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MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 4 January 2023 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 18 January 2023 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

20 December 2022

Councillors: P J Heal (Chairman), S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, B Holdman, D J Knowles, F W Letch, B A Moore and B G J Warren

A G E N D A

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

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

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters
- 4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 18)*
To consider whether to approve the minutes as a correct record of the meeting held on 30th November 2022.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda
- 7 **THE PLANS LIST** *(Pages 19 - 72)*
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 73 - 74)*
To receive a list of major applications and potential site visits.
- 9 **APPEAL DECISIONS** *(Pages 75 - 76)*
To receive a list of recent appeal decisions

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

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. You must provide copies of questions to be asked no later than 4pm on the day before the meeting. Please refer to the Planning Committee Procedure [Planning Committee Procedure \(middevon.gov.uk\)](#). This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a

hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

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

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

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

Present

Councillors

P J Heal (Chairman)
S J Clist, Mrs C Collis, Mrs C P Daw,
B Holdman, D J Knowles, F W Letch and
B G J Warren

Apologies

Councillor(s)

Mrs F J Colthorpe, L J Cruwys and
B A Moore

Also Present

Councillor(s)

J Buczkowski

Present

Officers:

Richard Marsh (Director of Place), Maria De
Leburne (District Solicitor and Monitoring
Officer), Angharad Williams (Development
Management Manager), Adrian Devereaux
(Area Team Leader), John Millar (Area
Team Leader), Tina Maryan (Area Planning
Officer), Daniel Rance (Principal Planning
Officer), Jake Choules (Planning Officer),
Carole Oliphant (Member Services Officer)
and Jessica Rowe (Member Services
Apprentice)

83 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.24)**

Apologies were received from Cllrs Mrs F J Colthorpe, B A Moore and L J Cruwys

84 **PUBLIC QUESTION TIME (0.03.44)**

Jamie Byrom, a local resident referring to no 5 on the plans list stated:

Question 1 – With reference to evidence I have provided to her in advance of this meeting, please would the Legal Officer confirm (with relevant explanation and supporting evidence) whether or not the application as made on 26 August 2022 was valid?

Question 2 – During the Inquiry site visit, the Inspector found the required visibility along the line now shown on S278 plans for the NE access to be unachievable. What evidence (if any) has been provided to the case officer to justify the LHA's decision to accept the S278 plan that applies exactly the same visibility that she has proved not to work?

Question 3 – Will the officer confirm to the Planning Committee that the Local Highway Authority responded to consultation in September and that among their comments they told him that “DCC could not give you [the applicant] permission to open a new access”?

Q4. The covering letter from the applicant’s agent supports variation on the grounds that inspectors wording of the relevant conditions is flawed. I’ve searched the officers report to this committee and I can’t find his view on that crucial claim whether its flawed or not. So, I ask just for clarity is it the officers professional opinion that in her appeal decision of April 2021 his majesty’s inspector wrote flawed conditions that were unreasonable, unnecessary or unlawful?

Q5. Please will the officer inform us precisely what changes in laws, regulations, policies, guidance, or even local circumstance unknown to the inspector in April 2021, now mean that her wording of the conditions must be varied?

Q6. Will the officer confirm that the wording that went out to publication in September retained the inspectors requirement that S278 plans must be approved by the local planning authority, but that this requirement has been very recently dropped from the wording that’s before the committee today, and that it never went out to public consultation?

Mr Elstone, a local resident asked:

AGENDA ITEM 10 – PLANNING COMMITTEE PROCEDURE

QUESTION 1.

The proposed changes to the Planning Committee Procedure focus on Public Question time.

Why is it deemed a requirement to make Public Questions far more prescriptive and with increased editorial rights?

Changes it would seem to further stifle the Democratic Process and Public Engagement in MDDC.

RED LINHAY ANAEROBIC DIGESTER – REMOVAL OF NOISE CONDITION 13.

QUESTION 1

A Red Linhay Noise Survey dated March 2018 shows sound levels significantly exceeded Planning Condition requirements.

Rather than the applicant showing he has remedied the high noise level, he seeks not to have further noise assessments undertaken.

Why after over 4 years has this breach of planning condition 13 not to been enforced?

QUESTION 2

In early 2020 the MDDC Specialist Environmental Protection Officer raises concerns about the sound level produced by a conveyer dryer and mentions the requirement for a noise assessment against BS4142.

Conveyor driers can loud. Around 100dB under full load 97dB being equivalent to an industrial fire alarm.

Can it be confirmed if this as noise assessment was ever completed?

QUESTION 3

Despite the applicant further industrialising the Red Linhay site and including producing feed pellets it is believed for commercial sale. Requiring additional noise producing equipment installed without any planning apparent application.

Is this not more reason to enforce even enhance Condition 13 and not remove?

QUESTION 4

Using the applicant's own data submission to MDDC the Red Linhay AD is producing and exporting over twice as much electricity as the planning condition allows. It has been doing this since 2019.

Therefore, more noise generating equipment is running 24/7.

Why has this planning condition not been enforced as it is a planning violation that has far reaching consequences for the local community and not just noise?

- GILBERT'S LODGE – MOREBATH.

QUESTION 1

Can the Planning Officer please confirm that my understanding of the Gilbert's Lodge development timeline is correct?

- Started as a redundant stone built barn.
- Permission granted to convert barn to a fishing lodge on holiday let and with an agricultural holding type restriction.
- Permission granted in 2016 to occupy as part residential use and part holiday let for months of June thru August.
- Permission granted in 2020 applicant for full residential use but with restrictions on development
- Application to be decided that would permit demolition of the stone barn conversion and the erection of an ultra-modern house nearly 4 times as big and not on the existing location/footprint.

85 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.10.57)

Members were reminded of the need to make declarations where appropriate

86 MINUTES OF THE PREVIOUS MEETING (0.11.08)

The minutes of the meeting held on 2nd November 2022 were agreed as a true record and duly **SIGNED** by the Chairman

87 **CHAIRMAN'S ANNOUNCEMENTS (0.11.52)**

The Chairman reminded Members of the two meetings to be held in January on 4th and 18th.

88 **WITHDRAWALS FROM THE AGENDA (0.12.32)**

There were no withdrawals from the agenda

89 **THE PLANS LIST (0.12.39)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

Applications dealt with without debate.

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

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

- a) Application 22/01556/MFUL - Erection of new external heat pump systems, installation of solar car ports to parking areas and installation of photovoltaic panels to existing roofs at Exe Valley Leisure Centre, Bolham Road, Tiverton.*** Planning Permission subject to conditions be granted as recommended by the Development Management Manager

(Proposed by the Chairman)

Reason for the decision: As set out in the report

Notes:

- Cllr D J Knowles made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Cabinet Member for Community Wellbeing
- The Chairman provided the following updates:

Since the writing of the committee report, and publication of the agenda, the Tiverton Neighbourhood Plan has been approved at Referendum. As such, it now forms part of the statutory development plan. As such, it now carries full weight when considering planning application.

The proposal is not considered to be affected by the addition of the Tiverton Neighbourhood Plan to the development plan but consideration should be given

to the relevant policies contained within the neighbourhood plan. For the record, the relevant policies are:

Policy T4: Character of Development
Policy T5: Design of Development
Policy T6: Energy Efficiency and Design
Policy T7: Minimising the Risk of Flooding

The development is considered to comply with these policies of the Tiverton Neighbourhood Plan.

Since the writing of the committee report, and publication of the agenda, the Lead Local Flood Authority (Devon County Council Flood and Coastal Risk Management Team), have provided last minute comments.

No further issues have been raised with reference made to reviewing the possibility of providing rain gardens or SuDS planters, which is the reason why condition 3 was imposed. Nothing changes in that respect.

The LLFA have also asked, if it is not too late, whether a pre-commencement condition could be added for managing surface water during the construction stage, as follows:

“No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development’s construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.”

While this is noted, officers do not feel that this condition is necessary as the construction works proposed are not considered to be of a nature that would be likely to generate additional flood risk or water quality issues. Should Members wish however, this condition could be added.

b) Application 22/01835/TPO - Application to fell 1 Chestnut tree protected by Tree Preservation Order 94/00009/TPO at Land at NGR 303328 110201, Harpitt Close, Willand. Permission be granted as recommended by the Development Management Manager

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was Chairman of Willand Parish Council

c) Application 22/00735/MARM - Reserved matters for the erection of 200 dwellings following outline approval 17/01346/MOUT at Land at NGR 301738 107814, Tiverton Road/, Goblin Lane

The Area Planning Officer Major Projects Cullompton outlined the application by way of a presentation highlighting an aerial photograph, phase 1 applications, site layout, street elevations, site sections, garden sections, house types, landscaping and photographs of access point and views of the site.

The officer advised that there were proposals to update conditions 2 and 7 and that the Flood Authority had withdrawn all its objections.

Consideration was given to:

- The application meeting Policy HS04 of the Cullompton Neighbourhood Plan
- The RSPB could be consulted on the appropriate bird boxes to be installed
- The developer would provide access up to the boundary of the existing allotments but access into the allotment site would be the responsibility of the Town Council
- The detached garages complied with size requirements but the integral ones did not but that was because they were additional to the two parking spaces required
- The views of the applicant who provided the key points of the application including the importance of the spine road, much needed affordable housing, parking in line with policy, the provision of a terraced green viewpoint and significant S106 package
- The views of the Town Council who felt the application was contrary to policy HS04, that the developer could get permission from an adjoining site owner for construction site access to complete the spine road and permission should not be given until the spine road was complete
- Open spaces would be managed by a management company

It was therefore **RESOLVED** that Reserved Matters were approved subject to conditions as recommended by the Development Management Manager subject to amendments to condition 2 and 7:

Condition 2.

A revised Landscape Strategy Plan has been submitted. The Landscape Strategy Plan referred to in condition 2 should be version Rev P09.

Condition 7.

The Landscape Strategy Plan should also be updated to version Rev 09. The applicant has also requested that earthworks associated with the installation of development drainage networks are also included to the exceptions for protection of the retained grassland as foul drainage will need to be installed within this area. Your officers consider this to be reasonable. The condition should therefore read:

There shall be no temporary or permanent storage or depositing of material on the floodplain of the St Georges Well Stream/the area shown hatched in green as retained grassland on Landscape Strategy Plan 10640-FPCR-ZZ-XX-DR-L-0003 Rev P09, except that associated with creation of the highway that crosses it. This includes the arising's from creation of the proposed channel and scrapes. All retained grassland within this area where earthworks are not being carried out in relation to the realignment of the stream, creation of the scrapes, provision of the footpath or bridge, installation of development drainage networks, or construction of the highway that crosses it, shall be fenced off and protected during the entire period the construction works take place.

(Proposed by Cllr F W Letch and seconded by Cllr D J Knowles)

Reason for the decision: As set out in the report

Notes:

- The applicant Ciara McGinty spoke
- Cllr J Buczkowski spoke on behalf of Cullompton Town Council

d) Application 22/01234/FULL - Erection of a replacement dwelling with garage/workshop and landscaping following demolition of existing at Gilberts Lodge, Morebath, Tiverton.

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, existing site plan, proposed site plan, existing elevations, proposed elevations, sections, existing floor plans, proposed floor plans, proposed landscape strategy and photographs of the site. He also noted that no appeal had in fact been made against non-determination, as advised in the Committee Report. As such, Members were entitled to determine the application.

The Area Team Leader confirmed that the statements made by the public questioner were correct. He also recommended that Local Plan policy S14 (Countryside) be added to the refusal reason, if Members resolved to determine in line with the officer recommendation

Consideration was given to:

- The property had no existing permitted development rights and did not comply with Policy DM10
- The views of the agent who stated that permitted development rights should not have been removed and the application was compliant to Policy DM10
- The views of the Ward Member who felt that the property was not suitable for upgrading, the application had the support of the Parish Council and that planning permission should be granted

It was therefore **RESOLVED** that planning permission be refused as recommended by the Development Management Manager for the following reason:

The proposed development comprising the demolition of a traditional barn conversion used for residential purposes, and its replacement with a new dwellinghouse, is unacceptable by reason of the increase in floor space by approximately 211 square

metres, which is equivalent to an increase in around 370% of original floor space. This is contrary to policy DM10 of the Mid Devon Local Plan (2013-2033), which limits the floor space of replacement dwellinghouses outside defined settlement limits to no greater in size than the existing dwelling, taking into account any unspent permitted development rights. As the existing dwellinghouse is a barn conversion, permitted development rights were removed, in order to preserve the traditional character of the former agricultural building. The existing building has a floor space of 78.18 square metres, with no permitted development rights available. As such, with no realistic fall-back position available, any replacement dwelling should not have a floor space exceeding 78.18 square metres. Furthermore, there is an in-principle objection to the replacement of a dwellinghouse that was only granted under special circumstances, those being that it related to the conversion of a traditional building of substantial and permanent construction that positively contributed to the area's rural character, and was able to be converted without significant alteration, extension or rebuilding. As such, the proposed development is considered to be contrary to the aims and objectives of the most up to date Local Plan policy relating to the conversion of rural buildings, policy DM9, as well as failing to accord with the requirements of policies S14 and DM10.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

Reason for the Decision: As set out in the report

Notes:

- Cllr P J Heal, S J Clist, Mrs C Collis, Mrs C P Daw, B Holdman, D J Knowles, F W Letch and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they knew the applicant
- The agent Chris Burton spoke
- Cllr R Stanley provided a written statement as Ward Member

e) Application 22/01688/MOUT - Variation of conditions 7, 9, 10 and 11 of planning permission 17/01359/MOUT to amend the requirement for access and highway works from pre-commencement of development to occupation of development (Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site) at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell.

The Area Team Leader, in response to questions asked by the public confirmed:

1. Incorrect Certificate submitted as the applicant doesn't own all the land on site.

This was address to the Legal Officer but I have liaised with them in order to provide a response. Certificate A was submitted as part of planning application which made the application valid. It should first be noted that there is an existing planning permission on the land (outline and reserved matters both approved) and that the main point is that any permission runs with the land. In terms of not having served notice on all owners, the applicant can serve notice on said owner and submit Certificate B for the planning file. This certificate would not change the decision which should be taken as a new certificate would be correcting a procedural irregularity.

The recommendation is to approve the variation to the wording of conditions subject to completing a Deed of Variation to the original S106 agreement and therefore submission of a correct certificate could take place at the same time a Deed of Variation to the Legal Agreement is being worked on.

The issue of ownership has been raised to the applicant and their solicitor commented as follows:

In relation to the pending s73 application (22/01688/MOUT), I confirm that the owners of the two 'rounding' areas of land had agreed to transfer this to Edenstone, but the transfer plan was not updated at the time. The owners will execute a separate transfer to Edenstone to incorporate these areas into the site, and confirmation from their agent will follow. In terms of the procedural notice requirements and the ownership certificate in the application, each of the owners are well aware of our application to change the timing of the highway works, so no one has been prejudiced as a result of those notices not being served.

There is also case law in relation to the necessary certificate within the application:

[Main v. Swansea City Council and Others CA (1985) 45 P&CR.26] where the Court of Appeal held that:

'(1) ... a factual error in a certificate ... might be no more than an irregularity that did not go to the jurisdiction of the local planning authority to entertain the application..'

2. Concern raised that the visibility splay for the NE access cannot be achieved.

As noted in the officer report plans have been submitted as part of the S278 Works which have received technical approval. The visibility splays were checked on site and it was found that the OS mapping is wrong and I have been passed a copy of the plan produced by Hydrock which is based on topographical survey information which confirms the building does not obstruct visibility. I have printed some copies for Members so you can see this addresses concerns as to whether the works could be delivered.

3. Reference made from the Local Highway Authority to the applicant that they were unable to approve a new access.

To explain the context for this response, it should be noted that the initial planning submission also included a change of wording for condition 8 which relates to the main vehicular access into the site which would have also meant it being implemented prior to occupation of the first dwelling but this was withdrawn as it was pointed out by the Local Highway Authority that this access is required to be provided pre-commencement in order to allow the development to be built out. Therefore S278 plans have been submitted for the creation of the main access into the site which will be provided prior to commencement of the housing development.

4. Do I believe the Planning Inspector's conditions were flawed?

Short answer is no, the Planning Inspector determined the development on the information to hand at the time and outlined in Paragraph 196 of the appeal decision 'Conditions 7 to 11 are necessary and reasonable to ensure that safe and suitable

highway works for vehicles, pedestrians, and cycles, are fully assessed and delivered. It is reasonable and necessary to require that they are worded as pre commencement of development conditions to ensure that the schemes are achievable and delivered in accordance with MDLP Policy SP2 g) and paragraph 108 of the Framework.

As outlined in the Planning Inspector's Report and noted upon by objectors in representations received, there were concerns during the appeal over delivery of these highway works which is why the Planning Inspector took the decision to impose pre-commencement conditions.

5. What has changed in Legislation that means the conditions should be varied?

The main change is that at the time the Planning Inspector made their decision they were only assessing the outline planning application, the principle and access into site. Since then the Local Planning Authority has approved the reserved matters (22/00040/MARM) where details of Layout, Scale, Appearance and Landscaping were provided and considered at length with no objections from Statutory Consultees such as the Lead Local Flood Authority or Local Highway Authority. Also since the submission of this application, full highway plans have been submitted to the Local Highway Authority as required by the S278 works and these have received technical approval with the plans placed on this application file.

Therefore the situation has moved on since when the Planning Inspector considered the principle of the development and means of access. Therefore in light of why the reasons were imposed and the fact that it has been identified that the highway works can be delivered, the question then to ask is whether it would be reasonable to allow these highway works to be implemented prior first occupation of the development rather than pre-commencement. I will outline this case further in the presentation to follow but would note that the requirements for the conditions arise from new residents arriving which will not occur until such time as the houses can be occupied and to refuse would only delay the delivery of this housing on an allocated site within the Local Plan. The NPPF makes clear that local planning authorities should approach decisions on proposed development in a positive and creative way; they should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

6. The requirement for details to be submitted and approved by the Local Planning Authority which appears to have been dropped.

It is the Local Planning Authority who formally discharge planning conditions. When the conditions relate to highway works, we consult with the Local Highway Authority to confirm whether the information submitted is acceptable and the condition can be discharged.

This application is to vary the wording of conditions 7, 9, 10 and 11 and as required by these conditions the full detailed highway plans have been submitted as part of the S278 works and these plans have also be placed on file. The Local Highway Authority has confirmed technical approval. In light of this the condition wording is recommended to be varied so that these highway works are implemented prior to occupation of the first dwelling on site.

The Area Team Leader then outlined the application by way of a presentation which highlighted the site location plan, existing condition wording and the proposed condition wording.

Consideration was given to:

- The Flood Authority and Highways Authority had no objections to the revised wording of the conditions
- Technical approval plans had been confirmed by the Highways Authority
- Safety Audits of the access would have to be carried out and completed successfully
- S73 of Town and Country Planning Act 1990 allowed applicants to apply to vary conditions of a planning permission
- The plans submitted had technical approval and therefore concerns from the Inspector over deliverability had been addressed
- A construction management plan had to be agreed and discharged before any works could commence
- The views of the objector who stated that the Inspector knew the concerns and had required a detailed plan. The appeal stated that highways should be fully delivered prior to commencement
- The views of the applicant who stated that they were seeking to vary four conditions to amend the timeframe of offsite highways works. The works were bonded by a 278 agreement which would ensure that the highways works were completed and that the variation to timeframes would allow for development to commence
- The Highways Authority Officer confirmed that four safety audits had been completed on the visibility splays to ensure safety
- The views of the Parish Council who stated that road safety was the main consideration and that there were concerns with construction traffic and vehicle movements going through the village
- The views of the Ward Member who stated that the villagers had looked into this and that the village would be affected. The Inspectors original conditions should be adhered to

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure as recommended by the Development Management Manager

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- Cllr B G J Warren made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he was involved in the appeal and had been contacted by objectors
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew the neighbours

- Cllr Mrs C Collis made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as she had been involved in the appeal and was Ward Member
- Cllrs Mrs C P Daw, D J Knowles, S J Clist and P J Heal all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Jamie Byrom spoke as the Obejctor
- The applicant Tim Smale spoke
- Cllr Culpin spoke on behalf of Sampford Peverell Parish Council
- Cllr Mrs C Collis spoke as Ward Member
- Cllrs B G J Warren and Mrs C Collis requested that their votes against the decision be recorded

f) Application 22/00868/MFUL - Removal of condition 13 of planning permission 17/01142/FULL - further noise assessments at Land at NGR 299621 112764 (Red Linhay), Crown Hill, Halberton.

The Planning Officer outlined the application and confirmed that it was to vary condition 13 and not remove it all together. The incorrect noise level had been previously stated and the application was to amend the noise level requirement so that it could be enforceable.

In response to questions asked by the public he stated that the questions all related to enforcement issues which did not form part of the application in front of Members.

Consideration was given to:

- Public Health confirmed that the change was required so that the noise level was set accurately and tidied up for consistency
- The condition was being amended so that it could be enforceable
- The views of the Parish Council who would support the amendment to the condition and requested regular noise assessments
- The view of the Ward Member who objected strongly to the condition being removed altogether and that the revised condition noise levels should be enforced

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager

(Proposed by Cllr S J Clist and seconded by Cllr F W Letch)

Reason for the Decision: As set out in the report

Notes:

- Cllrs C P Daw and B G J Warren made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Cllr B Holdman made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he sat on Tiverton Town Council planning committee

- Cllr C Ayre spoke on behalf of Halberton Parish Council
- Cllr R Radford provided a written statement which was read out by the Chairman
- Cllr F W Letch left the meeting at 5.15pm and took no further part in discussions or voting

g) Application 22/01437/FULL - Conversion of redundant agricultural building to a dwelling at Barn at NGR 287821 106397 (Orchard Hayes Farm), Cheriton Fitzpaine, Devon.

The Planning Officer outlined the application by way of a presentation which highlighted an aerial image, site location plans, block plans, existing plans, proposed plans and photographs of the site.

The Officer explained that the application came under Policy DM9 and referenced the poor state of the building which had no agricultural features and was not eligible for conversion under Class Q.

Consideration was given to:

- The views of the agent who stated that the application had previously been submitted under Class Q but because of other works on the site was not eligible but that it met all the requirements of Policy DM9
- Views of Members who felt the building could not be converted and would need to be completely rebuilt which was not in line with Policy DM9

It was therefore **RESOLVED** that planning permission be refused as recommended by the Development Management Manager for the following reason:

The site is in a countryside location where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the building is not worthy of conversion and retention as it is not of a design or appearance which is important to the character and appearance of the area. In addition the proposed development would be located where it is remote from adequate services, employment, and public transport and will therefore increase the need for travel by private motor vehicles. The proposal is therefore contrary to Policy S1 & DM9 of the Mid Devon Local Plan 2013-2033.

(Proposed by B G J Warren and seconded by B Holdman)

Reason for the Decision: As set out in the report

Notes:

- Simon Archer spoke as the Agent

90 MAJOR APPLICATIONS WITH NO DECISION (2.57.11)

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

The Committee agreed that:

1. 22/02102/MFUL – To Committee if officer was minded to approve and a full site visit be arranged (on a Tuesday if possible)
2. 22/01492/MFUL – remain delegated
3. 22/0191/MFUL- remain delegated
4. 22/00505/MFUL – remain delegated
5. 22/01901/MFUL – remain delegated
6. 22/01893/MFUL - To Committee if officer was minded to approve – No site visit required

Note: *list previously circulated and attached to the minutes

91 **APPEAL DECISIONS (3.06.21)**

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

Note: *list previously circulated and attached to the minutes

92 **PLANNING COMMITTEE PROCEDURE (3.06.38)**

The Committee had before it some suggested amendments to the Planning Committee Procedure.

In response to questions asked by the public the District Solicitor and Monitoring Officer stated that the requirement for the public to submit questions in advance was to assist both the public and officers in being able to receive comprehensive replies to sometimes very complex and technical questions

Consideration was given to:

- The reasons why it was preferable for officers to receive questions in advance so that full and concise answers could be provided
- If implemented there would be cost savings by not having to defer applications for further answers to be investigated
- That the procedure should be further updated to state that adjacent Ward Members could speak at the Chairman's discretion

It was therefore **RESOLVED** that the Planning Committee Procedure be updated with the suggested amendments

(Proposed by the Chairman)

Reason for the Decision: To ensure that the Council rules for public questions were aligned to the Planning Committee Procedure and to ensure that Planning Officers received questions in advance to facilitate full responses in meetings

(The meeting ended at 5.56 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 4th January 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>22/01813/HOUSE - Erection of first floor side extension, the enclosure of the rear space, and alterations at 13 Livingshayes Road, Silverton, Exeter.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>21/02115/FULL - Conversion of former doctors surgery to 4 childrens home dwellings (C2) with associated landscaping and parking at Newcombes Surgery, Clifford Gardens, CREDITON.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>22/01375/MFUL - Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure at Land at NGR 277371 93228, East of Church Lane, Cheriton Bishop.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 22/01813/HOUSE

Grid Ref: 296071 : 103070

Applicant: Mr Mitchell Frost, Mid Devon District Council

Location: 13 Livingshayes Road
Silverton
Exeter
EX5 4JW

Proposal: Erection of first floor side extension, the enclosure of the rear space, and alterations

Date Valid: 26th September 2022



APPLICATION NO: 22/01813/HOUSE

Site Visit: Yes Date of Site Visit: 08/22/2022

Decision Delayed Reason: EOT agreed to allow for the application to be considered at committee

REASON FOR REFERRAL TO COMMITTEE

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as Mid Devon District Council is the applicant.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of first floor side extension, the enclosure of the rear space, and alterations. The first floor side extension will provide an additional bedroom with accessible wet room. The enclosure of the rear space and internal alterations are also proposed. The works form part of a disability adaption project, which will also allow for a more spacious internal floor plan layout and living arrangement for the family overall. The enclosed rear space will provide a more secure use of this space.

The proposed development relates to a residential property at 13 Livingshayes Road, Silverton. The site is located to the eastern edge of Silverton, within the defined settlement boundary of Silverton. The property itself is not listed and does not sit within the Conservation Area. The site sits within flood zone 1, which represents the lowest probability of flooding. The property itself is semi-detached with a generous residential curtilage, and is surrounded by other residential properties.

The existing single storey element measures approximately 3.3m x 5.1m, and extends 4m high to the ridge. The first floor extension will match the footprint of the existing single storey element to the side of the main dwelling, which contains the existing lobby and utility area. The eaves and ridge of the first floor extension will sit at approximately 4.35m and 6.2m from ground level respectively, sitting below the ridge of the main dwelling and helping the extension to appear subservient. The roofing tiles will be double roman tiles to match the existing roof, with white UPVC rainwater goods. The first floor extension will be clad in a fibre cement cladding with a neutral tone to each elevation.

APPLICANT'S SUPPORTING INFORMATION

- Application form
- Site location plan, block plan and existing floor plans
- Existing elevations
- Proposed floor plans
- Proposed elevations
- Wildlife survey
- Bat emergence survey
- Design and access statement

RELEVANT PLANNING HISTORY

14/01054/DET - CLOSED date 11th July 2014
Proposed erection of trellis on existing 6 foot fence

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities
Policy S9 - Environment
Policy S13 - Village
Policy DM1 - High quality design
Policy DM5 - Parking
Policy DM11 - Residential extensions and ancillary development

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Silverton Parish Council

Support.

Highway Authority

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

Environment Agency

Householder development and alterations within Flood Zone 1 - No EA consultation required.

REPRESENTATIONS

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

No letters of representation have been received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy, procedure and principle of development
2. Design and neighbourhood amenity
3. Ecology
4. Parking
5. Flooding
6. Conclusion

1. Policy, Procedure and Principle of development

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

1.2 In 2020 the Council adopted the Mid Devon Local Plan 2013-2033 and this takes priority in decision making. The site is in the Silverton settlement boundary so policy S13 (villages) applies which permits appropriately scaled residential development such as extensions, outbuildings and annexes. More specifically, DM11 sets out the requirements of residential development which are assessed in full in Section 2 of this report.

2. Design and neighbourhood amenity

2.1 DM11 of the Mid Devon Local Plan deals with residential extensions and other ancillary development, more specifically it supports this development subject to the following criteria:

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

A summary assessment against these criteria is set out below:

2.2 The first floor extension is located above the existing single storey element of the building and will match its footprint of 3m x 5.1m. The eaves and ridge of the first floor extension will sit at approximately 4.35m and 6.2m from ground level respectively. The extension will have a gable ended roof to match the main dwelling, however the ridge will sit below that of the main roof to help the extension appear subservient.

2.3 A window is proposed to both the front and rear elevation, with the side elevation being blank at first floor level. The roofing tiles will be double roman tiles to match the existing roof, with white UPVC rainwater goods. The first floor extension will be clad in a fibre cement cladding with a neutral tone to each elevation. Taking into account how minimal the area to be clad is, the

proposed use of fibre cement cladding is considered to be acceptable. This will be subject to an appropriate final colour and finish, which will be dealt with via condition.

2.4 The enclosed area to the rear will have a timber hit and miss hand rail/fence, with a concrete paved area indicated within the plans. It is noted that this element would be achievable using domestic Permitted Development rights. A new door will be formed from an existing window opening to the rear, with steps down to ground level. The adjoining neighbour features a similar extension to the opposite side of these semi-detached properties, and this has also been taken into account. Given the materials, modest scale above the existing single storey side element of the dwelling, the building is considered to respect the character, scale, setting and design of the existing dwelling.

2.5 The property benefits from a reasonable garden area and the proposed extension will not impact upon this, building above the footprint of the existing single storey element to the side of the main dwelling. There is ample space remaining for the enjoyment of current and future occupiers and as such there are no concerns relating to over-development of property curtilage.

2.6 In terms of overshadowing and overbearing impacts, the distance to the adjoining neighbours has been considered. The adjoining neighbour at number 12 Livingshayes Road sits approximately 10m from the outer wall of the side extension, with the properties to the rear located over 30m from the site of the extension. The extension will also sit within the footprint of the existing single storey side element, and will sit below the ridge height of the main dwelling. No objection comments have been received from neighbouring properties or from consultees. Overall, there are not considered to be any significant adverse impacts on the amenity of residents of nearby properties.

3. Ecology

3.1 Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.

3.2 A 'Wildlife Survey' was produced by Western Ecology in April 2021, which recommended further emergence surveys due to the presence of gaps within the existing roof coverings of the house and the utility.

3.3 Further bat emergence surveys were carried out in August and September 2022 during which no bats emerged from the building. Following these further surveys, the report concluded that it is extremely unlikely that bats are roosting in association with this structure and that works can proceed with negligible risk to bats.

3.4 No mitigation or enhancement was suggested by the ecologist, however the report does outline precautionary working methods.

4. Parking

4.1 Policy DM5 of the Local Plan required two parking space per residential development. This proposal is for the extension of the residential dwelling and other ancillary works, and therefore the requirement for parking is not increased. The existing parking area is not detracted from and therefore the scheme is in accordance with DM5.

5. Flooding

5.1 The site sits within flood zone 1 and is therefore not within a flood risk area. The first floor extension will match the proportions of the existing single storey utility and will therefore not result in an increase in floor area. There are therefore no concerns regarding any potential increased surface water run-off or impact on flooding.

6. Conclusion

6.1 Overall, the proposal is for the erection of first floor side extension, the enclosure of the rear space, and alterations. This is permissible under policies S13 and DM1 of the Local Plan and the principle of development has been established. The appearance and design of the building has been considered against policy DM11, and is considered appropriate given its setting and scale. It is not considered that the proposal will have a significant adverse impact on the residential amenity of residents of neighbouring properties. Consideration has also been given to the other material considerations such as ecology and flood risk. Taking all of the above into account, the scheme is considered acceptable.

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 shall be carried out in accordance with the recommendations detailed in the 'Bat Emergence Surveys' report produced by Western Ecology (dated August/September 2022) covering avoidance of harm to protected species and nesting birds unless otherwise approved in writing by the Local Planning Authority.
4. Details of the proposed colour and external finish for the fibre cement cladding (including the provision of samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to any works starting in relation to this element of the proposal. Once approved, such details shall be fully implemented and thereafter shall not be altered without the prior written consent of 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. For the conservation and protection of legally protected species, in accordance with policies S1, S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

4. In the interests of visual amenity, in accordance with the provisions of the National Planning Policy Framework and policies S1, S9, and DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVES

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 with the Applicant to enable the grant of planning permission.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application scheme for the erection of first floor side extension, the enclosure of the rear space, and alterations at 13 Livingshayes Road, Silverton, Exeter, EX5 4JW is considered acceptable in policy terms. The overall scale and design of the extension is considered acceptable and the proposal will not result in an over-development of property curtilage. The proposed materials are deemed to be acceptable. It is considered that there will not be any significant adverse impacts on the amenity of residents of nearby properties. As such, the scheme complies with policies S1, S9, S13, DM1, DM5 and DM11 of the Mid Devon Local Plan (2013- 2033) and guidance in the National Planning Policy Framework.

Application No. 21/02115/FULL

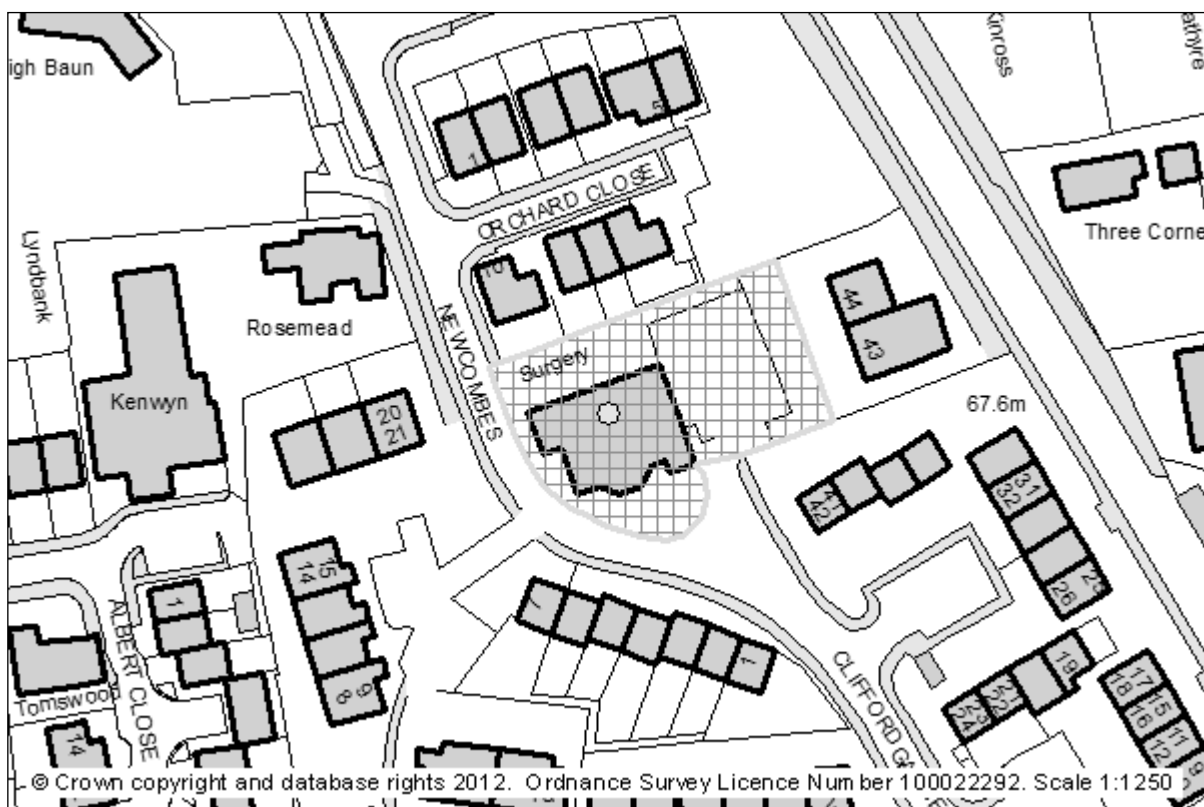
Grid Ref: 283524 : 100505

Applicant: Mr Jeff Jenner

Location: Newcombes Surgery
Clifford Gardens
Credon
Devon

Proposal: Conversion of former doctor's surgery to 4 children's home dwellings (C2) with associated landscaping and parking

Date Valid: 22nd October 2021



APPLICATION NO: 21/02115/FULL

MEMBER CALL-IN

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

A second application for the same site was submitted concurrently and was also called in for consideration by committee (21/02113/FULL) being for the conversion of the former doctor's surgery to 4 dwellings where Members of the Planning Committee later resolved to approve. Planning Permission was later issued on the 14th October 2022.

RECOMMENDATION

Grant planning permission subject to conditions

PROPOSED DEVELOPMENT

This application is for the conversion of former doctor's surgery to 4 children's home dwellings (C2) with associated landscaping and parking.

This site is the former Newcombes Health Centre, located within Crediton. The building is a two storey building with a car park to the side. The surrounding area is predominantly residential including a retirement living complex at Clifford Gardens. The application seeks permission to convert the surgery to 4 children's home dwellings (use class C2). The proposal includes physical alterations to the single storey element at the rear to raise the roof height to provide accommodation within the roof space. The material palette comprises a natural slate roof, brickwork and stained timber windows. The building would be subdivided to provide 4, 2 storey units of which one would be 3 bedroom and the rest 4 bedrooms. Each unit would have separate external access at the front of the building and a private garden area at the rear. The existing car park to the side would be mainly retained with 14 parking spaces proposed as well as an area for cycle storage and recycling/ refuse storage.

The supporting statement from the intended operator sets out that there would be no more than 6 children across the 4 homes at any one time, the intended occupiers are between 8- 18 years of age. It is intended that the separate units would be managed together as a multi-building children's home.

The applicant has confirmed that the proposed children's home would be operated by Central and Southern Homes and they have commented as follows to the request for further information:

'Responding to the planners question, the children will be from Devon as we want to ensure we are supporting Devon children to stay within county or return to county to promote family relations where appropriate.'

In regards to the homes mixing, this is unlikely to happen however if they created a good friendship and it was seen to be beneficial for the children then this would be promoted by the teams, however would be supported.'

The staffing for the homes would have a registered manager and a deputy manager who will oversee the running of the home, the support workers will be on a shift pattern however will be completing sleep ins to create this family environment, our teams are not massive we would be able to operate with 6 support workers so the neighbours and children would hold good relationships with these staff.

The home will operate very close to a normal family home as possible, our children will engage in education and evening activities in the community and use the homes like any other people to build relationships and have a safe environment to return too.'

With regard to other children's homes operated by the applicant, the applicant has responded as follows:

'Central and Southern Homes have operated five homes across Devon and Cornwall since 2020, two in Exeter and three in Bodmin, all of which have Ofsted 'Good' rating. The consented bungalow on the Newcombes site is in the process of Ofsted registration and C&SH hope to welcome residents in the second quarter of next year. It is hoped that the proposed C2 use in the main surgery will provide 'step down' accommodation for children who will have first spent some time living in the adjacent bungalow (progressing to homes with fewer bedrooms).'

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

APPLICANT'S SUPPORTING INFORMATION

Application form
Design and access statement
Bat and nesting bird survey report
Existing and proposed floor plans
Supporting statement- Central and Southern Homes
Latest SW Market Position

RELEVANT PLANNING HISTORY

88/01263/FULL - PERMIT date 10th February 1989 Erection of Doctors surgery and car park
92/00832/FULL - PERMIT date 18th June 1992 Conversion of roof space to ancillary office accommodation, including the installation of roof lights
00/01458/FULL - PERMIT date 10th October 2000 Installation of five rooflights
06/00145/FULL - PERMIT date 21st March 2006 Erection of a single storey extension to doctors' surgery
06/01515/FULL - PERMIT date 16th August 2006 Erection of single storey extension (Revised Scheme)
15/01885/FULL - PERMIT date 8th February 2016 Conversion of existing building (D1 Use) to form new Pharmacy (A1 Use) and Nurse Consulting Rooms (D1 Use), and erection of covered walkway
21/02113/FULL - Permit date 14th October 2022 Conversion of former doctor's surgery to 4 new dwellings with associated landscaping and parking

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S5 - Public open space
S8 - Infrastructure
S12 - Crediton
DM1 - High quality design
DM3 - Transport and air quality
DM5 - Parking
DM19 - Protection of employment land
DM23 - Community facilities

National Planning Policy Framework

National Planning Practice Guidance

Crediton Neighbourhood Plan 2018-2033

Policy D1 - Development Principles
Policy D5 - Design

CONSULTATIONS

CREDITON TOWN COUNCIL- 14th December 2021

It was resolved to recommend refusal on the grounds of the inadequacy of detail in the planning application regarding the proposed management of the facility following change of use

15.12.2021

Please could the following comments be added to the above planning application.

- Inadequate detail in the planning application, such as lack of private outdoor space for each dwelling, covered bin storage, secure cycle storage and limited amenity space for drying clothes
- Very limited outdoor space for the number of occupants
- Lack of proposed planting to contribute to biodiversity net gain
- Lack of information on boundary treatment and lack of proposals for boundary planting to contribute to biodiversity net gain
- Lack of proposals for facilities for alternative energy generation and use, such as solar panels and other considerations towards climate change.

HIGHWAY AUTHORITY- 15TH November 2021

The site is accessed off an unclassified County Route which is restricted to 30 MPH

I would like to respond to this application in conjunction with the other Planning Application submitted 21/02113/FULL.

These application show the same building to be converted with two different proposals.

I would like this to be clarified to ensure the correct amount of parking is being proposed to ensure no parking will be on road parking.

9th December- The County Highway Authority has no objection to this application now the above has been clarified

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

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

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

NATURAL ENGLAND- 18th November 2021
No comments.

PUBLIC HEALTH- 19th November 2021
Contaminated Land - No concerns - 16.11.21
Air Quality - No concerns - 16.11.21
Environmental Permitting - Not applicable - 16.11.21
Drainage - No concerns - 16.11.21
Noise & other nuisances - No concerns anticipated - 6.11.21
Housing Standards - Depending on what organisation runs the homes, whether the CQC enforce standards of safety and care, or the numbers of people living at the addresses, the properties may

require House in Multiple Occupation Licences. Please contact the Private Sector Housing team for more advice health@middevon.gov.uk or 01884 244602 -03.11.21

Licensing

Food Hygiene - Not applicable - 0311.21

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

Asbestos:

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

DEVON AND CORNWALL POLICE Designing Out Crime Officer- 14th January 2022

Thank you for the opportunity to comment on this proposed change of use application.

There will invariably be concerns and questions relating to how potential crime and anti-social behaviour linked to the scheme will be addressed and how demand on the police will be minimised, particularly in relation to missing person reports, which can place a significant demand on resources.

In my opinion, whilst the design of such a scheme can, to some extent, influence some of these issues, the effective management of the premises will have the greatest impact on reducing potential crime, anti-social behaviour and demand associated with the proposal.

I have no objections in principle to the design of the scheme, however, as there appears no mention within either the Design and Access or Supporting statements of security or crime prevention measures, policies and practices per se, it is not known if these key matters have been considered for the scheme or where/how it is intended they be implemented.

I have summarised below my initial observations, recommendations and suggestions:

- Rear and side boundaries must be a minimum of 1.8m high, be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a 300mm trellis topping would be acceptable. It is accepted that on some occasion's gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass
- All potential external climbing aids must be removed from the scheme.
- In the interests of safety and security, residents should not be using the garden or the external spaces unsupervised. Adequate supervision levels must also always be in place to help reduce the risk of missing episodes.
- In the interests of reducing perceived incidents of ASB and nuisance behaviour, particularly those related to noise, would it be feasible/reasonable to condition a quiet time for outdoor activities, for example 22:00hrs.

- Whilst I appreciate that the installation of CCTV may well be limited due to Ofsted guidance, it's benefits in assisting police in enquiries must also be considered. To minimise the intrusion on the privacy of residents at the home, I recommend that entrances/exits of the site have some form of CCTV coverage which will aid police enquires, particularly during missing episodes. To that end I respectfully request should the application progress, that the following condition is considered.

Condition: CCTV installed to cover the main entrances and exits of the site.

Reason: To aid police with enquiries particularly in relation to incidents of missing person reports.

- With regards to the size of the gardens, Ofsted will be better placed to offer an opinion as to whether those indicated would be deemed adequate for legitimate use.
- In reviewing this planning application, I have liaised with our local Neighbourhood Team and our local Missing Persons Unit, so they have knowledge of the scheme, have contributed to responses and raised no issue in relation to the design of the building, but would appreciate the benefits of CCTV as discussed above.

The designing out crime principles and practices identified and implemented in the design of this scheme cannot be viewed and used in isolation and there must clearly be policies and procedures put in place prior to service commencement, outlining how the home will be run and how potential incidents linked to the home will be mitigated. For example, 'Safeguarding of Children', 'Behaviour Management', 'Safeguarding Children from Criminal Exploitation (County Lines)', 'Missing from Home' and 'Admissions'. I respectfully suggest, the implementation of and adherence to such management plans and policies along with the ongoing regulation of the home, is for relevant agencies to ensure and monitor.

Further to my previous comments, I neglected to mention doors and windows, which I recommend being to a minimum standard of PAS 24:2016.

DCC EDUCATION - 4th February 2022

Confirmed that no contribution would be requested to education infrastructure.

Commissioning Officer of Children's Services at Devon County Council (D.C.C.) – 19th October 2022

Thank you for contacting the Children's Commissioning Team regarding Central and Southern and the proposed development of 4 children's home dwellings in the Crediton area.

In principle, the development of children's homes within Devon is consistent with our wider sufficiency objective to place children/ young people in our care within the county boundary, as set out in Sufficiency Strategy 2022-24 - Devon Children and Families Partnership (dcfp.org.uk). DCC has a high proportion of children placed out of county, some in unregulated provision, and our aim is for this to be addressed through the increase in children's homes located within the Devon geographical footprint.

Whilst we are not able to comment on the merits of each specific planning application, increasing capacity and sufficiency of our care homes is a top priority for DCC. If approved, DCC will provide ongoing challenge and support to the provider to promote a high quality service offer at the home.

Within Children's Services, we do not have a record of any meetings with the applicant to discuss the proposals. It is possible that meetings could have been held with a previous member of staff that we are not aware of.

I hope the above will support you in progressing the decision as to whether to approve the proposed development at Newcombe's Surgery.

REPRESENTATIONS

At the time of writing this report 16 representations have been received (15 objections, 1 general comment), the key points are summarised below;

1. The provision of a children's home in this settled environment is a recipe for anti-social behaviour
2. The siting in proximity to vulnerable elderly people is not appropriate
3. There is often unruly children in the area because of the vicinity of the children's play area
4. There are already issues with existing tenants in the area, anti-social behaviour, drug use and gatherings of youths in the local park. Adding a children's home will result in further detriment to the local community.
5. Can local schools provide the support needed?
6. Concerns regarding the lack of information and intentions of the applicants
7. Concern regarding lack of consultation with Crediton Town Council
8. Concern regarding impacts of noisy children, in addition to existing intolerable noise from existing properties
9. Loss of privacy
10. The redundant surgery building lends itself to conversion for elderly resident or a children's hospice.
11. Concerns regarding limited parking in the area
12. The applicant's statement refers to other sites they have that are now working harmoniously with the local community, however their website only refers to two developments both of which were only recently converted and unclear if they are in use.
13. The properties have 15 bedrooms in total but the application states it is for a maximum of 6 children across the four homes at any one time.
14. Concerns regarding previous schemes proposed by the developer (for which no planning application has been received)
15. Concerns regarding the experience of the applicant in running such establishments and the qualifications of staff
16. Request that committee make a site visit
17. The new children's home would of a greater service to the community and is therefore preferable opposite my home than the proposals under 21/02113/FULL.

A petition has also been received calling for an investigation as to why Crediton Town Council were not consulted regarding the previous applications at this site. Officers have responded separately to this issue and it is not considered to be relevant to determination of this application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Policy and principle of development

- 1.1 Policy S1 sets a number of strategic priorities to support the creation of sustainable communities. In relation to residential development this sets a development focus at Tiverton, Cullompton and Cridton with a limited level of development in identified villages. Policy S3 states that the diverse housing needs of Mid Devon will be met through the provision of a minimum of 7860 dwellings over the plan period. Policy S12 states that Cridton will continue to develop its role as a small and vibrant market town with a strategy to improve access to housing, expand employment opportunities and improve the quantity and quality of existing retail provision.
- 1.2 Policy DM19 relates to protection of employment land and seeks to ensure that sites that are currently being used to provide jobs are protected. Policy DM23 seeks to guard against the loss of community facilities including those for health or wellbeing. The building is the former Newcombes Surgery building (operating as New Valley practise) which has now relocated to the new Cridton medical hub/ Redland Primary Care at Joseph Locke Way. The new purpose built medical hub at that site is intended to be a strategic and integrated Primary Care Facility facilitating the co-location of the Chiddenbrook and New Valley GP surgeries within a purpose built building. On this basis, as the relocation of the community facility and associated employment has been secured, the change of use of the existing site is considered to be acceptable. The proposed use as a children's home would still provide employment opportunities.
- 1.3 In respect of the intended use the supporting statement from the intended operator (Central and Southern Homes) states;

“Central and Southern Homes have worked in consultation with Devon local authority and identified Cridton as an excellent location for the proposed Children's homes. There is a significant shortfall of suitable homes nationally but across Devon specifically. This has been further exacerbated by the Covid pandemic which has led to an increase in cases of domestic abuse and the need for children's homes rising further. Cridton lends itself very well to support this shortage due to its location and amenities. Cridton also has good transport links which will support recruitment and other parties for example families and professionals being able to visit and access the home.

There is a specific need for smaller homes for children who require a higher level of support than in larger homes due to the previous trauma and adversity that they have experienced and the ongoing challenges that this creates for them. Therefore this development has been designed to support this need. In line with recent OFSTED guidance, across the four homes there will be no more than six children at any one time.

The children will be aged between the ages of 8-18 and thoughtful planning and consideration will go into matching the children with one another.”

- 1.4 The site is located within a residential area of Crediton. It is considered that the site location offers good access to facilities within the town and public transport services. The proposal would deliver 4 children's home units which would help to meet housing needs for some particularly vulnerable members of society. The site is considered to provide a sustainable location for the provision of this specific residential use with good proximity to services within the town and on this basis is considered to accord with the aims of policies S1, S3 and S12.

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

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

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

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

- 2.3 Each dwelling has a floor space ranging between 116-134 sqm which is in excess of the requirements of the Nationally Described Space Standard. The unit at the eastern side of

the building would benefit from a larger garden area given the additional space given over between the side of the building and the car park. However the other units would have a limited garden area. Whilst the private gardens are limited in size, it is proposed that a level terrace area would be formed that would provide useable space for the occupiers. Furthermore it is noted that occupiers would have good access to public open space facilities in the local area. It is understood that there are no minimum standards for garden areas for care home facilities such as this, however the nature of the setting and amenities is taken into account in the process of placing children at the facility to ensure it is appropriate to meet their needs.

- 2.4 Concerns have been raised regarding the number of bedrooms proposed within the units given the suggested maximum limit of 6 children across the site. The applicant has confirmed that two staff would be required per dwelling who would be working 24/48 hr shifts and therefore the bedrooms are also provided for staff sleeping arrangements. Four children's homes are being proposed, one being a 3 bed property and the other three homes being 4 bed which allows for up to 15 bedrooms. It is stated that there is to be a registered manager, deputy manager and six support staff working shift patterns which would make 8 staff in total associated with the development. That would equal up to 14 people (staff and children) on site which would allow one bedroom left free.
- 2.5 It is proposed that a communal recycling/refuse facility is provided within the car park. It is considered that the refuse and recycling facilities could potentially be accommodated within the curtilage of the properties at either end of the dwelling which is the preferred approach set out within the Council's SPD *Refuse storage for new residential properties*. At this stage it is considered that further information is required in respect of the proposed refuse arrangements, a condition is proposed for this purpose.
- 2.6 In respect of the matters raised by the Police Designing Out Crime Officer, the applicant has confirmed that boundary treatments are proposed to be 1.8m high close board fencing, children will be supervised at all times whilst outside and CCTV is to be installed covering approaches and access points. In terms of the requirements for windows to meet PAS 24:2016 standards (enhanced security), the existing windows are proposed to be retained however the applicant has confirmed that they are content for any replacement windows and new external doors to meet the PAS standard.

3. Impact to the amenities of neighbouring occupiers

- 3.1 Policy DM1 requires that development is of a high quality and does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.
- 3.2 In terms of the physical alterations to the building, having regard to the design, scale and siting of the development it is considered unlikely that it would result in any significant adverse impacts in terms of being overbearing or resulting in a loss of light. The site is located at a lower level than the residential properties to the north, therefore it is not considered that the proposed roof lights within the new roof pitch, would result in an unacceptable overlooking impact or loss of privacy to neighbouring properties.
- 3.3 In terms of the nature of the proposed use, the key concerns that have been raised relate to noise, fear of anti-social behaviour, perpetuation of existing behavioural issues and conflict with neighbouring residential uses. These issues are essentially related to the behaviour of future occupiers and management of the facility. Whilst it is accepted that the

development could result in some disturbance to neighbouring occupiers, the success of the facility to effectively integrate with the existing community is largely dependent on the management and regulation of the homes. This is subject to control by other regulatory regimes and is not considered to be a matter for planning to seek to control. To provide some context, the GOV.UK guidance on children's homes confirms that children's homes must be registered with OFSTED before they can operate and a regularly inspected thereafter. This registration process includes matters such as behaviour management policies, location assessments, complaints procedure and safeguarding policies.

- 3.4 The site is located within a predominantly residential area and it is considered that the nature of this use is appropriate in this context. Particular concerns have been raised regarding the potential impact to elderly residents in the surrounding area. However the development is considered to be located sufficient distance from neighbouring properties such that it should achieve an appropriate relationship. The supporting statement submitted by Central and Southern Homes states that their sites in other parts of Devon have achieved positive working relationships with the local communities, where relevant this has included meetings with residents and councillors and it is confirmed that the managers mobile phone number would be available for local residents to make direct contact should they have any concerns. It is noted that Public Health have not raised any concerns in terms of noise impacts.
- 3.5 Concerns have been raised regarding existing anti-social and undesirable behaviours of other residents/ community members in the area. It is noted that the Police have not raised any concerns regarding crime levels in the area. Furthermore it is considered that matters relating to existing behavioural problems are not a matter for the planning process and in this case there is limited evidence to suggest that this would adversely impact the occupiers of the proposed development.
- 3.6 The Police Crime Prevention Officer has suggested a condition to require installation of CCTV. The applicants have confirmed that CCTV is to be installed covering approaches and access points, this would help to address a key concern of the police being the potential to address instances of missing persons. Further details are required by condition.
- 3.7 Concerns regarding the experience of the applicant's in this sector and qualifications of staff are not considered to be material to determination of the application. Having regard to the nature of the facility it is considered that this would be a matter for the relevant authorities in ensuring appropriate levels of care are upheld.
- 3.8 Subject to appropriate management, it is considered that the proposed development is not likely to result in any significant adverse impacts to the amenities of neighbouring occupiers and from a planning perspective the proposed land use is considered to be compatible with the surrounding development. The development is therefore in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

4. Highway and parking

- 4.1 Policy DM3 requires that development must ensure safe access to the transport network. The proposal would utilise the existing access to the health centre with no alterations proposed. The access has good visibility and it is considered suitable to serve the proposed use having regard to the likely number of traffic movements associated with the proposed use. It is noted that the Highway Authority have raised no objections to the

scheme.

- 4.2 Policy DM5 requires that development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport; and the type, mix and use of development. The minimum standard set by DM5 is 1 space per bedroom which in this case would equate to a requirement for 15 spaces. The development would retain 14 spaces. Having regard to the likely staff numbers, the age of occupiers being unlikely to be car owners and the site location with good accessibility to public transport, it is considered that this level of parking is acceptable for the proposed development.
- 4.3 An area is proposed within the car park for cycle storage. This is supported in principle and it is considered that an appropriate cycle store can be accommodated without undue impact to the character, appearance and amenities of the area however given the lack of detail further details are required by condition to ensure it is of an appropriate design, scale and appearance.

5. Ecology

- 5.1 Policy S1 requires development to minimise impacts on biodiversity and provide a net gain in biodiversity.
- 5.2 The application is supported by a bat and nesting bird survey report which considers the potential impacts to protected species arising from the alterations to the existing roof. The survey work found no evidence of bats or nesting birds. The building is well maintained with no obvious potential roosting features. The ecologist's findings are that it is unlikely that the proposed development works will impact upon bats or their roosts. On this basis it is considered unlikely that an offence would be committed in respect of protected species and no further survey work is recommended. General precautionary recommendations are set out in the report and should be followed during the construction works, this is secured by condition 6.
- 5.3 In terms of biodiversity enhancements, through the landscaping scheme it is proposed that part of the existing car park would be replaced by a garden area which would be enclosed by approximately 28m of new hedgerow planting. Further details of the hedgerow planting mix can be secured by condition.

6. Other issues

- 6.1 The representations suggested that the proposals do not provide details for sustainability/ climate change measures. Whilst it is acknowledged that the application scheme as proposed does not detail any energy efficiency measures the sustainability credentials of the scheme include the reuse of an existing building in a sustainable location with good access to services and facilities which is likely to reduce reliance on private car travel. On this basis and having regard to the assessment set out in this report, it is considered that the proposal accords with the development plan and is therefore supported.
- 6.2 Education: DCC as the education authority have confirmed that they would not be requesting a contribution towards education infrastructure from this application.
- 6.3 The representations received have made comment that this facility would be of greater benefit to the community than the concurrent application for 4 dwellings. Concerns have

also been raised regarding a scheme for development of the site which was promoted by the applicants but not brought forward to submission of an application. The Council are required to determine this application on its merits, any different proposals would be considered in the same way through a separate application if relevant.

- 6.4 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". It has been clearly indicated, during the course of this application, that there is concern about the impact of a concentration of young people living on the site on the elderly neighbours. The LPA have considered this in the determination of this application and consider that the proposal is unlikely to result in any significant adverse impacts to the amenities of neighbouring occupiers in accordance with policy DM1 and therefore would allow the young residents to live alongside elderly residents without unacceptable impacts on amenity

CONDITIONS

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order (2015)(as amended) or the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting those Orders with or without modification) the four units hereby approved shall only be used as a children's home or as separate residential dwellings and for no other purposes within use Class C2 or C3 of the schedule to that Order.
5. The occupation of the C2 units hereby approved shall be limited to no more than 6 children, for which care is being provided, in total across the site. The permission shall also allow for the occupation by staff providing care for those persons.
6. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the recommendations as set out in the Lee Ecology Daytime Bat & Nesting Bird Survey Report (dated October 2021).
7. Prior to first occupation of the building for the C2 use hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme for the site. The landscaping scheme shall include details of the proposed hedgerow planting and details of the proposed boundary treatments (including a plan indicating the height, positions, design and materials and a timescale for its implementation). All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained. The proposed boundary treatments shall be provided in accordance with the approved details and shall be so retained.
8. Prior to first occupation of the building for the C2 use hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, details of the proposed cycle store as shown on drawing number NV SK23 B. The cycle store shall be provided in accordance with the approved details and made available for use for staff, residents and visitors prior to first occupation of the building for the approved C2 use and retained as such thereafter.
9. Prior to first occupation of the building for the C2 use hereby approved there shall be submitted to, and approved in writing by, the Local Planning Authority, details of the proposed refuse and recycling arrangements to serve the care home. The approved arrangements shall be provided prior to first occupation of the building for the approved C2 use and retained as such thereafter.
10. Prior to installation on site, details of the proposed CCTV system shall be submitted to, and approved in writing by the Local Planning Authority. The CCTV system shall be installed in accordance with the approved details prior to first occupation for the approved use and

retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

11. Prior to their installation on site, details of any new external door or windows to be shall be submitted to, and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, any new or replacement external door or windows installed to the building shall meet PAS 24:2016 standards and be retained as such thereafter.

REASONS FOR CONDITIONS

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. RD7A for the avoidance of doubt in the interests of proper planning.
3. In the interests of highway safety and the amenities of neighbouring occupiers.
4. In accordance with the applicant's submission and to safeguard the character, appearance and general amenities of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013- 2033.
5. In accordance with the applicant's submission and to ensure the impact of any increased occupation levels can be considered by the LPA having regard to potential highways and amenity impacts.
6. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of the Local Plan 2013- 2033.
7. In the interests of the character, appearance and biodiversity of the site in accordance with policies S1 and DM1 of the Mid Devon Local Plan 2013- 2033.
8. In the interests of the character and appearance of the site and to ensure appropriate provision is made for cycle storage for future occupiers in accordance with policies S1, DM1 and DM5 of the Mid Devon Local Plan 2013- 2033.
9. To ensure appropriate facilities are providing for occupiers in accordance with policy DM1 of the Mid Devon Local Plan 2013- 2033.
10. In accordance with the applicants submission, as insufficient information has been provided to ensure this aspect of the development is appropriate to the character and amenity of the area and in the interests of safety, security and designing out crime.
11. In accordance with the applicants submission, as insufficient information has been provided to ensure this aspect of the development is appropriate to the character and amenity of the area and in the interests of safety, security and designing out crime.

INFORMATIVE NOTE (FOR DECISION NOTICE)

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

REASON FOR APPROVAL

The application for conversion of former doctor's surgery to 4 children's home dwellings (C2) with associated landscaping and parking is considered to be supportable in policy terms. The site is located in a sustainable location with good access to services and facilities within the town. The development would help to meet housing needs for some particularly vulnerable members of society. The site is considered to provide a sustainable location for the provision of this specific residential use with good proximity to services within the town and on this basis is considered to accord with the aims of policies S1, S3 and S12. It is considered that the proposal would provide a suitable level of amenity for future occupiers. Having regard to the siting of the development and relationship with neighbouring properties it is considered that the proposal is not likely to result in any significant adverse impacts to the amenities of neighbouring occupiers, however it is recognised that the success of the scheme is dependent on its day to day management which is overseen by separate regulatory regimes. It is not considered that the proposal is likely to result in any unacceptable impacts in terms of transport, drainage or ecology. Overall it is considered that the proposal is supportable in accordance with policies S1, S3, S9, S12, DM1, DM5 of the Mid Devon Local Plan 2013- 2033 and government advice in the National Planning Policy Framework.

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

Application No. 22/01375/MFUL

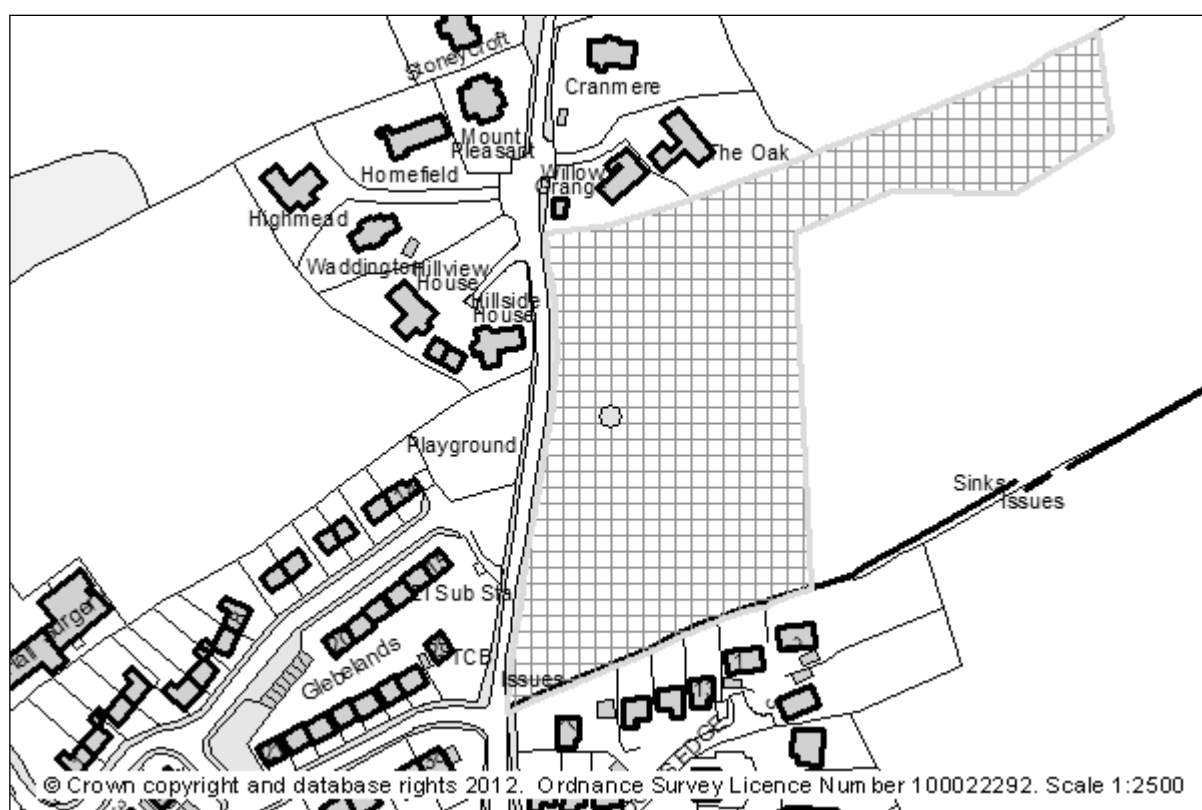
Grid Ref: 277498 : 93268

Applicant: Bunnybuild Ltd

Location: Land at NGR 277371 93228
East of Church Lane
Cheriton Bishop
Devon

Proposal: Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure

Date Valid: 11th July 2022



APPLICATION NO: 22/01375/MFUL

Site Visit: Yes

Decision Delayed Reason: To be considered by Committee

Reason for Referral to Committee

Registered on the Majors List and discussed at Planning Committee where it was resolved to have a site visit and for the application to be considered by the Planning Committee.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure.

The site is located to the eastern side of Church Lane Cheriton Bishop. It forms part of an allocated site for Housing CB1 for 20 Houses with 30% affordable. It comprises an open field to the east of Church Lane, north of Hescane Park, and opposite the Play area. The site associated with the dwellings lies within the settlement Limits of Cheriton Bishop with the sewage treatment works and lagoon set out side within the agricultural field to the east away from the settlement and the prevailing winds. The submitted ground investigation report stated that the land is not suitable for soakaways on site and as such a basin would be required to cater for this. Thus necessitating the need to set this outside the site.

The proposal comprises of 24 dwellings with associated landscaping, road layout, parking and turning, landscaping and access to the site.

A range of dwellings are proposed from 1 bedroom Flats to 4 bedroom homes.

Two 1 Bed Flats Affordable,
Two 2 bedroom houses Affordable,
Two 2 Bed Bungalows
Two 3 Bed bungalows
Five 3 bedroom properties three being Affordable
Ten 4 bedroom dwellings.
One Self Build Unit

A total of sixty parking spaces are proposed, and officers are advised that each property will be provided with an electric vehicle (EV) charging point. As this is not indicated on the plans, officers have recommended a planning condition.

The new access is to the middle and east of the site, into Church Lane. Part of the policy for this site requires changes to be made to these accesses and this is detailed within the report.

The dwellings incorporate a simple range of materials, comprising a mix of brick, render, fibre cement cladding and a slate roofs.

APPLICANT'S SUPPORTING INFORMATION

Construction Environmental Management Plan
Design and Access statement
Planning Statement
Statement of Community involvement
Waste Audit Statement
Ecological Impact Assessment
Construction Traffic Management Plan
Flood Risk Assessment
Ground Investigation Reports
Road safety Audit
Travel Plan
Transport Assessment
Arboricultural Impact assessment and constraints reports
Tree Protection plan
Plant Schedule
Compound location plan
Landscape and Ecological Maintenance and plan

Plans for Highways, drainage, swept path, visibility, Carriage widening, House types, Refuse Storage, Site Layout, Street Scene.

RELEVANT PLANNING HISTORY

89/02766/OUT - REFUSE date 25th October 1990 Outline for residential development (4 acres); installation of private sewage treatment works and construction of new vehicular access; & provision of village recreation field (3.37 acres approx.)

91/01764/OUT - REFUSE date 30th January 1992 Outline for residential development and provision of playing field

82/01060/OUT - REFUSE date 10th December 1982 Outline for residential development and the provision of private treatment plant to serve the development (7 acres)

22/01375/MFUL - PCO date Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure

OTHER HISTORY

21/02076/PREAPP - CLOSED date 13th December 2021
PROTECT : Proposed construction of 24 dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities
Policy S2 - Amount and distribution of development
Policy S3 - Meeting housing needs
Policy S4 - Ensuring housing delivery
Policy S5 - Public open space
Policy S8 – Infrastructure
Policy S9 – Environment
Policy S13 – Villages
Policy DM1 - High quality design
Policy DM2 - Renewable and low carbon energy
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking
Policy DM25 – Development Affecting Heritage Assets
Policy DM26 - Green infrastructure in major development
Policy CB1 – Land Off Church Lane, Cheriton Bishop

CONSULTATIONS

NHS

22/01375/MFUL | Land at NGR 277371 93228 East of Church Lane Cheriton Bishop Devon | Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure

The application has been reviewed from a primary care perspective and the response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which was jointly prepared with NHS England.

The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Devon is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Cheriton Bishop Surgery being approved prior to a final decision on this particular development, then the NHS position could change.

Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.

Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.

Cheriton Bishop Parish council

14.09.2022

Further to Cheriton Bishop Parish Council's support comment it is recommended that the size of the self-build plot be increased because this is a rare opportunity in the village and it is the only way an individual can build their own full market value home under MDDC's current Local Plan.

14.09.2022

Cheriton Bishop Parish Council supports this application with the following recommendations:

- 1) that the size of the self build plot be increased; and 2) that the design of the retainment pond be reviewed to improve the ingress and egress safety ration.

Highways Authority

Observations:

The site is accessed off an Unclassified County Route which is restricted to 20 MPH

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2017 and 31/12/2021 is none in the area of the proposed access.

This area is within the Mid Devon Local Plan CB1, and the highway requirements within this Policy is met in this application.

The Applicant has proposed in the Transport Assessment 6.2.2 that the Unclassified County road will be widened to 4.8 metres wide on Drawing number C21125-TP001 Rev F and the footway travelling North and South will be an internal footway. In the South the footway will connect to the existing footway. Half way there will be an access to the existing children's play area, and then continue to the access road. There is no footway connection to the Northern area of the village, although there is no existing footway through this area of the village this is all shown on Drawing C21125-TP002 which the County Highway find acceptable.

The access proposal for the visibility splays are acceptable for the speeds in this area, therefore they are providing a safe and suitable access for all users.

The parking spaces to be provided meets with the Mid Devon Local Plan DM5.

The number of trips this proposal could create would not cause a severe effect on the County Network, as shown in the Transport Assessment.

The Construction Management Plan that has been submitted part of this application would require further information as per the condition I will recommend as part of this consultation.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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

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

Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. C21125-TP001 Rev F have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Mid Devon Local Plan CB1

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

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

Housing support Manager

29.07.2022

I can confirm that at the moment this parish is not showing a housing demand as of July 2022.

DCC Education

04.08.2022

Regarding the above planning application, Devon County Council has identified that the proposed increase of 22 family type dwellings will generate an additional 5.5 primary pupils and 3.3 secondary pupils which would have a direct impact on Cheriton Bishop Primary School and Queen Elizabeth's School, Crediton. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

However Cheriton bishop primary school is not forecast to have capacity for the pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional secondary education infrastructure at Cheriton Bishop primary school . The contribution sought towards Primary is £94,033 (based on the DfE extension rate of £17,097 per pupil). This would relate directly to providing Primary education facilities for those living in the Development

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

We will however require a contribution towards secondary transport costs due to the development being further than 2.25 miles from Queen Elizabeth's School, Crediton.

The cost will be worked out as follows.

$\text{£3.51 day} \times 3.3 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£11,003}$

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

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

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

Historic Environment

29.07.2022

Comments from Stephen Reed, Senior Historic Environment Officer

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

Conservation Officer

DATE: 8/12/22

SUMMARY

Desktop Assessment appears to suggest that the location of the eastern border to the main development will not have any detrimental impact on the setting of the Grade II* listed Old Rectory.

However, the projecting spur along the northern border is considered unjustified and not to take opportunity for improvement and to better reveal the significance heritage assets and their settings. As such, it is considered that this has potential to contribute an element of less than substantial harm.

It is advised that positioning the pumping station within the main development or along the southern boundary of the new housing estate, so as to respect the historic setting and outward views from the curtilage of the Grade II* listed building, as well as preserve and enhance the open unspoilt rural aspects from the Conservation Area boundary.

SIGNIFICANCE/SETTING/CONTEXT

Cheriton Bishop is characterised by its dual centres linked by a narrow semi-rural lane, Church Lane. The church and historic core is located to the north, while to the south, the historic buildings follow the line of the main road interspersed with C20 builds.

The northern village core is designated as a Conservation Area, with a strip of land between that acts as a buffer, which presently separates the C20 development to the south.

The nearest Listed Building is the Grade II * Old Rectory located within the northern village group.

COMMENTS

The site is outside the Conservation Area but will infill an area between the northern and southern sections of the village and hence, result in encroaching C20 development towards the historic settlement, which is characterised by its open rural views over open countryside.

The proposed eastern perimeter of the main development remains aligned with existing northern development, which limits the intrusion into the open countryside.

However, the addition of the projecting strip of land beyond the main body of the development, to accommodate the pumping station, set along the northern field boundary is not favoured.

This boundary forms the southern edge of the buffer zone between the site and the southern curtilage perimeter of the Grade II* Old Rectory.

The setting of a heritage asset is, all of that from which the heritage asset can be experienced both from public and private land, and setting is considered by the NPPF (Glossary) to be a component of the heritage asset's significance.

It should also be noted that the special character can also be affected by noise, smells etc. It is not clear if the pumping station will produce any operational sound but if so, this is a further reason for relocation away from the historic setting.

It would be recommended that this pumping station is relocated to the southern boundary of the development where it will be located with C20 or at least accommodated within the main northern body of the development (not projecting).

As to the Conservation Area, Church Lane provides the approach into the designated area. At present, the lane reverts to its original narrow unspoilt character as it travels north out of the existing C20 development, contributing positively to the Conservation Area.

Therefore, any Highways works should be respectful of this semi-rural character and avoid an overly suburban and engineered character at the splayed mouth of the development by the incorporation of local materials and native planting

ADDITIONAL GUIDANCE/POLICY CONSIDERATION

Conservation Principles

HE GPA 2: Managing Significance in Decision Taking

HE GPA 3: Setting of Heritage Assets

POLICY CONSIDERATION:

In determining the proposals due consideration has been given to Section 16 of the NPPF, Section(s) 66/72 of the 1990 Act and the Local Plan.

SUGGESTED CONDITIONS

- Precise scheme for the junction with Church Lane to include hard and soft landscaping and boundary treatments.

Further response received 12/12/22

CONSERVATION & DESIGN OFFICER Further COMMENTS

Support Subject to Conditions x

Unable to Support

Other

No Harm x

Less than Substantial Harm/offset by public benefit
Less than Substantial Harm/ not outweighed by public benefit
Substantial Harm

SUMMARY

As stated before, treatment of the lane-side junction should be sympathetic to the rural character of the approach into the historic core.

In addition, thickening of the northern boundary in particular with native hedge and tree planting to increase height and density would be recommended

Also any associated equipment above ground for the subterranean pumping station should be painted dark green or black to integrate into the landscape setting.

COMMENTS

Further photographs from the site have now been supplied following the initial feedback on the scheme. These views are not accessible via the desktop assessment resources and show the northern boundary of the site in relationship to the listed building to the north as well as showing the position of the church tower to the NW.

In addition, it has been clarified that the pumping station will be located underground with only its associated equipment above, and the surrounding wire fence and posts, which although will have presence, this will be less than originally anticipated from the plan drawings.

Therefore, based on these, it is considered that the main concerns have been overcome and with the main development lining the line and set back from the more open area of the field potentially visible from the listed building to the north and set on slightly higher ground, the impact on the heritage asset will be avoided.

Additional planting along the northern boundary will assist in diluting any views of the post and wire fence, along with suitable paint finish for the above ground components and fencing.

ADDITIONAL GUIDANCE/POLICY CONSIDERATION

Conservation Principles

HE GPA 2: Managing Significance in Decision Taking

HE GPA 3: Setting of Heritage Assets

POLICY CONSIDERATION:

In determining the proposals due consideration has been given to Section 16 of the NPPF, Section(s) 66/72 of the 1990 Act and the Local Plan.

SUGGESTED CONDITIONS

- Precise scheme for the junction with Church Lane to include hard and soft landscaping and boundary treatments.
- Above ground equipment for the pumping station finished in dark green or black
- Planting scheme for the northern boundary of the site (native hedging and trees)

Devon and Cornwall Police

Re 24 dwellings at Land at East of Church Lane Cheriton Bishop - 22nd July 2022

Thank you for this application, I have no objections in principle from a designing out crime and anti-social behaviour perspective to the proposal. The reference to principles and practices of Secure By Design within the Design & Access Statement and how these have been implemented across the site where practicable is welcomed.

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

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

To assist with this requirement and to ensure compliance with ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member company. SBD requires that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing the provenance of non SBD approved products.

Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services which aims to improve the security of buildings and their immediate surroundings in order to provide safer places and sustainable communities.

The proposed plot boundary and separation treatments, including use of existing hedges noted. Any hedge must be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in and must be of a type which does not undergo radical seasonal change which would affect its security function. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured.

Whilst gates to the rear gardens provide a barrier to the private space of the dwelling, their effectiveness can be enhanced by moving the gates forward (as close to the front elevation building line as is possible) to remove accessibility to sides of dwellings where surveillance opportunities are limited.

I would also advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

The open/void space to the rear/side to the rear of plots 10-18 inclusively is not supported as it leaves both the proposed and existing dwellings vulnerable. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence. Therefore, I request it is removed from the scheme, by for example, incorporating into rear gardens of those plots. Whilst the proposed parking provision would appear acceptable and offer good surveillance opportunities, from a designing out crime and disorder perspective, it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles. Failure to do so can lead to inconsiderate parking resulting in the potential for community conflict.

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

Natural England

04.08.2022

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Public Health

25.07.2022

We have considered the application and, in particular, the reports relating to potentially contaminated land and construction management.

The applicant has had an intrusive geotechnical investigation carried out, Advance Consultants dated August 2021, and this has concluded that there are unlikely to be any contaminants of concern on the site, which has only been in agricultural use. We agree with this conclusion but recommend that the "unexpected contamination" condition is included on any approval.

A CEMP has been submitted and we do not anticipate any concerns in relation to the management of the build. The controls comply with the Considerate Constructors scheme. We recommend that the CEMP is referred to in any approval in order to ensure that it is complied with.

Lead local Flood Authority

11.08.2022

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed to manage surface water within a detention basin before discharging to an Ordinary Watercourse via a sewer requisition.

The applicant should submit a topographic survey along the adjacent land to the north.

The applicant should then demonstrate how exceedance flows shall be managed along this boundary without causing a flood risk to external properties.

A SuDS Management Train should be assessed for this site. Although the topography may be causing a constraint, SuDS features are versatile and may be able to fit within the site. Could the detention basin be moved to the very northern corner of the site? This may give space for a swale (possibly with check dams) to be constructed along the northern boundary of the site. This swale could convey water to the basin.

The construction of the basin will produce soil which will need to be managed. If there is excess cut at this site, then perhaps the levels along the eastern boundary of the site could be adjusted to design a suitable swale. An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:

<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

30.09.2022

Recommendation:

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

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

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

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

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

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

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

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

Following my previous consultation response (FRM/MD/01375/2022; dated 11th August 2022), the applicant has provided additional information in relation to the surface water

drainage aspects of the above planning application, in an e-mail dated 23rd August 2022, for which I am grateful.

The applicant has confirmed that exceedance flows will not go beyond the hedge row along the northern boundary of the site.

Tree Officer

Site Visit? No.

Relevant Tree Preservation Order/Conservation Area: n/a

Information Provided/Reviewed: Arboricultural Constraints Report, Arboricultural Impact Assessment Plan, Tree Protection Plan, Landscape General Arrangement, Landscape General Arrangement 01, Typical Soft Landscape Details 01, and Plant Schedule

The tree constraints survey identifies the relevant trees on site and off site. T13 and T14 are A category boundary oak trees that are significant components in the local landscape. Informing their retentions should be prioritised. The constraints survey also identifies significant groups of trees that are offsite that are two groups of ash trees, G9 and G10. Both are noted with ash die back and in poor condition. As a result little weight is given to them in relation to the proposal. The tree constraints survey identifies and show the root protection area and amenity separation distance within the constraints plan. The root protection area have not been adjusted informing there has not been restriction to root development on site.

Arboricultural Impact Assessment Plan informs low value bramble hedge H3 and H7 are identified for removed to allow access and maintenance to the stream/ditch. The impact of their removal is viewed as not significant. Arboricultural Impact Assessment Plan notes that the ash trees within G9 and G10 are unlikely to remain beyond the short-term. As it is believed the trees are off-site it is assumed they will be retained until they either fail or the tree owner removes them. It would be prudent for the applicant to make provisions with the tree owner to have the trees removed. The proposal as it stands would impact the trees, increasing the target value and make remedial works to remove the trees more challenging once the dwellings are constructed.

The Storm water attention pond appears to be extremely close to the root protection area of T13 and T14. Consideration should be given to hand dig only in the location adjoining the root protection area for an initial depth of 100cm under the supervision of the appointed arboriculturalist. Roots identified should be suitable pruned in line with BS3998:2010.

Tree Protection Plan has been provided and show adequate protection fencing to trees/hedging being retained. In reviewing the plans it's felt there will be low likelihood of conflict between retained trees and the current proposal. Except in relation to T13 and T14. A greater detailed method statement should be provided for the Storm water attention pond to ensure T13 and T14 are not adversely impacted.

The Landscape General Arrangement indicates there is approximately 62 trees to be planted as part of the proposal of a range of species ranging from light to heavy standard.

The planting proposal as it stands is viewed as adequate and should benefit the proposal in the long term. The application has provided the planting pit design for the different stock type. The design meet current standards and is viewed as adequate.

The Landscape Proposal appears not to have provided a suitable aftercare program to ensure successful tree and shrub establishment. It is unclear site water visits will be carried, when tree stakes will be inspected, adjusted and removed along with formative pruning.

The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Following tree planting that should be carried out in accordance with best practice. For a period of three years all young trees should be watered regularly with a minimum of 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Prior to the a expiry of 5 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

The following British Standards should be referred to:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work - Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

REPRESENTATIONS

There have been 6 General Comments, 1 support comment and 9 objection comments

General Comments

- Remove permitted development rights to side of houses to retain parking provision.
- Have a condition to retain all parking facilities.
- Re locate access to southern end
- Introduce sleeping policemen to Church lane to ensure speed is reduced.
- Maintenance of the brook to southern end
- Provide buffer trees to southern area
- Concern over badger disturbance
- Will church lane become one way
- No meeting with residents was made
- Will the sewers cope with the additional use
- Will the price of the properties be affordable?

Support Comment

- More affordable homes are to be welcomed

Objection Comments

- Access point to the site is in a dangerous location
- In winter the lane is very slippery
- CB1 is for 20 Houses why are there 24 now.
- Village school is over capacity as is the doctors surgery
- Who will maintain the hedge to the road
- New public foot path should continue to the northern edge of the site.
- Bedroom numbers should relate to parking allocation along with larger spaces for caravans and motorhomes.
- Building on land outside the allocation will set a precedent.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Scale, appearance, layout and landscaping**
- 3. Flooding and drainage**
- 4. Residential amenity**
- 5. Highways, parking and access**
- 6. Ecology and biodiversity**
- 7. Planning obligations**
- 8. Other matters**

1. Principle of Development

1.1 The site is located within the defined settlement limit of Cheriton bishop with the exception of the suds scheme associated with the proposal. The principle of development has already been established by the allocation of the site Under Policy CB1 for 20 dwellings.

2. Scale, Appearance, Layout and Landscaping

2.1 Policy DM1 of the Mid Devon Local Plan 2013-2033 requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

2.2 The development proposes a residential development laid out in an ostensibly H shaped road system, with the sole access of the site being taken from the west, via Church Lane. The proposal comprises 24 dwellinghouses and flats of one, two, three and four bedrooms, being a mix of detached and semi-detached, bungalows and 2 flats. The site is not specifically constrained by the topography of the site, which has a gentle gradient but ostensibly level. Two properties are showing the need for steps with the rest having access off the pavement with no step requirements. All pavements are adequate for wheelchair access and accessibility.

2.3 The resulting layout is considered to be acceptable, with well-spaced properties being provided with good-sized gardens and much of the parking between properties, thereby reducing the dominance of car parking within the street scenes. The scale and density of development is consistent with the adjoining modern residential development of Hescane Park and Glebelands.

2.4 A detailed landscaping scheme has been provided, providing mixed tree planting within the site, along with new Devon bank to the western edge of the site in conjunction with the retention of the road side hedge boundary, accompanied by new native species hedge planting. Due to the size of the site, no on-site formal or informal public green space is proposed, although a small buffer area is proposed to the south between the site and Hescane Park, all other landscaping requirements associated with Policy CB1 are complied with including all buffer areas. Off-site provision is accounted for in the planning obligation section 106 which will accompany this application.

2.5 Surface water from the site is proposed to be disposed of via the suds detention basin at a controlled rate, into the adjacent field. Therefore, a landscaped attenuation basin is proposed in the area outside the development area for the dwellings.

2.6 The design of the proposed houses, are of a typical modern residential design and appearance, with a palate of material proposed, including a mix of brick, render and fibre cement cladding, with grey concrete tile roofs. The form and massing of the proposed dwellings, as well as the proposed materials are considered to be acceptable and adequately respect and relate to the prevailing character of development in the immediate

vicinity. In order to ensure that the final finishes are appropriate, a schedule of materials has been submitted it is considered appropriate to impose a condition to ensure these materials are utilised.

2.7 Policy DM1 advises that development should provide suitable external spaces for recycling and refuse. Details of storage provision has been indicated on the submitted plans. However no specifics with regard to any screening etc have been provided these can be conditioned.

2.8 In terms of size, the properties comply with the minimum floor space requirements specified in the Technically Described National Space Standards, referenced in policy DM1 of the Local Plan.

2.9 The site is located outside of the village conservation area. There will however be some views from the conservation area, as well as views to the conservation area and other heritage assets, such as the grade II* listed Old Rectory. As such consideration will have to be given to the impact that the development will have on the significance of these heritage assets. Paragraph 192 of the NPPF advises that “in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

2.10 The above requirements in respect to heritage assets are echoed in policy S9 of the Mid Devon Local Plan, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “heritage assets and their setting which are irreplaceable resources accordingly the Council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and

e) Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”

2.11 In coming to this decision the council must also be mindful of the duty as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 relates to having special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. Section 72 requires the decision to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

2.12 In assessing the impact of the development, against the aforementioned local and national policy requirements, the proposal is considered to be acceptable,. The Council's Conservation Officer has also been asked to assess the proposal, raising concerns over the siting of the pumping station and its potential to impact on the setting of the grade II* listed building. However the pumping station will be located underground with only small items such as access points, cabinets above ground and associated vents. As such, the conservation officer is content that the proposed will not cause undue harm to the setting of the listed building provided any above ground units are a dark colour and the hedging is re-enforced. Suitable conditions are in place to ensure this is undertaken. The proposed development is therefore not considered to cause any harm to the setting and significance of local heritage assets in this regard.

2.13 On the basis of the above it is considered that the proposed application is acceptable in respect to scale, layout, appearance and landscaping.

3. Flooding and Drainage

3.1 The site is located within EA designated Flood Risk Zone 1, which is at the lowest risk of flooding from seas and rivers. The site topography, does not give rise to potential for surface water runoff to impact upon neighbouring properties to the south. It is important to ensure that surface water is appropriately dealt with on site to avoid the risk of flooding of the proposed properties, and neighbouring properties. The development of this site will clearly lead to the creation of additional impermeable surfaces, however it also provides an opportunity to manage surface water runoff within the site, which would otherwise be uncontrolled, with potential to impact on neighbouring properties.

3.2 Foul drainage would be disposed of via the proposed pumping station, and surface water drainage would be disposed of by on-site infiltration, and by way of the basin which is the preferred method of disposal for surface water. In support of this application, the applicant has submitted a geotechnical report detailing the ground testing carried out, with the results of the testing concluding that the soil of site had low and variable permeability making it unsuitable for infiltration drainage. The Lead Local Flood Authority (LLFA - Devon County Council Flood and Coastal Management Team) have confirmed that the testing carried out is sufficient to prove that infiltration is not feasible on site. However the proposed basin and sewage pumping station and associated drainage has been

considered by the LLFA to which they have no further objections subject to a suitable condition which will be included as part of any decision notice.

4. Residential amenity

4.1 Policy DM1 e) states that new development should be create “visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses...”

4.2 In this case, there have been some objections to the proposal with concerns raised about the impact that the properties will have on neighbouring residents’ amenity due to unacceptable overlooking and potential overbearing impact.

4.3 In respect to the proximity of the proposed dwellings to neighbouring properties, especially the bungalows in Meadows Edge, it is noted that these are sited approximately 25 metres away, which is an acceptable distance to be considered to not cause unacceptable harm through overlooking. The proposed arrangements are also consistent with the relationships between other existing properties in the vicinity, In addition the proposal will provide additional planting in the southern area to assist with softening any impact on the resident at Meadow Edge. To the north the existing trees will be retained to provide a buffer as per the requirements of Policy CB1. In addition some additional planting is to be provided to the Northern Boundary with crab apple trees and shrubs.

4.6 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1.

5. Highways, parking and access

5.1 Policy DM1 of the Local Plan states that new development should be safe and accessible and policy DM3 of the Local Plan requires development to ensure safe access to the transport network. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

5.2 The access point into the site has been considered by the Highways Authority. The new roads within the site has been designed to an adoptable standard with a 5 metre wide carriageway, 2 metre wide footpath. A turning head is provided, which is designed to allow a large refuse vehicle to turn within the site. Similarly a swept analysis for such a larger vehicle has been provided to confirm that the site is accessible for such a vehicle. The Highway Authority have considered the application and raised no objections.

5.3 Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling. The proposed development accords with the requirements for parking provision with 2 spaces available for each property. In

addition some of the properties have access to a private garage, although it is noted that the guidelines established in the Provision of Parking in New Development SPD, June 2013, discount garaging from making up part of the parking provision of a development. Despite this, the parking levels accord and exceed the Local Plan requirements.

5.4 Otherwise, all properties comply with Building Regulations M4 Part 1, with pedestrian access from parking areas and drives level with gradients of less than 1:20, and all dwellings having a level threshold.

5.5 Local Plan policy DM1 also requires that 20% of the dwellings are built to comply with Building Regulations M4 Part 2. It is noted that all the dwellings have access to a suitable drives, and pavement, with 5 units fully compliant with this policy in terms of wider doors and easy access floor plans. The units are shown on plan SL.01 rev A as being plots 10, 11, 17, 21 and 22.

5.6 The proposal appears not to provide the requirement of 1 electric vehicle charging point per 10 dwellings, However it has been confirmed that the intention is to provide an electric vehicle charging point to each property in line with Building control regulations, therefore it is considered that the proposed subject to a suitable condition will be in compliance and exceed Policy DM5.

5.7 The applicant has submitted a Construction and Environmental Management Plan (CEMP), the details of which are considered to be acceptable. These have also been considered by the Council's Public Health Team, and the County Highway Authority, who have raised no objections, a specific condition will be included to ensure compliance with the CEMP.

5.8 It is noted that there have been objections raised in respect to the impact on highway safety at the proposed construction site entrance off Church Lane, and in respect to the narrow nature of Church Lane. As well as highway safety there are concerns about potential impact on roadside properties and parked cars.

5.9 These objections are noted, however access to the site is constrained due to the location of the site at the village edge. The only feasible route is from Church lane. Although it may be acceptable to ensure all traffic is routed via the southern end of Church Lane off the main road through the village. The proposal includes the widening of the highway and the provision of a foot path through the site along Church lane. There will be minimal disruption to the hedge line. Policy CB1 requires consideration to be made for the Junction of Church lane with the main road to the south of the site in terms of the numbers of dwellings proposed. Highways have considered this aspect of the Policy and the submitted transport assessment and are of the view that the junction is adequate for the needs of the proposed development.

Policy CB1 also requires the widening of the highway to the front of the site this is to increase the width from a minimum of 4m to an acceptable width along the frontage to 4.8m, this only requires the removal of part of the existing hedge to facilitate the visibility requirements and a small area of curb side alterations to achieve the required 4.8m width of road. As part of the submitted documents, the applicant has included a comprehensive plan to show how this will take place. Should members be minded to approve the

application, this plan will form part of the approved plans list and a pre-commencement condition (as requested by the Highways Authority) has been recommended to ensure the works are carried out before development and appropriate quality of work is undertaken. Your officer is content with this process as are the Highways Authority.

5.10 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

6. Ecology and biodiversity

6.1 The submitted ecological impact assessment did not identify any major ecological constraints to development within the site. However it did establish a potential for dormice in part of the hedgerow to be removed a licence will be required, a condition is to be imposed to conform to the mitigation and biodiversity gains set out in the report.

6.2 The site is currently improved grassland, with field boundaries containing Devon bank, hedgerows, scrub and fencing. No evidence of protected species was identified within the site margins, however the site habitats are suitable for supporting amphibians, badgers, bats, birds, reptiles and invertebrates. As such, a number of recommendations are made to ensure that a precautionary approach is taken to the removal of vegetation, use of lighting and construction practices during the building phase, should permission be granted for the scheme.

6.3 In order to secure biodiversity net-gains, a range of biodiversity enhancements are proposed with the inclusion of built bat, bird and bee boxes, and proposed native species hedge banks. A condition will be imposed to ensure that the recommended precautionary measures, details of mitigation and biodiversity enhancement measures comply with the recommendations of the report.

6.4 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

7. Planning obligations

7.1 A S106 Agreement is presently being negotiated to include the following elements:

7.2 County Education - A financial contribution of £94,033 towards primary school infrastructure at Cheriton bishop Primary School, £11,003 for transport to secondary school due to the development being further than 2.25 miles from Queen Elizabeth School Crediton.

7.3 Public Open Space - A financial contribution of £57,567 towards off-site public open space within the vicinity of the site.

7.4 Affordable Housing - 30% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority and one self-build project.

7.5 NHS – A financial contribution of £24,587.34 has been requested to provide additional services to meet patient demand. Officers acknowledge the Consultation responses received from the NHS requesting £24,587.34. The Trust have undertaken an impact assessment formula, based on a development of 24 dwellings, resulting in a S106 financial contribution request. The Trust specify that this contribution is to be used directly to provide additional health care services to meet patient demand as a result of the development. Officers have been in discussion with the Trust on previous sites and remain concerned about the details of the calculation and compliance with CIL Regulation 122. No evidence has been made available to confirm that those likely to live in the new units are not already living within catchment. Officers remain concerned that there would be double handling in terms of assessing the needs of residents which would have already been taken into account in planning the associated finances needed by the NHS for residents within the catchment area.

Paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

At the current time, it is considered that the requested NHS contribution would not meet the Regulation 122 tests and therefore a S106 agreement has not been requested.

7.6 Monitoring fee in the sum of £1957.69 to be used to monitor compliance with the obligations contained in the deed. (This amount was based on figures prior to the recent change in monitoring fee changes)

8. Other matters

8.1 Questions have been asked as to whether the current sewage system is sufficient to support the development. While this concern is noted, the matter of sewage is dealt with by the onsite pumping station facility and should not impact on the existing village system.

8.2 The County Historic Environment Team have assessed the information submitted in support of the application and do not anticipate any impact on known heritage assets. As such, there are no objections on archaeological grounds.

8.3 All properties are to operate air source heat pumps for heating etc.

9. Conclusion

9.1 The principle of developing this site was agreed under policy CB1 Land off Church Lane, Cheriton Bishop, Local Plan 2013-2033 for the provision of 20 dwellings and 30% affordable housing. This application is considered to be acceptable, although it exceeds the 20 house threshold, by 4 properties this is acceptable as the sewage and surface water basin are to be located outside the site, away from the properties to ensure there are no potential adverse impacts on the dwellings proposed. This provides further space to be utilised and increase viability. There will have no adverse impact on local flood risk, ecology, archaeology, surrounding character, residential amenity and highway safety.

CONDITIONS

1. CD1 Time Limit – FULL The development hereby permitted shall be begun before the expiration of three years of the date of this permission
2. CD7 Approved Plans The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.
4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; Consideration needs to be taken at school start and finish times with deliveries where possible to be undertaken outside these times.
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

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

5. No development shall take place on site until the off-site highway works as shown on drawing no. C21125-TP001 Rev F and C21125-TP003 Rev D have been constructed and made available for use.

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

7. No part of the construction of dwellings hereby approved shall be commenced until:

- A) The access roads have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

8. The materials specified in the revised schedule of materials for the units submitted on the 7th October 2022 along with the Materials layout plan (MI_01 Rev A) shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

9. Boundary treatments of the development hereby approved (including height, design and materials), landscaping (plant schedule M564_DR_L_9001 Rev 02) including details of

making good of existing boundaries, and any boundaries within the application site, shall be undertaken in accordance with the submitted landscape details and plans (Landscape Plan MEI LOCI, M564_DR_L_1002 Rev 03, and M564_DR_L_2001 Rev 02). Such approved boundary treatments shall be provided in accordance with these agreed details, prior to any of the dwellings hereby permitted being first occupied and shall be so retained thereafter. Any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. Prior to the first occupation of the dwellings hereby approved, details of the boundary treatments to the north of the proposed pumping station shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the landscaping shall be carried out in accordance with the approved details and maintained for the lifetime of the development. Any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11. The development hereby permitted shall be carried out in accordance with the recommendations detailed in the submitted Ecological Impact Assessment (prepared by ge Consulting - dated June 2022) and the submitted Landscape and Ecological maintenance and plan, covering avoidance of harm to protected species and nesting birds, mitigation, compensation and biodiversity enhancement measures, and thereafter installed on the dwellings and agreed locations hereby permitted prior to them being first occupied.

12. The development shall not be occupied until refuse bin/recycling storage areas have been provided in accordance with the details that shall have first been submitted to and approved in writing by the Local Planning Authority. The associated bin storage areas and collection points for each dwelling shall be provided prior to initial occupation of each dwelling and shall thereafter be retained and maintained.

13. Parking for the development hereby approved, will be implemented in accordance with approved plan SL.01 Rev A prior to first occupation. The approved parking spaces shall not be used other than for the parking of vehicles in connection with each property of the development hereby permitted and shall be retained for this purpose for the lifetime of the development.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension to the south elevations of the dwellings located on plots 10-13 (Bungalows), including any alterations to the roof height or the provision of dormer windows/rooflights to the southern roof slopes, hereby permitted without the prior express grant of planning permission.

15. The development shall not be occupied until the number, location and type of electric vehicle charger point have been provided in accordance with the details that shall have first been submitted to and approved in writing by the Local Planning Authority. The associated vehicle charger points shall be provided prior to initial occupation of any dwelling and shall thereafter be retained and maintained.

16. Any above ground cabinets or items associated with the pumping station will be coloured dark grey or dark Green, and be so retained.

REASONS FOR CONDITIONS

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act

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

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

4. To minimise the impact of the development on the highway network in accordance with Mid Devon Local Plan CB1
In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

5. In the interest of public safety and to prevent damage to the highway

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

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

8. To safeguard the visual amenities of the area in accordance with policies S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

9. In the interests of reducing the impact of the scheme upon the privacy and amenities of the occupiers of adjacent dwellings and to safeguard the visual amenities of the area, in accordance with policies S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

10. In the interests of reducing the impact of the scheme upon the Grade II Listed Building, in accordance with policies S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

11. For the conservation and protection of legally protected species and for the enhancement of biodiversity, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

12. To ensure appropriate bin storage and collection provision in the interests of local amenity in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

13. To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy DM5 of the Mid Devon Local Plan 2013-2033.

14. In the interests of reducing the impact of the scheme upon the privacy and amenities of the occupiers of adjacent dwellings and to safeguard the visual amenities of the area, in accordance with policies S9, DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

15. To ensure that adequate on site facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM5

16. To ensure their impact on the area are reduced and in the interest of the setting of the listed building in accordance with policy DM1 and DM25 of the Mid Devon Local Plan 2013-2033

REASON FOR APPROVAL OF PERMISSION

The proposed development of 24 houses in this sustainable location (Policy CB1) is considered to be acceptable by reason that it respects the character and appearance of the area and would not be harmful to the setting of local heritage assets, general visual amenity, residential amenity, ecology, archaeology or highway safety, without compromising the provision of services and facilities in the settlement, and provides for appropriate drainage mitigation. As such the proposal complies with policies S1, S2, S3, S4, S5, S8, S9, S13, S14, DM1, DM3, DM4, DM5 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

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

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

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	10/03/2023	22/02337/MFUL	Variation of condition 2 of planning permission 20/01588/MFUL (Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park) to allow substitute plans relating to change to the overhead conveyor connection	Crediton Milling Co Ltd Fordton Mill Crediton Devon EX17 3DH	Mr Adrian Devereaux	DEL	
2	2	27/02/2023	22/00852/MFUL	Erection of a poultry building (2878.93 sqm) and associated works	Land and Building at NGR 312957 115541 (Goodalls Farm) Hemyock Devon	Mr John Millar	DEL	
3	3	16/02/2023	22/02220/MFUL	Variation of Condition 2 of Planning Permission 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure - Substitution of agreed drawings to incorporate revised site drawings	Land at NGR 283084 102432 (Fanny's Lane) Sandford Devon	Mr Adrian Devereaux	DEL	
4	3	20/02/2023	22/02199/MFUL	Erection of extension to hatchery, store room and replacement staff welfare/changing rooms and formation of car park	PD Hook (Hatcheries) Ltd Kentisbeare Cullompton Devon EX15 2AL	Yvonne Dale	DEL	

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LIST OF APPEAL DECISIONS FROM 16th November 22 to 14th December 22

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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 Devon	Grant permission subject to conditions.	Committee Decision	Refuse permission	Public Inquiry	Allow with Conditions
22/00025/FULL	Conversion of garage to dwelling	Homecroft Cheriton Fitzpaine Credon Devon EX17 4BB	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
21/01403/FULL	Refurbishment of public house and conversion of outbuildings to the rear to 3 dwellings with associated amenity space, parking and pub garden (Revised Scheme)	Cross Hotel Coplestone Credon Devon EX17 5NH	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions

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