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Committee Administrator

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PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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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, 1 March 2023 at 2.15 pm

The next meeting of the Committee (special) will take place on Wednesday, 15 March 2023 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

21 February 2023

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 - 6)*
To consider whether to approve the minutes as a correct record of the meeting held on 18th January 2023
- 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To report any items withdrawn from the agenda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 7 - 82)*
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 83 - 84)*
To receive a list of major applications and potential site visits.
- 9 **APPEAL DECISIONS** *(Pages 85 - 86)*
To receive a list of recent appeal decisions
- 10 **PLANNING PERFORMANCE REPORT** *(Pages 87 - 92)*
To receive the Planning Performance Report from the Development Management Manager

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 \(middevon.gov.uk\)](https://www.middevon.gov.uk/planning-committee-procedure). 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 Sarah Lees on:

Tel: 01884 234310

E-Mail: Slees@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 18 January 2023 at 10.00 am

Present

Councillors

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

Apologies

Councillor(s)

D J Knowles and B A Moore

Also Present

Councillor(s)

Present

Officer(s):

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), James Clements (Principal Planning Officer), Carole Oliphant (Member Services Officer), Jessica Rowe (Member Services Apprentice) and Sarah Lees (Member Services Officer)

Member	Minute No	Type of Interest

102 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.08)**

Apologies were received from Cllrs B A Moore and D J Knowles

103 **PUBLIC QUESTION TIME (0.04.26)**

Cllr Elstone from Tiverton Town Council asked:

QUESTION 1

Will Committee Members take into consideration that the newly adopted Tiverton Neighbourhood Plan Policy T1 says the following ?

“ Section 4.2 In a rural parish such as Tiverton, it is particularly important that development is directed to appropriate locations and that sprawl or ribbon development, and in particular coalescence with surrounding settlements, is avoided.

Local engagement has indicated that the protection of green spaces and corridors of green space is a top priority for residents”.

QUESTION 2

Will this committee take into consideration that the proposed development abuts the Tiverton Neighbourhood Boundary being immediately against a very narrow single-track lane that forms the boundary line.

That to approve this planning application would fully defeat the Tiverton Neighbourhood Plan T1 Policy expectation and intention.

This at the very first time the purpose and value of the Tiverton Neighbourhood Plan is seen to be tested.

QUESTION 3

Will this committee take into consideration that the proposed industrial and housing development will consume a further estimated 20 acres of valuable grade 1 agricultural land .

That the existing Industrial Area which has already seen development creep, will double in size getting ever closer to the Grand Western Canal and which as a very important local amenity and visitor attraction that must be protected not just visually but from noise?

QUESTION 4

Will this committee take into consideration that rather than consuming valuable Grade 1 agricultural land to extend and increasingly industrialised development at Hartnoll Farm.

That 5.5 acres or 22,000 square meters of land for employment has been approved as part of the Tiverton EUE and a site which is only around half a mile distant from Hartnoll Farm.

An employment area which will have far better road access directly onto the A361. Its location which will support taking the majority of traffic away from Halberton.

That work is already ongoing on the land drainage and attenuation pond. The link road is complete and near to opening?

The Chairman stated that the questions would be addressed when the application was heard.

Mike Sanderson from the CPRE asked:

How can the Planning Department consider such an application which is highly controversial and not within the bounds of the Local Plan 2013 - 2033?

In response the District Solicitor and Monitoring Officer stated that the Local Planning Authority had a legal duty to determine all planning applications submitted to them.

104 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.11.06)**

Members were reminded of the need to make declarations where appropriate

105 **MINUTES OF THE PREVIOUS MEETING (0.11.12)**

The minutes of the meeting held on 4th January 2023 were agreed as a true record and duly **SIGNED** by the Chairman

106 **CHAIRMAN'S ANNOUNCEMENTS (0.11.51)**

The Chairman had no announcements to make.

107 **WITHDRAWALS FROM THE AGENDA (0.12.01)**

There were no withdrawals from the agenda

108 **THE PLANS LIST (0.12.15)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

- a) Application 21/01576/MOUT - Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved at Land at NGR 298976 112882 (Hartnoll Farm), Tiverton, Devon.***

The Principal Planning Officer outlined the application by way of a presentation which highlighted the site location plan, an aerial image, framework plan, proposed site access and access strategy and photographs of the site.

The officer explained there had been a late representation which opposed the application.

In response to public questions asked he stated:

- Because the application was in the Halberton Parish no weight could be afforded to the Tiverton Neighbourhood Plan
- The use of grade 1 agricultural land was a reason for refusal

Consideration was given to:

- The reasons for refusal as set out in the report
- The application was delayed as an Environmental Statement had not been provided by the applicant
- In principle officers may be supportive of employment use for the site but this would need to be determined
- Even if affordable housing had been included within the application the recommendation would have been to refuse as the site was outside of policy
- The views of Halberton Parish Council who stated they had held a public meeting on the matter and the public were overwhelmingly opposed to the development. That the application site was outside of settlement limits, on grade 1 agricultural land and outside of MDDC's planning policy
- The views of the Ward Member who stated that the site was outside of settlement limits and there was adequate land already designated for housing. That the development would have a detrimental effect on the Grand Western Canal Country Park and increase traffic on the road to Halberton
- The views of Members that Tiverton and Halberton should remain as two separate parishes and not be joined by this development

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

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

Reason for the decision: As set out in the report

Notes:

- Cllr B Holdman made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had been contacted by residents
- Cllr B G J Warren made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence regarding the Anaerobic Digester
- Cllr Mrs C P Daw made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as she had been dealing with the Anaerobic Digester as part of her portfolio
- Cllr Rob Furmedge spoke on behalf of Halberton Parish Council
- Cllr Ray Radford provided a statement which was read out by the Chairman

(The meeting ended at 11.28 am)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 1st March 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	22/02321/TPO - Application to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO close to ground level at All Saints Church, Fore Street, Culmstock. RECOMMENDATION Grant consent.
02.	22/02120/FULL - Creation of 2 car parking spaces at Land at NGR 301997 107506, St Andrews Estate, Cullompton. RECOMMENDATION Grant permission subject to conditions.
03.	22/00063/MARM - Reserved matter for the erection of 257 dwellings and up to 5 Gypsy and Traveller pitches; associated works in connection with 8.6ha of land to facilitate future Crediton Rugby Club and up to 1.1ha of land for future primary school; details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT at Land at NGR 284185 101165 (Creedy Bridge), Crediton, Devon. RECOMMENDATION Approve Reserved Matters subject to conditions

Application No. 22/02321/TPO

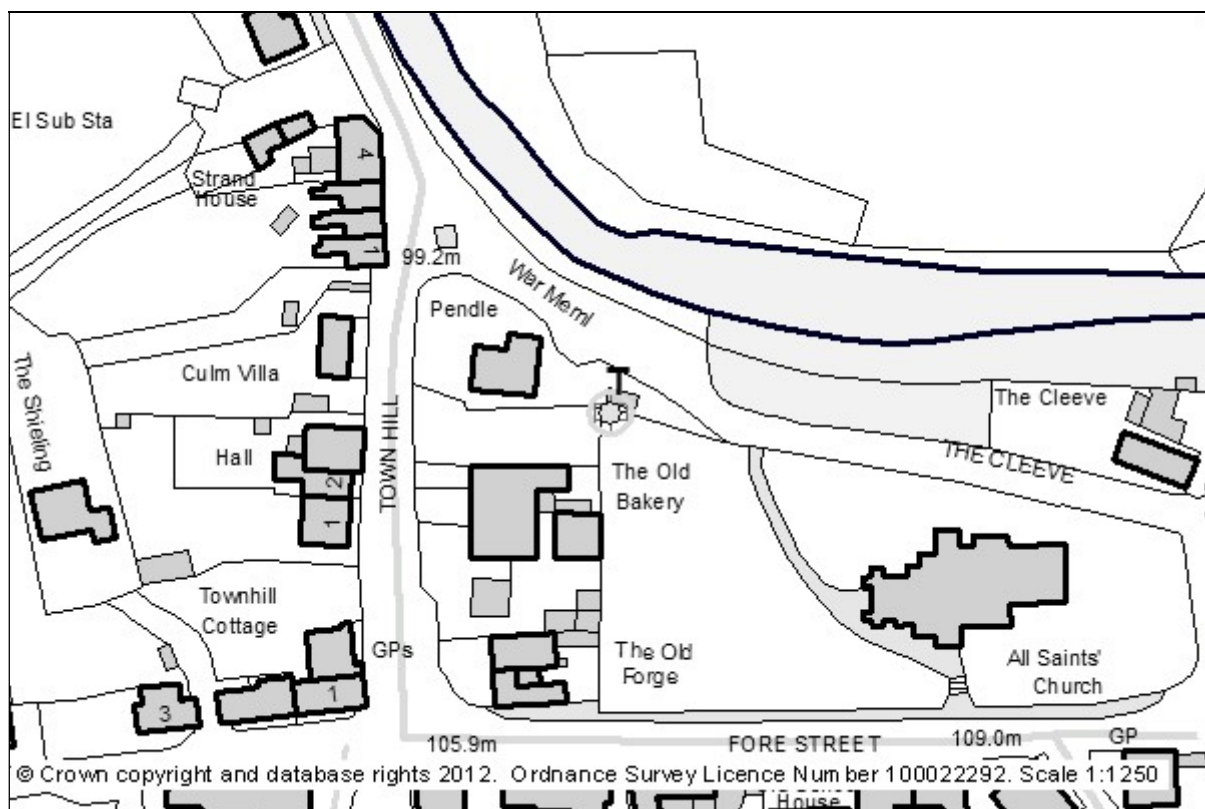
Grid Ref: 310248 : 113535

Applicant: Mr Tim Jarratt

Location: All Saints Church
Fore Street
Culmstock
Devon

Proposal: Application to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO close to ground level

Date Valid: 6th December 2022



APPLICATION NO: 22/02321/TPO

Site Visit: Yes Date of Site Visit: 15th December 2022

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 landowner, and the application is submitted by the Council's Tree Officer.

RECOMMENDATION

Grant consent

PROPOSED DEVELOPMENT

Application to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO close to ground level.

This application relates to a Common Beech tree (*Fagus sylvatica*), which is subject to a Tree Preservation Order (TPO). It is located in the North West corner of the churchyard of All Saints Church, Culmstock. The tree is sited close to an adjoining residential properties and has been identified as having a high volume of the fruiting body of the decay pathogen *Meripilus giganteus* at the base of the tree, on the western, northern and eastern sides, within 2 metres of the stem. As a result of this, structural roots have been compromised, meaning that they now offer little in terms of physiological functionality, and will degrade further in the long-term. This poses a risk to neighbouring residents and properties. It is therefore proposed to sectional dismantle and fell.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan and tree survey report.

RELEVANT PLANNING HISTORY

95/00382/CAT - WD date 13th April 1995

Consent to fell a Holly tree, multi stemmed Ash and Cherry Laurel trees growing on or close to the churchyard wall, which is situated within a Conservation Area

96/01633/CAT - REFUSE date 18th December 1996

Consent to raise head and reduce branches of Copper Beech situated in the Conservation Area

DEVELOPMENT PLAN POLICIES

None applicable to this development

National Planning Practice Guidance - *Tree Preservation Orders and trees in conservation areas*

CONSULTATIONS

SILVERTON COUNCIL

Support the application

REPRESENTATIONS

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

No comments have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is made to a Common Beech tree protected by Tree Preservation Order (TPO) 96/00015/TPO, located in the North West corner of the churchyard of All Saints Church, Culmstock. The works would comprise sectional dismantling and felling the tree close to ground level.

When considering an application relating to works to trees protected by a TPO, the Planning Practice Guidance outlines that the Local Planning Authority may grant consent unconditionally; grant consent subject to such conditions as it thinks fit; or refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others.

In assessing this application, it is important to consider the amenity value of the tree. In this case, it is a prominently located mature tree. The tree does however suffer from a high volume of the fruiting body of the decay pathogen *Meripilus giganteus*. Root excavations have identified dead and compromised structural roots, which are visible across the northern quadrant, between the tree base and boundary wall. Due to the proximity to neighbouring residential properties, it is proposed to fell the tree.

The tree has been assessed as being potentially dangerous and a risk to adjoining properties as a result of its height, and structural deficiencies. In cases such as this, it is usually necessary to fell the tree, fence it off or reduce it. In this case felling is considered to be the most appropriate course of action.

It is concluded that the proposals have been appropriately justified, and are considered necessary to prevent damage to local properties. It is therefore recommended that consent is granted for the proposed works to fell this tree. It is however appropriate to condition the planting of a replacement tree, with a Common or Copper Beech considered to be the most suitable replacement. A condition is proposed to secure this replacement planting.

REASON FOR GRANT OF CONSENT

The proposal to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO is considered acceptable and viewed as prudent management, and should be subject to replacement tree planting to be secured by condition.

CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA Guidance Note. 5) by an appropriate experienced and qualified tree surgeon.
3. The tree(s) that is to be removed shall be replaced by Common or copper beech, heavy standard (10/12) in accordance with BS8545:2014 Trees: from independence in the landscape – Recommendations. The tree shall be planted within 10m of the felled tree, or other such species and location as may be agreed in writing with the Local Planning Authority. The replacement tree should be planted in the next growing season following the felling of the tree and in accordance with the above specification should they be damaged, uprooted, destroyed or die.

REASON FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the conditions of the tree and in the interests of visual amenity.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. In the interests of replacing the amenity lost by the removal of the tree.

INFORMATIVES

1. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on

the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

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

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 and has negotiated amendments to the application to enable the grant of planning permission.

Application No. 22/02120/FULL

Grid Ref: 301987 : 107514

Applicant: Mr Mitchell Frost

Location: Land at NGR 301997 107506
St Andrews Estate
Cullompton
Devon

Proposal: Creation of 2 car parking spaces

Date Valid: 18th November 2022



APPLICATION NO: 22/02120/FULL

Site Visit: Yes **Date of Site Visit:** 02.02.2023

Decision Delayed Reason:

EOT agreed to allow the application to go before committee.

PLANNING COMMITTEE REASON

The application needs to be decided by the Planning Committee as it has been submitted by Mid Devon District Council. This is in line with the Council's scheme of delegation.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the creation of 2 car parking spaces at St Andrews Estate, Cullompton. The parking spaces are proposed on a patch of grassland immediately south west of an existing unclassified road. The site is within the Cullompton settlement boundary but it is outside of the Conservation Area and there are no nearby listed buildings. However, the site does fall within the Cullompton Critical Drainage Area.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan and flood risk assessment.

RELEVANT PLANNING HISTORY

N/A

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

Policy S1 – Sustainable development
Policy S9 – Environment
Policy S11 – Cullompton
Policy DM1 – High quality design
Policy DM5 - Parking

Cullompton Neighbourhood Plan 2020 to 2033

TC02 – Character of the built environment
HS04 – Parking on housing schemes

CONSULTATIONS

Highway Authority, 23rd November 2022:

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

Environment Agency:

Cullompton Critical Drainage Area - No EA consultation required.

Recommend that the surface water drainage system is designed to the appropriate standards. The appropriate standards are that all off-site surface water discharges from the development should mimic 'greenfield' performance up to a maximum 1 in 10 year discharge. On-site all surface water should be safely managed up to the '1 in 100+ climate change' conditions.

Cullompton Town Council, 16th December 2022:

Resolved that Planning Application 21/02120/FULL is NOT SUPPORTED as it is not in accordance with Cullompton Neighbourhood Plan Policy HS02. The proposed parking places make visitor parking more difficult as it removes a vehicle turning space. Visitor parking for services such as care providers for those that require care and support in their home will be reduced. Additional Disabled parking should be provided.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, by notifying immediately adjoining neighbours in writing 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).

One letter of objection has been received at the time of writing this report which states that additional parking spaces will not resolve traffic concerns in the area and who will use the parking spaces/how they will be policed.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
2. Impact upon character of the area and neighbourhood amenity
3. Highway safety and parking
4. Flood risk
5. Ecology
6. Planning balance/summary

1. Policy and procedure

The proposal seeks to create two parking spaces on a patch of grass land immediately south west of an existing unclassified road that is very frequently used for car parking for the surrounding estate. The application is before planning committee due to Mid Devon District Council being the applicants.

The site is within the Cullompton settlement boundary and as such Policy S11 applies. The policy seeks to support Cullompton as a fast growing market town, seeking to improve the town's infrastructure and connectivity. More specific development management policies from the local

plan and neighbourhood plan policies are referred to throughout this report.

2. Impact upon character of the area and neighbourhood amenity

Policy DM1 of the Local Plan seeks to ensure high quality design according to a number of principles including ensuring development makes an efficient use of a site, creates safe, accessible and visually attractive places. It also seeks to avoid adverse neighbourhood amenity impacts. Similarly, TC02 of the Cullompton Neighbourhood Plan states that development should contribute positively to the character of the built environment.

The site falls within a built up residential area, surrounded by numerous residential dwellings. The surrounding unclassified highways are dominated by vehicles. Whilst the proposal seeks to remove a small area of grassland to create the parking spaces, the additional formalised parking spaces will go some way to prevent parking on footpaths and other unauthorised areas which can be commonly seen in the location. This will, in turn, go some way to improve the character and appearance of the area by keeping vehicles to formalised spaces. In addition, the majority of the patch of grassland will remain in situ and crucially, so will the existing trees and hedgerows which provide a positive visual amenity impact to the area. Similarly, it is not expected that the creating of two parking spaces will result in adverse neighbourhood amenity impacts and overall both DM1 and TC02 are considered to be complied with.

3. Highway safety and parking

The County Highway Authority have issued standing advice for this proposal. As set out above, it is expected that the creation of two formalised car parking spaces will go some way to preventing unauthorised car parking on footpaths and other locations. It is considered that this would have a positive impact on the local highway network and at the least, would not have a negative impact.

Policies DM5 of the Local Plan and HS04 set out the required levels of car parking for new development. DM5 requires 1.7 space per residential dwelling and since the parking provision for the residential development will be increased, this policy is considered to be complied with.

Policy HS04 states:

“New residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space*
- 2-bed house/flat 2 off-road car parking spaces*
- 3-bed house/flat 2 off-road car parking spaces*
- 4-bed house/flat 3 off-road car parking spaces*
- 5+ bed house/flat 4 off-road car parking spaces*

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles.

Wherever practical, permeable materials should be used for surface parking areas.”

The Town Council refer to Policy HS02 which is the social and affordable housing policy. It is assumed they mean HS04 as referred to above. Whilst the Concerns of the Town Council are

noted, the policy clearly refers to parking provision for new development. In any case, the proposal seeks to increase the parking provision so this is not considered to be a reason to refuse the application. The existing turning circle immediately north-west of the site will be retained which will allow turning for all vehicles including emergency vehicles as existing.

The spaces are not electric vehicle charging points but given their proximity away from properties and the small number being created, this is not considered to be a requirement in this instance. Similarly, the provision of disabled parking spaces is not a policy requirement for this proposal. The flood risk assessment submitted to support the application confirms that the development will be finished with permeable materials as required by HS04.

The letter of objection received has also been considered. The concerns regarding traffic and impacts on the highway network have been addressed above, whilst the use of the spaces and how this will be monitored are not considered to be material planning considerations.

On balance, it is considered that the impacts on the local road network or car parking provision will not be worsened as a result of the development and the proposals adhere to DM1 and HS04.

4. Flood risk

The site is in Flood Zone 1 which represents a low probability of flooding from rivers and the sea, however, it does fall within the Cullompton Critical Drainage Area. As such, the supporting text of Policy S11 requires that a Flood Risk Assessment is submitted to support the application. The FRA sets out that the surface will be finished with permeable materials designed to allow rainfall to pass directly into a sub-base. This means the water drains away naturally rather than into public drainage systems. The assessment goes on to conclude that the proposal is not expected to result in a significant increase in terms of flood risk in the area. As such, the development is considered to comply with S9, S11 and DM1 of the Mid Devon Local Plan.

5. Ecology

A wildlife trigger list has been submitted with the application which clearly indicates that no ecological impact appraisals are required as part of the development proposals. Whilst a small area of grassland is to be removed, it is regularly mowed and it is considered very unlikely that there will be any adverse ecological or biodiversity impacts as a result of the development.

6. Planning balance

Overall, it is considered that whilst a small area of grassland will be removed, the overall visual and neighbourhood amenity of the area will be protected. In addition, there will be a betterment in terms of parking provision which will have positive impacts on the highway network and car parking in the area. It has been demonstrated that there will not be a significant increase in terms of flood risk and similarly, ecology is considered to be protected. Therefore, overall, officers recommend that the proposed works comply with policy and permission should be granted.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

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

INFORMATIVES

1. This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act 1990.
2. Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

REASON FOR APPROVAL

The proposed creation of 2 car parking spaces at St Andrews Estate, Cullompton is considered acceptable as a matter of policy. The proposal will improve the parking provision within the estate without adversely impacting the character of the area or local highway network. There will be no significant adverse impacts on neighbourhood amenity or a significant increase in flood risk. As such, the proposal complies with policies S1, S9, S11, DM1 and DM5 of the Mid Devon Local Plan (2013-2033), TC02 and HS04 of the Cullompton Neighbourhood Plan (2020-2033) and guidance 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. 22/00063/MARM

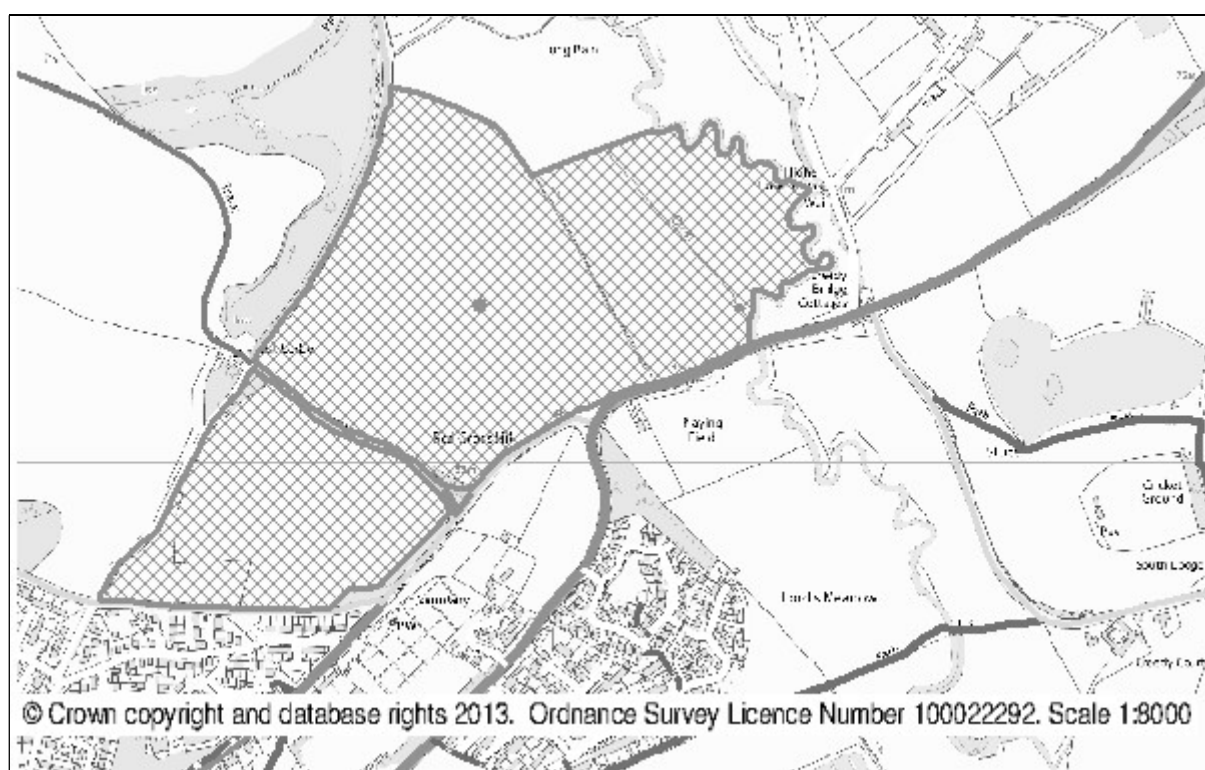
Grid Ref: 284007 : 100951

Applicant: Naomi Taylor (Bellway Homes)

Location: Land at NGR 284185 101165 (Creedy Bridge)
Crediton
Devon

Proposal: Reserved matters for the erection of 257 dwellings and up to 5 Gypsy and Traveller pitches; associated works in connection with 8.6ha of land to facilitate future Crediton Rugby Club and up to 1.1ha of land for future primary school; details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT

Date Valid: 17th January 2022



Application No: 22/00063/MARM

Site Visit: Yes **Date of Site Visit:** A number of visits in February and March 2022

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 it was called to committee by committee members on 02.02.2022.

RECOMMENDATION

Grant planning permission subject to conditions.

SITE DESCRIPTION

The site is located beyond the north-east settlement edge of Crediton within Sandford Parish. The site is bound by Old Tiverton Road and Exhibition Road (beyond which is Crediton Rugby Club training ground) to the south-east, Stonewall Lane and Pounds Hill Cross to the south, Pounds Hill and Long Barn Lane to the north-west with open countryside and the River Creedy to the east. The tree lined Pedlerspool Lane runs through the application site effectively creating two development areas (referred to as the eastern and western development areas below). The site is currently in agricultural use.

The site rises circa 60m from the lowest part of the site adjacent to the River Creedy to the highest point adjacent to Pounds Hill Cross.

There are no heritage assets within the site however there are three listed buildings close to the site, one registered park and garden (Shobrooke Park) and one non-designated park and garden (Creedy Park). The nearest listed building to the north of and framing Pedlerspool Lane is East Lodge, which is a grade II listed Georgian former gatehouse to Creedy Park, located to the northwest. To the east of the site are two thatched and rendered grade II listed dwellings. Shobrooke Park is located to the north-east of the site.

The site does not form part of a designated wildlife site and does not fall within a protected landscape.

The site has no Public Rights of Way (PROW) crossing it.

The site is predominately located within Flood Zone 1 (lowest risk). The area along the north-west boundary which contains the River Creedy and its floodplain is within Flood Zone 2 & 3. The site is generally at low to negligible risk of flooding from surface water runoff.

The site includes existing native hedgerows along many of its boundaries and there is a Tree Preservation Order (TPO) along Pedlerspool Lane which contains a number of predominantly mature oak trees. The existing hedgerows contain a mix of oak, elm and hazel. Trees along the Creedy River include oak, willow and alder.

PROPOSED DEVELOPMENT

Reserved matters (layout, scale, appearance and landscaping) is sought for the erection of 257 dwellings and up to 5 Gypsy and Traveller pitches; associated works in connection with 8.6ha of

land to facilitate future Crediton Rugby Club and up to 1.1ha of land for future primary school; details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT. This application does not include the rugby club land or school land.

The housing mix includes 201 market houses: 29 two-bed, 68 three-bed, 94 four-bed & 10 five-bed. 56 affordable units are proposed which include 6 one-bed (3 M4(2)), 26 two-bed (all M4(2)), 21 three-bed (M4(2)) and 3 four-bed.

The eastern parcel comprises 218 dwellings and 49 affordable units (1 1-bed, 26 2-bed, 19 3-bed & 3 4-bed) SuDS attenuation basins & swales are located along the northwestern boundary and centrally. A neighbourhood area of play (NEAP) is located on the north western side of the parcel adjacent to the rugby land. Green space, public open space (POS) and footpaths/cycle paths are located around the parcel boundary with many seating areas.

The western parcel contains 39 dwellings and 7 affordable units (4 1-bed, 1 2-bed & 2 3-bed). The main vehicular access would be from the western end of Pedlerspool Lane with a separate footpath/cycle link access to the east further along Pedlerspool Lane. Pedestrian and cycle access is shown on to Poundshill Lane. The site levels rise from Pedlerspool Lane southwards towards the edge of Crediton. It is proposed to provide the dwellings and infrastructure on the lower area of land and provide POS, footpaths and play space on the southern side where the land becomes steeper and is more prominent in the landscape. This area will provide 1 NEAP. Benches and other seating areas shown adjacent to the numerous footpaths which link the parcel with the wider site and Crediton.

The western parcel also contains a G&T site with 5 pitches. A 1.1ha School site allocation as per the s106 is located on the eastern side of the plot but this does not part of this reserved matters application (RM).

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan, landscape parkland proposals (1-4), landscape proposals (1-5), landscape sections, character areas plan, street scene, development sections, visibility splays sheets, planning layout (1-2), composite planning layout, materials strategy, building heights strategy, affordable strategy, cycle parking strategy, boundary strategy, refuse strategy, phasing plan, movement access strategy, house type floor plans and elevations, flood exceedance routes, engineering layout (1-6), longitudinal sections (1-3), foul water manhole schedule (1-2), surface manhole schedule, sc104 layout (1-6), sc38 layout (1-5), engineering layout (1-6)

Supporting reports: Arboricultural method statement, Design compliance statement, Ecological summary, Landscape ecology management plan (LEMP), Construction ecology management plan (CEMP), Flood risk assessment and surface water calculations

RELEVANT PLANNING HISTORY

16/00718/SCR - CLOSED date 9th June 2016 Request for Screening Opinion in respect of proposed residential development (including affordable housing and Gypsy and Traveller Pitches), relocation of Crediton Rugby Club and 25 bed Extra Care Facility.

17/00348/MOUT - Residential development of up to 257 dwellings and up to 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of

Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations – Approved 29.04.2021.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-33

S1 – Sustainable development priorities
S2 – Amount and distribution of development
S3 – Meeting housing needs
S4 – Ensuring housing delivery
S5 – Public open space
S8 - Infrastructure
S9 - Environment
S12 - Crediton
CRE5 - Pedlerspool, Exhibition Road
CRE11 - Crediton Infrastructure
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM5 – Parking
DM7 - Traveller sites
DM25 - Development affecting heritage assets
DM26 - Green infrastructure in major development

Mid Devon Design Guide

Crediton Neighbourhood Plan (2022) – As the site is within Sandford Parish the policies of the Crediton Neighbourhood are not a material consideration.

National Planning Policy Framework
National Planning Practice Guidance
National Design Guide

CONSULTATIONS

Given that the application has been amended on a few occasions, three separate consultation exercises have been undertaken. The list of responses as set out below confirms the latest response for each Statutory Consultee. The original consultation responses provided by the Parish/Town Councils are also set out as in many instances the respective Parish Council have confirmed that their original comments still apply.

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

CONSULTEE RESPONSES

CHERITON FITZPAINE PARISH COUNCIL - The impact of increased traffic both during and after the building works

CREDITON HAMLETS PARISH COUNCIL - 6th October 22

Crediton Hamlets Parish Council neither objects to nor supports this application, which is outside its parish boundary. However, Councillors do wish to make the following general comments:

- 1) they are concerned about the additional traffic burden so many homes will place on Crediton town centre and nearby rural roads. As much as possible must be done to mitigate this burden.
- 2) MDDC must ensure the applicant fully pays adequate S106 monies to the appropriate Councils.
- 3) the developer should be required to include enhanced biodiversity and climate change mitigation features in plans and designs.

CREDITON HAMLETS PARISH COUNCIL - 04.01.2023

Crediton Hamlets Parish Council has no comments in addition to those already submitted.

CREDITON TOWN COUNCIL - 9th November 22

Recommend **OBJECTION** for the following reasons:

- Connectivity is inadequate. South east corner has no footpath
- Improvement of Stone Wall lane will encourage more traffic
- No consideration to cyclists
- Red roof tiles and brickwork not in keeping with the local area
- Poorly designed windows and doors
- Not adequately insulated and lack of solar panels

CREDITON TOWN COUNCIL - 08.12.2022

Further Comments

Mitigation of impact

The current Local Plan identifies the site as being a sensitive one, given that it is in a valley setting; is a gateway site; is visible from Shobrooke Park; impacts on the settings of both Shobrooke Park and Creedy Park. The Plan goes on to say that any development will need to be carefully designed to minimise the impact of buildings with suitable mitigation measures such as landscaping and planting.

Although the development is not inside the town boundary of Crediton, it is immediately adjacent and impacts on the town's rural setting. The Crediton Neighbourhood Plan identifies the two river valleys as important in maintaining the rural setting which is an aspect of the town which residents value (Crediton NP Household Survey 2015).

The argument put forward in the application, that the biggest impact on the valley is the granting of outline permission in the first place, ignores the sensitivity of the site and presupposes that with permission in place there is nothing more to be done. This is not an acceptable approach in designing the development. The Neighbourhood Plan supports development that merges into the landscape rather than imposing itself in scale and appearance.

1 Appearance

The application does not sufficiently reflect the vernacular style which is explained, with examples, in the Crediton Design Guide which accompanies the Crediton Neighbourhood Plan. Although there are instances of a variety of materials used in historic buildings around the town, the Guide points out the materials that are predominant and which give the town its character.

Materials

Roofs

The predominant roofing material in Crediton is slate. The north-eastern part of the site appears to be entirely slate roofs whereas the southwestern part is entirely red tile. This area will stick out like a sore thumb in the landscape (especially combined with stone-appearance walls and wood cladding on some of the house designs, which exists nowhere else in the town). Slate roofs throughout is preferable.

Walls

The predominant wall material in Crediton is render, especially for cottages. Brick is also used for a variety of buildings including short terraces in some town centre locations. The brick terraces shown in the plan could be interspersed with render frontages within the terrace, especially the long runs in the 'Mews Street' and area which could otherwise present a very long uniform frontage.

There appear to be a number of detached garages which are to be brick built, whatever the material of the dwelling. This needs better consideration as it adds to the amount of brick in the development, when render should be predominant.

Other building materials

We would like to see windows in white if upvc with traditional panes and doors more closely following vernacular styles (please see design guide)

Parking areas should be porous if possible, to reduce run off.

Traditional boundary materials are stone, railings and hedging. Fencing is intrusive in the streetscape and is not preferred. All boundaries should allow for the movement of small mammals and reptiles.

We support all the comments related to the need to provide housing that gives insulation from excessive heat as well as conserving energy. Materials and building design of the application should enable this.

2 Landscape

It would be helpful to include some keynote landscape areas - as has been done with keynote buildings - to include a single tree that can be allowed to grow to a mature size, such as an oak. Several of these sites in the development would help to integrate the buildings further.

Continuous lengths of hedging would help to mitigate the density of the housing by providing green corridors.

3 Layout

It is unclear from the plans how people are supposed to move around this development on foot. It appears to have been designed for people who walk as far as their car and then drive away. There are no obvious footpaths through areas of buildings creating shortcuts to obvious destinations. The planned footpaths probably go too close to the river and there is likely to be people/pet disturbance of wildlife.

Access to and within the site

There is insufficient consideration of pedestrian access to the development, in particular to the school site and onwards to the rugby fields. Children may well come from Beech Park/Old Tiverton Road area. It would be sensible to create a cut through from Stonewall Lane/Old Tiverton Road into the site so people are not obliged to walk along Old Tiverton Road where there is no footpath on either side. This would give an almost continuous pedestrian route from the north end of Church Street.

4 Scale

The development is particularly dense in the northeastern sections which is further into the valley. It would have been preferable in design terms to have the less dense housing at the northern edge so that it could merge more gently into the valley itself.

If this is deemed not possible, there should be further consideration of large-growing specimen trees on the north side to partly screen the denser housing viewed from the north, but also to create a landscape feature, like Pedlarspool Lane itself.

- Best standards for future-proofing these new builds for heating efficiency levels should be provided by the developer. Bellway mentions following part L 2021, but the 2022 changes are available.

- Clarification regarding Bellway's response to renewable energy: 'Our proposed specification for the development includes . . . PV to all dwellings for on plot renewable energy generation. It is not clear from the revised application how the PV energy will be provided – whether it is roof-mounted solar panels for connection to the house supply or simply a PV-generated mains supply for EVs. If the latter, roof-mounted PV panels would be better future proofing for the dwellings

- CTC notes the serious concerns raised by Sport England regarding safety requirements and the omission of plans for Rugby Club, requirement to ensure that the Rugby Club is viable. While it is not the responsibility of Bellway to provide the rugby pitches, should it prove not possible or not viable to develop the northern part of the site for rugby pitches, then there is a risk of a playing field being lost and no viable replacement being provided. There should be some certainty about the viability of the entire rugby pitch/clubhouse development before the housing development proceeds.

- There has been insufficient time to consider the revised application in full detail. A request to speak at the MDDC Planning Meeting will be made, urging development to be as high standard as possible relating to design and energy efficiency given prominence of site, also pointing out those aspects of the Crediton Design Guide have not been followed in the revised application.

MORCHARD BISHOP PARISH COUNCIL –

07.02.2022:

Morchard Bishop Parish Council considered this application at their Parish Council Meeting on Monday 7th February 2022. The Parish Council wanted to express an opinion that there should be adequate provision for Doctors (the Crediton surgery has already commented that it is at capacity), Schools and local shops as part of the development. There should also be provision in Crediton for people to work locally ' so there should be enough workshops and other industrial units within the Crediton area. The Parish Council also thought that all the new properties should be powered with renewable energy particularly with solar panels being placed on rooftops of all new houses.

03.10.2022:

Morchard Bishop Parish Council at their meeting on Monday 3rd October, after consideration of this application by the Council, Morchard Bishop Parish Council would like to ask the following question: Is the Crediton Sewage works of sufficient capacity to cope with a development of this size?

NEWTON ST CYRES PARISH COUNCIL - Newton St Cyres Parish Council have the following comments and questions with regard to the above planning application

Large new housing developments in or near Crediton brings much increased traffic using the A377 which passes through our communities. We are concerned about the extra traffic generation on a main road which is already very busy and its impact on road safety and on the quality of life in our villages.

1. Has a traffic impact assessment been carried out to include the impact of this development on communities located along the A377 between Crediton and Exeter?
2. Will the new development have regular and frequent bus services?
3. Has any consideration been given to improving park and ride facilities from Crediton?
4. Has any provision for cycling lanes and cycleway been made? Can a link to the proposed Boniface Trail be factored in?
5. How will this development fit in with other planned housing developments in and around Crediton? Is there a process for considering the impacts and infrastructure requirements of these schemes as a whole?

10.2022:

As well as our previous comments, Councillors remain concerned about the generation of additional traffic on the A377. What calming measures are being considered?
What plans are there for a safe path between Crediton and Exeter for bicycles users?
Crediton Redlands surgery is already not coping. What mitigation is being taken to cope with all of the impending new users?

02.01.2020:

Newton St Cyres Parish Council have no additional comments to those already submitted.

SANDFORD PARISH COUNCIL

04.02.2022:

It is noted that the lane currently used to access the A3072, heading to Tiverton and into Crediton, and vice versa, is to be closed off and traffic will have to travel through the built up area of the new estate.

Given that most of this will be agricultural traffic, and heavy lorries making deliveries, we do not feel this is practical for safety and environmental reasons.
We feel that access, to and from the A3072, should continue through Pedlars Pool Lane.

SHOBROOKE PARISH COUNCIL –

02.2022:

Shobrooke Parish Council has the following questions:

- i) Does the capacity of the primary school allow for intake from surrounding parishes?
- ii) What is the estimated completion date of the new school and will it be completed before the new houses?
- iii) What is the impact on provision of secondary school places?

- iv) Have any calculations been undertaken on the impact of traffic through surrounding parishes such as Shobrooke?
- v) Once the houses are built, can traffic levels be monitored?
- vi) Will the development have a frequent and regular bus service?
- vii) Is the existing park and ride at Crediton station sufficient?
- viii) Has consideration been given to cycleways and can the proposed Boniface Trail between Exeter and Crediton be factored in?
- ix) Can dark skies be preserved as much as possible by directing public lighting downwards?

10.2022:

We are re-submitting our previous comments

One of the main concerns for Shobrooke parish is additional traffic and the impact this will have on the rural parish of Shobrooke. The transport assessment carried out as part of the application assumes that the majority of traffic will travel to Exeter along the A377. However, as this already busy main road gets even busier, how long will it be before commuters and other drivers seek out alternative routes? An obvious alternative route is from Shobrooke Park to Langford via Efford and Shute. The rural village of Shobrooke risks becoming "rat run" as commuters try to find quicker, less congested routes. If there is a problem on the A377, such as an accident or road works for example, this alternative route will be used even more. Cars pass each other on the narrow roads of the parish only by making use of private driveways. In addition, Shobrooke does not have many pavements, leading to a greater risk to pedestrians, especially if they are walking at "rush hour". Agricultural traffic travels through the parish on a regular basis and this will also present hazards as well as leading to potential jams. The Parish Council has been concerned for a while about the speed of traffic through the village and with an increasing number of vehicles, this concern will only increase. We request that an impact assessment is carried out on the additional traffic that will use the road through Shobrooke.

Mid Devon Local Development Framework - Allocations and Infrastructure Development Plan Document (AL/CRE/12) states that this development will have 21000 square metres of employment floorspace. However, there is no such allocation in the current planning application. This lack of employment opportunity will mean that residents will be forced out of the area to work, thus increasing the traffic. Again, this proposal fails to meet MDDC development requirements.

There are no provisions for additional health care. Chiddenbrook and New Valley practice are stated as being undersized by 40% and 43% respectively. We are concerned about the wider impact on hospitals such as RD&E.

We understand that part of the proposed site is within an Environment Agency Flood Zone 3. A few years ago, this area was badly flooded and the road impassable. Will the proposed retention pools perform well enough to prevent this?

The proposal includes a new 200 place primary school. We are concerned that this provision will not be enough and that existing schools will be put under pressure to accept more pupils. DCC advise that there is enough secondary school provision, but this still remains a concern.

Public transport - we note that improvements are proposed to public transport and cycle lanes. Such improvements will be essential as current provision will not be adequate. The station is not close and the trains are infrequent. Buses are already overcrowded.

Given the likely impact on Shobrooke parish that this development will have, the Parish Council would like assurances that it will benefit from S106 money should this development take place, as proposed or through an amended application.

Shobrooke Parish Council asks MDDC planning committee to reject the current proposal and to carry out an impact assessment on the effect additional traffic travelling through Shobrooke will have on our rural parish.

MDDC TREE OFFICER - 07.02.2022

Relevant Tree Preservation Order/Conservation Area: 10/00005/TPO.

Information Provided/Reviewed: Arboriculture Method Statement, Landscape Parkland Proposal, Landscape Proposal and Wildlife Survey.

Creedy Bridge, Credition proposed development is located on agricultural land that's located to the north of Stonewall Lane and bordering the A3072 to the west. The internal aspects of the site are genially void to tree cover. Tree cover along with long linear hedging are present along the external boundaries of the site including Pedlerspool Lane. The supporting Arboriculture Report identifies 40 individual tree, 25 groups, 5 hedges and 1 woodland. There are 43 tree features that are deemed to be of good or moderate Arboriculture quality.

The proposal as it currently stands will result in the loss of two individual trees. One is a Luscombe Oak appearing to be a significant tree of moderate value. The tree appears to require removal in order to facilitate an access drive/lane to a proposed school play field. In reviewing the plans the tree is on the eastern edge of the proposed drive. Consideration should be given to utilising engineering solution to retain the tree. Such as Geocell installation around Root Protection Area (RPA). A further tree noted for removal is a hawthorn that is not viewed as significant. In addition to the two individual trees, four hedges identified within the Arboriculture report will be partly removed to facilitate the proposal. Typically these hedges are managed at 1 metre in height and are a mix of elm, field maple, black thorn, holly, oak, hazel and spindle. The loss of these is acceptable subject to adequate mitigation planting.

A Tree Protection Plan has been provided and shows adequate protection fencing to trees/hedging being retained. In reviewing the plans its felt there will be low likelihood of conflict between retained trees and the current proposal. No significant contraction works is highlighted within the retained trees RPA. However, the proposed footpath link will encroach the RPAs of multiple tress. A no dig method statement is provided and is viewed as acceptable if carried out in full guidance of the Arboriculture report. However, there is two exceptions. Construction of the footpath link within the RPAs of T34 and T38, both veteran oak trees should be avoided. Typically veteran trees are less tolerable of soil changes. Also, the usual characteristics of veteran trees would inform that placing a path within close proximity to its crown spread is best avoided. Such a path could cause future crown management pressures due perceived or actual safety concerns. In the cases of T34 and T38 the footpath link could be constructed outside of the RPAs.

The Landscape Parkland Proposal and Landscape Proposal informs there is significant tree planting proposed. There's an adequate mix of parkland tree, shrubs along with specimen trees that will benefit the proposed development. However, consideration should be given the selection and proposed location of a number of Malus tschonskii trees (Pillar crab apple). The tree produces a high density of small apples that causes conflict with users of paths and road when the fruit falls. Potentially causing a perceived trip hazard and nuisance to vehicles. As a result there is often pressures placed on the tree to have them removed before they reach maturity when planted in

such locations. Also in reviewing the landscape planting proposal there are concerns if there is adequate soil space to provide a suitable rooting environment for a number of the proposed trees around the residential dwelling. Such as the Downy birch proposed on a thin strip of ground between plot 216 and 217. Trees planted in a limited rooting environment are likely to conflict with surrounding features such as driveway and path as the tree becomes larger, which often results in the tree having to be removed. Further engineering solution should be considered and provided, detailing how tree conflict with surrounding features will be limited. Ensuring the trees planted are successful in the long-term.

In summary the hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable subject to suitable replacement planting. Further consideration should be given to the removal of T11 to identify a solution where it may be retained. The footpath link within the RPAs of multiple trees is viewed as acceptable as long as it is carried out to the specified method statement within the Arboriculture report. The footpath link within the RPA of T34 and T38 should be avoided and can be created outside the area. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is a good level of tree planning proposed that is viewed as a net benefit. Planting of the Pillar crab apple in a number of locations should be reviewed. There are concerns over adequate rooting environment for a number of proposed trees around residential dwellings that may result in conflict with surrounding features and tree mortality.

26.09.2022:

Information Provided/Reviewed: Revised Arboricultural Method Statement, Revised Landscape Ecological Management Plan, REVISED 08/09/22 Landscape Proposals Sheet 1 to 5 and REVISED 08/09/22 Landscape Parkland Proposals Sheet 1 to 4.

The comments are secondary to previous officer comments on 07/02/2022 and solely consonant with the revised documents listed above.

The revised Arboricultural Method Statement informs there are no further trees to be removed. Adequate tree protection fencing has been and will need to be in place prior to any demolition or construction to ensure retained trees are not damaged accidentally. The report does highlight some tree protection fencing will require repositioning to facilitate access and to construct the pathways as shown on the TPP. The barrier positioning will require moving temporarily into the RPA's of T8, T9, T18, T19, T20, T21, T22, and G11. Furthermore, the barrier positions to the south of T16 will be temporarily repositioned to allow access for the construction of the proposed road and pavement inside this RPA. Where fencing is moved, exposing parts of the RPAs adequate mulch, gravel or combination of mulch with plywood or logging or road mats will need to be installed to ensure compaction of the RPAs and damage to roots is avoided. Where tree protection fencing is moved exposing the tree stems adequate trunk protection shall need to be installed.

Works to implement the proposed footpath link within the RPAs of multiple trees will utilise a no-dig technique. The method provided is viewed as adequate informing damage to roots within the RPA should be avoided.

As previously noted construction of the footpath link within the RPAs of T34 and T38, both veteran oak trees should be avoided. The revised plan details encroachment as before. This needs to be avoided by altering the footpaths marginally in these areas only. Plans would need to be updated to show this. Footpath does appear to have been modified on the revised landscape plan. The revised Landscape Parkland Proposal and Landscape Proposal informs there is significant tree planting proposed. There's an adequate mix of parkland tree, shrubs along with specimen

trees that will benefit the proposed development. Landscape Proposal identifies two trees to be planted by the parking bays of 90-91 bays' of 93-93. It unsure what species trees these are and ground type they are being planted in. Similar applies to tree planning between or by 182-183, 182-184, 14, 123, 103, 121, 177, 175, 61, 35, 34 30-31, and 28 . Clarification is required on these matters.

Landscape Ecological Management Plan identifies all new trees within the site will be monitored for a 5 year period following completion of the development and any trees that die, become seriously damaged or diseased will be removed and replaced in the next planting season with other trees or plants of a similar size and species as those originally planted. Further details will be required on aftercare. 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

MDDC CONSERVATION OFFICER - 02.02.2022

The proposal is for a tepid and mundane development of housing that has no respect for its site or location. I have viewed Bellway Homes development across the country this is an established design approach with a slight change in palette across the country.

This is a quality site forming the Gateway to Crediton just off the A3072 from the north and Tiverton and is located in a special Landscape to the edge of the Creedy valley. These factors are worthy of a quality 'Local Distinctive' design response in themselves.

The site is located in the heart of Mid Devon renowned for its 'local distinctiveness' in built development and use of local materials most uniquely cob that creates a substantial thick walled building form, with the particular local geology and soil providing a deep red coloured cob (also used for boundary walling) with thatch a prominent local roofing material, along with some pantile and Roman clay tiles, corrugated /metal sheet roofing and natural slate. Other walling materials include soft lime render in roughcast and smooth finishes, soft white or creams washed elevations with exposed local volcanic and red sandstone used in plinths or some elevations, specific Exeter smooth red brick is common in Crediton as a facing material, while corrugated sheet and timber cladding are used as prevalent wall cladding materials in this predominantly rural area.

Traditional rural detached houses have a linear plan form while urban cottages are more simple single cell or double depth with rendered or brick elevations.

The site deserves an understanding and informed appreciation of these historic design approaches to climate, south west prevailing weather, local topography, that resulted in responses to siting and orientation including building into rising ground, with often south facing orientation with fenestration concentrated to the south or west and east with blank north elevations.

The proposed reserved matter layouts and house type designs are predictable and uninspired with suggestions that the use of render will create a landmark building at the entrance to the site as far as the limited ambitions of the 'character areas' identified by the developer.

Section 9 of the Design Compliance Statement is as far as we get for a design brief it states.

'Dwellings will comprise of Audley Red Mixture brick [1], rough cast render in white [2] or recon stone [3] depending on the character area. Smooth red brick detailing to headers, cills and gables (located centrally underneath the apex). Weatherboarding features will also be applied to dwellings, adding interest [6].

Rendered units will be located within key points of the layout, i.e. corners and vistas to create local landmarks. Front doors will encompass heritage colours and windows will be either grey or white PVC depending on the character area. Garages will comprise brick to match dwellings.

A combination of recon slate [4] and pennine peat brown tile [5] roofs, applied to both rendered and brick units will also provide variety across the site. White fascias and white rain water pipes are proposed, to remain in keeping with the local context.'

A contemporary response to properly informed local characteristics would produce a much improved general layout arrangement that better responds to the topography of the site, local characteristics of plan form, local and sustainable materials e.g creative use of thatch or some adoption of Cobauge (Cob material developed in Plymouth University) and use of timber for doors and windows (not climate damaging PVC) would have a substantial benefit to the development with a local and distinct character and appearance.

Had the developer had an understanding of local distinctiveness and adopted local siting characteristics, materials, sustainable principles and materials, and was able to use these elements in a creative way this would have a distinctive and progressive approach to reflecting the site and its location in mid Devon.

The applicant does not respond the Mid Devon Design Guidance or national and local design policy and appears to make no concession to 'Local Distinctiveness'

The National Planning Policy Framework paragraphs

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;

131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards).

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The landscape response is also poor - The tree planting does not reflect local tree species - with no Oaks, Elm, Beech, or Ash, there are no local Devon Banks/ Hedgerows other than those that existing on the Peddlers Lane. There is no consideration of providing community orchards or allotments or more wild coppice/woods, wildlife areas and corridors, nor any priority cycle and walking routes to local services using the A3072 public footpath such as connecting to the footpath across Lord Meadow from Shoobrooke Park and the East side of Crediton and potential new connections to this routes.

The Landscape scheme does not respond positively to the important local listed parklands that the site sits between - Shoobrooke and Creedy Park with their established large park trees.

I would suggest a period of reflection and redesign with engagement possible a design review panel in order to achieve a better informed and responsive proposal that better defines and reveals the unique qualities for built and landscape form in this part of Mid Devon.

MDDC Conservation and Design Officer 02.12.2022:

The principle of the development has already been determined. However, there is concern over the required works at the junction immediate to the East Lodge and more information is required. In addition further information is required in terms of boundary treatments and heights as well as views on the approach into the development from the main road.

Within the development, there is a need for less detached dwellings and a more varied and cohesive streetscenes. Less replication and more variety in plot sizes, planforms, building heights and the spatial character along the routes and provision of public open spaces. Consideration for landmark buildings at key points, terminated views, focal features and continuation of building lines at junctions.

The SW zone lacks identity and a revised layout is required as well as an amended less contemporary design and material palette and detailing/features need to be reviewed, particularly here.

Therefore at present, it is considered that further revisions are still required to preserve the outlook from East Lodge and the rural setting to Creedy Park and integrate the development into the local rural landscape. As such, officer support cannot be forthcoming at this time until final revisions have been undertaken to address the above concerns and has achieved a scheme that is sufficiently grounded in the landscape setting and overcoming the present element of less than substantial harm to the above.

Further guidance/discussion in regard to specific house designs and locations can be provided as part of any revision process in order to arrive at a final revised scheme.

This further conservation response follows on from those initially supplied by the former Conservation Officer in Feb 2022. Revised layouts and streetscenes have been supplied since in an effort to address the raised concerns.

This submission is subsequent to an approved Outline application 17/00348/MOUT for the principle and access for a development. The remainder of the design/layout/materials for the scheme to be determined subject to this reserved matters application.

The approval will no doubt have a major impact on the landscape setting, converting it from undeveloped open countryside with its existing long range views to the NE, to a residential built environment, the size of a small settlement set at a distance from the nearest populated area. The introduction of this built up area within the direct sightlines of the listed East Lodge, along with any subsequent changes to the local highway infrastructure will completely change the way in which this heritage asset is experienced and impact detrimentally on the country house and its estate parkland's relationship with the wider rural landscape and hence, its contribute less-than-substantial harm to its significance, which has already been acknowledged. All efforts therefore must be made to mitigate this as part of any design. The outlook from the Lodge, driveway access from Creedy Park and the adjacent lane junction is therefore a key area.

Highways

It is still not clear as to what is exactly is proposed at the lane junction immediately adjacent to East Lodge. The site plan layouts do not appear to clearly state or delineate any of the changes which it has been suggested would be required by Highways, in order to accommodate the increased traffic and agricultural vehicles.

- This needs to be clarified, in order that sufficient mitigation can be recommended/agreed, to assist in lessening the resulting impact on the heritage asset's setting.

Development

As regards the development, due to its scale and its detached relationship with Crediton, it is agreed with former comments that it should:

- be considered as a satellite village rather than a suburban extension of the town.

As such,

- design of layout and buildings should take reference from the rural character and materials of the area.
- Any satellite development needs to achieve its own "*sense of place*" and as such, have continuity throughout, and it is recommended that efforts should be made to achieve one cohesive scheme across all three zones and avoid alien designs and finishes or conflicting design concepts as presently exist (NE more traditional and SW modern) .

Therefore as an approach, historic developments in general have

- A greater density within the core with good enclosure of spaces, while the outer radiating areas are of a more loose and organic character.
- Higher status buildings positioned at focal points within public spaces or in larger spacious plots in more private side lanes on the outskirts.
- Development behind the main street frontages traditionally has a diminishing form, height and scale and status and to respect the architectural hierarchy, so more ancillary in character.
- In some cases, courtyard complexes offer semi-private spaces, some accessed via covered driveway entrances or gated walled enclosures, offering privacy and historic enclaves.
- Remnants of farmsteads are also found within village streets, farmhouse and associated barns linked by curtilage walls, and yards set back from the street.
- To the perimeter of the site or away from the core, there is also opportunity for village green groups or larger farmstead complexes, and/or farmworker/estate cottages.

It is noted that the original scheme layout and building designs have been amended a number of times following planning and conservation feedback and reference is made in the Revised Design Compliance Statement to a number of key principles that have been used to guide the amended scheme.

It is also noted that reference has been made to the classification of the various routes within the development (Primary, Secondary and Tertiary).

However,

- Despite this it is not considered that the drawn site plan layout has satisfactorily interpreted these principles and there is still concern about the lack variation in the proportion and category of spaces, orientation of buildings, mix of building types and heights, definition and plot sizes.
- A focal point at the heart of the settlement is needed as well as landmark buildings to assist in orientation within the development.
- Variation in the spatial character of public spaces in the plot and along the main route.
- Although isolated buildings have been orientated to relate to key corner sites, there is a need for more buildings to be cranked, or to wrap around corners, to maintain building lines and form.
- A reduction in the number of replicated detached dwellings with garages positioned between in a standard C20 arrangement is needed.
- Layout of the SW section fails to relate to a rural setting and lacks any relationship with the remainder of the development.

Materials

As stated in the email feedback following discussions with the case officer, it was stated that the initial proposed materials are not of *sufficient quality or reflective of the context*, the south western grey UPVC and timber cladding being particularly over contemporary and suburban.

The area is instead more commonly associated with:

- natural stone, rubble stone or volcanic ashlar, cob and thatch, with slate not tile, and painted render with some brick.
- Although weatherboarding for whole buildings is not found within the vicinity, dark stained boarding is present in localised areas, such as gable ends or apex areas or as infills between vertical timber post framing on subsidiary or agricultural buildings and to some degree used for lower status ancillary lean-tos on older, vernacular, thatched buildings.
- Chimneys are common in villages and features of historic roofscapes, either rubble stone or brick stacks.

- Boundary walls- usually cob, stone or traditional Flemish bond brick; fences- post and rail, estate fencing, five bar gates or vertically boarded (pedestrian versions of the latter set within high walls)

The following are common details found in historic settlements:

- Exposed timber lintels for cottages
- Arched brick window heads also found to vernacular dwellings or outbuildings
- Rubble stone plinths below render or brick
- Exposed rafter feet to eaves or purlin ends to gables on Victorian/Edwardian style properties.
- Chimney stacks – in later buildings to ridge lines, earlier external lateral stacks with wider shouldered detail to lower section, to avoid tall straight appearance either to gable for front elevation.
- Vertical boarded doors (ledge and brace) with upper modest vision panel or 4 or 6-panel doors. Or in the case of ancillary building forms ie: within a backland yard stable door or wider opening with full height glazed and timber or metal screens within reveals (external shutter doors or louvres could be also employed for privacy or character or in the case of the louvres, to mitigate reflection ie: when elevation visible across fields and facing south.
- Mono-pitch or dual pitch porches or canopies on vernacular cottages or flat leaded canopies on Georgian/classical properties.
- Balanced side hung casement windows (no top opening lights and ideally flush framing) for cottages and lower status houses, vertical sliding sashes for more “polite” architectural designs.
- Time cills for humble dwellings, stone cills for higher status (avoid double cills – remove timber sill where masonry cills are employed).
- Avoid integral garages.
- Avoid excess of gables to front elevations and overly steep pitched roofs (ie those proposed with dormers appear rather steep for the area)
- Include stepping down of ridges and changes in wall planes.
- Gable widths lower status cottages are narrower than modern dwellings.

Layout

As mentioned before,

- There appears to be too many detached buildings or similar footprint, rather than the more informal eclectic mix of adjoined cottages of differing heights and scales found in villages, to achieve better more distinct groupings.
- The use of enclosed courtyards developments off the main streets is also encouraged to add interest and a less suburban arrangement.
- Avoid the replicated arrangement of dwellings with garaging and private drives set between.
- Include one and half storey buildings or additions and single storey links as well to better define building hierarchy, side and rear extensions/additions/wings/ranges.
- Semi- detached dwellings can be achieved by use of L-shaped building planforms, which will still appear as one house (main house providing one dwelling and second dwelling within rear wing). Also larger dwellings can also be achieved with buildings, which appear as two cottages so maintaining a lower key scale than more higher status large symmetrical dwellings while still providing matching accommodation

MDDC PUBLIC HEALTH - Contaminated Land - No CL issues in this reserved matters application
- 09.02.22

Air Quality - No Air Quality issues in this reserved matters application - 09.02.22

Environmental Permitting - Not applicable - 09.02.22

Drainage - No concerns ' site will be on the main sewer - 09.02.22

Noise & other nuisances - No Noise or other potential nuisance issues in this reserved matters application - 09.02.22

Housing Standards - Cooper Floor plans ' The escape from first floor is not via a protected route to final exit as the kitchen is open plan to the hallway at the bottom of the stairs. The bedroom windows will need to be escape windows, with escape to a place of safety - 20.01.22

Licensing -

Food Hygiene - No comment - 19.01.22

Private Water Supplies - No comment - 19.01.22

Health and Safety - No comment - 19.01.22

MDDC PUBLIC HEALTH - We have considered the submitted CEMP and have no concerns other than that there are no working and delivery hours included within it. The writer should include standard construction working hours in the first section of the document so that it is clear to all contractors.

MDDC PUBLIC HEALTH - January 2023 - We have considered the revised documents and have no additional comments to those we made in October 2022.

DCC ECOLOGY:

In addition to the measures in the Ecological Impact Assessment (EAD, 2018), it would be advisable for the additional measures below to be included in the Construction Environmental Management Plan (CEMP) / Landscape & Ecological Management Plan (LEMP):

Species

Hazel dormice - Hedgerows with evidence of dormice will be fragmented to facilitate access.

Mitigation measures to address this impact should be included in the form of 'hop-overs' / bridges. Further, the landscape proposals appear to show that hedgerows are not buffered by defensive planting for dormice. More extensive use of scrubby planting adjacent to hedgerows to reduce / minimise the impact upon dormice from cat predation and disturbance is advisable.

Bats – the Ecological Impact Assessment (EclA) states a minimum 100 integrated roost features will be installed. This has been substantially reduced in the LEMP. The CEMP does not reference the installation of built-in bat tubes.

Hedgehogs – the CEMP should include additional mitigation:

- Netting must be kept off the ground to avoid entanglement and any slack netting tied up
- Rubbish must be kept contained in a designated area to avoid animals becoming trapped in litter
- Permeable fencing to provide gaps under gates, brick walls and in gravel boards measuring 13cm x 13cm

Birds – the CEMP should specify a minimum 5m protection zone for any actively used bird nests found during construction. In addition, the EclA states a minimum of 100 boxes for birds reliant upon buildings and an additional 20 general nesting boxes will be installed. This has been significantly reduced in the LEMP. The CEMP does not reference boxes to be installed on buildings.

Otters – the LEMP states that the River Creedy will be 'fully buffered'. However, the proposals appear to include general meadow grassland adjacent the riparian corridor and a footpath appears to be very close to the river. The mitigation for impacts from disturbance seems to focus on the provision of information boards rather than wet habitats within a nature conservation buffer zone. Otters have been shown to use the river corridor and will be sensitive to disturbance from dogs

etc. Landscape proposals for this area should be re-considered and designed to ensure the river is adequately protected from residential activities.

Biodiversity Net Gain

The LEMP states that there will be a net gain in hedgerows and grassland. The EclA refers to the loss of 110m of hedgerow but then goes on to state that 80m will be lost. As the length and location of replacement planting is not stated it is not possible to assess whether a net gain will be provided.

Where hedgerows are concerned, it should be noted that the equivalent compensatory length of planting should be a ratio of 2:1 for native hedgerows and 3:1 for hedgerows classed as 'Important' under the Hedgerow Regulations. Alternatively, the government's Biodiversity Metric 3.1 could be used to demonstrate the new planting will provide a net gain.

Generally, the authority cannot be certain that no net loss of habitats and a net gain will be achieved. It is recommended therefore, that a quantified loss and gain assessment is submitted to the authority prior to determination.

Compliance for Condition 19: confirmation from the supervising ecologist that all measures in the EclA were implemented should be submitted to discharge the condition. This should include a copy of any protected species licences issued by Natural England, to be sent to the authority.

DCC HIGHWAY AUTHORITY:

Observations:

The County Highway Authority has had conversations with the Planning Officer, Crediton Town Council and Sandford Parish Council with regards a number of issues which have been raised by this application.

There have been concerns with the gradients within the site, which the Applicant has been made aware of and has now been addressed satisfactorily on the recent set of Longitudinal Drawings submitted.

Therefore, we have no objections to the layout proposed, but if the Developer at a later date wishes to apply for a Prohibition of Traffic over part of Pedlerspool Lane, this layout is unlikely to be suitable for that purpose.

If it is the applicant's intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

Recommendation:

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

Further Comments dated 06.02.2023:

If at a later date the proposed TRO for the Prohibition of Traffic on Pedlerspool is refused, the residential layout which has been proposed could leave us with a carriageway that is 6.5 metres wide, which is not unusual as this is normally the case when we have link roads through

developments which are used for Bus routes. Although this is not the case here, nor would it be likely to carry diverted agricultural and goods traffic, if Pedlerspool remains open, therefore we would require the Developer to carry out a Road Safety Audit on this carriageway to ensure it can achieve the 20 mph self-regulating speed and is safe for all road users. If as a consequence changes are necessary the developers shall amend the layout accordingly. The Developer could also choose to keep the site as a private street and the roads would be maintained by a maintenance company and only the Offsite Highway works would be fully adopted. Although this scenario could cause issues as and when the Rugby Club were to move on to the Development as they may also be liable to contribute to the maintenance costs, which as yet not been mentioned in any agreement they may have.

DCC HISTORIC ENVIRONMENT TEAM - 15.09.2022

The consent granted for the outline consent is conditional upon a programme of archaeological work being undertaken - Condition 15. To date the archaeological fieldwork has been completed, though the post -excavation tasks - analysis and synthesis of the results of the fieldwork, reporting and archive production and deposition - have yet to be undertaken. As such, I would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I will be happy to discuss this further with you, the applicant or their agent.

21.12.2022

Comments from Stephen Reed, Senior Historic Environment Officer

HET ref: ARCH/DM/MD/30568d

The Historic Environment Team has no additional comments to those already made, namely:

The consent granted for the outline consent is conditional upon a programme of archaeological work being undertaken - Condition 15. To date the archaeological fieldwork has been completed, though the post -excavation tasks - analysis and synthesis of the results of the fieldwork, reporting and archive production and deposition - have yet to be undertaken. As such, I would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'

I will be happy to discuss this further with you, the applicant or their agent.

DCC FLOOD and COASTAL RISK MANAGEMENT TEAM –

04.02.2022:

Recommendation:

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

Observations:

Although drainage layout drawings have been submitted we would require further information at this stage:

Network model outputs for each catchment for the design storm event. Details of the exceedance flows. Details of who will likely maintain the surface water drainage network as well as the existing ditches on the site.

Evidence that the ditches will be kept on and have access for maintenance.

Evidence that the proposed basins are outside of the flood zones.

Details of the side slopes of the proposed basins.

We would encourage the applicant to review our SuDS for Devon Guidance (2017) which details the requirements for a reserved matters application.

05.04.2022:

Following my previous consultation response FRM/MD/00063/2022, dated 04/02/22, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

FRA and Drainage Strategy, Land At Creedy Bridge, Crediton, 0029 Rev E

Exceedance Flood Routes 3884-106 Applicant Response to FRM Team in letter dated 22nd February 2022 from Bellway Homes Micro Drainage Network Model Output dated 21/02/22 S104 Drainage Layouts Sheet 1 to 6 Engineering Layouts Sheet 1 to 6. Our main concern is that the EA have confirmed that the flood modelling does not account for climate change allowance so cannot be sure at this stage that the basins are situated outside of the fluvial flood zones 2 and 3. We suggest contact is made with the EA to determine the accurate flood zones.

The below comments are for information only:

We would encourage that the existing ditches located in the area proposed for the rugby club are kept open with a clear buffer zone either side of the ditches for access for maintenance. The basins and swales should be designed with 1 in 3 side slopes. Although these features are being offered to SWW for adoption, we are aware that SWW will not maintain the sides of these features so a private management company will need to be involved as well. Please note that any proposed connection into the River Creedy may require a permit from the Environment Agency

04.10.2022:

Recommendation:

We would require further information to remove our objection to this application.

Observations:

The updated submission for this planning is related to Conditions 1 and 2 which is not directly related to drainage strategy.

Our previous consultation response FRM/MD/00063/2022, dated 05th April 2022 remains valid and to be addressed by the applicant to enable us to remove our objection.

15.12.2022:

Recommendation:

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

Observations:

The Environment Agency are content with the location of the ponds with no further modelling required to account for the climate change allowance.

06.02.2023:

Support the use of a condition to ensure overland exceedance flows do not affect the rugby club land

ENVIRONMENT AGENCY –

15.09.2022 - I'm quite happy with the location of the ponds as shown on AWP Drainage Strategy Drawing (Ref. PDL-200; Rev D) so there is no modelling requirement for fluvial modelling from my perspective. My understanding is that the LLFA were concerned that the performance of the ponds would be effected over time by higher fluvial levels hence the modelling ask.

05.10.2022:

We have no objections to the revised layout, subject to there being no temporary raising of ground levels within the areas of Flood Zone 3 and 2 of the River Creedy during the construction phase of the development or permanent raising associated with the creation of sports pitches or landscaping in general. We are pleased this requirement is recognised within the applicants Flood Risk Assessment (FRA) and Drainage Strategy report that supported the application for Outline permission ref 17_00348_MOUT, and trust this is still the intention of the proposer. You may wish to include a condition to secure this FRA requirement if considered necessary.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

The reasons for this position are set out below.

Reason - Flood Risk

The land uses sought in the areas of Flood Zone 3 and 2 are compatible with the flood risk subject to there being no loss of floodplain storage as a result of land raising. This is because a loss of floodplain storage will lead to an increase in flood risk which is contrary to one of the overriding policy aims of the National Planning Policy Framework.

Informative - Environmental Permitting

We take this opportunity to state that the prior written permission of the Environment Agency is required for the raising of any area of 'Main' river floodplain, including that within the applicants red line boundary, whether that be on a temporary basis, or permanent, for example with arisings from implementing permission. This is a statutory requirement. We would withhold a permit for any activity that is likely to divert or obstruct floodwaters. This requirement is also relevant regarding the future delivery of rugby club pitches should, for example, there be an aspiration to revise existing ground levels.

Advice to applicant - Pollution Prevention

We recommend that a Construction Environment Management Plan (CEMP) is produced to pull together and manage the pollution control and waste management requirements during the construction phase. A CEMP is best prepared with the main Contractor.

Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and the CEMP should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.

We refer the applicant to the advice contained within our Pollution Prevention Guidelines (PPGs), in particular PPG5 - Works and maintenance in or near water and PPG6 - Working at construction and demolition sites. These can be viewed via the following link:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Further guidance is available at:

Pollution prevention for businesses - GOV.UK (www.gov.uk)

We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

Please contact us again if you require any further advice.

ENVIRONMENT AGENCY - 20.12.2022

Thank you for re-consulting us on the above proposal.

ENVIRONMENT AGENCY POSITION

From the development and flood risk perspective we raise no in principle concerns regarding the revised layout subject to there being no temporary raising of ground levels within the areas of Flood Zone 3 and 2 of the River Creedy during the construction phase of the development or permanent raising associated with the creation of sports pitches or landscaping in general.

We thus advise that the following condition be included on the Decision Notice.

CONDITION

There shall be no storing, stockpiling or spreading of soils, or materials, on the area of floodplain of the River Creedy during or following the construction period.

REASONING

To safeguard the storage and conveyance functions of the floodplain, preventing the diversion or obstruction of floodwaters and thus ensuring third party flood risk isn't increased.

SOUTH WEST WATER - 15.09.2022

I refer to the above application and would advise that South West Water has no objection subject to the foul- and surface water drainage being managed in accordance with the submitted drainage strategy. South West Water have no comments to make on the amended plans and calculations, but advise that the advice contained within our correspondence dated 2nd February 2022 concerning the presence of existing water mains still applies. Attached for reference.

SOUTH WEST WATER - 02.02.2022

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public water mains of diameter 300mm, 180mm, 150mm and 6 inch in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the 300mm, 180mm and 150mm water mains, and within 3 metres of the 6 inch water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on these easements, the water main(s) will need to be diverted at the expense of the applicant.

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

Further information regarding the options to divert a public water main can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

Should you require any further information, please contact the Pre Development Team via email: DeveloperServicesPlanning@southwestwater.co.uk.

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

Clean Potable Water

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

Foul Sewerage Services

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

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team

HISTORIC ENGLAND –

03.02.2022, 20.09.2022 & 15.12.2022

Thank you for your letter of 18 January 2022 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

NATURAL ENGLAND - 02.02.2022

Natural England has no comments to make on this application.

05.10.2022

Natural England has no comments to make on this reserved matters application.

DEVON WILDLIFE TRUST - DWT - 25.01.22

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework. Furthermore, the Environment Act 2021, National Planning Practice Guidance and Devon County Council guidance requirements relating to biodiversity net gain have not been addressed. These requirements are reproduced at the end of this letter.

The comments provided below are based on a Landscape Ecological Management Plan produced by Tyler Grange (November 2022) and Landscaping proposals produced by MHP

Design Ltd. We consider that insufficient evidence has been provided because -

1. Bat and bird box provision within the site post-development is woefully inadequate.

Bird and bat boxes must be installed at a rate of one bat and bird box per residential unit.

2. The report produced for the site does not include an assessment of net gain (or loss) of biodiversity. This is particularly important given the impact of the scheme on floodplain grazing marsh which is a Priority Habitat. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must be produced using a detailed landscaping plan and must show a minimum gain of 10%. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

3. Whilst it is welcome that the planting plans produced for the site include areas of native planting, the planting scheme for the majority of the site includes a propensity of non-native species and is a missed opportunity for a much greater wildlife benefit. The planting scheme should be designed to include a diversity of native species which can be used by native fauna post-development; this would have a much greater biodiversity benefit than the current proposal. The planting should be designed to form ecological networks throughout the built environment, which are of benefit to both nature and the establishing community of residents, providing the community with everyday contact with nature. The following specific comments are provided on the planting scheme:

- Occasional native species are utilised in the planting scheme within the residential housing area. Whilst this is welcome, the planting scheme should utilise native species throughout in order to provide permeable pathways through the development for native insect species. Native bulb planting should also be included within grassland strips sown beneath street trees.

- Rolawn Medallion Turf should be replaced throughout with a species-rich mix which is appropriately managed post-development.

- A number of properties include substantial gardens which have capacity to include a minimum of one native mature tree.

For the reasons given above, we object to the planning application and recommend that it is refused.

NPPF para. 174

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

NPPF para. 175

"When determining planning applications, local planning authorities should apply the following principles:

d) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

National Planning Practice Guidance, under the section What is the baseline for assessing biodiversity net gain? states that - 'The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for'. Under the section How can biodiversity net gain be achieved? it states that 'tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net outcome is expected to be achieved'.

Environment Act 2021

The act requires biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity. Devon County Council

The Devon County Council website states that:

"Unless agreed with DCC any development resulting in land take (including agricultural or

amenity land) will require the completion of the latest national Biodiversity metric as part of the planning application'."

"In line with the forthcoming Environment Bill and advice from Natural England DCC expects applicants to provide 10% net gain."

SPORT ENGLAND –

SPORT ENGLAND - 18.01.2022

Thank you for consulting Sport England in respect of the reserved matters relating to the details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT.

I have reviewed the documents have no comments to make.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

If you would like any further information or advice please contact the undersigned at the address below.

16.09.2022

Thank you for re-consulting Sport England in respect of the reserved matters relating to the details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT.

Can you please confirm that the details of the rugby club site are not part of this element of the reserved matters? I cannot find any details on line. I am therefore slightly confused by the attached letter of objection by the rugby club dated 30th May 2022, unless I have misinterpreted the application.

I would be grateful if you confirm to what level of detail of the rugby site is included in the current Reserved Matters application? I am happy have a discussion via Teams with my RFU colleagues.

Until then please treat this response a holding objection.

SPORT ENGLAND - 20.12.2022

Thank you for re-consulting Sport England in respect of the reserved matters relating to the details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT.

I note that the all aspects of the rugby club development are omitted from this application as per drawing 21433/1012A rev A. This is very unhelpful in assessing the current discharge of reserved matters.

The new dwellings and the parking areas are at risk from ball strike, thus damage to property and possible injury to residents. Therefore a ball strike assessment it is required.

Secondly I note in the covering letter from the planning consultants Turley it is proposed to use the existing drainage ditches within the land allocated for the rugby club from the housing. Due to lack of details regarding the rugby pitch layout an agronomist report, Sport England cannot support the use of the ditches to take water from the housing development.

Conclusion

In light of the lack of information supplied, Sport England objects to the Reserved Matters application being approved.

We would reassess our objection if the following information was supplied:

1. A ball strike assessment;
 2. An agronomist report on the proposed site together with a confirmed playing pitch layout.
- The report would assess whether or not the additional water in the drainage ditches would have a negative impact on playing field

Sport England and the RFU would welcome and opportunity to work through these issues with the applicants to come to a suitable resolution for all parties.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date(s) and the publication of any agenda(s) and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

If you would like any further information or advice please contact me at the address below.

RSPB –

02.02.2022

We have reviewed the LEMP and whilst we support the majority of the recommendations we were disappointed to see that under (see documents).

Objective 9: Enhance opportunities for birds

4.62. To provide an additional enhancement for birds, a range of bird boxes will be integrated into buildings and onto suitable retained trees to create additional nesting opportunities. As detailed in the LEMS, bird boxes will include a mix of ten Schwegler Type 1A swift boxes (or similar) incorporated into new buildings in gable ends and no lower than 3m from ground level and ten Schwegler 1B bird-nesting boxes (or similar) on suitable retained trees which we believe is inadequate for a development of this size.

We are aware that it's planned to publish the new British Standard for Integral Bird Boxes this month and sought agreement from Mike Oxford FCIEEM, Chair of BS42021 Editorial Panel and Biodiversity Technical Committee to preview the sections that would be relevant to this application.

Following your request for advance notice of what will be covered in the new British Standard (BS 42021:2021 Integral nest boxes – Selection and installation for new developments – Specification), I can confirm that it provides specifications on the number of boxes that should be sought within new development. It is worth pointing out, as a British Standard, that it has been through a public consultation and an exhaustive editorial process, so we feel its recommendations are robust.

8.4 Number of integral nest boxes to be installed

8.4.1 Residential buildings

To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1.

NOTE 1 In practice this means that some dwellings could receive more than one box while others might contain none as some locations on a development are much more suitable than others, i.e. closer to green infrastructure. This might mean for a development of 30 houses, 30 integral nest boxes installed in clusters of three on ten houses.

NOTE 2 Some schemes could include a combination of internal and external nest boxes. The installation of external nest boxes is out of scope of this British Standard, however, where external nest boxes are included as part of the development plan they should also be included on the installation plan. Examples of species that might breed in external nest boxes in a built environment include: little owl, tawny owl, barn owl, kestrel, peregrine, starling, stock dove, jackdaw, black redstart, pied wagtail, spotted flycatcher, robin, wren, tree sparrow, swallow and house martin.

NOTE 3 External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. Similar protocols are already being put into practice both in the South West and elsewhere in the UK and are included in the latest addition to the National House Builders Council's.

Library of Guides:

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creatingwildlife-friendly-communities/>

Taylor Wimpey made this

<https://www.taylorwimpey.co.uk/corporate/sustainability/environment-strategy>

announcement last year and their Exeter Office have agreed that it will be putting the strategy into practice with immediate effect.

Natural England have recently published

<https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions> □

The proposal should include measures to replace nesting sites with:

- nest boxes (ideally integrated into brickwork) for birds in conservation need, such as house sparrow, starling and swift

We are confident that the criteria incorporated in the "standard" will comply with the above and be adopted as common practice.

We recommend that the LEMP (LEMS) is revised accordingly.

22.09.2022

Thanks for inviting the RSPB to comment on the above, we note that Condition 19 of the Decision notice requires that:

The development shall take place only in accordance with the recommendations of the Ecological Impact Assessment Report dated November 2016 and March 2018 submitted in support of this application.

Section 4.2.5 of EAD's report dated March 2018

4.2.5 A minimum of 100 Schwegler Type 1A swift boxes (or equivalent) would be integrated into new buildings within the development. These are suitable for use by swift, which is an 'Amber' species of conservation concern, and can also be used by other declining urban species such as house sparrow, which is a 'Red' Priority Species. In addition, 20 Schwegler 1B nest boxes (or

equivalent) would be installed in trees at locations to be specified in the CECoMP; these would be suitable for a range of species. The locations of boxes would be agreed by the ecologist and detailed on construction / landscape drawings as appropriate.

Since 2018 there have been changes in what is considered to be best practice relating to creating and enhancing the Biodiversity of the suburban eco-system that will be created.

A significant number of red listed bird species that nest in the cavities of older buildings require bespoke nest boxes in new developments for them even to exist, BS42021 Integral nest boxes. "Selection and installation for new developments". Specification: which was published in March this year helps resolve what should be done, here are three Sections that are particularly relevant

1. 8.4.1 installing an average of one integral nest box per residential unit.
2. 8.4.2 larger/non-residential buildings, the design, purpose and mass of the building should be taken into consideration when calculating an appropriate no. of nest bricks.
3. 7.3.2* to provide a General-Purpose integral nest box to serve a number of species, the dimension and shape of entrance holes to be a minimum of 30x65 mm.

We have found where the above criteria have been applied approx. fifty percent of the boxes monitored have shown signs of occupation in the first five years, see attached*.

In addition, providing for crevice roosting bats, solitary bee species and hedgehog highways are generally considered to be best practice and should be included in the LEMP.

Biodiversity in new housing developments: creating wildlife-friendly communities - NHBC Foundation is being adopted by members of the Construction Industry Incorporating green spaces/corridors connected to the natural areas surrounding the development already under consideration will complement the above and be a very significant element of the proposed LEMP which we would welcome the opportunity to review at the next stage of the planning process.

RSPB - 02.01.2023

Thank you for inviting the RSPB to comment on the above, we responded to the initial application on 2/2/2022, as our support for BS42021 remains unchanged we regret that Tyler Grange's revised Ecology Summary has not been amended to meet what is becoming increasingly accepted as best practice by the housebuilding industry.

DEVON, CORNWALL & DORSET POLICE - Re: 257 dwellings and up to 5 Gypsy and Traveller pitches at Creedy Bridge Crediton Devon - 21st January 2022

I have no objections in principle, the general layout proposed will provide both active frontages and good overlooking to the new internal streets which is welcome and the use of back to back gardens is noted and supported.

The detailed reference to Secured By Design best practice in Section 12 of the Design Compliance Statement is welcomed. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services that aims to reduce burglary and other crime using the principles of good design and appropriate physical security.

To further assist, please find the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

Residential - Building Regulations ' Approved Document Q - Security.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

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

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

The proposed site wide boundary and plot separation treatments are noted. It would appear that most rear sub divisional garden boundaries are shown as 1.8m privacy panel and a post and rail fence. I cannot support this garden boundary treatment. Post and rail has few, if any security merits and does not address possible issues of privacy and safety, for example, keeping young children and dogs secure and safe. I would recommend that all site fencing is 1.5m close boarded topped with 300mm trellis. This combination would provide both security and privacy for residents but still allow neighbour interaction.

To help reduce opportunities for criminal and anti-social behaviour, dwellings with rear/side boundaries adjacent to open space and footpaths must incorporate enhanced defensive planting along these boundary lines.

There appears to be a grassed area between the G&T boundary fence and proposed school site boundary that would appear accessible. This is not a design I feel able to support due to the lack of surveillance and direct overlooking of this space and the increased possibility of it attracting crime and or anti-social/nuisance behaviour here.

There are a number of pedestrian footpaths running through the application site. Where a segregated footpath is proposed or unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- 'as straight as possible;

- 'wide;

- ' well lit

- 'devoid of potential hiding places;

- 'overlooked by surrounding buildings and activities;

- 'well maintained so as to enable natural

Given the Government focus on prevention of Violence Against women and Girls (VAWG), if a footpath is intended to be used 24 hours a day, consideration must be given to the following attributes, be as straight as possible, wide, devoid of potential hiding places, overlooked by surrounding buildings and activities, well maintained so as to enable natural surveillance along the path and its borders and be lit in accordance with BS 5489-1:2020. If a footpath does not have these design attributes, then its use should be discouraged during the hours of darkness by not installing lighting and sign posting a suitable alternative route(s).

Seating can be either a valuable amenity or a focus for anti-social behaviour leading to some intended users feeling too intimidated to use a pathway. The following points are worthy of consideration;-

Should seating be placed right next to the path or set at the back of the verge?

How long and wide is the footpath? Who is most likely to be using the footpath?

Physical barriers may also have to be put in place where 'desire' lines (unsanctioned direct routes) place users in danger, such as at busy road junctions. It is important that the user has good visibility along the route of the footpath. The footpath should be as

much 'designed' as the buildings. Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

In general, planting next to a footpath should be arranged with the lowest growing specimens adjacent to the path, and larger shrubs and trees planted towards the rear. Planting immediately abutting the path should be avoided as shrubs and trees may grow over the path, creating pinch points and places of concealment. A large dense canopy may also block natural light and restrict the effectiveness of street lighting. Routes with overhanging branches can also be a particular issue for people with sight loss.

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

23rd September 2022:

14:12;2022 - Having reviewed the relevant information, I have no additional comments from a designing out crime and ASB perspective.

REPRESENTATIONS

1 representation of support has been received which states that:

In view of the current housing crisis in this country what proportion of the new houses will be affordable will the new houses be carbon neutral and not damaging to the environment?

23 representations of objection has been received from local residents. The main issues are summarised below:

Loss of prime agricultural land;

Loss of countryside;

Development should be on brownfield land;

Overdevelopment;

Not locally distinctive;

Poor quality design that is not 'beautiful';

Harm to character and appearance of this rural area and gateway into Crediton;

Design Panel should be used;

The house designs should include lime render, some cob, slate and thatch, curving walls - acknowledge the locality;

The hard landscaping should include hedgebanks, stone walls, and sunken footpaths;

Highways/traffic impact;

Noise, light and traffic pollution;

Impact on already stretched local infrastructure: medical etc;

Harm to biodiversity;

Homes backing on to existing hedges could remove them in the future;

Drainage will impact on water quality and ecology;

No re-wilding proposed;

Landscaping should promote pollinators;

Landscaping – the tree/plant species mix is not in keeping with the local context; who is to maintain the landscaping?

Concern that residential properties will remove boundary hedgerows;

Swift bricks could be built into the taller properties and a hedgehog highway created away from the busier traffic areas;

The scheme should maximise landscape/biodiversity to maximise mental health benefits;
This planning application has more car parking spaces than homes.
Will promote excessive private car use;
No safe active transport (walking and cycling) routes to reduce pollution and improve health and well-being;
Poor pedestrian/cycle access which is not safe; there should be a footpath link from Exhibition Road to Crediton;
Where is the evidence of designing for climate change;
No zero carbon (passive) houses;
Roofs should face south;
Gas fired boilers proposed;
the wall spec shows only a small improvement in heat loss for external walls, which is the largest area of heat loss. It is therefore difficult to assess how much better these houses will perform
The developers need to pay more respect to environmental and sustainability credentials.
No renewable technologies - no solar panels;

Drainage not fit for climate change which will be causing flooding issues elsewhere;
Although the lower ground is to be used for sport, the site is still in a flood plain and with global warming what is the risk of flooding?
Site known to flood and has waterlogged soils;
Who will manage and maintain the drainage attenuation;

Increase in traffic will create additional congestion on roads;
Development will create more traffic journeys and out commuting to Exeter; No public transport points of access proposed; No safe active transport (walking and cycling) routes to reduce pollution and improve health and well-being.
Limited affordable housing for younger residents.

Concern regarding closure of Pedlarspool Lane with TRO to vehicular traffic with re-routing through the development; Outline planning conditions and S106 agreements can be changed by following the appropriate procedures. So a way can be found for Pedlarspool Lane to remain open to vehicular traffic. It simply requires desire on the part of the applicant.

What is the specification for the fence between the site and school? Who will maintain the Primary School Site whilst it is vacant? Could it not be leased to an allotment association or similar organisation so that the land can be put to a beneficial use? The land should not be overlooked and left to become an eyesore or dumping ground.

Lack of affordable homes,
Where are the allotments and areas for fruit growing.
Medical services overwhelmed;

One representation in support of the application has been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) Principle of development and background**
- 2) Layout, scale and appearance**
- 3) Landscaping**
- 4) Sustainable transport, highway safety & parking**
- 5) Impact on heritage assets**

- 6) Biodiversity and trees
- 7) Flood risk and surface water drainage
- 8) Environmental Health Matters
- 9) Impact of the development on the deliverability of the rugby club
- 10) Residential amenity
- 11) Conclusions and planning balance

1. Principle of development and planning background

- 1.1. In conformity with s70(2) of the Town and Country Planning Act 1990 and s38(6) of the Planning and Compulsory Purchase Act 2004 the planning application is required to be determined in accordance with the policies of the Development Plan (Mid Devon Local Plan 2013-2033) unless other material considerations indicate otherwise. Consideration should also be had to the content of the National Planning Policy Framework (NPPF) which is a material consideration in all planning applications and to the National Planning Practice Guidance together with any other relevant policy guidance; Supplementary Planning Documents (SPD) and the relative weight of any emerging policy.
- 1.2. The principle of development for 257 dwellings was agreed by outline permission 17/00348/MOUT which was granted approval in April 2021 and is subject to a s106 legal agreement. The permission approved the access with all other matters reserved i.e. layout, scale, appearance & landscaping.
- 1.3. The site is allocated within the Mid Devon Local Plan and is subject of policy CRE5 (Pedlerspool, Exhibition Road), which states:

A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;*
- b) A serviced site of 1.1 hectares for a new primary school with early years provision and children's centre service delivery base;*
- c) A suitable site for the relocation of Crediton Rugby Club;*
- d) A phasing strategy which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council*
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;*
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;*
- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;*

h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road; i) Improved access to the town centre for pedestrians and cyclists;
j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
k) An archaeological investigation and mitigation scheme.

- 1.4. The outline permission determined the main principles of development with regard to access (the only reserved matter to be agreed), archaeology, ecology, affordable housing, construction management plan, school/education provision, G&T provision and the drainage strategy. It is considered therefore that criterion b, c, d, f (largely) g, h, I, J (largely) and K were agreed and suitably secured. These matters are subject to planning conditions within the outline and the associated s106 legal agreement. Whilst it is clear that criterion (a) of the policy was exceeded significantly it was considered by officers that 200 dwellings was a minimum; it should be noted that as originally submitted the approved outline was for 326 dwellings.
- 1.5. It should be noted that the outline permission and the indicative parameter plans were subject to a design review panel.
- 1.6. The only plans to be approved by the outline permission were the redline site plan and the access and movement parameter plan. Condition 2 of the outline makes reference to the future reserved matters being in accordance with the guiding principles outlined in chapter 5 of the design and access statement (DAS).
- 1.7. This application is to determine the layout, scale, appearance and landscaping reserved matters, which are covered by criterion e, f and J of policy CRE5. This reserved matters application does not include the rugby club land or school land.
- 1.8. To provide some further context a summary is provided below which outlines the conditions agreed at the outline and those matters secured by the s106 legal agreement.

Planning conditions

- 2 – Timings: reserved matters for the school to be submitted within 10 years and 5 years for the school and G&T;
- 3 – Timings: residential development to commence 3 years from outline permission or 2 years from the date of the last RM approval;
- 4 – Each RM to include details of boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site
- 5 – Construction management plan (CMP);
- 6 – Highway details e.g. roads, paths, sewers, drain and street furniture to be submitted before development commences;
- 7 – Phasing programme;
- 8 – Details of site compound/car park and details of access road from roundabout for the first 20m; footway on public highway frontage constructed to base course;

- 9 – No occupation within a phase until detail of highway works, spine road, cul-de-sacs, turning heads, car parks, verge, service margin and street name plates approved;
- 10 – No occupation until off-site highway works agreed (as shown on drawing PHL-02 ref F) and made available for use;
- 11 – No development shall take place on site until the first 20 metres of a construction access road is built;
- 12 – No occupation until the off-site highway works for the improvements to footways along Exhibition Road have been constructed, in accordance with a design specification;
- 13 – No occupation until off-site highway works for the provision of widening and passing bay provisions on Stonewall Lane between Pounds Hill have been constructed, in accordance with a design specification
- 14 – Details of playing pitches and associated playing field area associated with the relocation of Crediton Rugby Club shall take place until a detailed design of the facilities proposed, including the proposed drainage facilities and fencing;
- 15 – Written scheme of archaeological investigation;
- 16-18 – surface water drainage and management details;
- 19 – Development to be in accordance with ecological impact assessment dated November 2016 and March 2018;
- 20 – Site investigation and risk assessment.

1.9. The outline permission secured the following obligations within the s106 agreement.

S106 legal agreement

Affordable housing:

22% affordable (56 if 257 dwellings). 60% affordable rented & 40% intermediate. No less than 17% in western part and 23% in the eastern part. 60% within each phase rented and 40% intermediate.

10% - 1-bed

50% 2-bed

35% 3-bed

5% 4-bed

No development on any phase until an affordable housing scheme has been submitted and approved in writing. Not to occupy 50% of open market in a phase until 50% of the affordable units have been constructed and ready for construction;

Not to permit occupation over 80% market dwellings until all AH units ready for occupation and transferred to AH provider.

Rugby club site:

Land must be set aside by owners for 10 years and will erect no buildings/structures or submit planning application (apart from s73 which retain the rugby club) on it save for

temporary buildings if agreed in writing. Additional infrastructure costs (access, services, service connects and fencing - related to current owners); Owner cannot dispose the land.

Gypsy & Travellers:

5 serviced pitches on land measuring 0.3ha; hardstanding area for each serviced pitch (concrete or similar suitable for trailer/caravan other vehicle);

Traveller pitches management scheme - body/organisation as point of contact, details of how they will be let/licensed and any covenants reasonably required, and any covenants for freehold purchasers; plan identifying land and maintenance scheme for the common parts;

Sale of pitches to be £1;

Traveller pitches scheme - provide precise location and boundaries; proposed layout of each pitch;

Traveller pitches work specification for works to be carried out by the owner;

Traveller pitches transfer conditions (HOTs and draft transfer);

Traveller pitches works - each pitch to provide amenity build and hard standing to accommodate large trailer, touring caravan and parking spaces for 2 vehicles (2.4x4.8m) with rest of pitch grass; fencing or suitable boundary for each pitch; works to provide services for each plot with connections points.

Not to occupy more than 43% of dwellings until TP Scheme & TP management scheme has been submitted and approved in writing. Approved TP works, TP spec on pitches shall be completed by 75% dwelling occupation. No more than 75% occupied until the freehold has been transferred to AH provider, nominee AH provider or the council for £1.

Primary 1FE school site:

1.1ha - open market value being residential. DCC (or agent) have 5 years to serve notice they want the site. DCC cannot serve until A3072 works have been completed and RM approval for the school has been approved. If they serve a notice the site must be serviced unless works on western side have not commenced. Serviced - vehicular and pedestrian access up to boundary; foul and surface water connection to adoptable standards up to or within the site.

Education contributions:

Early years contribution - £250 per dwelling; Primary school contribution - £3413 per dwelling (with 2 or more bedrooms); No occupation any dwelling in each phase until 50% of contribution for that phase has been paid; no more than 50% occupation until all contributions for that phase have been paid.

Health care contribution:

£363 per dwelling for new health and wellbeing hub; 34% to be paid before any occupation, 33% prior to 30% occupation and last 33% by 60% occupation.

Highway works:

- access road and footway from A3072 and new bus stop - to be provided before any occupation;
- Pedestrian and cycle access to Pounds Hill/Stonewall Cross junction and Jockey Hill (PHL-02F) - prior to occupation;
- Provision of passing places along Stonewall Lane (SK-102A) - prior to occupation

Public Transport Contribution: £675,000 (5 equal instalments) - for provision of a bus service in the vicinity; 50th, no later than 12 months from the 50th dwelling and 24, 36 & 48 months from 50th dwelling.

Sustainable Travel Voucher: £300 per dwelling (cost of using sustainable transport modes) to be provided by owner; Welcome and Travel Pack - provided to all residents;

ROW contribution: £250k - scheme of improvements to PROW no.24 Crediton and no.57 Shobrooke or footpath improvements within Sandford Parish.

Public open space:

Public open space areas - (areas of amenity greenspace and semi-natural greenspace); two NEAPS (neighbourhood area of play) - one in the western development area and one in the eastern development area; The areas shaded light green and marked POS - final details to be approved by the council pursuant to the POS Scheme and RM approvals. POS scheme - identify location and specification of any play space, landscaping, a programme for delivery and management/maintenance (MANCO);

Not to commence development until POS scheme for that phase has been submitted and approved. Not to occupy more than 75% of open market dwellings in any phase until all POS for that phase has been completed , notified council and the council has inspected the works and owners have transferred or to MANCO. To be used for public purposes in perpetuity; No buildings to be built on the land except for ancillary POS use.

2. Layout, scale and appearance - design and impact on the character and appearance of the surrounding area

- 2.1. The Development Management Procedure Order 2015 (as amended) defines the above reserved matters as:

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

- 2.2. To provide applicants with as much certainty as possible about what is likely to be acceptable, the new NPPF requires that local plans set out a clear design policies and expectations. These can be found in Policies S1, DM1 and CRE5 of the MDLP and within the adopted Mid Devon Design Guide (MDDG) SPD. The MDDG guides developers and provides the framework for design in a specific area and should reflect local character, design preferences and scale of change in an area and should allow for a suitable degree of variety in design.
- 2.3. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan policies. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S9 requires high quality sustainable design which reinforces the character and distinctiveness of Mid Devon’s historic built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area.
- 2.4. At criterion b) of Policy S12 (Crediton) it states that development, ‘Proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and Downes’ will be supported over the plan period.
- 2.5. Criterion e) of Policy CRE5 (Pedlerspool, Exhibition Road) states that the site is allocated for residential development subject to a Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- 2.6. Condition 2 of the outline approval states that the, ‘reserved matters shall accord with the guiding principles as set out at section 5 of the Design & Access statement (DAS) (March 2018) to support this outline application.’ Chapter 5 of the DAS is not a prescriptive list of design requirements rather it contains a broad selection of generic design principles to guide the quality of development. The parameter and illustrative plans shown within chapter 5 of the DAS only serve to provide examples how the scheme could be progressed. The DAS was written in 2018 and is considered to be out of date in terms of its approach to design. Both the national and local policy approach to design has evolved in recent years to promote beauty and local distinctiveness. the Government’s strengthened advocacy on encouraging high quality design including the: Building Better Building Beautiful Commission report 2020, publication of the National Design Guide 2021, and the updated Building for a Healthy Life Assessment (as referenced in the National Planning Policy Framework 2021).

- 2.7. The application is accompanied by the following plans: planning layout plans (composite and east and west), building heights strategy, materials strategy, boundary strategy, refuse strategy, retaining wall strategy, car and cycle parking strategy, affordable strategy.
- 2.8. As originally submitted officers had serious concerns regarding the design and local distinctiveness of the scheme, which had no bearing on the local context and was based on an out dated approach to design. The 'Statement of Compliance' originally submitted with the application failed to demonstrate that it incorporated current design guidance, as required by national planning policy.
- 2.9. In terms of layout and the western parcel, officers raised concerns regarding the number of dwellings proposed and their siting: perched on steeply rising land, which would have seen a number of large retaining walls up to 3m in height. The dwellings and their infrastructure constituted poor design and would have had an overbearing impact on the area. Moreover, the NEAP required by the s106 was absent because of concerns regarding the levels. Furthermore, the scheme as originally submitted divided the site into three character areas, two within the eastern parcel and one within the western parcel, which were a mix of dwellings with a traditional or 'contemporary' appearance. The proposed dwellings had no reference to local distinctiveness and were generic designs provided by Bellway across the country. The jarring mix of styles combined with the poor design and detailing provided an unsatisfactory scheme that would have appeared as an incongruous and unwelcome northern gateway into Crediton. Officers also raised concerns regarding legibility, place making and good urban design principles more generally. Had the original scheme been built one would not know they were in an identifiable place; let alone in Mid Devon.
- 2.10. As a consequence of raising these concerns, the applicant engaged in a process of reflection undertaking a contextual analysis of the site and its surroundings, taking account of the National Design Guide, National Design Code and the Mid Devon Design Guide. Officers directed the applicant's designers to the nearby historic villages as well as Crediton with the aim they provide a more relaxed, rural Mid Devon design; whilst retaining some more formal elements for contrast. A number of design iterations have been received and there have been two additional periods of publicity. An updated 'Design Compliance' document has been submitted which outlines the design evolution and processes since the outline stage and provides contextual analysis of the site and the local high quality built environment.
- 2.11. As regards the western parcel and concerns regarding the retaining walls the number of dwellings has been reduced to 39 (from 55), and the perimeter blocks have been redesigned, re-located and reduced in size with residential development moved down from the higher ground. The rear gardens have generally taken up the level difference so that the large retaining walls are not required. The required NEAP has now been included within the parkland. The parcel has also been re-dressed from the contemporary design proposed which was largely unsuccessful to better reflect the proposed design on the eastern parcel. Officers consider that this successfully addresses their concerns and that raised by comments received.

- 2.12. The wider layout of the scheme has been landscape led and the main built up parts of the site is set within a large amount of green space. This aspect of the layout is, broadly speaking, considered to be a success and will provide an excellent setting for future residents and users. The existing hedgerows and trees will be protected and retained within the scheme with the exception of 2 trees and a four lengths of hedgerow to enable access to and from the eastern and western parcels. Large buffers are provided around the edges of the site to provide access and movement for pedestrians and cyclists as well as to protect existing tree and hedgerows as well as provide opportunities for additional planting. The pathways will provide circuitous routes around the boundary of each parcel and the boundary of the entire site including around the rugby club and river Creedy; as well as providing pathway links to the new streets within the development.
- 2.13. A large area of public open space is shown on the hillside surrounding the western side of the western parcel which as noted above will also provide a neighbourhood area of play (NEAP). A further NEAP will be provided adjacent to the northern boundary of the eastern parcel to the northwest of the set aside rugby club land. The greenspace layout is affected by SuDS and attenuation basins are shown within the eastern parcel to the south of the northern boundary adjacent to Pedlerspool Lane as well as adjacent to the eastern NEAP. A long swale is shown centrally running the length of the eastern parcel from Pedlerspool Lane to the boundary with the Avenue.
- 2.14. The proposed appearance of the development is traditional in its character predominately 18 and 19th century with design cues taken from the local villages and Crediton.
- 2.15. The layout incorporates perimeter blocks, key nodes, gateway and landmark features.
- 2.16. There is a large mix of housetypes including terraced rows, semi-detached and detached dwellings. The building heights strategy plan identifies that the vast majority of the dwellings proposed are 2-storey. 14 dwellings would 2.5 storey located at key points to aid legibility and place making. This is in accordance with the parameter plan indicated at the outline stage, which is a suitable scale for this rural edge of settlement location. There is also variation in the height of the different 2-storey housetypes which provides variation and rhythm in the street scene.
- 2.17. Architectural detailing includes casement and mock sash windows, painted or cast stone cills, cast stone or recon-stone arch/headers, brick banding, door surrounds, porches. As regards materials, 6 thatched dwellings proposed at key nodes. Brick faced non-working chimneys are proposed across the site in key locations. Working lateral stacks are proposed for 6 of the larger dwellings on the western parcel. The majority of dwellings are red brick or render (clay, stone & cob tones). In terms of the boundary treatments the scheme proposes brick walling and recon-stone boundary walls where properties face the public realm. A cob style wall with pantile roof is proposed at the gateway with the site with Exhibition Road. Other cob style walls are proposed elsewhere Vertical railings and estate type fencing are proposed for key nodes. 1.8m close boarded fencing & privacy panels – predominately and the rear of properties to delineate gardens with some small areas between garages or at the

rear of parking areas. Gateway pillars and walling is proposed at the entrance to parking courtyards.

- 2.18. The school boundary with the site will include close-boarded fencing for the dwelling with a hedgerow planted on the school side incorporating maintenance strip (maintained by management company). Similarly the G&T site will have closeboarded fencing but the public facing side will be a hedge to screen.
- 2.19. As regards the road layout and the built form of the scheme, in accordance with the outline DAS, it will provide a hierarchy of streets to reflect the purpose and level of use of the road. The layout of the eastern parcel is largely dependent on the approved access points from Pedlerspool Lane and Exhibition Road. The main road between these access points has been called a 'village street'. Smaller shared surface roads will run from the Village Streets (Mews Streets, Rural Roads and Private drives), where it is expected that all roads will be limited to 20 mph.
- 2.20. The Main vehicular access is from Exhibition Road to Pedlerspool Lane (Village street primary route). This plans indicate a 6.5m carriageway (with 2m footways on either side) to allow agricultural traffic to pass through the site. A secondary smaller village street is proposed to the school land with a 5.5m wide carriageway 5.5m in width (2m wide footways on both sides of the roads); Mews lanes connect the village streets to the peripheral rural lanes and private drives and are shared surface with no footways and 6.5m overall width. The main village street would provide short informal terracing with variations in the build line with higher status buildings closing views. Rural lanes are also shared surface 6.5m in width with no footways but are characterised by larger detached plots with on-plot parking, with hedging and planting to private frontages. Whereas the mews lanes have a tighter grain with continuous frontages and off plot or parking courtyard parking with a greater use of terracing fronting directly on to the roads; there will be some street trees within the hard surfacing. The private drives are of varying width with no footways, and with hedging and planting to the frontages. The private drive will serve up to 4 dwellings and will not be adopted. This is not untypical of modern housing developments. The rural lane and private road will provide larger more formal and 'higher status' detached dwellings set back behind hedge planting.
- 2.21. Four key nodes are proposed through the western parcel. Key node 1 is the gateway into the development and consists on its southern side an area of open space demarcated by railings, hedging and seating area, with stone retaining wall adjacent to plots 1&2. On the northern side of the main access is defined by a rendered cob style wall with pantile roof. The main road village street through the site would have a tree planted highway verge. This would lead to Key Node 2 which will be an area defined by an area of POS containing seating and a feature Luscombe Oak tree, to be defined by estate fencing. Key node 2 leads to a narrower Village Street which then leads to the more intimate Mews Streets. Key Node 3 is another area of open space with seating defined by estate fencing which has a junction with a mews street, rural lane and private drive. Key node 4 is the gateway from Pedlerspool Lane and includes an attenuation pond with planting which will be defined by estate fencing with a terrace of dwellings overlooking the space.

- 2.22. The western parcel will provide informal clusters and grouping of dwellings with a mix of house types. The western edge of the parcel will face directly on to the parkland and play space and will be dominated by larger detached dwellings.
- 2.23. The revised housetypes now proposed have been developed through contextual analysis of nearby villages, such as Sandford, as well as some more formal housetypes from Crediton, following discussions with officers. The layout of dwellings and their relationship with each other and the road have been revised to provide a more informal rural Mid Devon character. Officers consider that the design strategy and concept is contextually appropriate for this rural edge of settlement which can deliver a locally distinctive and high quality development.
- 2.24. Officers consider that the materials strategy is locally distinctive and high quality. Officers do however question the use of the Beckland reconstituted 'Ironstone' proposed which is unreflective of the type and appearance of natural local stone given the uniform nature of the blocks and their colour. Officers are also aware that natural red sandstone is available locally. Appropriate, quality materials will need to be secured by condition and is recommended. A specific condition related to stone walling is also proposed. The local thatch is Devon combed wheat with simple ridge piece which will also be secured by condition.
- 2.25. The application is accompanied by a building sustainability report and energy strategy plan which outlines that a fabric first approach has been taken to house design with solar PV panels being provided on all roofs except the thatched dwellings. Heating would be provided by energy efficient gas boilers. The scheme would meet Part L 2021 which is mandatory from June 2023 which will provide a 31% reduction in emissions on the previous standard.
- 2.26. Detached and integral garages are to be provided on site the majority of which meet the minimum size requirements set out in the adopted Mid Devon parking provision in new development SPD. Some of the integral garages do not meet the standard. However, these dwellings also have two parking spaces in addition. Many of the dwellings in addition to the garaging have space for two cars on the plot. The 1.7 parking spaces required by policy is satisfied. Secure cycle parking will be provided in garages or where no garages within sheds in private gardens.
- 2.27. The refuse strategy identifies where the location of each dwellings recyclable (55ltr) and non-recyclable waste (240ltr) and bin collection points for individual properties and for groups of properties where there is a private road or a parking courtyard. Bin storage is within rear gardens. This is considered to be an acceptable approach.
- 2.28. The proposed affordable housing strategy shows the correct number of units in line with the outline s106 and indicates them spread across the parcels adequately to ensure that the units are not overly concentrated in one area to ensure social inclusion in accordance with the NPPF and National design guide.
- 2.29. In conclusion, it is consider that subject to conditions the layout of the scheme, its scale and its appearance is acceptable in accordance with local and national policy.

3. Landscaping

- 3.1. The Development Management Procedure Order 2015 (as amended) defines landscaping as:

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

- 3.2. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan policies. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S9 requires high quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area.
- 3.3. Para. 3.169 of the local plan states that: The character of the local registered Historic Parkland at Creedy Park needs to be protected and the tree boundary protected and softened with native species. A buffer of trees should be provided around and within this site. Planting along the Park boundary should reflect the historic planting to extend and soften the transition into Green Infrastructure proposed on the floodplain area to the east.
- 3.4. The proposal includes large areas of landscaped green space on the boundaries of the site, which is illustrated on the submitted plans named 'landscape parkland proposals' (1-4) and 'landscape proposals' (1-5). These plans note the types of trees, hedging and plant proposed their location and the retention of removal of existing landscaping.

Landscape and Parkland strategy:

- 3.5. The strategy includes the retention of the vast majority of existing trees, hedging and vegetation; proposed shrub and hedge planting , amenity grass, flowering lawn mix to road verges, typical tree planting within parking areas, and general planting notes as regards specifications, implementation programme, garden preparation policy, top soiling operations and the method of typical double and triple tree staking support. Hedge and shrub planting is proposed on many private frontages to define the curtilages. Hedge planting will also define private drives with POS areas. Tree planting is proposed within hard surfacing on secondary streets. Trees and a flowering lawn mix are proposed along the highway verge along the main 'village street' and within the key nodes. A large feature Lucombe oak is proposed at Key node 2.

- 3.6. The parkland plans provide details of the main public open spaces which surround the built layout. The strategy includes a planting schedule, native hedgerow planting mix, hedgerow mix for the drainage area, woodland copse planting mix with trees, instant hedge planting, river buffer plant mix wetland planting mix, amenity grass, general meadow mixture and swale meadow mixture and general amenity flowering lawn mix. The strategy includes the general planting notes, specification, implementation programme, top soiling operations and tree staking. The strategy is linked and forms part of the submitted LEMP. The parkland plans identify the planting of a large area woodland copse planting on the southern boundary with Poundshill and also on part of the north-east boundary. Wetland planting is shown within the large swales, attenuation ponds and drainage easements. River bank planting is shown along the River Creedy. Tree planting is proposed throughout the public spaces. A hedgerow with tree planting is shown on the boundary between the development and rugby land. Extensive lengths of new native hedgerow planting would be provided throughout the site along many of the boundaries including Pedlerspool Lane, Poundshill, Long Barn Lane and the north-east boundary.
- 3.7. Officers consider that there are further landscape works that should be undertaken to make the scheme successful, which can be secured by condition. For example, the boundary with Long Barn Lane indicates no hedgerow planting relying instead on hedgerow planting within the highway verge. Unfortunately this hedgerow is in a poor condition with large gaps. This area of the scheme should be enhanced with the introduction of additional hedging. Furthermore, para 3.169 of Policy CRE5 suggests that a buffer of trees should be provided to protect the historic parkland at Creedy Park and should reflect the historic planting. There are a small number of English oak proposed but the majority of the trees proposed are species such as birch, field maple, willow and black alder which are not typical parkland trees reflective of Creedy Park. A more robust landscape strategy is required in this area of the site. The parkland on the western parcel has a more successful mix of trees with a much higher proportion of English oak and the use of hornbeam.
- 3.8. The site includes existing native hedgerows along many of its boundaries and there is a Tree Preservation Order (TPO) along Pedlerspool Lane which contains a number of predominantly mature oak trees. The existing hedgerows contain a mix of oak, elm, hazel etc. Trees along the Creedy River include oak, willow and alder which are all water tolerant.
- 3.9. A representation has raised concern that the scheme fails to deliver 'Building with nature standards' and 'Building for Healthy Life Assessment' and therefore fails to deliver high quality green infrastructure. The developer has confirmed that formal accreditations of these schemes are not being sought by the scheme. The developer has however provided a note (Building with Nature - Response to Standards Framework, V.1) which summarising how the proposals adhere to the Building with Nature Standards. Additions have also been made to the Design Statement (Feb 2023) at Page 50 to confirm how the scheme has addressed the relevant "Building for Healthy Life" principles.
- 3.10. Broadly speaking, as outlined above, the landscape driven design is considered by Officers to be a positive part of the proposed development. However, as noted in a number of representations and consultation responses, the scheme fails to provide a scheme which reflects the local context in terms of the native species used. The proposed development includes hedgerows that do not reflect the local hedging mix which includes oak and hazel (omitted) and not privet (included). The tree Officer agrees that the hedgerow mix should be updated to better reflect the local hedgerows. Oak should be included in the mix and grown as standard hedgerow trees as is common in Devon.

- 3.11. Officers also note that the proposed tree species adjacent to the River Creedy include silver birch, which is not locally distinctive, but omits oak and willow, which is present. These matters can matter be addressed and secured by planning condition, which the applicant has agreed to.
- 3.12. The tree Officer agrees has stated that it is important to have a diverse mix of planting to ensure there is a great level of resistance to impact to pest and diseases. By selecting a reduced level of tree species that may be perceived to be more in line with the local landscape character it creates a landscape that could be greater impacted to in the event of pest or disease impacting a specific species. A revised parkland scheme will need to ensure that there is a suitable mix of plant and tree species whilst still providing a diverse mix for future-proofing will be secured by condition.
- 3.13. The Boundary strategy is largely considered by officers to be locally distinctive and high quality design proposing that the majority of the public realm comprises brick walling and recon-stone boundary walls. A cob style wall with pantile roof is proposed at the gateway with the site with Exhibition Road with other cob style walls are proposed elsewhere Vertical railings and estate type fencing are proposed for key nodes. 1.8m close boarded fencing & privacy panels will predominately be provided at the rear of properties to delineate gardens with some small areas between garages or at the rear of parking areas. The boundary strategy overlaps with the landscape and parkland plans which indicate the demarcation of many front and side gardens with hedging and shrub planting.
- 3.14. In conclusion, officers consider that, subject to a condition to secure the parkland planting strategy, additional hedgerow planting and a final species mix to reflect the local context, the proposed landscaping is acceptable in accordance with local and national policy

4. Sustainable transport, highway safety & parking

- 4.1. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S8 requires that development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy DM3 seeks to ensure safe access to the transport network. Policy DM5 requires the provision of 1.7 parking spaces per dwelling and 1 electric vehicle (EV) charging point for every 10 units. The outline approval is subject to a number of highway conditions (5-13) outlined above.
- 4.2. "Access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.
- 4.3. The principles of access (vehicular, pedestrian and cyclists) were determined at the outline planning permission stage and secured by condition and s106, as noted above. Access was determined at the outline stage, subject of the approved access & movement plan, and is not therefore a matter that cannot be considered at this reserved matters stage.

- 4.4. An aspiration of the outline permission, which did not form part of the formal planning approval, was a proposed Traffic Regulation Order (TRO) for Pedlerspool Lane to restrict vehicular access so that pedestrians and cyclists could access part of the lane. The TRO could not form part of the permission because this would not meet the tests for planning conditions. A TRO is a requirement under separate legislation (Highway Act 1980) to the Town and Country Planning Act 1990 because delivering it is 'best endeavours' because the process is subject to public and DCC member consultation.
- 4.5. A Transport Assessment (TA) was submitted with the outline which demonstrated that there is sufficient capacity for the additional traffic movement on the local roads. The TA clearly articulated that the highway strategy was to re-route motorised vehicles, including large agricultural vehicles, through the eastern parcel from Pedlerspool Lane to Exhibition Road and to provide a TRO to prohibit motorised traffic on the majority of Pedlerspool Lane. This matter is also addressed in the outline committee report.
- 4.6. A TA addendum has been submitted with this RM application. This application is also accompanied by visibility splay plans, longitudinal plans, engineering layout, and swept path analysis for the road layout in relation to refuse vehicles, fire tenders and tractors with trailers.
- 4.7. The access matters and offsite highway works were points of principle within the outline permission and cannot be revisited at this reserved matters stage. Similarly, re-negotiating PROW linkages, providing additional PROW linkages or contributions was a matter for the outline permission and cannot be re-visited. This reserved matters application can only determine layout, scale, appearance and landscaping. The highway matters that can be assessed relate to the road layout and design, internal pedestrian & cycle routes and parking for residents & visitors.
- 4.8. The access arrangements have influenced the layout design of the scheme. The layout includes a hierarchy of streets as discussed in the previous sections which include the primary 'Village Street' down to secondary and tertiary shared surfaced streets. A scheme of traffic calming, street furniture and shared surface details will be secured by condition.
- 4.9. Off road pedestrian/cycle paths are located across both parcels close to the boundary of the site to provide circular routes within each parcel and between the parcels. The circular routes will extend along the River Creedy and around the higher ground in the western parcel. The western parcel will provide the principal link (and safest route) to the town centre for cyclists and pedestrians. Detailed information (construction, materials and timings of delivery) will be secured by condition.
- 4.10. The car & cycle parking layout strategy proposes 483 residential parking spaces and 26 on-street visitor parking spaces. Electric vehicle (wall mounted and post mounted) charging points will be provided on most dwellings in accordance with the building regulations, which meets and exceed Policy DM5. The majority of parking is to the side or front of properties with 183 garage spaces proposed. There are also a number of small well overlooked parking courtyards. Secure sheds (2 x 1m for 2 cycles) for cycle storage are proposed where the property has no garage. The garages have been designed with sufficient space to provide cycle parking. The strategy is considered to be acceptable and will provide the opportunities and space for bike ownership and modes of sustainable transport. The car & cycle parking and EV charging strategy are in accordance with MDLP Policy DM5.

- 4.11. The County Highway Officer did initially have concerns regarding road gradients but this has been addressed satisfactorily on updated Longitudinal Drawings. As such, the Highway Officer has confirmed that they have no objections to the layout proposed, "but if the Developer at a later date wishes to apply for a Prohibition of Traffic over part of Pedlerspool Lane, this layout is unlikely to be suitable for that purpose."
- 4.12. Concern has also been raised by the local community stating that the proposed access arrangements and TRO would not provide betterment for the local agricultural business and their farm vehicles (tractors with trailers or articulated lorries) that currently use Pedlerspool Lane to link with Old Tiverton Road and Exhibition Road. Officers from MDDC and DCC have therefore raised concern that the proposed TRO may not be delivered. The applicant has provided legal opinions which outline that DCC have the legal mechanisms to deliver the TRO as envisaged in the outline. Whilst the local community have voiced their concerns and lack of support, officers cannot pre-determine the TRO process and any legal mechanisms of appeal.
- 4.13. A TRO application cannot be submitted until the main route has been constructed and is available for use. Therefore a condition to provide a different road layout in terms of width is not one that would pass the tests for planning conditions because this would not be reasonable, necessary or relevant.
- 4.14. However, the County Highway Officer has recently stated that:
- 4.15. *"If at a later date the proposed TRO for the Prohibition of Traffic on Pedlerspool is refused, the residential layout which has been proposed could leave us with a carriageway that is 6.5 metres wide, which is not unusual as this is normally the case when we have link roads through developments which are used for Bus routes. Although this is not the case here, nor would it be likely to carry diverted agricultural and goods traffic, if Pedlerspool remains open, therefore we would require the Developer to carry out a Road Safety Audit on this carriageway to ensure it can achieve the 20 mph self-regulating speed and is safe for all road users. If as a consequence changes are necessary the developers shall amend the layout accordingly. The Developer could also choose to keep the site as a private street and the roads would be maintained by a maintenance company and only the Offsite Highway works would be fully adopted. Although this scenario could cause issues as and when the Rugby Club were to move on to the Development as they may also be liable to contribute to the maintenance costs, which as yet not been mentioned in any agreement they may have."*
- 4.16. Officers consider therefore that in this instance a condition is reasonably required to ensure that alternative traffic calmed scheme is agreed should Pedlerspool remain open to motorised traffic. The condition will require a safety audit shall to be carried out on the primary 6.5m wide carriageway from Pedlerspool to Exhibition Road to ensure it can achieve the 20 mph self-regulating speed and is safe for all road users. Should the safety audit identify that it cannot achieve the 20 mph self-regulating speed and is not safe for all road users then details of a suitable traffic calming scheme shall be submitted to the LPA who will consult with Devon County Highways.
- 4.17. Overall, subject to the above condition, the proposed development is deemed to be acceptable from a highway safety point of view, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan.

5. Impact on heritage assets

- 5.1. Policy S1 of the Mid Devon Local Plan seeks to conserve and enhance the historic environment through protection of heritage assets and by assessing the impact of new development on historic character. Policy S9 requires the protection of listed buildings, conservation areas, scheduled monuments and local heritage assets. Policy DM25 requires proposals likely to affect the significance of heritage assets to consider their significance, character and setting, and to examine opportunities to enhance them. Criterion f of MDLP Policy CRE5 requires the development to protect the setting of Creedy Historic Park and Garden and the wider area.
- 5.2. A Heritage Assessment (HA) undertaken by CGMS Consulting was submitted with the outline application. A Heritage Addendum has been prepared as part of this RM application. The nearest heritage assets that could be affected by the development are East Lodge (Grade II Listed), Shobrooke Park (Grade II Registered Park) and Creedy Park (Non-designated heritage asset) and Creedy Bridge Cottages.
- 5.3. The Conservation Officer's has raised concerns regarding the setting of the Grade II East Lodge and Shobrooke Park (registered park and garden). The concerns regarding the setting of East Lodge related to the proposed access points into the western parcel eastern parcel adjacent to East Lodge and the perimeter block proposed on the northern side of the western parcel. The views of East Lodge from views travelling northwards along Pedlespool Lane are important in the setting of the listed building. These views terminate with East Lodge and are framed by the turning of the lane sharply eastwards and the junction with P. This is clearly intentional and designed as part of the approach to Creedy Park. However, as already noted, the accesses were determined as part of the outline approval and cannot be considered in this application. The outline committee report noted that there would be some harm to the setting of the listed building from the development but concluded that this would be at the 'less than substantial level' which would be acceptable in this instance because of the public benefits of providing housing on an allocated site. As noted above, the proposed layout, scale, appearance and landscaping is considered to be acceptable therefore the impacts of the development on the heritage assets are considered to be within the assessment made at the outline stage. The proposed development would have no greater impact than that envisaged at the outline stage.
- 5.4. The concern regarding Shobrooke Park voiced at the outline stage by the then conservation officer relates to the need for a suitable buffer on the eastern side of the scheme adjacent to the River Creedy. This buffer area (river walk area between the rugby club land and the river – carried through to this RM application) was shown on the outline application illustrative plan. The Conservation Officer confirmed that they were satisfied that the proposal will preserve the view towards, and to the setting, of the nearest heritage assets.
- 5.5. The development is considered to be in accordance with national guidance and MDDLDP policies S1, S9 and DM25. Impact on archaeology was assessed at the outline stage and is subject to outline condition 15.

6. Biodiversity and trees

- 6.1. Policy S9 seeks the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. Policy DM1 requires development to make a positive contribution to local character including any biodiversity assets. Policy DM26 requires major

development proposals to demonstrate that green infrastructure will be incorporated within the site for biodiversity mitigation, resulting in a net gain in biodiversity, for flood and water resource management, and to provide green corridors to link the site to the wider GI network.

- 6.2. The site is not covered by any statutory or non-statutory nature conservation designations. The nearest SSSI is some 3.7km to the southwest (Posbury Clump). Eight non-statutory designations lie within 2km including Shobrooke which is 200m to the east of the site. Upton Hellions to Codshead Bridge Unconfirmed Wildlife site (UWS) covers part of the northern part of the site (floodplain marsh grazing).
- 6.3. The outline application was accompanied by an ecological impact assessments dated November 2016 and March 2018 (EAD ecology) which included a survey of existing trees. An ecological summary update (143_R01b) accompanies this application with updated surveys and walkover dated September and December 2021 and March 2022.
- 6.4. The approved outline ecology documents determined the principles of the ecological strategy which form part of outline condition 19 which states:
- 6.5. *"The development shall take place only in accordance with the recommendations of the Ecological Impact Assessment Report dated November 2016 and March 2018 submitted in support of this application."*
- 6.6. The outline ecology reports determined that at present there are 17 trees across the site, positioned largely on the boundary of Pedlerspool Lane, with a group of freestanding oaks in the northern eastern end of the site. In addition there are a number of larger stems in the hedgerow along Stonewall Lane. The Oaks are considered to be of individual value whereas the other trees across the site create value on a collective basis. Two of the trees on the site would need to be removed to accommodate the masterplan layout. In addition sections of hedgerow (up to 110 metres) would be required to be removed to accommodate the vehicular access in to the site and then along Pederspool to enable the connections between the site.
- 6.7. The field areas that form the application site are classified as improved or semi improved grasslands boarded by hedgerows and incorporate wet ditches across the site, however they do not form a protected landscape. The assessment undertaken by the applicant is considered to have been comprehensive including an extended Phase 1 habitat survey and phase 2 protected species survey to supplement desk based surveys. The results of the site surveys identified the following on the site;
- 6.8. Plants: Primrose was recorded at the base of the hedgerows and Himalayan balsam was recorded growing along the river bank within the site.
- 6.9. Invertebrates: Numerous notable invertebrate species have been recorded within the study area with hedgerows containing hawthorn providing an appropriate habitat, but following the site survey no evidence of white clawed crayfish was recorded within the River Creedy.

- 6.10. Amphibians: No suitable amphibian breeding habitat was present within the site boundary. The hedgerows, scrub, woodland, grassland and tall ruderal within the site could provide foraging habitat for common amphibians.
- 6.11. Reptiles: A 'low' population of slow worm was recorded within the site. The grassland and margins of arable fields provided suitable basking and foraging habitats for slow worm, and hedgerows, scrub and woodland provided suitable resting and hibernation habitat for these species.
- 6.12. Birds: The site provided suitable nesting and foraging habitat for a variety of common and widespread birds. A total of 26 bird species were recorded on or adjacent to the site. Of these, 12 were considered to be confirmed or near certain breeders, and 9 probable / possible breeders. Bats: An initial survey 2013 and then re-survey 2016 have been undertaken. Overall, the bat activity surveys recorded moderate levels of common pipistrelle and soprano pipistrelle activity across the site with the highest levels activity were recorded adjacent to the River Creedy in the northeast of the site.
- 6.13. Hazel dormouse: An initial survey 2013 and then re-survey 2016 have been undertaken. A single nest was uncovered in 2013, with two nest uncovered in 2016. Otter and water vole: The presence of otters along the section of the River Creedy were identified. The wet ditches were also considered movement corridors but are unlikely to form part of a core territory. No evidence of water vole was recorded.
- 6.14. Badger: A single outlier badger sett with one entrance hole was recorded. This sett showed signs of active use, including feeding remains in August 2016. Mammal tracks, and badger feeding signs and latrines were present throughout the southern field, with some signs also present in the south of the central field.
- 6.15. Given the site is allocated for development, this planning application proposal has responded to the ecological presence at the site by incorporating specific design and avoidance measures as follows:
- Retention of the majority of the existing trees, woodland and hedgerows within the public realm.
 - Retention and enhancement of grassland adjacent to River Creedy, which forms component of floodplain grazing marsh. Inundation would still occur over proposed rugby pitches within the floodplain.
 - Creation of wetland scrapes within the retained floodplain grazing marsh.
 - Retention and enhancement of wet ditches, which form the key component of the floodplain grazing marsh.
 - Creation of new wildflower-rich grassland, including wet grassland species mixes where appropriate.
 - Creation areas of new native woodland belts.
 - Creation of SUDS including swales and attenuation ponds.
 - Scattered trees throughout development.

6.16. In addition the following mitigation /control measures would be put in place to manage the build out phases of the project:

- Measures would be put in place to ensure legal compliance and to protect animal welfare in respect of reptiles, common amphibians, nesting birds, bats, dormouse, badger and hedgehogs; these measures would include timing of works and appropriate ecological supervision.
- Removal of dormouse habitat (hedgerow) would be subject to a Natural England Mitigation Licence; mitigation measures to be implemented in accordance with the method statement, including timing / method of removal and provision of replacement habitat.
- Bat and bird boxes would be installed on retained trees and integrated into new buildings to increase available roosting / nesting habitat.
- Pre-construction checks would be undertaken to ensure no new badger setts had established on the site. Protection measures during construction would prevent injury to badgers in excavations.

Full detail of the scope of mitigation, compensation and enhancements that are proposed through the planning application proposals are set out at Section 4 of the Ecological Impact Assessment report.

6.17. The ecological summary update submitted with this application has confirmed that the habitats present onsite have not changed significantly since the first surveys were undertaken. The survey found that badger activity had reduced. The use of the site by bats remains largely unchanged. No significant changes to the assemblage of birds. The continued use of the site by dormouse within the site has been confirmed. The habitats for slow worm remain unchanged and therefore the continued presence of these reptiles is assumed. The continued movement of otters along the river corridor is also assumed.

6.18. The mitigation and enhancement details outlined above are included within the submitted Landscape Ecology Management Plan (LEMP) (December 2022 update) and the Ecological Enhancement Plan. A Construction Ecological Mitigation Plan (CEMP) (December 2002 update) has also been submitted that will manage the construction phase and impacts on biodiversity. The outline permission only secured a construction management plan (CMP). The details within these documents will be secured by specific condition.

6.19. The ecological enhancement plan secures 20 dormouse nesting boxes, 20 schwegler 1b bird nest, 100 schwegler type 1A swift boxes or bricks, 10 Schwegler 1FF bat boxes and 100 lbstock type B enclosed bat bricks and two reptile hibernacula.

6.20. As originally submitted DCC's ecologist requested a number of updates which have now been carried through to the LEMP, ecological enhancement plan and landscape parkland plans.

- 6.21. MDLP Policy DM26 (a) requires major development proposals to demonstrate that green infrastructure will be incorporated within the site for biodiversity mitigation, resulting in a net gain in biodiversity, for flood and water resource management, and to provide green corridors to link the site to the wider GI network. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from an as yet unconfirmed date, expected to be in November 2023.
- 6.22. As originally submitted no details of biodiversity net gain (BNG) were submitted. Subsequently an assessment was submitted but it did not use the Natural England (NE) Biodiversity Metric 3.1 which is the recognised method of establishing BNG. This has now been received and demonstrates that the scheme would provide an increase in habitat units of 19.72% and 71.08% hedgerow units.
- 6.23. The development is considered to be in accordance with Policies S9, DM1 & DM26.

Trees:

- 6.24. The application is accompanied by an arboricultural method statement which outlines the tree strategy including tree survey, tree protection barrier signage and tree protection plan.
- 6.25. The proposal will result in the loss of two individual trees. One is a Luscombe Oak appearing to be a significant tree of moderate value. Its removal is required in order to facilitate an access drive/lane to a proposed school play field. The second tree is a hawthorn which is not viewed as significant. In addition to the two individual trees, four hedges identified within the arboricultural report will be partly removed to facilitate the proposal. Typically these hedges are managed at 1 metre in height and are a mix of elm, field maple, black thorn, holly, oak, hazel and spindle. The loss of these is acceptable subject to adequate mitigation planting, which has been provided as set out in the sections above.
- 6.26. A Tree Protection Plan has been provided and show adequate protection fencing to trees/hedging being retained. It is considered that there will be a low likelihood of conflict between retained trees and the current proposal. No significant contraction works is highlighted within the retained trees RPA. However, the proposed footpath link will encroach the RPAs of multiple trees. A no dig method statement is provided and is viewed as acceptable if carried out in full guidance of the Arboriculture report.
- 6.27. The landscape parkland proposal and landscape proposal plans identifies that there is significant tree planting proposed. The Council's Tree Officer considers that there is an adequate mix of parkland tree, shrubs along with specimen trees that will benefit the proposed development. The Tree Officer did initially raise a number of queries with regard to root protection areas and some trees species proposed but these matters have now been suitably resolved by the submission of additional information and updated plans, which will be secured by condition.
- 6.28. A number of representations have been received raising concern regarding the proposed tree and hedgerow planting which has already been discussed in the landscape section and will not be repeated here.

7. Flood risk and surface water drainage

- 7.1. Policy S9 requires the provision of measures to reduce the risk of flooding to life and property; requiring sustainable drainage systems including provisions for future maintenance; guiding development to locations of lowest flood risk; and, avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including Sustainable Drainage Systems (SUDS) and arrangements for future maintenance. Surface water is subject of conditions 16, 17 & 18 of the outline approval.
- 7.2. The site is predominately within flood zone 1 which has the lowest risk of flooding. The River Creedy and associated flood plain and adjoining fields (rugby pitch land and river walk) are within flood zones 2&3. No surface water features are known to existing within the residential part of the site. Surface water mapping identifies known surface water issues within flood zones 2 & 3.
- 7.3. The drainage strategy was agreed at the outline stage (FRA by AWP dated 2018) and is subject to conditions 16, 17 & 18. Condition 16 requires that the permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment & Drainage Strategy (Ref. Land at Creedy Bridge, Crediton; Rev. E; dated 16th March 2018), Drainage Strategy Drawing (drawing No. PDL-200; Rev. E; dated 1st May 2018) and the details contained within the letter from AWP dated 1st May 2018 (Ref. 0029-2018.05.01-01).
- 7.4. The results of BRE365 compliant soakaway testing, completed by Card Geotechnics Ltd in November 2015, indicated that 'conventional soakaway drainage is unlikely to be feasible'. The drainage strategy for the development will therefore not rely upon infiltration as a means of surface water disposal. Given the unfavourable results of BRE365 soakaway testing, the drainage strategy for the site will seek to intercept and attenuate the peak run-off through the implementation of sustainable drainage techniques. The drainage strategy therefore includes the provision of adoptable and non-adoptable underground pipework; swales; detention basins (which will offer water quality enhancement as well as ecological and biodiversity gains) incorporating hydraulic controls and overflow measures to ensure that the run off rate from with the proposed development in situ is equivalent to green field run off rates. In turn this will ensure that flood risk down- stream of the site should not become an issue in normal circumstances and up to the 100 years plus 40% climate change for critical storm event. The strategy also confirms that there will be no temporary or permanent raising of the land adjacent to the River Creedy and rugby pitches.
- 7.5. The Environment Agency (EA) has confirmed it has no objection to the revised layout, subject to there being no temporary raising of ground levels within the areas of Flood Zone 3 and 2 of the River Creedy during the construction phase of the development or permanent raising associated with the creation of sports pitches or landscaping in general. The EA recommend a condition to secure this.

- 7.6. In October TeignConsult were instructed by Crediton Rugby Club to write to the LLFA and the LPA to outline their concerns that overland flows from the development could affect the playing pitches and buildings.
- 7.7. The use of the existing drainage ditches for the transfer of surface water are part of the drainage strategy for the site. Both the LLFA and EA have stated in their responses that they have no objections. However, as mentioned above TeignConsult have written to the LLFA and explained their concerns regarding the overland flows and the impact on the playing pitches and buildings. The LLFA has in an email confirmed that this matter can be addressed either by ditch system or hedgebank, and that this matter should be addressed as part of the application now or through planning condition.
- 7.8. As regards the foul water strategy, a new pumping station is proposed adjacent to the Tiverton Road, to the north of the proposed access with Exhibition Road, that is proposed to manage flows from the development to the existing South West Water (SWW) network sewer. As noted above SWW have not made any objections to the proposals.

8. Environmental health matters:

- 8.1. Policy DM3 requires that development proposals that give rise to significant levels of vehicular movement must be accompanied by a Transport Assessment; Traffic Pollution Assessment; and, Low Emission Assessment; and, should propose mitigation measures where appropriate, including impacts on local air quality. Policy DM4 requires development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution to be accompanied by a Pollution Impact Assessment and mitigation scheme where necessary.
- 8.2. Environmental Health matters were agreed in principle at the outline stage where a site investigation (contamination) condition (20) and a Construction Management Plan (CMP) condition was recommended and forms condition 5 of the outline permission. Discharge of condition 20 has been approved by the LPA.
- 8.3. The Council's Public Protection Team (PPT) has no comments to make on contaminated land, air quality noise and other nuisances or foul drainage. The PPT did initially raise concern regarding one housetype and means of escape but this has now been resolved. The PPT have commented on the CMP stating that they have no concerns but note that there are no working and delivery hours included within it. This is a matter that will be resolved through the discharge of conditions process.

9. Impact of the development on the deliverability of the rugby club

- 9.1. The application does not include the area earmarked for rugby playing pitches. This area has been expressly removed because its layout will be determined by Crediton Rugby Club should they agree terms to purchase the land; the details and mechanisms of which are confirmed within the outline s106 Legal Agreement.

- 9.2. On the 18.01.2022 the consultation response from Sport England was that they had reviewed the documents and had no comments to make. On the 16.09.2022 Sport England queried the level of detail proposed and requested confirmation that the application did not include the rugby club. It is assumed by officers that the original response was based on the misunderstanding that the rugby pitches formed part of the application.
- 9.3. On the 20.12.2022, following the last consultation process following revised plans, Sports England stated:
- 9.4. *"I note that the all aspects of the rugby club development are omitted from this application as per drawing 21433/1012A rev A. This is very unhelpful in assessing the current discharge of reserved matters. The new dwellings and the parking areas are at risk from ball strike, thus damage to property and possible injury to residents. Therefore a ball strike assessment it is required. Secondly I note in the covering letter from the planning consultants Turley it is proposed to use the existing drainage ditches within the land allocated for the rugby club from the housing. Due to lack of details regarding the rugby pitch layout an agronomist report, Sport England cannot support the use of the ditches to take water from the housing development.*
- 9.5. The submitted application by Bellway Homes does not include the layout and design of the new Rugby Club (Reserved Matters) as the planning obligation only exists for the developer to provide the land for this new facility, with associated access etc. The design and delivery of the new rugby club facilities (pitches and buildings) will be undertaken by the rugby club and not the applicant, Bellway Homes.
- 9.6. Officers are not clear how any worthwhile ball strike risk assessment could be undertaken now without any approved RM details of the layout and operation of the rugby club site. In any event residual 'ball strike' risks are likely to be very low, given the expected frequency and duration of training or rugby matches on the land, and also the specific sport being proposed (compared to cricket for example).
- 9.7. The outline permission sets the quantum of residential development and indicates where the residential parcels are to be provided. This RM application shows properties predominately facing on to the rugby pitches, with the exception of a few side-on, with roads and a footpath provided between the properties and the boundary of the rugby land. Therefore the likelihood of a ball-strike on amenity/garden areas is low. In any case, this matter can adequately be addressed by any future rugby pitches RM application which will be able to fully assess any risk and propose suitable mitigation where necessary. For example, suitable ball stop netting could be erected close to the boundary with the residential development.
- 9.8. The drainage matter outlined by Sports England has been addressed in the section above.
- 9.9. Officers consider that this application would not prejudice the deliverability of the rugby playing pitches.

10. Residential amenity

- 10.1. Policy DM2 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...”
- 10.2. The proposed development would be set back over 70m from the nearest residential property (East Lodge), separated by existing and proposed landscaping. The nearest residential properties on the edge of Crediton to the south would be over 100m from the proposed dwellings. Given this significant separation distances there are no concerns raised in respect to impact on residential amenity as a result of overlooking or overshadowing. Similarly, the propose layout and orientation of properties have been designed to avoid adverse harm to the amenity of future occupiers.
- 10.3. The proposed dwellings would have a suitable level of internal floor areas, in accordance with the Nationally Described Space Standards and MDLP Policy DM1. The proposed amenity/garden spaces provided are also considered to be of an appropriate size to ensure the amenity of future occupiers will be protected.
- 10.4. Concerns have been raised about the impact of construction works, however this would only be a short term impact. In order to reduce this impact, a construction management plan (CMP) was secured by outline condition. The CMP shall detail measures such as construction hours and other mitigation measures.

11. Conclusions and planning balance

- 11.11. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the application proposals should be determined in accordance with the development plan (DP) unless other material considerations indicate otherwise.
- 11.12. The site is an allocated site within the Local Plan and has outline consent with access approved. The outline permission agreed the main points of principle and is subject to a number of conditions and an associated s106 legal agreement.
- 11.13. This application only seeks the approval of the remaining reserved matters. Namely layout, scale, appearance and landscaping. Officers consider that the reserved matters and all other relevant material considerations, as addressed in the report above, have in the main been appropriately addressed. Concerns regarding local context and the landscape parkland strategy can be adequately addressed by condition. The proposed scheme is therefore considered, subject to the recommended conditions, to constitute a high quality design that is locally distinctive that’s satisfies local and national planning policy.

CONDITIONS

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

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;
 - a) details of materials (including the provision of samples) to be used for the external walls, retaining walls and roofs, including details of roof verge finishes (no verge clips to be used);
 - b) Details of all paint/render colours;
 - c) Details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including dormers and roof lights) and doors;
 - d) Details of position and colour finish of rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
 - e) Full details of chimneys;
 - f) Full elevation details of all boundary treatments;
 - g) Hard surfacing materials.

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

REASON: In the interests of good design.

3. The thatched roofs identified on the approved plans shall be combed wheat reed with flush ridge. Details of the thatched roofing shall be submitted to and agreed in writing by the LPA prior to their installation. The development shall thereafter be carried out in accordance with the approved details. The thatched roofs shall be retained and maintained as combed wheat reed thatched roof with flush ridges.

REASON: In the interests of good design.

4. Within three months of development commencing and prior to dwellings reaching DPC level a scheme for chimneys for dwellings in key locations, in addition to those already consented, shall be submitted to and agreed in writing to the local planning authority. The development shall proceed in accordance with the approved details.

REASON: In the interests of good design.

5. Prior to any dwelling reaching d.p.c. level details of the location of meter boxes for all dwellings shall be submitted and approved in writing by the Local Planning Authority. The meter boxes shall be sited within the dwellings unless it can be demonstrated that this is not feasible. Where meter boxes are located on elevations they must be located to minimise visibility from the public realm and treated / coloured to minimise their visual impact. The development shall thereafter proceed in accordance with the agreed details.

REASON: In the interests of visual amenity and good design.

6. Parking facilities and turning areas shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved plans prior to occupation of each individual dwelling.

REASON: To ensure adequate parking facilities are provided to serve the development.

7. Within three months of development commencing a scheme for visitor cycle parking to include an implementation plan shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of sustainable transport.

8. Notwithstanding the approved plans, within 3 months of development commencing a scheme for the public open spaces (play spaces and other public spaces), including implementation and management plan, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

The play space scheme shall include: hard and soft landscaping, play equipment, kick about area, hard surfacing and boundary treatment and associated infrastructure such as bins, seating and cycle parking.

The other public open space scheme shall include: details of seating, bins, cycle parking, signage, interpretation and information boards, foot/cycle paths (including materials and colour) and any other hard surfacing.

REASON: In the interests of residential amenity and to ensure the play area is fit for purpose, is a high quality space that constitutes good design and is provided and available for use at an appropriate time in the development.

9. Notwithstanding the approved plans, within 3 months of development commencing, full details of the mews streets and rural lanes shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.

The details/scheme shall provide pedestrian friendly non-car dominated streets which shall provide, but not be limited to, the following details;

Shared surfacing;

Traffic calming measures;

Street furniture;

Boundary treatments;

Soft landscaping;

Hard surfacing treatments;

Visitor cycle parking;

Footway and carriageway treatments including kerb upstand heights.

REASON: In the interests of good design, residential amenity and sustainable transport.

10. Prior to the expiry of 5 years where any of the approved trees are dead, dying, severely damaged or diseased, another tree shall be planted at the same place and that tree shall be of such size and species that was originally planted.

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.

11. Within 3 months of development commencing, a long-term landscape management and maintenance scheme to include landscaping details approved by this permission or by condition shall be submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved management and maintenance plan.

REASON: To ensure the appropriate long term management of the landscaping in the interests of good design, visual amenity and biodiversity.

12. The development hereby approved shall be carried out in strict accordance with the approved Landscape Ecological Management Plan (LEMP) (Rev B, Dec 2022), Construction Ecological Mitigation Plan (CEMP) (Rev B, Dec 2022) and the Ecological Enhancement Plan drawing no. 14343/P05a (dated December 2022)

REASON: To safeguard the amenities of the adjoining premises and the area generally

13. Notwithstanding the approved plans, within three months of development commencing an updated landscape parklands plan which have a greater reference to the local landscape, parklands and species context shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

The scheme shall provide, but not be limited to, the following details:

Tree and plant species to better reflect that found locally;

Updated native hedgerow mix to include standard oak trees;
A greater use of 'parkland' trees found locally;
Robust planting along the north-west boundary (eastern parcel) to include hedgebank with hedgerow.

REASON: In the interests of good design, visual amenity and biodiversity.

14. Prior to their construction, full details of the substation buildings shall be submitted to an agreed in writing with the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of good design

15. Prior to its construction, full details of the pumping station shall be submitted to an agreed in writing with the local planning authority. The development shall thereafter be carried out in accordance with the approved details

REASON: In the interests of good design

16. Within three months of development commencing, details of a scheme to restrict overland surface water exceedance flows flooding the rugby club land shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of surface water flood risk prevention.

17. Within 3 months of development commencing, details of an alternative highway scheme for the primary route through the site shall be submitted to and approved in writing by the local planning authority. The scheme should be safety audited and a layout demonstrating that in a scenario where Pedlerspool remains open to motorised traffic a suitable layout can achieve a 20 mph self-regulating speed and is safe for all road users. Should the safety audit identify that it cannot achieve the 20 mph self-regulating speed and is not safe for all road users then details of a suitable traffic calming scheme shall be submitted to the LPA who will consult with Devon County Highways. Should Pedlerspool remain open to motorised traffic the alternative layout shall be implemented fully in accordance with the agreed scheme. prior to the occupation of the 200th dwelling.

REASON: In the interests of good design and highway safety.

18. Notwithstanding the approved plans the proposed recon-stone is not approved. Within three months of development commencing and prior to any stone walling being constructed a scheme to provide stone walling (natural or recon stone) which is in keeping with the local area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of coursing, joint profile, mortar colour and finish. Prior to the commencement of work to the stone walls a sample panel of stonework shall be constructed on site and shall be inspected and approved in writing

by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and stonework shall be constructed to match the approved sample panel.

REASON: In the interests of good design.

19. There shall be no storing, stockpiling or spreading of soils, or materials, on the area of floodplain of the River Creedy during or following the construction period.

REASON: To safeguard the storage and conveyance functions of the floodplain, preventing the diversion or obstruction of floodwaters and thus ensuring third party flood risk isn't increased

20. The development shall be carried out in accordance with the approved arboriculture report and no dig method statement reference 14343_R04f rev F.

REASON: In the interests of tree protection

INFORMATIVES

1. If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.

Note: South West Water will not permit building within 4.5 metres of public water mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on their website:

Clean water – <https://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/>

Waste water - <https://www.southwestwater.co.uk/buildover>

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

If a temporary closure is required during construction works, e.g. for safety reasons, the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order.

Further information about public rights of way and planning is available on our website here.

If permission is granted, please include as footnotes in the decision notice:

The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.

Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.

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

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 the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and negotiations to address issues raised. In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

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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	12/05/2023	23/00208/MFUL	Change of use of part of agricultural land to provide 10 pitches for touring caravans and motorhomes	Land at NGR 275705 107725 (West of Crest Haven) Morchard Bishop Devon	Mr Daniel Rance	DEL	
2	1	10/05/2023	23/00073/MFUL	Change of use of A Block (1040 sqm) from D1 (Non Residential Institutions) to B1a (Offices)	Petroc Bolham Road Tiverton Devon EX16 6SH	Mr Jake Choules	DEL	
3	1	11/05/2023	23/00101/MARM	Reserved Matters for a new cricket facility consisting of 2 storey pavilion, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking following Outline approval 20/01452/MOUT	Land at NGR 305210 108255 Horn Road Kentisbeare Devon	Mr John Millar	DEL	
	3	27/04/2023	23/00043/MARM	Reserved Matters for appearance, scale, landscaping, layout and scale for the erection of 26 dwellings following Outline approval 19/00718/MOUT	Land at NGR 270904 112818 (The Barton) Belle Vue Chawleigh Devon	Mr Arron Beecham	DEL	
	4	19/04/2023	23/00040/MFUL	Variation of condition 2 of planning permission 18/00414/MFUL (Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges) to allow substitute plans relating to the layout of the 11 lodges and position of site road that serves the lodges	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Mr Daniel Rance	DEL	
6	6	05/04/2023	22/02374/MFUL	Construction and operation of a solar photovoltaic (PV) farm together with associated works, equipment and infrastructure	Land at NGR 301974 110937 Dean Hill Road Willand Devon	Mr James Clements	COMM	
7	8	17/03/2023	22/02386/MARM	Variation of condition 1 of planning permission 19/01344/MARM for substitution of plans to allow the removal of fake chimneys	Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon	Mr Jake Choules	DEL	DEL

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LIST OF APPEAL DECISIONS FROM 15th December 22 to 16th February 23

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
20/01458/FULL	Erection of single storey extension to Care Home	Ashdowne Care Centre Ashdowne House Orkney Mews Tiverton Devon EX16 6SJ	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Allow with Conditions
22/01961/PNCOU	Prior Notification for the change of use of an agricultural building to a dwelling under Class Q	Land and Building at NGR 302448 124210 (North West of Helecombe Farm) Clayhanger Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Allowed
22/00641/PNCOU	Prior notification for the change of use of an agricultural building to 1 dwelling under Class Q	Land and Buildings at NGR 293938 116315 (Stanterton Farm) Washfield Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
22/01285/HOUSE	Erection of an extension	14 Deep Lane Credon Devon EX17 2BX	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Allowed

PLANNING COMMITTEE

1 MARCH 2023

REPORT OF ANGHARAD WILLIAMS, DEVELOPMENT MANAGEMENT MANAGER.

PLANNING PERFORMANCE

Reason for Report:

To provide the Committee with information updating on the performance of aspects of the planning function of the Council. This report would normally also cover the performance of the Building Control team, but due to staffing issues, the data is not currently available to report on.

Matters for Consideration:

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

RECOMMENDATION: For information and discussion.

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

Budget and Policy Framework: None directly.

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

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

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

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

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

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

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

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

1.0 APPLICATION DETERMINATION PERFORMANCE

1.1 The Government uses speed and quality of decision indicators as the main means of assessing planning application performance. The Government requires that Local Planning Authorities submit what they call 'PS1 and PS2' figures quarterly to assess the speed of decision making on both major and non-major applications. The performance of Mid Devon planning for quarters 1, 2 and 3 of 2021-2022 are shown below. For clarity, two tables have been provided to show the speed of decision making within the required timeframe with extensions of time, and without extensions of time (eot). It is important to note, that an application which has an agreed eot between both the LPA and the applicant can still be counted in accordance with Government guidance as still being within the required timeframe.

Speed of major applications – with and without EOTs:

Major Applications with EOTs determined within 13 Weeks			
Q1	Q2	Q3	Q4
100%	100%	69%	0%

1.2 As members will note from the above figures, major applications determined within 13 weeks that are subject to an EOT are at 100% consecutively for both Quarter 1 and Quarter 2. In Quarter 3, we see a decline in this figure, and that is because not all major applications within that period were granted an EOT.

If we take a look at the following table, this is provided to show a break down of how many application were determined within the 13 weeks without an EOT being required.

Major Applications without EOTs determined within 13 Weeks			
Q1	Q2	Q3	Q4
43%	23%	31%	

- 1.3 Whilst the numbers appear low, these are actually positive given that these applications were able to be determined within the 13 weeks without having to agree an EOT with the applicant. As members will know, EOT's are perfectly acceptable and a requirement by Government if the determination date of 13 weeks cannot be met due to on going discussions/negotiations. Whilst the first table shows much higher figures, the first table is a more accurate representation of how well the team are doing, as despite the EOT being requested, it is still considered as to have been determined in an acceptable time frame and in accordance with Government timeframes.

Speed of non major applications - with and without EOTs

Non-Major Applications with EOTs determined within 8 Weeks			
Q1	Q2	Q3	Q4
86%	92%	90%	0%

Non-Major Applications without EOT's determined within 8 Weeks			
Q1	Q2	Q3	Q4
40%	48%	53%	

- 1.4 As with the major applications, the above two tables illustrate those non major applications determined within 8 weeks with and without EOTs.
- 1.5 As with majors, the team is continuing to do exceptionally well and we have a high percentage of applications being determined within the timeframe agreed by Government. Where we fall short of 100%, this is down to some applications being withdrawn and those of which where the applicant has not agreed an extension of time and we have still been required to determine the application.

Mid Devon's planning performance when compared with that of other LPA's in the South West

- 1.6 The table below illustrates that at the end of March 2022, Mid Devon was on the top of the performance board. This is a great achievement by the team and one to be proud of.

24 months to end of March 2022					% within 8 weeks or within agreed time witho ut penalt	% within 8 weeks or within agreed time with penalt y for
Planning authority	Total non- major developm ent decisions ¹	Total non- major developm ent decisions within 8 weeks ²	Planning Performance Agreement, agreed Extension of Time or Environmen tal Impact	Planning Performance Agreement, agreed Extension of Time or Environmen tal Impact Assessmen		

		Assessment decisions ³	Assessment decisions ³	Assessment decisions ³	Assessment decisions ³	Percentage for missing data	Percentage for missing data
Mid Devon		1,595	828	726	704	96.1	96.1
Sedgemoor		1,820	1,050	690	690	95.6	95.6
North Devon		1,928	1,088	779	749	95.3	95.3
Plymouth		1,711	1,163	502	450	94.3	94.3
North Somerset		2,911	1,597	1,149	1,076	91.8	91.8
South Somerset		2,320	1,126	965	938	89.0	89.0
Mendip		1,935	1,023	774	688	88.4	88.4
Torridge		1,433	821	491	440	88.0	88.0
Somerset West and Taunton		1,925	1,028	695	644	86.9	86.9
England		695,738	360,067	265,441	238,457	86.0	86.0
Cornwall		12,163	6,232	4,812	4,121	85.1	85.1
Teignbridge		1,689	911	590	512	84.3	84.3
West Devon		789	342	349	323	84.3	84.3
South Hams		2,347	1,155	910	818	84.1	84.1
Wiltshire		8,095	2,578	4,664	4,215	83.9	83.9
Dartmoor National Park		882	627	120	109	83.4	83.4
Torbay		1,522	476	831	736	79.6	79.6
Isles of Scilly		143	70	50	42	78.3	78.3
Bournemouth, Christchurch and Poole		5,421	1,762	2,788	2,461	77.9	77.9
Exeter		1,083	587	284	252	77.5	77.5
East Devon		3,340	1,605	1,044	856	73.7	73.7
Dorset		6,556	1,174	4,146	3,573	72.4	72.4
Exmoor National Park		381	167	119	109	72.4	72.4

Quality of decision making

No More than 10% of Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
5.00%	4.00%	2.00%	0.00%

- 1.7 Q1 sees a figure of 5% which isn't too different to that seen in Q4 of the last financial year. It is important that these figures remain below the 10% and preferably below 5%. On that note, it is good to see the numbers in Q2 and Q3 remaining below 5%. We must endeavour to keep this number below the 10% to ensure we remain in control of our applications.

No More that 10% of Non- Major Applications Overturned at Appeal			
Q1	Q2	Q3	Q4
1.00%	1.00%	0.00%	0.00%

- 1.8 As can be seen in the above table. The percentage of non major applications overturned at appeal remains well below the 10% which is very positive. In Q3 we see a figure of 0.00% which has been rounded down from the result of 0.40%. As with the majors, this is a figure that we need to ensure remains low. Reflecting on the above figures, its another good news story. All of the data above demonstrates that the team continue to do really well despite challenges and continue to achieve and even excel targets consistently.
- 1.9 As was with the last report in August, we continue to employ agency members of staff to support the team where we can. As a means to help sustain the team, we have also introduced new discretionary fee charges that went live on 15th November, as well as make more suitable uses of planning performance agreements. This is to ensure the team have the support where they need it, as well as ensure that caseloads are manageable. Our new planning officer started on the 1st November and is settling in well, and there are plans to go out to recruit for the remaining vacancies shortly. This includes two Prinicipal Planning Officers and a remaining planning officer post.
- 1.10 The number of applications in hand currently is 355 which includes all preliminary enquiries. As always, the team continue to work hard to keep the departments head above water.

2. Planning enforcement

- 2.1 The team continue to work hard to keep the cases moving, as you can see they get almost the same amount of cases in as they close. Bearing in mind the limited permanent enforcement resources which this Council has, this places considerable pressure upon the team and it will therefore be necessary to continually and increasingly prioritise enforcement activity to focus upon high priority cases.
- 2.2 Officers have been working on complex notices and enforcemnet appeals in Q3 and these are very time consuming.
- 2.3 In line with ongoing continuous improvement work and processes, meetings continue to happen to regularly in order to discuss workloads and cases as a team. Attendees regularly consist of the enforcement officers, DM Manager, Corporate Manager and Director of Place. Priorities can also be agreed at these meetings to help manage the high caseload.

Planning Enforcement Management Information as at Quarter 3	
	Totals
Cases closed	283
New Cases	256
Cases in hand(under investigation or pending investigation)	293
Notices as at Q3	44

Contact for Information:

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List of Background Papers:

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

Circulation of the Report:

Cllr Richard Chesterton
 Director of Place
 Members of Planning Committee