

# Public Document Pack

Committee Administrator

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## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 20 April 2022 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 18 May 2022 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

### STEPHEN WALFORD

Chief Executive

8 April 2022

**Councillors:** P J Heal (Chairman), E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, C J Eginton, B Holdman, D J Knowles, F W Letch and B G J Warren

## A G E N D A

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

#### 1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of

substitute.

2      **PUBLIC QUESTION TIME**

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

3      **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

To record any interests on agenda matters.

4      **MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 8)*

To consider whether to approve the minutes as a correct record of the meeting held on 30<sup>th</sup> March 2022

5      **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

6      **DEFERRALS FROM THE PLANS LIST**

To report any items appearing in the Plans List which have been deferred.

7      **THE PLANS LIST** *(Pages 9 - 68)*

To consider the planning applications contained in the list.

8      **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 69 - 70)*

List attached for consideration of major applications and potential site visits.

9      **APPEAL DECISIONS** *(Pages 71 - 72)*

To receive for information a list of recent appeal decisions.

10     **PERFORMANCE REPORT** *(Pages 73 - 86)*

To receive the quarter 3 Planning Performance reports.

Covid-19 and meetings

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

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

Please read the new meeting protocol which is available here: [REVISEDMeetingProtocolupdateMarch2022.docx.pdf \(middevon.gov.uk\)](#)

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 Carole Oliphant on:

E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 30 March 2022 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
J Cairney, S J Clist, Mrs C Collis,  
Mrs F J Colthorpe, L J Cruwys,  
Mrs C P Daw, B Holdman, D J Knowles and  
B G J Warren

### **Apologies**

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

E J Berry, C J Eginton and F W Letch

### **Also Present**

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

L D Taylor

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Maria De Leburne (Operations Manager for Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Development Management Manager), Jake Choules (Planning Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

### **Also in**

#### **attendance:**

Michelle Woodgates (DCC Highway Authority)

## **174 APOLOGIES AND SUBSTITUTE MEMBERS (00-03-05)**

Apologies were received from Cllrs C Eginton and F W Letch who were substituted by Cllrs Mrs C Collis and J Cairney respectively.

The meeting also received apologies from Cllr E J Berry.

## **175 PUBLIC QUESTION TIME (00-04-00)**

Bev Moore, referring to item 1 on the Plans List highlighted the 2007 and 2010 applications on the site and the conditions that were placed on the approval and asked why the applicants who had widened the drive were requesting to put back the structure to narrow the access track and why were the same conditions not being added to the proposal. She also asked if the Planning Officer had visited the site.

Jan Jones referring to Item 10 on the agenda asked if the item related to the appeal at Langford and wondered why the public were being excluded from the discussion. The Planning Committee had made its decision and she felt that the Council had a

strong case and the appellant a weak case. The Rule 6 party were preparing their case, so why was the Council not getting on with writing its statement of case?

The Chairman read a statement provided by Janine Dennis also referring to item 1 on the Plans List which drew attention to the 67 objections to the application from family, friends and local people who drove to The Old School House and regularly had to navigate the existing difficult exit. She had outlined the lack of support for the application which she believed were grounds for refusal and asked whether the committee agreed.

The Chairman read a representation from Roger Bill referring to Item 1 on the Plans list and stating that the Local Planning Authority had acknowledged that the access was difficult for larger vehicles to and from the Old School House and Low Down House, if the extension to the rear of the Guildhall was built it would restrict the access even further. He asked whether it was possible to re-design the proposed toilet block so that the current access was at least maintained as it stands?

The Chairman read a representation from Clive Pedwell referring to Item 1 on the Plans list which stated that he frequently visited the Old School House with a large motability vehicle and currently accessed the property with caution but feared that if the driveway was narrowed, this would cause problems. He asked  
Whilst you have correctly considered the rights of disabled visitors into the Guildhall in your planning, be it access, lifts, toilet facilities etc, why have you failed to offer the same consideration and regard to disabled visitors who currently enjoy and benefit from visiting their friends at The Old School House?

The Chairman indicated that answers to questions would be provided when the applications were discussed.

#### **176 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-11-51)**

Cllr S J Clist made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had received emails with regard to the Guildhall, Bradninch application.

#### **177 MINUTES OF THE PREVIOUS MEETING (00-12-29)**

The minutes of the meeting held on 16<sup>th</sup> March 2022 were agreed as a true record and duly **SIGNED** by the Chairman.

#### **178 CHAIRMAN'S ANNOUNCEMENTS (00-13-09)**

The Chairman had the following announcements to make:

- At the informal meeting of the Planning Committee held on Monday 7 March, the receipt of late information was discussed and it was agreed by both members and officers that a deadline should be set for updates to the published agenda – that being 12 noon on the Friday before the committee meeting (the following Wednesday).

Planning Officers had been made aware that any information received following this deadline will not be able to be considered by the committee.

Letters sent to applicants, agents, objectors and town and parish councils would be amended and the Planning Committee webpage and guidance would also be updated all in time for the April Committee.

- He congratulated Angharad Williams on her permanent position as Development Management Manager.

#### 179 DEFERRALS FROM THE PLANS LIST (00-16-40)

There were no deferrals from the Plans List.

#### 180 THE PLANS LIST (00-16-54)

The Committee considered the applications on the \*Plans List

Note: \*List previously circulated and attached to the minutes.

***a) Application 21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***

The Planning Officer outlined the application by way of a presentation highlighting the site location plan, the proposed elevations, the existing and proposed ground floor and access, the existing and proposed access and egress of the track and photographs from various aspects of the site. He informed the meeting that the Conservation Officer had been consulted and had agreed with the proposals; and the access was still wider than other parts of the track.

Referring to questions posed in Public Question Time, the officer stated that the new application if permitted would override the previous applications. With regard to the access, the Highway Authority had no concerns. The number of objections had been noted and the material considerations had been considered on the planning merits. He understood that the access was difficult but it had not been made worse by the current application. With regard to re-designing the extension, the committee could only consider the application before it. The impact of larger vehicles had been considered, but the access situation had not been worsened by the current application.

Consideration was given to:

- The views of the objector who voiced concern that access to her property was under consideration, the sale of the property had come with a right of way, she highlighted the conditions that had been placed on previous applications and the narrowness of the access track. She asked how the access could not be disregarded, the application would restrict access to disabled visitors. She hoped that the design could be adjusted and informed the meeting that further negotiations were taking place. She raised concerns with regard to service vehicles accessing the site.

- The views of the applicant with regard to the daily use of the building, the need to improve the access to the hall for disabled users with the provision of a lift to the first floor. The removal of the single story extension did involve increasing the footprint for the new extension but that this did not impede the legal right of access and that discussions were still ongoing with the neighbours.
- The view of the Town Council with regard to concerns of means of access to the Old School House and the service vehicles which maintained the house. The 2009 application had removed the single story block so that there was safe access to the site and the impact of the application generally on the neighbouring properties.
- The views of the Ward Member with regard to the impact of the proposal on the neighbouring properties, the demolition of the public toilets which had allowed a wider access route to the properties; the neighbours would no longer be able to access their property with their campervan, which may have to be parked on the heavily congested streets of Bradninch, emergency vehicles would not be able to access the site. He suggested that a site visit take place so that members could fully understand the impact of the proposal on the neighbouring properties.

Members then considered the proposal and highlighted the fact that negotiations were still ongoing between the applicant and the owners of the neighbouring property and that maybe a compromise could be found with regard to the easement line and whether the application should be deferred to allow further discussions to take place and in the meantime maybe a site visit could take place.

The views of the Highway Authority were received with regard to the smaller sweep path, access of vehicles and the track width.

It was therefore **RESOLVED** that the application be deferred to allow for further discussions to take place between the two parties to consider a compromise and that in the interim period a site visit be arranged.

(Proposed by Cllr B G J Warren and seconded by Cllr S J Clist)

#### Notes:

- i) Sue Eakers spoke as the objector;
- ii) Phil Chambers spoke on behalf of the applicant (Trustees of Bradninch Town Trust);
- iii) Cllr Jim Porteous spoke on behalf of Bradninch Town Council;
- iv) Cllr L D Taylor spoke as Ward Member;
- v) The following late information was provided: An additional swept path analysis plan has been received as the plan currently on file only showed the access into the private lane. This plan shows the egress.

***b) Application 21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch***



This item was not considered as the previous application had been deferred.

#### 181 **MAJOR APPLICATIONS WITH NO DECISION (00-58-00)**

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

Application 22/00398/MFUL – Blundells School be determined by the Committee and that a site visit take place.

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

#### 182 **ACCESS TO INFORMATION PRESS AND PUBLIC (1-03-09)**

The Legal Advisor in response to the public question referring to Item 10 stated that legal advice was being considered and that this should be discussed in closed session.

The Chairman indicated that during discussion of the following item it may be necessary for the Planning Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972.

**RECOMMENDED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 respectively of Part 1 of Schedule 12A of the Act, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Notes:

- i) Cllrs S J Clist and B G J Warren requested that their vote against the decision be recorded;
- ii) Cllr J Cairney requested that his abstention from voting be recorded;
- iii) Cllr B G J Warren left the meeting at this point.

#### 183 **APPEAL UPDATE**

The Committee had before it a \*report of the Development Management Manager.

Consideration was given to the report before Members and it was:

**RESOLVED** that Option 4 as outlined in the report be pursued.

(Proposed by Cllr Mrs C P Daw and seconded by Cllr L J Cruwys)

Notes: \*Report previously circulated.

(The meeting ended at 3.55 pm)

**CHAIRMAN**

## PLANNING COMMITTEE AGENDA - 20th April 2022

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>21/00222/MFUL - Erection of a retail foodstore with associated parking, access, servicing and landscaping at Playing Field at NGR 284091 100385, Commercial Road, Lords Meadow Industrial Estate.</p> <p><b>RECOMMENDATION</b></p> <p>Grant permission subject to conditions.</p>
02.	<p>22/00371/FULL - Erection of dwelling following demolition of Dutch barn and stable and formation of vehicular access at Land and Buildings at NGR 288969 101209 (West Efford Farm), Efford, Shobrooke.</p> <p><b>RECOMMENDATION</b></p> <p>Grant permission subject to conditions.</p>

Application No. 21/00222/MFUL

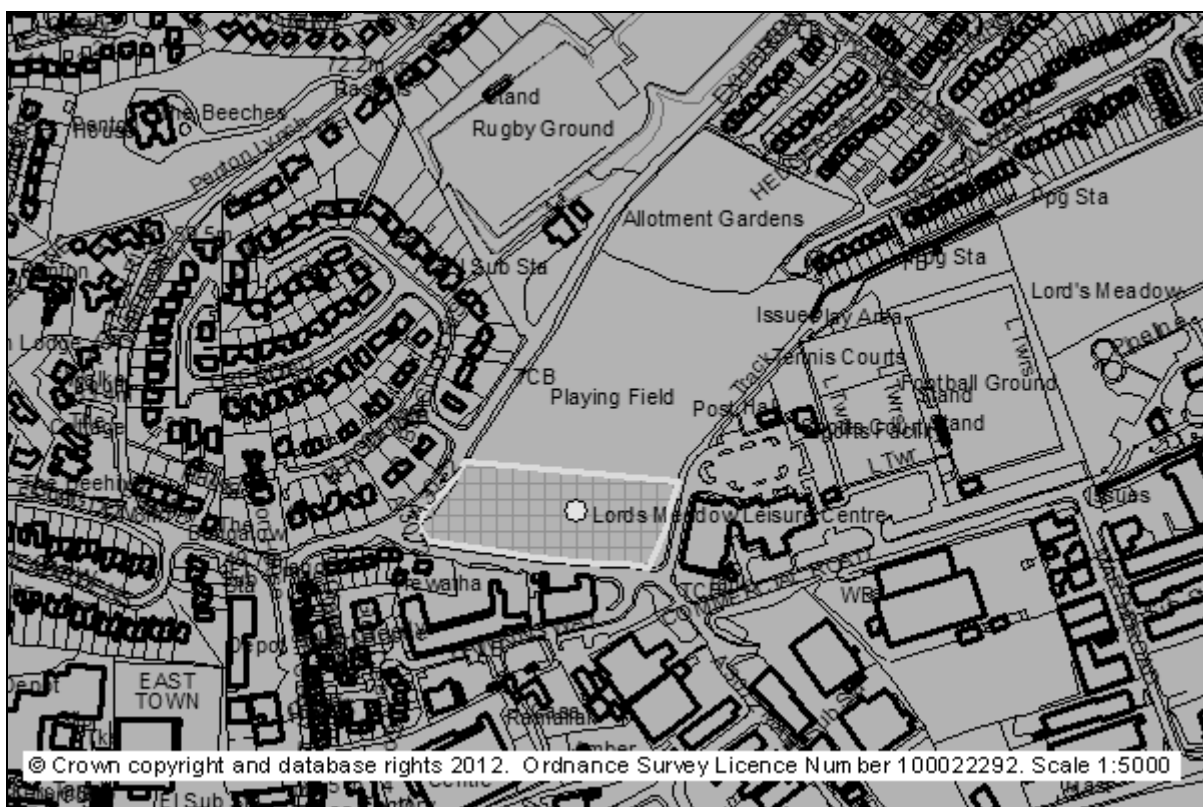
Grid Ref: 284123 : 100440

Applicant: Ms R Brady-Hooper, Lidl Great Britain Ltd

Location: Playing Field at NGR 284091 100385  
Commercial Road  
Lords Meadow Industrial Estate  
Crediton

Proposal: Erection of a retail foodstore with associated parking, access, servicing and landscaping

Date Valid: 16th February 2021



## **APPLICATION NO: 21/00222/MFUL**

### **CALL-IN**

The Planning Committee on the 10<sup>th</sup> March 2021 agreed that the following major application be brought before the Committee:

- 21/00222/MFUL - Erection of a retail foodstore with associated parking, access, servicing and landscaping - Playing Field at NGR 284091 100385 Commercial Road Lords, Meadow Industrial Estate, Crediton Devon

### **RECOMMENDATION**

Grant permission subject to conditions and the signing of a S106 agreement to secure:

- 1) A financial contribution of £87289 to be allocated and spent towards measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton to address air quality within the Crediton Air Quality Management Area.
- 2) A financial contribution of up to a maximum of £400,000 to assist in the relocation process and provision of improvement playing fields in light of the requirements of Policy CRE6 requiring the relocation of Crediton Rugby Football Club,.
- 3) To secure the funding of £100K for Devon County Council to deliver the Zebra Crossing on Commercial Road which includes realignment of kerbing in Hawkins Way.

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the erection of a retail foodstore with associated parking, access, servicing and landscaping on Playing Fields at NGR 284091 100385, Commercial Road, Lords Meadow Industrial Estate, Crediton. The site forms part of the playing fields located off Commercial Road and Exhibition Road used by Crediton Rugby Football Club with the site gradually sloping from west to east. The site is located on the eastern side of the town, approximately 850 metres northeast of the town centre.

The development proposals involve the construction of a new Lidl store with a gross internal area (GIA) of 2,022sq.m with a net sales area of 1,256sqm (80% for convenience goods sales and 20% comparison goods sales) with site access to be provided from Commercial Road in the form of a new priority junction arrangement. A total of 114 car parking spaces (2 electric vehicle charging points) and 12 cycle parking spaces would be provided in support of the store.

In terms of the appearance of the building, the west elevation facing Exhibition Road would implement 4m glazing to provide natural light and the shopfront would wrap around a fraction of the south side elevation to comprise the customer entrance lobby. The elevations would consist of high level grey cladding, with red bricks and some feature areas would consist of blue/grey brick piers and plinth beneath. There would also be silver eaves guttering and rainwater pipes. The loading dock gable north elevation of the store would have a rendered treatment with the silver metal composite panels above. The silver metal composite panels would increase in depth along this elevation due to the rake of the mono pitch roof. Roof cladding would be standing seam in silver with solar panels fixed onto the roof slope.

Within the supporting documentation, it is outlined that the development would also provide funds to help facilitate the relocation of Crediton Rugby Football Club (CRFC) whereby outline planning

permission has been approved under 17/00348/MOUT for the residential development of up to 257 dwellings; up to 5 Gypsy and Traveller pitches; 8.6 hectares of land for the relocation of Crediton Rugby Club; up to 1.1 hectares of land for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations at Pedlerspool/Creedy Bridge.

## **APPLICANT'S SUPPORTING INFORMATION**

Plans, Air Quality Assessment, BREEAM 2018 Pre-Assessment, Carbon Reduction Statement, Design and Access Statement, Drainage Strategy, Flood Risk Assessment, External Lighting, Noise Impact Assessment, Planning and Retail Statement, Preliminary Ecological Appraisal, Statement of Community Involvement, Transport Assessment, Travel Plan, Tree Constraints Report and Arboricultural Impact Assessment, Waste Audit Statement, Geo-Environmental Desk Study Report, Agronomy survey

## **RELEVANT PLANNING HISTORY**

96/01974/ADVERT - REFUSE date 21st March 1997 Consent to erect a signboard for the display of advertisements

97/01067/FULL - REFUSE date 9th December 1997 Advertisement consent for the installation of a 1.22m x 2.44m signboard displaying details of match dates/times etc.

99/02074/FULL - REFUSE date 26th November 1999 Construction of Retail Food Superstore (Class A1) together with car parking, and new road access

00/00258/FULL - REFUSE date 4th October 2000 Construction of retail food superstore (Class A1) with car parking, new road access and junction with Exhibition Road

00/00617/FULL - WD date 15th May 2000 Consolidation of use of land as a sports/playing field including provision of an athletics track and cricket square in addition to the current rugby and soccer use

00/01253/OUT - WD date 31st October 2000 Outline for a car park and a sports pavilion

14/01925/DCC - DCCGNT date 17th December 2014 Regulation 3 application for retention of access to rugby grounds from A3072 at 1 Exhibition Road - PLANNING PERMISSION GRANTED 17TH DECEMBER 2014

17/00687/FULL - WDN date 22nd May 2017 Erection of a 10m lighting column and associated electrical feeder pillar together with underground cabling to provide emergency lighting for Devon Air Ambulance

## **DEVELOPMENT PLAN POLICIES**

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

- S1 - Sustainable development priorities
- S2 - Amount and distribution of development
- S6 - Employment
- S7 - Town centres

S8 - Infrastructure  
S9 - Environment  
S12 - Crediton  
CRE11 - Crediton Infrastructure  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM3 - Transport and air quality  
DM4 - Pollution  
DM5 - Parking  
DM14 - Town centre development  
DM15 - Development outside town centres  
DM25 - Development affecting heritage assets  
DM26 - Green infrastructure in major development

## **CONSULTATIONS**

### Crediton Town Council - 09.02.2022

It was resolved to recommend objection to the plan to remove the hedge on the north side as this is purely planned for cosmetic benefit to Lidl which would result in the loss of green corridors and bio-diversity. It was agreed that Lidl need to plant more trees, especially along the south boundary with Commercial Road. It was further resolved to request that a suitable design and location for a crossing is supplied urgently before the application can be approved.

Earlier responses were as follows:

### Crediton Town Council – 11.10.2022

It was resolved to recommend objection on the grounds of insufficient contribution to increasing biodiversity and the proposal to remove the entire hedgerow on the west side of the site. Concerns remain relating to the lack of a design for a pedestrian crossing.

### Crediton Town Council - 10.08.2021

It was resolved to object to the application on the following grounds:

- The application does not reflect the current, urgent need to design for climate change
- Insufficient biodiversity net gain due to loss of trees, lack of information on replacements, loss of hawthorn hedge without replacement coupled with insufficient planting of new trees for natural shade and to improve the street scene especially on the south side; too few bat and bird boxes to encourage wildlife and no ecology plan;
- Lack of design information relating to the proposed swales for water capture; lack of information on re-using this water or whether they are an opportunity for increasing biodiversity; no information on using water captured in proposed water butts.
- The design of the development is tight up to its boundaries and offers very little flexibility for mitigating its impact on the area, suggesting that the site is too small for this development or the development is too large for the chosen location
- Lack of information relating to the pedestrian crossing proposals and no agreed design for it
- Loss of allocated housing land within the Local Plan.

### Local Highway Authority - 27.01.2022

Further Information received

The Applicant has agreed to enter into a Section 106 Agreement to secure the funding of £100K for Devon County Council to deliver the Zebra Crossing on Commercial Road which includes

realignment of kerbing in Hawkins Way. The trigger for this money to be released and the work to be carried out will be agreed and secure within the S106.

Therefore the County Highway Authority has no objections to the proposal subject to the proposed conditions.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, wish to recommend conditions on any grant of planning permission

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

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

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 meters back from its junction with the public highway

REASON: To prevent mud and other debris being carried out on to the public highway

3. No part of the development hereby approved shall be commenced until: The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25 meters back from its junction with the public highway The ironwork has been set to base course level and the visibility splays required by this permission laid out A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.



4. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

Earlier responses were as follows:

Local Highway Authority - 19.04.2021

Further Information Provided

The Applicant has provided a response to my previous comments regards the parking spaces provided which show the parking numbers provided for this size of the store would not cause a severe impact on the highway, although the number are not in line with the Local Planning Authority Policy.

With regards the Crossing Point required to ensure a safe route for pedestrians to the store, the Applicant has stated the pedestrian desire line would not be through Hawkins Way or along Commercial Road and the majority would come from Exhibition Way. The County Highway Authority disagree with this information, therefore a Zebra Crossing on Commercial Road will need to be delivered as part of this application to ensure a safe and suitable route for pedestrians is provided.

The County Highway Authority would need to secure the funding required for the TRO for the Zebra Crossing and for this to be secured through a S106 Agreement.

Therefore the County Highway Authority has no objections to the proposal subject to the proposed conditions.

In the event of the Applicant not agreeing with the proposed conditions, the County Highway Authority would like to be re consulted on this proposal.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of planning permission

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

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

2. Off-Site Highway Works No development shall take place onsite until the off-site highway works to provide a Zebra Crossing have been submitted to and approved by the Local Planning Authority.

REASON: To provide a safe and suitable access for all users.

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 meters back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

5. No part of the development hereby approved shall be commenced until:  
The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 meters back from its junction with the public highway, the ironwork has been set to base course level and the visibility splays required by this permission laid out, a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

6. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

Local Highway Authority – 16.03.2021

The site is accessed off the A3072 a County Primary Route which is restricted to 30 MPH

The number of personal injury collisions which have been reported to the police in this area between 01/01/2015 and 31/12/2019 is none

The Applicant has submitted a Transport Assessment which I have the following comments:

Section 3.7 highlights the priority junction at Hawkins Way which also provides a footway link to this area from Mill Street which is highly used, and this proposal will attract more pedestrians to use this route. There is an informal crossing with dropped kerbs In Commercial Road, and with the higher number of pedestrians to be created with this proposal, this crossing would now require this to be a controlled crossing to ensure a safe and suitable for pedestrians to cross the A3072 to access the store.

Section 4.3 Access to the store will be via Commercial Road and the visibility splays on Drawing 104360-SK-001 meets the requirements for the speeds in this area.

Section 4.9 The number of parking spaces required for a store of this size in the Mid Devon Local Plan is above the spaces that are being proposed for the store, therefore the County Highway Authority would need to ensure parking for the store is not on the Highway Network.

The Highway Authority's request the Applicant to supply further information regarding the car parking arrival numbers on an hour by hour basis and what the cumulative position would be.

Section 5.12 The trip rate figure supplied by the applicant has been sourced from TRIC's data which a nationally accepted database

Section 6.5 showing the assessment of the mini roundabout at Exhibition Road/Commercial Road on Table 6.2 with all committed Development and the proposed store does show this roundabout to not be at full capacity, therefore acceptable

The County Highway Authority cannot put forward a recommendation until the information requested has been received.

Public Health - 08/03/2021

Further Comments:

Noise and other Nuisances:

Plant Noise

A comprehensive noise report has been prepared by Acoustic Consult Ltd dated December 2020. They have evaluated the potential impact of plant noise on the nearest residences and concluded that the likelihood of unacceptable impact is low, primarily because the plant is located remote from residences. We recommend that a condition is included in any approval which requires that the recommendations in this noise report are implemented.

Hours

The proposed delivery and opening hours are 7am to 10pm Monday to Saturday and 10am to 4pm on Sundays. These are acceptable given the nearby residential areas but these hours should be conditioned for deliveries and trading to ensure that they are maintained.

CEMP

A CEMP will be required in order to minimise the impact of vehicle movements and building works on local residents during construction. A suitable condition is:

"Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP

shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: to protect the amenity of local residents from unacceptable noise and dust during construction works."

#### Lighting

Car park and building lighting can impact on residential amenity if it is not carefully designed and located. A report has been prepared by Signify dated December 2020 and this includes an acceptable scheme designed to minimise lateral and upward light pollution. A condition should be included on any approval which requires that the designs and recommendations contained within the Signify report are implemented and maintained.

Earlier comments were as follows:

Public Health – 03.03.2021

Contaminated Land - A contaminated land and geotechnical report has been submitted prepared by Obsidian Geotechnical dated January 2021. They confirm that the historical use was agricultural before the sports fields, however there was a gas works nearby. On site some made ground has been encountered and they recommend an intrusive investigation. We agree with this and therefore recommend the full contaminated land condition for a Stage 2 assessment is included in any approval. 25.02.21

Air Quality - A comprehensive air quality report has been submitted, prepared by Delta Simons dated November 2020. Potential impacts on air quality, particularly with respect to the AQMA in Crediton, have been evaluated and conclude that the addition of traffic associated with the Lidl store will cause no significant residual effects. There is potential for local impacts during the construction phase but these will be addressed within a CEMP. We agree with this evaluation and do not require any further information regarding air quality. 25.02.21

Environmental Permitting - No objection to this proposal 18.02.21

Drainage - The premises will be served by the public sewer system and arrangements for the management of surface water are set out in the application. 25.02.21

Noise & other nuisances - There is the potential for nuisance from plant noise, hours of work, construction activities and light intrusion. Please see detailed comments and recommended conditions below which addresses these concerns. 25.02.21

Housing Standards - No comment 3/3/21

Licensing - No comment 17/02/21

Food Hygiene No objection to this proposal. Informative: If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening.

The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Please consult environmental health on requirements if needed.

For structural requirements this is ideally sought before works start.

The Food Standards Agency website is also a useful source of information

<https://www.food.gov.uk/>. (02.09.19). 03.03.21

Private Water Supplies - Not applicable 17.02.21

Health and Safety - No comments 18.02.21

MDDC Tree Officer - 01.02.2022 (Revised Comments)

The site comprises of the southern end of a recreational ground that has been previously used as a rugby pitch. The site is bordered by two main roads in the west and south aspect. Trees are in groups along the site boundaries. They comprise a mix of native and non-native species that have been planted as part of a landscaping scheme many years ago. They have developed into large, prominent groups that are important in terms of their contribution to the local area.

The application has identified a hedge line of hawthorn to be removal to allow construction of the car park on the western aspect. In addition to this, two further trees on the eastern aspect has been identified for removal. These are a B quality Ash tree and C quality Elm. Due to the dense nature of the group of trees on the eastern aspect the loss of the two tree should not be significant.

Following from previous comment made 04/10/2021 highlighting limited tree planting. The landscape design has been reviewed and amended to include the planting of 13 trees that are a mix of Field maple and English oak. The proposed new tree planting is viewed as acceptable and will contribute to improving the landscape in the immediate area. In addition to the tree planting there is complimentary shrub planting along the western aspect of the site

In summary the proposal will result in a loss of two tree and hedge line. This is generally viewed as not significant. The loss of the tree trees is viewed as limited and suitable mitigated by the new landscape plan identifying further tree planting. The new proposed tree planting is viewed as acceptable and will contribute to the local landscape.

Earlier comments were as follows:

MDDC Tree Officer – 11.10.2021

Information Provided/Reviewed: Tree Constraints Report & Arboricultural Impact Assessment, Arboricultural Impact - Technical Note (Eastern boundary) and Landscape Design and Specification

The site comprises of the southern end of a recreational ground that has been previously used as a rugby pitch. The site is bordered by two main roads in the west and south aspect. Trees are in groups along the site boundaries. They comprise a mix of native and non-native species that have been planted as part of a landscaping scheme many years ago. They have developed into large, prominent groups that are important in terms of their contribution to the local area.

The application has identified a hedge line of hawthorn to be removal to allow construction of the car park on the western aspect. In addition to this, two further trees on the eastern aspect has been identified for removal. These are a B quality Ash tree and C quality Elm. Due to the dense nature of the group of trees on the eastern aspect the loss of the two tree should not be significant.

No formal tree planting plan has been provided. A landscape plan provided does highlight shrub planting along the western aspect of the site. It's generally felt the current level of planting highlighted is not enough and will not provide adequate screening. In addition the shrub planting on the western aspect the site would benefit from a linear line of extra heavy standard formal tree planting of mixed tree species along the north aspect. This would provide and immediate impact, improving the landscape scheme, providing buffering of the carpark and aspects of the proposed building. From the northern aspect. Additional tree planting should be carried out along the western and southern aspects within the turfed areas to provide further screening of the carpark and building as well as environmental benefits too. In addition to the tree planting around the

extents of the site it's would be strongly recommended that tree planting is provided within the confines of the carpark area to achieve a suitable canopy cover at maturity. This would provide shading in the summer months, reducing sun glare, rain water impact, as well as environmental benefits too. It's recognised there would be a loss of parking bay to achieve this.

In summary the proposal will result in a loss of two tree and hedge line. This is generally viewed as not significant. The current level of planting is not sufficient and will not provide adequate screening of the proposal. Additional tree planting should be carried out along the northern, western and southern aspects. In addition tree planting should be proposed within the car park itself to provide suitable tree canopy cover at maturity.

The applicant should review their landscape proposal and include greater quantity of tree planting and encouraged discuss this with the Arboriculture and Case Officer.

#### Flood and Coastal Risk Management Team (D.C.C.) - 31.08.2021

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

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

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (c) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### Observations:

Following my previous consultation response (FRM/MD/00222/2021; dated 11th August 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant is proposing swales along the northern edge of the car park. The applicant must ensure that the levels of the car park safely fall towards the swales. The applicant must submit cross-sections of the swales when applying to discharge the above condition.

Earlier responses were as follows:

#### Flood Risk Team - 11.08.2021 - Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all

aspects of the proposed surface water drainage management system have been considered. Observations: Following my previous consultation response (FRM/MD/00222/2021; dated 8th March 2021), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. However, the applicant has not clarified how exceedance flows shall be managed.

Flood and Coastal Risk Management Team – 09.03.2021

Recommendation: 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 surface water via an underground attenuation tank. The applicant has proposed to discharge surface water to the existing South West Water surface water sewer. Greenfield runoff rates for this site must be calculated for the positively drained area only. The applicant must submit correspondence from South West Water to confirm that South West Water will allow a connection into their system.

It is understood that the greenfield runoff rates for the site are low. However, the applicant could achieve a lower discharge rate with a maintainable flow control. The applicant must assess alternative flow controls, and may also need to consider reducing the size of the flow control slightly.

The applicant has noted that above-ground features could pose a safety risk. However, if above-ground features are designed appropriately, they should not pose a safety risk. The applicant could construct suitable above-ground features, such as swales, rain gardens and tree pits in addition to the underground tank. Above-ground features can help treat surface water runoff.

The applicant has noted that they will explore rainwater harvesting, the applicant should explore this. The applicant must clarify how exceedance flows shall be managed.

Sport England - 13.01.2022

Conclusion

On confirmation of the complete details of the replacement playing pitch at Creedy Bridge including works (detailed design) and timeframes secured by a suitable mechanism, Sport England would consider withdrawing its objection to this planning application.

Earlier comments were as follows:

Sport England - 16.08.21

Thank you for the recent consultation and in particular we concentrated on the RPS letter dated 13 July 2021. After consulting the RFU, Sport England have no further comments to those set out in our response dated 10 March 2021 (below). For clarity, the NPPF paragraph number has changed to 99 (from 97) in the recent July publication. If you would like any further information or advice please contact me at the address below.

Sport England – 16.03.2021

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory

Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

#### The Proposal and Impact on Playing Field

We note from Google aerial images (below) and local conversations that the playing fields are well used, well managed and generally used to deliver rugby associated with Crediton RFC. We also note use by cricket, football and archery. Current aerial image - three rugby pitches on the wider site and 1x rugby pitch within the application site:

There is no 'in date' Playing Pitch Strategy for Mid Devon although one is 'in development', nearing completion of a Strategy based on an assessment of need.

In summary of the application there is a loss of playing field without replacement in accordance with policy. A commuted sum via S106 is being offered to Crediton RFC.

#### Assessment against Sport England Policy/NPPF

The NPPF (para 97) makes it clear that existing sports facilities (i.e. those which are used for sport, have been in the past or could be used in the future) should be protected unless specific conditions can be met. Fulfilling these conditions demands a proper understanding of the current and future needs and opportunities for sports facilities:

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
- o land which has been used as a playing field and remains undeveloped, or
- o land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

One of the five exceptions (E4) states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- o of equivalent or better quality, and
- o of equivalent or greater quantity, and
- o in a suitable location, and
- o subject to equivalent or better accessibility and management arrangements.



This is very similar with criterion b) of para 97 of the NPPF.

Excerpts from our Playing Fields Policy [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy):<br/><br/>What details would Sport England expect an application to provide in order to meet with Exception 4?

57. Where a replacement area of playing field and associated facilities can be provided which are equivalent or better than the existing area of playing field and its facilities, it may be beneficial to sport to take this opportunity. Along with presenting the quantity (area) of the proposed replacement provision, Sport England will expect details to be submitted which clearly demonstrate that any proposed replacement area of playing field and ancillary facilities can be delivered (including to what timescale), the proposed access and management arrangements and how equivalent or better quality will be achieved and maintained.

What is meant by 'equivalent quality'?

58. A new area of playing field being laid out, drained, maintained and provided with the necessary ancillary facilities so as to have the same capability, functionality and flexibility as the existing area of playing field to accommodate playing pitches, matches, training sessions and other sporting activities.

59. The new area of playing field should be capable of providing playing pitches and producing playing characteristics, supported by all necessary ancillary facilities to the relevant standards, to allow the same level of competitive play to take place without requiring any additional maintenance input. For example, if a playing field includes a pitch which is used by a senior county league club, then to achieve the equivalent quality the replacement playing field must be capable of providing for this standard of play without any additional costs being incurred by users, when compared to use of the existing site. This requirement applies equally to the provision of ancillary facilities, such as changing rooms, car parking, fencing and artificial sports lighting.

How should equivalent quality be secured?

60. Details should be submitted with any application proposing replacement provision which include an assessment of the performance of the existing area of playing field, the programme of works (including pitch construction) for the creation of the proposed replacement area of playing field (to ensure it is developed to the required quality), along with a management and monitoring plan. The above details should be undertaken and developed by a suitably qualified and experienced sports turf consultant. Replacement areas of playing field and facilities should satisfy appropriate Sport England and national governing body of sport design guidance.

We note the 2017 outline planning application, reference 17/00348/MOUT, which Sport England does not support. It currently does not have planning permission. The illustrative masterplan shows 4 adult rugby pitches with clubhouse and community facility with parking. The playing pitches in the application site are located within Flood Zone 3 - which is the highest classification of flooding. Playing field land located in Flood Zone 3 is not recommended nor supported by Sport England. In our response to that application we gave expert advice that in order to assess the suitability of the site to accommodate pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration. Sport England continues to have concerns over the proposed replacement pitches at this site given the location of playing pitches in Flood Zone 3 and no evidence has been prepared in the last 3 to 4 years to prove that our concerns are unfounded. This remains a significant issue.

We understand that the 2017 outline application is subject to the completion of a S106 but no works have been carried out to prove that relocating playing pitches to the site is acceptable and/or achievable. There are risks with this outline application. It does not demonstrate in an

acceptable timeframe that the pitch/pitches being lost at Exhibition Road (and others used by Crediton RFC) will be replaced with a high quality playing pitch /playing pitches and will not suffer adversely in any flooding event. On completion of the S106, a reserved matters application will need to be prepared, submitted, consulted upon and approved in a very short timeframe. At this time it is not clear on the timeline of the project leading to a date when replacement pitches will be constructed and operational. There is normally a 12 month period post construction prior to first use. It is unlikely that a high quality replacement pitch will be operational until 2023 or even 2024. In short, there is no evidence required by the local plan allocation CRE6 as well as Government guidance and Sport England policy.

The adopted Local Plan allocation CRE6 Sports fields (which is larger than the application site) proposes housing and other infrastructure but it does specify that b) Relocation of the rugby club and associated pitches to a suitable alternative site before development is commenced. In para 3.173 the local plan states that The site comprises the club house, main pitch and a number of training pitches currently used by Crediton Rugby Club. A site for the relocation of the club has been identified within the Pedlerspool site (Policy CRE5), freeing up this site for residential development. However, should the Pedlerspool site not come forward, another suitable alternative site for the rugby club and training pitches will need to be found before this allocation can be developed. The replacement sports facilities should result in no net loss in provision. This proposal as it stands will see the loss of a playing pitch without replacement.

Consideration and weight should also be given to the Council's own Local Plan policies that seek to protect open space, sport and recreation. And the wording of Local Plan allocation CRE6 Sports fields.

The RFU advise Sport England and acknowledge the loss of the rugby union pitch within this proposal. The site is used by Crediton RFC and has been for a number of years, under a short term user agreement with the site landlords. It plays a vital part of the clubs operations, servicing both the junior and senior sections of the club. The overall site hosts three rugby pitches, all of which are used by the club, the RFU appreciate only one pitch is subject to this proposal.

The Club have aspirations and long term plans to relocate their club out of the town on a new site, to enable all activity to be on site, with a larger multi-purpose built facility which is fit for purpose. This would safeguard and future proof the club to be in a stronger position in the future. The RFU recognise, they have outgrown their current facilities.

The RFU are aware of the mitigation offered by the applicant, and recognise the monetary value would enable enhanced pitch provision on the new proposed site. The complexities over governance currently doesn't allow for a turn-key solution to the loss of the pitch. At present the club are not concerned with the loss of one natural turf pitch, and feel from an operational perspective, they can manage their pitch allocations effectively.

At this time, the RFU does not wish to object to the current application, given the mitigation available. [\*Sport England do not share this view]. The RFU would like to be consulted with, and would like input on the technical design and drainage solutions of the new pitches when they are planned.

The Football Foundation (FF) on behalf of The FA and Devon FA advise that in the past, there was a full size football pitch on the site, used by Sunday league teams at the time - The Mitre FC / Kings Arms FC. Crediton Youth FC have historically used the site for an annual tournament. There is a strategic need for additional grass football pitches in the area and a priority to support the enhancement of the pitches home to Crediton Youth FC.

The ECB in relation to cricket advise that the site has been in the past used for cricket. No play in recent time. If there was some S106 from this development then Sandford CC's second pitch would be a project in that area.

#### Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The application raises some significant issues regarding playing field land loss and no proposed replacement in line with Policy and the adopted Local Plan.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the Planning Casework Unit.

In objecting to this statutory planning application, Sport England would make reference to the High Court decision to quash a planning consent for development adjoining the East Meon cricket ground in East Hampshire District (High Court Ref: Case No: CO/1894/2014). In summing up the case, the Inspector said: "In my judgment, the officers and the Planning Committee failed to have proper regard to the representations of Sport England in its capacity as statutory consultee". Sport England would therefore request that the local planning authority give due weight to the concerns raised by Sport England with regard to this proposal, given our status as a statutory consultee.

#### Natural England - 03.08.2021

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 02 March 2021 (Our ref: 343888). The advice provided in our previous response applies equally to this amendment 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.

Earlier comments were as follows:

#### Natural England – 02.03.2021

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision

making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

#### Rights of Way Officer – West (D.C.C.) - 22.07.2021

The proposal as submitted does not directly affect Public Footpath No.24, Crediton, which appears to outside of the site boundary. However, should planning permission be granted the applicant must ensure the public path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

Earlier comments were as follows:

#### Rights of Way Officer – West (D.C.C.) – 02.03.2021

The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring. It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

#### Response

The proposal as submitted does not directly affect Public Footpath No.24, Crediton, which appears to outside of the site boundary. However, should planning permission be granted the applicant must ensure the public path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way or road in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way or road without following the due legal process including confirmation of any order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.

Historic Environment Team (D.C.C.) - 21.07.2021

The Historic Environment Team have no additional comments to make on this planning application to those already made, namely:

An archaeological geophysical survey undertaken of the site in the late 20th century showed the presence of anomalies that were indicative of archaeological features, such as ditches and pits within the area affected by the proposed development. The significance of these heritage assets is not judged to be of such significance to warrant preservation in situ or additional information to be supported in support of this planning application. However, the Historic Environment Team would advise that any impact from development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason:

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works. I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or art factual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines. I will be happy to discuss this further with you, the applicant or their agent. The

Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Earlier comments were as follows:

Historic Environment Team – 24.02.2021

An archaeological geophysical survey undertaken of the site in the late 20th century showed the presence of anomalies that were indicative of archaeological features, such as ditches and pits within the area affected by the proposed development. The significance of these heritage assets is not judged to be of such significance to warrant preservation in situ or additional information to be supported in support of this planning application. However, the Historic Environment Team would advise that any impact from development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work

may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or art factual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Devon, Cornwall & Dorset Police - 20.07.2021

Thank you for this application, the revised drawings are noted, Police have no further comments in addition to those of February 2021.

Earlier comments were as follows:

Devon, Cornwall & Dorset Police – 18.02.2021

Thank you for this application, Police have no objections in principle to the proposal. The boundary treatments are noted. Blank elevations often present opportunities for crimes such as graffiti, burglary and arson, therefore consideration should also be given to the use of robust defensive planting along the east elevation.

It should be ensured that the glazed store frontage is protected against possible vehicle attack, either accidental or premeditated, this could be achieved through appropriately located bollards/planters etc. External doors and windows are recommended to be independently security tested and certificated products to an appropriate nationally recognised standard such as PAS24:2016 or similar.

I am assuming the car park will be appropriately lit at night when the store is open?  
I recommend consideration is given to the inclusion of a lockable barrier or gates at the car park entrance. These if required could be secured when the store is closed and prevent potential misuse of the car park perhaps particularly by groups in their cars and thereby reduce likely incidents of crime, disorder and anti-social behavior. This is not altogether uncommon problem for car parks elsewhere in Devon and can arise at any time. The store must be protected by a monitored intruder alarm compliant with current Chief Police Officer Group guidelines.

I am assuming the store will have CCTV internally? I would recommend that CCTV should also cover the car park, goods delivery area and the windowless north and east elevations. This would help deter crime but can also be very useful in terms of crime investigation, for example, identifying vehicles being used by persons suspected of shoplifting or other crimes.

## **REPRESENTATIONS**

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

Involvement October 2016). Given the Policy Allocation within the Local Plan for the site, this application was considered to be a departure and advertised as such.

319 letters of representation were received, 14 were of objection, 300 in support and 5 being of general comment.

The grounds for objection are summarized as follows:

- The location is wrong and will introduce a lot of traffic onto an unsuitable road. This area already gets congested with queuing traffic at times.
- When the housing at Pedlars Pool is completed the traffic using this road will increase. Commercial Road needs to be wider to accommodate the traffic.
- It will cause greater peril for pedestrians and cyclists using or crossing Commercial Road, not to mention Exhibition Road, Mill Street and Blagdon Terrace.
- This is the wrong location for a large retail outlet and there are better locations within Crediton.
- There are many people that come from the north western side of Exeter to shop at Crediton's Tesco store, it is possible some of these may divert to the new store causing even more traffic.
- It will move away from Crediton's nuclear town model with spreading and mixing of commercial areas with housing.
- At present most of Crediton is quite well delineated with well-defined retail, dwelling, industrial and commercial areas. Where these areas meet there is a generally a separation of some sort, either a road or a green space.
- It will no doubt have an adverse impact on other local retailers, and importantly the town centre.
- It will result in removal of hedgerow and trees along Exhibition Road, and similarly in the entrance to the Leisure Centre.
- 'The Rec' been used for an extraordinary number of purposes and activities, too numerous to list. Even when there is no organised activities there are plenty of people of all ages, exercising, picnicking and generally resorting there to be in the open air.
- The Trustees of the these playing fields have a duty to get as much out of them as they can for the school but if they sell off the 'family heirlooms' there will be nothing left for future generations.
- In these times when exercise and fresh air is important, not just due to Covid-19, and obesity is a growing problem, it would seem foolish to put 'The Rec' out of use.
- This is a large, flat, level piece of ground with good access and amenities close by. It is a level walk from the town centre. It forms a natural sport oriented site bordered as it is by the Lords Meadow Leisure Centre.
- Concerns with loss of hedgerows which are important to wildlife as a habitat and as travel corridor. A variety of birds, reptiles and mammals have been observed.
- Developers can build houses and shops on any sort of terrain but recreational playing fields of this sort need to be flat.
- The access would be in a dangerous position as multiple businesses access this point of the road, it is the main thoroughfare for several heavy haulage companies and the leisure centre also attracts high volumes of traffic.
- The addition of store delivery vehicles and a high volume of shoppers to the already busy road along with vehicles trying to access Commercial Road from the various businesses and side roads will only exacerbate the poor safety situation.
- There is a dangerous dog-leg in this road near the turning to Hawkins Way which increases the difficulties of traffic using this road,
- Pedestrian traffic will increase significantly and there is no safe crossing point on Commercial Road.



- The area adjacent to Tesco and Mole Avon would appear to be a far more suitable site.
- The mini-roundabout at the junction of Commercial Road and Exhibition Road is not adequate to cope with additional traffic wanting to access or egress the retail store carpark
- The retail store will be position close to residential properties resulting in increased noise pollution from customers, vehicles, and deliveries to the store and using the carpark and increased light pollution from the store lighting, carpark lighting and night-time vehicle access.
- Whilst there are already lampposts on Exhibition Road, there is a lot of difference between a couple of lampposts and a car park full of lights.
- The current roads are quiet so noise in the car park will be noticeable.
- We do not need another supermarket.
- The A377 was rerouted a few years ago to improve the on air quality in the area of Crediton, but the improvements stopped short of the industrial area, therefore the road is not suitable for bi-directional traffic.
- Crediton is a rural town in Devonshire but is deplorably short of recreational space and this is disappearing.
- There will also be the problem of night time deliveries and the noise that will cause, we are already subject to overnight clanging from the galvanising works.
- Although the store will probably close at 10pm there will still be considerable disruption from customers loading their shopping, starting their cars and slamming the doors.
- How can an HGV driver safely negotiate a crowded car park with shopper's trolleys moving around and unpredictable children running around?
- This applicant would unfortunately be more likely to impact negatively on the much more appropriate and longer lived Morrisons store as well as the high street, resulting in a loss of jobs
- This new development is unnecessary due to the very recent construction of a store in Tiverton, it will not add to the community positively as its ethos is not one of customer service or community engagement.
- There are already 2 supermarkets in Crediton - Morrison's and Tesco. These stores already serve the community well and with the additional high street stores there is a depth and variety of shops.
- Living in Newton St Cyres we will have additional deliveries of trucks along the A377 as well as shoppers, adding to congestion and pollution.
- What Crediton needs is sustainable housing and space for provision of a new school.
- Housing need in the area is greater than that for another supermarket.
- This asset in Crediton currently claimed by the School needs to be treated as a community asset and one not to be wasted on retail development.
- There will not be another opportunity to have the secondary school on one site if this is not registered as a primary concern. Or should housing need come first then this is perfect land, offering a level site and easy access to all, without the need as in some recent town developments to be accessed only by steps or steep slopes.
- Lidl's in particular, sells very little if any local produce or indeed British produce.
- Ownership of the land is in question.
- This site needs to be maintained for the wellbeing of the residents. Natural spaces are known to improve mental health.
- The supermarket would take business away from village shops as residents are likely to travel to this new store if close.
- How do you propose to manage parking from the rugby club in the interim of acquiring the land and then affording to relocate to Peddlerspool.
- What do you propose to do with the land behind the store? The land that will back onto the allotments. Do you have plans afoot to also purchase the allotments?

- How will you police and secure the car park overnight to reduce the risk of anti-social behavior happening in the car park?
- The lack of up-to-date and robust information provided by the applicant on a critical starting point, i.e., the health of the town centre together with the lack of availability of important documents on the issue of retail impact from the Council's website
- The applicant's failure to apply flexibility to their sequential assessment and the need for a more detailed review of all opportunities through applying real world scrutiny
- Harmful conflicts with the allocation of the site in the Local Plan and potential adverse implications of breaches of policy CRE6 for the future of Crediton Rugby Club;
- The loss of allocated housing land which is important in meeting future housing delivery;
- The loss of protected sports fields and the applicant's failure to mitigate against a net loss in provision
- The lack of provision for improvements to existing pedestrian access arrangements e.g., by way of a new controlled crossing on Commercial Road
- The applicant has not demonstrated that a net gain in biodiversity on the site would be unachievable which is a breach of Local Plan policy.

The grounds of support are as follows:

- Crediton has two of the bigger supermarkets but the town should now have at least one of the budget outlets to give greater choice at the lower end of the market.
- The lack of superstores denies the town much needed income from incoming villagers wanting to get their food shopping done.
- There are certain items sold by Lidl which are not stocked by existing supermarkets.
- The proposed supermarket is ideally located next to existing employment land.
- It will provide much needed jobs in Crediton.
- It's location will reduce the traffic on the A377 and through Exeter
- It will be within walking/cycling distance for residents of Crediton
- Crediton is one of the few towns which does not have a store of this type and building one locally would save unnecessary journeys to Exeter, Tiverton or Okehampton.
- This will lead to some much overdue competition for the 2 supermarkets in town. Competition between businesses can only be good for the residents of Crediton and surrounding areas, as it normally leads to lower prices, a better range of goods or improved service.
- As Crediton continues to grow, it needs more employment within the town to reduce the need for residents to commute to Exeter or similar in order to find work.
- These companies will work with the Council and the Council in turn with nearby residents to ensure traffic flow, operating hours and delivery hours and lighting will all be taken into consideration.
- The landscaping and screening must be sympathetic with the current area.
- Footfall is important to the development and survival of the businesses not only on the Industrial Estate but Crediton Town.
- Lidl goods are keenly priced and will help people on low incomes in the town and no doubt the town bus will visit once a week. Tesco and the Co-op are both in the high Street for convenience but are expensive.
- An additional food store with the range of products typical to those found in Lidl stores would be welcome in Crediton
- The proposal would offer the growing population more choice locally for supermarket shopping. If people wish to shop at Lidl the nearest stores are in Tiverton, Exeter or Okehampton. The proposal would reduce shopper's carbon footprint by allowing the population of Crediton and surrounding villages to shop nearby instead of travelling further.
- It would providing the Rugby Club with funding for relocation.

- This would be a welcome addition to Crediton and provide a much needed service as more homes are built here.
- The addition of a pedestrian crossing would be essential to promote access on foot from town and improve safety.
- As a company Lidl supports British producers which is more important than ever since leaving the EU and the need to reduce food miles.
- I realise that there are concerns about the road network around the site but being that I work close by I believe there can be solutions found. The fact that the vaccination centre has run successfully and coped well with the increased traffic proves that it can work.
- Planners need to think about the supermarket as a place for shoppers outside of Crediton and not just for the town itself, such as from the villages outside of Crediton.
- I have read both supporters and objection letters, it seems to me the objectors are clutching at straws with comments about delivery trucks and pedestrians being in the same place, how do they think Morrisons deliver?
- It will bring people to the town and help support the town centre shops.
- As a business owner in Crediton it's good to see developments like this coming to town especially when for many of us travelling to the nearest store of this company is on the other side of Exeter.
- Some concerns I've seen/heard relate to lorry traffic, as it's located on the industrial estate any lorry traffic coming from Exeter can use the Link road (that's what it was built for). There is plenty of parking with overflow parking nearby. Plus the company are willing to invest in the town.
- The big positive for me is they are fitting solar panels for the store and it will also include electric car charge points.
- Lidl have numerous green initiatives and are committing to financial support toward the town.

General comments are as follows:

- A partial solution to traffic concerns could be for traffic to be forced into a left turn when leaving the Lidl car park and use the Tesco roundabout for onward travel direction.
- Hopefully the delivery lorries have been catered for and the increased noise of night time deliveries because the noise coming from the Trading Estate has escalated in recent years.
- It will be important to ensure the highway provisions are improved in the immediate locality, along with ensuring antisocial behaviour and light pollution are kept to a minimum for nearby residents.
- A better plan would be to come off of Exhibition Road, although I would not like the hedgerow destruction.
- The site could be leased as part of the Leisure Centre and pitches/area hired out for use.
- Support if consideration is given to the mental wellbeing of the staff, in that there are enough windows to allow natural light in, and that there are green spaces retained in a staff area and within the car park.
- I would like to see trees or hedging (better for wildlife and CO2 levels) included around the perimeter and within the carpark, parking for bicycles and electric car charging point.
- Concern to the goods delivery proposals as large articulated lorries will be manoeuvring and reversing in a space shared with customers' cars and pedestrians.
- I ask that LPA reviews screening & landscaping to ensure suitable & visually sympathetic screening along the A3072 boundary, including bringing trees and higher level planting further around the corner & back along the A3072 in the Tiverton direction.
- This development has potential to draw more shopper traffic along A3072 to the roundabout which is already in poor state.

- Current proposals show large expanses of unrestricted tarmac surfacing in the carpark, LPA has the ability to seek mitigation measures (e.g. Sleeping Policeman) are placed to make it unattractive to "Joy-Riders".
- Appropriateness of flagpoles along A3072 adjacent to residential properties is questioned.
- Edwin Tucker & Sons Ltd opposite the site currently hold a neutral position to this application on the whole. However, concerns are raised to the proposed access and in opposite one of their entrances which will lead to conflict with road users and safe maneuvering into the site.
- The 'Assumed Boundary Line' enters into our property which, according our land registry records, is incorrect and we would like this to be made correct in plans prior to any approval.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This application seeks permission for the erection of Lidl food store (Class A1) with associated parking, landscaping and access arrangements on the playing fields off Exhibition Road, Crediton. The site is within the settlement limits outside of any landscape designations but it is on a site allocated for housing (CRE6) and is not located within the defined Crediton Town Centre, the boundary of which is located to the west. In terms of walking distance, the site is just less than 600 metres from the town centre boundary with the site on the current playing fields being surrounded by other commercial and residential uses.

The material considerations in assessing this application are:

- 1. Policy**
- 2. Provision of retail units on site and impact on the Town Centre**
- 3. Implication of Policy Allocation CRE6**
- 4. Transport, access and parking issues**
- 5. Flooding, drainage and site contamination**
- 6. Design and appearance of development and visual impact on the landscape**
- 7. Living conditions of the occupiers of nearby residential properties**
- 8. Ecology**
- 9. Impact on Heritage Assets**
- 10. S106 Obligations and local finance considerations**
- 11. Sustainable development balance**

### **1. Policy**

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

It is considered that this development should be assessed in terms of policies S1 (Sustainable development priorities), S2 (Amount and distribution of development), S6 (Employment), S7 (Town centres), S8 (Infrastructure), S9 (Environment), S12 (Crediton), CRE11 (Crediton Infrastructure) of the Mid Devon Local Plan 2013-2033.

Policy S1 stresses the need for development to meet sustainability objectives, Policy S6 outlines employment space requirements in Mid Devon and Policy S7 states that new shop uses should contribute to the vitality and viability of Town Centres and should only be permitted outside of the town centre where there is a need and they meet the sequential test set out in national policy. Policy S8 aims to reduce the need to travel by car and increase public transport. Policy S9 seeks

development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets. It also outlines the need ensure that development does not increase flooding to properties elsewhere, S2 states that development should be concentrated at Crediton where of an appropriate scale, and Policy S12 further deals with development within the settlement of Crediton.

With regard to the Development Management Policies, Policy DM1 requires design of new development to be high quality and demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places. Policy DM2 support renewable energy such as the solar panels proposed on the retail unit. Policy DM3 relates to transport and air quality considerations for any development and Policy DM4 outlines the assessment required on pollution. Policy DM5 states the required parking levels for a proposal, Policy DM14 covers town centre developments and Policy DM15 on development outside of town centres. Policy DM27 outlines the assessment required for development which affects heritage assets and Policy DM26 focuses on green infrastructure.

An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

## **2. Provision of retail units on site and impact on the Town Centre**

Policy DM15 states that the Council will apply a sequential approach to planning applications for main town centre uses. Edge of centre proposals must be well related to the town centre and accessible by public transport, walking or cycling. Proposals in these locations must also demonstrate that no suitable sites are available in a more sustainable location. The Council will also require an impact assessment to be submitted for any proposals for retail and leisure development outside of town centres where the proposed gross floor space would exceed 500 square metres.

The impact assessment must include an assessment of:

- i) The impact of the proposal on existing, committed and planned public and private investment in the town or other centres in the catchment area of the proposal; and
- ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made, or ten years in the case of major development, taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations.

The assessment above is in line with the requirements outlined in the NPPF whereby if a proposal is likely to lead to a significant adverse impact then it should be refused. NPPF published in 2021 indicates (paragraph 11) there is a presumption in favour of sustainable development. Planning permission should be granted for sustainable development unless any adverse impacts significantly and demonstrably outweigh the benefits of the proposals. NPPF (paragraphs 86 to 91) retains the town centre first policy, the sequential approach to site selection and impact tests. The NPPF (paragraph 90) indicates that impact assessments are required for applications for retail and leisure development located outside of town centres and not in accordance with an up to date plan. Paragraph 90 of the NPPF suggests, where there is no locally set floor space threshold within an up to date development plan, retail impact assessments will only be required for retail developments of 2,500 sq.m gross or more. The proposed development (2,022 sq.m GIA) is under the NPPF threshold. However, Policies S7 and DM15 (Development Outside Town Centres) set a lower local impact threshold of 500 sq.m gross for out-of-centre retail proposals in Crediton. Policy S7 and DM15 post-dates the introduction of the NPPF and is up-to-date.

The planning application has therefore been accompanied by a Planning and Retail Statement prepared for the applicants by RPS and the Council have had this assessed by an independent retail expert. Lichfields was commissioned by Mid Devon District Council to undertake an independent assessment of the retail planning issues raised by this planning application, i.e. the retail impact and sequential tests, as set out in the NPPF. A critique report was produced by Lichfields in April 2021 which raised a number of points/matters which needed to be answered/addressed. RPS addressed outstanding issues relating to the planning application in a letter dated 13th July and their letter included reworked retail impact tables. A further report was then provided by Lichfields which updated Lichfields' appraisal of RPS's retail assessment taking into account the additional information provided in the 13th July 2021 letter.

In terms of the impact on existing retail, Crediton centre had been judged in the Greater Exeter Retail Study 2018 as being healthy, with an above average number of convenience and comparison outlets and a vacancy rate below the national average. As part of the commission by Lichfields to advise on the issues of impact and the sequential test, they were also able to undertake a health check in late August, the lockdown having ended on 19th July. They identified that while there has been a loss of 9 retail outlets in the centre since 2016, it has not resulted in an increase in the number of vacant units as the loss has been off-site by an increase in the number of non-retail service uses. In fact, the current composition of the centre shows that the proportion of convenience and comparison outlets are around the national average, and the vacancy rate is below (4.6% compared to the UK average of 14.6%) – there were currently only 2 vacant shop units in the primary shopping frontages at the time of the survey.

Lichfields concluded that the town centre is “...a relatively healthy and attractive centre with a low shop vacancy rate. It has a good mix of shops and services including a strong evening economy”. Therefore the independent consultant was satisfied that Crediton Town Centre is healthy and well able to withstand the introduction of the Lidl store. In respect of the impact assessment, following the initial views of the Independent consultant to the Planning and Retail Statement, RPS re-worked impact tables which were submitted in July, which utilised more up to date data from the Greater Exeter Retail Study Part 2 (December 2019). Lichfields considered the impact assessment from RPS and undertook their own sensitivity analysis and concluded that the combined (direct and indirect) impact on the town centre will be -5% in 2024, which is not significantly adverse. They concluded that the Tesco Express will continue to trade above their company average; impact on Tesco's out-of-town superstore is of course not a material consideration.

On the matter of the sequential test assessment the Planning & Retail Statement identified that the minimum site size Lidl generally require is 0.7-0.8ha and that their standard format store is now circa 2,200sq m gross with 120 parking spaces. The proposed development in Crediton is 2,022sq m on a 0.8ha site with only 114 parking spaces, so it is below their standard size in terms of floor space and parking numbers. Objections were received on the sequential test carried out by RPS and that Lidl should have been more flexible and consider sites for a smaller store, citing examples of where Lidl have done this in Watton, Newport (in Wales) and Shieldfield.

The applicant's agent has responded noting that the proposed development in Watton is on a 0.81ha site; the new store in Newport is 0.97ha and Shieldfield is 0.7ha. While the latter is a smaller site than Crediton, the development is a slightly compromised one with a store of 1,970sq m and only 85 parking spaces. The search by RPS failed to identify any sites in Crediton within or on the edge of the town centre that could come close to accommodating a similar sized development and Lichfields have concluded that based on the information provided there are no potential opportunities within Crediton town centre that are large enough to accommodate a discount food store. Lichfields, have accepted that the sequential test has been addressed and satisfied.

The findings of Lichfield are accepted and therefore in light of the above, it has been concluded that there are no sequentially preferable sites within Crediton Town Centre or edge of centre or result in a significant detrimental impact on the town centre vitality and viability. As a consequence, the proposed development meets the provisions of the sequential test as set out in the NPPF and policies DM15 and S7 of the development plan.

### 3. Implications of Policy Allocation CRE6

The application site is located within the defined settlement boundary of Crediton and is allocated under Policy CRE6 (along with the adjoining sports pitches to the north and CRFC's main pitch and clubhouse on the west side of Exhibition Road) for residential development, subject to the following criteria:

- a) 120 dwellings with 28% affordable housing;
- b) Relocation of the rugby club and associated pitches to a suitable alternative site before development is commenced;
- c) Provision of a Transport Assessment to assess the need for a right turn lane into the northern part of the site;
- d) Improved access to the town centre for pedestrians and cyclists; and
- e) Archaeological investigation and appropriate mitigation.

3.4 The supporting text to the policy outlines that *"the site comprises the club house, main pitch and a number of training pitches currently used by Crediton Rugby Club. A site for the relocation of the club has been identified within the Pedlerspool site (Policy CRE5), freeing up this site for residential development. However, should the Pedlerspool site not come forward, another suitable alternative site for the rugby club and training pitches will need to be found before this allocation can be developed. The replacement sports facilities should result in no net loss in provision"* (paragraph 3.173 refers).

As the policy does not include the provision of a foodstore, it has been advertised as a departure to the Local Plan, even though it is located within the settlement limits of the Town. In terms of the policy criteria and justification text, outline planning permission 17/00348/MOUT (for the residential development of up to 257 dwellings and up to 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations) has been approved on land at Creedy Bridge and the Rugby Club is safeguarded for a period of 10 years on commencement of residential development on site.

Concerns have been raised by objectors to a conflict with Policy CRE6 and potential impact on Crediton Rugby Club through the loss of a playing pitch with Sport England identifying their stance to the requirement for replacement facilities to be provided in advance of a development. Policy CRE6 allocates the sports pitches north and south of Exhibition Road for residential development to provide 120 new dwellings, with a requirement for the relocation of the rugby club and associated pitches to a suitable new site before development is commenced.

As noted above, a suitable site for this relocation has already been identified at Creedy Bridge which is safeguarded land. Agronomy surveys have also been undertaken on the site at Creedy Bridge which demonstrate that appropriate playing facilities can be provided with Sport England confirming that they would withdraw their objection on viewing plans for the site. In terms of impact on the rugby club, they are on record as supporting Lidl's planning application, on the basis that they can manage with the loss of the one pitch and they have a pressing need to relocate given all

the pitches they use on the south side of Exhibition Road (including the Lidl site) are on a short lease from the Queen Elizabeth School Trustees, which could be terminated on very short notice. They see a relocation to Creedy Bridge as the best way to secure their future but need a significant financial contribution to allow them to kick-start the relocation process. A financial contribution of up to £400k is being offered by Lidl to enable the Rugby Club to proceed with the purchase of the land at Creedy Bridge, after which further funds can be released through the future sale of their existing freehold land to complete the pitches and provide a new clubhouse and change room facilities. Without Lidl's assistance there is currently little prospect of the Club being able to relocate.

In terms of Sport England's policy, they have advised that the proposed development will result in the loss of one pitch and that the requirement is therefore to provide one replacement pitch elsewhere, not the replacement of all the Club's pitches only the one Lidl will take. It is clear that at least one new pitch can be provided at Creedy Bridge on land outside the flood zone and the contribution would assist in the purchase of the site allowing the relocation and provision of an improvement community facility. In terms of Policy CRE6, it would also unlock the playing fields site for housing. Therefore it is considered that a pragmatic approach is required to allow development of the foodstore ahead of the replacement pitch being provided.

In respect to concerns raised to the loss of playing pitches, it should be noted that the site in its entirety is allocated for housing so would in time be developed upon. In terms of concerns raised to the loss of housing land through the retail unit proposed, it should be noted that the allocation is seeking 120 dwellings, which equates to a density of 22 dwellings per hectare, which is much lower than what such a site could potentially accommodate and compared with surrounding residential estates. The Lidl site is 0.8ha so that would leave 4.7ha of the allocation remaining, and a development of only 26 dwellings per hectare is considered to be sufficient to deliver at least 120 homes, even without the plot taken for this development. Therefore taking into consideration all of the policies within the Local Plan, a case can be made to support this development in the knowledge that the remaining land could provide the housing allocation numbers and also assist in the relocation of the rugby club which is a requirement prior to the housing development.

#### **4. Transport, access and parking issues**

Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling; whereas Policy DM5 states that sufficient vehicle parking must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

With regard to parking standards outlined within Policy DM5, for a retail unit, 1 space per 14sqm of gross floor area is required so based on a unit of 2022sqm, this would amount to a requirement of 144 car parking spaces. As can be seen on the plans provided, there would be a total of 114 car parking spaces (2 electric vehicle charging points) and 12 cycle parking spaces would be provided in support of the store.

This represents a shortfall; although if the parking was based on the net sales area of 1,256sqm, only 90 spaces would be required. Given the location of the site within a built up area, close to commercial premises, it is considered that the level of on-site parking could be supported. As noted by the Local Highway Authority, the Applicant has provided a response to the parking spaces provided which show the parking numbers provided for this size of the store would not cause a severe impact on the highway, although the number are not in line with the Local Planning Authority Policy DM5.



£100k is also to be secured through a S106 agreement in order to provide a zebra crossing. This will provide an improvement in pedestrian accessibility to the site. Furthermore, the site is approximately 600m from the town centre, so is clearly in walking distance to public transport and parking facilities.

In terms of justification for the pedestrian crossing facility and highway works, when considering development proposals, the NPPF outlines at para. 110 that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

At Para 112 it is stated:

'Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

Therefore the access and parking arrangements are considered acceptable for this development with justification for providing the pedestrian crossing facility and it is noted that bus stops are located within walking distance, as well as other services within the Town Centre.

## **5. Flooding, drainage and site contamination**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy S9 requires provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk and avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including sustainable drainage systems (SUDS),

arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.

The Drainage Statement confirms that the proposed development will introduce 6,825sqm of impermeable drainage area in the form of buildings and access which will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used, and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event. The proposed surface water drainage scheme will therefore ensure no increase in runoff over the lifetime of the development. Foul water generated by the Site should be discharged to the 225 mm public combined water sewer which runs across the Site via a gravity fed connection.

The application site is in Flood Zone 1 but the applicant has submitted a Flood Risk Assessment in order to provide the best available information for all sources of flooding for this site, with the conclusion being that this site is at the "lowest risk of flooding" from any source. The aim of the FRA is to outline the potential for the site to be impacted by flooding, the potential impacts of the development on flooding both onsite and in the vicinity, and the proposed measures which can be incorporated into the development to mitigate the identified risks. A sequential test has been considered given the finding of a small area of potential surface water flooding along the eastern boundary of the site.

The sequential Test ensures the development is sited on land that has the lowest risk of flooding within the local area, and it is concluded similar to the sequential test undertaken as part of the Retail Impact Assessment that there are no other available sites within Crediton having a lower risk of flooding with no other sites within policy allocations to meet a development such as this. Any vacant industrial/commercial sites have been ruled as being either too small or being further out of town. The sequential test is considered to have been passed.

On the matter of land contamination, a report has been submitted which identifies the potential for some land contamination given historic uses in and around the site. As such a condition is recommended by the Public Health Department which has been included within the recommendation. Subject to conditions the development is considered to comply with Policies DM3, DM4 and S9 of the Mid Devon Local Plan 2013-203.

## **6. Design and appearance of development and visual impact on the landscape**

The application site is located in an area containing residential, commercial, retail, leisure and recreational site. The proposed development would create a new foodstore with 1,256sqm sales area (2,022m<sup>2</sup> gross internal floor area), including a customer car park and recessed loading bay to facilitate the delivery of goods to the store. The proposed store has been positioned to the north east of the site. The western and southern areas of the site are to be customer parking with vehicle and pedestrian access.

The site is not located within a designated landscape but the development would be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

*Designs of new development must be of high quality, based upon and demonstrating the following principles:*

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

- d) *Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) *Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
  - i) *Architecture*
  - ii) *Siting, layout, scale and massing*
  - iii) *Orientation and fenestration*
  - iv) *Materials, landscaping and green infrastructure*
- f) *Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) *Suitably sized rooms and overall floor space which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) *On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

The material palette affords the design coherency of Lidl food stores. The west elevation facing Exhibition Road will implement 4m glazing to provide natural light and the shop front will wrap around a fraction of the south side elevation to comprise the customer entrance lobby. The elevations would consist of high level grey cladding, with red bricks and some feature areas will consist of blue/grey brick piers and plinth beneath. Roof cladding would be standing seam in silver and environmental and sustainable measures have been considered with the use of Trina TSM 300w (Solar PV) to be adopted on a simple framework so that panels are fixed as close and flat to the roof as possible.

The access for the site of Lidl is directly opposite other commercial premises and so there is a link to a commercial area; notwithstanding residential properties on the opposite side of Exhibition Road. Given the siting adjacent to Lords Meadow Leisure Centre, other businesses opposite that are off Commercial Road and residential properties off Exhibition Road, it is considered that the development would be viewed acceptably in this built up development context. Landscaping of the site is proposed as well as biodiversity enhancements through additional tree planting and bat and bird boxes. As such it is not considered that the proposal would have a significant detrimental impact on the landscape and on balance; it is considered that the design and layout of the commercial development would be acceptable in accordance with policies S9, DM1 and DM6 of the Mid Devon Local Plan 2013-2033.

## **7. Living conditions of the occupiers of nearby residential properties**

Policy DM1 states that development should be well integrated with surrounding buildings, streets and landscapes, and not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. Policy DM4 requires applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by assessments of the impacts and provide appropriate mitigation.

The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A number of concerns have been raised from nearby neighbours on the grounds of concerns over lighting, noise through late night deliveries and pollution from increased traffic movements. In terms of amenity levels, it is not considered that the introduction of a retail unit would result in any

significant overlooking or overbearing impact given the overall heights, position of windows and separation distances involved. The main consideration comes from the layout proposed and the location of plant, service yards and parking areas and associated lighting.

The Public Health Department have viewed reports and plans for noise and lighting associated with the development and have confirmed that they agree to the recommendations. As a result conditions are recommended requiring the external lighting to be in accordance with the information submitted and the Noise Assessment carried out.

The opening hours for Lidl stores are 08:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays. A condition has been recommended to hours of opening and delivery. With regard to servicing, it has been outlined that the applicant is mindful of minimising disturbance to any neighbouring landowners with each Lidl store typically having only 1-2 deliveries a day for all its products, including ambient, fresh, frozen and chilled goods. Total unloading time is generally only around 45 minutes and for Crediton the deliveries will come from Lidl's regional distribution centre in Exeter.

No other concerns have been raised from the Public Health Department in terms of air pollution with a financial contribution sought to provide air quality mitigation within the AQMP area given the increase in traffic as a result of the development. Conditions required for further surveys to address any land contamination are to be conditioned and the proposal on the basis of inclusion of conditions is considered to comply with policy DM1 of the Mid Devon Local Plan 2013-2033.

## **8. Ecology**

As part of this application, a preliminary ecological appraisal has been submitted whereby the ecologist identified that the site comprises largely of short-mown, species-poor semi-improved neutral grassland playing field, with ruderal vegetation, scattered scrub and scattered trees around the site boundaries. There are no sites (statutory or non-statutory) which are ecologically connected to the application site, and therefore, there are no potential constraints of the development in this respect. The habitats present on site are generally considered widespread and common and are of low ecological value. The plant species and habitats that are present are common and widespread.

The ecologist noted that there is suitable habitat on site to support breeding birds, therefore, it has been recommended that any hedgerow or tree clearance be undertaken outside of the bird nesting season (March – August inclusive), or, if this cannot occur, that the vegetation first be checked for active birds' nests by a suitably qualified ecologist. If any birds' nests are found, they should be left with a 5 m buffer until the chicks have fledged (usually six weeks). The site offers limited suitable habitat for reptiles, and so recommendations to sensitively clear this habitat have been made, to ensure any reptiles, if present, are not harmed. Several trees along the eastern site boundary were noted to be of low bat roosting suitability.

Objections were received on the grounds of loss of hedgerow and not achieving biodiversity improvements. Recommendations to enhance the site for biodiversity have been made, in line with local and national policy which would see the implementation of two bat boxes and bird boxes on site and as outlined on the landscape plan and commented upon by the Council's Arboricultural Officer, the landscape design has been reviewed and amended to include the planting of 13 trees that are a mix of Field maple and English oak. The proposed new tree planting is viewed as acceptable and will contribute to improving the landscape in the immediate area. In addition to the tree planting there is complimentary shrub planting along the western aspect of the site.

A condition is recommended for these mitigation/enhancement measures to be implemented as part of the development. Therefore subject to these conditions, the proposal would be in accordance with policies S1 and DM1 of the Mid Devon Local Plan 2013-2033

## **9. Impact on Heritage Assets**

The application site is not located within the Conservation Area, being sited approximately 90metres away which is where the nearest listed building of Blagdon House is located. The Council have a statutory duty to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66 of the LB Act).

Policy DM25 - Development affecting heritage assets states that Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).

Given the separation distances involved, viewpoints to heritage assets and the relationship to the playing fields site and commercial development to the south of the site, it is considered that the retail foodstore building would be of an acceptable scale and would result in less than significant harm to the heritage asset with the benefits of this development through employment generation and retail offer considered to outweigh any harm. The development is therefore considered to be in accordance with DM25 and the guidance within the NPPF.

## **10. S106 Obligations and local finance considerations**

As a result of this development, in the event that Members were minded to approve this application a section 106 agreement would be required to secure the following planning obligations:

- To address air quality within the Crediton Air Quality Management Area, a financial contribution of £87289 is required to be allocated and spent towards measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton.
- In order to secure playing fields/improvements following the loss of a playing pitch for the proposed development and in light of the requirements of Policy CRE6 requiring the relocation of Crediton Rugby Football Club, a financial contribution of up to a maximum of £400,000 to assist in the relocation process and provision of improvement playing fields.

- To secure the funding of £100K for Devon County Council to deliver the Zebra Crossing on Commercial Road which includes realignment of kerbing in Hawkins Way.

Policies S12 (Crediton) and CRE11 (Crediton Infrastructure) outlines the requirements for the provision of an off-site financial contribution towards funding improvements which seek to address air quality within the Crediton Air Quality Management Area. The Supplementary Planning Document (SPD) sets out the relevant contributions levels arising from new retail development as is the case with this application. In accordance with these policies and the relevant guidance in the supporting SPD on the provision and funding of Air Quality mitigation, a financial contribution as outlined above would be required for the new foodstore unit created given the increase in traffic into the AQMP area as a result of the development.

In terms of the financial contribution to be made in order to assist with the relocation of the Rugby Club, the financial contribution would go towards replacing the loss of a playing pitch through this planning application and in line with the requirements of Policy CRE6, it will enable Crediton Rugby Club to purchase a site thereby unlocking the site for housing development on the remainder of the allocation land. It is a case where the contribution will be (i) for a planning purpose (assisting the relocation of CRFC under the relevant policies and permissions), (ii) fairly and reasonably related to the permitted development (it does relate to the relocation of CRFC which is sought under the relevant policies and is necessary to make the relocation work), and (iii) it was not so unreasonable that no reasonable planning authority could have taken it into account and is therefore fairly and reasonably related in kind to the development.

The works for the crossing facility and highway works has been advised by the Local Highway Authority. The financial contribution and trigger points would be included within the S106 agreement with the proposal to improve pedestrian safety and connections with the town centre.

It is the opinion of your officers that the above contributions would meet the 3 limbs of the CIL Regulation 122 as above.

## **11. Sustainable development balance**

The NPPF sets a strong emphasis on the delivery of sustainable development. The development is considered to meet the tests required to prevent harm to the vitality and viability of the town centre with the site located within walking distance of the town centre and close to public transport and other services. The development is not considered on balance to result in significant harm to the environment, resulting in employment opportunities and offering more choice to consumers, thereby meeting economic and social objectives.

Other matters put forward in favour of the development include an absence of harm to ecology, visual amenity, highway safety and a limited impact on the living conditions of the occupiers of nearby residential properties. Mitigation measures are to be implemented to address drainage and flood risk. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

Whilst the site is allocated for housing under Policy CRE6 of the Mid Devon Local Plan 2013-2033, the proposals would help to unlock future housing development on the playing fields given the requirement for the relocation of the Rugby Club which would be assisted through a financial contribution with outline planning permission secured at Creedy Bridge for the relocation with Agronomy surveys undertaken identifying that playing fields could be provided to the necessary standard to meet the requirements of Sport England. The assessment of the application for a retail foodstore has not raised any concerns in terms of Highway safety, or capacity issues and/or in

terms of managing surface water drainage requirements of the new site. Therefore the recommendation is one of approval subject to the signing of a S106 agreement.

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

## CONDITIONS

As a result of this development, in the event that Members were minded to approve this application a section 106 agreement would be required to provide for the following:  
Financial contributions of:

- 1) £87289 which is to address air quality within the Cridton Air Quality Management Area, to be allocated and spent towards measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Cridton.
- 2) In order to secure playing fields/improvements following the loss of a playing pitch for the proposed development and in light of the requirements of Policy CRE6 requiring the relocation of Cridton Rugby Football Club, a financial contribution of up to a maximum of £400,000 to assist in the relocation process and provision of improvement playing fields.
- 3) To secure the funding of £100K for Devon County Council to deliver the Zebra Crossing on Commercial Road which includes realignment of kerbing in Hawkins Way.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to commencement of any building works on the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the

Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried out strictly in accordance with the approved CMP.

4. Before the commencement of any building works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

5. Deliveries or collections of goods to and from the stores including the collection of packaging, waste or other items shall only take place between the hours of 7 am and 10.30 pm Monday to Saturday and 8 am - 4 pm on Sundays and the opening hours shall be restricted to 7am to 10pm Monday to Saturday and 10am to 4pm on Sundays.

6. The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site given the findings of the contaminated land and geotechnical report, prepared by Obsidian Geotechnical dated January 2021 which identifies that the historical use was agricultural before the sports fields, however there was a gas works nearby and on site some made ground has been encountered. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Development on the site shall not commence until the land contamination investigation report and any remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

7. The development hereby approved shall be carried out in accordance with the mitigation and enhancement recommendations outlined within the Preliminary Ecological Appraisal dated December 2020 and prepared by the RPS Group. Prior to occupation of the retail unit, the bat and



bird boxes as shown on the Proposed Ecology Plan, drawing no. AD 125 shall have been installed and shall be maintained thereafter.

8. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

9. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

10. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and on site drainage infrastructure have been provided and maintained in accordance with details on the approved plans. Following their provision these facilities shall be so retained.

11. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 meters back from its junction with the public highway.

12. No part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed up to base course level for the first 25 meters back from its junction with the public highway, the ironwork has been set to base course level and the visibility splays required by this permission laid out, a site compound and car park have been constructed to the written approval of the Local Planning Authority.

13. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway. The designs and recommendations contained within the Signify report dated December 2020 which includes an acceptable scheme designed to minimise lateral and upward light pollution shall be implemented and maintained thereafter.

14. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

15. All existing trees identified to be retained on the Proposed Landscape Design & Specification Plan, drawing no. AD\_116 Rev G, shall be protected throughout the construction of the development hereby approved with protective barriers to be erected prior to construction works being undertaken on site. Protective tree fencing should be in line with the Tree Protection proposals outlined within the Tree Constraints Report & Arboricultural Assessment where tree protection would be 12 times the diameter of the stem, 1.5 m in height. Any trees shown for retention that within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

16. The net sales area of the food store hereby approved shall be limited to 1256 sq.m with convenience goods sold from the unit available from 80% of the net sales area with 20% of the net

sales area available to sell comparison goods. For the avoidance of doubt this would require that not more than 251.2 sqm net should be devoted to comparison good sales floor space.

17. Notwithstanding the details as submitted, the retail unit (Class E) hereby approved shall trade as single retail unit and shall not be subdivided into separate smaller retail units.

18. No goods shall be displayed for sale in the car parking or landscaped (hard and soft) areas as shown on the approved plan without the prior permission of the Local Planning Authority.

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

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

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

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (c) above.

20. The development shall be carried out in accordance with the recommendations outlined in the comprehensive noise report prepared by Acoustic Consult Ltd dated December 2020 noise report and submitted as part of the planning application. The report evaluates the potential impact of plant noise on the nearest residences and concludes that the likelihood of unacceptable impact is low primarily because the plant is located remote from residences.

21. Full details of the soft and hard landscaping including any boundary treatments will be provided prior to occupation of the development hereby approved. Hard landscaping details will provide full information on product and finish whilst soft landscaping will provide (where appropriate), species name and a detailed plan of how the landscaping will be managed in perpetuity.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning.

3. In the interests of highway safety and to safeguard the amenities of the occupiers of neighbouring property in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

4. To protect the amenity of local residents from unacceptable noise and dust during construction works in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

5. To ensure that the proposed development does not prejudice the amenities of neighbouring properties in line with policy DM1 of the Mid Devon Local Plan 2013-2033.

6. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance

with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

7. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.

8. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM1 of the Local Plan 2013-2033

9. To ensure, in accordance with Policy DM25 and paragraph 205 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development.

10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033.

11. To prevent mud and other debris being carried out on to the public highway

12. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

13. To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway or impact on the amenity of occupiers of neighboring residential property in line with Policy DM1 of the Mid Devon Local Plan 2013-2033.

14. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.

15. In the interest of the visual amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

16. In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

17. In order to minimise the impact of the proposed development on the vitality and viability of Crediton Town Centre, in accordance with policy DM15.

18. To manage the retail sales element of the development and protect the visual amenities of the site in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033

19. The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

20. To protect the amenity of occupiers of neighboring residential property in line with Policy DM1 of the Mid Devon Local Plan 2013-2033.

21. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.

## **INFORMATIVES**

1. If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.  
<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>  
Please consult environmental health on requirements if needed. For structural requirements this is ideally sought before works start. The Food Standards Agency website is also a useful source of information <https://www.food.gov.uk/>.
2. The applicant must ensure the public path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way or road in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way or road without following the due legal process including confirmation of any order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.

3. Devon Cornwall and Dorset police advise that consideration should be given to the use of robust defensive planting along the east elevation and that it should be ensured that the glazed store frontage is protected against possible vehicle attack, either accidental or premeditated, this could be achieved through appropriately located bollards/planters etc. External doors and windows are recommended to be independently security tested and certificated products to an appropriate nationally recognised standard such as PAS24:2016 or similar. It is recommended that consideration is given to the inclusion of a lockable barrier or gates at the car park entrance.
4. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction. To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or downloaded from the Planning section of the Mid Devon Council website, [www.middevon.gov.uk](http://www.middevon.gov.uk). A fee may be required (dependent on the type of application) for each separate submission (if several or all the details are submitted together only one fee will be payable). Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Phoenix House, Tiverton.

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

The proposed erection of a food store (Class A1) with associated parking, landscaping and access arrangements is considered to be supported when the policies of the Local Plan are viewed as a

whole. The development is not considered to impact detrimentally on the viability or vitality of the town centre with sequential tests met. The retail use of the store proposed will contribute to customer choice within the town of Crediton with a limited impact on the existing traders. The development is also not considered to result in a detrimental impact on the character of the area or result in significant adverse impacts on amenity levels of occupiers of residential property. Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. In addition the economic benefits in terms of increased employment in the locality, financial contributions towards air quality mitigation and assistance in the relocation of Crediton Rugby Football Club have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this location. With conditions relating to landscaping, highway matters and drainage, the application scheme considered to comply with policies S1, S2, S7, S8, S9, S12, CRE11, DM1, DM2, DM3, DM4, DM5, DM15, DM25 and DM26 of the Mid Devon Local Plan 2013-2033.

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

Application No. 22/00371/FULL

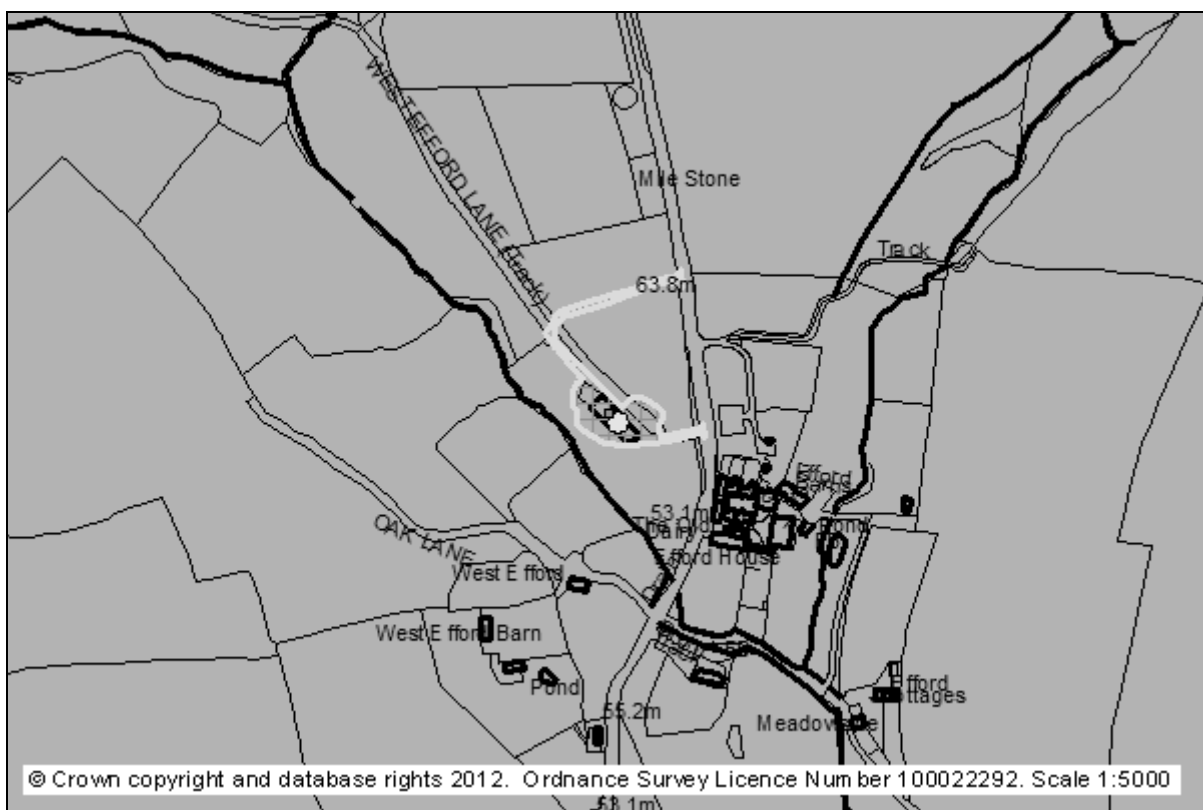
Grid Ref: 288969 : 101210

Applicant: Mr & Mrs A Brightwell

Location: Land and Buildings at NGR 288969 101209 (West Efford Farm)  
Efford  
Shobrooke  
Devon

Proposal: Erection of dwelling following demolition of Dutch barn and stable and formation of vehicular access

Date Valid: 24th February 2022



## **APPLICATION NO: 22/00371/FULL**

### **MEMBER CALL-IN**

This planning application has been called in by Councillor Graeme Barnell for the following reasons:

To allow Members to consider the detail of the application and its compliance with National and Local Planning Policy, both adopted policies within the Mid Devon Local Plan 2013-2033 and the National Planning Policy Framework (NPPF). Specifically whether the proposal for an unrestricted dwelling in this location is acceptable taking into account exceptions outlined within the NPPF Para 80.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The applicant seeks planning permission for the erection of dwelling following demolition of Dutch barn and stable and formation of vehicular access on Land and Buildings at NGR 288969 101209 (West Efford Farm), Efford, Shobrooke.

West Efford Farm is located outside of any recognised settlement within the adopted Mid Devon Local Plan, being in countryside in policy terms located north of the hamlet of Efford, approximately 5.4km north-east of Crediton.

The proposals include the demolition of the existing barn, extensions and stable, with the construction of a new dwelling in approximately the same location, as well as the addition of a new access track and construction of a nearby photovoltaic array.

The development proposal is being submitted in accordance with the special circumstances identified within Paragraph 80e of the National Planning Policy Framework (NPPF), which allows the development of isolated homes in the countryside, subject to certain criteria, including if it is of exceptional quality in that:

- *Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

The form of the development/design approach would be that of two agricultural buildings, albeit a main living area over two floors (Living Wing based on the linhay typology) and link to a single storey service wing (draws on the shape and form of a hedge bank being continuous along lane with earthen walls with planting on top creating a living roof). The existing access to the barns would become an 'in route with the exit for the site being via a new driveway across the upper field.

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

Plans, Planning Document, Planning Statement, Foul Drainage Assessment Form (FDA1), Ecological Impact Assessment Report, Landscape and Visual Appraisal, Regulations Compliance Report, SUDS Strategy, SWW Record, Access Strategy, Locations and Ductwork Layouts, Drainage, Design Review Panel Feedback 22/07/20, Design Review Panel Feedback 20/04/21, Design Review Panel Feedback 08/09/21

## **RELEVANT PLANNING HISTORY**

14/01807/PNCOU - RPA date 13th January 2015 Prior notification for the change of use of agricultural barn to dwelling under Class MB (a) and (b)

17/01712/PNCOU - WDN date 14th December 2017 Prior notification for the change of use of agricultural barn to dwelling under Class Q

18/01281/PNCOU - PNP date 17th October 2018 Prior notification for the change of use of agricultural barn to dwelling under Class Q - APPEAL DISMISSED 18 June 2019

18/01379/FULL - PERMIT date 18th October 2018 Formation of new access track

## **DEVELOPMENT PLAN POLICIES**

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

S1 - Sustainable development priorities  
S3 - Meeting housing needs  
S8 - Infrastructure  
S9 - Environment  
S14 - Countryside  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM5 - Parking  
DM9 - Conversion of rural buildings

National Planning Policy Framework ("the NPPF")

National Planning Practice Guidance

## **CONSULTATIONS**

Shobrooke Parish Council – 17<sup>th</sup> March 2022

Although generally in favour of this application, Shobrooke Parish Council request it be considered by the Planning Committee. Due to its unique nature and because the application is made under Section 80 of the NPPF Councillors request it is decided by committee rather than officer alone.

Local Highway Authority – 7<sup>th</sup> March 2022

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

Public Health – 17<sup>th</sup> March 2022



Contaminated Land - No concerns - 15.03.22

Air Quality - Not applicable - 15.03.22

Environmental Permitting - Not applicable - 15.03.22

Drainage - The applicant proposes to install a package treatment plant discharging cleaned water to a watercourse. An EA permit will be required but we have no concerns regarding this proposal - 15.03.22

Noise & other nuisances - No concerns anticipated - 15.03.22

Licensing - N/A - 02.03.22

Food Hygiene - Not applicable - 02.03.22

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT - 02.03.22

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 - 02.03.22

Natural England – 15<sup>th</sup> March 2022

Natural England has no comments to make on this application

## **REPRESENTATIONS**

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

Five letters of representation were received, three of which were objections, one was in support and the other was a general comment. The comments raised are summarised as follows:

- Concerns raised that the planned landscaping at the southeast of the proposed development will have an adverse effect on the neighbouring properties at Efford Barns.
- The current hedge line opposite Efford Barns is sparsely planted with native hedgerow and is maintained to a reasonable standard, which lets a good deal of light through to the neighbouring properties. The proposed broadleaved planting area to the southeast could be allowed to grow tall blocking the light, with the potential to cause damage to the neighbouring properties from falling vegetation.
- A more limited planting scheme, away from the South-eastern boundary and maintained to a height of no more than 1.5m would be preferable to maintain the light to the neighbouring properties and allow for better maintenance.
- The applicant has agreed that he will maintain the existing hedgerow to a height of 1.5m as stated in the planning documents submitted. He has also agreed that a 7.5m strip of pasture will be left unplanted from the hedgerow to the proposed tree planting area. In addition to this, tree planting will be sparsely planted and selected from low height varieties. These landscaping agreements/safeguards should be reflected in any planning permission.

- On page 33 of "Landscapes and visual appraisals" it mentions that the existing hedge row would be kept to height of no more than 1.5m in October to November.
- Assurances that any new hedge growth or tree planting can be managed properly and would not cause any further issues as already present.
- Concerns over the access to the property as currently the bottom entrance is used for access. This is only be used as an entrance on the plans. If it is to be only used as an entrance, there is no guarantee that an entering vehicle could gain immediate access and would not have to stop partially or completely on the road. This can be a very fast road despite the 30mph speed limit. This would force cars onto the opposite side of the road as is already the case.
- The proposed entrance to the development, although an improvement on the previous scheme, could also be used as an exit as the development matures. The Access Strategy notes that there is no visibility and as such would be extremely dangerous, particularly at peak commuter times. I am in favour of the proposed exit, which is in a more suitable location, and would favour permanently closing the proposed entrance location to vehicles to avoid the possibility of accidents in the future.
- How would the property obtain its electrical and telecom supply? Currently there is no power or telecoms on that side of the road. This would mean either overhead or underground cabling would be needed. I would seriously object to any new electricity poles being put up in the area. If the cabling was to be underground, I would have no issues with this.
- The comprehensive manner in which this application is presented shows in detail how this dwelling will unobtrusively blend into the landscape, yet mirror the various farmsteads in the parish with its sensitive design.
- The use of CobBauge in the construction reflects many of the older farm buildings in the parish of Shobrooke.
- It is clear that the proposed dwelling will be far more attractive than the dilapidated Dutch barn, which if left, will only become more of an eyesore in the locality.
- This application would make much better use of the site and appears to have been well worked out in terms of architecture and landscape.
- The proposed use of the open field as a wildflower meadow would appear to pose no adverse risk to the neighbours septic tank sited in the field.
- Landscape tree planting is shown in the South East corner of the field which is welcome as will provide privacy to neighbours.
- Some minor variation in the tree planting scheme will be required to accommodate the location of the neighbour's septic tank to avoid planting too close to pipes or tank and to retain access for maintenance.
- There has been no consideration to the impact the new build will have on southern views from stables located to the north east of the planning site, RVP 06 on the plans.
- The roof of the Dutch Barn sited there currently is clearly visible from our location, and at present is in keeping with the rural surroundings. Looking at the plans of the new building (house) although it's not on the same footprint as the old barn, the ridge looks to be higher, which could potentially be even more visible.
- As to the site plans there are no indications of screen planting of trees for instance to offset this new potentially bigger and higher non-agricultural building, along with the new PV solar array which will potentially also be seen.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Policy and principle of development
2. Para 80 of the NPPF
3. Details of the scheme

4. Assessment against Para 80
5. Highway, access and parking
6. Impact on the amenity of nearby residential properties
7. Other matters
8. Planning balance

#### 1) Policy and principle of development

S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.

The main issue is whether or not the proposal accords with local and national planning policy which seeks to restrict new residential development in the open countryside. The development Plan in force consists of the Mid Devon Local Plan 2013-2033. The relevant policies within the Local Plan relating to the principle of the development are considered to be those of Policies S1 (Sustainable development priorities), S3 (Meeting housing needs), S8 (Infrastructure), S9 (Environment) and S14 (Countryside). Policy S14 stipulates the circumstances in which development will be permitted in the open countryside, and the proposal does not meet any of the stated criteria being an open market dwelling.

The policies within the Mid Devon Local Plan 2013-2033 sets the distribution of new development to meet sustainability objectives, concentrating development principally in the main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy S9 (Environment) seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets', particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment.

The application site is in the countryside distant from any sizeable settlement. One of the nearest settlements with services is the village of Shobrooke and then Crediton a little further away. Therefore the occupiers of the application proposal would be reliant on the use of the private car for essential day-to-day activities. In view of this and having regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite this conflict with the development plan.

#### 2) Para 80 of the NPPF

Para 80 of the NPPF (previously para 79 of the NPPF 2019 and para 55 of the NPPF 2012) sets out circumstances where the restrictions on new dwellings in the open countryside may be set aside. It states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

Members will be familiar with some of the above exceptions such as a) which relates to agricultural workers dwellings and c) which relates to barn conversions. However Members attention is drawn to para e) which relates to dwellings of exceptional quality and it is under this exception that the application has been made.

In the first instance, it is necessary for the Local Planning Authority to consider whether the site is considered to be 'isolated'. A High Court case concluded that the term 'isolated' was in the sense of being separate or remote from a settlement and 'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision maker in the particular circumstances of the case in hand.' Your officers acknowledge that in this instance the site is isolated and therefore the proposal can be correctly assessed against the criteria in paragraph 80 (previously paragraph 79) of the NPPF. Your officers have therefore considered the scheme against the criteria in para 80 (e).

### 3) Details of the scheme

The proposals involve the demolition of an existing Dutch barn and stable and the erection of an open market dwelling of exceptional quality design. As commented upon earlier in the report, the proposal is to create a living wing and a service wing with an entrance link.

The Living Wing is based upon the traditional typology of a Linhay which has a long linear form with repeating bays, expressed external and internal structure, three solid sides and fourth open side and which commonly uses cruck construction. The Service Wing is based upon the idea of a hedge bank being continuous along the lane with earthen walls with planting on top. The Entrance Link is based upon the concept of a gate sitting between a building and a hedge bank forming an enclosure and controlling movement.

The design evolution has been identified throughout the supporting documentation for the linhay construction of the living wing with elongated frame with simplified glulam crucks. In terms of materials, external cladding is used to divide the wall into bays and reference the infill between structure found on linhays. Gable ends clad with standing seam zinc referencing corrugated metal. The cruck frame exposed through openings and standing seam zinc references the corrugated metals roofs used to replace thatch.

The Living Wing draws from the typology of the linhay adjusted to suit human inhabitation, by re-orientating the building solar gains are improved as is the alignment with the site contours. The hedge bank becomes the Service Wing and the Gate becomes the entrance link between the wings.

The service wing forms part of the reinstatement of the hedge banks along the lane. Its form references the 'hockey-stick' like shape and rounded edges of the other hedge banks and a planting strategy in keeping with the hedge banks. The proposal is to create a building which mimics this form using earth walls and a green roof with carefully positioned openings. The cob or earth walls require suitable protection from the Devon weather so like the cob garden wall it will require a stone plinth and overhanging roof.

The management of the banks and Green Roofs would be carried out in accordance with the LEMP (to be conditioned). The earth walls are to be CobBauge which is a research project led by the University of Plymouth which is looking at how the traditional building technique of cob can be developed into a technique more appropriate for modern methods of construction.

The strategy outlined within the submitted Landscape and Visual Appraisal is that the design and landscape strategies consist of the protection and enhancement of key character features such as:

- *Using the lane and historic barn location as an anchor to the development;*
- *Reinforcing the alignment of the lane hedge bank lane as a central feature;*
- *Locating the building within the less visually sensitive core area, parking and domestic paraphernalia to be screened by built form /hedge banks;*
- *Enhancing and extending the existing woodland habitats within the wooded valley to further filter the two opportunities for views and increase species diversity, connectivity and longevity;*
- *Introduction of species rich grasslands; and*
- *Increase connectivity and enhance hedge banks including introducing as new boundary features.*

#### 4) Assessment against Para 80

Paragraph 80 of the NPPF:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*(e) the design is of exceptional quality, in that it:*

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

The question to be answered therefore ‘Is the design truly outstanding and representing the highest standards in architecture and help to raise standards of design more generally in rural areas and significantly enhance its immediate setting?’

Paragraph 124 of the NPPF recognises the importance of well designed, attractive and healthy places whilst paragraphs 126, 127, 129, 130 all seek quality in design. Paragraph 133 states that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development and in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels, whilst paragraph 134 requires great weight should be given to outstanding or innovative designs, which amongst other matters help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings. Therefore, there is a general presumption at both national and local policy level for good design; paragraph 80 demands a scheme that is truly outstanding raising the bar very high.

As an Authority, we actively encourage applicants to pursue review of their schemes (pre-application) with the Design Review Panel. This is a panel of multi-disciplinary professionals (architects, urban designers, landscape architects etc) who offer design critique together with guidance and suggestions with a view to raising the standard of design in the South West. With regards to this application, the proposal has undergone pre-application discussions and have been reviewed three times by the South West Design Review Panel.

Through pre-application, it was identified that the site is located outside of the hamlet of Efford, outside of any landscape designation, being within flood zone 1 and some distance away from any heritage assets. The site consists of an agricultural building and adjoining structures, and surrounding agricultural land. The site is bound by open fields to the north and west and the site abuts woodland to the south. The site is located west of an unnamed road which links to Langford Road and the A377 to the south, and Raddon Hill to the north, with a cluster of residential dwellings to the east of the road.

The site is deemed as countryside in policy terms due to its location outside of any recognised settlement in the Local Plan with a development boundary. Having viewed the planning history of the site, it is noted that two previous prior notifications (14/01807/PNCOU and 18/01281/PNCOU) for the change of use of the agricultural barn to a dwelling were refused with the latter dismissed at appeal. The main reason for the refusal was down to the amount of rebuild required to convert the existing agricultural building on site.

Therefore the route of the new dwelling is via consideration of Para 80 of the NPPF, which sets out various circumstances which can enable the erection of new isolated dwellings in the open countryside. The requirements of Paragraph 80 sets a high bar for architects and it has been noted that the architects of this scheme advertise that they are the only architectural practice in the UK to almost exclusively specialise in the design of truly outstanding NPPF Paragraph 80 houses (formerly Para 79) of exceptional quality.

To guide and help the proposal meet the test of NPPF Para 80e, the applicant's architects sought the advice and approval from an independent Design Review Panel on three separate occasions. Such engagement reflects 'the highest standards in architecture' and 'helps to raise the standard of design more generally in rural areas'. Each time taking on the advice of the panel to enrich and further the design in order to ensure it meets the tests of Para 80e.

From the third viewing of the Design Review Panel the following comments were made:

*"The Panel remains supportive of the stated aspirations and continues to consider that the site has the potential to be suitable for a paragraph 80e (previously 79e) dwelling. It is felt the proposals reflect a high standard of design, representing a modest and sensitive building that makes appropriate reference to vernacular traditions. The Panel welcomes the strong narrative presented, and it is considered the proposed building is now a much simplified and clearer expression of that narrative. It is felt that the architecture has improved since the previous review, subtly yet very significantly. It now reads as an authentic coherent and confident building that derives from the originally stated narrative. Subject to other comments in this document, the proposals would help to raise standards of design more generally in rural areas"*

The final recommendations and suggestions from the Design Review Panel and the response by the architects through the planning submission were as follows:

1. *"Demonstrate how the linhay and cruck frame are physically load bearing and an integral part of the buildings. Express how the cruck frame is connected conceptually and physically to the building possibly integrating some traditional features of a cruck construction and expressing these internally."*

To address this the architects engaged with engineers HRW who provided structural advice on the tilted glulam cruck frame. This included a strategy for how the glulam cruck frame supports the roof and the introduction and expression of purlins and cruck spurs internally which are key traditional cruck frame features.

2. *“Consider the positioning of the proposed MVHR unit and associated ductwork to ensure the proposed ventilation strategy can be accommodated in a holistic and integrated manner within the proposed aesthetic and appearance of the building without compromising the conceptual narrative.”*

The integration of the MVHR system resulted in some very minor tweaks to the voids along the northern wall of the living wing and has been designed in a way to ensure that the conceptual narrative or aesthetic are in no way compromised.

3. *“Demonstrate the reasoning for the PV Array position.”*

The architects explored 6 different options within the wider ownership boundary, and settled on an area close to the proposed building whilst having the lowest visual impact to the wider landscape and proposed scheme.

4. *“Review the proposed tree planting mix.”*

The ecologist has reviewed the planting mix and as some trees were felt to not be of the local character they have adjusted the planting strategy to benefit the area and tie in with the local character

Therefore turning to the assessment of Para 80e of the NPPF, the test is firstly to demonstrate how the design truly outstanding, reflecting the highest standards in architecture, and whether it would help to raise standards of design more generally in rural areas. Officers agree with the conclusions outlined within the Planning Statement which were

- The rigorous research and analysis of local rural vernacular which have informed the proposals this, along with the learning outcomes of the project, will help to raise the standards of design more generally in rural areas.
- The key architectural elements of the proposals have been designed to respond directly to the site’s defining characteristics, scale, materiality and visual impact.
- The building is exemplar of how contemporary architecture can learn and take inspiration from traditional local building typologies, such as the Devonshire Linhay, and locally distinctive materials and techniques with its use of CobBauge.
- The building has been designed using the principles of Passivhaus, optimizing passive solar gains and built with airtight fabric first principles to retain heat during the winter months allowing for significantly less energy to be used than normally required.
- The building uses a bespoke combination of renewable energy technology systems tailored specifically to the best resource availability of this particular site to produce heat and power throughout the year.

To the second test which is to demonstrate that the proposed design significantly enhances its immediate setting and again officers would agree with the following:

- The house and landscape proposals are the result of thorough research and analysis of local rural vernacular, landscape and settlement pattern, and history. This all forms an in depth understanding of defining character of the local area which has led to a highly sensitive yet contemporary response.

- Historical analysis of the area led to the proposed house being designed around an existing local typology - the Devonshire linhay, embedding the building into its setting.
- Landscape and settlement analysis identified narrow hedge bank bordered lanes, with buildings aligned with lanes and site features, and arranged around courtyards. This developed the architectural language for the service wing, entrance link and linhay.
- The choice of materials demonstrates a sensitivity to local distinctiveness. Responding to the locally distinctive hedge banks and respecting the material qualities, characteristics and colour palette of the surrounding area.
- Enhancing hedge banks, strengthening and reinforcing adjacent woodlands, and meadow grassland all help to significantly enhance the ecology, biodiversity and drainage of the site.

Therefore officers agree that the landscaping proposals have been carefully designed to “significantly enhance its immediate setting of the proposed building and significantly improve local ecology and biodiversity” and that the tests of Para 80 of the NPPF have been met. The proposed development can be assimilated into the current setting without negatively affecting the character or visual amenity of the site. The architectural design and improved landscape setting will afford significant positive benefits to the key landscape features and habitats.

#### 5) Highway, access and parking

Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

Concerns have been raised over the current entrance and the limited visibility. As noted on the plans the proposal is to create an in and out loop through a new access track linking to the access off the upper field which would provide a safe access arrangement in accordance with Policy DM3. It is noted that the existing access would be used for agricultural activities associated with the existing barns/stable on site and the Local Highway Authority has raised no objection stating standing advice should be used.

Parking can be provided on site to achieve the required parking standards under policy DM5 of the Mid Devon Local Plan 2013-2033. A condition has been recommended whereby the dwelling cannot be occupied or brought into use until the parking, turning areas and new access track detailed on the plans submitted have been provided in full. For the reasons above, the proposed development would not be harmful to the safety and convenience of road users.

#### 6) Impact on the amenity of nearby residential properties

Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments:

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*



*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the dwelling and orientation of windows is such that it is considered that a residential development has been designed to be in accordance with these two policies, with adequate separation to any nearby neighbouring residential properties.

In terms of amenity for the occupiers of the proposed dwelling, Policy DM1 seeks to ensure that dwellings have an appropriate size and minimum level of amenity to suit its location. The layout for the dwelling delivers habitable accommodation which exceeds the space requirements established by the national standards.

## 7) Other matters

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is not located within a designated landscape and the overall design is considered to be in accordance with Policy DM1. A solar photovoltaic electric system is proposed on site and this would be supported by policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033. With respect to the sustainability credentials of the dwelling, there has been a fabric first approach through materials, insulation and orientation of windows which will result in very high thermal performance.

In relation to the wider landscape, the site is within the countryside and the site of the new house is on a similar footprint to the existing agricultural barns on site so that it would not result in an

increase in built form in this countryside location. The proposal is of a sensitive design to fit into the landscape.

With regards to protected species on site, the ecological impact assessment report submitted concludes the site is dominated by semi-improved species poor grassland. Additional habitats included dense scrub, tall ruderal, hedges, fences and buildings. An assessment of site valuation and impact to habitats was undertaken with suitable mitigation and compensation measures suggested as required. A thorough internal and external assessment was carried out of the barn with attached extensions and stable, where no potential for roosting bats was recorded. The buildings were considered to offer 'No/Negligible' potential for bats and no further surveys were considered necessary based on the proposed works. Although no active breeding birds were noted within any of the building at the time of the survey, a single wren nest was recorded within the stable in 2020. No evidence of barn owl was recorded within the buildings, with no suitable nesting ledges or cavities for barn owls, although roosting potential was noted with a precautionary approach suggested.

Through the proposed mitigation and precautionary measure, the development was not considered to have any significant residual effect to important ecological features within or adjacent to the Site. Provided the proposed mitigation, compensation and enhancement measures are followed, the development was considered to be consistent to relevant conservation legislation, NPPF (2021) and local policies. A condition is therefore recommended for the development to be carried out in accordance with the recommendations within the ecological impact assessment and production of a LEMP.

Therefore in light of the above, it is considered that the design, landscape and ecology proposals are capable of complying with policies DM1 and S9 of the Mid Devon Local Plan 2013-2033 and the provisions of the NPPF.

Concerns have been raised to delivery of services to the site and that any overhead cables or poles could detract from the amenity of the area. As such, a condition has been recommended for underground services.

## 8) Planning balance

As outlined earlier, S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration and Para.80e allows for a new dwelling subject to:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

The main test for this application is therefore made against Para 80 of the NPPF and the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. It is considered that the development would be of exceptional quality and enhance the immediate setting and therefore meets the tests, thereby outweighing Policy S14 which restricts new housing in the countryside. The application is in full and there are no technical reasons why the application should not be approved, subject to the required

mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted, and the access onto the local road network and parking facilities are acceptable to the Highway Authority, subject to conditions. The development is considered to represent a high standard of design and will result in biodiversity enhancements across the site.

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

## **CONDITIONS**

1. The development hereby permitted shall 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. Prior to their use on site, details/samples of the materials proposed to be used on the external surfaces of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be so used and retained thereafter.
4. Notwithstanding the details submitted in the Landscape and Visual Appraisal and Arboricultural Report outlining the proposed tree planting to be planted on site, prior to above ground works being carried out in respect to the new dwelling full details of the plant species to be used and the positioning of planting as part of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
5. 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, of Part 1 relating the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or rooflights, and the provision of outbuildings of Class A of Part 2 relating to enclosures, shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.

6. The development hereby approved shall be undertaken in full accordance with the recommendations, mitigation and enhancements contained in the submitted Ecological Impact Assessment Report dated February 2022 produced by Colmer Ecology. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on Site. Any LEMP shall outline details of any landscaping plans, monitoring, ecological enhancements and long-term ecological gain. The development shall be implemented in accordance with the approved LEMP and ecological enhancement measures shall be retained indefinitely.
7. 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 on site. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and harm to protected species, from both internal and external light sources. External lighting at the site shall only be installed in accordance with the approved details, and the approved scheme shall be provided in full prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained indefinitely.
8. The dwelling hereby approved shall not be occupied or brought into use until the parking, turning areas and new access track detailed on the approved plans have been provided in full. These elements shall thereafter be retained for the use of the associated dwelling for the life of the development.
9. All telephone, electricity and mains gas services to the building shall be placed underground.

## **REASONS FOR CONDITIONS**

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. RD7A for the avoidance of doubt in the interests of proper planning.
3. To ensure the materials used are of a high quality and appropriate to the rural context in accordance with Policy DM1 of the Mid Devon Local Plan 2013 – 2033.
4. 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
5. To safeguard the amenities of the area and the amenities of neighbouring dwellings and given the countryside location of the site, reflecting the restricted approach to countryside development, to be in accordance with Policies S14 and DM1 of the Mid Devon Local Plan 2013-2033.
6. In the interests of nature conservation and in accordance with the guidance contained in the National Planning Policy Framework.
7. In the interests of nature conservation and to prevent unacceptable levels of light pollution, in accordance with Policy S9 of the Mid Devon Local Plan 2013 – 2033.

8. In the interests of highway safety and amenity and in accordance with Policies DM1 and DM5 of the Mid Devon Local Plan 2013 – 2033.
9. In order to safeguard the visual amenity of the area and the character and appearance of the building in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

## **INFORMATIVES**

1. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.
2. Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive

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

**The proposals outlined seek to create a new dwelling of a high quality design in accordance with the requirements of Paragraph 80 of the National Planning Policy Framework is considered to be acceptable in this instance. The proposed development results in a higher quality design which provides an improvement on the landscape than the current agricultural buildings on site. It is not considered that the proposed development would result in significant harm to amenity of occupiers of neighbouring residential properties, the character and appearance of the rural area and the proposed development is not likely to result in any adverse highway impacts. On this basis it is considered that the proposal is supported in accordance with Policies S9, DM1, DM2 and DM5 of the Mid Devon Local Plan and the National Planning Policy Framework.**

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

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

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	01/07/2022	22/00642/MFUL	Erection of 21 dwellings with associated open space, landscaping and infrastructure	Land and Buildings at NGR 302094 104175 (Westcott Park) Westcott Devon	Mr Oliver Gibbins	DEL	
2	0	01/07/2022	22/00648/MFUL	Erection of an agricultural livestock cubicle (1219 sq. m.) (Revised Scheme)	Land and Buildings at NGR 269140 104602 (Manns Newton) Zeal Monachorum Devon	Mr Adrian Devereaux	DEL	
3	2	21/06/2022	22/00539/MOUT	Outline for the erection of 14 dwellings to include a footpath link with all matters reserved	Land at NGR 273411 108426 (Sandhurst) Lapford Devon	Mr Adrian Devereaux	DEL	
	2	21/06/2022	22/00481/MARM	Reserved matters for the erection of 190 dwellings together with associated infrastructure following outline approval 17/01170/MOUT	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	DEL	

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## LIST OF APPEAL DECISIONS FROM 18/03/22 – 05/04/22

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
20/02005/FULL	Erection of holiday lodge	Land at NGR 290596 115898 (Pantacridge) Loxbeare Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
21/01504/CLP	Certificate of lawfulness for the proposed conversion of an agricultural building to 2 dwellings with associated development, including partial demolition	Land and Buildings at NGR 300900 108280 (Cob Barn, East of Grownen Farm) Grownen Lane Cullompton Devon	Refusal CLP for Proposed Use	Delegated Decision	Refuse permission	Written Representations	Appeal Allowed
21/00582/PNCOU	Prior notification for the change of use of an agricultural building to 2 dwellings under Class Q	Land and Buildings at NGR 300900 108280 (Cob Barn, East of Grownen Farm) Grownen Lane Cullompton Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Allowed
21/01510/PNCOU	Prior notification for the change of use from commercial, business and service (Class E)	Land and Buildings at NGR 308716 111131 (Cadhayes)	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
	to 1 residential dwelling (Class C3) under MA	Ashill Devon					

## PLANNING COMMITTEE

## AGENDA ITEM

20 APRIL 2022

### REPORT OF ANGHARAD WILLIAMS, DEVELOPMENT MANAGEMENT MANAGER.

#### PLANNING AND BUILDING CONTROL PERFORMANCE

##### **Reason for Report:**

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. Building Control performance information is also provided although this is primarily reported to the Building Control Partnership Joint Committee.

##### **Matters for Consideration:**

Performance against targets, the Government's performance assessment and resources within the Planning Service.

##### **RECOMMENDATION: For information and discussion.**

**Financial Implications:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26 week date. In that instance if requested, the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

**Budget and Policy Framework:** None directly.

**Legal Implications:** The Government monitors planning performance in terms of speed and quality of decision-making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision-making.

The speed measure is twofold: firstly, the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly, it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is less than 10%. It is important to continue to meet these targets or special measures will be applied.

**Risk Assessment:** Financial risk because of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has

been the subject of Government performance indicators for some time. However, it should be noted that the application performance data reported does include a significant reliance upon agreeing extensions of time with the applicant. Whilst this is allowed within the performance reporting system requirements of the Government, it is an indication of a service carrying a high number of applications on hand and application assessment being overly protracted.

**Equality Impact Assessment:** No equality issues identified for this report.

**Relationship to Corporate Plan:** The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

**Impact upon Climate Change:** No climate change issues are identified arising from this report on service performance.

## 1.0 APPLICATION DETERMINATION PERFORMANCE

1.1 The Government uses speed and quality of decision indicators as the main means of assessing planning application performance. These indicators with performance requirements are set out for major and non-major applications as follows:

### Speed:

- **Majors: More than 60% of major applications determined within 13 weeks (over 2 year period).** Q1 saw figures of **91%** with figures of Q2 down to **83%** of 2021-22. In Q3 we saw this figure rise again to **92%**. This is a brilliant increase and shows that the team have worked hard to get the figures back up.
- **Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period).** Q1 saw figures of **91%** with Q2 reaching **98%** of 2021-22. In Q3 this figure has stayed with the 90's being at **95%**. This is a steady figure for us, and shows the team are continuing to churn applications out on time.

### Quality:

- **Majors: for applications determined over a 2 year period, no more than 10% of 'major' decisions to be overturned at appeal.** Q1 reported a figure of **7.1%** with the figure of Q2 being **5.45%** of 2021-22. In Q3, this figure has stayed low, being at **4.84%**. We are therefore still under the 10% but this is definitely one to monitor and keep on top of.
- **Non-majors: This indicator of quality of decision-making is measured over a 2 year assessment period: no more than 10% of 'non major' decisions to be overturned at appeal.** Q1 reported **0.43%** but at Q2 we had a report of **0%**. In Q3 we have a figure of **0.64%** which is a slight increase upon Q2. Again, one for us to monitor.

- 1.2 Application determination performance data against national and local indicators over the last few years is attached at **Appendix 1**. The latest performance results for quarter 3 of 21/22 indicates that the national planning performance indicators for the speed and quality of planning application decision making have been met and exceeded by the service. The team are doing well and we are continuing to meet the relevant targets in regards to determination.
- 1.3 With regard to applications determined within 8 or 13 weeks, members will recall from my Q2 report that it had, and still remains to be, an ambition of the team to reduce the reliance on extensions of time, despite this being a procedure allowable by Government for reporting planning application determinations. Due to staff shortages, and the volume of casework, it has been difficult for the team to stop EOT's altogether, but we are still trying to minimise reliance upon them. Unfortunately, there are still a small number of applications in the system from the 'backlog' which still require negotiation. Once these applications are clear, and a full team of staff on board, I am hopeful that the reliance on EOT's will continue to decrease.
- 1.4 Reflecting on Q3, I consider that once again, we have a positive news story to report and be proud of. Evidently, the pandemic is far from over, despite the drop in restrictions; however, it will be some time before the implications of the pandemic are overcome and our team will continue to arise to the challenge. With adverts currently out for a Planning Officer and Principal Planning Officer, it is also hoped that we will soon have the benefit of more permanent staff members, which will of course assist in the meeting of targets. When looking at our performance against other Local Planning Authorities in the South West, Mid Devon is always near the top, and I remain proud of our team for sustainably holding that position.
- 1.5 Since my appointment as Development Management Manager, I continue to prioritise staff health and wellbeing, and ensure that the team not only deliver, but communicate well with each other and members of the public. The team I feel is stabilising and this will only improve if we are successful in recruiting more permanent members of staff.
- 1.6 To ensure that caseloads remain sustainable for the team, we continue to employ Avalon Planning, who assist us with the simpler applications, ensuring that these applications are dealt with swiftly, and continue to be processed in a timely manner. Application numbers are still high, and we continue to also see a rise in major applications. Whilst this is a positive in terms of fee income for the department, it is also ensuring that we have the right capacity in house to ensure a successful service.
- 1.7 The number of applications in hand during Q2 stood at 290. In Q3, we see that number slightly decreased, with currently 265 in hand. Planning application numbers are therefore still coming down which is good, and demonstrates the team, despite short staffing, are still managing application numbers sustainably.
- 1.8 At the time of writing the following vacancies are still present within the department:

- 3 x Principal Planning Officers
- 1 x Planning Officer Post.

## 2.0 Planning enforcement

2.1 Due to staff shortages, and the Covid Pandemic, Enforcement has been challenging. Nevertheless, following a number of recommendations being made by Scrutiny, the team continue to work hard to improve performance and meet targets. The Scrutiny report made 12 recommendations, upon which a number are still under consideration. A copy of the report is appended at Appendix 2.

2.2 The following table shows stats for enforcement cases:

Details	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total Initial Site Vists carried out in the Quarter	113	97	94	83	25	73	90	44	34	28	13	
New enforcement cases registered (in quarter)	109	107	120	73	56	80	65	71	71	74	42	
Enforcement Cases closed (in quarter)	107	82	128	84	41	63	87	67	47	42	50	
Committee authorisations sought	1	0	0	0	0	0	0	0	0	0	0	
Total Outstanding cases at end of Quarter	180	205	197	199	214	233	212	205	216	261	262	
Enforcement Notices Served				Enforcement Notices Served				Enforcement Notices Served				
Planning contravention notices served (PCN)	4	4	2	1	1	1	1	0	1	8	11	
Breach of condition notice	0	0	0	0	0	0	1	0	0	0	0	
Breach of Condition Notice Section 187A	0	0	0	0	0	0	0	0	0	2	3	
Section 215 (untidy land)	0	0	0	0	0	1	0	0	0	0	0	
NOT330	0	0	0	0	0	0	0	0	0	0	0	
REPNOT	0	0	0	0	0	0	0	0	0	0	0	
ENFCOU	1	0	0	0	0	0	0	1	0	0	0	
ENFDEV	1	0	0	0	0	0	0	2	0	0	3	
TEMSTO		0	0	0	0	0	1	0	0	0	0	
Total Notices Served	6	4	2	1	1	2	3	3	1	10	17	0

2.3 Whilst the table above shows a further fall in site visits undertaken even when compared with that of Q1, Q2, it is important to note that this may not be reflective of the situation. As members will know, the enforcement team has seen a high turnover of staff with a number of agency staff being recruited to assist in dealing with the number of cases. Unfortunately, this high turnover of staff means that each new member of staff must be trained up on the systems that we use to ensure that site visits and notes can be documented and the reports which produce the stats generated. The issue with new staff starting and then leaving is that whilst the work is being undertaken, they may fail to import the data correctly, which in turn effects our statistics. As such, members should be aware that a significant number of site visits have and continue to be undertaken, and as the figures for enforcement notices show, progression is being made on a number of cases.

2.4 Ruthie Pollington has now joined the Enforcement Team as a full time enforcement officer. Whilst Ruthie is in training, she is working hard to understand the legislation and is working aside our agency member of staff, Carol Rogerson. Unfortunately, in recent times, the team has seen a member of staff on long term sick, but we hope to see a return to that member of staff shortly.

## 3.0 BUILDING CONTROL.

3.1 Mid Devon's Building Control service operates in partnership with North Devon Council as NMD Building Control. The partnership service has been operational since April 2017 and under normal conditions is delivered from offices in South Molton. A Joint Committee oversees the delivery of the functions of the

partnership service. 2020 has seen a continued consolidation realising the benefits of the partnership.

3.2 Mike Tucker has headed Building Control for several years, and is now sadly retiring and leaving Mid Devon. His colleague, Robert Shaw, is currently covering until a new head of Building Control is recruited.

3.3 The Building Control service has exceeded the performance target relating to the assessment of full plans applications and applications examined within 3 weeks are not only above target, but have also exceeded the figures reported in Q1 and Q2.

KPI	Year Target	2020/21				2021/22		
		Q1	Q2	Q3	Q4	Q1	Q2	Q3
Building Regulation Full Plan applications determined in 2 months	95%	98%	99%	99%	97%	100%	97%	98%
Building Regulation Applications examined within 3 weeks	95%	99%	100%	99%	98%	90%	98%	99%
Average time to first response (Days)	10	5	7	7	7	8.5	7.5	8

**Contact for Information:**

Angharad Williams DM Manager  
[awilliams@middevon.gov.uk](mailto:awilliams@middevon.gov.uk)

**List of Background Papers:**

PS1 and PS2 returns  
 HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015  
 Improving Planning Performance: Criteria for Designation, MHCLG 2020

**Circulation of the Report:**

Cllr Richard Chesterton  
 Members of Planning Committee

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Planning Service Performance	Target	17/18	18/19	19/20	20/21	21/22	21/22	21/22	21/22
Period		Year	Year	Year	Year	Q1	Q2	Q3	Q4
Major applications determined within 13 weeks	60%	82%	77%	81%	83%	91%	83%	92%	
Non Major applications determined within 8 weeks	65%	85%	73%	77%	85%	91%	98%	95%	
Other applications determined within 8 weeks	80%	90%	84%	95%	90%	95%	94%	95%	
Householder applications determined in 8 weeks	85%	95%	89%	86%	95%	97%	97%	96%	
Listed Building Consents	80%	84%	66%	84%	90%	81%	88%	90%	
Enforcement site visits undertaken within 15 days of complaint receipt	87%	92%	81%	95%	89%	63%	71%	85%	
Delegated decisions	90%	93%	94%	96%	96%	97%	95%	95%	
No of applications over 13 weeks old without a decision	(Less than 45 apps)	44	75	76	79	118	79	73	
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	74%	85%	72%	72%	86%	86%	88%	
Major applications overturned at appeal as % of all major decisions over preceding 2 years *	Less than 10%	4%	3%	0%	5%	7.14%	5.45%	4.84%	
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	79%	60%	85%	85%	95%	95%	95%	
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years **	Less than 10%	<1%	0%	0%	2%	0.43%	0.00%	0.64%	
Determine all applications within 26 weeks or with an extension of time (per annum –	100%	99%	99%	100%	100%	100%	100%	100%	

Government planning guarantee)									
Building Regulations Applications examined within 3 weeks	95%	93%	94%	84%	99%	90%	98%	TBA	
Building Regulation Full Plan applications determined in 2 months	95%	96%	96%	99%	98%	100%	97%	TBA	

## Scrutiny Report: Planning Enforcement Officer Review of Recommendations

Scrutiny Update 21/03/2022

<u>Number</u>	<u>Recommendation</u>	<u>Comments</u>	<u>Position</u>
1	That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.	<p>DM is undergoing a period of change and stabilisation since May 2021. Consideration of resource will be looked at via a planned 'restructure'</p> <p>Members suggestions have been noted by officers and will be considered within the 'DM' restructure work.</p>	<p>In-progress</p> <p><b>Update March 2022:</b> Job descriptions have been put together and are currently being graded for 1x T/Leader and 1x Clerical Support.</p> <p>The team is currently benefitting from an experienced interim Enforcement officer and this has significantly increased the capacity and capability of the team and has resulted in increased enforcement activity</p>
2	That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority	<p>Legal has employed a 'locum' to help legal manage/advise on matters of planning and enforcement. After consideration the CEO has approved a fixed term post for 12 months (3 days per week)</p> <p>It has been recognised that having a dedicated planning lawyer can assist in planning matters.</p>	<p><b>Update March 2022:</b> After the departure of the 1<sup>st</sup> interim Lawyer, a new locum started in January 2022, currently contracted until March 2022.</p> <p>Dependent upon the success of the interim role, and on the overall financial landscape,</p>

			consideration will be given to inclusion of a post within the Council's establishment.
<u>3</u>	That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.	<p>Member's suggestion has been noted.  <i>A breach of planning control is defined in <a href="#">section 171A of the Town and Country Planning Act 1990</a></i></p> <p>Processes and triggers are under review and discussions have started between Dean &amp; Maria and the wider team. Such monitoring will also be dependent on resource and levels of work.  The Planning Lawyer makes a difference to both legal and DM in this area.</p>	<p>In-progress</p> <p>The Enforcement team is monitoring some of the higher profile matters – linking to the Continuous Improvement work. Once the team is more established, a process/procedure for monitoring and review will be developed and agreed.</p>
<u>4</u>	That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.	All relevant officers have been issued 'ipads' the rollout started in March 2021	<b>Completed</b>
<u>5</u>	That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site	<p>It was agreed that the Scheme of Delegation should be reviewed, however, it was also noted that it would be risky not to have notices checked by 'legal' on a case by case basis. Notices are already created by Enforcement Officers and sent to legal for checking.</p> <p>Further changes can be considered as the team evolves process to better enforce matters.</p>	<b>Completed</b>

<u>6</u>	That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.	It was discussed that officers should deal with operational matters. A 'clinic' was originally established to discuss specific issues, but this has now been overtaken by the Continuous Improvement (CI work)	<b>Completed</b>  <b>Update March 2022:</b> Cllrs are updated, when required. Monitoring also takes place through the continuous improvement work, led by Cllr Daw.
<u>7</u>	That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).	Giving extensive free advice is not commercially viable, although officers do readily engage with residents/agents/businesses who wish to enter in to dialogue with the LPA. Most authorities charge for advice services such as 'pre-apps', although these are discretionary. Planning staff are always contactable and admin staff are now equipped with mobiles to support hybrid/off-site working.	In-progress  <b>Update March 2022:</b> The Director, DM manager and CMT lead are progressing discussions in relation to how customers engage with the LPA and are considering the wider discretionary fee structure. A paper on fees will be brought to Cabinet as soon as possible.
<u>8</u>	That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.	The East Devon Policy has been downloaded and will be reviewed alongside Mid Devon's Version. MDDC policy was due a review in its 3 <sup>rd</sup> year that being 2021. Review being undertaken by Dean Emery to include observations/recommendations from this report	In-progress  <b>Update March 2022:</b> An updated draft policy has been produced. When the new team is formed, the team will be brought together to review the policy to ensure it is as robust as possible. Cllr Warren will be brought into the review.

<u>9</u>	That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.	Tree Officer started 16/09/2021	<b>Completed</b>
<u>10</u>	That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.	There are very strict rules around 'data protection' with regards to 'enforcement' it must be clearly understood as to what can and cannot be placed for public access.	In-progress  <b>Update March 2022:</b> work is in progress: limited information can be shown, but not all notices can be included. There is again a link to the CI work with updates issued to Cllr Daw, as appropriate.
<u>11</u>	That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.	Links with 1,2 & 8	In-progress/ongoing.  Both the DM manager and the Director are seeking to improve processes to ensure better coordination.
<u>12</u>	That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.	CEO previously had oversight of the change programme within 'DM'. The Director of Place is now carrying on the work and organisational changes, as required.	In-progress  <b>Update 16/02/2022:</b> Now being overseen by Richard Marsh with work in progress.

Summary

<u>Progress Description</u>	<u>Count</u>
Completed	4
In-progress	8
Under Consideration	0
<b>Total</b>	<b>12</b>

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