

Public Document Pack

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

Join Zoom Meeting

<https://zoom.us/j/98830994841?pwd=RzU2RCtIc2xlS05rR0lIL2lwYWVrdz09>

Meeting ID: 988 3099 4841

Passcode: 494008

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Meeting ID: 988 3099 4841

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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, 28 July 2021 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 11 August 2021 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

20 July 2021

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

A G E N D A

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.

- 2 **HYBRID MEETINGS PROTOCOL** *(Pages 5 - 12)*
Members to note the Hybrid Meetings Protocol.

- 3 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

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

- 4 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.

- 5 **MINUTES OF THE PREVIOUS MEETING** *(Pages 13 - 40)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 14TH July 2021.

- 6 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

- 7 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.

- 8 **THE PLANS LIST** *(Pages 41 - 82)*
To consider the planning applications contained in the list.

- 9 **APPLICATION - 21/00454/MARM Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon** *(Pages 83 - 118)*
To consider a report of the Head of Planning, Economy and Regeneration with regard to the above application.

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety

during the pandemic. For a short period – probably until 30 June – the Council will enable all people to continue to participate in meetings via Zoom.

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

Please read the new meeting protocol which is available here: <https://democracy.middevon.gov.uk/documents/s21866/aaaaHybridMeetingProtocolMay2021.pdf>

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk 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

Public Wi-Fi is available in all meeting rooms.

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Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

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

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

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

2. Hybrid arrangements – how will they work?

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

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

(a) Members (councillors) entitled to vote

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

(b) Other Members, Officers and the Public

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

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

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

3. Zoom

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

4. Access to documents

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

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

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

5. Setting up the Meeting for Zoom attendance

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

6. Public Access and Participation

(a) Public Access:

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

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

Committee@middevon.gov.uk

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

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

(b) Public Participation (speaking):

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

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

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

7. Arrangements for any person attending meetings at Phoenix House

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

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

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

8. Starting the Meeting

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

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

9. Declaration of Interests

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

10. The Meeting and Debate

- (a) For Members and Officers physically present

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

(b) For any person attending via Zoom

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

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

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

11. Voting

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

12. Meeting Etiquette Reminder for Zoom attendees

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

13. Part 2 Reports and Debate

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

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

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

14. Interpretation of standing orders

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

15. Disorderly Conduct by Members

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

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

16. Disturbance from Members of the Public

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

17. Technical issues – meeting management

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

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

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

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

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

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

Phone only access to zoom meetings

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

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

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

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

- **Enter Meeting ID followed by #**

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

- **Press #**

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

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

Wait for the following two messages:

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

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

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

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

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 July 2021 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

G Barnell

Also Present

Councillor(s)

R Evans

Present

Officers:

Myles Joyce (Interim Development Management Manager), Arron Beecham (Forward Planning Officer), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

39 **ELECTION OF VICE CHAIRMAN (0.04.04)**

Cllr P J Heal was duly elected Vice Chairman for the remainder of the municipal year.

40 **APOLOGIES AND SUBSTITUTE MEMBERS (0.05.55)**

Apologies were received from Cllr G Barnell who was substituted by Cllr B Holdman.

41 **HYBRID MEETINGS PROTOCOL (0.06.10)**

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

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

42 **PUBLIC QUESTION TIME (0.06.25)**

Jan Jones spoke in relation to the proposed Solar Farm at Langford..... I am speaking on behalf of the residents of Langford and the surrounding areas who are unable to attend due to work commitments. I have two questions, my first is, can you tell me why this proposal is even being considered if in the Mid Devon Solar PV

development in the landscape document it states that in this area i.e. the Lowlands Plane LCTVE, above 15 hectares, would be classified as a high sensitivity area and this proposal is 4 times that at 60.7 so therefore should be rejected? This question was not answered by the case officer in the planning balance section of his report.

My second question is, after 40 years of operation the soil will be severely degraded and recommissioning would have to be carried out with care to prevent damage to solar panels and leakage of toxic materials i.e. cadmium. How will this be done as the application says nothing about the decommissioning? I understand that after ten years of operation, the site could be reclassified as brown field. Is the Committee happy that this might mean the land is forever lost to agriculture and could become an industrial or housing estate?

Michael Jones spoke in relation to the same application.....At the previous meeting at which this application was discussed a question was asked as to why the reasons for rejection had been reduced to half a page of bullet points. The answer given was that the members of the committee could read all the objections. Surely it is the purpose of the officer's report to present all the facts. Can you state how many members of the committee have actually read all the objections?

Second question, it was stated in the previous minutes and the quote "there would be a financial investment in the local economy with employment opportunities". Given the permanent loss of farm jobs and the supply chain, what are these opportunities? Contractors will use a transient workforce from outside the district and none of the investment will transfer to community jobs.

Third question, please can you clarify what provision has been made for the deer whose natural corridor runs directly from the solar farm along the River Weaver which has been observed by local residents for many years?

Richard Hughes speaking in relation to Deer Barn, Hockworthy stated..... If the investment is hugely disproportionate to the expected income making the proposal financially unviable will the application be refused? If it is not refused on these grounds, where in MDDCs Local Plan is there an indication that financially unviable businesses could be allowed?

If the Full Ecological Appraisal was based on incorrect information (regarding external lighting) and undertaken at a time when bats are hibernating (daylight hours in March) will the applicants be asked to commission a report based on correct facts and at an appropriate time of year for a fair report? Will the appraisal have provided false information on which the Wildlife Trigger Table was based?

With the site entrance being on a blind corner of a mainly single-track lane, and using a public footpath, there are concerns over highway and pedestrian safety - can a visit be made by Highways Agency in order to assess safety? (NPPF Para 109).

A static barn, used for the storage of camping facilities, was built on the site by the applicant last year without planning permission, however, it does not appear on the site plan and no retrospective mention of it seen in the application. Will this barn be addressed by the planning enforcement team at a later date?

The planning statement mentions glamping tents (in its title) but then goes on to mention pods and cabins, can we be assured that only TENTS are being considered as per title?

Are we correct in assuming that as permission is being sought PURELY FOR TWO GLAMPING TENTS all year round, any additional undisclosed structures, to include camping tents or 'pup' tents, will NOT be allowed?

IF the application was approved would the applicant be allowed to run 'permitted development camping' on the same site as the Glamping Tents?

Helen Hitt, also speaking in relation to the Solar Farm stated.....I am asking questions on behalf of all landowners involved in this application.

Our families have been farming in Langford for more than 100 years. We are proud custodians of this landscape and passionate about protecting and nurturing the countryside for the next generation of farmers and we have a responsibility to constantly adapt and respond to the challenges presented to us. In farming we continually hear that diversification is the key to our survival. Our land is an asset, and therefore, my first question is do you recognise the need for us as farmers to use this land to integrate renewable energy production into our farming practices to maintain a business that is both environmentally and economically viable?

My second question to the committee, is have you undertaken a site visit? If so you will have seen for yourselves that the proposed solar development is in an area of countryside where visible impact is incredibly low due to, the topography of the land and the existing trees and hedges that surround the fields.

Are the committee aware of the government's recent climate change policy? In it they state meat consumption should be reduced by 35% over the next 30 years. As a beef farmer I therefore will have to cut production by 35% and will need to find alternative land use.

I also ask the committee are you aware solar developments can only be built on land that is classified as grades 3, 4 and 5 which this project is? My land in particular is classified as grade 4 which I quote, is land which "suffers severe limitations that significantly restrict the range and/or yield of crops to be grown". It is land that is most suited to growing grass and this development will allow for that to continue.

As landowners the last thing we want to do is cover our fields in concrete for housing or destroy the soil through increasingly intensive farming practices. The proposed solar development would result in a conversion of the land to a low input organic permanent pasture. The soil quality will improve due to less compaction, no artificial fertilisers and no chemicals would be applied and sheep will continue to graze on the land. Fauna and flora will flourish. We believe this proposal maximises the full potential of this land area in a way that traditional farming practices just don't allow for.

Climate change is real, is here now and we have the ability to mitigate its impact. The demand for electricity is real, is here now and is only going to increase. Times and needs have changed and so too must our farming practices.

Are you the committee going to back this proposal which will go towards addressing these issues, support sustainable development and meet Mid Devon's net zero

carbon emissions commitment that you have signed up to for the benefit of our future?

Charlie Dowden also spoke in relation to the Solar Farm application at Langford.....As a recent graduate of Exeter University's School of Geography and Sustainability, I - along with many of my peers - have legitimate concerns about the Devon that we will be left with in 50 years time. In May 2021, the Met Office (based down the road in Sowton) recorded that Devon experienced its wettest May on record, with an average of 192mm of rainfall, topping the record set in May 1869. In the spring of 2020 - Devon had its sunniest spring on record, beating the spring of 1948.

Whilst no single event can be linked to a changing climate; the likelihood of these wild fluctuations will only increase with time and demonstrate the increasing challenges the rural community face at a local level, when dealing with a problem of global scale.

The role of a landowner is not to maintain the status quo; it is to utilise the resources we have available to provide social, economic and environmental value for both current residents and for future generations. In supporting this application for renewable energy in Mid Devon; it demonstrates a commitment to the young people of Devon and the future of our county, at a time where we are still in a fortunate enough position to be able to make a positive impact.

The Langford Solar Farm represents a vital addition to the local community - supporting energy for 10,000 Mid Devon homes - at a time of considerable local growth, not least from the proposed Culm Garden village. The Solar Farm will benefit the local community through providing clean, safe and sustainable energy, with an annual CO2 emissions reduction of over 20,000 tonnes. This aligns with guidance from the National Planning Policy Framework that the planning system should "support renewable and low carbon energy and associated infrastructure".

This application is an essential component of the local area's long term growth plan; supporting the success of our area through the provision of sustainable development and presents a unique opportunity to stand up for the needs and concerns of future generations by addressing the climate emergency. We have to act when a large opportunity for positive local change comes about and given this, my question to Mid Devon County councillors is, how are you going to demonstrate your commitment to future generations of Devonians and to young people in rural Devon today who are worried about how the changing climate will impact our lives in years to come?

Roland Smith spoke in relation to the same application.....I could not find any information about the energy storage capacity of the battery facility, say in kWh or MWh, said to have a power of 12MW. I trust you are not recommending approval without knowing this important basic parameter which will indicate how long the stored energy could possibly support the grid. What is the energy storage of the battery facility? Several conditions relate to the solar panels but why aren't there conditions controlling the battery storage facility as part of this proposal?

Under "noise/impact/amenity" the officer states the equipment does not operate during the hours of darkness. As this is the time we most need electricity for heat and

light, may I ask: what is the point of taking 150 acres of land (the average size of one Devon farm) out of food production?

How can a solar farm connected to the national grid specifically benefit an average of 10,077 homes in mid Devon when the contribution of 49.9MW to the grid would generate, on average, a trivial and insignificant 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

Are the committee members aware of recent research by three eminent scientists, published last weekend in the national press, which shows the danger of catastrophic fire hazard of containerised batteries, possibly causing explosions on the scale of that which destroyed the port in Beirut?

In response to a written parliamentary question about the hazards of mass deployment of lithium-ion batteries for grid storage, the minister on 12th July said "There are mechanisms in place at a local level to assess the environmental impacts and benefits of lithium-ion battery storage projects. Any applications for such projects will be carefully assessed by relevant decision-makers against all relevant criteria." Can you say where the environmental impacts (which will include the hazards from fires and explosions and toxic gases) have been carefully assessed by the officer and will they be carefully assessed by the committee members?

In the event of a thermal runaway as I've already described, it would fall on the local fire service to deal with the incident. Is there an adequate water supply available on site to deal with such an incident? Also, on 12th July a government minister said "In addition, for large scale battery storage, there are statutory requirements to notify the Fire and Rescue Service to inform their emergency response planning." Can you tell me if Devon and Somerset Fire and Rescue Services have been informed, and if so, what was their response?

I know that this is not a planning issue, but are the members of the Committee aware of the huge amount of adverse publicity that Mid Devon District Council will receive if you approve this planning application with its London-based applicant profiting from human rights abuses in China?

Robert Deane also spoke in relation to the Solar Farm application.....Thank you for the opportunity to ask a question. If I may, I'll give a little context before asking my question.

I've paid close interest to the application because we neighbour the site, living just 340m from it. After weighing up the issues, I submitted a comment in support of the application, raising points which I hope address some of the concerns of objectors - for instance the negligible effect of the solar farm on food production, the new habitats that will be created and the reduction in greenhouse gas emissions from the land.

I take the view that solar farms like this are a necessary part of the country's transition to net zero. The visual impact on the landscape is a matter of personal opinion and, for me, solar farms are a sign of the changes we should all be making if we want to reduce climate change and keep the lights on.

The site is not in an area of particularly high landscape quality and is largely hidden from public view. Converting the land on which the solar panels will sit from low grade arable and pasture to nature-friendly permanent pasture offers significant benefits such as enhanced biodiversity, reduced greenhouse gas emissions and carbon sequestration in the soil. These benefits would not be achieved from roof-top solar.

So my question – actually two related questions. I would like to ask the Planning Committee, if they decide this solar farm should not go ahead, where they think is suitable in Mid Devon? And related to this, what steps is the Council taking, through its planning policy, to support the switch to renewable energy generation?

Mandy Willis speaking in relation to the same application stated.....can you tell us how many councillors have made any kind of site visit. We have offered access to our property available on many occasions since the March meeting and no member has made contact with us. A view from a road side drive by is not sufficient to understand our concerns as a resident directly affected by this application.

The developers have put in place flood prevention measures. Can you tell us what would happen if these were to fail? The fields that immediately backs onto our property, has been known during heavy rainfall to have a substantial amount of water pour off it into the stream that separates our boundaries coming into our garden and flooding it. I would like to refer Members to photographs take of our property submitted to the March meeting as a reminder.

Will the security fencing and security lighting and where will this be sighted? If so how ill this impact on the bat colonies that we know inhabit this areas? Will this also impact on the residents whose properties also border the proposed site for this lighting?

Are the Committee members aware how close the panels will be to our house? According to the plans submitted the panels will begin only 25m from our own boundary. Currently there are a few trees shielding the view of this but they are not evergreen and our view for a good part of the year will be a security if this tree line or hedgerow is removed by the developer and any infilling should be evergreen and of a height to prevent any view of security fencing, potential glare, road noise and CCTV to at the very least maintain our privacy, health and well being.

It was a constant disappointment that considering the obvious impact on our house and others in our road that the developer did not in any way reassure us as to any impact the development would clearly have. However, after an email we sent to the developer yesterday, contact has been made and a dialogue opened as to how some of our concerns can be mitigated but we were led to believe that the owner of this field would consider removing it and we would ask that this suggestion is perhaps put to the developer or even better put as a condition of any planning decision the committee should subsequently make.

Heather Wheeler, again speaking in relation to the Solar Farm stated.....the Officer's Report concludes that the scheme will make a valuable contribution to cutting greenhouse gas emissions, allowing Mid Devon to address the Climate Emergency.

The Applicant made a subordinate claim that the scheme could result in net biodiversity gain.

In its early response, the county's premier ecology charity, the Devon Wildlife Trust, concluded its detailed comments by recommending the involvement of a Habitat Restoration Ecologist in the drawing up and subsequent management of an Ecology Enhancement and Management Plan to 'give credibility' to any proposals.

Its status as a Charity with strictly limited resources has precluded further contributions but the recommendation still stands. A Biodiversity Clerk of Works, as later proposed by the Applicant, is not required to have habitat restoration expertise and is not a substitute for a Habitat Restoration Ecologist.

Why has the Council ignored a recommendation by DWT, which could enable the scheme to double its benefit by tackling not only the Climate Emergency but also the equal emergency of Biodiversity loss?

Rupert Grantham spoke in relation to the Buccaneers Bar planning application.....

Policy DM23, of the recently adopted Local Plan, is opposed to the loss of a valued community facility such as this, unless the facility is proved to be no longer economically viable. The Plan (para 4.71) requires that 'Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months'. Yet the report makes no mention of this, choosing instead (p58) to rely on the owner's assertion that the business has not been profitable for the past 4 years. Why has the Plan's test not been applied here?

The report contends (p58) that approval of this application would enable the Dairy to expand their activities and increase their workforce. Yet there is no obligation in place to link this aspiration to the permission, should it be granted. So will any weight be given to this claim?

Tom Devine spoke in relation to the Solar Farm application at Langford.....have the councillors given any thought to the neighbouring solar farm facility at Tidehill which is just 1.2km away at the nearest point which is 158 acres? Although being in East Devon have they considered cumulative impact on the landscape and the possibility of further development of solar farms in this area or other parts of Devon at present potentially totalling 922 acres?

Secondly, developers quoted that the concerns of the local community and business have been met, but have they? There would be considerable impact on tourism as they would be deterred from staying in an area surrounded by solar panels as there are several bed and breakfast and holiday lets which have been ignored. Why has this not been considered?

Finally, the proposal has over 20 miles of solar arrays, have you considered the impact of large vehicles visiting the site twice a year that will need to travel along the arrays to clean the panels using deionised water and applying weed killer and cutting the grass?

Barbara Jones, spoke in relation to the straw bale house at Stenhill application.....I understand that Mid Devon Council has declared a Climate Emergency and

committed to be carbon neutral by 2030. If you are serious about that, you have to do things significantly different or as Henry Ford said if you always do things the way you always did you'll always get what you always got!

As planners you've the opportunity to implement the bigger picture. Keeping the Climate Emergency in mind you have the power to interpret planning policy in order to do something that actually makes a difference. Your officers may give a narrow focus that doesn't put the sustainability of the proposal first but as councillors you can be bold and make a statement that says Mid Devon District Council pays more than lip service to becoming carbon neutral.

I would have thought you would want to give a really clear message that says this is what we mean by an exemplar sustainable building but at the moment the recommendation is to refuse a zero carbon house. What message does that give? I personally have guided plenty of these sorts of buildings through the process and worked with some truly forward thinking planners.

My question to you is this ... are you, Mid Devon District Council willing to stand up and be counted and put your decisions where you say your commitments are?

Terry Matthews speaking in relation to the proposed Solar Farm stated.....given that such an installation could be in place for the next 40 years who will be responsible for ensuring that all these unique conditions will be complied with. Who will be responsible for ensuring that these conditions are delivered? What would be the consequences if they are not complied with especially regarding flood control and wildlife habitation? The last part of this question is, what are the consequences of non-compliance enforceable by MDDC over the next 40 years and what assurances do Mid Devon Council have for the long term capability of enforcing them? I ask that question because there are similar solar farms on a smaller scale not a million miles away where complaints have been made for example about screening and the developers have yet to address those.

The second question is, what in lay man terms are the benefits to local residents for such a huge installation?

Sally Matthews speaking in relation to the same application asked is there a minimum term for the duration of the solar panels? Are there any break clauses, for example, due to advances in technology that could lead to the agricultural land being changed to green field leading to its change in use?

Another question, what assurances can be given to the public that the planning decision will not be influenced by the perceived potential financial implications to Mid Devon District Council? I ask this question because the officer recommendation places a heavy weight on perceived potential, financial risks and hazards to MDDC in the event of an appeal or public enquiry?

Tristan Parsons – Provided the following statement which was read out by the Chairman:

Thank you for your invitation to the committee meeting for this application.

Unfortunately, I am unable to attend due to work commitments. I would be grateful if my original letter (forwarded below) could be read for the committee on my behalf or otherwise brought for consideration.

I have summarised my letter as follows:

- Devon and Mid Devon councils have set ambitious climate goals for 2030 and 2050.
- Transitioning away from fossil fuel energy production and towards renewables is essential for achieving these aims.
- These solar panels will significantly contribute to local energy needs, providing for 10,000 homes.
- The scheme will provide £190,000 in business rates for the council to fund other local needs.
- It will also contribute a biodiversity net gain on sub-prime agricultural land.
- The proposals are far more viable than other forms of panelling, such as industrial roofs.

Richard Hughes, again speaking in relation to the Deer Barn application at Hockworthy, specifically the erection of a new reinstated stone wall.....asked.....
What are MDDC's Planning Regulations in relation to the removal of an established 'bank' and hedge, or any sort, within a conservation area?

What are MDDC's thoughts about the creation of an entrance way in a conservation area, without planning permission?

If an application and/or its supporting documentation are found to be misleading and/or contradictory in its claims will the application be considered?

This site has had a recent enforcement case against it with major implications on this application – this case appears to have been put on hold – if the terms of the enforcement case are NOT met by this application will the case be reinstated?

The Chairman stated that the questions would be addressed when each item was discussed.

43 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.41.56)

Members were reminded of the need to declare any interests when appropriate.

44 MINUTES OF THE PREVIOUS MEETING (0.42.04)

The minutes of the meeting held on 23rd June 2021 were agreed as a true record and duly signed by the Chairman.

45 CHAIRMAN'S ANNOUNCEMENTS (0.42.55)

The Chairman announced that Cllr D J Knowles had stepped back from the Planning Committee and she thanked him for his Vice Chairmanship and for the years he had served on the Committee.

46 DEFERRALS FROM THE PLANS LIST (0.43.45)

There were no deferrals from the Plans List.

47 THE PLANS LIST (0.43.51)

The Committee considered the applications in the *Plans List.

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

a) Application 20/01631/FULL - Erection of a dwelling and construction of new vehicular access at Land and Building at NGR 305693 110454, (East Of Butsons Farm), Stenhill.

The Planning Officer outlined the application and explained that the application site was in Stenhill which was not a defined settlement under Policy S13 of the Local Plan. The application site was, therefore, in the open countryside under Policy S14 where development was permitted subject to appropriate conditions. It was subject to the same restrictions defined under Policy DM6 such as affordable housing and local connections for residents.

The Officer outlined the application by way of a presentation which highlighted the block plan, floor plans, elevations, illustrations and photographs of the site.

In response to public questions he stated:

- The authority had recognised the green credentials of the scheme but the location had to be sustainable and not outweigh the emissions created by it. There were no public transport links close to the property

Consideration was given to:

- The siting of solar panels on the garage roof and electric car charging facilities to enable a more sustainable way of living had been incorporated in the design
- Officers views that the development location was not sustainable as it was not in a designated settlement and had no access to public transport or local infrastructure
- The views of the objector who stated it was a significant property in a rural area, there was no need for the dwelling when the applicants family already had a substantial building very close to the site
- The views of the supporter who stated that the applicant had met all the criteria of Policy DM6 apart from the location. The site was 1 mile from the settlement of Uffculme and other properties had been allowed on appeal. The development aligned with a top priority of the Council which was climate change
- The views of the Ward Members who stated the development was a design of exceptional build and quality, refusal was wrong as this was not just a house but a way of life and that the Council should be encouraging these sorts of self builds in rural locations
- The views of Members who felt that the location already had a number of large farmsteads around it and that now and again smaller properties were required in hamlets

- Members views were that any village property would need to rely on private transport due to the lack of public transport in rural areas
- Members views that if there was a barn on the site it would have been granted Class Q permission to turn it into a house anyway the only difference was this was a new build

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

(Proposed by Cllr B G J Warren and seconded by Cllr L J Cruwys)

Reason for the decision: The application for the erection of a dwelling was considered to be supportable in policy terms, applicants had a local connection, the dwelling was sustainable and within a reasonable distance of a settlement. On this basis it was considered that planning permission could be granted, subject to conditions, in accordance with the development plan.

Notes:

- i.) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the site was within his ward;
- ii.) Lynn Baird spoke as the objector;
- iii.) Stephen Gill spoke as a supporter;
- iv.) Cllr B Evans spoke as Ward Member
- v.) Cllr R J Chesterton provided a written statement which was read out by the Chairman

b) Application 21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building at Rosemount, Kentisbeare, Cullompton.

The Area Team Leader outlined the application and explained that the existing agricultural building had previously been given Class Q approval to turn into a dwelling. The application today was to apply for new dwelling on site as a fall back proposal to the approved Class Q conversion approved, noting that if the dwelling was not approved a dwelling could still be created on the site using the fall back position of the original position for the conversion of the existing agricultural building.. He explained that two additional conditions had been included in the update sheet for a wild flower meadow to be secured and the removal of the existing building.

The Officer outlined the application by way of a presentation which highlighted block plans, the Class Q approval original design, an illustrative site layout, proposed roof and floor plans, proposed elevations and photographs of the site and existing barn.

In response to Member questions the Officer explained that a package treatment plant dealt with the foul drainage and was recommended by Public Health as an alternative to mains drainage or a septic tank.

Consideration was given to:

- The views of the objector who said the site was in a beautiful location and the application was a modern design which did not compliment the area, the site was on a dangerous road and there was no need for additional dwelling in the area. There were concerns with birds flying into glass and that the betterment was for the applicants only
- The views of the agent who confirmed that his permission was refused the applicant would use the fall back position as the Class Q had already been accepted and approved. The new design was a betterment and that the site was well screened
- The views of some Members who felt that the orientation was intrusive to other properties and that the site was on a busy road
- The views of Members who stated that the choice before them was to approve either a conversion of the original barn or allow the barn to be removed and replaced with a new build dwelling
- The views of Members that the current screening could become inadequate if trees had to be removed due to Ash Dieback which was prevalent in the area

It was therefore **RESOLVED** that: planning permission be granted and delegated authority be given to the Head of Planning, Economy and Regeneration to provide an additional condition with regard to:

- The replacement of trees which may need to be removed due to Ash Dieback to retain the screening from neighbouring properties.

(Proposed by Cllr P Heal and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs B G J Warren and S J Clist made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs S J Clist, B Holdman and B G J Warren requested that their vote against the decision be recorded;
- iii.) Rosanna Stancampiano spoke as the objector;
- iv.) Glenn Crocker spoke as the agent;
- v.) Cllr S J Clist spoke as the Ward Member
- vi.) The following late information was received:

21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building – Rosemount, Kentisbeare, Cullompton.

9th July 21

Please see below for two additional conditions recommended to be imposed in order to secure biodiversity gains on site and to prevent an additional dwelling being achieved.

Condition

Prior to the first occupation of the dwelling hereby approved, the Wildflower Meadow as shown on drawing no. A0B REV E and identified as forming part of the ecological mitigation for the development shall be implemented with planting/sowing undertaken with the Wildflower Meadow retained in perpetuity thereafter.

Reason:

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

Condition:

The existing building on site shall be demolished and all material not being recycled on site shall be removed within 3 months of the first occupation of the new property or its substantial completion, whichever is sooner.

Reason:

The site is in the open countryside where the provision of an additional dwelling is not supported by policy S14 of the Mid Devon Local Plan (2013-2033)

c) Application 21/00443/FULL - Change of use of land for the siting of 2 glamping tents and associated facilities at Land at NGR 303735 119592, The Deer Barn, Hockworthy.

The Principal Planning Officer outlined the application and explained that there was scope within the Local Plan Policies to consider rural tourism in the open countryside but it must demonstrate that the benefit would outweigh any harm. He explained that the site had been running the two glamping tents with a 28 day permitted use exception which had been extended by the Government to 56 days permitted use during the pandemic.

The Officer outlined the application by way of a presentation which highlighted site location plan, illustrative block plan, tent plans, toilet and W.C. block and photographs of the site.

In response to public questions he responded:

- Enforcement teams would pursue any areas of concern;
- Ecological surveys were carried out by qualified surveyors;
- The Highways Authority had no issues with the site entrance which was shared with Deer Barn, fields and a Class Q;
- Additional buildings did not form part of this application but could be subject to enforcement action if non compliant to Policy
- Noise generators were subject to environmental health conditions
- Enforcement teams would investigate any breach of conditions

Consideration was given to:

- The officers confirmation that with regards to the business case, neighbouring businesses had been investigated but there was not similar offering nearby;
- The Officers confirmation that there was no particular issue with noise on Glamping sites and this business promoted quiet times and star gazing;
- There was no ability for the tents to be changed to other structures without further planning permission;
- The views of the objectors who though was pleased with the changes to the application did not think it was a financially viable proposition. If Members were minded to approved requested conditions were put in place before the site was opened and that a condition be imposed that only solar power be used on site and not generators. A fire management plan should be requested due to the fire pit on site and there was no grey or foul water management plan;
- The views of the agent who stated that applicant was requesting permission to allow part of the site the change use beyond the temporary time limits already permitted under Class A. The land is in agricultural use over the autumn and winter months and this was low impact and sustainable holiday accommodation. A robust business plan had been submitted which justified the countryside location;
- The views of the Ward Members who had concerns about the rural aspect of the site, highways concerns and local residents concerns about the costs involved in setting up the business. Members should give attention to the views of both objectors and supporters;
- Views of Members who felt there was no reason for the tents not to be there and that people were looking for just this type of holiday accommodation in these sorts of areas;
- Confirmation that there was already a management plan in place which covered excessive noise.

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

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

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
- iii.) Cllr S J Clist requested that his abstention from voting be recorded;
- iv.) Richard Hughes spoke as the objector;
- v.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;

- vi.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

d) Application 21/00471/FULL - Erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall at The Deer Barn, Hockworthy, Devon.

The Principal Planning Officer explained that the wall to the north was in the garden of the Deer Barn and permitted development would have allowed it without permission up to a height of 1m. As the wall, as built, was 1.45m permission was required.

The Officer outlined the application by way of a presentation which highlighted site plan, elevations, and photographs of the site as it was now and before the wall was built.

In response to public questions the Officer provided the following:

- The Council had no authority over the removal of banks in private gardens;
- Creation of gateways was dependant on use and what the proposal was for;
- It is for the Authority to determine if the proposal is acceptable;
- Retrospective applications were allowed to rectify any issues and enforcement was always a last resort.

Consideration was given to:

- The views of the objector who stated that his concern was the north end of the wall and the removal of the hedge in a conservation area;
- The views of the agent that permission was being sought to retain a wall that had been built to rectify a stone boundary wall collapse as a result of ash trees having to be removed and that the new wall was on the same footprint using the same local stone. There had been no harm created upon heritage assets and the Conservation Officer had found the proposal acceptable;
- The views of the Ward Members who had concerns that residents believed the removal of the hedge had an impact on biodiversity. Members should give attention to the views of both objectors and supporters;
- The views of Members who felt that the wall was in keeping with the local landscape, local stone had been used and the wall itself would create a biodiverse impact.

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

(Proposed by Cllr E J Berry and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made

- declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
 - iii.) Richard Hughes spoke as the objector;
 - iv.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;
 - v.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

e) Application 21/00461/FULL - Erection of extensions to existing agricultural storage building 660sqm at Land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine.

The Area Team Leader informed Members that a further letter had been received from the CPRE which had been circulated to Members and was before them as part of the update sheet.

The Officer outlined the application by way of a presentation which highlighted site location and block plans, position of recently approved agricultural workers dwelling and photographs of the existing barn.

Consideration was given to;

- The views of the objector who stated that there would be up to 250 animals on site and he had concerns with the number of animals and the available land open to the applicant and concerns about animal density, pollution and waste;
- The views of the agent who stated that the application was supported by Natural England who had provided funding towards the development;
- The views of Members that comments from the Parish Council had not been provided;
- The views of Members that although the late letter from the CPRE had been summarised in the update sheet a full copy had not been provided to Members;
- The views of Members that a full final statement from Public Health had not been made available to them;
- The views of Members that they were unable to make a decision without all the information in front of them;

The Interim Development Management Manager explained to Members that late information was quite common with planning applications and that the Officer had provided them with a verbal update summary where written statements and representations had been received after the agenda had been published. He felt that Members had before them enough information to be able to make a decision.

It was therefore **RESOLVED** that: A decision on the application was deferred to enable the late information received to be included within a revised officer report so that Members could make an informed decision. The additional information requested were:

- The Parish Council response
- The latest Public Health update

- The full contents of the late letter received from CPRE

(Proposed by Cllr C Eginton and seconded by Cllr F W Letch)

Reason for the decision: Members felt that they did not have the full information to make an informed decision.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had been involved in the case at a Parish level and chose to leave the meeting and did not take part in the debate or the vote;
- iii.) Brian Thompson spoke as the objector;
- iv.) Simon Archer spoke as the agent;
- v.) The following late information was provided;

13.07.2021

1. One additional letter of objection received from Devon CPRE who raise concerns to the justification for the proposed building in terms of need and scale in the open countryside location, noting that the proposal is not supported by an independent agricultural appraisal nor a landscape impact assessment, to robustly support what would be an incongruous development in the rural landscape.

f) Application 21/00709/FULL - Change of use from public house (sui generis) to offices and canteen facility (sui generis) at Buccaneers Bar, 3 Cinema Buildings, East Street.

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, aerial photographs, block plan and parking layout, google street view and photographs of the interior.

The Officer advised Members that an Asset of Community Value had been listed with the authority but it had yet to be validated and would take up to 8 weeks to be confirmed. It had no material impact on the application before Members.

In response to public questions the Officer confirmed that consideration had been given to the viability of the existing business.

Consideration was given to:

- The views of the objector who stated that the bar was unique and was a purpose built entertainment centre. It held up to 170 people standing and offered good disabled access. That the Dairy did not need a canteen and they had groups who were keen to use the venue on the future;
- The views of Crediton Dairy who stated that their business processed 1% of the UK's milk supply and they put £40m into the local economy. They were a one site business and most of the staff lived locally. They needed a modern

canteen to cater their highly skilled staff and had not been able to secure an alternative site in the proximity of the Dairy;

- The views of the Town Council who supported the Asset of Community Value. It was a great auditorium and a great location which would give opportunities to youth musicians. The local Arts groups had agreed it was an asset and the Dairy would expand anyway;
- The views of Members familiar with the venue who stated that the business had not been viable for many years;
- The views of Members that the Dairy should be supported to expand and invest in Crediton.

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

(Proposed by Cllr P J Heal and seconded by Cllr L J Cruwys)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr S J Clist requested his vote against the decision be recorded;
- iii.) Helen Tuffin spoke as the objector;
- iv.) Phil Cork, Crediton Dairy, spoke in support;
- v.) Cllr Brookes-Hocking spoke on behalf of the Town Council;
- vi.) The following late information was provided:

9th July 21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional parking spaces in accordance with the details as shown on drawing number PIN 1032-50.

13.07.21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

(condition 3 has been further amended since the update last week)

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional

parking spaces in accordance with the details as shown on drawing number PIN 1032-50. Once provided, the additional parking spaces shall be made available for use at all times by occupiers of the proposed office/canteen use of the site and retained as such thereafter.

2. Committee are advised that an application has been submitted to the Council to seek to list the site as an asset of community value (ACV). As of 13/07/2021 discussions with the Economic Development Team have confirmed that the application is not yet valid. Once validated, it would be subject to a consultation period before a determination is made as to whether it should be listed as an ACV. Guidance on the ACV process states that it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration, taking into account all the circumstances of the case. The provisions do not place a restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. On this basis, and as the site is not currently listed as an ACV, it is your officer's view that the intention to seek to list the site as an ACV would not have a material impact to the assessment set out within the officer report at this stage and it is recommended that planning permission should be granted. Notwithstanding the committee decision as to whether planning permission should be granted, the ACV process may at a later date have implications if the owner seeks to dispose of the site.

48 **TREE PRESERVATION ORDER - 21/00002/TPO - 13 The Oaks, Yeoford, Crediton, Devon (4.08.12)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration with regard to an application for a Tree Preservation Order 13 The Oaks, Yeoford, Crediton, Devon.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr C J Eginton and seconded by Cllr B Holdman)

Reason for the decision: As set out in the report.

Notes:

- i.) Cllrs E J Berry and S J Clist requested their vote against the decision be recorded
- ii.) *Report previously circulated copy attached to the minutes.

49 **Application 19/01679/FULL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure. (4.12.46)**

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

on 31st March 2021 Members deferred a decision on the above application in order that a site visit take place and officers provided responses to a number of questions raised.

The Interim Development Management Manager then provided responses to questions previous posed by Members which were set on the annex of this report.

The Officer then went on to outline the conditions agreed with the developer which would mitigate the impact of the development and gave detailed explanations of what the conditions were for and how they would be monitored.

In response to public questions the officer stated:

- Officers did not ignore the Wildlife Trust, revised condition 12 specifies regular monitoring
- He could not comment on Members reading objections, these were available to Members via the Planning Portal
- They are aware of the nearby solar farm but it is on a case by case basis and we must determine the application before us
- The flood defences are required to be maintained and are monitored by way of a condition so if there is a failure it would need to be resolved
- The Deer migration routes would be monitored by way of revised condition 12
- Energy storage capacity of batteries has been covered in the report
- The developers would need to clarify what operations would be happening at night and what happens when the panels are not generating solar energy
- The specific benefits of energy to 10k homes is dependant on the range of the installation
- The fire service was not consulted on any potential fire hazard as they are not a statutory consultee but they would be consulted as part of a building regulations approval
- Forced labour was not a planning issue and we cannot impose a condition for non planning matters
- Landscaping has been dealt with in additional condition 22
- Soil degradation and decommissioning needs to be done with care and is covered by condition 4 and does not mean that it will refer to a brown field site in the future
- Fixture and fittings must be removed once operations on site ceases
- There is no a condition for employment opportunities as such a condition would not pass the 6 tests

The Officer then reminded Members of the application by way of a presentation which highlighted the site location plan, revised site plan, photographs of various locations around the site and additional viewpoints.

In response to Members questions about the District being close to saturated with solar panels the Officer explained there was no cumulative impact of a number of sites and that each application had to be determined in its own right.

Consideration was given to:

- Members concerns with who would monitor all the conditions;
- Members concerns with who would compensate people living nearby;
- There was no upper limit quota prescribed by the Government for the number of solar panels installed in Devon;
- Members concerns with how long the batteries lasted and the lifetime of products was not known;
- Members concerns that there were too many conditions which required further LPA approval and that Councillors should have input in agreeing the final finishes
- The views of the objector who stated that Members could refuse the application on local landscape, substantial harm to listed buildings, loss of agricultural land, limited information of storage capacity and no lifecycle analysis had been provided;
- The views of the agent who stated that the proposed development was acceptable to the local plan and planning policies and that it aligned to the Council's commitment to Carbon reduction. The site would still remain in agricultural use and would provide green electricity for 10k homes within the District
- The views of some Members that the Council had made a commitment to its residents that it would sign up to Climate Change and reduce dependence on fossil fuels. Schemes like this would benefit our children and grandchildren;
- The views of some Members that agricultural roofs should be utilised first;
- The views of some Members that the site was rambling, was close to another solar farm application and it was oversized;

It was therefore **RESOLVED** that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of high grade agricultural land

(Proposed by Cllr C J Eginton and seconded by Cllr B G J Warren)

Reason for the decision – No decision was made the decision was deferred for an implications report.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs Mrs F J Colthorpe, E J Berry and P J Heal requested that their vote against the decision be recorded;
- iii.) Dr Philip Bratby spoke as the objector;

- iv.) Mark Herbert spoke as the agent:
- v.) The following late information was provided:

19/01679/MFUL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure - Land at NGR 303437 103555 East of Langford Mill & Tye Farm Langford.

14th July 21

UPDATE SHEET LIST OF CONDITIONS FOR LANGFORD SOLAR FARM

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 permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
4. Within 3 months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition in accordance with details to be submitted to, and approved in writing by, the local plan authority prior to these works being carried out
5. The Solar PV Panels hereby permitted shall not be erected until samples of the materials to be used in the construction of the solar panel array have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter
6. The site access roads shall be in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent no surface water onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained thereafter hardened, surfaced, drained and maintained thereafter.
7. Visibility splays shall be provided, laid out and maintained for that purpose at the primary site access where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in a southern direction and as identified on the access plan in the other direction.

8. Visibility splays shall be provided, laid out and maintained for that purpose at the other site accesses in accordance where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 33.00 metres in on coming direction and 33.00 metres to the centre line in the offside direction.

9. No other part of the development hereby approved shall be commenced until the until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

10. No development shall take place until off site highway condition surveys have been undertaken and the details submitted and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority.

11. No development shall take place until:

EITHER

- i) A programme of archaeological work has bene carried out in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. OR
- ii) A construction methodology for the development that avoids any below-ground impact within the area of Archaeological sensitivity in the vicinity of the 7th/8th century iron furnace has bene submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted documentation:

- (a) The Biodiversity Management Plan by avian ecology v4 (Dated 20/07/2020), has been submitted to and approved in writing by the Local Planning Authority.
- (b) The Biodiversity Enhancement Note and Addendum Note Dated 3/12/2020)
- (c) The updated Site Layout Plan

Notwithstanding the details included in the above documentations, the details shall include the details t be submitted including planting plans, specification of species, sizes, planting centres, number and percentage mix and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved plans and details.

13. The Solar PV Panels hereby permitted shall not be erected until details, on a suitably scaled plan, of the soft landscape works have been submitted to, and approved in writing by, the local planning authority. The details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved details.

14. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the erection of the panels, and any 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

15. The Solar PV Panels hereby permitted shall not be erected until the full details of the works to the hedges including species adjacent to the residential properties, as shown on Figures 11 and 12 of the Glint and Glare Study Page Power Ltd v 4 dated 16th August 2019, have been submitted and approved in writing by the Local Planning Authority. The works be carried out in the first planting season after the written approval and thereafter retained and maintained.

16. The development hereby approved shall not be brought into use until the surface water drainage arrangements have been provided in full, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained for the life of the development.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report v5 prepared by Calibro, and issued on 30th November 2020, including the level for floodplain compensation outlined in paragraph 7.6.6 of the FRA. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements detailed within the Flood Risk Assessment. The approved measures shall thereafter be retained for the life of the development.

18. No development including any site clearance or groundworks of any kind shall take place within the site until a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed scheme.

19. No external form of illumination of the site shall be undertaken other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits.

20. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.

21. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, 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. The following specific details should also be included in respect to highway safety:

- (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 wheel washing facilities and road sweeping measures with the respective obligations
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (l) Details of the amount and location of construction worker parking.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

22. No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted and approved in writing by the Local Planning Authority. This plan shall provide details of the following:

- a) Retained Ecological and Landscape features
- b) Proposed habitats Ecological and Landscape Features
- c) Habitats and Landscape Management Measures
- d) Monitoring and Review of Plan

The development shall not be carried out other than in complete accordance with the approved details

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To establish the commencement date for the 40 year operational life of the solar farm.

3. For the avoidance of doubt and in the interests of proper planning.
4. For the avoidance of doubt and to establish the duration of the planning permission and in the interests of the visual appearance of the landscape once the plant is redundant in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
5. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
6. To prevent mud and other debris being carried onto the public highway.
7. To provide adequate visibility from and of emerging vehicles.
8. To provide adequate visibility from and of emerging vehicles.
9. To ensure that adequate facilities are available for traffic attracted to the site.
10. To minimise the impact of the development on the highway network in accordance with the National Planning Policy Framework.
11. To ensure, in accordance with EITHER (i) policy DM25 of the Mid Devon Local Plan 2013-2033 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 or (ii) in accordance with policy DM27, the preservation in situ of heritage assets.
12. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
13. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
14. In the interests of the visual amenity of the area and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
15. To protect the amenities of the adjoining residential properties and in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
16. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.
17. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.

18. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.

19. To minimise light pollution in this rural area and in the interests of biodiversity and ecology, in accordance with policies S9 and DM2 of the Mid Devon Local Plan 2013 - 2033.

20. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.

21. To minimise the impact upon the highway network and the neighbouring residential properties during the construction period

22. In the interests of the visual amenity of the area in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013-2033.

1. Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to policy DM2 of the Mid Devon Local Plan 2013-2033. The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; flooding risk; ecology or in relation to the availability of agricultural land.

Withdrawn objection

I am writing to you ahead of the planning committee tomorrow in relation to the proposed Langford Solar Farm (19/01679/MFUL). I felt it is worth noting to members that whilst I originally objected to the scheme due to concerns over potential impacts on my business, I have since worked closely with the Applicant JBM Solar and they have agreed to implement a number of mitigation measures including compensation

in order to minimise disruption to my business. As a result I no longer have any objection to the scheme and consider that all of my concerns have been addressed.

Kind regards,
John Pitson,
Yarak birds of prey

50 **MAJOR APPLICATIONS WITH NO DECISION (5.23.14)**

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

Note: *List previously circulated; copy attached to the minutes

(The meeting ended at 8.00 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 28th July 2021

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 01. | <p>21/00461/FULL - Erection of extensions to existing agricultural storage building 660sqm at Land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 02. | <p>21/00580/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family at Land at NGR 276600 96594 (North of Shortacombe Farm), Shortacombe Lane, Yeoford.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 03. | <p>21/01086/HOUSE - Erection of side porch at Bluebell House, 18 Court Barton Close, Thorverton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 21/00461/FULL

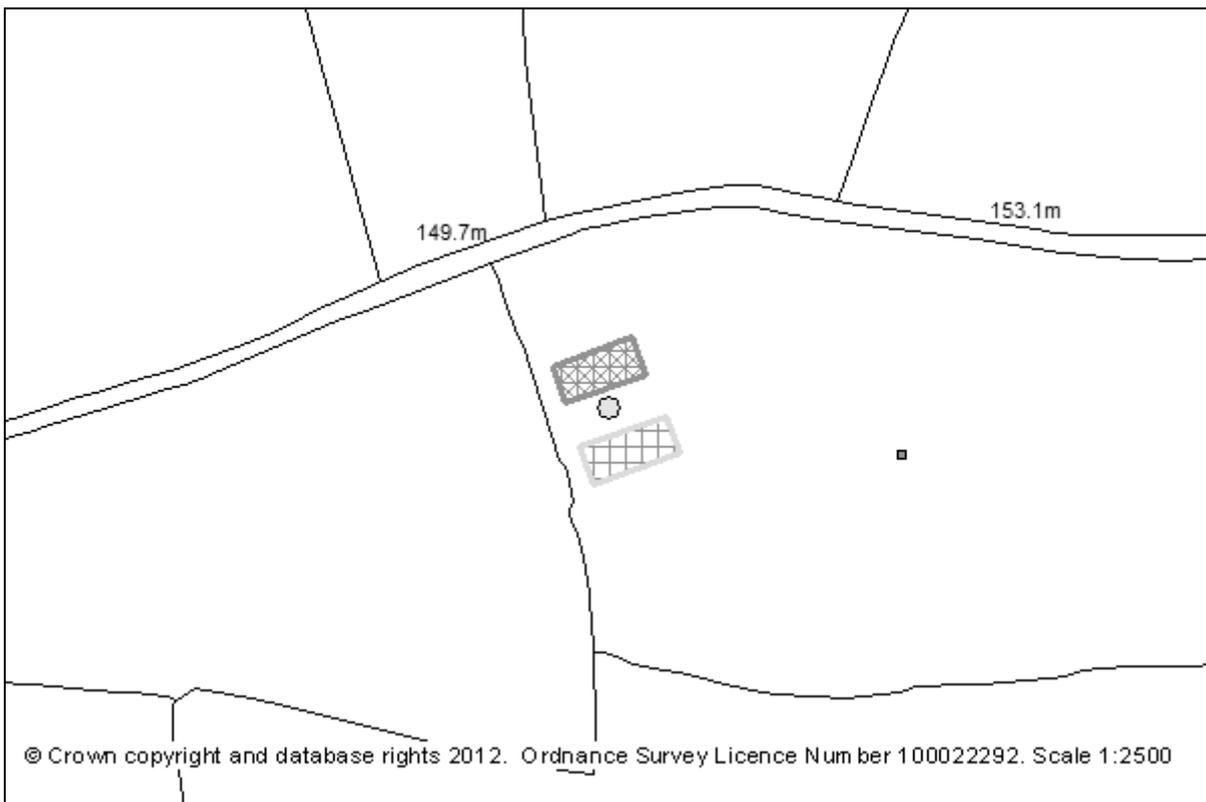
Grid Ref: 288383 : 107104

Applicant: Mr and Mrs Thorne

Location: Land at NGR 288288 107120
Redyeates Cross
Cheriton Fitzpaine
Devon

Proposal: Erection of extensions to existing agricultural storage building 660sqm

Date Valid: 1st March 2021



APPLICATION NO: 21/00461/FULL

MEMBER CALL-IN

Councillor Polly Colthorpe has called this planning application to Planning Committee in order for Members to consider whether the proposed works are suitably scaled, designed and justified and whether there would be any impact on the wider landscape or amenity of neighbouring properties.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of extensions to existing agricultural storage building 660sqm on land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine. The proposed extensions would provide livestock housing.

The applicant is a mixed arable and livestock farmer, currently growing fruit, vegetables and cereals, rearing sheep and cattle and operating from Thornes Farm. Planning permission for the erection of an agricultural workers dwelling has recently been approved under 20/01991/FULL in order to a farm worker/manager to oversee the livestock farming element of the agricultural enterprise.

The current livestock numbers of the holding is stated as 100 animals (shorthorn beef, calves, ewes and lambs).

As noted with the previously approved application, which was supported by an agricultural appraisal, the applicant farms approximately 250 acres of land, used either for grazing, grassland or for growing fruit and vegetables. The core of the farm comprises the 17 acres held owned by the Applicant with a farmhouse, farm shop with pick-your-own crops adjacent, newly built cold store and restaurant at Thorne Farm, Stockleigh Pomeroy.

Approximately 1 mile away is a freehold site of 53 acres, and this is where the existing agricultural building is sited which is proposed to be extended in order to house livestock. The remaining balance of land is made up of around 160 acres of grassland, used for grazing and silage, and 20 acres used for growing potatoes, cauliflowers and cabbages. This ground is held on short term cropping licences at around £200 an acre which suits local farmers who would normally use it for grazing land. The exact makeup of the lettings can vary from year to year with livestock being turned out onto the ground by rotation to help improve fertility.

There are plans to increase the livestock numbers as was noted in the update to the previous application where it was outlined that once there is an on site farm worker residing on the site, livestock numbers would increase to 60 sheep, 60 breeding shorthorn beef cows and Young/followers of those cows being heifers – which are kept for 2 years

and sold in calf – and some bulls which are kept for 2 years and sold for breeding. In view of the 2 year timescale, it was advised that this number would be around 100.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, plans,

RELEVANT PLANNING HISTORY

18/01450/FULL - PERMIT date 13th December 2018

Retention of engineering works for improved site access; construction of access track and hard surfaced yard

18/01530/FULL - PERMIT date 13th December 2018

Erection of an agricultural storage building

20/01991/FULL - PERCON date 28th May 2021

Erection of an agricultural workers dwelling

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

Policy S1 - Sustainable development priorities

Policy S8 – Infrastructure

Policy S9 – Environment

Policy S14 – Countryside

Policy DM1 - High quality design

Policy DM3 - Transport and air quality

Policy DM4 - Pollution

Policy DM18 - Rural employment development

Policy DM20 - Agricultural development

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Cheriton Fitzpaine Parish Council – 23rd May 2021

The Parish Council Objects to the planning for the following reasons:-

- The correct information has not been provided
- The size of the development is greater than normal
- The position has a visual impact

Highway Authority – 16th March 2021

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 – 11th May 2021

I have now had a look at this application and the additional information now provided. I have also considered the various concerns raised by people living in the area. My comments on this application are as follows:

I have considered the application for large extensions to an existing storage barn. There is very little information provided with the application, no planning statement for example, and therefore it was not initially clear what the extensions would be used for. However the additional information suggests that it will be used for housing of livestock on straw (so cattle), and this is most likely in the winter. The applicant has not provided detail about where the resultant farm yard manure will be stored prior to spreading, or how long the cattle will be housed. It is common for fym to build up over several months in situ, or to be periodically removed to an off-site storage area. The agent suggests it will be spread locally but this cannot happen throughout the year. The CSF document suggests that part of the application is to provide a covered fym store, which is beneficial, but this is not detailed in the application. Therefore the applicant should provide full details of their intended use and how it will be managed, including responding to the points raised above.

There is available land adjacent to take run off water from the building and also to take liquid waste from the housing, but no details have been provided about how this will be managed in order to ensure that run-off cannot affect the adjacent roadway. We would expect to see details of a proposed field drainage system with a catch pit or similar associated with the livestock or fym storage areas.

If the building is intended to house young stock then it is likely that heat lamps will be needed during the night at certain times of the year and residents are correct to suggest that this could be noticeable from some distance away and therefore impact on the dark sky environment. The applicant should confirm what the building is intended to be used for and if night lighting is intended then they should advise how light pollution will be avoided (for example by installing the wooden slats in a louvre style).

We will be pleased to comment again once this further information has been provided in sufficient detail that the intended uses and management of the building are clearer.

Public Health – 11th June 2021 (Following receipt of further information from applicant which was as follows:

- There will be no slurry waste. It will be a straw based system.
- Confirmation from Natural England that they will provide some funding to one of the proposed lean to extensions that is to be used as an undercover bunded dung store
- A “Catchment Sensitive Farming Support for Countryside Stewardship” document provided.
- The extension on the South side of existing building will be used for housing cattle on straw bedding from November till the end of March, during the spring and

summer months it will be used for general storage, farmyard manure (fym) will be removed if necessary during the winter and stored in the bunded fym store which forms the extension on the North side of the existing building.

- The rainwater from the building will be put into a soakaway on the south side of the building, the bunded dung store ensures that no liquid waste can escape from the fym.
- There will be no heat lamps used, they are not required for calving cows.
- The building would be lit intermittently during the calving period but the outside of the building will have either vent air steel cladding or Yorkshire boarding and little or no light will escape.)

Yes that makes it clearer and yes it addresses the matters I raised so we have no further concerns.

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment

REPRESENTATIONS

This planning application has been advertised by means of a site notice, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the Council's Adopted Statement of Community Involvement (October 2016) and the legal requirements for publicity on planning applications, as set out in The Town and Country Planning (Development) Management Procedure (England) Order 2015, as amended by The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

10 letters of representation have been received at the time of writing the report, with the objections summarised as follows:

- This development does not comply with Policies S14 and DM20 which states that agricultural development must be sensitively located, appropriately scaled and designed and not have an impact on neighbours.
- There is no waste disposal plan has required by policy DM20.
- In Section 15 of the application form, the applicant has answered 'No' to the question 'Does the proposal involve the need to dispose of trade effluence or trade waste' Also in Section 20 of the application form the applicant has again answered 'No' to the question 'Does this proposal involve the carrying out of industrial or commercial activities and processes?'
- Does animal waste not constitute trade effluent or waste? Is this not a commercial activity?
- The original barn application, 18/01530/FULL, was approved on 13/12/2018, with the justification that it was for machinery and crop storage.
- The existing barn is on a hilltop and to significantly enlarge it will create an eyesore in an area of great natural beauty.

- At an increase of 250%, the scale of the proposed building is not appropriate for the area and will be a blot on the landscape.
- I suspect this application is aimed to support the application for a farm workers house as previously there were no facilities for animal breeding.
- There are queries about the amount of breeding that will occur on this site and whether the Stockleigh Pomeroy part of the business would be a more appropriate site.
- There is already a substantial barn at the applicant's Stockleigh Pomeroy site. Why can't this be pressed into service for livestock?
- This application has no justification and should be refused.
- A building of this size will most likely require substantial illumination since the livestock may well need supervision 24 hours a day. This will not only affect the neighbouring properties, but this will also cause major light pollution to an already diminishing dark sky.
- In rural areas like this one, there is a great sensitivity to light pollution for residents as well as for the insects (bees and aphid predators) which are essential for the apple orchards and vines (at neighbouring farms) to thrive in EX17.
- There is no pollution impact assessment as required by DM4.
- In the drawing there are feed barriers along all sides of the barn and to me these look like self locking yokes. These feeding stalls are known to be extremely noisy throughout the day and night:
 - The cows put their heads down to feed and the barrier moves across with a bang. The impact of potential noise should be thoroughly investigated.
 - Sound travels in these valleys and hills, and the negative impact of continuous banging from this barn on local residents could be considerable, especially those living at Hayne and at the outlying farms of Hayne.
- The Surface Water Drainage Strategy is inadequate. Since the building of the new barn on this site in 2019, the road just to the north of this building is often flooded in the winter months.
- With the extension, which will create a building which is 250% of the original barn size, and with livestock, the risk of flooding on this road is even greater.
- Only 57 acres in this holding is actually in the applicant's ownership; the rest is leased, largely seasonally, and most is in use for vegetable crops. This does not therefore constitute a permanent holding for which there might be some argument for such a massive new building.
- The plans submitted also show the barn floor all on one level. This then is one continuous level surface of around 39 metres by 27 metres. However this is not a level site and no reference appears to have been made to the necessary landscaping to achieve this.
- When this 57 acre land plot was purchased by the applicants around 2017 it was all laid to permanent grassland as was all the other land sold at the break up of Great Hayne Farm. Since that time the greater proportion of this land has been converted from animal pasture to vegetable growing. The evidence then is that the land was not primarily purchased or intended for sheep or cattle pasture but was in fact intended and has been predominately used for vegetable growing.
- No Business Plan has been submitted to justify this barn extension. In a separate application 20/01991/FULL an accompanying Agricultural Appraisal document in which the applicant clearly demonstrates that over 90% of farm activity is non animal related.

- In planning application 20/01991/FULL the same applicant has detailed that 220 sheep and cattle will be housed in this barn extension and on only 33 acres of this site, the remaining 20 acres of the site being drip-fed vegetables.
- The animal breakdown is given as 60 sheep, 60 breeding shorthorn beef cows and 100 young follower cows.
- It is entirely inappropriate to consider housing this number of animals on such a small parcel of land without a considered and published Waste Management Plan or a Pollution Impact Assessment by a 'suitable qualified person'.
- I believe it is appropriate to refer this application back to the Environment Agency for further comment.
- With respect to the comment made about funding from Natural England relating to use of undercover bunded dung store, this claim should be explored further. Natural England do not provide funds for this type of project.
- It is possible that the funds referred to are from the Rural Payments Agency under a Countryside Stewardship agreement. This is a system that is administered by Natural England but funded by the Rural Payments Agency. However, in order to secure these funds a number of criteria have to be met including the following.
 - 1) The site has to be in a High Priority Area for water and air quality - the Redyeates Cross site does satisfy this requirement.
 - 2) The project has to be supported by and have the approval of the Catchment Sensitive Farming Officer (CSFO) for the area.
 - 3) The project should have prior planning approval.
 - 4) The project is based on existing animal numbers and not some future planned expansion.
- The submitted proposed plan drawing shows no animal access doorways on either extension. Therefore, how are the animals to access the 'livestock' areas if not through the existing barn entrance and hence through the existing barn.

A letter of objection was received from Devon CPRE on the 20th June 2021 commenting as follows:

Devon CPRE have studied the application and wish to make the following comment and objection. Concerns are raised with regard to the justification for the proposed building in terms of need and scale, in this open countryside location. The proposal is not supported by an independent agricultural appraisal, nor a landscape impact assessment, to robustly support what would be an incongruous development in the rural landscape.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Relevant Policies**
- 2. Policy in context**
- 3. Design, Landscape and Visual Impact**
- 4. Impact on amenity of local residents (traffic, noise, odour)**
- 5. Environmental Impact**
- 6. Highways**

1. Relevant Policies

The key policy used to determine the application is policy DM20 (Agricultural development) of the Mid Devon Local Plan 2013-2033. This states that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;
- c) The development will not have an unacceptable adverse impact on the environment;
and
- d) The development will not have an unacceptable traffic impact on the local road network.

Relevant assessment of the policy is given under Sections 2, 3, 4 and 5 of this report.

Policy DM18 (Rural employment development) is also relevant. This states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

The assessment of this policy is made under Sections 2, 3, 4 and 5 of the report.

Policy S9 (Environment) of the Mid Devon Local Plan 2013-2033 requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. This policy also seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Design is also measured under policy DM1 of the Mid Devon Local Plan 2013-2033.

Policy S8 (Infrastructure) and Policy DM3 (Transport and air quality) seek to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans. Policy S14 (Countryside) seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

Reference has been made by objectors to Policy DM4 (Pollution) which states that '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 a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects

of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.' This matter which be discussed later within this report as the Public Team were consulted on the proposals and made requests for further information which was provided by the applicant.

2. Policy in context

The National Planning Policy Framework (NPPF) affirms three objectives to the principle of sustainable development: economic, social and environmental. The Framework seeks to support a prosperous rural economy through the expansion and diversification of all types of rural business and the NPPF applies a presumption in favour of rural development subject to compliance with local planning policies.

The proposed development is said to be reasonably necessary as it has been outlined that with regard to the current farming enterprise, this extends in total to approximately 250 acres, upon which there can be up to 100 animals (shorthorn beef, calves, ewes and lambs) at any one time. There are proposals to increase the livestock element of the agricultural enterprise and the extensions proposed are to house livestock. As such the extensions to the building are therefore considered reasonably necessary to support the agricultural activity on the holding.

The current livestock figures of up to 100 animals across the current land holding of the agricultural unit is not considered excessive for the proposed livestock extensions proposed. The erection of an agricultural workers dwelling which was recently approved would allow livestock numbers to be increased.

The proposal would therefore allow for the expansion of the farming activity at Thorne Farm and the livestock element on this site in line with the figures quoted in the agricultural appraisal. The proposed development is considered to comply with part a) of DM20 and the generation of employment on the site would receive policy support under DM18 of the Mid Devon Local Plan 2013-2033.

3. Design, Landscape and Visual Impact

The development site comprises an agricultural field used for grazing and the growing of crops with an existing agricultural storage building on site which is to be extended. There is an existing access and the applicant owns the adjoining fields. The development site lies outside of any statutory or non-statutory/local landscape designations.

The materials proposed are for metal profile walls and corrugated sheet roof in keeping with the existing building. Whilst the design of the structure is utilitarian, it is considered to be appropriate for the intended use of livestock housing. The extension is proposed at the north and south side of the existing agricultural building on site and would provide an additional 660 sqm of floor area. The extensions do not exceed either the eaves or ridge height of the existing building, instead providing a smaller continuation to either side. As such the extensions would be viewed in this context which is considered to represent a form and a scale which would be acceptable not having an unacceptable impact upon the character and appearance of the area. Having regard to the siting of the works in relation

to neighbouring properties it is not considered that the proposal would result in any significant adverse effects to the amenities of neighbouring occupiers due to the distances involved.

The extensions to either side of the existing building would project 12m, running length of agricultural building with an eaves height of 3.6m, therefore the nature of the development would not warrant a Landscape Impact Assessment, as this would not be proportionate to the development proposed which would result in an increase in footprint of 660sqm as a Landscape Visual Impact Assessment (LVIA) would be usually required for a much larger development (major application) in a sensitive landscape where it is likely to be EIA development. The development of the site is considered to comply with S9, S14, DM1 and DM20 of the Mid Devon Local Plan 2013-2033.

4. Impact on amenity of local residents (traffic, noise, odour, light pollution)

In terms of the impact on the amenity of occupiers of neighbouring property, the proposed extensions to the existing agricultural building would be located over 200m away from the nearest residential property. Therefore it is not considered that there would be any significant detrimental impact on amenity of neighbouring occupiers in terms of overbearing impact/overlooking.

Objections have been received on the grounds that there will be a detrimental impact on the amenity of neighbouring properties through noise and light pollution. The Local Planning Authority has consulted Public Health in the determination of the application and whilst they have raised no objection on the grounds of noise disturbance they did question the issue of light as if the building is intended to house young stock then it is likely that heat lamps will be needed during the night at certain times of the year and as such residents would be correct to suggest that this could be noticeable from some distance away and therefore impact on the dark sky environment.

As a result of this, the Public Health Team advised that the applicant should confirm what the building is intended to be used for and if night lighting is intended then they should advise how light pollution will be avoided (for example by installing the wooden slats in a louvre style). The applicant responded to outline that there will be no heat lamps used, they are not required for calving cows. The building would be lit intermittently during the calving period but the outside of the building they have either vent air steel cladding or Yorkshire boarding and therefore little or no light would escape. The Public Health Team are happy with this explanation and raised no objections on the grounds of light pollution.

5. Environmental Impact

The site is located in the countryside, within Flood Zone 1 and the topography is such that certain views to the proposals will be screened. Objections have been received on the grounds of drainage and pollution to the environment from the proposed livestock use of the building.

The applicant has outlined that there will be no slurry waste. Instead the straw based dung from the livestock building is a valuable commodity and will be ploughed into land used for

growing vegetables to improve soil structure, increase organic matter and provide valuable nutrients. There will be no slurry from this straw based system. There was also reference made to Natural England providing some funding to one of the proposed extension "lean to" that is to be used as an undercover bunded dung store (for this straw based system).

The Public Health Team noted that the information provided was that the extensions would be used for housing of livestock on straw (so cattle), and this is most likely in the winter. However the applicant had not initially provided detail about where the resultant farm yard manure will be stored prior to spreading, or how long the cattle will be housed. The Public Health Officer advised that it is common for fym to build up over several months in situ, or to be periodically removed to an off-site storage area.

As a result, the applicant has provided further information informing that the extension on the South side of existing building will be used for housing cattle on straw bedding from November till the end of March, during the spring and summer months it will be used for general storage, fym will be removed if necessary during the winter and stored in the bunded fym store which forms the extension on the North side of the existing building. The bunded fym store is a water tight area used to store excess fym during the winter months until it will be spread on to the arable land at the site prior to ploughing. The Public Health Officer has confirmed that this would be acceptable.

The Public Health Officer commented that there is available land adjacent to take run off water from the building and also to take liquid waste from the housing, but the initial submission contained no details as to how this will be managed in order to ensure that run-off cannot affect the adjacent roadway. A revised plan has been shown showing the drainage arrangement to a soakaway and the applicant outlines that the rainwater from the building will be put into a soakaway on the south side of the building, the bunded dung store ensures that no liquid waste can escape from the fym as no rain will be passing through it, covered straw yards produce little or no liquid.

In light of the above, the Public Health Team have raised no objection to the scheme and overall it is considered acceptable in terms of the likely environmental impacts, being in accordance with Policies DM4 and DM20 of the Mid Devon Local Plan 2013-2033.

6. Highways

The erection of extensions to an existing agricultural building, on land which is already used for grazing of livestock (or adjoining to land being grazed) is not expected to result in a significant increase in traffic movements. The Highway Authority have not objected to the scheme and as such the likely impact to the local highway network is considered to be acceptable.

There are no other materials considerations to weigh against the grant of planning permission, and approval subject to conditions is recommended.

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. No external lighting shall be provided unless an application in that regard is first submitted to and approved by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. Having regard to the countryside setting and to safeguard the visual amenities of the area in accordance with Policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The application scheme for the erection of extensions to existing agricultural storage building (660sqm) is considered to be supportable in policy terms. The extensions are considered reasonably necessary for the purposes of agriculture. There will be no significant adverse impacts on the character and appearance of the area, the amenity of residents of nearby properties, the environment or the local road network. As such, the proposal complies with policies S1, S9, S14, DM1 and DM20 of the Mid Devon Local Plan (2013-2033) 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.

In accordance with Paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has worked proactively and positively with the applicant. This has

included the submission of additional information from the applicant. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

Application No. 21/00580/FULL

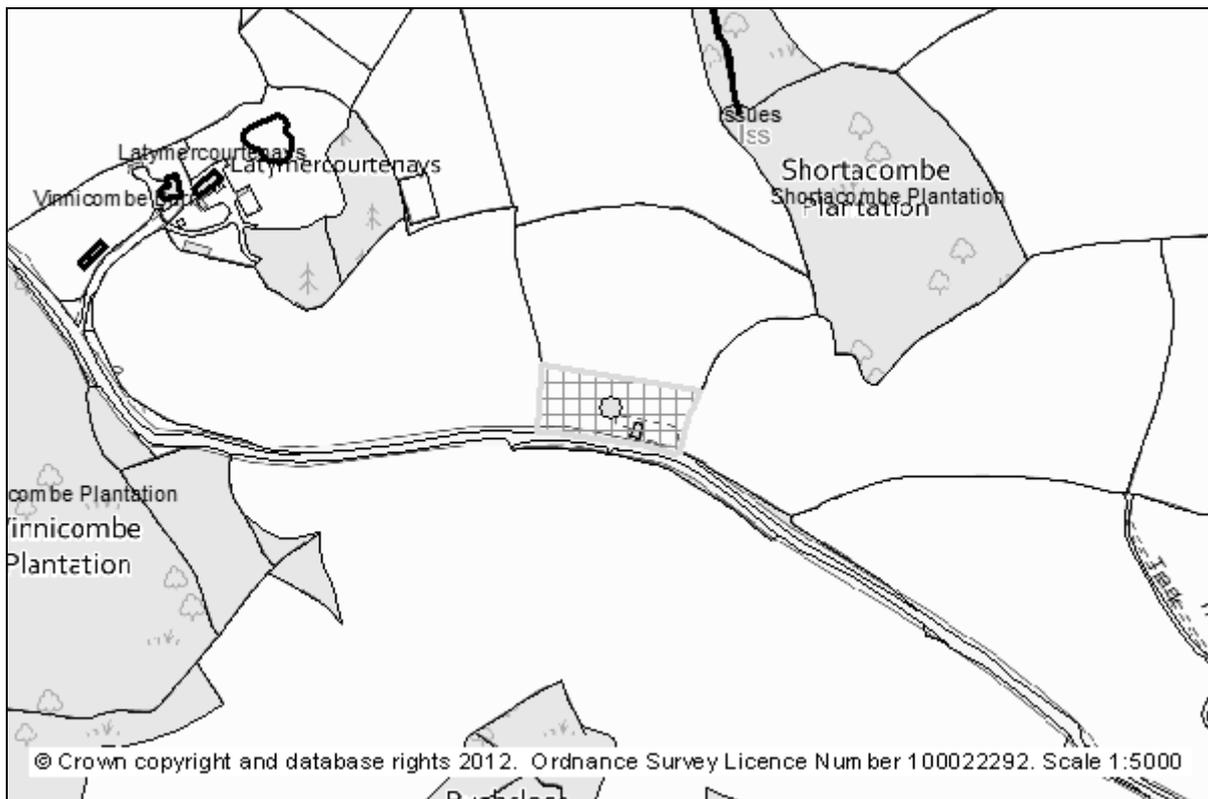
Grid Ref: 276612 : 96646

Applicant: Ms A Tyrer

Location: Land at NGR 276600 96594 (North of Shortacombe Farm)
Shortacombe Lane
Yeoford
Devon

Proposal: Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family

Date Valid: 22nd March 2021



APPLICATION NO: 21/00580/FULL

MEMBER CALL-IN

This planning application has been called in by Councillor Penny for the following reason:

I would wish to call the application in to enable the planning committee to consider the detail of the application and its compliance with National and Local Planning Policy.

Specifically:

- Whether the proposal for a development outside a defined settlement is acceptable in this case.
- Consideration to whether this application would give rise to significant levels of vehicular movement.
- Whether the development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets
- Consideration to the level of interest within the community.
- Whether it would be considered that adequate local infrastructure is in place.

RECOMMENDATION

Grant planning permission, subject to the conditions detailed below.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family. This planning application is identical to a previous planning application 19/01188/FULL considered by Members of the Planning Committee which was refused on the 10th September 2020, the only difference being that the applicant is willing to agree to a personal condition. The applicant did appeal but as the applicant did not submit all of the documents in time, the Planning Inspectorate declined to determine the appeal, hence the reason this planning application has been submitted.

As with the previous application, this planning application proposes the material change of use of agricultural land to residential use for a gypsy and traveller family. The proposal would involve the siting of a static caravan; parking for two touring caravans; the siting of a storage shed and car parking area; landscaping works, including tree planting and the creation of a landscaped bank; and works to create a safe access onto the public highway.

The original submission included the provision and use of a compost toilet and a reed-bed drainage system to deal with grey water but the proposal was amended following concerns received from members of the public and questions as to whether this type of drainage system was the most appropriate in this area given the standing advice from the Environment Agency.

The proposal now involves the use of a toilet facility within the static caravan with a Vortex

Treatment Plant proposed to deal with foul drainage. Confirmation has also been provided from the applicant that there is mains water running adjacent to the site and power will be provided from solar panels.

The site comprises an area of mostly open grassland, including an area surfaced with loose material, on which two touring caravans are currently being kept (these would be moved on site to the position shown on the layout plan and form part of any planning permission issued), along with a wooden storage structure. The site's western, northern, and eastern boundaries adjoin open fields in agricultural use. The southern boundary runs alongside the public highway and is formed by a mature hedgerow. The site is located outside settlement limits.

APPLICANT'S SUPPORTING INFORMATION

Application form, plans, supporting information such as traffic survey and wildlife survey.

RELEVANT PLANNING HISTORY

19/01188/FULL - REFUSE date 10th September 2020

Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family

01/01704/FULL - PERMIT date 8th November 2001

Retention of field shelter and hay store

99/02850/FULL - REFUSE date 1st October 1999

Erection of stabling/tackroom

OTHER HISTORY

18/01964/PREAPP - CLO date 30th January 2019

Proposed traveller pitch

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S3 - Meeting housing needs

S8 - Infrastructure

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM4 - Pollution

DM5 - Parking

DM7 - Traveller sites

DM28 - Other protected sites

The National Planning Policy Framework ("the NPPF")

CONSULTATIONS

Crediton Hamlets Parish Council – 6th May 2021

It was resolved to object to this application for the following planning reasons: highways issues (including that the access road has a steep dip which will not allow the passage of caravans); environmental health issues; concerns that if allowed the site will be expanded; impact on the community; the site is unsuitable in relation to access to infrastructure and local transport; the drawings show that foul drainage will be by way of a vortex treatment plan and there are doubts that this will pass a percolation test, the local clay soil will be impermeable for surface and grey water drainage with the result that this will run off onto neighbouring properties, the road and water courses.

Councillors were sympathetic to the applicant's predicament in that it is very difficult for Gypsies and Travellers to find legal sites. However, for planning reasons Councillors believe that this is not a legal site. Councillors understood that planning consent has been granted for a residential development at Pedlerspool (Creedy Bridge) which includes 5 Gypsy and Traveller pitches and that the S106 agreement in relation to that application has now been signed. Councillors noted that these will be appropriate sites and ask MDDC for confirmation that the pitches be provided as soon as possible to assist the applicant and all Gypsy and Traveller families in finding legal pitches. Councillors ask that the provision of these sites be put at the top of MDDC's list of priorities.

Crediton Hamlets Parish Council – 7th April 2021

Crediton Hamlets PC objects to this application for the reasons given in relation to the applicant's earlier application (19/01188) which are: highways issues (including that the access road has a steep dip which will not allow the passage of caravans), environmental health issues, impact on the community, no evidence of need, unsuitable site in relation to access to infrastructure and local transport and concerns that if allowed the site would expand. In addition, the terrain is not suitable for the proposed reed bed which therefore would not be effective. Thus the application does not address concerns that surface and grey water will run off on to neighbouring properties, the road and water courses.

Cheriton Bishop Parish Council – 12th May 2021

Cheriton Bishop Parish Council objects to this application, which is almost identical to the applicant's previous application 19/01188 for which consent was refused. The reasons for objecting are as for that earlier application, which were: poor highways access, removal of ancient hedge, unsuitable site that does not meet government criteria and is in an isolated situation, MDDC had already identified sufficient sites to meet targets, no services on site and no transport links or services within reasonable distance. In addition, the MDDC Local Plan has now been adopted and the site does not meet the criteria for gypsy/traveller sites set out in the Plan.

Cheriton Bishop Parish Council – 14th April 2021

Cheriton Bishop Parish Council objects to this application, which is almost identical to the applicant's previous application 19/01188 for which consent was refused. The reasons for objecting are as for that earlier application, which were: poor highways access, removal of ancient hedge, unsuitable site that does not meet government criteria and is in an isolated situation, MDDC had already identified sufficient sites to meet targets, no services on site and no transport links or services within reasonable distance. In addition, the MDDC Local Plan has now been adopted and the site does not meet the criteria for gypsy/traveller sites set out in the Plan.

Hittisleigh Parish Council – 16th April 2021 - Hittisleigh Parish Council have the following comments:

The agent acting for the applicant highlights a lack of 5 year sites for gypsy and traveller occupation in Mid Devon and that the applicant fulfils the definition of a traveller and therefore should be permitted to reside in the countryside. The way this is presented discriminates against others who would wish to have a home on agricultural land that their family owns, including the elderly, newlyweds and people unable to access a council house.

It is indicated that the applicant lives in a house but travels with a caravan to festivals. It is not clear why the applicant should be permitted to reside in the countryside due to ownership of a field.

The application for 2 touring caravans does not clearly indicate ongoing use. They could be caravans of a type that are able to be towed, but left permanently on site, or caravans that come and go from the site.

The location of the field has inadequate access that counts against the application with a steep hill, a ford and a narrow lane with hedges. There is environmental concern over the proposed reed bed system - the gradient of the field and the amount of surface water could result in grey water entering the water course. Clay soil is predominant in the location which indicates further difficulties with pollution control.

This application repeats an earlier application with the only additional factor highlighted is the slow development of sites elsewhere. At the time of the first application the national guidance was able to be quoted by solicitors to both support and refuse the application and that does not appear to have changed.

Public Health – 9th April 2021

Contaminated Land: No concerns. (09.04.21).

Air Quality: No concerns. (09.04.21).

Environmental Permitting: No objection to this proposal. (25.03.21).

Drainage: The applicant proposes a compost toilet and a reed bed system to hold and decompose grey water (ablutions and washing machine water). Compost toilets are very

difficult to manage and only work where liquid and solid wastes are separated; this is not possible for many people. The plans show that there is potential for rodents, smell and flies, and furthermore the solid waste will need to be stored on site for composting and re-use. Longterm this is unlikely to be sustainable. Reed beds are also difficult to manage and infact the two drawings, 21/6 and 21/2RevA, are contradictory and the reed bed is showing beneath a touring pitch.

Plan 21/6 shows a vortex treatment plant discharging to a drainage field. This would negate the need for a compost toilet and reed bed so will be a better solution. The applicant would need to confirm which of these systems are actually proposed so that we can comment further. Percolation tests must first be carried out on the land in order that full details of the drainage field can be provided with the updated plans. This matter will need to be resolved prior to any decision and we will not support the proposal for a composing toilet; this is in line with our comments on the previous application on this site in 2019. (09.04.21).

Noise & other nuisances: No concerns. (09.04.21).

Housing Standards: No comment. (29.03.21).

Licensing: This will require a licence please contact licensing via email licensing@middevon.gov.uk . (25.03.21).

Food Hygiene: No comments. (25.03.21).

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. (29.03.21).

Health and Safety: No comments. (25.03.21).

Natural England – 4th May 2021

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 April 2021 (Our Ref: 347840). 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.

Natural England – 13th April 2021

Natural England has no comments to make on this application.

Highway Authority – 6th May 2021

The Highway Authority has no further comments

Highway Authority – 29th March 2021

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.

South West Water – 23rd April 2021

So long as a 3 metre easement is maintained from the water main already advised of, South West Water have no further concerns.

South West Water – 8th April 2021

Please find enclosed (sent separately via email) a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

REPRESENTATIONS

40 letters of representation were received to this application, 33 letters of which were objection and 7 letters in support of the proposals.

The objectors raise the following concerns:

- The objections outlined within the previous application (19/01188/FULL) still apply.
- Although recent, planning has been granted at Peddlars Pool in Crediton for 5 Gypsy/Traveller pitches and therefore as there is not a local need for pitches or housing within Binneford, MDDC have ensured that allocation is available elsewhere.
- Earlier this month planning was refused in Binneford for the development of two houses and the arguments used in relation to that application could be applied to this application as well.

- The proposed site is on agricultural land, which is the nature of the surrounding environment being farmed by local livestock keepers. This will lead to further loss of agricultural land at a time where the government policy is for the promotion of agricultural enterprises.
- The latest revised application will in no way be an improvement or a workable solution to the safe and efficient dispersal/filtration of waste water from the proposed living accommodation on the site.
- This is an unsafe site for mobile homes in the winter months when wind and rain can cause obvious dangers on such an exposed high and sloping piece of land.
- Public health stated a license and a percolation test need to be carried out. All the surrounding land is heavy clay which will never pass the test, we would want assurances the percolation tests are valid and by a reputable company and in the location of the planned drain away.
- Public health also stated the location of the reed bed which has been replaced with the treatment plant was not actually in the correct location.
- SWW stated a 3-meter easement had to be in place from the water mains, the plans have not altered from 1 year ago, there is no 3-meter easement, in fact the applicant is planning on digging a trench and a new bank within the 3 meter easement.
- Should the applicant abide by the 3 meters easement this will then require more hardcore to be placed and make the touring caravans even more prominent. I would be interested to know whether this moves the site beyond the current 0.4hecters.
- With regard to the vortex, reputable installers as stated in my first objection state treatment plants do not work on boggy ground, they fail and contaminate the area with excrement.
- The site is on a flood zone, and has flooded every year. Additionally vortex treatment plants need to disperse into a ditch or water course, the site has neither as it is landlocked.
- Treatment plants have to run 24/7, 365 days of the year. I assume the applicant will eventually state a portable solar panel, and maybe a battery, in deepest winter this will not be sufficient, neither is there a backup for when it fails again leading to zero confidence the treatment plant will be operated properly.
- The site drawing is misleading, it does not show the removal of the bank and trees to deliver the right splay, it shows the current bank and trees in site. The left splay is not the applicants to remove.
- Finally, there has been zero effort made to establish if it is legal, which it is not to re direct rain water from the ditch into the western hedge. This is effectively pushing the rain water which is significant and heavy in winter off the applicants land straight onto the neighbouring land.
- The proposal is contrary to Local Plan and NPPF policies.
- The site is located outside settlement limits and is remote from established settlements.
- The proposal is not sustainable as it is not located near to services, including any hospital that has capacity, and there is a lack of access to public transport. The nearest bus stop provides a very limited service. The site is not located within 30mins of a hospital.
- The highway is very narrow, poorly drained and lacks a pedestrian footway and lighting, and is therefore unsafe and cannot accommodate additional traffic.
- The proposed access would not have adequate visibility onto the public highway.

- The drainage arrangements are not sufficient to cope with the number of people that the site would have the capacity to accommodate and the sloped nature of the site is such that, particularly during freezing conditions, the reed bed system is likely to fail and waste water will run off to neighbouring land and water courses.
- It is unclear how grey water from the touring caravans would be managed.
- The proposal would result in harm to wildlife.
- The proposal should be assessed in relation to the number of people that may live at the site rather than the number of caravans.
- The site occupies a prominent position in the landscape and the proposal would result in harm to the character of the area, and be contrary to the recommendations of the Mid Devon Landscape Character Assessment.
- The proposal is unlikely to promote peaceful co-existence of neighbouring communities.
- The proposal would result in the loss of part of a hedgerow.
- The status of the applicant, as a gypsy or traveller, has not been adequately demonstrated.
- The applicant already has access to accommodation in the local area.
- The site is in an isolated location remote from sewerage and other drainage arrangements.
- The proposal would not be well served by local services.
- Potential for noise nuisance as a result of music and use of a generator.
- There is no need for two travelling caravans, in addition to the static caravan, given that the applicant's son is 14 years old.
- The proposal does not seem to include access to running water or electricity.
- Permission has previously been refused for a stable and tack-room, based on the poor access arrangements, isolated location, and visual impact. These reasons for refusal apply all the more to the proposed development.
- The proposal could increase the probability of flooding.

In terms of material planning considerations, the letters of support state that:

- The site is well screened and further landscaping is proposed, with caravans being low level having less impact than a house or bungalow.
- The applicant would only have a low impact on the environment because of her strong beliefs in respecting the land and the community around.
- The site is a considerable distance from neighbouring properties.
- The applicant is a member of the travelling community, and travels to festivals and other events for work throughout the year. She fits the description of an old school traveller.
- The applicant would integrate well with the local community and there would be minimal disruption as a result of the proposal.
- The site is within walking/cycling distance of public transport and school transport.
- There is a need for the proposal given the absence of designated alternatives.
- The objections should not worry that the applicant would invite a field full of travelers to live on the land and understand that the applicant is a private person.
- The applicant has worked to comply with the requirements of the planning permission with the help of professional architects, and alterations that follow a sustainable and ecological approach to living.

- The Applicant is a gardener and landscaper and has shown a high level of skill and understanding of garden plants, trees (planting and care) and land management. She is hard working, careful and reliable.
- The plans include enhancements through the planting of native trees and if the reedbed can be made to work this will certainly be of benefit to wildlife locally, compared to the current species poor grassland.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Principle of Development**
- 2) Visual Impact**
- 3) Amenity**
- 4) Access Arrangements**
- 5) Drainage Arrangements**
- 6) Nature Conservation**
- 7) Other Considerations**

1) Principle of Development:

This planning application is the same proposal as submitted under planning application 19/01188/FULL which went in front of Members of the Planning Committee as an Implications Report on the 9th September 2020 where Members resolved to refuse for the following reason:

1. In the opinion of the Local Planning Authority, the proposed site of the family traveller pitch given its countryside location and prominent position on the ridge of the hill will result in an unacceptable landscape and ecological impact through the introduction of caravans and other structures and the removal of hedgebank and trees to provide an adequate visibility splay for the access into the site. The location of the site is such that there will be no safe or convenient access to local facilities or services. Therefore any need for the development does not outweigh the harm which would result with the development being contrary to Mid Devon Local Plan Review 2013-2033 Policies S14, DM1 and DM7 and guidance within the National Planning Policy Framework 2019 and Policy Planning for Traveller Sites (2015).

As outlined within the Implications Report, it was noted that the above reason for refusal relates to the location of the site in the countryside some distance away from local services as would be required by occupiers of the site with the development resulting in a detrimental impact on the landscape and ecology given the prominent position of the site on the ridge of the hill and associated works required to create a safe access through the removal of hedgebank and trees. The site is located over 2 miles away from any settlement recognised within the Local Plan as having a number of community services for members of the public and in terms of this site, there are no direct public transport services available in close proximity to the site to access these services. The impact on the amenity of the area is subjective and therefore Members were informed that a case

could be made that the proposals would result in a change to the appearance and character of the site with the main mitigation put forward being through further landscaping to screen the development including replacing hedgebanks.

Policy DM7 of the Local Plan states in criterion (c) that the site should not cause unacceptable landscape or ecological impact and criterion (e) outlines that a safe and convenient access to local facilities is provided. Policy DM1 of the Local Plan also requires development to result in a positive contribution to local character including biodiversity and for development to result in the creation of safe and accessible places that encourage and enable sustainable modes of travel such as walking and cycling (criteria (c) and (d)). As outlined within the Implications Report for 19/01188/FULL, through the assessment of this proposal, in the event that Members are of the view that any need for such a development does not outweigh the harm created by the proposal in this location, the development could be considered to be contrary to these two policies. Should Members conclude this to still be the case, they could seek to refuse this application under the previous reason for refusal given to planning application 19/01188/FULL.

However, as previously commented upon, Members were reminded that consideration needs to be given to the weight of any harm this development will have on the impact of amenity of the area and whether any harm identified can be mitigated against through specific planning controls which it is considered would be the case such as landscaping which could result in a net biodiversity gain. Following this assessment and in order to then come to a final conclusion on this matter, Members would then need to weigh these considerations against the previous under delivery of gypsy and traveller pitches across the district and the realistic timeframe of delivery of pitches on allocated sites within the Local Plan.

Notwithstanding the above, the view of officers is the same as provided in the officer report for 19/01188/FULL as taken in front of Planning Committee in August 2020 whereby it was considered that the principle of the development could be accepted. The Parish Councils and members of the public have objected to the proposal, stating that it is for residential development in the countryside and that the need for the proposal has not been demonstrated. Concerns are also raised about the sustainability of the location in terms of its access to services, and the traveller status of the applicant is also questioned. The application, and representations received from supporters, state that there is a need for the proposal given the absence of alternative gypsy and traveller provision in the area, and refer to the applicant's status as a gypsy/traveller.

The main national policy in relation to gypsy and traveller accommodation is contained within the Planning Policy for Traveller Sites (PPTS). The PPTS states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework. It requires that Local Planning Authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites:

- the existing level of local provision and need for sites;
- the availability (or lack) of alternative accommodation for the applicants;

- other personal circumstances of the applicant;
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- that Councils should determine applications for sites from any travellers and not just those with local connections.

The adopted development plan, in technical terms, remains the starting point for planning decision making. Relevant policies in the Mid Devon Local Plan 2013-2033 are S14 which outlines that development outside settlement limits is strictly controlled but provides a list of exceptions, which are subject to detailed criteria-based development control policies. These include gypsy accommodation but this is subject to meeting other criteria such as preserving and where possible enhance the character, appearance and biodiversity of the countryside.

When the officer report for planning application 19/01188/FULL was first considered by Members, the previous Local Plan was in force which contained Policy AL/DE/7 of the Local Plan which indicated that planning permission would be granted for new gypsy and traveller sites in the countryside provided three criteria are met. It stated that pitches would be permitted provided that: a) the need cannot reasonably be met on another site within Mid Devon which has consent or is allocated for gypsy and traveller pitches; b) that the site is within 30 minutes travel by means of public transport, walking and/or cycling of a hospital and secondary school; and c) that occupation is limited to those meeting the definition of Gypsies and Travellers in the relevant national policy. However, through the adoption of the Mid Devon Local Plan 2013-2033 this policy no longer applies.

Policy AL/DE/7 was replaced by Policy DM7 (Traveller Sites) which states:

1. Planning applications for Pitches and Plots

‘Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:

- Suitable onsite facilities will be provided including space for children’s play;
- The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and
- The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;
- Occupation will be limited to those who meet the Government’s published definition of gypsies and travellers, including travelling showpeople or their dependents; and.
- Safe and convenient access to local facilities is provided

Sites with associated employment or storage elements will be permitted where there is specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.’

Therefore in light of the above some of the more stringent requirements have been removed from Policy AL/DE/7 and it is considered that there would be ample space on site

for children to plan, extensive landscaping would be provided which in turn could help in increasing biodiversity and the area is not located in an area at high risk of flooding, being outside of flood zones 2 and 3.

Notwithstanding the loss of Policy AL/DE/7, certain matters raised by the former policy are considered such as the need for the provision of gypsy/traveller sites, proximity to Public Transport and Services and Provenance of the Applicant.

With respect to need, The PPTS states that Councils, through their local plans, should be able to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites for gypsies and travellers set against local targets and broad locations for future growth. Through the adoption of the Mid Devon Local Plan 2013-2033, the case would be that five years worth of sites could be provided. However, this alone would not necessarily mean that other sites cannot be considered especially in light of the fact that as referred to by objectors, five Gypsy and Traveller pitches were approved as part of outline planning permission 17/00348/MOUT for a residential development at Creedy Bridge, Crediton, but the condition is such that the applicant has 5 years from the date of commencement of development on site in which to submit reserved matters for On-Site Travellers Pitches. As such the delivery of these pitches could take over 5 years to be implemented.

At an appeal (APP/Y1138/W/322285), which was concluded in November 2019, the Inspector stated that:

“With the degree of doubt present over the delivery of sites put forward for the windfall allowance and within the urban extensions, I find that the table of pitch-supply presented at the hearing does not reasonably demonstrate that the Council can show a five year supply at the moment bearing in mind the shortfall of sites carried over from the previous period. I conclude that there is an unmet need for gypsy and traveller sites in the district at the moment. This finding is a significant factor in favour of the appellant's case...

In terms of the availability of alternative sites, neither the Council or the appellant are able to identify any alternative site available at the moment that the appellant could turn to for residential accommodation. This appears to reflect a lack of available private sites in the district over some time as the previous Inspectors reached similar conclusion in 2012 and 2014. Moreover, the Council accepts that there is no public site for gypsies and travellers in Mid Devon. There is therefore little other scope available to the appellant to meet his accommodation needs. This is a factor to which I attach significant weight.”

Therefore whilst a five year supply of deliverable sites can be identified, the case could be argued that at the current time there continues to be a lack of availability of alternative sites, either public or private, for the applicant to meet their accommodation needs in a manner that is conducive to their travelling lifestyle. This would therefore add weight to the case that the applicant is in need now.

On the matter of proximity to Public Transport and Services, the former Policy AL/DE/7 required sites to be within 30 minutes travel, by means of public transport, walking and/or cycling, of a hospital and secondary school. Policy DM7 of the Mid Devon Local Plan does

not have this requirement, instead it requires that proposals have “safe and convenient access to local facilities...”

The County’s Gypsy and Traveller Liaison Officer made comments to the previous planning application, stating that, given the absence of adequate sites in the area:

“... it is becoming more essential for Gypsy and Traveller families to have an authorised stable base from which they may access services such as Health and Education, that the rest of us may take for granted. It also provides the security to travel for economic purpose, knowing that there is an authorised base on return. The Applicant would wish to reside her with her son. This enables both to access health provision, him to continue his schooling at the same school, and, for the applicant to maintain her employment both at this location and elsewhere when economic need arises.”

The applicant’s son is able to reach school within half an hour, using a school bus service that is within walking distance of the site. In relation to medical care, the site is located around 5.5 miles from Crediton Hospital and a doctors surgery, which is approximately 15 minutes away by car, but would take around 35 minutes to reach using a bicycle. The journey times would be considerably longer on foot or using public transport, access to the latter being distant from the site and the local bus service is understood to be infrequent. It is noted that Crediton Hospital does not include an accident and emergency facility.

Given the lack of alternative sites available at the current time, more weight is attributed to meeting an unmet need and that given the adoption of the Local Plan and the weight to be attributed to Policy DM7, the criteria of a 30 minute distance from certain services is removed and replaced with ‘safe and convenient access to local facilities is provided’. It could therefore be argued that the Village of Yeoford is 2.6miles by road from the application site which equates to 7 minute car drive or 14 minute bike ride and the village of Cheriton Bishop is 2.8miles from the site, which equates to an 8 minute car ride or 17 minute bike ride. At these villages, there would be access to a number of facilities such as primary schools, public houses, doctor’s surgery shop, railway station etc.

With respect to the Provenance of the Applicant, The County’s Gypsy and Traveller Liaison Officer has confirmed that the applicant and her son are a Traveller family working and residing in Devon, and who have been known to the County for 11 years. If Members are concerned on this issue, it would be possible to request a statutory declaration from the applicants and third parties to give more assurance of the eligibility of the applicant to propose accommodation for a Traveller pitch in accordance with adopted policy. Therefore the proposal is acceptable in principle, subject to the use of conditions to limit occupation at the site to those gypsy/traveller descent and to the overall number of caravans on site, with only one to be a static caravan.

Concerns have been raised by objectors to the potential number of caravans and occupiers on site. A difference to the previous application is that the applicant has confirmed that they would be willing to agree to a personal condition whereby only the applicant and her son could reside on site. Whilst personal permissions are not something the Local Planning Authority would usually consider, given the concerns of nearby residents and the acceptance of the applicant, a condition is included to this affect.

2) Visual Impact

Policy DM1 of the Mid Devon Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development.

The PPTS requires that planning authorities should give consideration to whether proposed gypsy and traveller sites would be “well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness” and avoid “enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.”

Objectors have raised concerns about the proposal’s visual impact, whereas supporters have stated that the proposal would be sufficiently screened by the existing hedgerow and proposed planting.

Currently on site there is an existing field shelter which the applicant has outlined as being required for agricultural purposes. The applicant is also currently storing two tourers and it is these two tourers which are shown on the proposed site layout, moving them further over and lower down within the field. In terms of new structures, a static caravan is proposed and storage shed with the former proposal for a compost toilet removed. Surrounding the area to the north of the caravan and two tourers, extensive landscaping is proposed to provide a screen from long range views across the valley.

It is considered that planning conditions relating to landscaping, boundary treatment, refuse storage and removal of Part 2 Permitted Development rights would be possible help to mitigate against any harm. Notwithstanding this, it is acknowledged that the proposal would result in some visual harm at the site, even if landscaping can acceptably address the effects in terms of the wider landscape. After all, the proposal introduces the siting of caravans on open grassland and therefore any harm would be contrary to Policy DM1 of the Local Plan, but with the proposed mitigation, the harm is considered to be outweighed by other material considerations such as the need for the proposal, which is to be afforded considerable weight and can allow for this exception. Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable having regard to Policy DM1 of the Local Plan and the guidance contained in the PPTS.

3) Amenity

Policy DM1 of the Mid Devon Local Plan 2013-2033 states that development proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings. Objectors have raised concerns about potential noise and other disturbance as a result of the proposal.

The Council’s Public Health team have raised no objections to the proposal in terms of noise, contamination, or air quality impacts. The proposal is not located in close proximity

to any neighbouring occupiers and given the nature of the proposed use, along with its siting, scale, and design, it is considered that it would not result in unacceptable harm to the amenities of neighbours, in terms of disturbance, their outlook, privacy, or access to light. In this respect, the proposal is in accordance with Policy DM1 of the Local Plan. A condition is recommended to secure details of the proposal's refuse and recycling storage arrangements.

4) Access Arrangements

Policy DM1 of the Local Plan states that new development should be safe and accessible. Policy DM5 of the Local Plan states that sufficient vehicle parking and bicycle storage must be provided. Objectors have raised concerns about the safety of the site access and the ability of the public highway to accommodate the proposal in this location.

As part of the previous application, following a traffic speed survey along this lane and amendments to the submitted scheme, the Highway Authority removed its objection to the proposal, being satisfied that adequate visibility splays can be achieved onto the public highway from the site's access/egress point. The proposal would involve the partial removal of an existing hedgerow, running along the site's southern boundary, but this would be replaced further into the site, and following the line of the required splays. The proposal would give rise to a very small number of vehicle movements and there is adequate space within the site, on an existing area of permeable hardstanding, for the parking and manoeuvring of vehicles. Conditions are recommended to secure the required visibility splays and replacement hedge planting; to ensure the provision of the proposed parking and manoeuvring area; and to achieve an acceptable area of drained surface at the site access.

Subject to the use of these conditions, in terms of its access and parking arrangements, the proposal is considered to be in accordance with Policies DM1 and DM5 of the Local Plan.

5) Drainage Arrangements

Policy DM4 of the Local Plan states that development will be permitted where the effects of pollution would not have unacceptable impacts in relation to health, the natural environment, and general amenity. The initial proposals were for a compost toilet and a reed-bed system to deal with grey water.

Objectors raised concerns about the proposed grey water, surface water, and foul drainage arrangements and their ability to properly serve the development. There were also concerns about potential run-off and pollution in relation to neighbouring land and watercourses. As a result the proposals have been amended removing the reed-bed drainage system and the compost toilet, with a new low powered Vortex treatment plant proposed which has been outlined as being suitable for use off grid and a conventional drainage field.

The Public Health Officer has noted that this is preferable to the original reed-bed drainage system although the latest comments received from the Public Health Officer noted that percolation tests should be undertaken to confirm this system is appropriate. In

the meantime the applicant has outlined that it would be installed according to manufacturer's specification and UK Government Building Regs 2010 H document with maintenance undertaken by a British Water Approved engineer and in accordance with The British Water Code of Practice.

It is noted that the application site is not in a Water Source Protection zone or a Flood Zone with there being no residential properties adjacent to the application site with it being a sloping field. It is also considered that notwithstanding the outcome of percolation testing, alternative drainage systems would be available. Therefore subject to the use of a condition to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM1 of the Local Plan.

6) Nature Conservation

Policy S14 of the Mid Devon Local Plan states that the biodiversity of the countryside will be enhanced. Objectors have raised concerns about the proposal's potential impact on wildlife. The submitted ecological assessment concludes that the proposal would not result in unacceptable harm to protected species or biodiversity in general subject to the use of mitigation and enhancement measures. Should planning permission be granted, it is recommended that a condition be imposed to secure the recommended measures, including the installation and subsequent retention of dormice nest boxes, and the replacement of the hedgerow which would be removed as part of the access visibility works. A scheme of external lighting should also be employed to prevent spill lighting beyond the site boundaries to the greatest extent possible. An informative is also recommended to draw the applicant's attention to their legal obligations in relation to protected species.

Subject to the use of the aforementioned condition to secure these arrangements, it is considered that there would not be unacceptable harm in relation to biodiversity, and the proposal is in accordance with Policy S14 of the Local Plan.

7) Other Considerations

Objectors have questioned the necessity of having two touring caravans at the site. According to the submitted information and representations received from supporters of the proposal, the applicant does travel for work to festivals and other events, and a touring caravan is considered necessary for the applicant's travelling lifestyle. Officers consider this to be a reasonable requirement given the traveller status of the applicant. With regard to there being two touring caravans, the applicant has outlined that it is entirely normal for teenagers to have their own touring caravan to sleep in on Traveller sites and that it should be noted that there will not be running water facilities within the touring caravans.

Objectors also raised concerns about the proposal's connection to utilities, such as running water and electricity. As referred to earlier within the report, the applicant has stated that there is mains water running adjacent to the site which can be connected to and power will be provided from small portable solar panels, providing power.

Objectors have also referred to the previous refusal of an application for a stable and tack-room at the site. That decision was made over twenty years ago and there have been various changes in the planning policy context since that time. In any case, planning applications must be determined on their own merits. In this case, it is considered that the proposal would result in some visual harm in relation to the site area, but with various mitigation measures to be secured using planning conditions, the harm to the character of the area is considered to be limited and, in any case, outweighed by other material considerations.

8) Conclusion

The proposal is considered to be acceptable, having regard to the Local Plan and all other material considerations, subject to the use of the conditions outlined below. It will however be up to Members to consider whether they agree with the officer recommendation to approve the development or would wish to refuse in line with the reason for refusal given on the previous decision.

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. The development hereby permitted allows for the provision of 1 pitch only involving the siting of 1 static caravan, 2 touring caravans and associated works for the use of a gypsy and traveller family. Occupiers of this site will need to comply with the definition of a gypsy or traveller, being persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
4. No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway.
5. On the family traveller pitch becoming redundant for such purposes, within a period of 3 months, all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
6. Prior to the first use of the static caravan hereby approved, notwithstanding the information submitted, a scheme of hard and soft landscaping, including specimens to be retained, shall be submitted to and approved in writing by the Local Planning Authority.

The proposed planting scheme shall follow the recommendations of the submitted ecology appraisal (Andrew McCarthy Ecology, dated January 2020).

All planting, seeding and turfing comprised within the approved scheme, including the proposed new bank depicted on the approved plans, shall be carried out in the first planting season following the commencement of development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

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

8. Prior to the first use of the static caravan hereby approved, the on-site parking and manoeuvring area shall be provided in full and thereafter retained for the life of the development.

9. The development shall be undertaken in full accordance with the recommendations contained in the submitted ecological appraisal (Andrew McCarthy Ecology, dated January 2020).

10. Prior to the first occupation of the static caravan hereby approved, dormouse nest boxes shall be installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained for the life of the development.

11. All external lighting at the site shall be installed in full accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. External lighting at the site shall be kept to a minimum and shall be designed to prevent overspill lighting beyond the site's boundaries, particularly in relation to the hedgerow running alongside the site's southern boundary.

12. All new fencing at the site shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained as such.

13. Notwithstanding the provisions of Schedule 1, Part 2, Classes A and B, of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended) no new means of enclosure or access points shall be created at the site.

14. The access construction shall be a hard surface in a bound material and drainage shall be provided to prevent surface water discharge on to the highway. Visibility splays

shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 55 metres in both directions. For the avoidance of doubt, to the right on exiting access the splay should be measured to the nearside carriageway edge and to the left it should be measured to Centre line of the carriageway.

15. Notwithstanding the details as submitted with the application, detail plans shall be submitted to and approved in writing by the Local Planning Authority to identify refuse and recycling storage facilities on site. No caravan shall be first occupied until final details of the refuse and recycling storage have been approved and provided on site in accordance with the approved details. Once provided, the bin stores shall be permanently retained for such purposes.

16. The use hereby permitted shall be carried on only by the applicant Ms A Tyrer, and any children of the aforesaid, or other person as agreed in writing by the Local Planning Authority, and shall be for a limited period being the period during which the premises are occupied by one or other of the above mentioned people, as bonafide Travellers.

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. For the avoidance of doubt and to outline the special circumstances for this development within a countryside location in line with Policy S14 of the Mid Devon Local Plan 2013-2033.
4. In order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy S14 of the Mid Devon Local Plan 2013 – 2033.
5. In order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy S14 of the Mid Devon Local Plan 2013 – 2033.
6. 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.
7. In the interests of sustainable drainage and to prevent water pollution and in accordance with Policy DM1 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 the interests of nature conservation and in accordance with the guidance contained in the National Planning Policy Framework.

10. In the interests of nature conservation and in accordance with the guidance contained in the National Planning Policy Framework.

11. In the interests of nature conservation and to prevent unacceptable levels of light pollution, in accordance with Policy DM4 of the Mid Devon Local Plan 2013 – 2033.

12. In order to protect the character, appearance and general amenity of the area of countryside in accordance with Policy S14 of the Mid Devon Local Plan 2013 – 2033.

13. To safeguard the visual amenities of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013 – 2033.

14. In the interest of highway safety and in order to provide adequate visibility from and of emerging vehicles.

15. To ensure adequate facilities are provided for bin and recycling storage and to protect the character and appearance of the area in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

16. To maintain adequate control over the use of the site and ensure that the special circumstances which justified the approval, i.e. their status as Travellers, is perpetuated in relation to any potential future occupants.

INFORMATIVES

1. Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family, is considered to be acceptable in this instance, being supportable in policy terms. It is not

considered that the proposed development would result in significant harm to the character and appearance of the rural area subject to the imposition of planning conditions or detrimentally impact amenity to any neighbouring property. The proposed development is not likely to result in any significant adverse highway impacts. On this basis the proposal is supported in accordance with Policies S9, S14, DM1, DM5 and DM7 of the Mid Devon Local Plan 2013 – 2033 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.

Application No. 21/01086/HOUSE

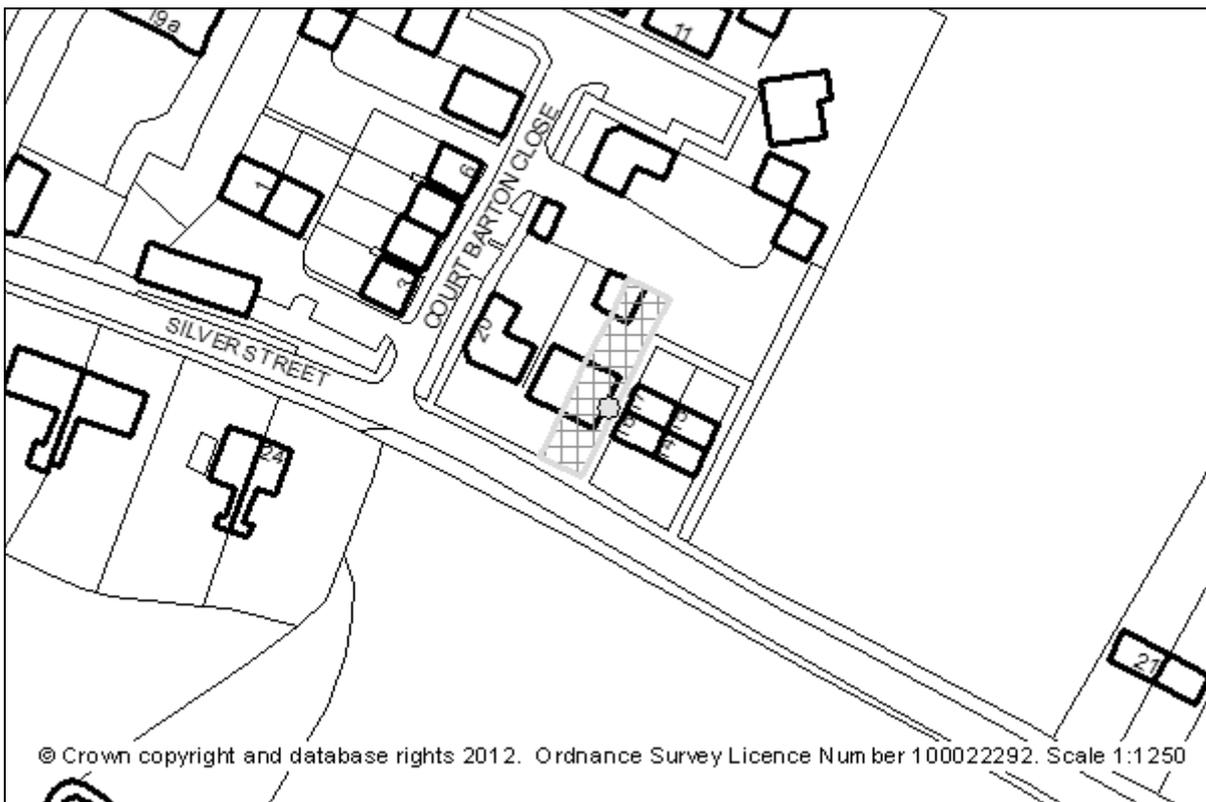
Grid Ref: 292927 : 101942

Applicant: Mr Robert Deed

Location: Bluebell House
18 Court Barton Close
Thorverton
Exeter

Proposal: Erection of side porch

Date Valid: 26th May 2021



APPLICATION NO: 21/01086/HOUSE

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of side porch at Bluebell House, 18 Court Barton Close, Thorverton

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan;
Block Plan A100
Proposed Plan A102
Existing Plan A101

RELEVANT PLANNING HISTORY

14/00528/SCR - CLOSED date 2nd May 2014

Request for screening opinion in respect of demolition of agricultural buildings; redevelopment to form 20 dwellings (50% affordable), conversion of existing single storey building; formation of access and drainage infrastructure works

14/00537/MFUL - PERMIT date 6th October 2014 Demolition of agricultural buildings; redevelopment to form 20 dwellings (50% affordable), conversion of existing single storey building; formation of access and drainage infrastructure works

14/00537/MFUL/NMA - PERMIT date 25th November 2016 Demolition of agricultural buildings; redevelopment to form 20 dwellings (50% affordable), conversion of existing single storey building; formation of access and drainage infrastructure works - Non-Material Amendment for the substitution of previously approved plans

17/01541/PNHH - PDA date 31st October 2017

Prior Notification for the erection of an extension, extending to 4m to the rear, maximum height of 3.70m, eaves height of 2.70m

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 -Sustainable development priorities

Policy S9 – Environment

Policy S13 – Villages

Policy DM1 -High quality design

Policy DM11 - Residential extensions and ancillary development

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

County Highway Authority – recommends the use of standing advice is used to assess the impacts on the highway.

REPRESENTATIONS

1 letter of objection is reporting which identifies the following material planning considerations:

- Impact of porch on day lighting.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

Policy S1 Sustainable development priorities, under section (g) of the Mid Devon Local Plan recognises the importance of delivering a wide choice of quality homes through a diverse mix of housing. This is an existing dwelling house and the extension of it to provide a porch will help create a wide choice of quality homes. As a result the principle of a residential extension can be supported in principle through Policy S1 of the Mid Devon Local Plan.

Furthermore Policy S13 Villages of the Mid Devon Local Plan recognises Thorverton as a rural settlement suitable for limited development. As a result it is considered that a small domestic extension is again supported through this policy.

In terms of the specifics of this development Policy DM11 Residential extensions and ancillary development of the Mid Devon Local Plan is the key policy to consider in relation to this application. This policy identifies:

Extensions to existing dwellings and other ancillary development will be permitted provided that they:

- a) Respect the character, scale, setting and design of existing dwelling;
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

This application is for a small domestic porch which will replace an existing canopy of the existing entrance. The site is located outside of the Thorverton Conservation Area. The form of the porch has been well designed to relate well to the form of the original dwelling. The proportions relate well to the architectural form of the existing dwelling and the use of matching materials include a slate roof and rendered walls will ensure that this development is assimilated into the form of the original dwelling.

The scale of the porch is appropriate for the form of the dwelling and its curtilage.

In terms of impact on amenity, one letter of objection has been received from an adjacent neighbour who is concerned about light. Whilst the porch is located on the party boundary there is already an existing canopy and the buildings are separated by a path. Whilst the porch will have an impact on amenity it is separated by a path and the scale of the porch is relatively small in relation to the outlook from the neighbour. As such it is not considered that this development will not have a significantly adverse impact on the living conditions of the occupants of neighbouring properties.

Highways

As this is an existing entrance for pedestrians this development will not impact on highway safety or on the current parking provision for the property.

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.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of a porch is considered acceptable in policy terms. This modest extension is considered to respect the character, scale, setting and design of the existing property and has been designed to minimise its impact upon the external appearance of the dwelling. It is not considered that the proposal will result in an overdevelopment of the site or have any significant adverse impact upon the living conditions of occupiers of neighbouring property. In the absence of any identified harm, it is considered reasonable to grant planning permission for the development in accordance with policies DM1 and DM11 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.

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

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Application No. 21/00454/MARM

Agenda Item 1

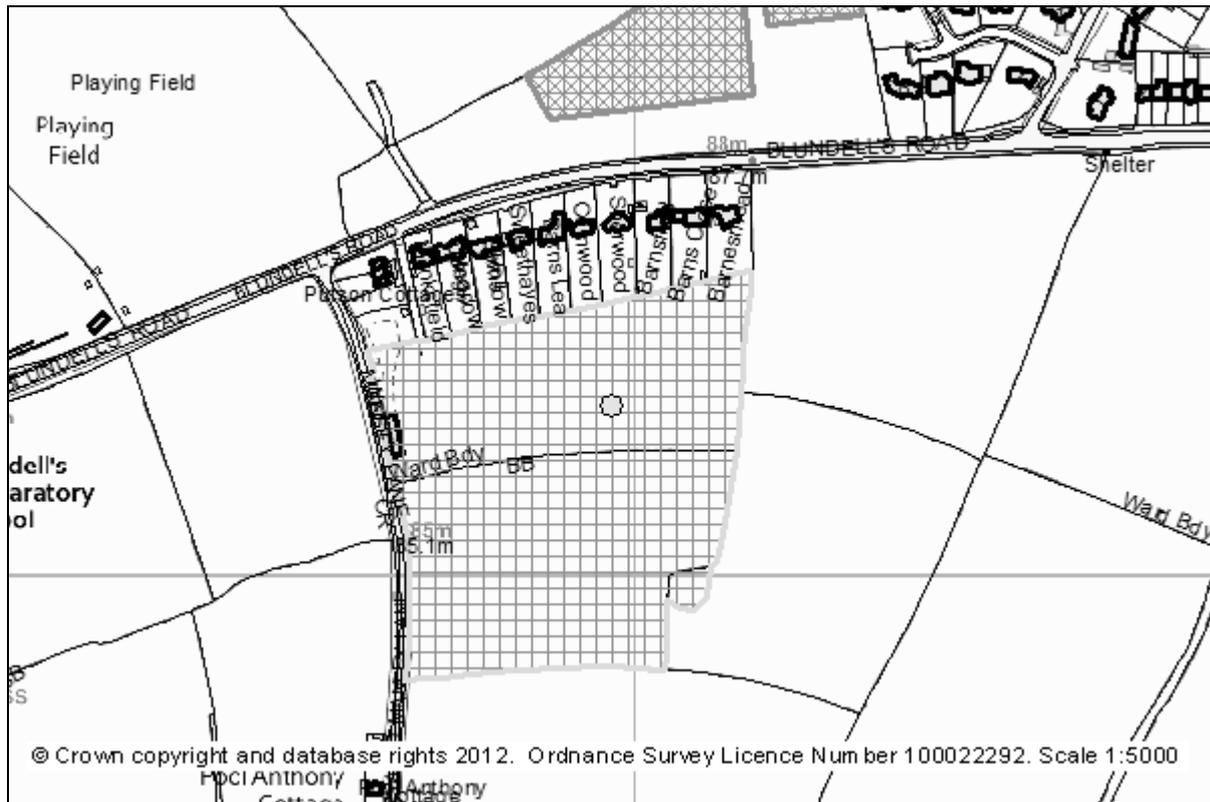
Grid Ref: 113549 : 298246

Applicant: Cattermole

Location: Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon

Proposal: Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

Date Valid: 18th March 2021



REPORT OF THE HEAD OF PLANNING AND REGENERATION

21/00454/MARM - RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR 166 DWELLINGS WITH THE PROVISION OF PUBLIC OPEN SPACE, VEHICULAR AND PEDESTRIAN ACCESS, LANDSCAPING, DRAINAGE AND RELATED INFRASTRUCTURE AND ENGINEERING WORKS FOLLOWING OUTLINE APPROVAL 14/00881/MOUT - LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD UPLOWMAN ROAD TIVERTON DEVON

APPLICATION NO: 21/00454/MARM

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This is a reserved matters application for the appearance, landscaping, layout and scale of 166 dwellings with the provision of open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following outline planning approval (14/00881/MOUT). The application site forms part of the Tiverton Eastern Urban Extension which is allocated for mixed use development in the Adopted Mid Devon Local Plan 2013-2033. The application has been subject to pre-application discussions.

The application site has previously been the subject of an outline planning application (14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road. Subsequent to outline planning permission, Reserved Matters application 21/00374/MARM has approved details for the first phase of the arterial road that will serve future residential development parcels south of Blundell's Road; the arterial road hereafter being referred to as the 'spine road'. The spine road will provide the main point of access for this application site to access Blundell's Road.

This application is bound by Condition 2 of the outline planning permission that requires, prior to the submission of any Reserved Matters application, the submission of an illustrated Urban Design & Architectural Principles document, a strategy for the management, maintenance and delivery of all Green Infrastructure and a Low Emissions strategy. An Urban Design & Architectural Principles document was approved by this Council in December 2020. Particular design and architectural principles were agreed – including formal building lines, areas of public open space, key vistas, key nodal development, tree planting on the spine road as a green boulevard (21/00374/MARM), community gathering places, pedestrian/cycle routes, connections to future phases and attenuation for water management.

This application site relates to land north and south of Blundell's Road. The area of land north of Blundell's Road is located within a single pasture field bounded along its northern edge by agricultural land and the new A361 road junction, to the east by existing residential property, and to the south and west by pasture land. The area of land to the south of Blundell's Road comprises 2 pasture fields with hedgerow boundaries. The northern edge of this part of the development site is bounded by existing residential properties, the eastern and southern by pasture land and the western by West Manley Lane. A strong hedge line crosses this part of the application site, from east to west.

The Reserved Matters, spine road, application (21/00374/MARM) forms the eastern boundary of this application site, south of Blundell's Road. Outline planning application (14/00881/MOUT) granted full detailed planning consent for access north of Blundell's Road by means of the 'linking road' to connect the new A361 road junction to Blundell's Road. The spine road will connect, by means of an approved new junction to Blundell's Road, to the linking road north of Blundell's Road and to the new A361 road junction beyond. The spine road provides the principle point of access for this application site, south of Blundell's Road, to access Blundell's Road while the linking road bisects the development proposed through this application, north of Blundell's Road.

To the east of this application site, south of Blundell's Road, is land identified for a future neighbourhood centre.

Surface water drainage is to be managed across this application site by means of a sustainable urban drainage system (SUDs); additional detail to be provided later in this report.

In accordance with the requirements of the Environmental Impact Assessment Regulations 2017 (as amended), this application has been accompanied by a Planning Statement detailing compliance with the Environmental Statement pursuant to Application 14/00881/MOUT.

APPLICANT'S SUPPORTING INFORMATION

Residential Parcels Drainage Statement 1A, 1B & 1C

Adoption Plan

Engineering Strategy

Drainage Strategy

Refuse Tracking

Fire tracking

Detailed Landscape Design

Planting Character Areas

Planning layout

External materials Layout

Boundary Enclosures Layout

Storey Heights Layout

Refuse Collection Layout

Affordable Housing Layout

Meter Box Location Layout

Land Ownership Layout

Parking and EV Charging Layout

Compliance Plot Plan

Site Location Plan

Arboricultural Impact Assessment

Design and Access Statement
Habitat Assessment and Mitigation Plan
Heritage Statement relating to Knightshayes Court
Landscape Management Plan
Planning Statement and Statement of Community Involvement
Waste Audit Statement
House Types Floor Plans and Elevations
Street Scenes

RELEVANT PLANNING HISTORY

14/00881/MOUT - PERCON date 12th June 2017

Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road. Non Material Amendment 20/00804/NMA - Granted 4/11/2020. Non Material Amendment - 20/01787/NMA - GRANTED 13/11/2020

OTHER HISTORY

13/00056/SCR - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 3)

21/00374/MARM - PERCON date 30th June 2021

Reserved Matters in respect of (appearance, landscaping, layout and scale) for infrastructure associated with initial phases of development, following Outline approval 14/00881/MOUT

21/00454/MARM - PCO date

Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

13/00054/SCR - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2b)

13/00055/SCR - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2a)

14/00667/MFUL - PERMIT date 4th September 2014

Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier

14/01168/MFUL - PERMIT date 31st October 2014

Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping

16/01757/FULL - PERMIT date 14th February 2017

Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence

16/01759/FULL - PERMIT date 14th February 2017

Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - Non Material Amendment - 20/00806/NMA GRANTED 4.11.20

20/00806/NMA - PERMIT date 4th November 2020
 Non-Material Amendment for 16/01759/FULL to allow amendment to condition 7

81/00829/FULL - NOBJ date 3rd July 1981
 DEEMED CONSENT for the erection of high voltage (11kV) overhead lines

84/01928/OUT - REFUSE date 13th February 1985
 Outline for the erection of a dwelling

13/01199/SCR - CLOSED date 7th October 2013
 Request for scoping opinion in respect of half clover leaf junction at A361 Tiverton

13/01616/MOUT - PERMIT date 18th September 2015
 Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

16/01424/MOUT - WDN date 22nd December 2017
 Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)

17/00098/FULL - PERCON date 12th April 2017
 Removal of vegetation, reprofiling existing garden to embankment to assist with construction of the A361 road junction, implementation of new landscaping design and acoustic boundary fence

18/00133/MARM - PERCON date 29th August 2018
 Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - Non Material Amendment 19/00607/NMA - Granted 13/05/2019, Non Material Amendment - granted 26.09.19, 19/01731/NMA - Non Material Amendment Granted 01.11.19, 19/01903/NMA - Granted 18.11.19, 19/02011/NMA - Non-Material Amendment Granted 08/01/20. 20/02024/NMA - Non-Material Amendment - Granted 08/01/2021. 18/00133/MARM - Non-Material Amendment - Granted 27/04/2021

20/00804/NMA - PERMIT date 4th November 2020
 Non-Material Amendment for 14/00881/MOUT to allow amendment to condition 11

20/01787/NMA - PERMIT date 13th November 2020
 Non-Material Amendment for 14/00881/MOUT to vary condition 12 re occupation of dwellings before roundabout complete

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan (2013-2033)

S1 Sustainable Development Priorities
 S2 Amount and Distribution of Development
 S3 Meeting Housing Needs
 S4 Ensuring Housing delivery
 S5 Public Open Space
 S8 Infrastructure
 S9 Environment
 S10 Tiverton

TIV1 Eastern Urban Extension
 TIV2 Eastern Urban Extension transport provision
 TIV3 Eastern Urban Extension environmental protection and green infrastructure
 TIV4 Eastern Urban Extension community facilities
 TIV5 Eastern Urban Extension phasing

DM1 High quality design

DM2 renewable and low carbon energy
DM3 Transport and air quality
DM4 Pollution
DM5 Parking
DM23 Community facilities
DM25 Development affecting heritage assets
DM26 Green infrastructure in major development

INFORMATIVES

Site allocation under the Adopted Local Plan 2013-2030
Masterplanned under the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (2018)
Tiverton EUE Design Guide (2016)
Refuse Storage for New Residential Properties SPD
Parking SPD
Meeting Housing Needs SPD
Open Space SPD
National Planning Policy Framework 2021

CONSULTATIONS

HISTORIC ENVIRONMENT TEAM – 23 MARCH – OBJECTION

Condition 15 on the consent granted for the outline application 14/00881/MOUT is worded as:

"No development shall take place on the relevant phase until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority."

The supporting information for this reserved matters application does not include the written scheme of investigation required by the above condition for this phase of the development. In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the scope of archaeological works required is submitted for approval by the Local Planning Authority.

HISTORIC ENVIRONMENT TEAM – 7 MAY – COMMENT

The programme of archaeological works as described in the Written Scheme of Investigation (WSI) submitted by your organisation - Cotswold Archaeology - (CA Project: CR0627 and dated: 22nd April 2021) is acceptable to the Historic Environment Team.

The acceptance of the WSI by this office does not represent the discharge of the condition that has been applied to the consent granted.

The WSI needs to be formally submitted, either by the applicant or their agent, to the Local Planning Authority (LPA) for their approval and to enable them to discharge the condition for this phase of the development prior to any development commencing on site. The applicant should ensure that the archaeological works are implemented as described in order to avoid breach of the Condition.

HISTORIC ENVIRONMENT TEAM – 9th JULY – OBJECTION

To date the Historic Environment Team are unaware that a Written Scheme of Investigation for this phase of the development has been submitted in accordance with Condition 15 of the consent granted for the outline consent 14/00881/MOUT. In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the

scope of archaeological works required is submitted for approval by the Local Planning Authority.

SOUTH WEST WATER – 19 MARCH 2021 – NO OBJECTION

South West Water have no objection subject to surface water being managed in accordance with the drainage details submitted with the application.

WASTE PLANNING – 8 APRIL 2021 – OBJECTION

The submitted Site Waste Management Plan, makes a good attempt to consider the waste issues posed on this development by explaining the targets for reuse, recycling, and recovery of waste.

However, the following points need to be addressed in the statement:

- Explain the method of auditing the waste for the construction, demolition and excavation stage. This should include a monitoring scheme and corrective measures if failure to meet targets occurs;
- Identify the predicted amount of waste that will be generated once the development is occupied (in tonnes);
- Identify the main types of waste generated when development is occupied; and
- Identify measures taken to avoid waste occurring.

In addition details of the waste disposal during the construction stage will be required; to conform to Policy W4 of the Devon Waste Plan.

We would expect the information stated above to be provided at this stage of the application. If the applicant does not wish to provide this information at this stage, we request that a condition is attached to any consent to require the submission of a more detailed statement in advance of the commencement of development.

Furthermore, we note that in paragraph 4.5 of the statement, the applicant states they will provide information on the amount of construction, demolition, and excavation waste (tonnes) and the type of material waste will arise from at a later stage. We request that this is provided prior to commencement, as such it may be appropriate that a condition is attached to any consent.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planningdocument>

LEAD LOCAL FLOOD AUTHORITY – 6 APRIL 2021 –OBJECTION

This application does not satisfactorily conform to Policy S9, specifically part(c), of Mid Devon District Council Local Plan 2013-2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations

The applicant should submit a Drainage Layout covering the proposed southern parcel of land. The Drainage Layout for the northern parcel has been submitted twice.

The proposal is for the runoff from the parcel to be attenuate within basin N1 however we would need calculations / model outputs at this stage to indicate that the basin has the capacity to take the runoff. We would also need evidence that basin N1 is outside of the fluvial flood zones associated with the River Lowman. The basin should be designed to be sympathetic to the wider landscape of the area, have side slopes no steeper than 1 in 3 and we would encourage use of a sediment forebay to aid treatment of the runoff prior to discharge into the River Lowman.

At the outline stage, the Indicative Surface Water management Strategy C698/13 which formed part of the approved Flood Risk Assessment, proposed that part of Parcel 1c would use infiltrate. This intention to provide infiltration hasn't been taken forward to this current Reserved Matters stage. The applicant should explain why infiltration is not proposed to manage runoff from at least part of Parcel 1c. The applicant should explain where further site investigation has been undertaken.

The applicant should provide details on the proposed swale and filter strip for Parcel 1c mentioned in the Drainage Statement dated March 2021 as they don't appear to be included on the Surface Water Drainage Masterplan R402/06.

The applicant should clarify whether the intention is to discharge from the basin at Qbar, as proposed at outline stage, or at variable rates as per the submitted Micro Drainage outputs. If the intention is to discharge at variable rates, the applicant should incorporate long term storage requirements into the design.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

HIGHWAYS ENGLAND – 30 March 2021 – NO OBJECTION

NATURAL ENGLAND – 29 MARCH 2021 – NO OBJECT SUBJECT TO MITIGATION

This application site is within 300m of the Tidcombe Lane Fen SSSI and has triggered Natural England's Impact Risk Zones including discharges to surface water. The SSSI is notified for its fen, marsh and swamp communities.

Given the proximity of the development site to the SSSI, impacts on water quality and water quantity during construction and operation are possible and, without appropriate mitigation, the proposal could damage or destroy the interest features for which Tidcombe Lane Fen SSSI has been notified.

The information provided (Residential Drainage Statement PFA consulting) indicates that the surface water drainage from parcel R1C links in to the development of the wider Tiverton East Urban Extension site allocation SuDS (18/00978/MFUL) ensuring protection of the SSSI in terms of water quality which is in line with Local Plan policy TIV3. The other two parcels of land that form part of this application discharge into the River Lowman which does not affect the SSSI.

Based on the information provided and subject to:

- the SuDS being secured via condition;
- securing best practice measures during construction for pollution prevention control through a construction environment management plan; and
- management of the SuDS being included in any ecological management plan (as maintenance of these features is key to a properly functioning system),

then Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified and has no objection.

Biodiversity Net Gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the revised NPPF (2019), the Defra 25 year Environment Plan and Mid Devon's Green Infrastructure Plan (Policy GI/3 biodiversity net gain).

We advise you first to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and consider what existing environmental features on and around a site can be

retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds but the Environment Bill currently sets a 10% threshold.

The use of SuDS to manage surface water run-off can also contribute towards green infrastructure by increasing biodiversity value. Amenity value can also be increased with careful design to manage risk (CIRIA). The RSPB/WWT has produced a guide for developers and planners on designing and managing SuDS features that are also good for wildlife.

Using native plants in landscaping schemes provides better nectar and seed sources for bees and birds.

Soils and Land Quality

Based on previous applications covering the site, the proposed development affects approximately 7.38 ha of Grade 2 agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Ancient woodland and veteran trees

Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. The Arboricultural Impact Assessment (February 2021) does not identify any ancient woodland or veteran trees within the site but the survey does identify several mature trees which have the potential to become veteran or ancient trees. The standing advice includes measures to protect ancient and veteran trees which should also be applied to future ancient and veteran trees e.g. root protection zones.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

We note that a detailed public-realm lighting strategy will be reviewed by an ecologist and agreed with the Mid Devon District Council prior to commencement of works, to ensure that 'dark' wildlife corridors are maintained. This should be for lighting both during construction and operation and be secured via a suitably worded condition.

DEVON CORNWALL & DORSET POLICE – 7 July - COMMENT

The relevant revision (boundary treatments) is noted. No further comments.

DEVON CORNWALL & DORSET POLICE – 6 APRIL - COMMENT

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour. Therefore please note the following comments from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:- Residential - Building Regulations Approved Document Q - Security. The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings

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

The back to back gardens are much supported from a security perspective, please ensure that all gates that lead to the rear of dwellings are capable of being locked from both sides, by for example, means of a key, as this will enable rear gardens to be secured regardless of access or egress.

The proposed boundary treatments are noted. I recommend plots with a side or rear boundaries adjacent to an area of open space, for example, plots 71, 72, 111 & 113, have this boundary enhanced with defensive planting.

Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Any formal play area designed with younger children in mind must be enclosed with, as a minimum, 1200mm fencing to discourage casual entry, reduce damage to equipment and help provide a safe and clean play area and to prevent access to the adjacent active highway.

Parking

The need for the parking court for plots 32-44 is understood, however, I do not support the currently proposed pedestrian access points, between plot 44 and cycle store continuing around to link with the east/west foot and cycle path. This leaves the rear of dwellings, cycle store and parked vehicles potentially vulnerable to crime and anti-social behaviour. The 1.8m boundary walls offer limited surveillance opportunities for overlooking residents or pedestrians/cyclists entering and leaving the court, whilst equally offering seclusion and anonymity for anyone intent on criminal or anti-social activity. Whilst it would be preferable for this pedestrian access to be removed from the parking court, I suggest a compromise would be to remove the access between plot 44 and cycle store while opening up the remaining point by removing the wall and widening the path.

Combined with suitable lighting provision, this would provide the desired level of surveillance and provide safe and secure access for pedestrians and cyclists. Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013.

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both sufficient, when balanced against the schedule of accommodation, as even a one bedroom dwelling could attract 2 vehicles, and designed so it is convenient and practical to use, for example, side by side parking as opposed to tandem style parking, as this will encourage its use by residents and reduce the level of unplanned parking elsewhere, introducing a source of conflict amongst residents. With reference to tandem parking above, there is ever increasing evidence from new developments within the county where this design of parking is not being embraced by residents.

It is recommended the communal bin and bicycle stores should be easily accessible, with floor to ceiling dividing walls, no windows and be fitted with a secure doorset that meets the same physical specification as front door, for example PAS24:2016.

A bicycle store must also be provided with stands with secure anchor points or secure cycle stands.

HISTORIC ENGLAND – 6 APRIL 2021 – NO COMMENT

PUBLIC HEALTH – 1 APRIL – NO COMMENT / NO CONCERNS

Contaminated Land: No concerns. (31.03.21)

Air Quality: No concerns. (31.03.21)

Environmental Permitting: No objection to this proposal. (22.03.21)

Drainage: No concerns. (31.03.21)

Noise & other nuisances: No concerns. (31.03.21)

Housing Standards: No comment. (29.3.21)

Licensing: No comments. (22.03.21)

Food Hygiene: No comments. (22.03.21)

Private Water Supplies: Not applicable. (19.03.21)

Health and Safety: No comments. (22.03.21)

TIVERTON TOWN COUNCIL – 30 MARCH 2021 - COMMENT

Tiverton Town Council is concerned about the movement of construction traffic during the construction of this site; and therefore requests that adequate road structures are in place prior to the commencement of work and that the County council agrees a robust management plan for all movements to and from the site

HIGHWAY AUTHORITY – 29 MARCH 2021 - NO OBJECTION

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

TIVERTON CIVIC SOCIETY – 5TH MAY - OBJECTION

Although we support the concept of an attractive 'Garden Neighbourhood' in the Tiverton Eastern Urban Extension and we acknowledge that small changes may become necessary between the Outline and Reserved Matters stages, we consider that this application, in its present form, is unacceptable, especially because parts of it represent a blatant attempt by the applicants to contravene the policies in the TEUE Masterplan SPD, the TEUE Design Guide, the National Design Guide, and the Outline Planning Approval 14/00881/MOUT. The proposed new NPPF Paragraph 133 states that: *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes'*, while the Tiverton Eastern Extension Design Guide states, on Page 23, that, for Reserved Matters and full planning applications, content should include:

- Detailed design in accordance with MDDC validation requirements
- Demonstration of compliance with policy, SPD masterplan, and the urban design and architectural principles
- Pre application consultation

Compliance with Policy and Pre-Application Consultation.

Although the applicants, Redrow Homes, have made significant changes to the approved Outline Planning Consent, they have failed to carry out a full public consultation and stakeholder workshop, stating that they consider it to be unnecessary 'because a variety of stakeholders were engaged in these documents!' (Many of the stakeholders were, of course, different when the outline consent was granted in 2014). This lack of consultation is a considerable contrast to the development at Braid Park where Barratt Homes/David Wilson Homes have consulted with, and engaged with, the public and stakeholders at all stages of the application and construction processes, with a dedicated website.

In comparison to the outline planning application the overall layout of the proposed development may be relatively unchanged, but the very important five metre buffer zones between the new development and the existing housing in both Blundell's Road and Pool Antony Drive have been omitted, also because the applicant arbitrarily considers them to be unnecessary. This should surely be justified by the applicants at a public meeting!

- In addition, a large new three storey Neighbourhood Hub, not included in the outline application, has been included and this would overlook, and potentially compromise the privacy of the occupants of the existing properties, being completely out of scale with surrounding housing. Although we welcome the commitment to provide more affordable housing, we consider that, to encourage greater social cohesion, this housing should be dispersed throughout the development in two storey units, thereby preventing the construction of a hub which is completely alien to the context of the surrounding residential area and to current planning best practice. Alternatively, if it is to remain, we consider that the hub should be located at a less sensitive part of the development.
- Also, the number of new properties on the northern edge of the new development to the south of Blundell's Road has been significantly increased from 18 to a 'wall' of 21 properties. thereby exacerbating a highly unsatisfactory and unsympathetic transition between the new high- density housing and the existing low- density properties.
- Additionally, the application follows the Braid Park application in paying scant regard to the key 'Centre to Edge Principle' enshrined in the TEUE Design Guide, the high-density mass of the Neighbourhood Hub being positioned in the centre of the proposed new development south of Blundell's Road and close to the existing low-density housing.

Detailed Design

Paragraph 56 in the National Design Guide states that 'well-designed places contribute to local distinctiveness. This may include:

- Adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns, and colours of an area.
- Drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings
- Using local building, landscape or topographical features, materials, or planting types.
- Introducing built form and appearance that adds new character and difference to places, with particular attention to how buildings meet the ground and sky.
- Creating a positive and coherent identity that residents and local communities can identify with.'

The Design and Access Statement accompanying this application states that 'Redrow have created a housing range based on quality Arts and Crafts details*', Based on the evidence previously provided these house types will fit nicely into their surroundings given the design and scale proposed' **(presumably 'the use of local and natural materials and demonstration of craft skills in wood, stone, brick and tiles?')*

This statement is extremely vague and generalised, as is the whole of Page 16 of the Design and Access Statement ('Appearance'), and we are not convinced that the proposed development contributes sufficient local distinctiveness to make it dissimilar to similar schemes built throughout the country, a situation which the government, through the National Design Guide, is seeking to avoid in the quest for good design. This apparent

uniformity is confirmed when comparisons are made online to similar developments, using their 'housing range', which Redrow Homes have built elsewhere in the United Kingdom. We consider that, to make the development acceptable, the applicants should pay much greater attention to the National Design Guide and TEUE Design Guide, and provide greater specific detail concerning which local vernacular features, not just small 'tweaks', they propose to incorporate in the development. Some typical local features are listed in the TEUE Design Guide.

In conclusion, we consider that Redrow Homes should withdraw the application and that a full consultation with the general public and key stakeholders should be carried out. When this consultation has been carried out, the revised application should then be re-submitted, including any resultant changes, in addition to the restoration of the buffer zones and, if feasible, the removal of the Neighbourhood Hub, or its relocation to a less sensitive location. The complete application should be revised to show full compliance with both the TEUE Masterplan SPD and the TEUE Design Guide.

We also contend that it is likely that any major concessions granted to the present applicants would also be demanded by future planning applicants and that this could compromise the original vision for this major housing development. They should therefore be strongly resisted.

REPRESENTATIONS

Fourteen (14) objectors and one (1) general comment summarised as follows:

1. The applicant has failed to comply with the public consultation process as prescribed in the Tiverton EUE Masterplan, Section 7.1. prior to submitting the Urban Design and Architectural Principles document and Reserved Matters application so preventing the public and others from raising their concerns.
2. The applicant failed to comply with the requirement that the Reserved Matters application be presented to the Design Review Panel ahead of submission of the application as prescribed by Tiverton EUE Masterplan, Section 7.1.
3. There is no evidence to suggest that the Local Planning Authority encouraged the applicant to enter any local community (public) consultation process.
4. The application does not show any off-plot buffer strip (including landscape planting) between existing properties, south of Blundell's Road or those along Poole Anthony Drive in disregard to the Tiverton EUE Masterplan, Tiverton EUE Design Guide and Condition 6(ii), Application 14/00881/MOUT.
5. Seek to relocate the neighbourhood hub towards the centre of Phase 1c. Currently it is located immediately against the boundary of existing properties and includes the tallest building in the whole of Area 1c.
6. No provision of a suitably sized communal amenity area or adjacent recreational space for use by apartment residents.
7. No provision of a neighbourhood hub in the northern land parcel (1a).
8. No reference is provided in the application to meet the target of zero carbon dwellings by 2035. Based on evidence the owners would be expected to upgrade their properties to meet Government targets within 13 years.

9. There is no evidence to suggest that gas boilers will not be used (the Government confirming that they will be withdrawn from all new housing developments by 2026 with a preference for Heat Pump electrical heating).
10. New housing should be carbon neutral (or Code level 6+) to ensure the government target of a 78% reduction in carbon dioxide by 2035 is met. A condition, should planning consent be given, to require Code Level 5 or above, should be a minimum requirement.
11. Vehicular re-charging should be indicated on plans with provision also where parking is off-plot.
12. The Arboricultural Impact Assessment (dated 21st march 2021) is out of date with TPO trees not being identified.
13. The Arboricultural Impact Assessment contains incorrect measurement data including tree heights and root protection area spread – relevant due to the proximity of trees to the proposed construction.
14. The Arboricultural Impact Assessment does not identify trees to be felled or pruned.
15. Indications are that the applicant intends works on the TPO trees (T3, T4 & T6). This must not be allowed to happen.
16. No information is provided as to how the boundaries to the existing properties will be addressed.
17. Proposals for the 'northern gateway' are visually unattractive as an arrival to Tiverton.
18. There is no evidence of how and where the construction traffic will cross Blundell's Road.
19. The proposal is not in compliance with the Tiverton EUE Masterplan or Design Guide. More specifically, at the applicant's admission, without maximising the land available the design 'would not fit'. A deficiency in the amount of land available does not justify noncompliance with the Adopted Masterplan or Design Guide.
20. The proposal is not in compliance with Condition 6(i) that relates to boundary treatments, existing site levels, finished floor levels, long and cross sections or 6(ii) that relates to the provision of a landscaped buffer with existing properties on Poole Anthony Drive of the outline application 14/00881/MOUT.
21. The proposal has failed to minimise its visual impact on Blundell's School which is a key visual receptor as established in the Tiverton EUE masterplan – including inappropriate location of the 3 storey apartment block. Seek to relocate the apartment block.
22. Inappropriate design, layout and massing of properties to the rear of existing properties south of Blundell's Road offering no visual gaps between proposed properties with a significant increase in the number of units proposed between adoption of the Urban Design and Architectural Principles document and Reserved Matters application.

23. Disregard for the centre-to-edge objective as set out in the Tiverton EUE Design Guide.
24. Why can't the landscape buffer be managed by a specialist contractor through the Landscape Maintenance Plan?
25. The block of apartments east of the linking road and adjacent to Poole Anthony Drive is not in keeping with existing (bungalow) development, will over shadow and block views.
26. No landscape buffer is provided between the proposed development and Poole Anthony Drive as defined in the Adopted Masterplan SPD.
27. A hydro pool and garden (specifically adapted to the needs of an existing resident) in properties south of Blundell's Road will be subject to a lack of privacy and overlooking through the proposed scheme.
28. Department of Transport Guidance (LTN 1/20) requires the physical segregation of cycles for motor vehicles and discourages shared use cycle and pedestrian provision.
29. There is no indication of safe crossing across Blundell's Road – particularly from development north of Blundell's Road to the proposed new school.
30. There is no indication of segregated cycle infrastructure on Blundell's Road itself. The existing west bound cycle path (1m wide) being inadequate, no east bound cycle path being available and the existing footpath being too narrow
31. The proposal and lack of associated infrastructure is lacking co-ordination.
32. Construction of the roundabout would in the first instance be unsafe and inappropriate in a rural setting.
33. A three storey apartment block is proposed towards the rear of existing dwellings. The land rises and this with an adverse impact on existing properties.
34. Existing trees and their roots will be impacted by the proposal. The proposal represents a disregard to wildlife and the landscape.
35. Housing neighbouring Blundell's School and the associated increase in traffic will have a detrimental impact on the school.
36. There is a lack of capacity at the sewage works within the town.
37. All proposed dwellings should have electric charging points and ground source heat pumps or photo voltaic cells.

OTHER REPRESENTATIONS:

RSPB – 7 APRIL - OBJECTION

It is pleasing to see that bat/bird nesting and roosting provision has been included in EAD's Habitat Assessment and Mitigation Plan. However, it is extremely disappointing to see that only twenty five percent of the new dwellings will have swift bricks incorporated in the fabric.

Good practice is widely considered to be an average of one per residential unit* (see attached paper to the CIEEM 2019), monitoring results confirm that at least 50% of these may be used by a number of different species during the course of the year and they are all likely to be used during the lifetime of the building.

We have consulted the Bat Conservation Trust regarding their recommendations and are advised that that they are still researching the effectiveness of bat tubes and are reluctant to make any recommendations until this work has been completed.

The hedgehog highways are welcomed and we recommend the inclusion of "bee bricks" for solitary species. We strongly recommend that the Habitat Assessment and Mitigation Plan is reviewed and upgraded to meet the criteria of good practice set out above.

OTHER COMMENTS RECEIVED:

1. A request is made for access to be maintained to allow the rear boundary to properties south of Blundell's Road, to be maintained

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy Background and Principle of Development**
2. **Transport Infrastructure**
3. **Design and Layout**
4. **Public open space and green infrastructure**
5. **Drainage and Flood Risk**
6. **Air Quality**
7. **Ecology, Landscape and Visual Impact**
8. **Heritage**
9. **Other matters**
10. **Planning balance**

1.0 Policy Background and Principle of Development

1.1 The high level policy considerations relevant to this application site were considered at outline application stage (Application No. 14/00881/MOUT). The Officer's Report for the 2014 application provides detailed consideration.

1.2 The Adopted Mid Devon Local Plan 2013-2033 (July 2020) sets out the sustainable strategy for growth across the District, to achieve positive social, environmental and economic objectives. Accordingly, Policy S2 of the Adopted Mid Devon Local Plan 2013-2033 focuses development in and around the main settlements including Tiverton with Policy S10 seeking to maintain Tiverton as the largest urban area.

1.3 Policy S1 seeks sustainable communities in which people want to live and work whilst reducing the need to travel by car and conserving and enhancing the natural environment to meet the challenge of climate change.

1.4 Policy S3 sets a target provision for housing; Tiverton providing a minimum of 2,358 dwellings over the 2013-2033 plan period. This application supports the housing numbers identified within the Adopted Mid Devon Local Plan 2013-2033.

1.5 Policies S5 and S8 seek to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Whilst Policy S9 expects development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.

1.6 Policies TIV1 –TIV 5 set out the site allocation for the Tiverton EUE, of which this application site forms part of. Policies TIV1-TIV5 include provisions for transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning to meet strategic growth requirements.

1.7 The Adopted Mid Devon Local Plan 2013-2033 also sets out a number of sustainable development principles through policies DM1 high quality design; DM2 renewable and low carbon energy; DM3 Transport and air quality; DM4 Pollution; DM5 Parking; DM23 community facilities; DM25 development affecting heritage assets and DM26 green Infrastructure in Major Development. Each of these policies are relevant in the determination of this planning application.

1.8 Following the allocation of the site under the former adopted AIDPD, the Tiverton EUE Masterplan was adopted as a Supplementary Planning Document in 2014 and again in 2018 with revisions. The Adopted Masterplan SPD is a material consideration in determining planning applications on the site.

1.9 The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site, to provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies. It is supported by the Tiverton EUE Design Guide, June 2016 ensuring an understanding of locally distinct characteristics to produce well designed streets, open spaces, work places and affordable homes.

1.10 This application site forms part of the larger Tiverton EUE meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Adopted Mid Devon Local Plan 2013-2033 and the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

2.0 Transport Infrastructure

2.1 The NPPF (para 102) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, para 109).

2.2 Policies S8 Infrastructure, TIV2, TIV5 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 seek to ensure new development is served by necessary infrastructure in a predictable, timely and effective fashion to create safe and accessible places without reliance on the private car. Such measures are reflected in the Adopted Masterplan SPD with a view to the strategic delivery of infrastructure.

2.3 Outline application 14/00881/MOUT granted planning permission for ingress and egress for development south of Blundell's Road. The capacity of the highway network was established at outline planning application stage including provision for construction traffic to cross Blundell's Road. Similarly, mitigation in the form of financial contributions towards a new grade separated junction on to the A361, traffic calming measures and environmental enhancement between Heathcott Way and Putson Lane as required by Policy TIV2 were also established through application 14/00881/MOUT. This application will connect to the approved spine road (21/00374/MARM) thereby complying with the principles of the Adopted Masterplan SPD to ensure that infrastructure and phases of development are co-ordinated and served by the necessary infrastructure in a predictable, timely and effective fashion. The Highway Authority have no objection the proposed scheme, confirming that the highway layout is satisfactory.

Safe and accessible places

2.4 The NPPF (para 102) requires transport issues to be considered at the outset so that opportunities to promote walking, cycling and public transport use are identified and pursued. This can be achieved by ensuring a genuine choice of transport alternatives.

2.5 Policy S8 Infrastructure of the Adopted Mid Devon Local Plan 2013-2033 seeks to ensure that new development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 High Quality Design requires the creation of safe and accessible places that encourage and enable sustainable modes of transport such as walking and cycling.

2.6 Policy TIV 2 allocates the urban extension subject to the provision of appropriate transport infrastructure including suitable accessibility for all modes of transport; creating an attractive, permeable network for non-car modes travelling within, into and out of the area.

2.7 The Adopted Masterplan SPD requires transport infrastructure to link development south of Blundell's Road to Blundell's Road and the A361 road junction. This application north and south of Blundell's Road seeks to achieve that comprehensive approach to development, offering a genuine choice of transport modes by way of footways adjacent to streets, cycle provision on-street or segregated from traffic through the clearly defined nature corridor. The proposal seeks to encourage walking and cycling ahead of car use; reinforcing the principles of the Adopted Masterplan SPD of a walkable neighbourhood. Housing is designed to front streets and provide informal surveillance over segregated foot and cycle ways. Provision is made with the intention of connecting into the wider network of strategic pedestrian and cycle routes including the linking road north of Blundell's Road, the spine road south of Blundell's Road, West Manley Lane, the railway walk, Grand Western Canal and nearby public rights of way as means to create a safe and accessible development. The detailed landscape design supports the principle of creating pleasant, safe and accessible routes. Details of proposed cycle and pedestrian routes are shown on the submitted plans and are acceptable to the Highway Authority.

2.8 A representation makes specific reference to the lack of suitable pedestrian and cycle provision along Blundell's Road. Whilst this application seeks to offer a genuine choice of transport modes including integration with existing and future phases of development including to the neighbourhood centre, proposed community centre and primary school, it is

the outline application (14/00881/MOUT) that establishes the contributions towards traffic calming which will include enhanced pedestrian and cycle provision on Blundell's Road. This application is unable to deliver those enhancements in advance; these enhancements being dependent on later phases of development.

2.9 It is for these reasons that it is considered that the development can be accommodated without an unacceptable impact on the highway network whilst making provision for safe and accessible alternatives to the private car. It establishes the principle of a network of streets, pedestrian and cycle routes, linking to the public highway. It makes provision for future phases of development to be served by the necessary infrastructure in a predictable and effective manner to improve accessibility whilst promoting the use of sustainable modes of transport. The proposed development is considered to comply with policies S8, TIV2, TIV5 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and the Adopted Masterplan SPD and Tiverton EUE Design Guide

3.0 Design and Layout

3.1 The NPPF states that the creation of high quality places is fundamental to what the planning and development process should achieve (NPPF, Para 124). Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments 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. New places should be visually attractive, sympathetic to local character and landscape setting and establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create distinctive, inclusive and accessible places.

3.2 The NPPF (Para 129) encourages local planning authorities to make use of tools and processes for assessing and improving the design of development, and to have regard to the outcome from these processes, including any recommendations made by Design Review Panels and assessment frameworks such as Building for Life. This application was taken to the independent Creating Excellence Design Review Panel (9 June 2021).

3.3 This application is bound by Condition 2 of the outline application that requires the submission of an illustrated Urban Design and Architectural Principles document. The Urban Design and Architectural Principles document was approved in December 2020 and has influenced the overall mix of housing types, detailed landscape plan, active travel routes, character areas, densities, frontages, key open space and views. The Design Review Panel made a number of comments relating to:

- The landscape buffer to the rear of properties south of Blundell's Road and associated security;
- The provision of connected streets (fewer cul-de-sacs) or variation in materials to create a stronger focus on 'shared streets';
- Street trees – ensuring that those trees serving a function as a community asset are not in private (homeowner) ownership;
- The street to the rear of properties south of Blundell's Road being too linear in nature and the need for trees to be located outside private ownership;
- The introduction of subtle forms of variation in the street to the rear of properties south of Blundell's Road including gaps between buildings, adding

semi-detached homes, organising the treatment of building and surfacing materials in acknowledgment to the character areas and street types;

- The introduction of children's play spaces, seating and informal play areas;
- The framing of views within a palette of building, hard and soft landscape materials;
- Appropriate treatment of bin and bike storage; and
- Electric car charging on front drives.

Each element will be dealt with in more detail in the following report.

3.4 Policy S9 of the Adopted Mid Devon Local Plan 2013-2033 seeks high quality sustainable design that reinforces the character and distinctiveness of Mid Devon's built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 of the same plan requires the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. Development proposals should make a positive contribution to local character including any heritage or biodiversity assets, and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impact on privacy or amenity for proposed or existing properties. Policy DM1 also requires suitably sized rooms and overall floorspace to Nationally Described Space Standards, which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage as well as adequate levels of daylight to amenity spaces and principal windows.

3.5 The Adopted Masterplan SPD sets out a number of guiding principles in relation to design and are relevant to this application. Guiding Principle:

- A relates to character;
- B to urban design;
- C to movement and transport;
- D to landscape, open space and recreation;
- E to social equality; and
- G energy and resource efficiency.

A guiding principle to the Adopted Masterplan SPD is the establishment of a garden neighbourhood with landscape integrated into development as a defining feature.

3.6 The Tiverton EUE Design Guide supports the Adopted Masterplan SPD to ensure a seamless, coherent delivery of well-connected routes and buildings across land ownerships and land parcels regardless if they are built over a phased period of time. It develops the concept of the garden neighbourhood and of character areas based on a 'centre-to-edge' concept linked through a hierarchy of green routes and open spaces. The Tiverton EUE Design Guide supports and supplements the guiding principles as set out in the Tiverton EUE Adopted Masterplan SPD.

3.7 A key landscape feature of the proposed development is the east west nature corridor incorporating new tree planting, wildlife rich meadow planting, informal 'play-on-the-way' space, pedestrian and cycle ways and wildlife corridors as a means to support the

principle of a garden neighbourhood. This will integrate with the open space associated with the spine road (21/00374/MARM) that as a green boulevard incorporating species-rich native hedge banks and hedgerows, species rich meadow grassland, native scrub and tree planting forms a key landscape feature. Similarly, the cycle and pedestrian links, community spaces including gathering spaces and trim trial associated with the spine road will integrate with this application as a means to provide a comprehensive form of development.

3.8 The proposed dwellings are organised into a pattern of streets and perimeter blocks defined by buildings and public spaces. The internal road layout has been designed to allow emergency and refuse vehicles to access the site with adequate turning facilities provided in appropriate locations. The nature corridor and its integration into the spine road application is pivotal to the continuity of this development. This proposal seeks to ensure a strong built frontage on to the nature corridor and on to the layout of streets within the development. The Design Review Panel raised concerns relating to the frontage of development on to the spine road – that there should be a clear sense of this also being a ‘street’ rather than simply a ‘vehicular corridor’. Whilst Officers acknowledge these concerns, the retention (and extension where proposed through the spine road application) of the north south hedgebank and TPO trees on the eastern boundary of this application site provides some limit to the achievement of this. As such, properties on the eastern boundary of the application site have been designed to either front on to the spine road (Plot No.s 53-56) or provide a clear sense of surveillance through building design without loss to the established hedgebank and TPO trees. Through negotiation Officers have ensured the introduction of the north south green space fronting the apartment block at the centre of the development. This offering a focal point on the street located to the rear of properties south of Blundell’s Road, to provide enhanced setting to the apartment block and as a means to develop this part of the development as a specific character area.

3.9 South of Blundell’s Road a single 2.5 storey apartment block of eighteen units is proposed. Proposed for construction in an L shape, the nearest 2.5 storey elevation (Plots 32-41) will be 18m in length, located 83m from the nearest rear elevation of existing dwellings, with intervening road, private front garden, proposed dwellings (Plot No.s 13-15), private rear garden (9m in length), buffer landscape strip (1.5m in length) and private garden (47m). The scale and massing of the 2.5 storey apartment block is considered acceptable without loss of light or privacy to existing properties while its location supports established urban design principles including the integration of affordable housing with open market housing. The remainder of units south of Blundell’s Road are two storey in height. The total site area covers 7.38 hectares. The net density of this development equating to 22.5 dwellings per hectare. This accords with the Adopted Masterplan SPD. Further, in the achievement of sustainable development, it accords with the NPPF requirement (para 8) for the ‘effective use’ of land.

3.10 The Adopted Masterplan SPD promotes a hierarchy of streets with the Design Guide developing the concept in in the form of character areas to provide a richer and more legible townscape. The proposal establishes six character areas:

- Northern Gateway Hub

- Green Boulevard

- Western Green Edge

- Nature Corridor

- Neighbourhood Hub

- Neighbourhood Core

The net density of each character area is as follows:

- Northern Gateway Hub: 46 dwellings per hectare
- Green Boulevard: 16 dwellings per hectare
- Western Green Edge: 24 dwellings per hectare
- Nature Corridor: 18 dwellings per hectare
- Neighbourhood Hub: 46 dwellings per hectare
- Neighbourhood Core: 28 dwellings per hectare

The Adopted Masterplan SPD (Chapter 4.1) identifies a net density at the neighbourhood centre of 40-50 dwellings per hectare reducing outwards to densities of 15-20 dwellings per hectare. Many of the intermediate housing areas comprising residential streets to have densities of 25-40 dwellings per hectare. Representations received make reference to the density of housing being excessive; particularly the density of development on the street proposed to the rear of properties south of Blundell's Road. This street falls within two character areas – the neighbourhood hub and the neighbourhood core. This application area is identified as 'residential core' within the Tiverton EUE Design Guide (Chapter 3c1) for highest density residential development. The net densities accord with the Tiverton EUE Design Guide. More generally, the proposed density of development varies across the development site responding to the centre-to-edge concept with detailed landscaping proposals supporting the establishment of character areas. It is for these reasons that Officers advise that the proposed density of development is acceptable and accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide.

3.11 The application scheme proposes a dwelling mix of 3 bed dwellings (x No. 31), 4 bed dwellings (x No. 95), 1 bed affordable dwellings (x No. 2), 1 bed affordable flats (x No. 9), 2 bed affordable dwellings (x No. 8), 2 bed affordable flats (x No. 9) 3 bed affordable dwellings (x No. 10) and 4 bed dwellings (x No. 2). As a Reserved Matters application, the S106 agreement to application 14/00881/MOUT (Schedule 1, Part 1, para 1.1 – 1.6.6) establishes the requirement for 22.5% affordable units. This translates to 37 units; the applicant offering 40 units. The proposed tenure mix is 60% affordable rent and 40% intermediate and is compliant with the requirements of the S106 agreement. All house types meet Nationally Designed Space Standards with private gardens. The two apartment blocks north and south of Blundell's Road whilst not providing dedicated communal amenity space are set within managed areas of green space with close access to other areas of planted public open space with associated outdoor play and health facilities. There are nineteen (x No. 19) house types proposed across the scheme. Supporting documents indicate that the range of housing has been based on arts and crafts details on an understanding that they will reflect the local vernacular. The building types remain standard designs rather than house types that distinctly reflect the character or qualities of those within Post Hill or the wider area; a concern raised by those submitting representations. However, the materials (brown / red brick, natural coloured mortar, white rough cast render, occasional use of timber with grey / brown roof tiles) will not be out of keeping. Brick details found throughout the wider area are to be reflected in the proposed dwellings including voussoir headers, soldier courses, arrow slots and diamond features. Also to a lesser extent finials, red hung clay tiles and timber larch cladding at gables and bay windows. Windows will be multi paned and side opening in uPVC. Projecting bay windows form part of the design of some house types. Hipped roof lines are introduced to add definition, features that are evident both in immediate area and

elsewhere around the town. On balance, the design of the proposed dwellings is considered acceptable.

3.12 Parking standards across the proposed development meet those required by Policy DM5 and the Provision of Parking in New Development SPD. All properties are provided with on-plot parking (259 spaces in total). In addition to spaces within parking courts this represents an excess of provision (Policy DM5, Adopted Mid Devon Local Plan). Whilst representations relating to tandem style parking are acknowledged, it is generally accepted as a suitable parking solution. Electric vehicle charging points are provided (8 north of Blundell's Road and 18 south of Blundell's Road) representing an excess in provision in Policy terms (Policy DM5 of the Adopted Mid Devon Local Plan). An additional 32 detached garages are provided on-plot in addition to 69 integral garages. Twelve visitor parking spaces are provided. The introduction of greenery (being a mixture of tree planting, ornamental planting or amenity grass) to separate parking is beneficial to the detailed design and layout.

3.13 Boundary treatments in the public domain will be a screen wall. Durable high quality boundary treatments ensure the long term design integrity of the scheme whilst supporting the principle of a garden neighbourhood. The topography is such that there is a minimal need for retaining walls and where required are designed such that there will not be a loss of amenity value to existing or proposed residents and are acceptable.

Buffer Strip

3.14 The Adopted Masterplan SPD Illustrative Framework Plan (2018) identifies a buffer to the rear properties south of Blundell's Road and additionally in the Adopted Masterplan SPD (2014) to the rear of properties west of Pool Anthony Drive. Neither Masterplan of 2014 or 2018 specify the design or depth of the buffer area. Accordingly they do not require it to be 5m wide. Similarly, the Design Guide does not make any specific reference to the depth of the buffer. With the recent provision of revised plans, a 3m off-plot landscaped buffer has been identified to the rear of properties south of Blundell's Road. However, due to the nature of the site boundary, three existing properties (Long Meadow, Barns Hollow and Sweethayes) have a reduced depth of buffer to their rear; this being associated with the greater length of garden attached to these properties. Nonetheless, a new hedgeline is proposed along the length of the 3m buffer strip to the rear of properties south of Blundell's Road with additional tree planting to supplement existing.

3.15 Chain link fencing is proposed as the means to enclose the rear gardens of Plot No.s 1-21 as adjoining the proposed buffer. This has been a considered decision and reflects the approach taken to new development adjoining Fairway, Post Hill. A visual connection to it will ensure garden debris is not discarded into the space or used for anti-social activities. Whilst officers are mindful of the Design Review Panel querying the requirement for the buffer zone due to the risk of this leftover space being used in an anti-social manner, Officers are also mindful of the expectation for the provision of this buffer and have made efforts to ensure a solution is provided to its management. This is to be part of the area covered by a management company as a managed landscaped area. The intent is to ensure that it is remained, managed and that it is not absorbed into private gardens over time.

3.16 Properties south of Blundells Road benefit from long rear gardens; gardens vary from 31-50m in length, which are separated from new dwellings by an existing hedge and in parts mature TPO trees. The new dwellings (Plot No.s 1-21) will be set back from the rear boundary of the existing properties by the 1.5-3m buffer and minimum garden lengths of 8.5m. It is considered that these combinations of garden length, existing and proposed planting and landscaped buffer will ensure an acceptable relationship between the existing and new properties in planning terms, with particular regard to privacy and amenity.

3.17 The Adopted Masterplan SPD (2014) similarly identified a buffer to the west of properties on Pool Anthony Drive. A drainage easement along the length of this boundary to Pool Anthony Drive restricts new planting to those with shallow growth roots. This is reflected in the revised detailed landscape design drawings that identify a new hedgebank (to supplement the existing) and grass. Officers have ensured that proposals are in place for its ongoing management (via a management company) and it is to be retained as a landscape buffer as set out on the Adopted Masterplan (2014). A chain link fence is again identified along the boundary of Plot No.s 162 and 163. It is acknowledged that the parking court to apartment block (Plot No.s 150-158) does not benefit from such a clearly defined landscape buffer adjacent to the existing property in Poole Anthony Drive. However, the detailed landscape drawings identify the retention of the existing hedgebank, hedgebank trees and understorey vegetation, supplemented by additional tree planting. Management of this area will fall within the management of the apartment block. Nearest properties (Plot No.s 162 & 163) are separated from Poole Anthony drive by a mature hedgeline boundary. The side elevation to Plots 162 and 163 will be sited some 13m from the nearest existing property on Poole Anthony drive. The 2.5 storey apartment block (Plots 150-158) are some 55m from the nearest existing elevation on Poole Anthony Drive, separated by a car park, proposed and existing planting. The combination of private garden, existing and proposed planting and retention of mature hedgerow are considered to ensure an acceptable level of amenity, privacy and outlook is retained for existing residents.

Urban Form – streetscape and character areas

3.18 The Adopted Masterplan SPD represents the quantitative framework within which the Tiverton EUE will be developed. The Tiverton EUE Design Guide sits within this framework providing a range of solutions which will ensure the quality with which these objectives are met. Together the documents establish the principle of a Garden Neighbourhood. This goes beyond an aesthetic plot-by-plot and house scale quality to a strategic and structural approach to the layout of the whole of the urban extension. Representations raise concerns that the proposal does not reflect the Adopted Masterplan concept of a garden neighbourhood or the Tiverton EUE Design Guide 'centre-to-edge' concept.

3.19 The Tiverton EUE Design Guide establishes the 'centre-to-edge' principle with the centre attributed to higher density development and green boulevards to the outer edges attributed to low density residential development feathering into the rural landscape. The centre-to-edge concept requires clear connections throughout; connecting residential development to the neighbourhood centre and vice-versa (Chapter 3a, Tiverton EUE Design Guide). A hierarchy of streets derived from this structure will inform 'character areas' that will aid legibility, navigation and a sense of place.

3.20 This application site is referenced within Chapter 3b5 and acknowledges the sites' visibility from the eastbound carriageway of Blundell's Road and its important relationship with Blundell's School and the setting of the conservation area. The site is also identified as residential core for the highest density residential development (Chapter 3c1, Tiverton EUE Design Guide).

3.21 The character areas plan that supports this application identifies 6 character areas across the application site. Set within the strategic landscape features of the Green Boulevard and Nature Corridor are the northern gateway hub, the neighbourhood core, the neighbourhood hub and western edge. The concept of character areas has been consistently developed and reviewed throughout the emerging scheme following Officer and Design Review Panel contributions. In establishing character areas the form of development, use of materials (buildings and streetscape) and planting regime have been refined; subtly aiding legibility, navigation and sense of place within the proposed scheme. This has included, adjacent to West Manley Lane, the retention of the existing hedgerow, without breaches, to maintain the ambience of a country lane with a single point of pedestrian and

cycle access. Proposed development is also set back approximately 10m behind a planted landscape buffer as acknowledgement of the setting to Blundell's School and the conservation area. Representations question the location of the neighbourhood hub south of Blundell's Road, more specifically the 2.5 storey apartment block. Its location on the junction of an east-west and north-south axis, supplemented by a north-south corridor of public open space with tree planting supports the principles of a legible townscape whilst providing a socially inclusive and comprehensive form of development. Representations also question the 'northern gateway' as a visually unattractive arrival to Tiverton. Officers have negotiated amendments throughout the application process seeking enhanced tree planting and green space (as an extension to the green boulevard south of Blundell's Road) and amendments to the building types, scale, massing and positioning to ensure strong urban form is achieved on the frontage of this principle route into Tiverton; whilst acknowledging it is a short transition from the A361 to a residential area with neighbourhood centre.

3.22 Other more specific amendments introduced into the emerging scheme have been to the form and building line of the street (Plots 1-21 to the rear of properties south of Blundell's Road). Whilst the number of units proposed has remained unchanged, the mix of house types has been amended as a means to introduce a more staggered building line to soften and introduce more informality to the layout. This has also been supported by amends to the Land Ownership Plan to ensure the street trees are within the adoption of a private management company ensuring their retention as features within the public realm. Shared private drives are demarcated by a change in material (block paving).

3.23 A representation makes reference to the introduction of a neighbourhood hub character area north of Blundell's Road. Whilst a dedicated character area has not been introduced into this part of the scheme Officers have secured amendments to the scheme including a change in street surface materials and enhanced street planting in proximity to Plots 117, 118, 137 & 149 as a means to enhance the character of the street and sense of place.

3.24 The proposed location of the principal point of access from this application site on to the spine road (21/00374/MARM) has not changed throughout the emerging scheme. The proposed scheme seeks to deliver 'perimeter blocks' (Tiverton EUE, Design Guide, p.32) with adequately sized private gardens (Adopted Mid Devon Local Plan, Policy DM1); this to ensure legible streets, with active frontages and informal surveillance. Relocation of the principal point of access would compromise the area of land available as a nature corridor and key landscape feature. Further, the TPO Trees within the hedgeline boundary on the eastern boundary of the application site would likely be compromised. A buffer zone to the rear of properties south of Blundell's Road has been facilitated with the principal point of access as identified. On balance, the retention of the principal point of access on to the spine road, in the location identified, secures a satisfactory scheme in planning terms.

Energy Consumption and Co2 Emissions

3.25 The government has set a commitment (June 2021) to cut emissions by 78% by 2035 as a means to meet net zero by 2050. Achieving sustainable development is a commitment enshrined in the NPPF.

3.26 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). Achieving this means the planning system has three overarching objectives:

- An economic objective – building a strong, responsive and competitive economy;
- A social objective – supporting vibrant and healthy communities by ensuring a sufficient number and range of homes; and

- An environmental objective – protecting and enhancing the natural, built and historic environment including making effective use of land.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions and in decision-taking. This means approving development proposals that accord with an up-to-date development plan (NPPF, para 11); or more specifically policies S1, TIV1, TIV5, DM1 and DM2 of the Adopted Mid Devon Local Plan 2013-2033. The outline planning permission with signed S106 was granted in June 2017. This Reserved Matters application responds to the timing and contents set out in the outline planning permission.

3.27 In 2015, the Secretary of State for Communities and Local Government confirmed that changes to the 2008 Climate Change Act would mean local authorities in England could no longer require code level 3, 4, 5 or 6 as part of the conditions imposed on planning permissions. Energy requirements for dwellings would instead be set by the Building Regulations which would be changed to the equivalent code Level 4. The dwellings proposed for construction through this reserved matters application will comply with Building Regulations Part L. Part L requires 10% of the energy to be used in the development to come from onsite renewable / low carbon sources. This application seeks to achieve more than the minimum requirements as set out in Part L1A of the Building Regulations, as detailed in the Low Emissions Strategy submitted in support of this application. Accordingly, the development proposes the following measures;

- Achieving the target emission rate - as calculated in accordance with the Standard Assessment Procedure (SAP) that is accounted for and measured at the design stage;
- Limits on design flexibility – adopting a ‘fabric first’ approach; well insulated and air tight building fabric, inclusion of energy efficient heating and lighting;
- Limiting the effects of solar gain in summer – giving consideration to elements such as orientation, cross-ventilation;
- Building performance – giving consideration to thermal bridging and air leakage;
- Energy efficient operation
- Design out energy demand – designing out the need for energy use

The Low Emission Strategy confirms that the calculated performance of the dwellings will exceed the requirements of Part L without requiring low carbon or renewable energy systems to offset unnecessary emissions (Low Emission Strategy, para 4.3).

3.28 In addition to the Low Emission Strategy, the Site Waste Management Plan set out other aspects in the Site Waste Management Plan including targets for reuse, recycling, and recovery of waste arising through the development. Conditions are recommended in consultation with DCC Waste Planning, to ensure compliance and with these conditions, the proposed development is considered to meet policy

requirements as endorsed in the recently Adopted Mid Devon Local Plan and national regulations.

- 3.29 Overall, the general scale, massing and layout of the development proposal is considered acceptable. Key landscape features form the basis for the proposed scheme, with associated public open space and equipped play that is well fronted by development providing informal surveillance. This ensures the green landscape features form a real asset to the development providing opportunities for health, fitness and play. Whilst the scheme uses standard house types the proposal has sought to respond to the concerns raised at the Design Review Panel introducing informality to the streetscape. The proposal introduces a landscaped buffer to existing properties north and south of Blundell's Road. The density of development accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide. Properties will be built to current Building Regulation requirements and up-to-date local plan policy.
- 3.30 For these reasons, the application is considered to comply with policies S1, S9, DM1, DM2, DM5, DM26, TIV1, TIV3 and TIV5 of the Adopted Mid Devon Local Plan 2013-2033 and with the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

4.0 Public open space and green infrastructure

4.1 The NPPF (Para 127) states that planning decisions should take maximum opportunity to accommodate and sustain an appropriate amount and mix of development including green and other public space and create places that are safe, inclusive, accessible and which promote health and well-being. Paragraph 91 of the NPPF confirms that planning decisions should achieve high quality public space that encourages active and continual use.

4.2 Policy S5 requires new housing developments to provide at least 23.5 square metres of amenity green space per dwelling along with children's play areas, parks, sport and recreation grounds, allotments and teenager youth space with safe and convenient access on foot or cycle. Policy TIV3 of the Adopted Local Plan 2013 – 2033 relates to environmental protection and green infrastructure. It requires areas of equipped and laid out public open space including children's play, sports pitches and allotments. It requires design solutions to respect the character and setting of heritage assets within and adjoining the site. This application site is within the defined setting of Knighthayes Court which is on the national register of historic parks and gardens. The development proposed will be required to have appropriate regard to the character and setting of all heritage assets affected. Policies S9 and DM26 seek to provide a network of green corridors with recreational, visual and biodiversity value, including sustainable drainage. The requirements for open space and green infrastructure are set out more fully in the Adopted Masterplan SPD.

4.3 Within this application a nature corridor integrating pedestrian, cycle and 'play on the way' informal equipped play space is provided. This is integrated with areas of proposed green space along the eastern boundary of the application site that in turn supplements and integrates with the spine road green boulevard (21/00374/MARM).

Also proposed is the West Manley Lane buffer, retaining the existing hedgerow and setting development back from the country lane. Full details regarding the management and future maintenance of the open space areas are provided in the Landscape Management

Plan (March 2021) with other matters being conditional on planning consent. The proposal presented provides 2.2 hectares of public open space (or 133sqm per dwelling) in accordance with Local Plan requirements. This provision is also to be considered in conjunction with the spine road permission (21/00374/MARM) which provides an additional 0.5 hectares of public open space with trim trial, seating and other gathering spaces directly adjacent to this application site.

4.4 An Arboricultural Impact Assessment (March 2021), prepared by Arboricultural Consultants, has been submitted in support of the application. It identifies key arboricultural features including those trees most recently awarded TPO status south of Blundell's Road. Two trees north of Blundell's Road (an oak, T35 and an ash, T38) are proposed for removal due to limited life expectancy. Tree groups G1 (Ash) and G5 (Ash) in the southern land parcel are also proposed for removal to facilitate the construction of access roads and footways. Some hedgerow will be lost to facilitate the construction of roads, footways, drainage and/or the occasional dwelling (see Tree Retention & Removal Plan, BHA_651_03 Rev D). Their removal is not considered to have a significant adverse impact, with new mitigation planting being proposed through the Detailed Landscape Design to substitute their loss. No trees or hedgerow directly adjoining existing properties north or south of Blundell's Road are proposed for removal. Root protection areas are identified on Drawing No. BHA_651_03 Rev D within the Arboricultural Report. Representations received make reference to incorrect measurement data associated with tree heights and root protection spread within the Arboricultural Impact Assessment. Officers understand that this relates specifically to the TPO trees on the rear boundary of properties south of Blundell's Road. Amendments have been introduced to the proposed planning layout including a greater depth to the landscape buffer, changes to the house types and building line and removal of detached garages. These amendments enhance the space awarded to the trees. The Arboricultural Report identifies those trees for crown lifting and pruning.

4.5 For the reasons outlined above, it is considered that the proposal complies with policies S5, S9, TIV3, DM1 and DM26 of the Adopted Mid Devon Local Plan 2013 – 2033 ensuring an appropriate delivery of public open space and green infrastructure.

5.0 Drainage and Flood Risk

5.1 The NPPF requires the planning system (para 148) to support the transition to a low carbon future in a changing climate, taking full account of flood risk. Proposals should take into account the long term implications for flood risk and provide appropriate mitigating measures. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para 163). 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.

5.2 Policy S9 the Adopted Mid Devon Local Plan 2013-2033 seeks mitigation measures to ensure development does not increase the risk of flooding elsewhere. Provision for a sustainable urban drainage system to deal with all surface water from the development including provision for future maintenance, is required. The Environmental Statement submitted with Application 14/00881/MOUT contained an assessment of the likely significant effects of flooding for the outline application area and identified mitigation measures to include a sustainable urban drainage system (SUDs) and surface water balancing ponds. The Residential Parcels 1a, 1b & 1C Proposed Drainage Statement submitted with this

application has been further amended to address observations raised by the Local Lead Flood Authority.

5.3 Policy DM1 of the Adopted Mid Devon Local Plan 2013-2033 LP3 DMP requires appropriate drainage including sustainable drainage systems and arrangements for future maintenance. Policy DM26 of the same plan requires major development proposals to incorporate flood and water resource management.

5.4 Within the Adopted Masterplan SPD, Guiding Principle G(5) requires a water management strategy to be put in place to ensure that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site. Principle G(7) promotes opportunities to maximise landscape as a means to provide permeable surfacing.

5.5 A Residential Parcels Drainage Statement (June 2021) and drainage strategy has been submitted in support of this application making provision to reduce the risk of onsite and downstream flooding and safeguards the quality of water discharged into the Tidcombe Fen SSSI. It proposes the implementation of a surface water drainage system for managing the disposal of surface water runoff. In areas where infiltration is appropriate it is proposed to discharge surface water to ground via infiltration devices using a combination of pervious paving, soakaways, and infiltration basins. For the remainder of the site where the use of infiltration devices is not appropriate, flow balancing methods are proposed, comprising a system of swales and on-line ponds / detention basins, and geocellular storage in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourse and ditch system. These latest details are currently being considered by the Local Lead Flood Authority and Planning Committee will be provided with an update at the meeting, together with any required conditions. Your officers advise that in approving the Residential Parcels Drainage Statement and securing a Construction Management Plan by condition, Natural England's concerns relating to the SUDs will be addressed.

5.6 Subject to the update from the Lead Local Flood Authority, it is considered that the proposal accords with Policies S9 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and to the Adopted Masterplan SPD.

6.0 Air quality

6.1 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans.

6.2 Policy DM3 of the Adopted Mid Devon Local Plan 2013 – 2033 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment, including mitigation measures to reduce negative impacts on local air quality. Environmental Health Officers are satisfied that in combination with the Low Emission Strategy measures can be satisfactorily addressed within a Construction Management Plan. Similarly, DCC Highway Authority has not raised any concerns.

6.3 Subject to securing the mitigation measures through condition, it is considered that the proposal complies with policies S8, TIV2 and DM3 of the Adopted Mid Devon Local Plan 2013-2033.

7.0 Ecology, Landscape and Visual Impact

7.1 The NPPF (Para 170) 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 provide net gains for biodiversity, including establishing coherent ecological networks (NPPF, para 174).

7.2 Policy S1 of the Adopted Mid Devon Local Plan 2013-2033 requires net gain in biodiversity. Policy S9 of the same plan seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape to create attractive places. Policy TIV3 requires measures to protect and enhance trees, hedgerows and other environmental features which contribute to character and biodiversity and measures to maintain a wildlife network within the site, linking to the surrounding countryside.

7.3 The Adopted Masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle D relates to landscape. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important fauna and flora.

7.4 Outline application 14/00881/MOUT Condition 2ii required the submission of a strategy for the management, maintenance, access and use arrangements of all green infrastructure across the development site. A Land Management Strategy (December 2020) was accordingly submitted and approved as a discharge of condition. This application in adhering to the principles of the Land Management Strategy is supported by a Detailed Landscape Design, Landscape Management Plan (March 2021) and a Habitat Assessment and Mitigation Plan (March 2021) including a full suite of surveys for each protected species. Together they seek to establish the principles of bio-diversity net gain associated with the introduction of mixed native tree and shrub planting and species rich meadow grassland and hedging. This is supported by specific mitigation and enhancement measures including the retention and protection of existing hedgerows and trees.

7.5 Whilst the RSPB express disappointment at the number of swift boxes to be provided (42), the Detailed Landscape Design and Planting Character Areas provide a diversity of plant species to enhance visual interest and provide a variety of wildlife habitats. The Design Review Panel recognised the central east / west green nature corridor as an asset for open space and biodiversity that will invigorate the character of the development; whilst also integrating with the landscape proposals and green boulevard associated with application 21/00374/MARM for the spine road south of Blundell's Road.

7.6 The former outline application (14/00881/MOUT) was supported by an Environmental Statement and provided a landscape and visual assessment of the impact of the mixed use development. This application for 166 dwellings and associated open space, designated within the outline application, mitigates the landscape and visual impacts concluded in the Environmental Statement.

7.7 For the reasons outlined above, it is considered that the proposal complies with policies S1, S9 and TIV3 of the Adopted Mid Devon Local Plan 2013 – 2033 ensuring the protection and enhancement of valued landscapes, sites of biodiversity and biodiversity net gain.

8.0 Heritage

8.1 Policy DM25 of the Adopted Mid Devon Local Plan 2013 - 2033 states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

8.2 The NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits (NPPF, para 196). A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

8.3 Condition 15 of the outline application 14/00881/MOUT does not permit any development until an archaeological investigation has been carried out on the site in accordance with a written scheme of investigation. The Historic Environment team have no in principle objection to the proposed scheme. Whilst they confirm that the programme of archaeological works described in the Written Scheme of Investigation are acceptable this does not represent a discharge of condition. Condition 15 of outline application requiring a Written Scheme of Investigation remains relevant. Historic England have no objection to the application on heritage grounds.

8.4 The application is considered to be acceptable and in accordance with policies TIV3 and DM25 of the Adopted Mid Devon Local Plan 2013-2033 and the NPPF.

9.0 Other Matters

9.1 A representation has been received relating to lack of public consultation by the applicant prior to this application and references the Urban Design and Architectural Principles document as well as lack of consultation in advance of the submission of this application. Whilst this application is bound by Condition 2 of the outline planning permission that requires the submission of an illustrated Urban Design & Architectural Principles document, it is to be considered on its own merits. Upon receipt of the application, the Council has undertaken a period of public consultation in line with statutory requirements, as well as an additional 14 day period of public consultation following revised information. It is understood that Officers the applicant wrote to each adjoining property to this application site (and the spine road application site (21/00374/MARM) on the 27th April 2021; totalling 13 properties south of Blundell's Road, 3 adjoining Pool Anthony Drive and to Tiverton Town Council. One household responded resulting in changes to Application 21/00374/MARM.

9.2 South West Water and other utility companies have not raised an objection to the proposed scheme indicating that there is sufficient capacity to accommodate the proposed number of dwellings and as an allocated Local Plan site with outline planning permission, the principle of development has previously been established.

10.0 Planning balance

10.1 This is a Reserved Matters planning application for the construction of 166 dwellings to include public open space, pedestrian, cycle and vehicular links and associated infrastructure. The application area has previously been the subject of an outline planning application (Application No. 14/00881/MOUT).

10.2 The development can be accommodated without an unacceptable impact on the highway network. The proposed development can be served by the necessary infrastructure in a predictable, timely and effective fashion whilst promoting sustainable modes of transport.

10.3 The proposed development provides a net density of 22.5 dwellings per hectare and accords with the Adopted Masterplan SPD and NPPF that requires the effective use of land. Whilst building types remain standard designs rather than house types that distinctly reflect the character or qualities of those within Post Hill or the wider area, the proposal introduces materials and features that are evident both in the immediate area and elsewhere around the town. The proposal meets Nationally Described Space Standards and Parking Standards. The public open space and associated landscape details form a key feature of the development. Drainage and flood risk have been fully considered. Affordable housing and other financial contributions are secured through a Section 106 agreement (Application 14/00881/MOUT). The proposed scheme, on balance, is considered to accord with relevant local plan policies as set out in this report and the Adopted Tiverton EUE Masterplan SPD and Design Guide and for these reasons is recommended for approval.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

2. Prior to the commencement of any part of the site hereby approved, the Local Planning Authority shall have received and approved in writing a report giving detail on:
 - a) The predicted amount and type of waste generated during the construction, demolition, excavation and occupational stages of the development;
 - b) The method of auditing the waste for the construction, demolition and excavation stage including a monitoring scheme and corrective measures if failure to meet the targets occurs;
 - c) Measures taken to avoid waste occurring during the construction, demolition, excavation and occupational phase of the development; and
 - d) Details of waste disposal during the construction stage.

The recommendations in the report shall be adhered to and the development shall be operated thereafter in accordance with those recommendations.

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
4. No external lighting shall be installed on any part of the site unless as part of an external lighting plan that has been previously approved in writing by the Local Planning Authority. The external lighting plan should include all details of external lighting and light levels falling on wildlife habitats and demonstrate how dark corridors will be provided for wildlife.
5. First occupation of any dwelling shall not take place until details of street furniture to be provided within the public areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include benches or other seating, dog waste and litter bins and handrails where required, together with a timescale for their delivery. Following their provision, such facilities shall be permanently retained and maintained for their purpose at all times.
6. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development (or phase thereof) which ever is the sooner; and any trees or plants which within a period of 5 years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
 - A. The access road and cul-de-sac carriageways including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B. The access road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the access road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwellings by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G. The street nameplates for the access road and cul-de-sacs have been provided and erected; and

- H. A site compound and car park have been constructed in accordance with a Construction Management Plan to be approved under Condition 4.
8. First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with drawing number POST-21-04-04 Rev B. Only such approved boundary treatments shall be installed.
 9. Prior to the occupation of any part of the development hereby permitted, detailed drawings of all play equipment including the form and number shall be submitted to and agreed in writing by the Local Planning Authority.
 10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of remediation measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

11. No development shall take place on the site except in accordance with the details set out within the submitted Landscape Management Plan (March 2021) and Habitat Assessment and Mitigation Plan (March 2021). The recommendations in the Landscape Management Plan (March 2021) and Habitat Assessment and Mitigation Plan (March 2021) shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within them.

REASONS FOR CONDITIONS

1. To ensure the timely delivery of an early phase of development in the complex delivery of the Tiverton EUE.
2. In the interest of waste management and proper planning.
3. To ensure the proper development of the site.
4. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.
5. To provide certainty in the interests of good planning.
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, TIV3 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.

7. To ensure that adequate access and associated facilities are available for the traffic attracted to the site
8. To ensure a good standard of residential amenity and security for residents.
9. In the interests of good planning and residential amenity.
10. In the interest of public health and safety.
11. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the National Planning Policy Framework and the guiding principles in the Tiverton Eastern Urban Extension Masterplan SPD.

INFORMATIVES

1. An archaeology Written Scheme of Investigation needs to be formally submitted to the Local Planning Authority as part of a submission to discharge the planning condition. Prior written approval to enable the condition associated with archaeology works for this phase of the development to be discharged prior to any development commencing on site is yet to be issued. The applicant should ensure that the archaeological works are implemented as described.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

Comprehensive consideration has been given to the overall design, scale and layout of the proposal. The scheme provides well integrated landscaping and public open space providing biodiversity net gain. The development can be accommodated without an unacceptable impact on the highway network with necessary infrastructure able to be delivered in a predictable, timely and effective manner. The design and layout including house types are acceptable meeting Nationally Described Space Standards. For these reasons the proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033, Policies S1, S3, S5, S8, S9, DM1, DM2, DM3, DM4, DM5, DM25, DM26, TIV1, TIV2, TIV3, TIV5 of the Adopted Mid Devon Local Plan 2013-2033 and with the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

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.

Contact for any more information

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Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

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