely concentrated in the north-west sector in two small Plots, 1A and 1B, of mixed, low- cost, market and affordable housing the affordable housing being located on either side of the new linking road leading to the A361 junction, shared equity housing being located to the west of this road and social housing to the east. In terms many of the criteria listed above it is very hard to justify these locations and this concentration.

We have specific concerns about the line of affordable housing comprising units 140-149, which will face the potentially very busy linking road. At this point the gap between these dwellings and this road will be no more than five metres, thus exposing the occupants to the highest potential levels of air and noise pollution on the complete Redrow site, and compromising the safety of families, especially those with young children.

During meetings with Redrow Homes the MDDC Planning Officer was very aware of the need to establish a green boundary space on the western side of the linking road, thereby setting these affordable properties, much further back. However, this was refused by the applicants, thus suggesting that they have little interest in the quality of life and well-being of the future occupants, as well as laying them open to the charge that they will be treated as second-class citizens. The problems of this location are compounded when it is also considered that, neither Plot 1A or Plot 1B area has any public open green space and no play area, and no controlled crossing point is shown on Blundell's Road giving access to these, as well as other services and facilities.

#### Question

- a. Do the MDDC Planning Officers consider the location of affordable housing in the Redrow Homes Development, particularly units 140-149, to be equitable

and socially responsible, and do they consider that such housing should be distributed much more evenly throughout the complete application site?

- b. Does the Planning Committee consider that a final decision on this application should be delayed until the many unsatisfactory elements have been resolved?

**James Hudson** referring to Item 2 on the Plans List (Shortacombe) stated that:

The Applicant has failed to provide a percolation test as required by Public Health and that issue was emphasised by the concerns of Crediton Hamlets Parish Council whose members have direct experience in Vortex water treatment. She has ignored the regulations of South West Water in their submission of April 23rd by already placing hardcore over the water main and not saying how she will meet regulations and move the water main with the additional works required.

The officer has placed conditions of occupancy on the applicant which are unenforceable and I would like to know:

1. Why he has ignored the technical issues raised by Public Health, South West Water and the Parish Council and
2. Which particular statute of planning legislation leads him to believe he can impose conditions on an individual rather than on the site or development in question?

**Graham Knight** referring to Item 2 (Shortacombe) on the Plans List stated that he lived at Binneford and that given the type of soil which is heavy clay and sets like rock in summer and is waterlogged in winter and will never pass a percolation test and that there is no ditch or water course or public sewage system and public health won't support a compost toilet, can Mr Devereaux please explain what he is saying as the alternative drainage system which is found on page 71 of the public document pack because according to treatment plants installation requirements, there aren't any.

**Sasha Scougall Knight** also referring to Item 2 on the Plans List stated that her question related to safe and convenient access to local facilities. The nearest shop to the site is in Cheriton Bishop but this is a convenience store for a top up shop, for a full shop the applicant would need to travel to Crediton which is 5 miles from the site. The nearest doctor's surgery is in Cheriton Bishop but it is not the catchment for new arrivals to the site postcode; the applicant would have to travel 5 miles to Crediton. The nearest hospital is in Crediton, but it does not have an A&E department so the applicant would have to travel to Exeter which is 15 miles away. There are no direct public transport links to site so in relation to Policy DM7, can the Planning Officer explain that without a car how can access to local facilities be provided.

**Sam Scougall Knight** again referring to Item 2 on the Plans List stated that his questions relate to the location and environment of the application. The site is located in open countryside and it has trees overhanging the location of the static caravan and can only be accessed by a single track lane which is narrow, hilly and uneven. In autumn and winter, rainfall flows in rivers down this lane, which can be completely blocked with snow for days in the worst weather. Photographs have

previously been shared with the Planning Department clearly showing these conditions. How can the Planning Officer claim that this location provides suitable environmental quality and is a safe location as per policy DM7?

David Pearson - again referring to Item 2 on the Plans List stated that South West Water clearly stated 23<sup>rd</sup> April that "that no development would be permitted within 3 metres of the water main and ground cover should not be substantially altered, and should the development encroach on the 3 metre the water main will need to be moved at the expense of the applicant. The planning officer is very well aware of this fact and that there would be building works over the water mains, the hard core placed at the entrance already contravenes south west waters requirement as does the ditch and hard core additions as shown on the plans . Why has the planning officer simply ignored this as this relates to the water supply safety of the community of Binneford?

**Stephanie Crawford** again referring to Item 2 on the Plans List stated that the plans show a vortex treatment plant and a drainage field, Public Health on 9 April clearly stated that a percolation test must be carried out prior to any decision being made, this is to ensure that there is no risk of contamination that as all inhabitants and farmers know that the clay soil on the site will flood. Can the Planning officer explain why he did not follow this up with the applicant? A percolation test could have easily been arranged in the time frame or was it because the applicant and the planning officer knew it would fail the test and chose to ignore Public Health and the welfare of the inhabitants of Binneford community.

**Mr Elston** referring to Item 9 (Tiverton EUE) on the agenda stated that page 113 of your briefing notes (section 9) makes reference to a representation relating to a lack of public consultation entered into by the applicant Redrow Homes at the urban design and architectural principles stage of the planning process. The Tiverton EUE Masterplan SPD page 23 section 1.7 design process says that MDDC will expect landowners and developers to follow the prescribed process which is adopted as an integral part of the SPD. This is a prescriptive, must do requirement, there is no scope for any misinterpretation. Specifically and under the urban design principles heading section 177 states that there is a requirement for public consultation, stakeholder workshop and liaison at this stage of the process, none of this requirement happened. Another requirement of section 1.7 not complied with by the applicant is that they failed engage in a design review panel process prior to submitting the reserved matters application. Even the applicants own published EUE planning process for flow chart shows that the design panel will be engaged before submission of the reserved matters application. Redrow failed to engage with the panel experts of which echoing 1.7 says the involvement of the design panel in scrutinising the quality of the designs as they come forward at one or more stages in the design process will provide invaluable support to MDDC as they make planning decisions. This has yet been another very serious noncompliance of the process.

Redrow Homes only engaged with the Design Review Panel on the 9th June 2021, some 12 weeks after submitting the reserved matters application and just 7 days before the application came before the Planning Committee on 16 June. The review panel report was not issued until the 18th June, just 2 days after the first planning meeting. The Design Panel reports makes some very concerning reading, including that the Panel emphasised that much earlier would have made recommendations more compatible, that the panel was mindful of avoiding comment at this late stage,



that the panel gave advice of when the design panel be engaged in future phases and very concerning the panel says that Redrows are responding to requirements of what they consider a UAPD document. The Tiverton EUE SPD design process has become totally corrupted, the design quality has suffered as a result. My question is did the MDDC planning officers at any time attempt to enforce the requirements for Redrow Homes to enter into the public consultation or stakeholder workshops or the Review Panel Process in compliance of 1.7 of the masterplan SPD and at the most critical time of the Tiverton EUE design process.

**Mary Seaton** again referring to Agenda item 9 stated that her schooling and that of my family have been in Tiverton, I live in one of the 10 existing properties to the south of Blundells Road that was built in the 1950's and please note clearly that these are the only residences that have direct abutment to this proposed development by Redrow Homes. I wish to bring to your attention that they propose to build a street of 21 houses, 230 metres long and just 11 metres from the boundary of our homes on rising ground allowing which is effectively a terrace. Before my questions, the committee members should be aware that a) the original outline plans show just 8 properties, well-spaced and with differing aspects within 20 metres of the existing properties, sympathetically allowing views for all and a feeling of space. Redrow Homes massively increased that number to 18 houses and a road setting when submitting their urban and architectural principles document, they then increased the number to 21 houses in their reserved matters presentation, a terrace with no relief, they also introduced a neighbourhood hub, not on any previous plan, whose sole purpose seems to be to squash more dwellings including flats into the plan. The Design Panel Review on June 18 this year remarked upon the lovely view which makes a significant contribution to the character and the space. Despite this Redrow have reduced the space between the houses, have effectively obliterated the ground floor and far reaching view from the existing residences as well as compromising our privacy. The Design Review Panel was very critical of this row of 21 houses and thought that it should be varied, by having gaps including pockets of trees and the street frontage was relentless in form and could be softened and there was scope to do this in the design. In all correspondence made available to the public, not one mention is made by Planning officers of the following contraventions let alone challenge to the design. Why are Redrow Homes being allowed to be non-compliant with the centre to edge policy as set out originally, i.e. less density of housing to the edge of the plan? Why have Redrow Homes been allowed to create another unplanned area which they call a neighbourhood hub, an area which generates the highest density of housing unsympathetically next to our existing properties? Redrow Homes are in contravention of the Tiverton EUE masterplan SPD and design guide and are not considering the outcome from the Design Review Panel. All of these are material considerations which should encourage committee members to reject this application as it stands, Tiverton deserves and needs something better than this, we are not getting the special tailored design for the promised garden village. This is a piecemeal design for a routine Redrow estate that you could sadly find in any other part of the country built for maximum profit. I respectfully ask you to consider what you have been asked to approve, this is the biggest building programme that Tiverton has seen ever and this is the first step which will be used as precedent for the rest of the huge EUE extension. The whole of the extension need to be cohesively planned and not bit by bit as land becomes available; and this design needs to be seen in the context of the whole development.

**Hannah Kearns** again referring to Item 9 on the agenda stated that she would like to ask questions in relation to the neighbourhood hub shown in Redrow's plans for development of land immediately adjoining existing dwellings on Blundells Road. For context para 1 of page 104 of your briefing notes makes reference to a representation to you in relation to high density of housing immediately against the original residences and has been justified by a neighbourhood hub. She spoke of the proposed density in the area against that in the residential core and referred to the lack of reference to a neighbourhood hub in that area in the master plan document or the design guide, further there were no drawings of any of the MDDC adopted plan documents. She referred to drawings that stated that the neighbourhood hub would be positioned elsewhere in the development and that outline permission would not have been granted with the hub in the current location and she made reference to the lack of public consultation. She felt that Redrow Homes had fabricated a hub to justify high density housing in the area immediately by the Blundells Road properties and in doing so had freed up the land to the south for higher valued properties to take advantage of the high value vistas that exist commented on by the Design Review Panel. She referred to the centre of edge policy and stated that the plans show the exact reverse. She asked - can the planning officer provide details of where the neighbourhood hub was mentioned in any of the MDDC planning documents and referred to page 79 of the SPD, she asked why officers had not challenged this and why had the area to the north of Blundells Road been treated as a northern gateway hub, where the master plan centre to edge policy was not being adhered too. She referred to the density of properties and the lack of play areas for children in the area.

**Sir David Jephcott** again referring to Item 9 on the agenda stated: Redrow Homes seek to provide a 1.5 metre or 3 metre buffer strip to the rear of the Blundells Road properties rather than a 5 metre strip that the planning officers had previously expected. Page 105 in your notes states that 3 properties have long gardens so would be subject to only a 1.5 metre buffer, this statement is factually incorrect. Additional one of the properties with a reduced buffer 'Barnshollow', has a swimming pool which covers a significant amount of the garden and therefore an increased buffer is needed for privacy. Redrow indicate that the gardens are reduced from 11 metres to 8.5 this reduction is in the garden rather than where they are actually building the houses, therefore best fit is not compromised. He then referred to emails that were in the public domain between MDDC and Redrow. Why do the planning officers now consider acceptable that the 5 metre strip is no longer required and referred to the detail of the emails which referred to the landscape buffer being 5 metres wide, and in another email with regard to 1 metre planting, and how the officers were uncomfortable with the amount of space identified. He asked why the planning officer was put under such pressure and by whom. He stated that the Head of Planning had changed position with regard to the buffer zone to the detriment of the Blundells Road homes, what caused this change of position? Why should Redrow Homes be treated any different to David Wilson Homes at the top of Post Hill, a 5 metre strip was signed off by the then Planning Manager for David Wilson Homes, the same Planning Manager is now the same for Redrow. He referred to the contents of an email which stated that it would not be equitable to treat the Blundells Road properties any differently.

The Chairman indicated that answers to questions would be provided when the items were debated.

54 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.34.03)**

Members were reminded of the need to make declaration where appropriate.

55 **MINUTES OF THE PREVIOUS MEETING (0.34.43)**

The minutes of the meeting held on 14<sup>th</sup> July 2021 were agreed as a true record and were duly **SIGNED** by the Chairman

56 **CHAIRMAN'S ANNOUNCEMENTS (0.35.20)**

The Chairman reminded Members that there would be a Special Planning Committee on 18<sup>th</sup> August 2021 and that Planning Training was being held on 9<sup>th</sup> August 2021.

57 **DEFERRALS FROM THE PLANS LIST (0.36.18)**

There were no deferrals from the Plans list.

58 **THE PLANS LIST (0.36.27)**

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

**RESOLVED** that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) No 3 on the Plans List application 21/01086/HOUSE - Erection of side porch at Bluebell House, 18 Court Barton Close, Thorverton** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

**Reason for decision – as outlined in the report**

Note:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the applicant was known to them

- b) Application 21/00461/FULL – Erection of extensions to existing agricultural storage building 600sqm at land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine**

The Area Team Leader explained that at the Planning Committee on 14<sup>th</sup> July Members had deferred a decision on the application until additional information had been provided and that the information requested by Members was included within his report.

He then reminded Members of the application by way of a presentation which highlighted the site location plan, proposed plans, the position of the approved agricultural workers dwelling and photographs of the site.

The Officer explained that the proposed extension would house livestock and that Public Health had no objections to the scheme. A waste management plan had been received and approved by Public Health.

The Area Team Leader confirmed that although there was no requirement for the applicant to provide an agricultural appraisal one had been submitted as part of the application for the approved agricultural workers dwelling.

Consideration was given to:

- The views of the Public Health Officer who had no objection to the application
- The views of the objector who stated that there was no business case or management plan provided and evidence was lacking for the need for the scheme
- The views of the applicant who reminded Members that they had granted permission for an agricultural workers cottage on the site specifically to expand his stock and that the scheme was supported and partly funded by Natural England
- The views of Members that the Parish Council had not made strong views known either way
- Members concerns with the size of the building in the open countryside
- Members views that agricultural buildings had to be put in the countryside and that the application was contemporary for agricultural use

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

### **Reason for decision – as outlined in the report**

#### Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Brian Thompson spoke as the objector
- iii.) Mr Thorne spoke as the applicant

**c) Application 21/00580/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family at Land at NGR 276600 96594 (North of Shortacombe Farm), Shortacombe Lane, Yeoford**

The Area Team Leader provided Members with a background of the application and explained that the proposal in front of them today was nearly identical to one brought before them in August 2020 which had been refused. The applicant did appeal the previous decision but the submission was not made in time and therefore had not been determined by the Inspectorate. For this reason the Planning Authority had a duty to determine the latest proposal.

The Officer reminded Members of the previous reason for refusal and confirmed that the revised application included a personal condition regarding who could reside at the site. He explained that a personal condition was not common but could be justified in exceptional circumstances.

He then reminded Members of the application by way of a presentation which highlighted the site layout, site elevations, proposed shed, visibility splays and photographs of the site.

In response to public questions he responded that South West Water had commented that should the development encroach on the 3 metre easement, the water main would need to be diverted at the expense of the applicant.

Consideration was given to:

- The Public Health Officer's views that percolation tests were not critical to determine the application and would be used to determine what soakaways would be required
- Issues regarding foul water drainage had been dealt with via condition 7
- The solar panels were portable and therefore did not need planning permission
- The neighbouring property being 200 metres away
- The development did not require any removal of existing hedge bank
- The views of the objector that the applicant and other users would be in mortal danger and that there was a risk of raw sewage from the site running down the hill causing flooding and contamination
- The views of the agent who stated that every traveller site had opposition and the only reason the appeal was not lodged in time was due to a witness catching covid. That drainage would be via a soakaway and that personal conditions were common on traveller sites
- The views of the Ward Member who stated that the application was identical to the previous proposal and that if approved it could increase the population in the hamlet by 20 people. That the gypsy accommodation was destructive to the environment and that there was no need for gypsy sites in this area. There were no local facilities and the proposal had an adverse visual impact and was contrary to Policy DM1
- The advice of the Legal Advisor who confirmed that the fact that the planning application was retrospective had no bearing on the determination of the proposal

- Members views that nothing they had heard minded them to refuse the application and that it complied with current planning policies

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs C P Daw)

(Vote 4 for – 4 against (Chairman's casting vote)

**Reason for the decision: as set out in the report**

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr F W Letch declared a personal interest as the applicant was known to him
- iii.) Cllrs P J Heal and C J Eginton declared a personal interest as they knew a neighbour of the site
- iv.) Cllrs C J Eginton, S J Clist and B G J Warren requested that their vote against the decision be recorded
- v.) Cllr F W Letch requested that his abstention from voting be recorded
- vi.) Roderick Crawford spoke as the objector
- vii.) Simon Rushton spoke as the agent
- viii.) Cllr S Penny spoke as Ward Member
- ix.) The following late information was provided:

26th July 21

Response from Public Health Officer – 19/07/21

I think that in view of the new proposed system and the confirmation by the landowner that the land for the drainage field is in his ownership and has shown no signs of being waterlogged it would be fine to accept the system as described. So now the condition should read:

The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.

Therefore condition 7 would be as follows:

7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.



**59 APPLICATION - 21/00454/MARM Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplozman Road Tiverton Devon (2.15.09)**

The Committee had before it a report of the Head of Planning, Economy and Regeneration regarding the above application.

The Planning Officer provided the following responses to public questions:

- An overview of the siting and size of affordable housing
- Environmental Health had raised no concerns
- Officers felt that affordable housing was distributed throughout the development
- There had been extensive public consultation through the master planning and planning process
- Early consultation with the Design Review Panel was sought
- Outline applications were illustrative and defined reserved matters applications determined the final design
- There was a minimum separation standard between detached properties
- The applicant had complied with centre to edge principles
- South of Blundells Road was identified a residential core area in the Tiverton EUE Design Guide
- The Neighbourhood hub had been developed through the emerging application process and within the Adopted Masterplan SPD and Tiverton EUE Design Guide centre to edge principles
- The buffer strip would have restricted access
- There was no requirement for a 5 metre buffer within the Adopted Masterplan SPD or Tiverton EUE Design Guide
- The pressure upon Officers was to gain a decision within statutory time frames; within a timely manner

The Officer then provided Members with an overview of the reserved matters application by way of a presentation which highlighted the site location plan, the Tiverton EUE illustrative framework plan, aerial view, character area plans, planning layout, detailed landscape plans, land ownership plan, storey heights plan and photographs of the site.

She explained that the reserved matters proposal included a softer landscape, changes to building types, a buffer strip and detailed landscape plan which were recommendations of the Design Review Panel which met on 9<sup>th</sup> June 2021.

Consideration was given to:

- The applicant had tried to identify different character areas including a neighbourhood hub
- Justification for smaller flats had been identified in the Housing Needs Survey and was not a reserved matters consideration
- The flats fitted in with the different character areas

- Maintenance of shared areas would be by a management company
- A 5 metre buffer zone was not established or a requirement in the EUE masterplan and would be assessed on a site by site basis
- Approval of the Urban Design and Architectural Principles document had been delegated to the Head of Planning, Economy and Regeneration
- Confirmation from the DCC Highways Officer that there was no Highways Policy which determined there had to be two accesses onto a site if over a certain number of units and that they were content with the layout of the first part of the development
- Concerns of Members that there was no leisure space on the north side of Blundells Road or safe crossing areas
- The views of the objector who felt that the officer had not answered all of the public questions, the master plan had turned into fiction, there had been no recognition of the visual impact and that TPO's had not been protected
- The view of the agent who stated that Redrow had an agreement with Chettiscombe Estate to complete this phase of the EUE, that they were a high quality builder, the application reflected the EUE master plan and local policies and design guide
- The view of the Town Council who stated that they felt the infrastructure should be in place before work began, there were concerns with the types of properties proposed, the lack of recreation facilities and highways concerns. That gas boilers were now redundant and every property should have an electric car charging point
- The view of the Ward Members who felt that there was a previous commitment to a 5 metre buffer zone and concerns about the length of any agreements to maintain the green zones. That they did not agree with the 3 storey houses and the proposal failed to comply with the EUE masterplan. That there were concerns with flooding and environmental risks and there were not sufficient electric car charging points
- The views of Members who had concerns about the size of houses proposed and density of the scheme
- The views of Members that further public consultation on the reserved matters application should be sought

It was therefore **RESOLVED** that:

The decision on the application be deferred and that delegated authority be given to the Head of Planning, Economy and Regeneration, in conjunction with Members of the Planning Committee to renegotiate with the developer with regard to the appearance, scale, characteristics, design and density of the scheme.

(Proposed by Cllr L J Cruwys and seconded by Cllr R Dolley)

**Reason for the decision: No decision was made and the determination was deferred**

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors



- ii.) Cllr D J Knowles declared a personal interest as may of the objectors were known to him
- iii.) Paul Elstone spoke as the objector
- iv.) Russel Smith spoke as the applicant
- v.) Cllr P Hill spoke on behalf of the Town Council
- vi.) Cllr D J Knowles spoke as the Ward Member
- vii.) Cllr N Davey provided a statement as Ward Member which was read out by the Chairman
- viii.) The following late information was provided:

1 21/00454/MARM - Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT - Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton.

26 July 2021

#### Consultations

##### 1. Lead Local Flood Authority – 16 July 2021

The Lead Local Flood Authority (LLFA) object to this planning application because as it does not satisfactorily conform to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Following my previous consultation response FRM/MD/00454/2021, dated 07.04.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Drainage Strategy Sheet 1 15255-HYD-XX-XX-DR-C-1600 P06
- Drainage Strategy Sheet 2 15255-HYD-XX-XX-DR-C-1601 P06
- Drainage Statement R402 FN05 Rev A

The above information answers queries raised in my previous response however the submitted information raised further queries.

The applicant should explain where the storage features identified as s14 and s30 within the Micro Drainage Model for the central catchment are located within the Surface Water Drainage Masterplan R402/06 Rev D. According to the model outputs these features are upstream of basins C1A and C1B but it is unclear where they are located.

Only one soakaway test is located in the southern area which is not sufficient coverage for a reserved matters application and is not line with BRE365 Soakaway Design. The LLFA require more coverage of the area of the site proposing soakaways due to the variable nature of the geology and the tests should be undertaken at the proposed depth of the soakaway. The applicant should also submit the calculations for the soakaways for review.

##### Lead Local Flood Authority – 22 July 2021

Our objection is withdrawn and we have no in-principle objections to the above planning application.

Following the previous consultation response FRM/MD/00454/2021, dated 16.07.2021, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 20/07/2021, for which I am grateful.

- Residential Drainage Statement RN402 FN05 Rev B

Due to the results of the recent site investigation which reported slower infiltration rates and elevated groundwater levels, the drainage strategy has changed to a solely attenuated strategy. All the runoff from the central catchment will now be attenuated within basins C1B and C1A. The applicant has submitted updated Micro Drainage model inputs which indicate that the basins have capacity to accept this additional runoff whilst restricting flows to the Qbar greenfield runoff rate as approved at the outline stage of planning.

Officer Response:

Objection removed. The development proposal will be a solely attenuated strategy. All the runoff from the central catchment will be attenuated within basins C1B and C1A. Micro Drainage model inputs indicate that the basins have capacity whilst restricting flows to the Qbar greenfield runoff rates as approved at the outline stage of planning.

2. Tiverton Civic Society – 19 July 2021

Main issues including:

- a) Lack of consultation, by the applicant, with local residents and stakeholders on Blundell's Road, the wider Post Hill area, Upplowman Road and West Manley Lane.
- b) More consideration is required in the design, as confirmed by the Design Review Panel, to introduce more design features and materials evident in the local vernacular. The design represents a relentless form of similar-feel areas.

Officer Response:

Please refer to Committee report Para. 9.1 confirming that some public consultation was undertaken by the applicant and Para. 3.11 relating to building design.

3. Historic England – 19 July 2021

No comment.

Officer Response:

Noted

4. South West Water – 23 July 2021

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Surface Water facilities

The proposed surface water disposal for this development to a surface water ditch at an attenuated rate) is an acceptable method of disposal.

Officer Response:  
Noted

5. Tiverton Town Council – 20 July 2021

For the reasons outlined below Tiverton Town Council are unable to support this application:

a) Area north of Blundell's Road

The road layout precludes any on site access to the proposed plots immediately adjoining Blundell's Road, although these plots are not part of the present application, by approving the proposed amended plan it would confirm the entrances to those houses to be directly onto Blundell's Road; which the town council strongly opposes. We therefore cannot support this part of the application until it shows a road layout within the phase to serve all the plots there in.

Officer response:

The Tiverton EUE Design Guide establishes the principle of semi-detached dwellings facing Blundell's Road (page 58) with shared drives encouraged for the those properties fronting Blundell's Road (page 60 Fig 3.26). This is further supported by section A-A (Page 63) that identifies vehicle parking on the frontage of new residential development.

The Committee report, para 2.8 makes reference to contributions towards traffic calming of Blundell's Road. Traffic calming will result in a change in the character of Blundell's Road.

An indicative layout of properties fronting Blundell's Road, whilst outside of the scope of this application, serves to demonstrate how this application can be delivered in accordance with the Tiverton EUE Design Guide.

b) Area south of Blundell's Road

Plots 1-21, whilst described as 21 detached houses are so close with a maximum of 1m between each other, and therefore will appear to the ten present occupiers in Blundell's Road as a terrace. This is considered, as with most of this phase, to be too dense; more space between each house is required.

Officer response:

The minimum width between houses is 1.35m with the wider gaps (up to 4.7m) between plots 11, 12 & 13. All dwellings (Plots 1-21) have hipped roofs which moderates the impact of the roofline and sense of space between dwellings. The southern parcel has a net density of 22dph. This accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide.

c) It is not clear if the 5m green strip between the existing houses and the proposed new houses has been confirmed as part of the plan.

Officer response:

Please refer to Committee report Para. 3.14-3.17 confirming a 1.5-3m buffer strip south of Blundell's Road. North of Blundell's Road a minimum 3m buffer strip is provided. Please refer to the Planning Layout, Boundary Enclosures Layout, Land Ownership Plan and Landscape details.

d) The affordable properties do not appear to provide owners the same respect in design and facilities that are afforded to the majority of properties.

Officer response:

Please refer to Committee report Para. 3.11, 3.17 and 3.21 for context as regards to green setting and access to public open space including play and health facilities. The identified need for affordable homes is for smaller households (1& 2 bed). The majority of affordable dwellings therefore provided as terraced or apartment dwellings.

e) Will properties be completed before the 2025 Gas Burner rules come into place?

Officer response:

Phasing plan to be submitted by condition but the greater part of completion likely to be prior to 2025. Please also see Committee report, Para 3.25- 3.30 and Low Emission Strategy. Properties are required to accord with Building Regulations and relevant provisions and proposals to achieve carbon reductions through energy efficiency measures, sustainable design and construction.

f) There seems to be no provision for electric car charging points

Officer response:

Please see Committee Report, Para 3.12. Provision is made for 26 EV charging points equating to 15% (in excess of the Local Plan requirement of 10%).

g) There is a lack of refuse and recycling storage facilities on this plan.

Officer response:

The Refuse Collection Layout shows wheelie bin storage locations and refuse collection points.

h) There are concerns regarding drainage facilities for this amount of housing

Officer response:

Please see point 1 above. The Local Lead Flood Authority have confirmed that drainage facilities are acceptable.

There does not seem to be any provision for a pedestrian crossing on Blundell's Road to accommodate the additional foot traffic generated by this proposal.

Officer response:

The provision of pedestrian crossings on Blundell's Road lies outside the scope of this application.

j) We feel that the proposed roundabout should be installed as soon as possible and not later in the scheme

Officer response:

The construction of the roundabout on Blundell's Road lies outside of the scope of this application. Nonetheless, application 20/01787/NMA provides triggers for the delivery of the roundabout.

k) Concerns expressed by both elected members and the public at the growing number of amendments to this proposal.

Officer response:

The amendments that have arisen have sought to respond to comments raised from the Local Planning Authority, consultees, residents and the Design Review Panel. A single change results in the need for multiple plans to be amended each time.

Other Representations

6. RSPB – 6 July

We remain disappointed that the Habitat Assessment and Mitigation Plan remains unchanged as regards to nest box provision

Officer response:

The Habitat Assessment and Mitigation Plan, March 2021 (para 3.3.4) now makes provision for 42 Schweglar Lightweight Type 1A swift boxes, or similar, to be integrated into the walls of new buildings.

Representations

7. Objections from a number of individuals, the main points assimilated:

a) Redrow Homes say that because the landowner did not sell the complete parcel of land to them they cannot comply with the Adopted Tiverton EUE Masterplan SPD or Tiverton EUE Design Guide. This creates a damaging precedent.

Officer response:

Please refer to the Committee Report that seeks to set out the details of the appearance, landscaping, layout and scale of the proposed development and its compliance with the Adopted Mid Devon Local Plan 2013-2033, the principles established in the Adopted Masterplan SPD, Tiverton EUE Design Guide, as well as other Adopted Mid Devon Supplementary Planning Documentation and the National Planning Policy Framework.

b) Failure to comply with the Tiverton EUE Masterplan SPD or Design Guide key principle requiring a Centre to Edge housing density. i.e., the lowest densities at the edge and the highest in the centre. Redrow Homes doing the exact reverse and for commercial profit.

Officer response:

Please refer to the Committee report (Para 3.10) that sets out the details of net densities and centre-to-edge concept.

c) Failure to treat young families living in affordable plus the lower priced homes with any level of proper consideration. This as Redrow Homes have located the higher density affordable and low-cost homes immediately adjacent to the Linking Road (The Northern Gateway) exposing these families to far higher levels of noise

and pollution than anywhere else on the whole of the Tiverton EUE Development. Similarly, the Nursing home.

Officer response:

For point of reference please refer to the Land Ownership Plan identifying location of affordable housing units north and south of Blundell's Road.

The means of access and principle of development was approved with outline planning application 14/00881/MOUT. The Environmental Statement submitted at outline planning stage set out the risk of air, noise, odour and light nuisances arising during and after construction with mitigation measures. The Planning Statement and Statement of Community Involvement submitted through this application sets out accordance with the Environmental Statement, Policy DM3 and DM4 of the Adopted Mid Devon Local Plan 2013-2033. Please also refer to Committee report 6.1 – 6.3 regarding air quality.

d) Failure to comply with the requirement to limit the Tiverton EUE visual impact on Key Receptors this in respect of Blundell's School when placing a 3-story apartment block in a dominant position to the south of Blundell's Road and with the very minimum of screening. Even the proposed architectural design including roof tile colour further impacting on the 3 story apartment blocks appearance.

Officer response:

Please refer to Committee report Para 3.20 – 3.21 referencing the east bound approach along Blundell's Road, the setting of West Manley Lane, Blundell's School and the conservation area including dwellings set back behind a 10m landscape buffer and retention of existing hedgerow and other planting.

e) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing 10 Blundell's Road South Properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

f) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing Poole Anthony Drive properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

g) Failure to provide suitable clearance for trees with TPO's on them and at the rear of the Blundell's Road properties which will very likely cause a high degree of friction between the existing and new Redrow Home property owners.

Officer response:

Please refer to Committee Report para 4.4. Also Arboricultural Impact Assessment (March 2021) identifying TPO trees and Detailed Landscape Design – Public Open Space (Sheet 3) for canopy spread and root protection areas.

h) Construction of a wall of 21 houses over 8 meters high immediately backing against the existing 10 Blundells Road South Properties and with the absolute minimum spacing between them.



Officer response:

Please refer Committee Report para 3.22 and Point 4b above.

- i) Failure to provide a Children's Play Area to the north of Blundell's Road and serving Phases 1A, 1B and 1D of the development.

Officer response:

Please refer to Committee Report para 3.11. Also the Adopted Masterplan SPD Illustrative Framework establishing principle locations for children's play.

- j) Failure to provide suitably sized Communal Amenity Areas for use by Apartment Residents.

Officer response:

Please refer to Committee Report para 3.11

- K) Failure to provide a neighbourhood hub of green space on the western side of the linking road at the northern gateway i.e to the north of Blundells Road.

Officer response:

Please refer to Committee Report para 3.21

- l) The masterplan calls for sensitivity to be exercised in design and layout in relation to existing properties. Redrow have not acknowledged the existing character of the area. In so doing, they set a precedent for future development in the Posthill, Mayfair and Manley Lane areas.

Officer response:

Please refer to the Committee Report paras 3.1 - 3.13 and 3.18 – 3.24 for principles of development, design and layout and accordance with adopted planning policy and guidance.

- m) What provision have Redrow made for accommodating wildlife?

Officer response:

Please refer to Committee Report para 7.4

- n) The buffer zone to the rear of three properties (south of Blundell's Road) is hugely reduced. This is discrimination.

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- o) A 5m buffer was a condition of outline planning approval 14/00881/MOUT

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- p) The provision of a Poynton style roundabout would be inappropriate for the volume and speed of traffic along Blundell's Road

Officer response:

Please see point 4j above.

P) A hedgebank is identified to the rear of Barnsmead but not on the eastern boundary adjacent to the spine road. How will the property be secured from intruders?

Officer response:

The landscape proposals on the eastern boundary of Barnsmead relate to Application 21/00374/MARM and are outside the scope of this application. However, Officers are aware that the Applicant is in discussion with the occupiers of Barnsmead with an ambition to resolve concerns.

Supporting Information: Updated  
Arboricultural Impact Assessment

Committee Report Amendment:

Typo: para 3.15, final sentence: 'retained' not 'remained'.

27 July 2021

Revised Drawings

- Planning Layout: POST – 21-04-02 Rev F
- External materials Layout: POST-21-04-03 Rev D
- Boundary Enclosures Layout: POST-21-04-04 Rev E
- Storey heights Layout: POST-21-04-05 Rev C
- Refuse Collection: POST-21-04-06 Rev C
- Affordable Housing: POST-21-04-07 Rev C
- Meter Box Location: POST-21-04-08 Rev C
- Land Ownership layout: POST-21-04-09 Rev F
- Parking and EV Charging: POST-21-04-10 Rev D
- Site Location Plan: POST-21-04-01 Rev C

Officer Response:

Following Officer feedback from the Planning Committee site visit (22 July 2021) the applicant has introduced further amends, principally to the boundary enclosures and land ownerships plans. Amendments introduced include:

- Adjusted garden boundary to Plots 162 & 163 (north of Blundell's Road) to provide a deeper landscape buffer adjacent to Poole Anthony Drive – approx. 6m deep; this acknowledging the more direct relationship with existing single storey properties. The Detailed Landscape Design – Public Open Space (Sheet 8 of 8) confirms the retention of the existing hedge and understorey planting with new planted hedge to supplement the existing, along with new meadow rich grassland within the landscaped buffer.
- Enclosure of the landscaped buffers north and south of Blundell's Road, with secure means of access to prevent unwanted admission and misuse.
- The increased area of land identified as landscape buffer (north of Blundell's Road) identified for adoption by a Management Company.
- All other revised drawings (detailed above) have been updated for consistency.



(The meeting ended at 7.11 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 11th August 2021

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>21/00072/MARM - Reserved Matters for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane, following Outline approval 19/01839/MOUT at Land at NGR 301216 106714 , (West Of Siskin Chase), Colebrooke Lane.</p> <p><b>RECOMMENDATION</b> Approve Reserved Matters subject to conditions</p>
02.	<p>20/00748/FULL - Change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling at 22 Lower Town, Sampford Peverell, Tiverton.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>

Application No. 21/00072/MARM

Grid Ref: 301216 : 106714

Applicant: Taylor Wimpey UK Ltd

Location: Land at NGR 301216 106714  
(West Of Siskin Chase)  
Colebrooke Lane  
Cullompton

Proposal: Reserved Matters for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane, following Outline approval 19/01839/MOUT

Date Valid: 2nd February 2021



**APPLICATION NO: 21/00072/MARM**

**Site Visit: Yes Date of Site Visit: March & April 2021**

**Decision Delayed Reason: Committee call in and amendments to scheme**

**MEMBER CALL-IN**

**RECOMMENDATION**

Grant reserved matters approval subject to conditions

**PROPOSED DEVELOPMENT**

The application constitutes a Reserved Matters application for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane, following Outline approval 19/01839/MOUT.

The site is situated immediately to the west of Cullompton and falls within the settlement boundary and constitutes an allocated site with the Council's Local Plan. The site largely falls within Flood Zone 1 where all residential development is proposed, with the far south west of the site falling within Flood Zone 3.

As noted, the application constitutes a reserved matters application, and therefore outline permission has already been granted and secured the principle of residential use on the site.

The application constitutes approval of details only.

**APPLICANT'S SUPPORTING INFORMATION**

Accordingly, a number of supporting documents have been submitted with the application including plans and elevations, together with necessary details of landscaping, layout and design details.

**RELEVANT PLANNING HISTORY**

18/01826/SCR - CLOSED date 16th November 2018 Request for Screening Opinion in respect of proposed development of 105 dwellings together with associated amenity and open space provision landscape and access from Siskin Close

19/00118/MOUT - NONDET date 22nd October 2020 Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane - APPEAL ALLOWED - PLANNING PERMISSION GRANTED 09-07-20

19/01839/MOUT - PERCON date 18th September 2020 Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane

21/00072/MARM - PCO date Reserved Matters for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane, following Outline approval 19/01839/MOUT

#### **OTHER HISTORY**

00/00930/FULL - PERMIT date 9th August 2000 Construction of a fishing lake (max. 50 rods) and provision of associated access and car parking area

99/03319/FULL - REFUSE date 26th April 2000 Construction of a fishing lake (max 50 rods) and provision of associated access, access track and car parking area

10/01291/FULL - REFUSE date 2nd November 2010 Change of use of land to garden and erection of double detached garage

18/01223/PREAPP - CLO date 19th October 2018

PROTECT - Proposed development of approximately 100 dwellings (and 5 self build plots)

20/01876/PREAPP - CLO date 25th March 2021

PROTECT - Proposed Reserved Matters submission following Outline permission 19/01839/OUT

#### **INFORMATIVES**

##### Conditional Approval (with negotiation)

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

##### S106

This development is subject to a Section 106 agreement dated 21 August 2020

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.

#### **DEVELOPMENT PLAN POLICIES**

Mid Devon Local Plan 2013-2033

Policy S1 -Sustainable development priorities

Policy S2- Amount and distribution of development

Policy S3- Meeting housing needs

Policy S4 - Ensuring housing delivery

Policy S5 - Public open space

Policy S9 – Environment

Policy S11 – Cullompton

Policy CU21 - Land at Colebrook

Policy DM1 -High quality design

Policy DM2 - Renewable and low carbon energy

Policy DM3 - Transport and air quality

Policy DM4 – Pollution

Policy DM26 - Green infrastructure in major development

National Planning Policy Framework

National Planning Practice Guidance

Cullompton Neighbourhood Plan 2020 – 2033

Policies

SD01 Traffic Impact of Major Development

SD02 Links to the Town Centre

SD03 Flood Attenuation

SD04 Solar Design in Housing Schemes

SD05 Connectivity

SD07 Timing of Infrastructure

HT04 Improving Footpaths

HS01 Housing Mix

HS02 Social and Affordable Housing

HS04 Parking on Housing Schemes

EN01 Protecting and Enhancing the Natural Environment

TC02 Character of the Built Environment

WL07 Community Allotments, Orchards and Composting

WL08 Dementia Friendly Town

WL09 Providing for Young People

## **CONSULTATIONS**

### **Health & Safety Executive - 17/02/2021**

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

However, this application does not fall within any HSE consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.

### **CULLOMPTON TOWN COUNCIL**

RESOLVED to suspend Standing Orders for 10 minutes to enable Councillors to ask the developer's representatives questions and get their responses.

' Access road ' Colebrook Lane ' what will happen to the access road in the future?

The representatives responded that the link is going to be used for construction traffic to limit the disruption to residents of Siskin Chase. When the development is complete the road will be downgraded to a 3m pedestrian / cycle way.

It could be made into a road in the future if required.

' Road widths and access due to parked vehicles is a big problem on many developments  
The representatives responded that the proposed site layout tries to ensure that parking spaces are close to the relevant homes and the Cullompton Neighbourhood Plan parking standards were used in the design; all of the road widths take into account the requirements long /larger vehicles such as refuse trucks, fire engines etc.

All the roads on the development will be offered to the highway authority for formal adoption.

' Play Areas / Open Space 5 a side goals, basketball hoop & fibreglass climbing boulders suitable for older children would be a good idea ' not just play areas and equipment for toddlers

The representatives explained that proposals include a woodland trail theme, creating some natural play areas, there will be space for playing football but not formally marked

' The layout of the site needs to be more interesting with different aspects of the buildings visible and a greater variety of building materials used

' The road safety aspects of Siskin Chase going into the new development will require mitigation  
The representatives responded that significant thought has gone into the open space provision but some aspects are still under discussion with Mid Devon District Council.

The access to the development was subject to a road safety audit but developers do need to be aware of various risks and mitigations have been considered as an integral part of the lay out.

RESOLVED that the Council supports the amended proposal for reserved matters subject to further consideration being given to:

- Play areas and provision for children older than toddlers
- Access road
- Road widths
- A greater variety of building orientation and finishes making the site more interesting and dementia friendly

**Case Officer comment:**

The play areas have been looked at to ensure they are made more accessible for those children which may have difficulties using play equipment.

The access road was approved at outline. Discussions were had to see if anything further could be done to reduce speed of traffic in this area. Whilst Devon County would not adopt the road if a change in material was proposed, the applicant has agreed to incorporate a block design to make drivers aware that they are entering a different development and to be cautious.

The road widths are considered to be appropriate for the scale of the development

The materials and key characteristics of the buildings have been looked at to ensure dementia friendly design as this is a passion of the case officer in any instance. More detail is explained within the body of the report.

**Highway Authority:**

This is a Reserved Matters Application for 105 dwellings of Siskin Chase.

Although there is no formal Highway layout Plan, there is a Landscape Master Plan CSA-3626-116 which I am using to assess the Highway Layout.



The proposal for the Temporary Construction Access in Colebrooke Lane would require the appropriate Agreement from Devon County Council prior to any works being carried out in this area on the Highway.

The Highway Authority has no objection to the proposed development, if it is the applicant's intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

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

**FLOOD and COASTAL RISK MANAGEMENT TEAM – (Initial response) Please see further response below.**

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

Observations:

The applicant has proposed to manage most of the surface water from the site within a detention basin, whilst some of the surface water will be managed within an attenuation tank.

Shallow groundwater was identified at the Outline stage. This groundwater could affect the designs of the detention basin. The applicant has submitted a Ground Investigation Report, however, unfortunately I cannot download this report from Mid Devon District Council's website. Could Mid Devon District Council or the applicant submit the report directly to us for review?

There does not appear to be a flow control downstream of the proposed attenuation tank. Therefore, I am unsure how flows will be restricted within this tank. The applicant must clarify this arrangement. The applicant must also clarify whether the levels of the pipework draining into the tank could be altered to drain into the basin. Although the attenuation tank drains into the swale, the surface water may be further treated if it flows through the basin.

The applicant must submit MicroDrainage model outputs (or similar) to demonstrate that the surface water drainage system has been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must submit cross-sections of the proposed detention basin and swale. These features should be designed to incorporate within the landscape and to be easily maintained.

The details submitted for the outline planning application confirmed that permeable paving and filter drains would be implemented. The applicant must depict these features on the plans.

The applicant must confirm whether check dams will be constructed within the proposed swale.

The applicant should clarify whether the levels of the pipework near plot 94 could be lowered to allow a swale to be constructed upstream of the detention basin.

The applicant should also clarify whether levels could be altered to improve the management of exceedance flows:

Could the highway levels in front of plots 77 and 78 be altered to allow exceedance flows to remain within the highway and flow to the east or west (within the highway)?

Could the levels within the courtyard of plots 56 - 60 be altered to allow exceedance flows to drain to the highway?

The applicant must confirm who shall be responsible for maintaining the entire surface water drainage network.

The applicant has proposed measures to prevent sediment and debris flowing into drainage features and watercourses during the construction phase. The applicant must also acknowledge that surface water needs to be managed to prevent large volumes of surface water flowing into surrounding drainage networks and watercourses unrestricted, as this could increase flood risk downstream.

#### **LEAD LOCAL FLOOD AUTHORITY – second response**

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:

*Construction of the groundwater management system should be in accordance with SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021) and the Groundwater Flow and Volume Compensation Calculations (dated 14th June 2021). The monitoring results for this groundwater management system shall be submitted to the Local Planning Authority every 6 months for review. The monitoring period should cover 2 winters. If any damage occurs to the groundwater management system during the monitoring phase, or if groundwater discharges above the designed rate, then this must be remediated.*

#### **Observations:**

Following my previous consultation response (FRM/MD/00072/2021; dated 22nd February 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 most recent revisions of these documents to the Local Planning Authority:

- MicroDrainage Model Outputs
- SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021)
- Groundwater Flow and Volume Compensation Calculations

The applicant has proposed to manage groundwater to prevent any impacts on the proposed detention basin. The basin is designed to be 'usually' dry (apart from during precipitation events or during snowmelt).

The applicant has confirmed that they will monitor the flow rate from the groundwater management system for a period covering at least 2 winters. The applicant has noted that the discharge rate would only be above the designed rate if the system has not been constructed correctly.

Therefore, if the rate is above the designed rate then the applicant will reconstruct the detention basin and groundwater management system. The applicant has proposed to construct 'sealed/tanked' permeable paving. This type of permeable paving

will be wrapped in an impermeable liner to prevent any water from infiltrating into the ground and to prevent any groundwater from draining into the paving system. The applicant should manage surface water appropriately during the construction phase. The applicant should ensure that the basin can establish.

**HISTORIC ENVIRONMENT TEAM - 08/02/2021**

The Historic Environment Team has no comments to make on this planning application.

**PUBLIC HEALTH**

Contaminated Land: A Stage 1 and Stage 2 contaminated land assessment has been submitted and is acceptable. Therefore the pre-commencement element of the condition has been met. (09.02.21).

Air Quality: No concerns. (09.02.21).

Environmental Permitting: No objection to this proposal. (03.02.21).

Drainage: No concerns. (09.02.21).

Noise & other nuisances: A CEMP has been submitted which includes standard working hours and a commitment to prohibit high frequency audible reversing alarms on site vehicles which will be of significant benefit to existing nearby residents. We have no concerns regarding this plan. (09.02.21).

Housing Standards: Ashenford- 2 bedrooms are inner rooms due to stairs descending into high risk are for fire. No safe primary means of escape in the event of a fire.

Maisonette ' ground floor okay due to exit within bedroom. First floor needs door on kitchen living space to provide a safe primary means of escape from the bedroom down the main stairs and out of the building.

Benford, Benton, Byford, Huxford, Kingdale, Manford, Trusdale ' all with protected hallway and safe exit from the property from the bedrooms. (05.02.21).

**Case Officer comment**: Planning permission would not be required for internal alterations.

Licensing: No comments. (03.02.21).

Food Hygiene: No comments. (03.02.21).

Private Water Supplies: No comment if mains water supply. (03.02.21).

Health and Safety: No comments. (03.02.21).

**RSPB - 6th May 21**

Thankyou for inviting the RSPB to comment on the above, we are disappointed with the following recommendations in the Ecologist's Report:

**3.3.3 Birds**

" The locations of 50 Schwegler Lightweight Type 1A swift boxes (<https://www.nhbs.com/schwegler-lightweight-swift-box-type-1a>), or similar approved, to be integrated into the walls of new buildings will be shown on detailed construction drawings; refer to

Figure 7 for proposed locations. Nest boxes will be integrated into the walls at a minimum height of 5m, close to the eaves / on gable ends. The ECW will advise on the precise locations."

### 3.3.5 Bats

The locations of 50 Schwegler 2FR bat tubes (<https://www.nhbs.com/2fr-schwegler-bat-tube>), or similar approved, to be integrated into the walls of new buildings will be shown on detailed construction drawings; refer to Figure 7 for proposed locations. The boxes will be integrated into the walls at a minimum height of 3m, close to the eaves / on gable ends, away from windows and external light sources and avoiding north-facing aspects where possible. The ECW will advise on the precise locations.

Bat tubes are designed for multiple occupation, bird boxes will only be used by one pair, we are unsure how installing equal numbers can be justified!!

We recently asked the Bat Conservation Trust for their advice, they replied that in the absence of information on occupation rates they were reluctant to make any recommendations at the present time.

As a consequence we understand that the British Standards Panel on Biodiversity in Buildings forthcoming Standard on Integral Roosting/Nesting Boxes will only be for birds and will recommend one box per residential unit with a separate standard for roosting bats to follow.

The RSPB's position is set out in a paper submitted to the CIEEM in 2019 and the recently released "NHBC's guide to Biodiversity in new housing developments: creating wildlife-friendly communities", which we co-authored with Barratt Homes, both are attached.

In recent years we have arranged monitoring programs across a number of sites, the most extensive information comes from the Duchy (see attached), the results from a number of smaller surveys are very similar, the general consensus is that our recommendations to install an average of one bird box per dwelling is fully justified.

We agree with the recommendation to install swift boxes, evidence suggests that most species that nest/roost in cavities in buildings and mature trees will use them, see attached paper on "the case for artificial bricks".

We therefore recommend that:

- o an average of one swift box per dwelling (105no.) are installed.
- o that the majority should be located under the eaves or adjacent to the verges of gable ends whilst avoiding proximity to doors and windows.
- o Integral boxes are not as prone to overheating as external varieties but preference should be given to locations with some shelter from prevailing weather conditions.
- o the CEMP is revised to reflect the above

### **NATURAL ENGLAND - 18/02/2021**

Natural England previously commented on this proposal [19/01839/MOUT] and made comments to the authority in our emails dated 01 February 2019, 22 March 2019 and November 2019.

The advice provided in our previous responses applies equally to these Reserved Matters although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**DEVON, CORNWALL & DORSET POLICE 15th February 2021**

Police have no objections to the proposal, the general layout proposed will provide both active frontages and good overlooking to the new internal streets which is welcome.

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Therefore please note the following comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Residential - Building Regulations ' Approved Document Q - Security.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse 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) or equivalent.

To assist the process in ensuring compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires 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 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) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

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 managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

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 2016

Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk 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 and ASB.

#### Site Specific Recommendations.

The proposed boundary treatments are noted and the use of back to back gardens where possible is welcomed. Gates giving access to rear gardens, particularly those between dwellings, for example, plots 40-41 & 57-58 should have an additional gate(s) positioned as close to the front building line as possible to remove accessibility to sides of dwellings where surveillance opportunities are limited. It is recommended private front gardens are suitably defined, as open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, with for example, the creation of desire lines for pedestrians and cyclists, dog fouling, ball games and general anti-social behaviour. If existing hedgerow is likely to comprise new rear garden boundaries, it must be fit for purpose. Hedges should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function. Pedestrian and cycle routes through the site, must be and feel as safe as possible for users and again should not potentially undermine the security of dwellings. Where possible, they should be overlooked and have dwellings facing on to them. It is important to consider which routes may just be used for leisure and others which for example children may have to use to walk to school etc.

From a designing out crime and disorder perspective, it is vital that the parking provision for the proposed development is both, sufficient when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles and designed that it is convenient and practical to use. For example, side by side parking as oppose to tandem style parking, 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.

Consideration must be given to their security with the inclusion of robust perimeter security and gates for the proposed Community allotments. There must also be sufficient parking provided to prevent inappropriate on street parking leading to conflict with residents.

Please do not hesitate to contact me if any clarification is sought or I can assist further.

#### **HISTORIC ENGLAND - 09/02/2021**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**HISTORIC ENVIRONMENT TEAM - 26/04/2021** - Comments from Stephen Reed, Senior Historic Environment Officer

The Historic Environment Team has no comments to make on this planning application.

**HISTORIC ENGLAND - 27/04/2021**

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**NATURAL ENGLAND - 05/05/2021**

Natural England has no comments to make on this application.

**Highway Authority**

The County Highway Authority have no further comments to make on this application

**DEVON, CORNWALL & DORSET POLICE**

Re Reserved Matters for the erection of up to 105 dwellings, (additional information & revised drawings) Siskin Chase, Colebrooke Lane Cullompton - 21st April 2021

Thank you for this application. The proposed boundary treatment details are noted.

**REPRESENTATIONS**

The application was advertised by means of site notices displayed in three different locations, together with neighbour notifications and an advert within the local paper.

There have been a total of 4 no objections to the scheme and two representations made in regards to general comments on the application.

The objections received raise concerns regarding the following matters:

- Concerns over the access – requests for the access to be at Colebrook
- The principle of the development in this location
- Concerns over climate change
- Questions over the availability of services within the area for the new residents
- Proximity of the development to existing dwellings.
- Likely increase of noise pollution
- Loss of light
- Impact on privacy

The representations made constitute comments regarding the application and make suggestions to the proposals. This includes having the play area located such that there is minimal harm to biodiversity, concerns around the access, noise concerns, wheel washing for cars and mud on the road, and request for more vegetation to be planted.

Exeter Cycling Campaign has also objected to the application as they consider the development fails on cycling measures.

The case officer has worked with the applicant during the course of the application to try and address these concerns and how this has been achieved will be outlined within the body of the report. However, in respect to the concerns raised by Exeter Cycling Campaign it should be noted that the applicant was not obliged at outline stage to make connections from the development to

existing cycle networks. It is considered that the development would still be acceptable in its proposed form to provide adequate opportunity for cycling.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- **Principle of the development (including the original outline planning permission)**
  - **Layout;**
  - **Appearance**
  - **Landscaping**
  - **Scale**
- **The impact of the development in regards to amenity of existing residents**
- **Drainage of the development**
- **New National Planning Policy Framework (NPPF)**
- **Outline conditions –**
- **S106.**

### **Principle of the development**

The application constitutes a reserved matters application for 105 residential units following the grant of outline planning permission on 18<sup>th</sup> September 2020.

The outline planning permission granted the in principle acceptability of residential development on this site and as such, the principle of residential development at this location is already secured. Vehicular and pedestrian access points were secured at outline, and therefore access is not a matter to consider as part of the reserved matters. With this in mind, it is not possible to change the access points in terms of vehicular or pedestrian as part of this application, and pedestrian and vehicular access will be via Sisken Chase, with pedestrian only access at Colebrook Lane.

The purpose behind the reserved matters therefore is to ensure that the appearance, scale, landscaping and layout of the development, is appropriate. This has been considered in line with the relevant planning policies and with full consideration to matters raised in representations received.

Notwithstanding the above, it should be noted in any circumstance that the site is allocated within the Local Plan under Policy CU21 – Land at Colebrook.

Whilst the allocation specifies 100 units, it should be noted again, that outline planning permission has been granted for 105 units, and as such the number proposed at reserved matters is considered to be wholly appropriate and in line with the outline permission.

The policy advises that measures to protect and enhance trees and biodiversity will be taken together with provision of green infrastructure and affordable housing. These points have been addressed will be discussed in the assessment of the application below.

### **Layout**

The layout of the development is one that has been discussed in great detail since submission of the application.



In line with aims and objectives of good design and dementia friendly visual cues, the applicants were asked at an early stage of the application to re-consider the proposed layout to one which provided both good surveillance of the street, differentiation in terms of appearance (discussed later) and one which provided natural navigation to any users of the scheme going forward.

The applicant had already been to a design review panel as part of their pre-application discussions with the Council, which led to a much more desirable layout than that previously proposed. The Design Review Panel is something the Council encourages developers to reach out to in order that the best outcome can be achieved.

Following on from pre-app discussions, and through early discussions with the applicant, it is now felt that the layout of the scheme is one of success for this particular site. Urban design guidance will advise developers to build schemes in 'blocks' with back to back gardens with strong street frontage. It is considered that the application achieves this. Whilst appearance is discussed later in the report, it is worth noting here that the case officer requested that key buildings be placed at key turning points within the layout to assist with orientation. This has also been achieved. At the point of entering the development by vehicle, (shown below by the red arrow), it was requested that the vista include a pleasing outlook and a feature that was memorable, as such, the applicant has worked with the case officer to provide a good quality landscaping plan that provides a large tree as a visual guide into the development. Following on from that, the design of the dwellings and frontage acts as a natural guide around the development with the key buildings aiding orientation. Whilst there is a natural resistance to parking courts in terms of good design, they have been kept to a minimum in this proposal and are well overlooked. Importantly, parking is provided with 198 allocated parking spaces, 31 garages and 21 visitor spaces. This will assist in keeping cars from parking on the street.



Site Layout Plan

Looking at the layout to the south, it should be noted that this has been laid to landscaping given that this is the area more at risk of flooding. As such, the space has been used well to provide a good sized area of open space with children's play also featured towards the north of this area as

well as further north within the development. The case officer has discussed the play areas in detail with the applicant to ensure they are user friendly for all and that they are overlooked. The most recent layout achieves this as shown above.

The layout has also incorporated the requirement to protect existing hedgerows and trees providing a good ecological buffer. More detail is provided on this below.

Concerns have been raised by existing residents of Siskin Chase and the proximity of the development to their existing residences. This was raised with the developer at the outset and the units were moved further to the west as a result. Following this, the existing residents remained concerned regarding the impact on their amenity and loss of light. The case officer therefore undertook a second site visit to assess the impact and the current position of the proposed units from the existing properties is considered to be acceptable. The proposed layout incorporates a distance of approximately 11m from the existing dwelling at the closest point and the existing established hedgerow assists with further screening. Furthermore, given the concerns regarding lighting, the applicant has provided a lighting assessment which explores this concern in detail. The results indicate that the total loss of light is not considered to be excessive and as such the layout is considered to be acceptable, more information on this is provided below under the relevant headings.

It should also be noted that the scheme provides several accessible and adaptable dwellings as required under Part M4(2) of the Building Regulations. This means that the units are built for wheelchair access together with disabled car parking. This is a fantastic edition to the scheme and certainly something we should be encouraging in developments to ensure that everyone can access their environments and have access to homes that are suitable for them.



Plan to show the locations of accessible units throughout the development.

The applicant has also submitted a solar gain plan which identifies how the proposed units have been orientated to ensure solar gain is achieved. This will improve the sustainability for the development.

In conclusion, the design of the layout and how it has evolved from its embryonic state has improved significantly, and is considered to represent a good form of development with good accessibility for all individuals and provides a good mix of units to suit a range of needs.

### **Appearance**

When the application was initially submitted, it is fair to say that the standard of design was fairly high given the interaction with the Design Review Panel. Nevertheless, the case officer was keen to get a higher standard to ensure that key buildings could be identified easily by people for purposes of navigation, as well as maintaining a high quality street scene. Those plots that were identified by the officer as being decision making points were discussed with the applicant and it was requested that they have something different about them to help them stand out.

The applicant has looked at these plots in detail and re-designed them so that they have different materials/colours to allow them to be distinguished. This also picks up on the comments received from the Parish Council. Such plots are identified below by means of a star and the key illustrates the materials that will be used to provide differentiation. This is the use of the Ibstock blue brick that will be used for projecting brick detailing on the relevant properties as shown below. The projecting nature of the bricks also provides variation and interest within the architectural form, making it visually pleasing.



Plan showing key plots identified by star.





Plan illustrating the various features to make properties differentiate from each other.

It should be noted that some of the properties also feature chimneys, which adds appeal to the character of the development.

Colours used in the materials work well with that of the existing character of the area and will work well with the backdrop of open farmland. A condition has been recommended to ensure the samples of the proposed materials are first submitted to the Authority for approval.

In terms of the appearance for the open space and landscaping, this has also been looked at closely to ensure that the landscaping provision enhances the character of the development. As can be seen, all plots have been provided with nice sized gardens, and fencing has been used to the rear to ensure privacy is maintained for future residents. Boundary treatments include hedgerows within areas that are very visually apparent, together with boundary walls where appropriate. Timber knee rails have been provided to the front of properties where they face onto open space. This provides ease of access to the open space, and visibility, whilst maintaining a suitable boundary. Where properties back onto existing hedgerow where its retention is important, steel mesh fencing has been provided to enable the resident to maintain the hedgerow by trimming it back, but does not allow for its removal. This was a requirement under the original Ecological Survey that was submitted in regards to the outline planning application.

Whilst the levels of the site will see some plots higher than others, it is considered that this has been managed well and provides interest to the streetscene and rhythm. This is supplemented by the materials and landscape treatment outlined above. With parking located off road, and plenty of soft landscaping, it is considered that the appearance of the development is acceptable.

### **Landscaping**

In accordance with the outline permission, the scheme provides for a landscaping scheme located to the south of the units. The scheme includes a pedestrian access from Colebrook Lane as per the outline permission, and provides a walk up through the open space to allotments, play space and then the housing.

The ecology reports in the outline permission outlined the importance of retaining hedgerow and a buffer along the hedgerow. Where this was being impinged, housing has been moved to ensure that the buffer is retained.

The landscaping masterplan identifies the location of new tree plantings, including native species, hedgerow, wildflower mix and grass plantings. The pedestrian access track will work as a trail through the open space up to the housing development. It will also work well as a green buffer and backdrop from the housing. The drainage features will also be located within this area and is proposed as a SuDS pond to capture surface water runoff. This will also provide some ecological enhancement which is discussed below in more detail.

### **Landscaping and Allotments**

As per the outline planning permission description and requirement, the development has catered for 10 allotments of substantial size to the south east of the development which are facilitated by their own car parking spaces also to allow ease of access. The allotments will be bound by a native hedgerow and timber post and rail fence where appropriate, and will be served by a water supply. Trees will also be planted around the boundaries to further enhance the appearance.

### **Landscaping & Play equipment**

Discussions were made at early stages of the application to ensure that visibility to the play areas was achieved as much as possible therefore enabling the space to be overlooked and to feel safe. This has been achieved through moving vegetation around so that the play areas are in direct site of housing.

There will be two play areas on site, one Local Area of Play (LAP) to the north east of the site and the other to the south west which is a larger area of play. Following an initial review of the play area the case officer raised some concerns in respect to the accessibility of play for children who may have disabilities. As such, the applicant reviewed the play equipment and has included provision of a swing that any child will be able to use.

The play equipment will provide a variety of play for all ages and is considered to be provided to a good standard, adding to the enhancement of the development.

### **Landscaping & Ecology**

There have been some concerns raised by locals regarding the ecological mitigation being provided on site.

When the outline permission was granted, it was subject to a condition requiring a Landscape and Ecological Management Plan and Construction Ecological/Environmental Management Plan to be submitted with the reserved matters application. These documents would indicate how all of the mitigation measures identified within the initial ecological survey would be delivered through the development.

Such mitigation measures included the following:

- Retained trees and hedgerows to be protected
- No lighting to be left on at night by hedgerows
- Habitat manipulation – mitigation for reptiles
- Birds – vegetation removal between oct and February
- 50 bird boxes on new buildings or retained trees
- Badger – resurvey prior to construction
- 50 bat boxes or tubes on new buildings or on new/retained trees
- Hedgerows that back on to rear gardens to be protected with 1.8m wire mesh fence
- 3 x Hibernacula provided in open space for benefit to reptiles
- Lighting positioned to avoid direct lighting on hedgerows particularly western boundary
- Hedgehog holes in fencing

The Construction Ecological/Environmental Management Plan that has been submitted in support of the application and as required via condition outlines that the above requirements will be delivered.

The landscaping plans identify the locations of the bat/bird boxes as well as the hibernacula required. The document goes through the pre-commencement work that is required including the habitat manipulation, whilst the post commencement works detail how the other necessary mitigation measures will be carried out. This document will evidently form part of the approved documents list should members be minded to grant the reserved matters and as such, the development will need to proceed in accordance with the details contained within. This includes the use of Harris fencing around trees as illustrated on the Tree Protection Plan within the document.

Hedgerows are being retained around the site and will be protected where necessary by the mesh fencing discussed earlier where a hedgerow falls into the rear garden of a future resident. Wildflower planting will help enrich the biodiversity value of the site.

The submitted Landscape Ecological Management Plan further picks up on the mitigation measures required.

The applicant is aware that there is still a need to submit a public realm lighting plan prior to commencement as stipulated by the relevant condition. This will need to come forward prior to commencement on the site.

A condition has been recommended to ensure works are carried out in accordance with these approved documents.

In conclusion – the landscaping associated with the scheme is considered to be of a high standard and if carried out in accordance with the documents to be approved will ensure protection of existing vegetation and enhance biodiversity.

### **Scale**

The development proposes 105 residential units comprising 2 and 2.5 storey. The scale is considered to be within the parameters of the outline planning application and is fairly typical scale of the type of development being proposed. The majority of the units are 2 storey with only two of the units 2.5 storey in height. Some plots will be served by a single storey garage.

### **The impact of the development in regards to amenity of residents**

As noted above, there have been some representations submitted in respect to the application regarding the impact on the existing properties. Concerns relate to the proximity of the development to a couple of properties along the eastern boundary of the site and the potential loss of light, impact on privacy, devaluation of property and noise.

Firstly, it should be noted that de-valuation of property as a result of development is not a material planning consideration, and as such, we cannot consider that as part of any planning application.

Moving to the concern of proximity, the initial plans illustrated a scheme where there would be a minimum separation of approx. 10m between the property concerned and the new development. Whilst this would be an acceptable distance in planning terms, the applicants were asked if they could move the subject proposed properties further to the west to enable more distance to be created. Accordingly, the revised plans illustrate that there is now a minimum separation distance of approx 11m which is considered acceptable and is more than the normal gap left between

residential developments that side on to each other. Furthermore, the nearest dwelling house to the existing properties does not feature a window at first floor which will further reduce the opportunity for overlooking to occur.

In terms of the concern of loss of light, again this related to the same property, the applicant has submitted a lighting assessment following discussions with the case officer which have assessed the impact of the development on the light levels throughout the year upon the property that raised the concerns. The assessment demonstrates that overall there is not a significant impact upon the property and that sufficient light will still be provided when the development is built out throughout the year.

Looking to the impact of privacy, again, and as noted above, it is considered that the development is a sufficient distance away from existing residential properties to not cause concerns of this nature. As with most new housing development, there is going to be change to what existing residents currently experience in terms of outlook, but this is typical of this scenario. There is also a well-established hedgerow between the existing properties and that of the new development which will enhance the separation between that of the new development and that of existing as well as provide screening. In assessing the impact of privacy on future residents, the development provides suitable distances from each new property, and the back-to-back design works well with fencing being the predominant boundary treatment to ensure privacy in rear gardens.



With respect to noise, there will evidently be some disturbance with construction noise and traffic to begin with, but as the units are completed and people move in, this noise should decrease. There is ultimately going to be a change from what existing residents experience now, but as outlined above, the principle of development at this site has already been established, and the reserved matters are submitted for approval and are considered to be acceptable following the amendments that the applicant has made.

### **Drainage of the development**

Whilst this is not a matter reserved and was addressed in the outline by condition, the Lead Local Flood Authority had raised some concerns over the design of the surface water drainage of the development and as such, the applicant has worked closely with the flood team to ensure that their objection could be overcome and a suitable and appropriate scheme put forward.

Following a number of meetings on the matter, the applicant and the Lead Local Flood Authority have agreed that the SuDS basin proposed and use of permeable paving with im-permeable liners are appropriate mechanisms for dealing with the rate of discharge. A condition has been applied on this RM application as an addition to the condition on the outline planning permission to ensure that the rate of discharge can be monitored for a period of two winters to ensure it is functioning as it should. The Lead Local Flood Authority have subsequently removed their objection and the development is considered acceptable subject to the recommended condition being applied.

### **New National Planning Policy Framework (NPPF)**

Since the application has been under consideration the Government have introduced the updates to the National Planning Policy Framework. Whilst there are changes within this document, there is nothing of major change that would impact on the determination of this application as set out. The importance of design has been addressed with the applicant throughout the consideration process and it is considered that a good development has been achieved.

### **Conclusion of Reserved matters application**

This reserved matters application seeks approval of details concerning layout, appearance, landscaping and scale. Access was a matter considered at outline and approved.

The aforementioned reserved matters applications have been considered in great detail over the time the application has been under consideration. Various amendments to the scheme have been made as a result of consultation with existing residents and consultees and improvements made to the scheme accordingly.

The overall scheme is considered to be acceptable and is a good scheme to be delivered. Following case officer advice the applicant has considered access for all and worked with the officer to deliver better legible development and create accessible play areas.

The landscaping provide ensures for drainage of the scheme as well as the creating biodiversity enhancement in accordance with the requirements of the Ecological Survey undertaken for purposes of the outline.

### **Conditions from the outline**

This part of the report will look at the conditions associated with the outline planning permission and whilst is not a formal discharge of the conditions, it was thought appropriate to advise members of the context of the outline conditions and how they are associated with this reserved matters application.

Conditions 1, 2, 3, and 4 – all standard compliance conditions.

**Condition 5** - *required submission of: existing and proposed site levels; finished floor levels; boundary treatments; the materials to be used on the external walls and roofs of the buildings; details of all areas of public open space, allotments and green infrastructure; details of all boundary trees and hedgerows to be retained and measures to protect these features during the construction phase, including engineering details and any electric vehicle charging points within root protection areas and; the works of ecological mitigation, compensation and enhancement set out within the EAD Ecology Ecological Impact Assessment dated December 2018.*

The reserved matters application has been accompanied by all the required details above and the plans form part of those for approval should members be minded to go with officer recommendation. In regards to vehicle charging, this is a requirement under the s106 document, which requires electric cabling within the curtilage of each dwelling of up to 7kv for the purpose of trickle electric vehicle charging.



**Condition 6:** This advised that *development shall not begin until details of the proposed drainage works, including the design of the proposed surface water drainage systems and the arrangements for adopting, managing, maintaining and inspecting permanent surface water drainage systems, as well as the means of disposing of foul sewage from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details/works/arrangements. No dwelling shall be occupied until means of disposal of foul sewage have been provided.*

The surface water discharge element of this condition has largely been dealt with under the reserved matters application; however, the foul drainage details are yet to be received and will need to be submitted in order for this condition to be fully discharged. We will continue to work with the applicant before discharging this condition.

**Condition 7:** This required *the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, or such details as may be subsequently agreed in writing by the Local Planning Authority.*

Such details have been submitted by the applicant and Devon County Historic Environment Team have been consulted. The team advise that the Written Scheme of Investigation is acceptable and advise the condition can be fully discharged.

**Condition 8:** Required that *development shall not begin until a site investigation and risk assessment has been carried out to determine the nature and extent of any land contamination that may be present within the site and the likely impact on receptors. A full report of the investigation and risk assessment shall be submitted to the Local Planning Authority for approval in writing. No work shall proceed on site until either the Local Planning Authority gives written consent for the development to commence or the requirements of condition 10 below are met.*

Such information has been submitted and considered to be acceptable by the Environmental Health team.

**Condition 9&10 for info only.**

**Condition 11:** Advised *no development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA).*

A Construction Environmental Management Plan has been submitted and is considered to be acceptable following the principles agreed at outline stage.

**Condition 12:** This required that *No dwelling shall be occupied until details of the proposed estate roads, cycleways, footways, footpaths, verges, junction, 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 have been provided and laid out in accordance with details previously submitted to and approved in writing by the Local Planning Authority.*

Such details are still required and can be submitted as part of the discharge of condition.

**Condition 13:** advised that: *No development shall take place until details of the layout and means of constructing the temporary construction access from Colebrooke Lane have been submitted to and approved in writing by the Local Planning Authority. Construction works shall proceed utilising the approved temporary access. Upon completion of the development this access onto Colebrooke Lane shall be retained as a secondary pedestrian/cycle connection to and from the development, as well as for use as an emergency vehicular access.*

Some details regarding these matters have been received; however further details are still required and can be submitted to discharge the condition.

### **S106 Compliance**

This part of the report looks at the s106 requirements that were associated with the outline planning permission. It is important to review the s106 as part of any reserved matters application to ensure that any matters that need to be addressed through the reserved matters can be.

In this circumstance, the relevant matter includes that of the affordable housing provision.

**Affordable housing** – requires:

- 28% of the total number of dwellings approved to be affordable;
- Out of the 28%, 75% shall be affordable rented & 25% shall be shared ownership.
- The affordable housing is to be managed by an RP in accordance with the affordable housing scheme.

The proposals - The application provides 30 affordable homes in line with the principles of the outline permission as detailed above. The scheme will provide a mix of 22 rented and 8 shared ownership. The units are representative of the housing mix on site and include 1, 2, 3 and 4 bed homes. The clustering of the units is supported by Teign Housing who will be taking on the affordable homes.

There are other obligations with the s106 but it is only the affordable housing obligation that effects the layout of the scheme and therefore has been considered in detail within the processing of the application.

### **CONCLUSION – REASON FOR APPROVAL**

The reserved matters application constitutes details of a development that will be of a high quality, accessible and provide a variety of homes to a number of new residents. There is ample open space provided with the development and this is important for the health and wellbeing of the future and existing residents. Play spaces have been provided for children and cater for a range of ages and needs. The material choices are considered to be acceptable and work well with the development in the surrounding area. The application is considered to comply with the principles of the outline planning permission and that of current planning policy including that of the Cullompton Neighbourhood Plan.

The application should therefore be approved subject to conditions.

### **CONDITIONS**

1. The works hereby permitted shall be carried out in accordance with the application form and approved documents.
2. Notwithstanding the approved plans and prior to any dwelling reaching d.p.c. level, samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include:

- Brick samples to be used on external surfaces of the dwellings.
- Eaves and rainwater goods (details or samples of materials) and meter boxes;
- Windows and doors (including associated reveals, cills and lintels) (details)
- Any external ducting, flues or vents (details)
- Full details (including materials and colours) of all doors, and garage doors and their associated reveals, sills and lintels;

The development shall thereafter be carried out entirely in accordance with the approved details.

3. Boundary treatments shall be implemented in accordance with the approved plan (Dwelling and Boundary Materials Layout – Drawing Number: DBML.01 revision C). Once installed they shall thereafter be permanently retained.
4. Notwithstanding the submitted details, all trees to be planted on site shall be container grown. Trees to be planted within or adjacent to hard surfaces shall be planted within a crating system or utilising structural and not top soils to provide sufficient rooting volume to ensure the newly planted trees establish and develop. Prior to commencement of development (excluding access) plans showing tree pits unfettered by street lighting and utility runs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details and no tree shall be planted on site until written approval has been received from the Council's Arboricultural Officer that they are satisfied with the condition and form of the proposed trees.

Any trees planted will comply with the British Standard Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014. Any trees planted that do not comply with this British Standard shall be replaced in the same or next planting season with specimens that do comply. If any trees planted as part of an approved landscape plan within a period of five years from planting is removed, dies or become seriously damaged/diseased it/they shall be replaced in the next planting season with one of similar size, species and nursery

5. The development shall be carried out in accordance with the approved site refuse collection and storage details. The associated bin storage areas and collection points for each dwelling shall be provided prior to initial occupation of each dwelling and shall thereafter be retained and maintained.
6. The garages hereby approved shall be used ancillary to the associated dwelling(s) and will not be sold, let or otherwise disposed of for separate residential accommodation.
7. The development will be carried out in accordance with the methods identified within approved documents 'Construction Ecological Management Plan' as prepared by ead Ecology dated: January 2021 and Constructions Environmental Management Plan.
8. Construction of the groundwater management system should be constructed in accordance with SuDS Maintenance Technical Note (Rev. D; dated 20th July 2021) and the Groundwater Flow and Volume Compensation Calculations (dated 14th June 2021). The monitoring results for this groundwater management system shall be submitted to the Local Planning Authority every 6 months for review. The monitoring period should cover 2 winters. If any damage occurs to the groundwater management system during the monitoring phase, or if groundwater discharges above the designed rate, then this must be remediated.

9. Parking for the development will be laid out in accordance with that as illustrated on approved Parking Strategy Plan (Drawing number: P17-0169\_106). The parking spaces will thereafter remain for vehicle parking purpose only and will retained and maintained for the life of the development.

## **REASONS FOR CONDITIONS**

1. In order to ensure compliance with the approved drawings.
2. To ensure that the character and appearance of the surrounding area is preserved.
3. To ensure that the character and appearance of the surrounding area is preserved.
4. To ensure the successful establishment of high quality tree cover within the area.
5. To ensure appropriate bin storage and collection provision in the interests of local amenity.
6. To protect the amenity of neighbouring properties and to preserve the character of the street scene
7. In the interest of protecting legally protected species, and ensuring the protection of existing trees and hedgerow.
8. To ensure the development is served by an appropriate surface water scheme and demonstrate that the groundwater management scheme has been constructed correctly.
9. To ensure there is adequate parking retained and maintained for the lifetime of the development.

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. 20/00748/FULL

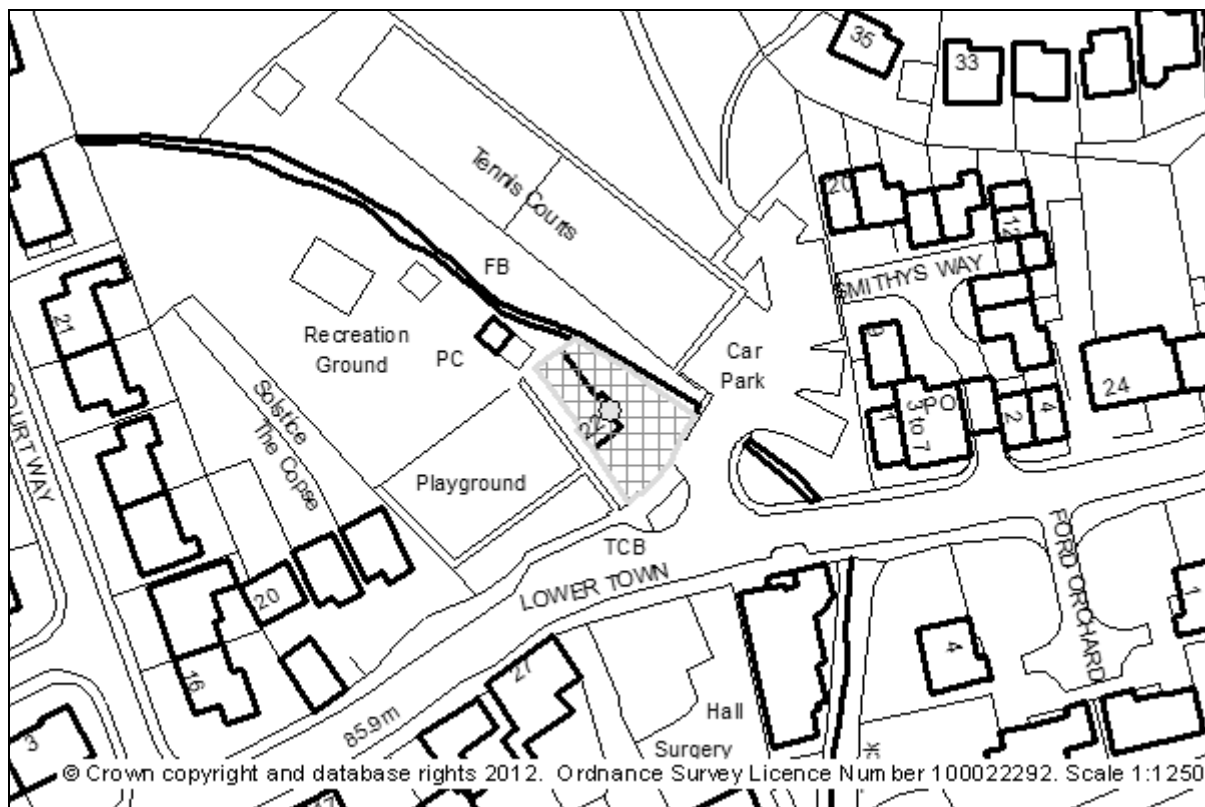
Grid Ref: 303251 : 114343

Applicant: Mr Simon Lord

Location: 22 Lower Town  
Sampford Peverell  
Tiverton  
Devon

Proposal: Change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling

Date Valid: 5th June 2020



## **APPLICATION NO: 20/00748/FULL**

### **MEMBER CALL-IN**

This report was called in for determination by the Planning Committee by Cllr J due to the location of the site close to flood lit tennis courts, a children's play area and park, public toilets and car park on land surrounding the application site.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for a change of use of land from commercial to residential use, including the demolition of a building and erection of a single storey dwelling at 22 Lower Town, Sampford Peverell.

The proposed site is located in the centre of Sampford Peverell. The village lies on the upper slopes of the Culm Valley. The site is bounded by a recreational play park which has recently been upgraded to the West including a public toilet block to the North. To the East there is an old mill stream, which is just outside the applicants boundary. The mill stream is tree lined and is culverted beneath the access road into the car park and emerges close to the main road. To the East there is also a public car park, tennis courts and open space giving access to the Grand Western Canal.

The site (390m<sup>2</sup>) currently houses a B1(a) commercial property (now Class E) - consisting of a single storey building (84.5m<sup>2</sup>). The building is in a poor and relatively dilapidated state and requires significant work to bring it up to modern standards. The building is timber clad, painted green and has a corrugated metal roof. The Sampford Peverell conservation area boundary was redrawn in 2008 to include this site. The Grand Western Canal, which is a separate conservation area and a country park, runs through the village and bisects the Sampford Peverell conservation area. This application is for planning permission for a change of use from commercial to residential use including the demolition of one building and the erection of one dwelling.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and access statement, site location plan, block plan and proposed plans and elevations, flood risk assessment, land contamination report, ecological impact assessment, topographical plan, culvert and catchment summary

### **RELEVANT PLANNING HISTORY**

84/00589/FULL - PERMIT date 8th May 1984  
Retention of boundary wall and cladding replacement

87/02184/OUT - REFUSE date 17th December 1987  
Outline for the erection of a dwelling

91/02224/FULL - PERMIT date 21st February 1992  
Temporary siting of portable office

92/01413/FULL - WD date 15th February 1993  
Erection of new offices to replace existing building

92/02101/FULL - PERMIT date 5th February 1993  
Change of use from office/store to retail shop

97/00782/FULL - PERMIT date 16th July 1997  
Change of use to a premises for the preparation and display of motor cars; widening of existing doorway to allow vehicular access to building

07/02009/FULL - PERMIT date 6th December 2007  
Erection of two storey offices and stores to replace single storey building

15/01714/CAT - NOBJ date 2nd December 2015  
Notification of intention to fell 1 no. Sycamore tree and 1 no. Conifer tree within a Conservation Area

16/01943/FULL - REFUSE date 31st March 2017  
Change of use of land from commercial, to include the demolition of building and erection of 2 dwellings

19/01104/FULL - WDN date 5th December 2019  
Change of use of land from commercial to residential use, including the demolition of a building and the erection of a single storey dwelling

20/01397/CAT - NOBJ date 6th October 2020  
Notification of intention to fell 1 Willow tree and reduce the crown of 1 Silver Birch tree within the Conservation Area

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S1 – Sustainable Development  
S9 – Environment  
S14 – Countryside  
DM1 – High quality design  
DM2 – Renewable and low carbon energy  
DM3 – Transport and air quality  
DM4 – Pollution  
DM5 – Parking  
DM19 - Protection of Employment Land  
DM25 – Development affecting heritage assets.

National Planning Policy Framework  
Section 2 - Achieving Sustainable Development  
Section 5 - Delivering a sufficient supply of homes  
Section 11 - Maintaining effective use of Land  
Section 12 - Achieving well-designed places  
Section 16 -Conserving and Enhancing the Historical Environment

## CONSULTATIONS

### **Sampford Peverell Parish Council** - 20th June 2020

Members of Sampford Peverell Parish Council have examined this proposal. They unanimously conclude that this site is totally unsuitable for residential development, being surrounded by the Play Park, the public toilets, the tennis courts (which are flood-lit for winter use) and the public car park. Furthermore, they strongly object to the proposed removal of the telegraph post on the western boundary. While undergrounding of the power supply to the public toilets may present no problems, Members point out that the pole carries a lighting unit (in the ownership of the Parish Council) which gives illumination of the footpath to the public toilets as well as providing an element of night-time security to this part of the Play Park and its play equipment.

This development would be completely out of character with the surroundings. Sampford Peverell Parish Council thus is strongly opposed to this proposal.

### **Sampford Peverell Parish Council** - 12th April 2021

Members of Sampford Peverell Parish Council have examined the revised drawings submitted but remain unanimously totally opposed to the application to change the use of the land from commercial to residential use.

They believe that the site is totally unsuitable for residential development by virtue of its position. This was expressed in the Parish Council's response to the original application in June 2020. The site is between the Play Park, with the public toilets immediately adjacent to the boundary of the site. The public car park and the tennis courts are also immediately next to the site. The tennis courts are floodlight in the evenings. These reasons for opposing the change of use remain applicable.

### **Highway Authority** – 19th June 2020

Standing advice applies

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

### **Public Health** – 24th June 2020

Contaminated Land: No objection to this proposal. (16.06.20).

Air Quality: No objection to this proposal. (16.06.20).

Environmental Permitting: No objection to this proposal. (11.06.20).

Drainage: No objection to this proposal. (16.06.20).

Noise & other nuisances: No objection to this proposal. (16.06.20).

Housing Standards: The bedrooms and the mezzanine level are considered to be inner rooms as the main exits from the building are through the high risk living areas and kitchen. (18.06.20).

Licensing: No comments. (11.06.20).

Food Hygiene: No comments. (11.06.20).

Private Water Supplies: Not applicable. (11.06.20).

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. (11.06.20).

### **Natural England** – 30th June 2020

No comments

### **Environment Agency** – 6th July 2020

Environment Agency position



In the absence of an adequate flood risk assessment (FRA), object to the proposed development. The reason for this position and advice is provided below. Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Reason – The FRA has not demonstrated that the new residential dwelling will be safe during flooding. It suggests a flood level of 87.0mAOD stated in section 10.0 (we presume there has been a mistype in section 6.3 as it refers to a flood level of 8.70mAOD) and proposed finished flood levels (FFL) as below this height.

The FRA also suggests that the channel capacity is in excess of 19.8m<sup>3</sup>/s, without any calculations to justify the 'qualitative observation'. We note that the FRA for the previous application (19/01104/FUL), suggested the channel capacity is 1.4m<sup>3</sup>/s, which is a significant difference from the new capacity.

The current proposed building also extends towards to the watercourse, which will reduce the current floodplain area, which is unacceptable.

#### Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the concerns raised within this letter. We advise that a flood level is confirmed and agreed with us prior to the applicant designing the new dwelling. This will need to be done by using the revised hydrology data (pro rata to the catchment size) provided in our letter response to the previous application (reference 19/01104/FULL, dated 16<sup>th</sup> August 2019) and a detailed assessment of the channel capacity throughout the park. Any new dwelling will need to set FFL above the design flood level with freeboard. The new dwelling (and any solid walls) must not be any closer to the watercourse than the current building.

Advice to the LPA – Your authority will need to be satisfied that the proposed mezzanine level is a safe and suitable safe refuge location for the proposed occupants.

#### **Environment Agency** - 10th August 2020

Environment Agency position

We still object to this application and the revised FRA (version 3).

#### Reasons

Following our previous response (ref DC/2020/121507/01-L01, dated 6 July), the points raised in our previously correspondence have not been fully addressed. To overcome our objection all raised issues must be fully answered and the following comments covered:-

- We did not accept the RMA FRA (19/01104/FUL), therefore the results/conclusions cannot be automatically used.
- We require full hydraulic calculations of the channel capacity, at numerous point downstream of the canal, through the park and development site.
- We do not accept the use of voids as floodplain compensation.

#### **Environment Agency** – 27th April 2021

Environment Agency position

We have no objection to this application.

#### Reason

From the development and flood risk perspective, and with regard to the revised proposal 'Revised 22.03.2021', we confirm that we hold no in principle objection to the revised proposal as submitted given:

- the revised proposed structure would occupy the same footprint as the existing structure and thus not occupy any more of the valley bottom associated with the watercourse than the current structure already does.
- the existing boundary wall is to be retained in its current form

Our stance is subject to:

- the removal of permitted development rights over the lifetime of the development. This is to help retain the ability of the current unobstructed parts of the site to convey flood waters in extreme events.
- your authority confirming that they deem the Sequential Test as being passed, should your authority deem the activity to be operational development and not change of use, given the site lies within Flood Zone 2
- finished floor levels and flood resilience measures being implemented as proposed.

### **MDDC Conservation Officer**

Verbally commented no objection to revised proposals (JC email)

## **REPRESENTATIONS**

There was 1 letter of objection (1<sup>st</sup> December 2020) from third parties for the following reasons:

- Inappropriate change of use
- Safeguarding children,
- Not in keeping with current amenities and surrounding land use.
- Greater impact of residential as opposed to commercial use.

It is considered that the relevant planning concerns will be dealt with in the main body of this report.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

### **Principle of Development**

The development sites lies within the boundary of Sampford Peverell. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking. To seek high quality design, make effective use of land by reusing previously developed land and conserve heritage assets in a manner appropriate to their significance. In addition proposals should encourage walking and cycling.

The existing building is of relatively insignificant appearance although an objection has been raised with regard to the proposed change of use. Members of Sampford Peverell Parish Council have examined the revised drawings submitted but remain unanimously totally opposed to the application to change the use of the land from commercial to residential use.

However in policy terms there is no objection and the proposal by providing a family sized dwelling it would also provide a modest addition to the District's housing supply.

It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle. Furthermore with recent changes to the Use Classes Order

(UCO) B1 use (now Use Class E) can be changed without planning permission to residential (C3) use subject to prior approval.

### **Design and Appearance**

The proposed dwelling is relatively low rise with a mezzanine floor and a footprint which allows it to sit visibly from the highway but unobtrusively minimising the risk of any adverse impact visually on the immediate surrounding area. It is considered that the design scale and appearance is of a good standard and as such accords with Policy DM1 of the Local Plan.

The proposed materials will be where possible, of natural selection. The roof will be pitched and of natural slate construction, in keeping with the traditional houses of Sampford Peverell. A standard condition requiring the development carried out in accordance with the approved plans will be attached should planning permission be granted.

### **Amenity**

The property is not in close proximity to any other residential properties and it is considered that its impact on their occupiers in terms of amenity will be minimal. With regard to living conditions for future occupiers the dwelling proposed has a general amount of internal floor area good circulation and open space as well as good provision of natural light and ventilation.

Concerns raised by Housing Standards are noted however, the layout and juxtaposition of the bedrooms with regard to the communal areas and access to the property is not atypical of such developments and furthermore, planning permission is not required for internal changes if the building is not listed.

The site is in close proximity to tennis courts with installed floodlights. It is noted from a site visit that these floodlights are fixed pointing downwards and inwards to illuminate the Court and are not considered to materially impact the site in question nor would they materially impact the proposed dwelling.

### **Managing Flood Risk**

A Flood Risk Assessment has been prepared by Southwest Environmental Limited, and is submitted as part of this application. Amended plans were submitted to address the Environment Agency's initial concerns including a structure occupying the footprint of the existing structure. In addition, the existing perimeter wall of the plot being kept as it contains with gaps within it, whereas a solid wall would result in a loss of functionality of the valley bottom, and it is noted proposals to carry out works to the wall in question and the provision of a safe refuge within a residence at a level above flood waters.

In addition, the design of the house should incorporate the following features in line with this report:

- Resilient construction materials should be used up to a level of 87.30mAOD
- All centralised systems such as boilers or consumer units should also be sited above this level
- Flood boards will be fitted externally with a crest level of 87.20mAOD
- A safe refuge is set at a level which is 1.6m above the 1:1000 year risk level
- Permeable paving to the parking area

The Environment Agency has no objection to the proposal subject to the removal of permitted development rights over the lifetime of the development in order to help retain the ability of the current unobstructed parts of the site to convey flood waters in extreme events and the finished floor levels as proposed being implemented.

The site lies within flood Zone 2 and is for a single dwellinghouse. It is considered that development is appropriate in this location for such a use, as it was for the existing use and that the sustainable location is appropriate. For minor development such as this the exception test is not required.

### **Environmental Impact**

With regard to sustainable design the new house is proposed to have very low energy use, and will be designed to have very good airtightness levels through good detailing and testing, use materials of low embodied energy if possible, use local natural materials where possible (natural slate & British or European timber), minimise water use (through low flush toilets and low water use taps and shower) and construction waste (timber waste will be recycled where possible). The scheme seeks to encourage natural ventilation and incorporate resilient construction in line with the Flood Risk Assessment.

With regard to Ecology and Trees, two trees on site are proposed to be retained and a Wildlife and Geology Trigger List included a detailed site inspection confirming that there were no signs of any wildlife (nests, droppings, disturbances etc.) inhabiting any part of the property.

In addition a preliminary appraisal and investigation in roof spaces for protected species (notably bats) was conducted at the site, however despite investigations within the building no evidence of bats or other protected species (or suspected protected) were found.

An informative will add that nesting birds are not disturbed during construction.

### **Heritage Matters**

This is a revised scheme which takes into account its impact on the character and appearance of the Conservation Area. The existing building is not a building of any heritage significance and therefore officers would argue that its replacement with a building of a scale and design proportionate to the established scale and pattern of development pattern is acceptable.

Officers are therefore in agreement with the applicant that with respect to the location of the site within the conservation area, the proposal would enhance the character of this area and provide a new much needed house to giving wider (as well as private) public benefit. As such the development accords with Policy DM25 of the Local Plan.

### **Access and Highways**

The proposed dwelling will retain its existing access and have two car parking spaces off street in line with car parking standards. The site plan indicates that there is a high degree of manoeuvrability and the County Highway Authority have not objected to the proposal. In addition, a garage provides details of satisfactory storage for bicycles.

As such it is considered that the proposal is in accordance with Policy DM3 of the Local Plan.

## **Other Matters**

With regard to existing services the site is currently served by mains foul drainage, mains water, electricity, gas and phone. Foul drainage from the proposed house will be connected to the mains drainage that serves the site. The existing hardstanding can be replaced with permeable paving and the surface water from the new house roofs will be discharged to the mains drain that serves the site, as the existing building does.

## **Planning Balance**

The development site lies within the settlement boundary of Sampford Peverell. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking.

The existing building is of relatively insignificant appearance and no objection has been raised with regard to the proposed change of use. By providing a family sized dwelling it would also provide a modest addition to the district's housing supply.

It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle. Furthermore with recent changes to the Use Classes Order (UCO) B1 use (now Use Class E) can be changed without planning permission to residential (C3) use subject to prior approval.

In line with paragraph 7 of the NPPF, the proposal represents sustainable development and can be summarised as follows:

Social benefits - slight positive increased population, and use as dwelling adjoining leisure facilities  
Environmental benefits- house in sustainable area and enhancement of Conservation Area, a slight positive

Economic benefits - construction employment, future living accommodation and increased spend overcoming loss of an employment use

Neutral impact- Access and highway issues - no material change

The planning balance therefore is significantly positive and accordingly, it is recommended that planning permission should be granted subject to conditions.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 08.00 and 1800 hours on Monday to Fridays and 08.00 and 1300 on Saturdays;

4. Prior to development, a Construction Environment Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. This should include details of the following during the construction period:
  - Details of vehicular access and egress of construction vehicles
  - Details of demolition works and their management
  - Details of wheel washing facilities and/or jet washing for construction vehicles accessing and leaving the site
  - Details Tree Protection measures to be submitted to and approved in writing by the local planning authority
  - Details of measures to minimise the likelihood of nuisance arising from noise, odour or dust
5. Any proposed scheme of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and harm to protected species.
6. Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Such details shall include permeable paving to the parking area. Following their provision, these facilities shall be so retained.
7. Prior to occupation a landscape plan will be submitted to and approved by the Local Planning Authority. This will include the planting plans, including retention of the two trees and will be implemented and maintained the first planting season after the development hereby permitted and shall be retained thereafter.
8. No development shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment including the retention of the existing boundary walls to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
9. No development shall begin until a sound insulation scheme has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the building and shall be so retained.
10. 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, B, C, D, E, F, G H] of Part 1, or Classes [A, B, C] of Part 2 of Schedule 2, relating to [fill in], shall be undertaken within the application site/dwelling curtilage\* without the Local Planning Authority first granting planning permission.
11. The development shall be carried out in complete accordance with the approved flood risk assessment including the following details
  - Resilient construction materials should be used up to a level of 87.30m AOD

- Flood boards will be fitted externally with a crest level of 87.20mAOD
- A safe refuge is set at a level which is 1.6m above the 1:1000 year risk level

## **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 and in accordance with Policies S1, S2, S3, S9, S10, DM1, DM2, DM3, DM5 and DM25 of the Mid Devon Local Plan 2013-2033.
3. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
4. For the avoidance of doubt, in the interests of proper planning and in accordance with Policies S1, S2, S3, S9, S10, DM1, DM2, DM3, DM5 and DM25 of the Mid Devon Local Plan 2013-2033.
5. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and in the interests of nature conservation and in accordance with Policies S1 and S9 of the Mid Devon Local Plan 2013-2033.
6. In order that adequate parking facilities are provided in accordance with Policies DM1 and DM3 of the Mid Devon Local Plan 2013-2033.
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
9. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
10. To prevent an inappropriate intensification of the use of the site.
11. In the interests of preventing flood risk in accordance with policies within the National Planning Policy Framework.

## **INFORMATIVES**

1. 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.
2. 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.

3. Please note all nesting birds are legally protected. Works involving modifications to buildings which may form nesting sites for birds should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). If works must take place within the bird breeding season, appropriate measures must be taken, such as a suitable survey, to ensure that there is no threat of disturbance or harm to nesting birds. If any nesting birds are discovered, immediately prior to or during the course of the development, works should cease until breeding has finished and fledglings have departed nests.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The development sites lies within the boundary of Sampford Peverall. The building was an employment use and Policy DM19 permits a change of use to non-employment use where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Paragraph 17 of the NPPF advises that a set of core land-use planning principles should underpin both plan-making and decision-taking. To seek high quality design, make effective use of land by reusing previously developments land and conserve heritage assets in a manner appropriate to their significance. In addition proposals should encourage walking and cycling.

The existing building is of relatively insignificant appearance and no objection has been raised with regard to the proposed change of use. By providing a family sized dwelling it would also provide a modest additional to the district's housing supply. It is located in a sustainable location in easy walking distance of shops and services and as such is considered acceptable in principle.

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.

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has included the submission of additional information from the applicant. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.



## 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.

Weeks	Target Date	Reval	Proposal	Location	Officer name	Delegated	Committee
7	03.09.2021	21/00971/MFUL	Erection of weather canopy	Unit 7 South View Estate Willand	Mr Oliver Gibbins	Del	
2	11.10.2021	21/01095/MFUL	Erection of roof to provide Cover to slurry store (1,024 sq.m.)	Land at NGR 287880 106040 (Orchardhayes Farm) Cheriton Fitzpaine	Mr Jake Choules	Del	

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