

# Public Document Pack

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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, 5 April 2023 at 2.15 pm

#### STEPHEN WALFORD

Chief Executive

28 March 2023

**Councillors:** P J Heal (Chairman), S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, B Holdman, D J Knowles, F W Letch, B A Moore, R F Radford 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**  
To consider whether to approve the minutes as a correct record of the meeting held on 15 March 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To report any items withdrawn from the agenda.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 3 - 108*)  
To consider the planning applications contained in the list.
  
- 8     **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 109 - 110*)  
To receive a list of major applications and potential site visits.
  
- 9     **APPEAL DECISIONS** (*Pages 111 - 112*)  
To receive a list of recent appeal decisions

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](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. 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.

If you would like a copy of the Agenda in another format (for example in large print) please contact Angie Howell on: E-Mail: [ahowell@middevon.gov.uk](mailto:ahowell@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms

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## PLANNING COMMITTEE AGENDA - 5th April 2023

### Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>22/02301/FULL - Retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock at Staple Cross Farm, Hockworthy, Devon.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>22/02127/FULL - Retention of a temporary agricultural workers dwelling at Staple Cross Farm, Hockworthy, Devon.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
03.	<p>23/00119/FULL - Erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works at Land and Garages at NGR 282671 102585, Crofts Estate, Sandford.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
04.	<p>22/00067/MFUL - Conversion of farmhouse and buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings (Use Classes B8, E, Sui Generis) at Wellparks, Exeter Road, Crediton.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>

Application No. 22/02301/FULL

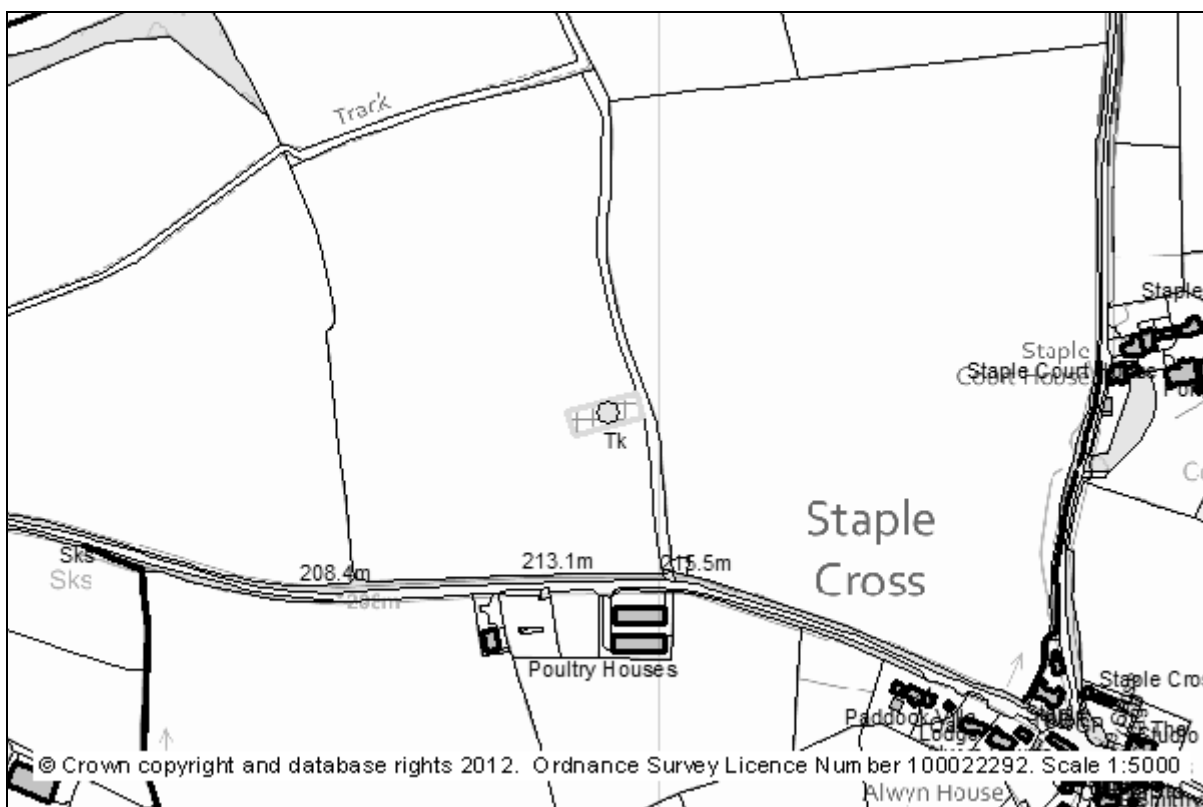
Grid Ref: 302959 : 120398

Applicant: Mr G Kemp

Location: Staple Cross Farm  
Hockworthy  
Devon  
TA21 0NL

Proposal: Retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock

Date Valid: 8th December 2022



## **APPLICATION NO: 22/02301/FULL**

**Site Visit: Yes    Date of Site Visit: 15<sup>th</sup> December 2022**

### **Decision Delayed Reason:**

Extension of time agreed to allow to go before committee.

### **MEMBER CALL-IN**

This application, along with application reference 22/02127/FULL for a rural worker's caravan have been called in by Cllr Jo Norton for the following reasons:

- Drainage
- Scale
- Impact on listed buildings
- Pollution – noise, waste, light and contamination
- Precedent

The reasons can be read in full on the public portal.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The proposal is for the retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock at Staple Cross Farm, Hockworthy, Devon. The site is classified as being in the open countryside, it is not within an AONB or Conservation Area and does not fall within a flood risk area.

The proposal itself relates to the retention of an existing building that was approved under permitted development (reference 22/00186/PNAG). However, the building approved was for storage use and the applicant now requires it for livestock use. Similarly, the building was constructed 1.5m taller than approved so the increase in height also needs to be regularised.

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

In support of the application, the submission includes:

Design and access statement, aerial imagery, site location plan, block plan and building plans.

### **RELEVANT PLANNING HISTORY**

22/00186/PNAG - PDA date 22nd February 2022 Prior Notification for the erection of a general purpose agricultural building

22/02127/FULL - PCO date Siting of a temporary agricultural workers dwelling

### **DEVELOPMENT PLAN POLICIES**

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

S1 – Sustainable development

S14 – Countryside

DM1 – High quality design

DM20 – Agricultural development

DM25 – Heritage assets.

## CONSULTATIONS

### **Highway Authority, 12<sup>th</sup> December 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:**

Change of use within Flood Zone 1 - No EA consultation required.

### **Hockworthy Parish Council, 13<sup>th</sup> January 2023:**

Following a meeting of the Parish Council on 12th January attended by several members of the public who wished to make representations concerning the above planning application, the Council objects.

The Council notes in particular the following points:

oThe applicant has not followed due process and did not build what was applied for in the original application nor used it in the way specified in the application.

oThe additional height contributes significantly to the adverse visual impact of the structure, particularly given the proximity of neighbouring properties which include several listed buildings.

oThe Council is concerned about water run-off currently being discharged onto the public road which is already contributing to considerable surface water on the highway and the possibility that this will include foul water if not managed properly.

oThere is local concern about the increased noise and disturbance and light pollution already occurring due to the change of use.

oIf the planning authority allows for the continuance of the status quo, the Parish Council requests that conditions are applied to mitigate the impact of the development on the surrounding area and its inhabitants.

### **Public Health, 19<sup>th</sup> December 2022:**

We have considered the application and the history of use and have the following comments:

1. The building has been built for less than 1 year and used for various things including storage of vehicles and, in the last few months, for housing a small group of goslings which needed to be kept indoors as a result of the avian flu outbreak. These situations do indicate why flexibility in building uses is advantageous. It has been suggested that contaminated material was present, but the site was clear before construction and animal manure is not regarded as contamination. It is used as a soil improver wherever it is taken to and farms move this material around all the time as part of their normal operations.

2. The applicant wishes to maintain this flexibility and be able to use the building at times for the goslings, which is a seasonal flock, and potentially for his small number of cattle. The numbers of livestock are so small that there is no potential for these to impact on any off-site receptors. In any case the building is sited at some distance from the nearest residences. Normal farming practice would be to remove manure from the building at appropriate intervals and then store it on the land prior to spreading or removal for spreading elsewhere.

We have no concerns regarding this proposal.

We therefore do not anticipate any environmental health concerns regarding this application.

### **Historic England, 30<sup>th</sup> January 2022:**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.



We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

**Conservation Officer, 25<sup>th</sup> January 2023:**

You have asked for my views on this application as it has been called in by the Ward Member. One of the reasons is that there is concern about the impact on listed buildings.

You will be aware that we have a the statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66). Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset). This approach is reinforced by policy DM25 of the adopted Mid Devon Local Plan and it requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. It also goes on to state that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.

The proposal relates to a mobile home and a farm building. The mobile home is on the south side of the farm building. The farm building is tanalised timbers sides and a light grey roof. The site is on rising ground the slope being down to the north and west and the land continues to rise to the south and east of the site.

There are five listed buildings within about 600 metres the closest being about 350m. Staple Court Farmhouse is a grade 2 building to the east of the site. It sits on the side of the hill. This building is orientated with the principle elevations being north south. From the road there is a partial view of the top of the proposed farm building. There is no intervisibility between the two sites and there is no other evidence that there is harm to the significance of the listed building. (Note the marker for the position of this listed building is shown incorrectly on the Devon County HER).

Thornlands Farmhouse is listed grade 2 as are the barns and shed approx. 5 m north of Thornlands Farmhouse and the Ash House 3m east of Thornlands Farm House. All three form a group. (again the plotting of the position of the listed buildings is slightly wrong). There is a view across the valley to the south from the listed buildings to the application site which is about 600m, and the house is orientated with the principle elevation facing south. The mobile home is not visible from the north as it is behind the farm building. The farm building has recessive colours and is seen against a rising background of the hill side and sits in the context of other modern farm buildings which are visible from Thornlands. Whilst there is intervisibility between the farm building and the Thornlands Farm and its ancillary Ash House, I do not consider this proposal to be harmful to the setting or significance of the group of listed buildings at Thornlands.

Stallenge Thorne Farmhouse including rear courtyard are listed grade 2\*. Stallenge Thorne Farmhouse is similarly to the north of the application site by some 600m being approx. 300m west of Thornlands Farmhouse. As stated above regarding Thornlands, there is a view across the valley to the south from listed building to the application site which is about 600m. The mobile home is not visible from the north as it is behind the farm building. The farm building has recessive colours and is seen against a rising background of the hill side and sits in the context of other modern farm buildings which are visible from Stallenge Thorne Farmhouse. Whilst there is intervisibility between the farm building and Stallenge Thorn Farmhouse, I do not consider this proposal to be harmful to the setting or significance of the group of listed buildings at Thornlands.

## 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).*

A total of 8 letters of objection and 10 letters of support have been received at the time of writing this report. Many of the letters focus on both this application and the rural worker's application. The considerations raised in the objections relating to this application have been summarised below:

- Inaccuracies in application
- Visual impact
- Neighbourhood amenity
- Contamination
- Impact on highway network and works to access
- Flood risk and water run-off
- Pollution from; light, livestock, waste and noise
- Precedent
- Impact on local businesses

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

- 1. Policy and procedure**
- 2. Flood risk and water run-off**
- 3. Impact on heritage assets**
- 4. Other matters**
- 5. Planning balance**

- 1. Policy and procedure**

- 1.1. This application has come about following an enforcement investigation. An agricultural storage building on the site was found to be permitted development under reference 22/00186/PNAG. However, the applicant now wishes to use the building for livestock and it has been constructed 1.5m taller than was previously approved.
- 1.2. The application was submitted alongside another application for the siting of a rural worker's caravan. Both have been called in by Cllr Norton to assess drainage, scale impact on listed buildings, pollution and precedent. These matters are addressed throughout this report, along with any other policy requirements and material considerations.

1.3. The site is in the open countryside and therefore Policy S14 applies. The policy seeks to control development in countryside locations but does permit specific rural uses such as agricultural development. More specifically, DM20 of the Local Plan states that agricultural development will be permitted where:

*a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;*

*b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;*

*c) The development will not have an unacceptable adverse impact on the environment; and*

*d) The development will not have an unacceptable traffic impact on the local road network.*

A summary assessment against these criteria is undertaken below:

a) The proposal relates to a farm holding comprising 15.43 acres. The information submitted with the application states that the applicant rears 800 goslings, 13 cattle and 41 calves. As set out above, permission was previously granted for a storage building on the site under permitted development legislation. However, given the expansion of the business to include the above livestock, a livestock building is also required. The use of a building for livestock is considered to be more than reasonable and therefore the principle of the building is considered to support farming activity on the holding as required by criterion A.

b) The position of the building has been found to be acceptable under permitted development. The changes are that it will now house livestock and it is 1.5m taller than originally approved, the impact of these changes on the living conditions of neighbours and the character of the area are assessed in the following paragraphs.

Not including the proposed rural worker's caravan (assessed under a separate planning application), the nearest residential dwelling is approximately 130m from the site. Therefore, it is not considered that the increase in height will have any adverse impacts in terms of loss of light or overbearing impacts. Significant concern has been raised regarding the livestock and subsequent impacts in terms of pollution, namely; noise, light and waste pollution. Public Health have therefore been consulted on the application and state that it would actually be advantageous to have a building for livestock in order to limit any public health impacts, this is also common farming practice. Public Health have given particular regard to the contamination concerns and maintain that they have no objections to the scheme. It is notable that any contamination or other nuisances that may come about can be controlled by legislation outside of the planning process. In terms of noise, a certain level of noise is expected in rural areas due to the agricultural activities. It is considered that the ability to house some livestock indoors should in fact contain the noise rather than make it worse. There will be no noise from the building phase given that the building is already in situ. The separation distance from the site and neighbouring properties is also significant and overall there are no significant concerns with regards to noise. However, should noise impacts become unacceptable, there is separate public health legislation to address this. The concerns regarding light pollution are noted. Whilst this is considered to be very limited given the position of the site away from dwellings, a condition has been added to control any external lighting. On balance, it is not expected that the

development will have unacceptable impacts in terms of neighbourhood amenity.

With regard to the character of the area, the area is typical of the Mid Devon countryside. There are rolling agricultural fields and sporadically sited dwellings and rural buildings. The main settlement of Staple Cross is approximately 250m south west of the site. The building is of a typical appearance for rural buildings in the district and the 1.5m increase in height is not expected to significantly harm the character of the countryside. The impact on nearby heritage assets is addressed in greater detail in this report. Overall, the development complies with criterion B of DM20.

c) As addressed above, it is not expected that the proposal will have any significant adverse impacts on the environment. The building is already in situ and using it for livestock will be a safer practice than livestock being out in the open. No trees or hedgerows will be impacted and no ecology appraisal is required given the limited alterations proposed. Public Health raise no objections.

d) In terms of impacts on the local road network, the building is already in situ due to the previous approval and the application only allows it to be used for livestock and regularises the 1.5m height increase. Traffic movements will therefore not be impacted and the road network will be protected. The comments regarding the widening of the access have been noted, no application has been submitted for this and therefore this has not been considered as part of this scheme. Should the works be unauthorised then the applicants are open to further enforcement action.

Given the above, the proposed development is considered to comply with DM20, the main policy for agricultural development. Other policy and material considerations are addressed in the remainder of this report.

## **2. Flood risk and water run-off**

- 2.1. Significant concern has been raised by neighbours and the ward member regarding flood risk and water run-off (both rain water and foul drainage from livestock). The site is in flood zone 1 which represents the lowest probability of sea or river flooding as per Environment Agency guidance. The overall floor area is not increased and no additional hardstanding is proposed. It is therefore not expected that there will be any increased risk in terms of flooding or rainwater run-off. In terms of run-off of livestock waste, this will be controlled by separate public health legislation but in any event, it is expected that allowing the building to be used for livestock will more safely limit any run off impacts compared with having livestock out in the open.

## **3. Impact on heritage assets**

- 3.1. One of the call-in reasons relates to the impact of development upon nearby listed buildings. In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.2. Similarly, Policy DM25 of the local plan seeks to preserve and, where possible, enhance heritage assets and their settings. There are five listed buildings within approximately 600 metres the closest being about 350m away. Stallenge Thorne farmhouse is Grade II\* listed and as such both the Council's Conservation Officer and

Historic England have been consulted on the application. Historic England have confirmed that they are content for the advice to be provided by the local Conservation Officer.

- 3.3. The Council's Conservation Officer has visited the site and surrounding areas and provided in depth comments which can be read above and on the public portal. However, in summary, the Conservation Officer has found that there will be no harm to the setting or significance of the nearby listed buildings, largely due to the separation distances involved, the existing screening and the inoffensive design of the agricultural building. As such, the development is considered to comply with DM25.

#### **4. Other matters**

- 4.1. In addition to the policy requirements and material considerations already addressed throughout this report, concern has also been raised regarding the development setting a precedent for future development and the impact on local business, i.e. tourism accommodation and the sales of a nearby residential scheme.
- 4.2. In terms of the latter, members will be aware that house value is not a material planning consideration. Similarly, the site is in a rural location where farming activity is common practice. The proposal is simply to allow an existing building to be used for livestock and to regularise the 1.5m height increase of the building. These matters are not considered to impact any nearby businesses adversely.

#### **5. Planning balance**

- 5.1 Whilst many concerns have been raised by the general public and ward member, the application has been found to comply with local policy, specifically DM20 (agriculture) and DM25 (heritage). The proposal is to regularise a 1.5m height increase and allow the building to be used for livestock, the impacts of such changes are considered to be very limited. Taking into account policy and other material considerations, the scheme is considered acceptable.

### **REASON FOR APPROVAL**

The proposal for the retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock at Staple Cross Farm, Hockworthy, Devon is considered acceptable as a matter of principle. The development is considered to support the agricultural holding and there will be no significant adverse impacts on neighbourhood amenity, the character of the area including heritage assets, the environment or local road network. It is not expected that there will be a significant increase in terms of flood risk or contamination. As such, the development complies with policies S1, S14, DM1, DM20 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

### **CONDITIONS**

1. The date of commencement of this development shall be taken as 8<sup>th</sup> December 2022, the date the application was registered by the Local Planning Authority.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the installation of any exterior lighting on the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).

## **INFORMATIVES**

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 utilised planning conditions to the application to enable the grant of planning permission.

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.

Application No. 22/02127/FULL

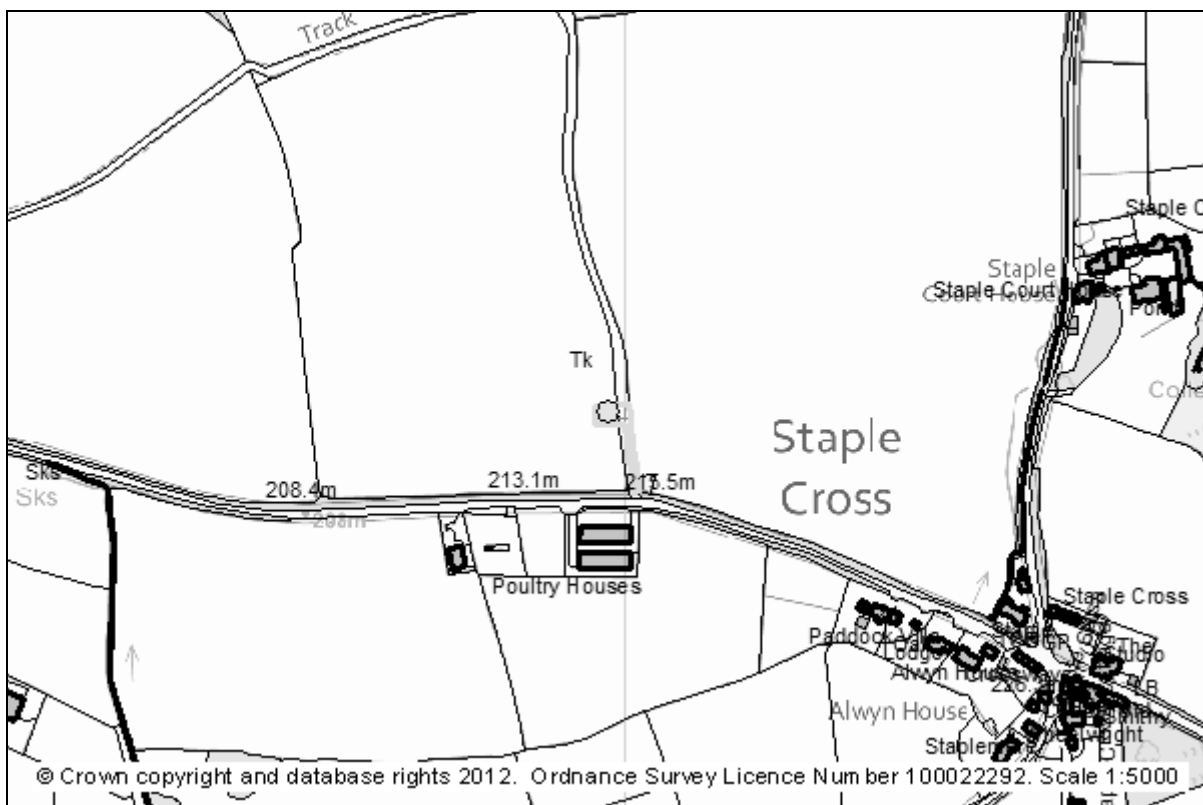
Grid Ref: 302959 : 120398

Applicant: Mr G Kemp

Location: Staple Cross Farm  
Hockworthy  
Devon

Proposal: Siting of a temporary agricultural workers dwelling (retention of)

Date Valid: 8th December 2022



**APPLICATION NO: 22/02127/FULL**

**Site Visit: Yes**

**Date of Site Visit: 15<sup>th</sup> December 20227**

**Decision Delayed Reason:**

Extension of time agreed to allow to go before committee.

**MEMBER CALL-IN**

This application, along with application reference 22/02301/FULL for the retention of an agricultural building, have been called in by Cllr Jo Norton for the following reasons:

- Drainage
- Scale
- Impact on listed buildings
- Pollution – noise, waste, light and contamination
- Precedent

The reasons can be read in full on the public portal.

**RECOMMENDATION**

Grant permission subject to conditions

**PROPOSED DEVELOPMENT**

The application is for the retention of a temporary agricultural workers dwelling at Staple Cross Farm, Hockworthy, Devon. The site is classified as being in the open countryside, it is not within an AONB or Conservation Area and does not fall within a flood risk area.

The dwelling will provide accommodation so that the applicant can live on site in order to better monitor and care for livestock on the farm holding. The structure measure approximately 10.9m X 6.1m. It is single storey, with a pitched roof design measuring approximately 3.5m to its highest point. It is clad in vertical timber cladding with dark grey felt used for the roofing.

**APPLICANT'S SUPPORTING INFORMATION**

In support of the application, the submission includes:

Design and access statement, flood map, functional test, aerial imagery, site location plan, block plan, elevation and floor plans.

**RELEVANT PLANNING HISTORY**

22/00186/PNAG - PDA date 22nd February 2022 Prior Notification for the erection of a general purpose agricultural building

22/02301/FULL - PCO date Retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock



## **DEVELOPMENT PLAN POLICIES**

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

S1 – Sustainable development  
S14 – Countryside  
DM1 – High quality design  
DM3 – Transport and air quality  
DM5 – Parking  
DM8 – Rural worker's dwellings  
DM25 – Heritage assets

## **CONSULTATIONS**

### **Environment Agency:**

Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

### **Highway Authority, 12<sup>th</sup> December 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.

### **Hockworthy Parish Council, 13<sup>th</sup> January 2023:**

Following a meeting of the Parish Council on 12th January attended by several members of the public who wished to make representations concerning the above planning application, the Council objects.

The Council notes in particular the following points:

- The applicant has not followed due process as set out in the application. The dwelling is already in situ and has been for several months.
- The Council questions the necessity of the dwelling in relation to the business proposed, which is of a limited scope and partly seasonal in nature.
- The Council is concerned about water run-off currently being discharged onto the public road which is already contributing to considerable surface water on the highway and the possibility that this will include foul water if not managed properly.

There is local concern about increased noise and light pollution.

- If the planning authority allows for the continuance of the status quo, the Parish Council requests that conditions are applied to mitigate the impact of the development on the surrounding area and its inhabitants.

### **Historic England, 30<sup>th</sup> January 2023:**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

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

**Conservation Officer, 25<sup>th</sup> January 2023:**

You have asked for my views on this application as it has been called in by the Ward Member. One of the reasons is that there is concern about the impact on listed buildings.

You will be aware that we have a the statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66). Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have be consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset). This approach is reinforced by policy DM25 of the adopted Mid Devon Local Plan and it requires development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. It also goes on to state that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.

The proposal relates to a mobile home and a farm building. The mobile home is on the south side of the farm building. The farm building is tanalised timbers sides and a light grey roof. The site is on rising ground the slope being down to the north and west and the land continues to rise to the south and east of the site.

There are five listed buildings within about 600 metres the closest being about 350m. Staple Court Farmhouse is a grade 2 building to the east of the site. It sits on the side of the hill. This building is orientated with the principle elevations being north south. From the road there is a partial view of the top of the proposed farm building. There is no intervisibility between the two sites and there is no other evidence that there is harm to the significance of the listed building. (Note the marker for the position of this listed building is shown incorrectly on the Devon County HER).

Thornlands Farmhouse is listed grade 2 as are the barns and shed approx. 5 m north of Thornlands Farmhouse and the Ash House 3m east of Thornlands Farm House. All three form a group. (again the plotting of the position of the listed buildings is slightly wrong). There is a view across the valley to the south from the listed buildings to the application site which is about 600m, and the house is orientated with the principle elevation facing south. The mobile home is not visible from the north as it is behind the farm building. The farm building has recessive colours and is seen against a rising background of the hill side and sits in the context of other modern farm buildings which are visible from Thornlands. Whilst there is intervisibility between the farm building and the Thornlands Farm and its ancillary Ash House, I do not consider this proposal to be harmful to the setting or significance of the group of listed buildings at Thornlands.

Stallenge Thorne Farmhouse including rear courtyard are listed grade 2\*. Stallenge Thorne Farmhouse is similarly to the north of the application site by some 600m being approx.. 300m west of Thornlands Farmhouse. As stated above regarding Thornlands, there is a view across the valley to the south from listed building to the application site which is about 600m.

The mobile home is not visible from the north as it is behind the farm building. The farm building has recessive colours and is seen against a rising background of the hill side and sits in the

context of other modern farm buildings which are visible from Stallenge Thorne Farmhouse. Whilst there is intervisibility between the farm building and Stallenge Thorn Farmhouse, **I do not consider this proposal to be harmful to the setting or significance of the group of listed buildings at Thornlands.**

**Public Health, 19<sup>th</sup> December 2022:**

We have considered the application and do not anticipate any environmental health concerns once completed, if approved. However no FDA1 form has been included in the documents, although one of the plans suggests that a package treatment plant will be installed, discharging to a drainage field on the land. If this is the case we would have no concerns, but a fully completed FDA1 form should be provided in order that it forms part of the approved documents should this application be successful.

**Public Health, 26<sup>th</sup> January 2023:**

We have considered the application and do not anticipate any environmental health concerns. The applicant will use a package treatment plant discharging cleaned water to a drainage field on land in their ownership. We have no concerns regarding this.

## **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).*

A total of 10 letters of objection, 1 general comment and 9 letters of support have been received at the time of writing this report. Most of the letters refer to both this application and the agricultural building application, the relevant considerations have been summarised below:

- Inaccuracies in application
- Visual impact and impact on heritage assets
- Neighbourhood amenity
- Contamination and foul drainage
- Flood risk and water run off
- Ecological impacts
- Impact on road network and works to access
- Light pollution
- Precedent
- Impact on local businesses
- Whether there is a justification for the holding to have a rural worker's dwelling in terms of capital and business need
- Potential for other nearby rented accommodation to come on the market

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Policy and procedure**
- 2. Visual impact and neighbourhood amenity**
- 3. Impact on heritage assets**
- 4. Flood risk and water run off**
- 5. Highways and parking**
- 6. Ecology**
- 7. Other matters**

## 8. Planning balance

### 1. Policy and procedure

- 1.1. This application has been submitted following an enforcement investigation. The rural worker's dwelling is already in situ and this application seeks to regularise it.
- 1.2. The application was submitted alongside an application for the retention of an agricultural livestock building. Both applications have been called in by Cllr Norton to assess drainage, scale impact on listed buildings, pollution and precedent. These matters are addressed throughout this report, along with any other policy requirements and material considerations.
- 1.3. Policy S14 refers to development in the open countryside and does not generally permit new, open-market residential development in these locations. However, it does support agricultural uses and permits appropriately justified and designed rural worker's dwellings.
- 1.4. More specifically, DM8 of the Local Plan deals with rural worker's dwelling and states:

*"Applications for rural workers' dwellings will be permitted where:*

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available at most times;*
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;*
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site; and*
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.*

*Where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:*

- (i) An essential need for one or more workers to be readily available at most times*
- (ii) A firm intention and ability to develop the enterprise*
- (iii) Sound financial planning"*

This proposal relates to a temporary rural worker's dwelling and therefore the key criteria are (b), (c), (i), (ii) and (iii). Given the requirements of DM8, the Local Planning Authority have recently made the corporate decision to have agricultural appraisals for rural worker's dwellings application to be independently assessed by a suitably qualified expert at the cost of the applicant.

In this case, Reading Agricultural Consultants (RAC) have been instructed to independently assess the agricultural appraisal. They have confirmed in writing that they have no links to the applicants or the farm holding and their relevant experience has been set out in their written response.

- 1.5. The farm holding comprises approximately 15.4 acres of land, 800 goslings, 13

cattle and 41 calves. RAC have found that the rearing of the livestock represents an essential need for a dwelling on the site given the requirements of various animal welfare acts. Whilst the man hour calculations fall just short of a standard full time worker (0.9 workers), RAC have found that based on their experience including various appeal decisions, there is a need for a full-time worker in this instance. This is largely due to the need for close supervision for the type of livestock on the holding as well as the welfare and safety requirements for such animals. Officers are therefore satisfied that there is an essential need for a worker to be readily available at most times of day in accordance with DM8 (i).

- 1.6. In terms of criterion B relating to other available properties, both the case officer and RAC have only found one property for sale within 1 mile of the site and this is advertised at the high price of £600,000. It is therefore concluded that the need for a rural worker on site cannot be met by the existing housing stock in the locality.
  - 1.7. Given that the proposal is for a rural worker's dwelling, DM8 does not require the business to be fully established at this point. Instead, it simply needs to demonstrate; (ii) a firm intention to develop the enterprise, and (iii) sound financial planning. Confidential finances have been submitted to RAC who are satisfied that the proposal is for a start-up business and, in principle, they have no objections in terms of finances or budgets. Should the applicants subsequently submit an application for a permanent dwelling, however, the figures will need to be more deeply scrutinized. A condition will be added to the decision notice to ensure the temporary dwelling can only be used as such for 3 years. This is common practice for temporary rural worker dwelling applications.
  - 1.8. Criterion C of DM8 is the final relevant point for temporary dwelling applications. It refers to the size and scale of the dwelling. The proposal is for a modest 10.9m X 6.1m dwelling over 1 storey with an overall ridge height of just 3.5m. The floor plan shows an open plan living space with 3 modestly sized bedrooms and overall both officers and RAC are satisfied with the scale of the proposal in the context of DM8 (c).
  - 1.9. Overall the development has been found to comply with the relevant parts of DM8 of the Local Plan.
2. Visual impact and neighbourhood amenity
- 2.1. Policy DM1 of the Mid Devon Local Plan refers to high quality design and seeks to ensure this by a number of principles. These include protecting the character and appearance of the area and not adversely impacting neighbourhood amenity.
  - 2.2. The proposal is for a modestly scaled temporary dwelling that is over 100m from the nearest residential dwelling. There are therefore no concerns relating to loss of light, overlooking or overbearing impacts. Other potential amenity impacts relating to the highway network and drainage are addressed later in this report.
  - 2.3. In terms of the character of the area more widely, the area is characterised by agricultural fields and sporadically sited buildings. The dwelling is well screen from the north by the existing agricultural building and is set back from the highway to the south. It is modest in scale and finished in timber cladding which is considered suitable for the countryside location. Overall, the design if considered acceptable in

accordance with DM1.

### 3. Impact on heritage assets

- 3.1. One of the call-in reasons relates to the impact of development upon nearby listed buildings. In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.2. Similarly, Policy DM25 of the local plan seeks to preserve and, where possible, enhance heritage assets and their settings. There are five listed buildings within approximately 600 metres the closest being about 350m away. Stallenge Thorne farmhouse is Grade II\* listed and as such both the Council's Conservation Officer and Historic England have been consulted on the application. Historic England have confirmed that they are content for the advice to be provided by the local Conservation Officer.
- 3.3. The Council's Conservation Officer has visited the site and surrounding areas and provided in depth comments which can be read above and on the public portal. However, in summary, the Conservation Officer has found that there will be no harm to the setting or significance of the nearby listed buildings, largely due to the separation distances involved as well as the significant amounts of existing screening. As such, the development is considered to comply with DM25.

### 4. Flood risk and water run-off

- 4.1. Significant concern has been raised by neighbours and the ward member regarding flood risk and water run-off (both rain water and foul drainage). The site is in flood zone 1 which represents the lowest probability of sea or river flooding as per Environment Agency guidance and the roof area of the structure is modest in terms of area and as such any increased run-off is limited. The concerns relating to run-off onto the highway are noted and whilst this is not expected to occur given the distances involved and modest roof area, this can be controlled and enforced by separate highway safety legislation in any case.
- 4.2. Similarly, following the submission of an updated Foul Drainage Assessment form, the Council's Public Health Team are satisfied with the foul drainage proposals. Should any foul drainage issues occur, these can also be dealt with by separate environmental health legislation.

### 5. Highways and parking

- 5.1. DM3 requires development to have a safe access onto the road network. At the time of the case officer's site visit, the visibility splays appeared to be sufficient and vehicle speeds in the area were slow. There is ample space for vehicles to turn and enter the highway in forward gear and it is not expected that the vehicles trips from 1 modest dwelling will have a significantly detrimental impact to the access or highway network more generally, particularly given the existing agricultural use of the site. The comments regarding the widening of the access have been noted, no application has been submitted for this and therefore this has not been considered as part of this scheme. Should the works be unauthorised then the applicants are

open to further enforcement action.

- 5.2. Policy DM5 of the local plan requires 1.7 parking spaces per residential dwellings which is rounded up to 2 in this instance. Whilst the parking spaces have not specifically been shown on the submitted plans, the block plan clearly shows that there is ample area for the parking of 2 cars within the red line area in accordance with DM5.

## 6. Ecology

- 6.1. The comments regarding ecological impacts have also been noted. These largely refer to impacts from surface water or foul drainage run-off and these matters have been addressed above. A wildlife trigger table has been submitted with the application which indicates that no ecological impact appraisal is required for this application. However, a condition has been added to control any external lighting to further protect biodiversity and ecology in the area.

## 7. Other matters

- 7.1. In addition to the policy requirements and material considerations already addressed throughout this report, concern has also been raised regarding the development setting a precedent for future development and the impact on local business, i.e. tourism accommodation and the sales of a nearby residential scheme.
- 7.2. In terms of the latter, members will be aware that house value is not a material planning consideration. Similarly, the site is in a rural location where farming activity is common practice and there is policy support for temporary rural worker's dwellings. It is not expected that these matters will significantly impact any nearby businesses adversely.

## 8. Planning balance

- 8.1. The application for the retention of a temporary rural worker's dwelling has been found to comply with the relevant parts of DM8 of the local plan by both officers and the independent assessor. There is a need for a full-time, on-site worker and there is evidence of sound financial planning. The modest scale of the structure is suitable for a temporary rural workers dwelling and will not have adverse visual or neighbourhood amenity impacts. The varied concerns and considerations raised by the ward member and throughout the consultation period have been noted, however, overall, the development is considered acceptable as a matter of policy.

## **REASON FOR APPROVAL**

The proposed retention of a temporary agricultural workers dwelling at Staple Cross Farm, Hockworthy, Devon is considered acceptable in policy terms. There is an agricultural need for a rural worker on the site and sound financial planning has been demonstrated. There are no appropriate dwelling available on the market nearby and the scale of the dwelling is acceptable. There will be no significant adverse impacts on the setting of heritage assets, the character of the area, the highway network or flood risk. Similarly, the scheme has been found to be acceptable in terms of car parking and ecology. As such, the development complies with policies S1, S14, DM1, DM3, DM5, DM8 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

## **CONDITIONS**

1. The residential use hereby permitted shall be discontinued, and the temporary dwelling removed from the site on or before the 5<sup>th</sup> of April 2026. The land shall be restored in accordance with details that shall have been first submitted to and approved by the Local Planning Authority. The approved restoration scheme shall be fully implemented within 6 months of the use discontinuing, and temporary dwelling being removed.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly employed or last employed in the farming enterprise at Staple Cross Farm, or a dependent of such a person residing with him or her, or a widow, widower or surviving civil partner of such a person.
4. Prior to the installation of any exterior lighting on the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.
5. Prior to the erection of any boundary treatments, a scheme of boundary treatment shall first be submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

## **REASONS FOR CONDITIONS**

1. The essential need relates to an expanding agricultural enterprise and therefore in accordance with DM8 of the Mid Devon Local Plan (2013-2033).
2. For the avoidance of doubt in the interests of proper planning.
3. To ensure that the dwelling is only occupied to meet the exceptional need that has been demonstrated, bearing in mind the location of the site in the Countryside where planning permission would not normally be forthcoming for residential development as per S14 of the Mid Devon Local Plan (2013-2033).
4. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
5. To protect the character and amenity of the area in accordance with DM1 of the Mid Devon Local Pan (2013-2033).

## **INFORMATIVES**

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 utilised planning conditions to the application to enable the grant of planning permission.

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.

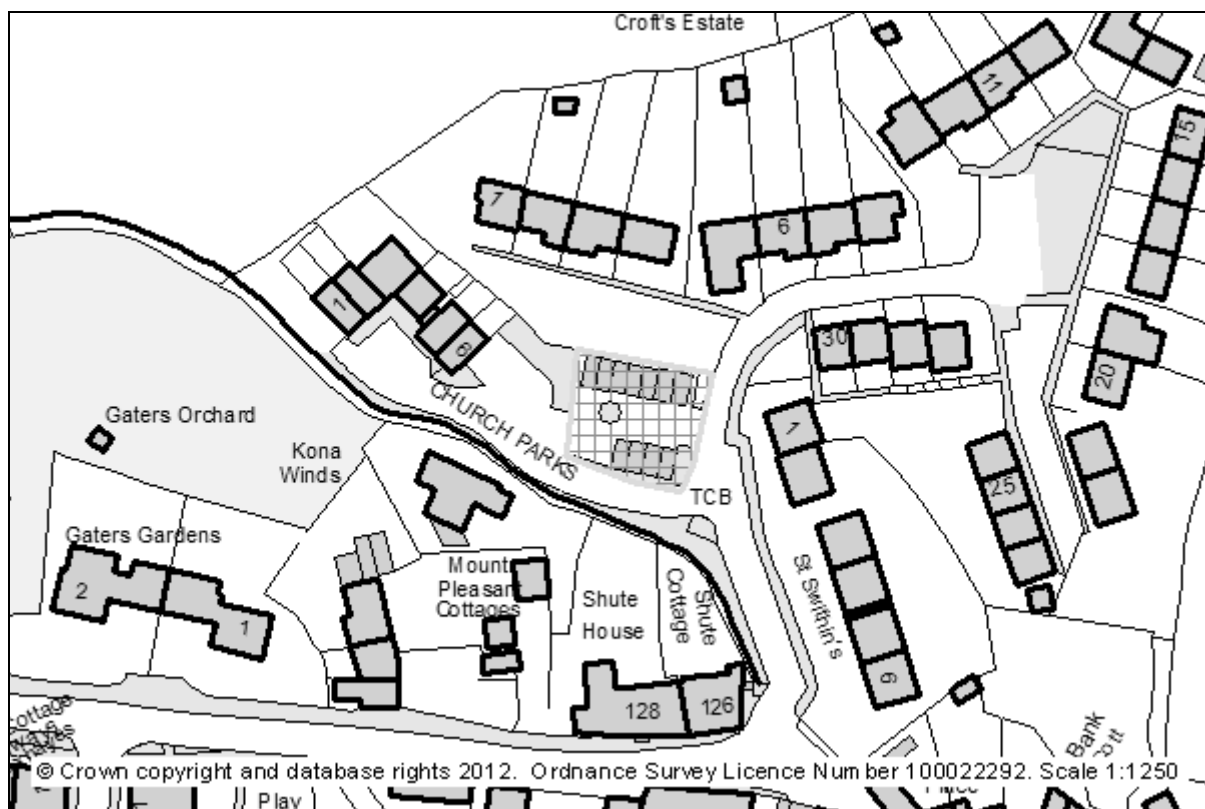
Grid Ref: Easting 282675 : Northing 102589

Applicant: ZED PODS Limited

Location: Land and Garages at NGR 282671 102585  
Crofts Estate  
Sandford  
Devon

Proposal: Erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works

Date valid: 26<sup>th</sup> January, 2023



## **APPLICATION NO: 23/00119/FULL**

### **CALL-IN**

Mid Devon District Council is the landowner/developer

**RECOMMENDATION** – Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application seeks approval for the erection of 5 affordable dwellings made up of 4 x one bed units (2 at ground floor level and 2 at first floor level) and 1 x 2 – storey, one bed unit. All the dwellings would be housed within a single two storey block on the site. The development would replace the existing garage court and 4 car spaces. The overall scheme would provide 10 parking spaces. The site is located at the Croft Estate, Sandford being located within the settlement limits and outside of the Conservation Area. The application site comprises a series of 11 Garages set in 2 opposite facing rows (7 to the north, 4 to the south) and their attendant Forecourt at the Crofts Estate, Sandford. The garages and forecourt plus 3 further car parking spaces to the west; and 1 to the north. The garages and forecourt presently derive access directly at the junction of St Swithins Gardens and the Crofts Estate Roadway where the two roads merge. The site is bounded to the south by the access road to 6 No. dwellings located in Church Parks to the east. A private sewage treatment plant immediately bounds the site to the west. To the north and west lie 2-storey residential properties in Crofts Estate, with those to the north standing at an elevated level compared to the site. To the south are a series of mature trees located within the rear garden areas of dwellings at Shute House, Korna Wind, and Shute Cottage. These properties are located within the Sandford Conservation Area.

The 2 storey block would contain 4 single storey apartments (2 at ground floor level and 2 at first floor level). These are all to be 1 Bed, 2 Person apartments each with a floor area of 52.1 m<sup>2</sup>. The 5<sup>th</sup> dwelling would be a 1 Bed, 2 Person, 2-storey dwelling with a floor area of 58.78m<sup>2</sup>. This would be built over 2 floors, and would be attached to the east side of the block closest to the Croft Estate road carriageway. All of the units would be built to be national space standard compliant and are intended for social rent as part of the Housing Revenue Account (HRA) portfolio. Solar PV panels would be installed on the south facing roof slope of the building. The modular construction techniques employed in the manufacture and erection on site along with the use of materials and fittings that maximise insulation and minimise heat loss would provide dwellings zero carbon unit of living accommodation, with correspondingly low heating and lighting bills for their occupants.

All the units except the 2 No. first floor apartments would be accessed from the south elevation by level access, and would have ground floor rear patio doors serving each of the ground floor flats set in the north elevation. An enclosed staircase on the north side elevation would provide access to the 2 first floor apartments. These two apartments would be served by first floor balconies on their south side elevations, which would provide a minimum of 5m<sup>2</sup> of private outdoor amenity space. New areas of hard and soft landscaping are proposed as part of the scheme. Adjacent to the south and east sides of the block, 10 car parking spaces are proposed. 5 spaces will have direct access from Croft's Estate and 5 spaces with direct access from Church Parks. This would provide parking which is in excess of the Council's policy requirements of 1.7 spaces per dwelling. The existing communal green space at the rear of the block between the block and dwellings at 1 – 4 Crofts Estate to the north (rear) to ensure a degree of separation and privacy for occupants of both the existing and proposed dwellings is maintained. A small green area would be provided on

the corner of the junction of St Swithins Gardens and Church Parks with additional shrub /hedge planting around the south and east sides of the block.

## **APPLICANT'S SUPPORTING INFORMATION**

Completed application forms, plans, 3D aerial views, Design and Access Statement, Planning Statement, Wildlife Trigger List, Preliminary Ecological Appraisal, Transport Statement, Flood Risk Assessment, Daylight and Sunlight Assessment

## **RELEVANT PLANNING HISTORY**

98/00399/FULL - PERMIT date 21st April 1998 Erection of a replacement garage

## **DEVELOPMENT PLAN POLICIES**

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities  
Policy S2 - Amount and distribution of development  
Policy S3 - Meeting housing needs  
Policy S4 - Ensuring housing delivery  
Policy S5 - Public open space  
Policy S8 – Infrastructure  
Policy S9 – Environment  
Policy S13 – Villages  
Policy DM1 - High quality design  
Policy DM2 - Renewable and low carbon energy  
Policy DM3 - Transport and air quality  
Policy DM4 – Pollution  
Policy DM5 – Parking  
Policy DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

## **CONSULTATIONS**

**Sandford Parish Council** – received 6.2.23

*This planning application arrived yesterday afternoon ahead of our Meeting in the evening. Whilst we were able to discuss the application time did not allow an in depth discussion.*

*Whilst in essence we are delighted to learn of the imitative to provide Affordable Dwellings in the Village we are somewhat puzzled over the lack of consultation, and fine detail on the proposal, with the Parish Council.*

*I have been asked to enquire over the following points:-*

1) Will this land continue to belong to MDDC? If that is the case why is the Planning Application not in the name of MDDC?

2) Will the properties become part of the MDDC Housing Stock and be awarded to those already on the MDDC Housing List with the Highest Points?

3) Will the properties be Rented?

3a) Has the MDDC Housing Officer been part of the Consultation? I did try without success to find the name of this Officer on the MDDC Website to ask them for more details.

4) The location is in the Sandford Conservation area. Whilst we are told "pods" like this are already "in use in some car park in Tiverton" will the final design match our Rural setting as it does in the heart of the Village?

From the blurb that accompanies the application it does not seem sympathetic.

5) Could we see some photos and examples of the Tiverton properties please and maybe see and possibly visit the location?

6) Finally do you not feel the Parish Council should have been aware of what is being planned?

I am already today being asked by a Parishioner did the we know about this proposal and have not been "transparent" with the Parish over this?

7) Two of your current Garage Renters became aware of this only today and have asked what will be happening to their Tenancy Agreement?.

8) I did have a visit from one of these Tenants this morning who is demanding the Parish Council hold a Public Meeting.

So if this suggestion does gather steam maybe you will be able to attend?

### **Further comments received from Sandford Parish Council 9/3/23**

23/00119/FULL Land and Garages at NGR 282671 102585 Crofts Estate Sandford  
Erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works

Following a Planning Meeting of Sandford Parish Council, attended by the MDDC Planning Case Worker and Parishioners, we would like to submit the following comments on this application.

Firstly, there has been a lot of confusion caused by calling these "affordable dwellings" when we understand this is "social housing available to rent".

Whilst Sandford Parish support the need for additional housing in the Parish, we do have major issues over the following:-

*Parking – The loss of current parking and garages will have a negative impact on an area already suffering from major parking issues at Crofts Estate. This matter is long outstanding and dates back at least to 2017 when parishioners met with MDDC officers to address the matter.*

*The Parish Council agree with the residents that the matter of alternative parking provision will need to be resolved before any development was to take place.*

*We are requesting a Meeting with the MDDC Housing Officer to discuss this issue.*

*Drainage / Flooding Is sufficient drainage being supplied in an area which already floods from the stream passing the bottom of the current garages, from the direction of Church Parks , heading down to the Shute at the bottom of St Swithun's Gardens ? The accumulative effect needs to be addressed within this planning application in our view. A desktop exercise of the amount the development will contribute to the overloaded drainage and sewage infrastructure will be inadequate.*

*Access – The access road to Crofts, past St Swithun's bungalows, is already heavily used.*

*It is felt that this needs to be taken into account when discussing the application which will see traffic increased.*

*There have been problems in the past with Emergency Vehicles being unable to gain access.*

*Roofing – The properties are on the edge of the Sandford Conservation area and we trust this will be reflected in the final choice of roofing materials.*

*The outlook from the dwellings could be adversely affected by the height of the new dwellings.*

*Will these neighbours be able to see into each other's dwellings unless design deals with the sight lines or obscure glass installed.*

*SITE MEETING – Could we suggest a site Meeting by MDDC Planning Officers and Committee before any final decision is taken.*

Officer notes: A meeting with the Council was undertaken and the application discussed in detail.

### **Local Highway Authority - 28.2.2023**

#### Comments

#### Observations:

The site is accessed off a Private Road which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the Police in this area between 01/01/2017 and 31/12/2021 is none.

In the Village of Sandford the parking is a premium and this proposal does provide adequate parking and meets the DM 5 Policy in the Mid Devon Local Plan.

Although the loss of parking with the removal of the garages should be taken into consideration.

Given that the proposal would not appear likely to result in an increase in severe vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

Recommendation:

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

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

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

## **MDDC – Arboriculture Officer 22/2/23**

Comment:

23/00119/FULL the erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works fall outside the Sanford Conservation area. However, there are a number of trees, noted as T2 to T6 that are sited south of the proposal in the accompanying Arboriculture report that do fall within the Sanford Conservation area. The accompanying Arboriculture report is a constraints survey only which only identifies the trees in the immediate area and suitably categorises them. The Arboriculture report informs of one low quality group of trees with all individual trees recorded, except for T6 are noted of moderate quality. T6 an ash has limited life expectancy and noted of poor quality. In total there are 6 individual trees identified. There are no trees located on the site but there are several Category C trees along the site's western side, within G01. The Canopy of tree number T01, a Category B Sugar Maple tree extends into the site however will be retained by the proposals.

The application is supported by an Arboricultural Strategy plan within the Design Assess Statement. However, this is limited in providing information on impact of the proposal on the surrounding retained trees and identifying adequate protection during demolition and construction. It is recommended an arboricultural impact assessment (AIA), arboricultural method statement (AMS) and tree protection plan drawing (TPP) is undertaken to ensure current and future conflicts are identified and protection of retained trees is suitable. In reviewing some of the design drawings it would be anticipated there would be shade conflict, particularly in relation to solar panels that may reduce the energy efficiency of the dwellings. The proposal as it stands is likely to impact the root protection area of T1.

The Design Assess Statement and Landscape Plan is limited on tree planting design and species selection. Some drawings show one tree to be planted on the southeast corner others show two. It would be envisaged Geocells would be required in order to ensure successful planning, root expansion whilst not causing conflict in the long-term.

## **Public Health – 17/2/23**

Comments

We have considered the application and the submitted contaminated land report. This site appears to be situated on or near made ground. Should there be any residual contamination after site clearance, the provision of buildings, hard standings and roadways over the whole site will provide a barrier break in any potential pathway for contaminants to move over. The writer suggests that an intrusive investigation is carried out and therefore we recommend that the full contaminated land condition is included on any approval. We do not anticipate any further environmental health concerns.

## **Environment Agency 1/2/23**

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



**Natural England** – No comments received

**MDDC - Conservation Officer** – No comments received

**Devon CC - Lead Local Flood Authority** – No comments received

**Sandford and Creedy Ward Member (Cllr Elizabeth Lloyd)** - No comments received.  
Attendance at Parish Council Meeting on 7/3/21 to answer questions noted.

**Sandford and Creedy Ward Member (Cllr Margaret Squires)** – No comments received.  
Attendance at Parish Council Meeting on 7/3/21 to answer questions noted.

## 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).

**2 letters** has been received **expressing support** for the application. Comments are:

I am in principle in favour of a development which provides rented accommodation for local people who would otherwise be priced out of Sandford. It's something that has been more or less absent from previous recent development in the parish and is welcome.

The garages are not attractive, in good condition, or a great resource (as someone who used to sub-let one years ago I know I just used it to store things which slowly deteriorated in damp conditions). I'm not sure if any at all are used for their original purpose.

The eco credentials look excellent - another facet disgracefully lacking in recent building in the village.

The issue of parking does need to be carefully considered so that near neighbours don't have a reduction in spaces.

This sort of housing would be beneficial to Sandford.

I would hope there that being a high 'local' weighting to any applicants for the housing.

Also, the roofing should not be aluminium, and there is local precedence for this not being acceptable on application 22/02220/MFUL

**13 letters of objection** have been received, against the application. The objection grounds are summarised as follows:

First refusal being given to persons with a connection to the parish of Sandford;

It is worrying that these are short term let and I am left wondering why this is?!

Short term rentals suggest the tenants' maybe individuals or families in need of support and amenities,

Make this application one of long term rentals with first refusal being given to persons with a connection to the parish of Sandford and I'll change my objection to one of support;

There is a stream running alongside the access road to Church Parks – a few metres from the site. It may be of concern that due to the relatively steep slope coming down from Crofts Estate, heavy rain always causes considerable runoff down towards the garages. With predictions of more heavy rains due to climate change, this is likely to cause flooding.

There is asbestos present in the framework of the garages which will require time and care to ensure safe demolition.

Our view will be restricted as our house is behind where you want to build;

I have concerns about the lack of privacy from a two storey building in front of us;

Overshadowing....the proposed two storey structure will overlook other (Private and Council) homes behind it thereby causing a potential loss of privacy.

The proposed two storey development would be overbearing/out of scale and is not in keeping with the local character or current housing in Crofts Estate;

This idea is completely bonkers. Parking is a nightmare as it is without extra homes added;

MDDC and their developer in developing this present car park and garage area have made no allowance for the displaced car parking spaces. This will just push more cars on to the streets around the village.

The current parking situation in Crofts Estate is under a great deal of strain at the best of times and this development will restrict the number of vehicles especially when friends or family are visiting.

The major parking problem which we have at present could be alleviated by turning the grass areas at Crofts Estate into hard standing for parking. Also allow home owners to convert their front gardens into the same.

No indication has been given by the Applicant to undertake contributory payments towards the upkeep and maintenance of the private road(s) consisting of St Swithins gardens and/or Crofts Estate, given that there is every likelihood of increased traffic volumes in this area, particularly larger vehicles in the respect that the Applicant has stated that the proposed lets shall be "short and/or medium term lettings". This would imply a fairly regular turnover of residents and therefore all the relevant inconveniences associated with regular movement of people.

Given the already congested parking in Crofts estate, St Swithins gardens and Church Parks, the removal of up to 14 parking spaces (11 garages and 3 spaces alongside) it would be folly to invoke this proposed development when it would be far better converted into up to 14 "open" car parking spaces to include several Public Charging Points for electric vehicles, thereby being more beneficial to the WHOLE community as well as increasing MDDC "Green Credentials".

If MDDC should purchase the closed Sandford Congregational Church and the attached deteriorating meeting room/garages and convert those for affordable housing. That space should

provide housing for at least five families, is on the right side of village and closer to the underused Sandford Parish car park.

I'm not convinced Sandford can offer much in the way of amenities;

## **REPRESENTATIONS ON BEHALF OF THE APPLICANT – received 10/3/23**

*“We note that the Sandford Parish Council have provided comments on the planning application and we would like to clarify some of the points raised. Please see our initial response below:*

- *We can confirm that whilst ZedPods are the applicant and designer of the new homes, the land will remain in the ownership of Mid-Devon’s Housing team and the properties will be retained by Mid-Devon to provide socially-rented homes for those in the local area identified as in need on the Council’s Housing Register.*
- *To clarify to one of the points raised, the site falls entirely outside of the Sandford Conservation Area however is located adjacent to it (beyond existing tree screening to the south). Given the site is immediately adjacent to the Conservation Area, the application is supported by a Heritage Note (prepared by Cotswold Archaeology) who have identified the site has potential for development and the proposals will not result in any harm to the heritage assets in the area that would not be outweighed by the significant public benefits of providing new affordable and sustainable homes on this previously developed site.*
- *The proposed design has been informed by the modular and zero-carbon ambitions and will result in a significant architectural improvement when compared to the existing underutilised nature of the garages site. The Design and Access Statement submitted with the application provides further justification for the proposed design and its evolution, including examples of local character and properties which have been analysed. As discussed with the Council during pre-application consultation, the use of innovative materials although not necessarily immediately typical would have significant sustainability benefits.*

*With regards to the Arboricultural Officers comments, please could you provide us with any potential condition wording regarding the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement as we previously discussed.*

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Principle of development/planning policy**
- 2. Highways and highway safety**
- 3. Drainage and Flood Risk**
- 4. Public open space and green infrastructure (GI)**
- 5. Design of development and impact on landscape and ecology**
- 6. Impact on Heritage Assets**
- 7. Living conditions of the occupiers of nearby residential properties**
- 8. Impact on trees**
- 9. Sustainable development balance.**

## **1. Principle of development/planning policy**

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

1.2 The National Planning Policy Framework (2021) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S13 (Villages) which includes Sandford, recognises that proposals for small scale housing, amongst other things, may be acceptable on sites that fall within defined settlement limits as shown on the Policy Inset Maps in the Local Plan. In this case the site lies within the defined settlement limit for Sandford.

1.3 The National Planning Policy Framework (NPPF) seeks to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area.

1.4 With respect to other relevant policies, Policy S1 (Sustainable development priorities) of the Mid Devon Local Plan 2013-2033 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S3 (Meeting housing needs) seeks to meet the diverse housing needs of the community, including the provision of affordable dwellings across the District. It is noted that the 5 apartments proposed will be for social rent, a recognised form of affordable housing.

1.5 The layout plan submitted shows how the layout for the residential development of 5 residential units would be achieved which has been considered to be acceptable and below the planning matters of the development are considered further.

## **2. Highways and highway safety**

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

2.2 The main access into the site would be via the private, unadopted road of St Swithins Gardens, and would appear to be acceptable in principle.

2.3 A Transport Statement has been submitted which outlines that the site will be accessed via Crofts Estate to the east which is a residential cul-de-sac at c. 4.5m wide with a footway along the eastern side and street lighting. The road is subject to a 30 mph speed limit and there are on-street parking bays on the eastern flank. At the southeast corner of the site Church Parks meets Crofts Estate in the form of an informal priority T-junction; Church Parks takes the form of a narrow

(c.5m) residential road with a shared surface arrangement and serves approximately 6 residential plots within Church Parks.

2.4 The development site is located within a wider residential area which indicates that surrounding roads will have low levels of slow, moving traffic, which is a conducive environment for cycling. For public transport, the site is within 200m of the nearest bus stop to the south in The Square which serves the 369 bus service to Crediton and beyond. Other facilities within 400m are The Lamb Inn PH, Sandford Post Office; Sandford Primary School; and, The Rose and Crown PH. Sandford AFC Football Club and Sandford Tennis Club are within 800m of the site; and, Sandford Cricket Club is within 2km of the site.

2.5 The Transport Statement comments that in addition the 1km walking catchment includes a range of key amenities residents can access on foot for daily requirements. In summary, the existing pedestrian infrastructure in the vicinity of the site is of a good standard. There are footway provisions along Crofts' Estate which serves as a key route towards the majority of facilities. The traffic generated by the whole site will be no more than 3 two-way vehicles per hour and as such the impact is considered to be negligible. The Local Planning Authority has not objected to the development confirming that the impact on the highway network will not be severe.

2.6 With regard to the required on-site parking provision, it is noted that the current proposal identifies that 10 parking spaces would be provided. Policy DM5 (Parking) of Mid Devon Local Plan 2013-2033 sets a residential parking standard of 1.7 spaces per unit, however, it should be noted that in reality with the likely car ownership being one car per dwelling, the provision of 10 spaces would also make up some of the shortfall arising from the loss of the garages and 3 No. outdoor car spaces to retain local parking capacity.

2.7 The comments received from the Parish Council, and neighbours raise concerns regarding the loss of the site for parking; and, the lack of parking provision in general on the Crofts Estate. The existing 11 garages with an additional 4 parking spaces adjoining on the site, in theory provides parking spaces for 15 vehicles. Neighbours and the Parish Council advise that only one of the garages is used for the parking of vehicles, the rest being used for storage purposes, and not necessarily by occupants of the Crofts Estate residential properties. It is also noted that the garages were constructed in an era when cars were generally smaller than they are today, for example a mid-1970's mini, is a lot smaller than a 2010 onwards Mini, and today's market trend is for Multi-Purpose Vehicles, (MPV's) or Sports-Utility Vehicles (SUV's). Furthermore, the car parking standard at the time when the Estate dwellings were built was 1 space per dwelling, and car ownership per dwelling has overtaken this ratio given the rural location of Sandford and a general requirement for people living in rural areas to use cars as their main means of transport, which has increased as public transport provision (bus services) in rural areas have declined.

2.8 The substitution of the garages by the 5 new apartments would provide 10 parking spaces, which at the Policy compliant residential parking standard of 1.7 spaces/dwelling, would amount to 8.5 spaces for the new development, with 1.5 spaces available for visitors or existing residents. Taking out half spaces this would equate to 8 spaces for the apartments and 2 spaces for visitors/existing residents. Whether the occupants of the apartments would have 1 or 2 cars per dwelling remains to be seen.

2.9 The Local Highway Authority has pointed out that parking is at a premium in the Village of Sandford. However, when taking into consideration the removal of the garages this proposal does provide adequate parking and meets the requirements of DM 5 Policy in the Mid Devon Local Plan. The LHA has also commented that their proposal would not appear to result in an increase in

severe vehicle movements to (and from) the site, and has raised no objection to the proposals on highway safety grounds.

2.10 From neighbour representations and concerns raised at the Parish Council's public meeting on 7<sup>th</sup> March, 2023, which invited residents attended, comments were made that the garages should be demolished and the site made available for residents parking. This would resolve the current issue of a shortage of parking on the Crofts Estate. Furthermore, the parking spaces created could be fitted with electric vehicle chargers thereby future proofing the use of the site once the sale of new petrol and diesel only vehicles are banned from 2030. This would also meet with the Council's climate change objectives.

2.11 All of the above comments and concerns raised are noted. Notwithstanding the concerns raised by the Parish Council and objectors on highway grounds, the application is made for the construction of 5 affordable dwellings which would provide much needed homes for social rent on an underused site and the provision of 10 car parking spaces. It is noted that whilst there are signs advising that the parking bay outside the St Swithin's Bungalows is for use by occupants of these dwellings, only. This is a private road and such a restriction cannot be enforced. Given that the Local Highway Authority has not raised an objection to the proposal on highway safety grounds recommending a condition for a Construction Environment Management Plan and taking into account the sustainable location of the site, the development is considered to be acceptable in terms of access parking and highway safety and complies with the above policies of the Mid Devon Local Plan 2013-2033.

### **3. Drainage and flood risk**

3.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. Whilst the site is within flood zone 1 which is the lowest zone, it is within a Critical Drainage Area and as such a Flood Risk Assessment (FRA) has been submitted. Neighbours have commented that the stream to the south of Church Parks has to be cleared of debris on a regular basis and that any drainage plans need to be robust to cope with the impacts of climate change and the additional run-off from any new dwellings.

3.2 With regard to surface water drainage, the submitted Flood Risk Assessment (FRA) notes that the proposed development will increase impermeable drainage area in the form of buildings and access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used, and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 45 % climate change event. To minimise flood risk, finished floor levels are proposed to be set 300mm above surrounding existing ground levels.

3.3 All methods of surface water discharge have been assessed. Where soakaways are not possible, discharge of surface water to the Ordinary Watercourse to the south utilising or replicating an existing connection via a private surface water sewer in the south of the site appears to be the most practical option.

3.4 Attenuation storage will be required on site in order to restrict surface water discharge to 1.3 l/s. Attenuation can be provide within the sub-grade of permeable paving. The storage calculations allow for surface water to be stored above/below ground for up to and including the 1 in 100-year

event including a 40% allowance for climate change. A factor of safety of 10 has been applied to the calculations due to the site being in a Critical Drainage Area.

3.5 A connection to the public foul sewer to the south of the site via a new manhole connection appears to be a feasible option. A gravity fed connection appears to be achievable and should be agreed with South West Water. The Public Health Department has raised no objection on drainage grounds. Policy DM1 of the Local Plan requires appropriate drainage systems and connection of foul drainage to a mains sewer where available.

3.6 The Lead Local Flood Authority (Devon County Council) has not commented on the application within the statutory time period. Comments have been requested directly from the LLFA and any received will be reported. On this basis, the FRA submitted including a drainage strategy is considered to comply with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

#### **4. Public open space and green infrastructure (GI)**

4.1 Public open space is required from residential development of 6 or more dwellings in line with Policy S5 (Public Open Space). However, as this development is for 5 units and also is solely for affordable housing, no financial contribution is required. Notwithstanding this, the existing small area of public open space to the north separating the site from dwellings at 1 – 4 Crofts Estate would be retained. On site tree planting to the SW corner of the site and hedging around the south and east side of the block of dwellings would be planted to improve the amenity of the area. 4.2 This would add screening and would assist in softening the development, enabling it to assimilate into its surroundings.

#### **5. Design of development and impact on landscape and ecology**

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

5.2 The site is not located within a designated landscape although given the topography of the site where the ground levels rise from the south east to the north west so that the application site is at a lower level than the properties at 1 – 4 Crofts Estate, the development would be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

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

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*

- i) Architecture*
- ii) Siting, layout, scale and massing*
- iii) Orientation and fenestration*
- iv) Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

5.3 Details of the appearance of the development have been provided which indicate a two storey building to be constructed which would be lower than the neighbouring two storey properties to the north owing to a variation in existing ground levels. It is noted that these properties are located some distance away. The units would be taller having a higher eaves and ridge height than the single storey properties opposite to the east located in St Swithins Gardens and Croft Estate.

5.4 A solar photovoltaic electric system is proposed which would equate to 16 kWp of PV with 13,300 kWh annual PV energy production. This has been modelled via the Standard Assessment Procedure (SAP) to show the development is capable of offsetting all regulated energy demands and the A-rated Preliminary Energy Assessment (PEA) shows that negative carbon emissions are possible across the site. This would be supported by policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033.

5.5 With respect to the sustainability credentials of Zpods, the modules would be super insulated, airtight and feature triple glazed windows and doors resulting in very high thermal performance. They would also be mechanically ventilated to further reduce energy losses. Combined with on-site renewable generation of hot water via solar assisted and air source heat pumps and electricity via the roof mounted solar photovoltaic panels the proposal would be a net zero carbon development.

5.6 In terms of the layout and scale of the development, it is considered that this is generally acceptable in principle. The scheme is for 5 residential units which is not considered to represent overdevelopment and final details for materials are to be conditioned, although the plans indicate the lower level is proposed as a lighter coloured render with a weather-boarding cladding defining the upper levels. The general design of the dwellings and orientation are considered to be acceptable and they meet the nationally described space standard.

5.7 In relation to the wider landscape, the site is within an urban environment surrounded by adjacent housing with the dwellings to the south at Shute House, Korna Wind, and Shute Cottage located lower down and which are screened by trees and shrubs within their rear and side garden areas. Whilst the development would represent a two storey block, it would be viewed within this context, and that of the single storey dwellings to the west and 2-storey dwellings set on higher ground to the north. There would be a significant degree of separation between the new units and the existing two-storey dwellings to the west in Church Parks.

5.8 With regards to protected species and habitats a preliminary ecological appraisal was submitted which concluded that the site comprises of habitats low grade habitats and of local value with the most valuable habitats being the amenity grassland and mature trees within the earth bank to the north. The earth bank also holds some low value to the east. No further survey effort is



required to evaluate the site if the recommendations and enhancements outlined are provided. Biodiversity enhancements for bat roosting and bird nesting were outlined to result in biodiversity gains. A condition is, therefore, recommended requiring the development to be carried out in accordance with the recommendations within the ecological appraisal and for confirmation of the biodiversity enhancement measures installed throughout the development to be provided prior to occupation of the dwellings.

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

6.3 The Supporting Statement states that the apartment block would be set 18.1m south of and at a lower level in relation to the dwellings at 1-4 Crofts Estate and the block would follow the same dual pitched roof orientation continuing the topology of the existing housing. There is at least a 15.6m minimum side elevation to corner of the block with the nearest bungalow in St Swithins Gardens, and a 16.1m corner of the new block to facade distance to nearby neighbouring structures to the south. The distance of the block would be approx. 15.1m from the Conservation Area boundary and stream to the south side of the Church Parks accessway.

6.4 A detailed third party daylight and sunlight assessment has been commissioned to support this application that outlines the effects of overshadowing neighbouring gardens, impact on neighbouring windows and daylighting levels and the internal daylight and sunlight factory within the spaces of the proposed development. In conclusion the report highlights that there will be imperceptible impacts on neighbouring building and area and that 100% of the spaces proposed within the scheme will far exceed the BRE 209 requirements for internal daylighting levels.

## **7. Impact on Heritage Assets**

7.1 The site is located just outside of the Sandford Conservation Area and given the proximity of the site to the Conservation Area and elevated nature of the site, there was concern that a two storey building could appear isolated impacting upon the setting of the heritage asset of the Conservation Area unless it is shown that the development would be read in the context of the adjoining development.

7.2 Policy DM25 (Development affecting heritage assets) of the Local Plan outlines that Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

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

7.3 The Design and Access Statement has noted that in terms of the layout shown, generally the main concerns arise from the proximity of the row of terrace properties proposed adjacent to the boundary of the site, and the proximity of the site to the Conservation Area, the boundary of which runs contiguously in this location with the southern edge of the Church Parks accessway. Given the scale of the development, its position from the boundary from the Conservation Area where there is a line of mature trees, it is considered that the development would not result in a harmful impact on the setting of the Conservation Area. Where less than substantial harm is found, the public benefits of the scheme would need to be outlined and found to outweigh the level of harm.

7.4 Heritage Assets have been identified as outlined above. However, it was noted that whilst a development may be seen from the Conservation Area, this does not necessarily make it harmful. Through assessing the development, it is considered that the level of harm in this instance would be less than substantial and the benefits of the development would outweigh this harm given the delivery of affordable housing. The massing of the block has been designed to act as a continuation and a more visually attractive entrance to this part of the Croft estate and visually, would represent an improvement over the existing garages on the site.

7.5 This accords with the provisions of policies DM1 and DM25 of the Mid Devon Local Plan 2013 – 2033; and, the advice contained in Section 16 'Conserving and enhancing the historic environment' of the NPPF.

## **8. Impact on Trees**

8.1 The proposed development would be sited on land to the north of a belt of trees contained on land on the southern side of the Church Walks accessway, on either bank of the stream running across this land, which is also located within the Sandford Conservation Area.

8.2 The Council's Trees Officer has commented on the potential impacts of the development on these adjoining trees advising that the Arboriculture report accompanying the application is a constraints survey only which only identifies the trees in the immediate area and suitable categorises them. Apart from an ash tree (T6) which is noted to be of poor quality with limited life expectancy, there are 6 individual trees identified. There are no trees located on the site but there are several Category C trees along the sites western side, within area G01 on plan. The Canopy of tree number T01, a Category B Sugar Maple tree extends into the site. However, this will be retained by the proposals.

8.3 The Trees Officer has expressed concern that the limited information provided on the impact of the proposal on the surrounding retained trees and in identifying adequate protection during demolition and construction, should be the subject of an arboricultural impact assessment (AIA), arboricultural method statement (AMS) and tree protection plan drawing (TPP) to ensure current and future conflicts are identified and protection of retained trees is suitable. There would be some shade conflict, particularly in relation to solar panels that may reduce the energy efficiency of the dwellings; and, the proposal as submitted is likely to impact the root protection area of T1 as shown on plan. The Trees Officer envisages that Geocells would be required in order to ensure successful planting and root expansion whilst not causing conflict in the long-term.

8.4 Officers consider that a condition should be attached to any permission that may be granted requiring that prior to the commencement of development, an arboricultural impact assessment (AIA), arboricultural method statement (AMS) and tree protection plan drawing (TPP) should be submitted for written approval including proposals for the future root protection area of T1 as shown on plan and the use of Geocells to ensure the longevity of trees planted on the site, with the development to be carried out in accordance with the approved details. Subject to such a condition, it is considered that this aspect of the development would accord with the provisions of policies DM1 and DM25 of the Mid Devon Local Plan 2013 – 2033; and, the advice contained in Section 16 'Conserving and enhancing the historic environment' of the NPPF.

## **9. Planning balance**

9.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions. It is noted that there is a shortfall in parking provision but the site is within walking distance of public transport and other services and facilities.

9.2 The delivery of 5 new affordable homes for social rent weighs in favour of approval of the application. Taking all the above into consideration, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities.*

*This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.*

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The development hereby approved shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF (2021) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:
  - i. the numbers, type and tenure of the affordable housing provision to be made;
  - ii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
  - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
4. Prior to their use on site, details or samples of the materials to be used for all the external surfaces of the buildings shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall be so retained.
5. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.
7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

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

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

8. In accordance with the Flood Risk Assessment and Drainage Strategy prepared by Delta Simons (Ref. 89427.549873), provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

9. The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancements outlined within the Preliminary Ecological Appraisal, dated 13<sup>th</sup> December 2022 and produced by Arbtech Consulting Limited. Prior to occupation of any of the dwellings hereby approved, details shall be submitted to the Local Planning Authority to confirm the location of the ecological enhancement measures installed for the bird nesting provision and bat roosting provision as set out in the Ecological Appraisal which shall be made available for inspection. For the avoidance of doubt bird nesting features shall also be provided in line with guidance received from the RSPB noting that a standard entrance hole of 32mm X 65 mm is specified to cater for starlings with a minimum of two rather than one box per flat.

10. Prior to the commencement of the development, hereby approved, an arboricultural impact assessment (AIA), arboricultural method statement (AMS) and tree protection plan drawing (TPP) should be submitted for written approval including proposals for the future root protection area of T1 as shown on plan and the use of Geocells to ensure the longevity of trees planted on the site, be submitted to and approved in writing by the local planning authority. The plan and method statement shall detail how retained trees will be protected during the construction period in accordance with the requirements of "BS 5387: Trees in relation to Design, Demolition and Construction – Recommendations". The tree protection shall be put in place before development on the site begins and shall remain in place during the entire period of construction on site, and shall only be removed following written confirmation from the Local Planning Authority.

11. The residential development hereby approved shall not be occupied until the parking spaces have been provided in accordance with the approved plans. Following their provision these facilities shall be retained for vehicle parking for the lifetime of the development, and shall be for vehicle parking only, (no boats, trailers or caravans).

## **REASONS FOR CONDITIONS**

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, as an open market scheme would require a financial contribution towards affordable housing and other infrastructure requirements.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
5. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
6. In the interests of visual amenity and in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
7. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
8. In the interest of public safety and to prevent damage to the highway.
9. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
10. To ensure trees and hedges are protected on site in the interests of ecology and amenity, in accordance with policies S9, DM1 and DM26 of the Adopted Mid Devon Local Plan 2013-2033.
11. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.

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

The site is located within the defined settlement limit of Sandford, therefore, the principle of residential development on this site is accepted. The access into the site to serve a development of 5 dwellings is considered acceptable to the Highway Authority. It is considered that on balance, the overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation as proposed with drainage measures considered to be acceptable and impacts on biodiversity and landscape can be adequately mitigated. The delivery of 5 new homes, all of which would be affordable dwellings weighs in favour of approval of the application providing public benefits which would outweigh any harm to nearby heritage assets and notwithstanding the shortfall in parking provision, the site is considered to be a sustainable location within walking distance of local services and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of Policies S1, S2, S3, S4, S8, S9, S11, DM1, DM2 and DM25 of the Mid Devon Local Plan 2013-2033.

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

Application No. 22/00067/MFUL

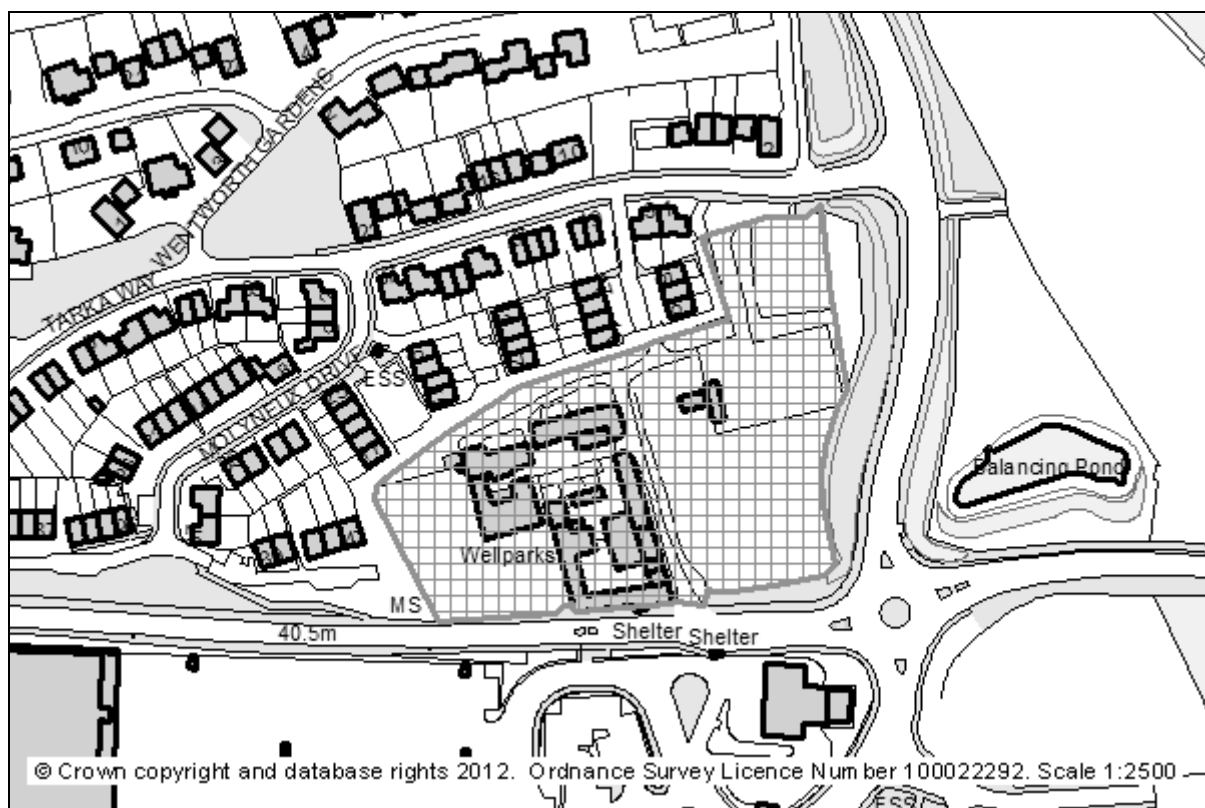
Grid Ref: 284416 : 99597

Applicant: Mr Spencer Popham

Location: Wellparks  
Exeter Road  
Crediton  
Devon

Proposal: Conversion of farmhouse and buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings (Use Classes B8, E, Sui Generis)

Date Valid: 15th February 2022





## **APPLICATION NO: 22/00067/MFUL**

**Site Visit:** Yes    **Date of Site Visit:** March and 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 it was called to committee by committee members on 02.03.2022.

### **RECOMMENDATION**

Grant planning permission subject to conditions and the signing of a s106 legal agreement.

### **SITE DESCRIPTION**

The site measures 1.39ha and is located on the eastern edge of Crediton; within the south-east corner of the Wellparks mixed use allocation. The site is to the south-east of the nearly complete Devonshire Homes site known as Tarka View.

The site shares a common boundary to the south with Exeter Road (A377), beyond which is commercial development on Joseph Locke Way which includes Tesco and Mole Avon, to the east with the link road (Wellparks Hill), to the west with Molyneux Drive and to the north with Tarka Way.

The site contains the grade II listed Wellparks which is a group of well preserved estate planned model farmyard, including farmhouse, which formed part of the Downes estate, built circa 1840. The Crediton Conservation Area is some 325m to the west of the site. Downes Home Farm and associated listed buildings are located 300m to the east of the site; Downes house is located 600m to the east.

The site has no public rights of way (PROW) crossing it.

The site is within flood zone 1 which has the lowest risk of flood risk of flooding. Surface water mapping indicates a small area of known surface water flooding on the southern side of the farm buildings. The site currently drains unrestricted to the combined sewer within the A377.

The site does not form part of a statutory wildlife site and is not within a protected landscape.

### **PROPOSED DEVELOPMENT**

Full planning permission is sought for the conversion of the listed farmhouse and estate farm buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings amounting to 504sqm of floor space (Use Classes B8, E, Sui Generis). There is a concurrent listed building consent application to convert the farm buildings and farmhouse to dwellings: planning reference no. 22/00068/LBC. **Please note the associated LBC will also not be issued until**

**post the committee. The listed building application contains the same plans as the current application in respect to the listed building.**

The proposed conversion of the listed farm buildings for 17 new dwellings proposes 3no. 4-beds, 10no. 3-beds, 2no. 2-beds and 2no. 1-beds. The scale of these conversions is a mix of 1, 2 and 3 storey dwellings. The dwellings have been designed to the Nationally Described Space Standards (NDSP) and will provide parking with 34 parking spaces (32 + 2 Visitor). The residential development also provides integrated refuse stores and an integrated cycle parking store. All of the proposed dwellings would be accessed from the existing access with Exeter Road.

The external public appearance of the proposed listed building conversion will be largely unchanged from the existing. The majority of changes will be to the inward facing elevations of the farm buildings re-using existing window and door openings and keeping new openings to the minimum necessary for a residential use. Some demolition is proposed to remove some of the later 20th century lean-to sheds and the piggeries. This would create a larger central amenity/parking area uncovering the earlier 'C' shaped plan.

Three new dwellings are proposed to the west of the farmhouse and will provide 'enabling development' to ensure the scheme is viable. The terrace would contain three 2-bed dwellings and has been designed to reflect the existing farmhouse; to be finished in brick and natural slate. 6 parking spaces are to be provided for the 3 units.

Eleven dwellings are proposed to the north-east of the listed buildings on land which has the remains of modern agricultural structures. The site is to the south of the proposed commercial units, on land some 3m lower than the commercial units, separated by a landscaped bank. The new dwellings have been designed to reflect the character of the listed Wellparks buildings by providing a design with the appearance of a range of converted barns. This element would comprise 4 3-bed dwellings and 7 2-bed dwellings. The range frontage would be approximately 46m in length, with units 7m in width, with eaves height measuring 4.8m and 7.8m to ridge height. The range would be finished in brick and natural slate to match the listed buildings. Access to the dwellings would be from the existing Exeter Road access. The access, parking and amenity areas would be on the northern side of the dwellings. 21 parking spaces would be provided including 1 visitor space. Refuse collection point and cycle parking is shown at the entrance to this element adjacent to unit 11. Units 1, 9 & 11 would have secure cycle storage within their private gardens.

The proposed commercial element would be located on the north eastern side of the site to be accessed from Tarka Way. Two commercial units are proposed in one block. Unit 1 & 2 would be located to the south of Tarka Way, to the east of no's 1, 5, 7 & 9 Tarka Way orientated north-south with their frontage facing westwards. Unit 1 would measure 391sqm and unit 2 113sqm with the building measuring 38m in length and 14m in width, with a dual-pitched roof approximately 6.5m to eaves height and 7.5m to ridge height. The design of the units is typical of employment sites being steel portal construction. The commercial blocks would be clad in green insulated vertically laid cladding and grey roofing and anthracite coloured gutters, downpipes and doors. The frontage to unit 1 would include a large opening for deliveries. The main entrances to units 1 & 2 would include glazed doors and a number of full door height windows/fixed glazing.

The engineering works proposed to provide the commercial units and parking and servicing include cut and fill reducing the levels adjacent Tarka Way road by approximately 2-3m to provide a level area and enlarged plateau to south. The commercial element would have 16 parking spaces, including 2 disabled spaces and 5 EV charging bays, which would be located to the west of units 1&2. 3 cycles spaces and a bin store are shown to the northwest of unit 1.

There would be no motorised vehicle access between the commercial and the residential elements of the scheme. A pedestrian/cycle link is however shown between the two elements linking Exeter Road to Tarka Way.

The Design and Access Statement (DAS) states that units 1 & 2 have been designed to accommodate Screwfix and Greggs who have shown interest in the site.

The landscape plan identifies a native tree and shrub/hedgerow mix, to include three English oaks, on the northern boundary of the site that share a boundary with residential properties on Tarka Way. 7 scots pines are proposed on the western boundary of the site. Silver Birch, English oak and wild service trees are proposed on the boundary and entrance of the site with Tarka Way. A native hedgerow with hedge trees is shown along the eastern boundary of the site with the link road. A native tree and shrub mix on a landscaped bank would provide a screen between the commercial element and the proposed new dwelling range. A native hedgerow is also shown along the western boundary of the proposed 'barn range' dwellings (units 9-11) along the eastern side of the access road to the listed buildings. The area of land to the south of the new 'barn range' dwellings and to the east of the listed buildings would become an orchard stocked with local varieties of apples. The existing hedge on the southern boundary of the site is in poor condition and would be cutback, regenerated and planted with infill species.

Surface water would be dealt with by a combination of soakaways and attenuation tanks linked to the combined foul and surface water drainage system in the A377.

## **APPLICANT'S SUPPORTING INFORMATION**

Commercial Development Marketing & Outline Layout  
Ecological Appraisal  
Ecological Appraisal 2020  
Ecological update  
Economic Impact Assessment  
Flood Risk Assessment  
Geotechnical Report  
Heritage Statement & (additional 26.5.22) Heritage Statement Addendum  
Response to Listed Building (Conservation) Officer (additional 26.5.22)  
Marketing Summary  
Noise Assessment  
Planning Statement & Planning Addendum (additional 26.5.22)  
Schedule of Works  
Statement of Consultation  
Transport Assessment  
Transport Assessment Appendices  
Travel Plan  
Viability Testing  
Waste Audit Statement  
Structural Report & Supporting Sketches

17.02.2023:

Addendum to the heritage statement  
Drainage design statement  
Updated ecology report  
BNG Report

Addendum Viability Report  
Noise and air quality update

20.03.2022:

Independent viability assessor's report

## INFORMATION BASE

Area of Special Control of Adverts - Area of Special Control of Adverts  
Burrington Air Safeguarding Zone - Consult on: Consult NATS on all windfarm development  
Exeter Airport Air Safeguarding Zone - Consult on: Consult EASC on all  
buildings\_structures\_erections\_works over 90m  
Listed Building - Planned Farmyard at Wellparks (List Entry Number 1297273)  
Listed Building - Wellparks and Attached Farmbuildings to N (L E No 1208525)  
Class I Road -  
Defined Settlement - CREDITON  
SSSI Impact Risk Zone -  
Surface Water Flooding\_Less - Susceptibility: less  
Surface Water Flooding\_Less - Susceptibility: less  
Surface Water Flooding\_Less - Susceptibility: less  
Surface Water Flooding\_Less - Susceptibility: less  
Surface Water Flooding\_Less - Susceptibility: less  
Tree Preservation Order (point) - TPO: 14/00008/TPO  
Tree Preservation Order (point) - TPO: 14/00008/TPO  
Tree Preservation Order (point) - TPO: 14/00008/TPO  
Tree Preservation Order (point) - TPO: 14/00008/TPO  
Tree Preservation Order (point) - TPO: 14/00008/TPO

## RELEVANT PLANNING HISTORY

**16/00822/FULL** - PERMIT date 21st July 2016  
Reconfiguration of access and associated works  
**16/00876/ADVERT** - PERMIT date 26th July 2016  
Advertisement consent to display 1 non-illuminated pole mounted sign  
**19/01999/CLU** - PERMIT date 27th January 2020  
Certificate of Lawfulness for the existing use of building as dwellinghouse for a period in excess of 10 years  
**21/02250/MTREE** - CLOSED date 15th November 2021  
Miscellaneous tree search  
**22/00067/MFUL** - PCO date  
Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings (Use Classes B8, E, Sui Generis)  
**22/00068/LBC** - PCO date  
Listed Building Consent for conversion of farmhouse and buildings to 18 dwellings  
**11/01497/DCC** - DCCGNT date 12th February 2013  
Regulation 3 application for the construction of a Link Road between the Wellparks roundabout on the A377 and the Commonmarsh Lane at the Lords Meadow Industrial Estate. The road will be constructed in a cutting, includes a new bridge and new junction will provided at the Lords Meadow Industrial Estate. Both Link Road junctions will be lit but the remainder of the Link road

will not be lit. Some associated road and footway realignment, planting and drainage works are proposed. DCC granted conditional planning permission on 12 February 2013.

**14/00830/MOUT** - PERCON date 16th March 2016

Outline for the erection of up to 185 dwellings and 1935m<sup>2</sup> of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

**21/00367/MFUL** - PERMIT date 1st June 2021

Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT -Variation of condition 7 of 16/01898/MARM to allow the omission of the middle footpath link along the frontage adjacent to the A377 carriageway and retention of the existing tarmac footpath along the A377

**22/00067/MFUL** - PCO date

Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings (Use Classes B8, E, Sui Generis)

**10/01855/PE** - CLOSED date 22nd December 2010

Request for Scoping Opinion relating to the development of the Crediton Link Road, consisting of a 760m single carriageway Link Road between Wellparks roundabout (Tesco) and Commonmarsh Lane, at Lords Meadow Industrial Estate, Crediton

**11/01497/DCC** - DCCGNT date 12th February 2013

Regulation 3 application for the construction of a Link Road between the Wellparks roundabout on the A377 and the Commonmarsh Lane at the Lords Meadow Industrial Estate. The road will be constructed in a cutting, includes a new bridge and new junction will provided at the Lords Meadow Industrial Estate. Both Link Road junctions will be lit but the remainder of the Link road will not be lit. Some associated road and footway realignment, planting and drainage works are proposed. DCC granted conditional planning permission on 12 February 2013.

**13/00271/PREAPP** - CLOSED date 25th March 2013

PROTECT: Proposed mixed use development

**13/01542/PE** - CLOSED date 5th December 2013

Request for screening opinion in respect of proposed development at Wellparks to provide up to 200 dwellings and up to 4,000 sq m non-residential floorspace

**14/00830/MOUT** - PERCON date 16th March 2016

Outline for the erection of up to 185 dwellings and 1935m<sup>2</sup> of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

**16/01898/MARM** - PERCON date 24th April 2017

Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT

NMA- 18/00149/NMA - GRANTED 22.2.18 18/01319/NMA GRANTED 11.9.18

NMA - 18/01319/NMA

**18/00149/NMA** - PERMIT date 22nd February 2018

Non-Material Amendment for 16/01898/MARM to allow substitution of previously approved plans

**18/01319/NMA** - PERMIT date 11th September 2018

Non-Material Amendment for 16/01898/MARM to allow additional window to front elevation of House Type DH32ES (Plot 46)

**21/00367/MFUL** - PERMIT date 1st June 2021

Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT -Variation of condition 7 of 16/01898/MARM to allow the omission of the middle footpath link along the frontage adjacent to the A377 carriageway and retention of the existing tarmac footpath along the A377

**22/00067/MFUL** - PCO date

Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings (Use Classes B8, E, Sui Generis)

**04/01822/ADVERT** - PERMIT date 11th November 2004

Consent to display 2 no advertisement signs

**06/02670/OUT** - PERMIT date 19th September 2008

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping.

**09/00244/MOUT** - PERMIT date 15th October 2009

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) - NON MATERIAL AMENDMENT GRANTED

**10/01855/PE** - CLOSED date 22nd December 2010

Request for Scoping Opinion relating to the development of the Crediton Link Road, consisting of a 760m single carriageway Link Road between Wellparks roundabout (Tesco) and Commonmarsh Lane, at Lords Meadow Industrial Estate, Crediton

**11/01497/DCC** - DCCGNT date 12th February 2013

Regulation 3 application for the construction of a Link Road between the Wellparks roundabout on the A377 and the Commonmarsh Lane at the Lords Meadow Industrial Estate. The road will be constructed in a cutting, includes a new bridge and new junction will provided at the Lords Meadow Industrial Estate. Both Link Road junctions will be lit but the remainder of the Link road will not be lit. Some associated road and footway realignment, planting and drainage works are proposed. DCC granted conditional planning permission on 12 February 2013.

**13/00271/PREAPP** - CLOSED date 25th March 2013

PROTECT: Proposed mixed use development

**14/00830/MOUT** - PERCON date 16th March 2016

Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

**15/00730/FULL** - PERMIT date 6th August 2015

Formation of new vehicular access

**19/00911/FULL** - PERCON date 22nd August 2019

Formation of new vehicular access

**21/00367/MFUL** - PERMIT date 1st June 2021

Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT -Variation of condition 7 of 16/01898/MARM to allow the omission of the middle footpath link along the frontage adjacent to the A377 carriageway and retention of the existing tarmac footpath along the A377

**22/00067/MFUL** - PCO date

Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings (Use Classes B8, E, Sui Generis)

**22/00219/MOUT** - PERCON date 22nd April 2022

Removal of condition 9 of planning approval 09/00244/MOUT relating to combined heat and power unit

## **OTHER HISTORY**

**18/01648/PREAPP** - CLO date 7th June 2019

PROTECT: Conversion of listed farmhouse and farm buildings to 6 dwellings and 14 commercial units

**16/00440/PREAPP** - CLO date 8th December 2016

PROTECT - Proposed housing development (SEE 16/01898/MARM)

**16/00440/PREAPP** - CLO date 8th December 2016

PROTECT - Proposed housing development (SEE 16/01898/MARM)

**18/01055/PREAPP** - CLO date 28th May 2019

## **DEVELOPMENT PLAN POLICIES**

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

- S1 – Sustainable Development
- S2 – Amount and Distribution of Development
- S3 – Meeting Housing Needs
- S4 – Ensuring Delivery of Housing
- S8 - Infrastructure
- S9 – Environment
- S12 – Crediton
- CRE1 Wellparks
- DM1 – High Quality Design
- DM3 - Transport and Air Quality
- DM4 - Pollution
- DM25 - Development affecting heritage assets
- DM26 – Green infrastructure in major developments

### **Crediton Neighbourhood Plan 2018-2033**

- D1 – Development principles
- D2 – Sites allocated in the Mid Devon Local Plan as shown on the Adopted Policies Map for
- D3 – Affordable housing
- D5 – Design
- T1 – Footpaths and cycle routes
- E2 – Change of use of allocated employment land
- H1 – Historic character
- EN5 – Views and vistas

Additional historic building guidance:

Conservation Principles

HE GPA 3: Setting of Heritage Assets

HE GPA 2: Managing Significance in Decision Taking

HE GPA4: Enabling Development and Heritage (2020)

HE: National Farmstead Assessment Framework 2015

HE Advice Note 9: The Adaptive Reuse of Traditional Farmbuildings 2017

HE: Best Practice guidance: Adapting Traditional Farmbuildings 2017

HE: National Farmsteads Character Assessment

HE: National farm Building Types

HE: The Maintenance and Repair of Traditional Farmbuildings

### **Devon Waste Plan 2011-2031**

W4 – Waste Prevention

National Planning Policy Framework

National Planning Policy Guidance

### **CONSULTATIONS**

At the time of writing the Lead Local Flood Authorities (LLFA) comment have not been received. These will be provided to members prior to the committee.

### **CREDITON TOWN COUNCIL**

#### **17.03.2022:**

No objection.

#### **13.02.2023:**

There is concern about the impact of the commercial development on the Grade 2 listed farmhouse and outbuildings and there would be a loss of significance of the heritage asset, contrary to NPPF policies and Crediton NP policy H1. Councillor Brookes-Hocking referred to the concerns raised by Historic England related to the severing of the farm from the estate by the construction of Well Parks Hill. The view of the farm would be obscured from the east by the height and position of the commercial development that was planned to be next to the historic asset. It was felt that this damaged the significance of the Grade II asset contrary to the NPPF and Crediton NP Policy D5. It was commented that the view approaching Crediton would be spoilt by



the height of the industrial buildings and did not contribute to the Crediton eastern gateway site at Well Parks roundabout.

#### Travel Assessment

As can be seen there is a right turn priority for traffic travelling down Wellparks, but cannot see anything about plans to change for the increase in traffic, including commercial vehicles exiting from Tarka View – an oversight?

#### Manual for Streets

I question whether having a virtual footpath on the other side from the houses complies with the above forcing residents to cross a road more than once to get to the buss top for example or trying to understand if it is expected that many pedestrians will walk to the commercial units as mentioned in 6.11 and 6.12?

Where does this development provide investment in the leisure network?

The information is now out of date with the re-routing of the majority of bus services away from Exeter Road.

#### Car Parking

The development notes in 5.9 parking as per DM8 and indeed exceeds the required number of spaces, providing 34 instead of the required 31, which includes the required 2 spaces for visitors. Meets the minimum but for overflow the option proposed is??

What it does not cover is the safety requirement of these vehicles as set out in Principle 6 of the plan – “A car or other vehicle is a significant asset which if stolen or damaged can have a significant financial impact on the owner and a dramatic impact on the way in which users live their lives. Owners are therefore justifiably concerned about the security of their vehicles and whilst also wishing to park conveniently close to their property. This can lead to cars being parked partly on footways close to a property rather than in isolated parking courts. It is therefore important to ensure that a vehicle can be seen from the property when in a main habitable room of a house, such as a kitchen or living room, where there can be frequent observation of a vehicle if required.”

I have not seen anything mentioned about the last point on the provision of cabling to 40/50% of the parking provision.

#### Cycle Parking

Please demonstrate how the requirements of DM8 will be met which states “32 Cycling is a suitable alternative to the car for short journeys in urban areas and is used as a form of recreation by many. To encourage further use of this sustainable alternative to the car, it is important that the occupants of new housing have dedicated storage for bicycles which is accessible, secure and weather resistant. Where a garage is provided separate cycle storage will not be required but in all other cases the storage should be away from general public circulation, be lockable, permanently fixed and should protect the contents from the effects of weather. This could be by the provision of cycle cabinets in rear gardens or through the provision of communal cycle parking for dwellings which do not have gardens such as flats or coach houses. In all cases they should be accessible without taking bicycles through a dwelling as that would deter their use.

I have highlighted key words in bold where more information is required, please. What is a “larger dwelling” and what are the provisions for cycles at those dwellings?

### Facilities for Cars

This is all very well but as seen above in 2.10 Tarka View is a 30mph road and not 20mph, therefore the splay mentioned is inappropriate?

In a utopia people read and do as directed by signs but given the reduced splay and the lack of any changes to the junction between Wellparks and Tarka View do the developers really believe as per 6.10 that “will be controlled by signage and road narrowing with associated planting....” will really be adequate?

Cannot see that there is anything documented when either of the above activities are proposed to be completed by the developer in the document, accepting it may be elsewhere in the papers.

### Emergency Access

If emergency vehicles can access from both of the above how does the road narrowing between the commercial and residential sites, then deter commercial vehicles?

### Traffic impact

I would suggest that the world has moved on since the construction of the CLR and Tarka View development – and indeed what was acceptable in the past does not set a precedent for the here and now, especially with the proposed construction of four warehouse type commercial units and the associated traffic attempting to turn out into Tarka View from a junction with a narrower than required splay and then onto Wellparks where a right turn is made even more difficult because of the ghost island right filter when travelling down Wellparks.

### Travel Plan

I have read that businesses such as Howdens and Screwfix are interested as potential tenants – does the Travel Plan really anticipate that many of the visits to these units will be by any other mode than by single occupancy car journeys? I am not convinced many users of Howdens for example would be looking to carry away many cupboard doors by hand, over a number of visits?

## **CREDITON TOWN COUNCIL – 10.03.2023**

Councillors did not find it possible to open the 3D drawings or document relating to sections E, F & G so comments may be incomplete without this information from the application. Comments are based on other revised documents supplied.

There is a revised artists impression - previously there were two, it would have been useful for see the revised impressions both updated.

### Impact on the heritage asset

The link road, Well Parks Hill, on the east side of Well Parks House already negatively impacts the setting of the listed building. This is exacerbated by the proposal to introduce large-scale commercial buildings of an industrial and utilitarian appearance to the northeast of the asset and higher up the hillside. These will be visible across the valley.

The commercial units at 6.5m to the eaves appear excessively high and out of context for their surroundings, and as a result not the entrance to Crediton one would look for in accordance with the Local Plan. Well Parks Hill is at the entrance to the town and the development of this gateway site needs to be carefully considered if the area is not to be a clutter of buildings in different styles, of varying architectural quality, in order to fulfil different purposes. As the area develops, it is

having an even more negative impact on the setting of Downes House itself, increasing the impact of splitting of the estate from the home farm by the constructions of the link road several years ago. This further development is therefore contrary to Objective 1.5 and Policy D5 of the Crediton NP. The orchard to the southeast of the site is a welcome introduction to the landscape but clarity should be provided on the open public space availability and accessibility as it is not clear from the Site Masterplan. Although the heritage asset is still standing, it has been severely compromised, first by the proximity of new housing on the northwest side, and now by the proposal to introduce further development even closer on the west, north and east sides, including the commercial buildings which will dwarf and conflict with the asset. Well Parks House will virtually disappear into this newly constructed townscape. It has not been treated in a way which allows it to retain its historic character and contribution to the town's heritage. This is contrary to objective 7.1 and Policy H1 of the Crediton NP. To mitigate the impact of development, the asset should be protected by retaining an adequate and appropriately landscaped buffer zone on as many sides as still possible in order to give it a distinct setting, and by ensuring that buildings beyond the buffer zone are appropriately designed to complement the asset.

#### Traffic and transport

The overall lack of visitor parking is a concern, especially given the problems residents face in Tarka View - there needs to be learning in addition to complying with local plan development management policies. Indeed, there is only one space allocated to nos 7 & 8 in the new development, with only one visitor space allocated. The issue of safety of the cars has not been addressed with no improvement on the visibility of the cars from the owners properties as required in para 24 of Principle 6 - Security of Parking. Overall, there are only 3 visitor spaces allocated for 31 dwellings, falling short of the requirement for one visitor space per ten dwellings as set out in para 27 of Principle 8 - Provision of visitor spaces.

In the Addendum to the Transport Assessment 3.5 - 3.7 refers to the provision of parking in the commercial unit area, and suggests sixteen spaces are required in total, not up to sixteen spaces as written. The next paragraph, 3.7 then states that the provision of fourteen car parking spaces in the commercial area accords with the MDLP parking standards. However, if the calculation shows that at least sixteen spaces are required how does providing fourteen meet that requirement? The Addendum suggests that the requirement for the commercial units is a maximum, but clarity is needed as to why this is the case as LP3 DM8 simply tables it a "car parking standard" and it is unclear if by definition this is an expectation The car parking looks inadequate to deliver appropriate spaces for staff and customers alike. Using the logic above mentioned in 3.7 suggests that zero parking would be appropriate.

The virtual footpath alongside the revised two-way road system appears to have been removed without mention and it is not obvious how the residents can safely exit the development on foot. The two-way road appears to be inadequate in width to accommodate two-way flow + pedestrians and we question if this been reviewed and commented on from a safety perspective. Reference is made in the TA 3.15 of there not being a need to revisit the swept path analysis for the three new houses proposed, but this is required as there is nothing in the earlier TA showing how a refuse vehicle would manoeuvre safely collecting refuse from the newly introduced refuse storage area.

The refuse collection point and area for cycles in the area for the proposed Eleven new homes requires more information as to how the cycles will be kept secure - it would be useful to know

what the dotted line rectangles with a black line in the centre are depicting on the Site Masterplan please.

There is no mention of the provision of cabling for electric cars in the revised documents, this is a requirement of para 31 of Principle 11 - Electric Vehicle charging points requiring clarity as is the positioning of the residential electric charging points rather than providing a "generalisation". Therefore, as per 3.14 of the Addendum to the Transport Assessment the layout does NOT accord with MDLP standards. It was resolved to recommend objection as the plans will have a negative impact on the setting of the heritage asset Wellparks House contrary to Policy H1 of the Crediton NP and will negatively impact the gateway entrance to the town, contrary Policy D5 of the NP.

#### **MDDC CONSERVATION OFFICER – 09.06 & 20.06.2022**

Concerns regarding the external landscaping to both farmhouse garden and barns courtyard.

Unit 3 & 4 of the new Commercial Units on the adjacent site is harmful to the setting of the listed Farmhouse and Barn's.

**MDDC CONSULTANT CONSERVATION OFFICER** - November 2022 (comments related to previous scheme):

#### **SUMMARY**

Former Historic England comments at Outline stage stated that, due to the unavoidable harm that had been assessed would be caused to the designated historic farmstead by the large scale northern development, it was imperative that the following was needed:

d) Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive, design and the need to protect the setting of Downes Historic Park and Garden and respect the character, and setting of the listed buildings at Wellparks and Downes House;

Instead, a change of design from one of modest scale units that better reflect the scale and form of the adjacent historic farmstead to that of generic form has been proposed. It therefore cannot be considered that, the now proposed scheme conforms to the former Historic England's guidelines or to that it has given the required respect to this sensitive historic setting.

Due to the close proximity of this site and significance it has, in regards to being within the setting of the listed buildings, any development must take opportunity for preservation or enhancement and integrate successfully with the historic farmstead, allowing the latter nationally designated farmstead to retain its primacy within the environs and avoid introducing any over dominating and intrusive presence.

Instead the scheme has failed to respond successfully to the former Estate setting of these designated heritage assets and its edge of settlement location bordering rural land and instead, proposes to impose a standard industrial estate form, layout and character on the last remaining open area of land adjacent to the listed farmstead with an excessively overbearing massing, scale and form that will dominant the skyline when viewed from within the courtyards and buildings of the historic complex and against which the listed farmstead will be juxtaposed.

Therefore, the scheme is considered to contribute a high level of detrimental impact on the setting and hence, significance of the heritage assets translating to less-than-substantial harm. It is considered other options are available that have not been included in the Options Appraisal and therefore there the proposal is insufficiently justified and officer support cannot be forthcoming.

Attention should be given to the requirements of the NPPF in regard to the great weight that should be given to the safeguarding of the heritage assets' significance in any planning balance including that of any public benefit.

#### SIGNIFICANCE/SETTING/CONTEXT

- The site is located to the SE of Crediton, the former rural boundary to Crediton which historically formed part of the Downes Estate, from which it is now severed, due to the new adjacent Crediton Link Road infrastructure/ Wellparks Hill.
- The Grade II\* Downes House and its associated Grade II Downes Farmhouse and its separately listed farmbuildings are to the NE with associated undesigned historic parks and gardens.
- The main town's core and its Conservation Area are situated at a distance to the west of the site but gradual infilling and modern development creep has incrementally eroded the rural separation that previously benefitted the historic farmstead and contributed to its agrarian, estate setting.
- More recent intrusion to the setting has also arisen from the large scale residential housing to the north, further encroaching and submerging the historic farmstead's character and the landscape setting of Wellparks Farm, with only its eastern perimeter bordering open land.
- The Grade II Wellpark's Farm is described in the HE List Entry as "A particularly large and grand example of a planned farmyard, unusual for Devon" and has Historical and Evidential Value for its planform and design, as well for its large variety of building types/uses reflecting the evolution of farming practices and related social and economic changes of the era.

#### COMMENTS

Comments on planning elements that relate directly to the model farm's conversion are included in the linked LBC ref: 22/00068/LBC

#### New Build

This application relates in part to the formerly approved outline application for the northern housing estate and included an indicative layout for the remaining eastern plot bordering Wellparks Hill, and the associated proposed commercial units.

Although only indicative, the commercial scheme layout and unit scale took reference from the immediately, neighbouring designated heritage assets, which comprise of a Grade II listed farmhouse and its associated farmbuildings also separately listed as Grade II, arranged around two service yards.

This eastern plot of land is the only remaining remnant of the historic farmstead's original rural setting and as such, has considerable significance. The NPPF Glossary refers to "setting" as being an important component of a listed building's significance and NPPF para. 197 and 199 requires that:

197..... local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..

Historic England describe the setting of a heritage asset to be all of that land from which the heritage asset can be experienced, whether public or private land and as such, this proposed commercial plot falls within the setting of the designated Wellpark's Farm.

Since the Outline application and its indicative layout for the commercial scheme, revisions have been made to the proposed site plan and design of the units.

The proposal is now for all the units to be combined into two large scale modern "hangar" style buildings with wide gable spans, increased height and length, which relate more to the warehouses of the modern business park rather than to the historic setting.

In addition, the proposed scheme has now relocated the more southern building towards the SW corner of the commercial plot, so that it is in far closer proximity to the listed farmstead, and set on higher land, its intrusive and dominating appearance will be further exacerbated. The result is a visual inter-relationship with the historic farmstead, with viewpoints from both listed buildings and from within their yard, which will fail to preserve or enhance its setting and impact detrimentally on its significance.

Despite the considerable earth movement occurring on site, which will aid in mitigating views on the approach into the settlement from the east, there will still be potential for some sightlines from the street and from the approach drive, where the proposed large modern commercial unit will be visible juxtaposed with the historic farmstead below.

An Options Appraisal has been submitted as part of additional information. It has been suggested that the change made to the scheme is due to:

- The gradient of the land being inappropriate to accommodate the carparking as originally indicated, lower down the slope.
  - However, considerable earth movement is already being undertaken on the site and there has been no justification as to why if necessary, a tiered/terraced parking area linked by modest ramps could not be employed as have been used in other locations.
  - The area allocated for the commercial plot is now smaller
  - However, again any reduction would appear to be minimal and not to be immediate evident or to preclude the use of a similar layout to the indicative.
  - There having been no demand for smaller units.
- Whether there has been sufficient advertising to thoroughly justify this:
- ie: use of appropriate agents, method of advertising/promotion, timescale for the length of advertising campaign, advertised at a reasonable/comparative marketable lease/rental fee, acceptable evidence of customer enquiries (names, contact details, level of discussion, any offers, reason for outcome of each enquiry)

Is a matter for the case officer.

However,

It is required in the NPPF, that “great weight” should be given in any planning balance where heritage assets are involved (para. 199) and in addition, the following para states:

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

The various site layout options submitted all involve the larger scale modern units. The site being the last remaining section of rural land, it is now severely constrained by the housing development to the north, which overlooks the site and the historic building group to the west, set at a lower level.

- The submitted Option’s Appraisal reinforces this by ruling out a number of layouts involving these large scale units, due to views and extent of earth movement required.
- The latter is however questioned, due to the extensive landscape/gradient changes being undertaken on site at present lower down the slope.
- That the 3D illustrative images no longer accurately reflect the appearance of the site due to extensive earthworks having been commenced within and to the boundary.
- Presently, views into the site are more restricted from the roundabout and from Wellparks Hill due to:
- The lower level of the roads, particularly in the Wellparks Hill cutting.
- The hedge line along Wellparks Hill now relatively established.

The recent high earth bund along the A377, which now obscures the original views of Wellparks Farm on the approach into town.

However, it must be noted that the ground level inside the perimeter is still significantly higher than the surrounding land and there will still be potential to view any proposed building located on the site from a number of short and longer viewpoints.

As such,

- The large scale form and massing of the proposed industrial units will still be clearly visible above this, from a number of locations.

The following should also be noted:

- The Section drawing A-A, B-B reinforces the considerable intrusive impact of the proposed unit’s presence on the setting of the listed Wellparks, where it is shown set on the higher ground behind. The extensive bulk and scale dominates the skyline behind the eastern outbuilding ranges.
- Further viewpoints also will exist from the west, within the street
- and from long views across the fields from the Downes Estate and associated public RoF, as well as from the customer carpark of the superstore opposite, where upward views and a wider vista will allow the large industrial units to be seen to dwarf the adjacent much smaller, traditional listed farmbuildings as well as visually bisect the views towards the dwellings located along the hilltop, introducing a mass that appears out of context on this prominent site.
- Additional downward views from the northern Tarka Estate where the units will be seen set against the wider rural backdrop.

- Should sufficient justification be provided for the need for larger units, then alternative designs to a standard modern warehouse/hangar design should have been explored.
- Which can provide large internal open-plan floorspace but from the exterior appear to be composed of a number of attached built elements incorporating more traditional and differing roofing forms, building lines and mix of materials, that help to mitigate massing and scale.

It is acknowledged that impact on the neighbouring residences would not be favoured,

- However, greater weight must be given to the impact on the designated heritage assets and it is recommended that units should be located well away from the party boundary, unless of a scale more associated with the illustrative model, that safeguards the immediate and wider setting of the heritage assets and the edge of settlement landscape character.

### **MDDC CONSRVATION OFFICER - March 2023 relating to scheme subject to this application**

The principle of conversion and subdivision of the existing buildings on the site as negotiated is acceptable.

The additional dwellings to the east of the site are also considered acceptable due to their lower status appearance and materials.

The potential issue is the proposed 3 dwellings to the west of the farmhouse, which are likely to erode the relationship between the farmhouse and its garden setting. It may be better to approach these dwellings as a terrace of 3 small farm worker cottages rather than have the appearance of a single dwelling to rival the farmhouse. I suggest that the external appearance of this building is conditioned heavily to enable a better design on the same footprint or smaller to be negotiated.

The special interest of these farmyards is such that the open areas are a large part of their significance. I would strongly suggest that the existing farmyard/courtyard is not subdivided either by hard/soft landscaping, parking, or fencing, and is retained as a single open area. I also suggest that the historic driveway entrance to the farmhouse is retained as its garden to respect the historic boundaries.

### **MDDC PUBLIC HEALTH – 07.03.2022**

Contaminated land report has been submitted by SW Geotechnical. An intrusive investigation has been carried out and a number of contaminated areas have been identified including spoil heaps containing asbestos material and an underground fuel tank. The tank, contaminated soils surrounding it and spoil heaps should be removed as recommended and disposed of as controlled waste. The full contaminated land conditions should be included in any approval in order that the work is completed and verification reports obtained - 04.03.22

Air Quality - A detailed air quality and odour report has been submitted by SLR consulting dated October 2021. The report concludes that there will be no unacceptable impact on air quality from transport sources. However there is potential for odour from any proposed food business in the commercial units to impact on new and existing residences. Comprehensive recommendations are contained in the report and these should be followed in full. We recommend a condition along the following lines in order to ensure that this is done: ' The recommendations in the report by SLR



Consulting dated October 2021 with respect to odour control from any commercial food business shall be implemented in full and maintained throughout the life of the occupation. Reason: to protect the amenity of nearby new and existing residents from unacceptable odour.' - 04.03.22  
Environmental Permitting - Not applicable, no B2 or equivalent uses proposed - 04.03.22  
Drainage - No concerns, the development will be connected to the main sewer - 04.03.22  
Noise & other nuisances - A comprehensive noise report has been submitted by SLR Consulted dated October 2021. The writer has established the existing daytime and nighttime background noise levels in the vicinity. Recommendations relating to the standard of glazing and ventilation have been included in order to ensure that acceptable internal noise levels are achieved. Calculations show that the external amenity areas will be below the upper guideline value of 55dBa and we agree with these conclusions. The writer recommends that the sound rating level of any plant or equipment should not exceed the background noise level during the day or at night, and that the cumulative noise level should not exceed 38dB during the day, or 35dB at night, at the façade of any residential property. We agree with these recommendations and suggest that a condition along the following lines should be included on any approval: ' The recommendations contained within the noise report prepared by SLR Consulting and dated October 2021 shall be implemented in full and maintained throughout the life of the commercial development. Reason: to protect the amenity of new and existing residents from unacceptable commercial noise.'

No working hours for the commercial units are stated, and in fact the application form indicates that this is not applicable. We do not agree with this and in view of the very close proximity of residents we recommend that this commercial area is not suitable for 24 hour working. We do appreciate that some of the businesses may provide a service into the evening and therefore recommend that the following working hours condition is included on any approval:  
'The commercial units shall operate only within the hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays. Reason: to protect the amenity of new and existing residents.' SEE LIGHTING comment below - 04.03.22

Lighting: The applicant has not included a report regarding the proposed lighting for the commercial element of this development. There is potential for building and site lighting to affect new and existing residents. A report should be submitted which demonstrates a scheme which will meet the requirements of the Institute of Lighting Engineers guidance on the avoidance of obtrusive light. The following principles, at least, shall be included:

1. Site and building lights should be mounted on low level, low height columns.
2. No site or building lights shall face any residential property.
3. Shields shall be provided on any lighting unit to ensure no upwards or lateral overspill.
4. Bulbs or filters should be provided to ensure a soft glow light rather than the bright white light caused by unfiltered units.
5. Only low height emergency lighting shall be illuminated at night.

Housing Standards - No comments - 18.2.22

Licensing - No comments - 18.2.22

Food Hygiene - Not applicable - 18.02.22

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT - 18.02.22

Health and Safety - Advisory note: Prior to any demolition, a work plan and risk assessment of all potentially hazardous materials should be completed. This activity is enforced by The Health & Safety Executive - 18.02.22

### **MDDC PUBLIC HEALTH - 09.03.2023**

No additional comments.

### **MDDC ECONOMIC DEVELOPMENT- 03.2022**

Economic Development supports this application as providing overall economic benefits to the town on a site already earmarked for commercial development in the Adopted Local Plan.

Policy CRE01 of the Mid Devon Local Plan provides for a mixed-use allocation at Wellparks with "2,220 square metres of commercial floorspace in the south east part of the site". The proposal to provide 4 commercial units with a total floorspace of 1,338 square metres is therefore within the scope of the allocation and seems appropriate on a site visually and spatially related to Mole Avon and Tesco across the A377 Exeter Road.

The fact that the applicant has three prospective occupiers for the units indicates that there is demand for commercial units in this location.

The applicant estimates that there will be 32 fte jobs created through this development. This may not represent the true net increase in jobs as undoubtedly there will some level of displacement - both in jobs and customers. However, on balance it is anticipated that there will be overall economic benefits to the town, through increased jobs, increased choice and legitimate competition.

Even though the proposed business occupiers as listed in the application would be unlikely to take customers directly from the town centre, one cannot presume that the named businesses will take up the units as expected, nor that they will necessarily stay there. Therefore, the potential impact of the units on the town centre cannot be determined at this stage. More generally, any increase in out-of-town retail is likely to have both direct and indirect impacts on the high street. If this is not through like-for-like businesses providing direct competition, then there is still an indirect impact through a potential decrease in footfall, as customers can meet more of their needs outside of the town centre and are therefore less likely to go there. We would therefore look to compensatory funding from any proposal for out-of-town retail to support economic initiatives in the high street to maintain its vitality and vibrancy.

08.11.2022 – A contribution of 15k towards town centre improvements.

## HISTORIC ENVIRONMENT TEAM (DCC) - 03.03.2022

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/37417a

The proposed development involves the conversion of a well-preserved complex of 19th century farm buildings. Both the farmhouse and farm buildings are protected as listed buildings and, as such, I would advise in the first instance that the Planning Authority's Conservation Officer is consulted with regard to any comments they may have on the scheme and the impact upon these designated heritage assets.

The proposed conversion of the farm complex will have an impact upon the appearance and fabric of these historic buildings. Given this impact and in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021) the Historic Environment Team would advise that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of historic building recording work to be undertaken in mitigation for the impact upon the historic fabric and appearance of this building. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM25 (2020), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

**"No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.**

### Reason

**'To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of the historic building fabric that is affected by the development.'**

This pre-commencement condition is required to ensure that the historic building recording works are agreed and implemented prior to any disturbance of the heritage asset by the commencement of preparatory and/or building works.

I would envisage the programme of work as taking the form of an appropriate record of the historic building as well as any architectural features, fixtures and fittings affected by the development. This work would be undertaken in advance of any conversion works and supplemented, if required, by observations made during the development. The results of the historic building

recording work and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and any finds and archive deposited in accordance with relevant national and local guidelines.

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

### **HIGHWAY AUTHORITY – 20.06.2022**

The site is accessed off the A377 County Route which is restricted to 30 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2017 and 31/12/2021 is 2 slight collisions one in 2016 and 2020.

The Applicant has re submitted drawing which shows the connection between the employment and the dwellings are disconnected and cannot be accessed by vehicle which is in line with the Highway Authorities requirements. Although no drawing has confirmed the width of the access road leading to the dwellings and that this width is suitable for a shared road. Therefore this information would be required prior to the County Highway Authority putting forward a recommendation.

The applicant has submitted a transport Assessment which shows this proposal would not create a severe impact on the highway network in this area.

A note to the Applicant and Planning Authority - the road leading to the employment area is not Public Highway and is privately owned, therefore this owner should be part of the consultation process

One of the above pieces of information has been received from the County Highway Authority and will put forward a recommendation.

### **HIGHWAY AUTHORITY 13.07.2022**

The applicant has submitted Drawing Number SK 20220414 which shows the width of the access road is suitable.

Therefore the County Highway Authority has no objections

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

Subject to 2 conditions:

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

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

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

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

### **HIGHWAY AUTHORITY – 10.03.2023**

#### Previous Comment

The site is accessed off the A377 County Route which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the police in this area between 01/01/2017 and 31/12/2021 is 2 slight collisions one in 2016 and 2020. The Applicant has re submitted drawing which shows the connection between the employment and the dwellings are disconnected and cannot be accessed by vehicle which is in line with the Highway Authorities requirements. Although no drawing have confirmed the width of the access road leading to the dwellings and that this width is suitable for a shared road. Therefore this information would be required prior the County Highway Authority putting forward a recommendation.

The applicant has submitted a transport Assessment which shows this proposal would not create a severe impact on the highway network in this area. A note to the Applicant and Planning Authority - the road leading to the employment area is not Public Highway and is privately owned, therefore this owner should be part of the consultation process

Further Information The applicant has submitted Drawing Number SK 20220414 which shows the width of the access road is suitable.  
Therefore the County Highway Authority has no objections

Further Information 23/2/2023

The Applicant has resubmitted drawings which shows the Industrial Units 3 and 4 are now to be replaced with 11 residential units, and a further 2 dwellings on the residential site, with a total of 31 dwellings and 2 Industrial Units. The Applicant has submitted an updated TA which shows the number of trips these extra dwellings would not create a severe impact on the Highway Network. This Addendum does not address the access from the A377 being a shared surface which would be acceptable for the original 18 dwellings, but now the number has increased to 31 dwellings this would not be acceptable and the Applicant would need to provide 4.8 metre Access road and a 2 metre footway to ensure a safe and suitable access for all users and to avoid conflict between pedestrians and vehicles.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

A) access and road layout, contrary to the National Planning Policy Framework.

#### **HIGHWAY AUTHORITY - 23.03.2023**

The Applicant has resubmitted drawing 2639 PO1 Rev S which shows a footway along the access road, albeit this footway does reduce to 1.2 metres but this is an acceptable standard for a short area and the road and footway is not to be put forward for adoption by Devon County Council.

This site may be subject to The Advance Payments Code (APC) which forms part of the Highways Act 1980 (Sections 219-225).

#### **DCC - EDUCATION - 04.03.2022**

Regarding the above planning application, Devon County Council has identified that the proposed increase of 16 family type dwellings will generate an additional 4.00 primary pupils and 2.40 secondary pupils which would have a direct impact on the primary schools in Crediton and Queen Elizabeth's School, Crediton.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

Devon County Council has forward funded a scheme at Hayward's Primary School to expand the school to 420 places to provide capacity for future development and increasing demographics within the town. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at Hayward's Primary School which serves the address of the proposed development. The contribution sought is £68,388 (based on the DfE extension rate of £17,097 per pupil) This will relate directly to providing education facilities for those living in the development.

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

It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings. Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

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

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

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

## **DEVON, CORNWALL & DORSET POLICE**

I have no objections in principle to either part of the proposal. Building regs details provided with comments.

**06.03.2023**

Thank you for this application, there are no objections in principle to the proposed amendments. However, having reviewed the relevant amended drawing and details I have concerns about the apparent open access from the communal open space to the rear of plots 3 - 9 inclusive. It is recommended that access is restricted with fencing, for example 1500 + 300 trellis and lockable gates. Bin and bicycle stores should be designed with a lockable door to ensure they are secure and prevent unauthorised access. The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another

person. The bicycle rack should have a minimum foundation of 300mm with a ground anchor. Both the bin store and bicycle store should have some form of internal lighting.

### **FLOOD and COASTAL RISK MANAGEMENT TEAM**

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

#### Observations:

The applicant has proposed to manage surface water within an underground attenuation tank. However, the applicant has only designed the surface water drainage system for the commercial development within the east of the site.

The applicant should propose above-ground features to treat surface water runoff.

The applicant has proposed to drain into the development to the south of the A377. The applicant should provide correspondence from the owner of the surface water drainage system to confirm that their system has been designed in accordance with the plan (dated 2008) contained within the Flood Risk Assessment (dated 10th August 2021).

Infiltration test results should be submitted.

The applicant must submit maintenance details for the proposed surface water drainage system (including who will maintain the system as well as how they will maintain it).

#### **Lead Local Flood Authority 10.05.2022:**

If the applicant is certain of the drainage for the barns, then I have no concerns with the discharge rate from the site (as it seems to have been accounted for previously). I would still like to see correspondence from Tesco if possible, as I assume that the applicant will need to contact them before construction of the outfall into Tesco's system.

Above-ground features are not restricted to basins and ponds. Swales, tree pits, rain gardens, e.t.c. could all be constructed here. These features could provide opportunities for treatment and interception losses.

#### **NATURAL ENGLAND - 08.03.2022:**

Natural England has no comments to make on this application.

#### **WASTE and TRANSPORT MANAGER - 04.03.2022**

I am contacting you in the County Council's role as the Waste Planning Authority with regard to the above planning application.



Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

Within the Waste Management Strategy submitted, the applicant has made a good attempt to consider the amount and type of construction waste likely to be produced as well as targets for the reuse, recycling and recovery for each waste type.

However, the following points need to be addressed:

- We note that the recycling site details have been provided within the statement. However we also request that the applicant provides detail of the disposal site for the small amount of waste that is likely to be sent to landfill.
- Identify the method of auditing the waste.
- We note that the applicant has estimated the amount of waste likely to be produced during the operational phase of the development. However, we also request that they identify the types of waste likely to be generated during this phase.
- Identify measures to ensure that the operational phase waste is managed in accordance with the waste hierarchy including method to limit the generation of waste as well as the provision of sufficient storage facilities.

We would expect this information to be provided at this stage of the application. As such our preference is for the statement to be updated to include this information.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Please do not hesitate to get in touch should you have any queries in relation to our comments.

**HISTORIC ENGLAND - 17.11.2022 (comments relate to the original scheme for 4 commercial units)**

### **Historic England Advice**

The proposed development at Wellparks introduces 2 commercial units, whose size and scale have a considerable harmful impact on the setting of the grade II listed Wellparks Farmstead and its relationship to the Downes Estate. Opportunities should be sought to identify a more modest scheme that responds to its surrounding context,

as shown in the consented outline application for the site.

### **Significance of Wellpark Farmstead**

Wellparks farmstead is one of the estate farms built near to the grade II\* listed Downes House in the mid nineteenth century. It is identified as a "particularly large and grand planned farmstead". We consider that it forms part of the setting of Downes House, being a farmstead of typical estate form which is highly visible on the approach to the Downes estate from Crediton.

It is now unfortunately separated from the core of the estate by the recently constructed Crediton Link Road, which has caused some erosion of the rural setting to the farm and Downes House. Its immediate setting has been further eroded through the housing development to the north and west of the site. The site was the subject of an outline consent that identified Wellparks and the adjoining site to the east for employment use (14/00830/MOUT). Historic England raised concerns regarding the impact of the development of the scheme on the setting of Wellparks and its contribution to the experience of Downes. These concerns remain extant.

### **Impact of the proposed development**

The current application relates to the conversion of the farmstead in 18 residential dwellings and the development of 4 commercial units. Historic England would refer you to our previous letter relating to the proposed works to the farmstead (LPA ref 22/00068/LBC/ HE ref L01459053, dated 22/2/2022). In respect of this application, our advice focuses on the impacts of the 2 large commercial blocks on the experience of Wellparks Farm and its relationship with Downes.

The scale and mass of the proposals in an elevated site is out of character with the farmstead, bearing no contextual relationship to its immediate neighbour. It erodes the farms rural setting and introduces a conspicuous feature into the approach to Wellparks and the Downes estate.

Additional planting has been included but this appears conspicuous in its own right as the area has remained relatively open in character, while also only providing mitigation rather than minimising the potential harm. Furthermore, it has a finite life span, is subject to seasonal variation as well as being susceptible to disease and natural events.

### **Historic England's Position**

The current scheme results in harm to the significance of Wellparks as derived from its setting and the contribution it makes to Downes Estate. The outline consent presented a more modest scale of development, that better reflected the open character of the site and a more contextual approach to development within the setting of the Wellparks.

Opportunities should be sought, through discussions between the council and the

applicant, to identify a less harmful solution, seeking a reduction in mass and scale as demonstrated through the outline consent (NPPF, Para 195).

We note the points set out in the Commercial Development Proposals Summary; however, we remain unconvinced that a less intensive scheme could not be accommodated on the site. The council should rigorously assess the claims made within the report, to ensure that any harm is demonstrated as having clear and convincingly justification (NPPF, Para 200).

### **HISTORIC ENGLAND – received 10.03.2023**

Following our letters dated the 22 February 2022 and 17 November 2022, we would like to provide the following advice on the revised proposal. This letter should be read in conjunction with our earlier correspondences in connection to the site.

Historic England's interest lies in the impact of the proposed development on the setting of Wellparks farmstead, one of the estate farms built near to the grade II\* listed Downes House in the mid nineteenth century.

The previous proposals were for 2 large commercial industrial buildings which introduced a conspicuous feature in an elevated location, out of character with the adjacent farmstead, its immediate neighbour.

The latest proposals are to introduce a C shaped range of terraced residential units, that better reflect the agricultural role of the site. This is set back from the previous scheme and allows the landscape to retain a more incline to its topography.

Overall, the proposals are a marked improvement from the previous scheme. They provide a much more contextual respond to their surroundings. The range will still form a sizeable development adjacent to the historic farmstead, albeit with a reduced footprint form the previous proposals.

When considering the architecture of the proposed buildings, Historic England has produced guidance on Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse (<<https://historicengland.org.uk/images-books/publications/adapting-traditional-farm-buildings/>>). We acknowledge that the application is proposing new builds; however, to ensure that there is a consistency between the development and the main farmstead, we would encourage steps to be taken to ensure that the detailing and materiality of the structures appears consistent and reflective of a barn within the historic context. The council in their consideration of the application may wish to identify ways by which to secure design details, such as materiality, number and treatment of openings including roof lights etc, through the application to ensure that the building provides a contextual response.

Historic England recognises that clear improvements have been made to the proposals on the site. The current scheme would still introduce a sizeable addition, although smaller than the previous proposals. The council should be confident that the development will retain an ancillary and subservient appearance when viewed in conjunction with the main farm complex.

The council in their consideration of the application need to ensure that great weight has been given to the asset's conservation, this includes looking at ways to avoid and minimise conflict with that conservation (NPPF, Para 195 and 199).

#### Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

### **MDDC FORWARD PLANNING – 26.04.23**

#### Proposal

The proposal is a conversion of Grade II Listed farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings.

#### Policy Context

Note: This Forward Planning response discusses the policy context around the principle of the proposed development in this location. All other matters associated with the application have not been addressed but will be considered by the case officer in the process of determining the application.

#### National Planning Policy Framework

The revised NPPF was published in 2021. Para 84-85 sets out the framework for supporting a rural and prosperous economy. Para 194 – 198 sets out the framework for proposals affecting heritage assets and Para 199 – 208 requires consideration of potential impacts on heritage assets.

#### The Adopted Local Plan

The Local Plan was adopted on 29th July 2020. In accordance with paragraph 47 of the NPPF, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal site is an allocated site in the current Local Plan. Policy CRE1 Wellparks, S3 Housing and DM18 Rural Employment development along with other relevant policies of the adopted Local Plan are applicable in assessing this planning application.

#### Assessment

The application proposes a conversion of Grade II Listed farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings.

Policy CRE1 criterion b) specifies 2,220 square meters of commercial floorspace in the south east part of the site. The application proposes 1,342 sq m for business uses, which is 878 sqm less than what is required in criterion b) of Policy CRE1. However, the ability to achieve 2,220 sq m would in part be dependent on the ability to achieve a suitable conversion of the farm buildings, of which some are Grade II listed. The applicant will have to demonstrate that conversion to business uses could not be achieved without causing unacceptable harm to the integrity of those listed buildings and which would also not be economically viable.

Having regard to the submitted plans, the elevation of the development relative to the adjacent listed buildings is of concern, although the Council's Conservation Officer will be able to advise

further on this matter. Fundamentally, in order to meet the requirements of Policy CRE1 and in particular criterion d), the proposal needs to demonstrate that the layout, design and landscaping reflects the sloping, visible nature of the site, protects the setting of Downes Historic Park and Garden, and respects the character and setting of the listed buildings at Wellparks and Downes house.

Policy S3 criterion b) stipulates the target of 28% affordable dwellings on open market housing sites of 11 dwellings or more in Tiverton, Cullompton and Crediton. In relation to this the application isn't providing the required affordable housing in which 5 of the 18 dwellings should be affordable. There is a need for a viability appraisal that covers the whole development (including the commercial element) to ascertain whether this approach is justified. This would need to be independently reviewed at the expense of the applicant.

#### Conclusion

The proposal currently does not meet the requirements of the Local Plan 2013 – 2033 and in particular policies S3 and CRE1. There is a need for the applicant to demonstrate the suitability and viability of the conversion scheme to justify the reduction of 878 sqm of office space against the policy requirement. A 28% affordable housing is required by the emerging policy and any reduction to this affordable housing provision should be justified through the submission of robust viability evidence.

### **MDDC FORWARD PLANNING – 21.03.23**

#### Assessment

The application proposes a conversion of Grade II Listed farmhouse and buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings (Use classes B8, E, Sui Generis)

Policy CRE1 criterion b) specifies 2,220 square meters of commercial floorspace in the south east part of the site. The application proposes 504 sq m for business uses, which is 1,716 sqm less than what is required in criterion b) of Policy CRE1. However, the ability to achieve 2,220 sq m would in part be dependent on the ability to achieve a suitable conversion of the farm buildings, of which some are Grade II listed.

As set out in the Forward Planning Team's previous response to this application, in order to meet the requirements of Policy CRE1 and in particular criterion d), the proposal needs to demonstrate that the layout, design and landscaping reflects the sloping, visible nature of the site, protects the setting of Downes Historic Park and Garden, and respects the character and setting of the listed buildings at Wellparks and Downes house. It is understood that further discussions have taken place between the Council's Conservation Officer as well as Historic England and that the use of the farm buildings and farm house for residential purposes is agreed to be acceptable and is likely to represent the optimal viable use for the buildings.

Policy S3 criterion b) stipulates the target of 28% affordable dwellings on open market housing sites of 11 dwellings or more in Tiverton, Cullompton and Crediton. In respect of this application, this results in a requirement to provide 9 affordable homes. The application does not currently propose any affordable housing, concluding within the Planning Statement that the applicant's viability review 'confirms that the scheme with affordable housing content is not viable, as it does

not surpass the Benchmark Land Value. The scheme therefore proposes no affordable housing'. The Council has subsequently conducted an independent review of the applicant's viability assumptions. This review concluded that the 'Residual Land Value figure is a surplus above the site benchmark, and as such, we disagree with the applicant that the provision of 28% affordable housing alongside the S.106 contributions and abnormal costs to be unviable, and confirm that this viability review demonstrates and concludes that the scheme is viably able to provide a policy position affordable housing provision on the scheme, as well as its S.106 requirement'. The application is therefore currently contrary to policy in this regard.

#### Conclusion

The proposal currently does not meet the requirements of the Local Plan 2013 – 2033 and in particular policies S3 and CRE1. Having demonstrated that the scheme can viably meet affordable housing requirements in full, the applicant will need to ensure this provision is met to accord with Policy. I would be happy to advise further in terms of affordable housing delivery provisions, timings/phasing as well as tenure requirements.

#### REPRESENTATIONS

This application has been advertised on two occasions 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.

#### Revised scheme February 2023:

2 representations objecting:

The revised plan may ease commercial traffic into Tarka way to serve the proposed two units but the replacement of the other two units with 11 houses only creates more traffic that will now exit onto the A377; concerns regarding nesting birds; Parking - there are only 3 visitor parking spaces for the whole of the development;

The revised application, if granted, would result in a commercial development surrounded on three sides by housing, of a nature which will cause significant disruption to local residents.

1) The nature of the businesses proposed means extended opening hours, probably seven days a week. There will therefore be no respite for residents from the noise and disruption cause by customers entering and leaving the site, slamming car doors, delivery lorries at all hours etc.

2) One wonders whether the number of parking spaces provided will be adequate for staff and customers of both units, especially in the light of the seating area for the Greggs unit, which suggests a long dwell time. Where are people likely to park if they can't get in the car park? On Tarka Way - which already suffers from cars parking on the pavements, creating disruption to residents and their visitors wanting to access their homes.

3) There is fundamentally no need for a commercial development at this location. There is land available nearby adjacent to Tesco and Mole Avon, as well as on the industrial park the other side of Wellparks Hill. These would be much more suitable locations for commercial development, leaving the land which is the subject of this application for residential use and green space.

1 letter of support:

These latest proposals for the Wellparks field are a quantum leap better than what was

previously proposed, and safeguard the setting of the Wellpark Barns that previously was seriously threatened. I commend the officers concerned for their determination in achieving it. Now that the genie is out of the bottle and residential properties are proposed on land allocated for employment use, why not go the whole hog and build dwellings where the two commercial units are presently proposed? Then there would be no commercial traffic at all into Tarka Way.

## **ORIGINAL SCHEME – March 2022**

Following the first consultation exercise, 19 representations objecting to the proposal were received raising the following planning matters:

- Application exceeds the demand as set out in local plan for CRE1. 185 dwellings will soon be complete on the Tarka View development, without the need for a further 18. There are also considerable alternative plans being made for Crediton to have a sufficient housing need without the conversion of the farm.
- There are numerous empty commercial properties on Lords meadow Estate just up the road that need to be filled first before considering building new ones here.
- Marketing was undertaken during Covid.
- The revenue projections of over £1m are dubious. We have several hardware stores and bakeries in Crediton that are independently owned, and the revenue won't be generated from these places, but taken from existing local businesses. Where was this figured calculated.
- Loss of trees that well rooted trees that will impact the local habitat and species, Harm to bats including the planned preservation of the bats within the farmhouse. With regards to the commercial buildings.
- The commercial outlets will not provide the sustainable future and proposed benefits to Crediton and will harm the vitality and viability of the Town centre and other existing local businesses. These jobs will not provide high skilled employment.
- Increase traffic flow onto the link road and risks negating the Air Quality Improvement Plan
- No consideration is given to the estimated losses expected by surrounding business in the Economic Impact Statement.
- I question why the proposed redevelopment of the barns into commercial properties was unsuccessful (planning statement 2.7). Given the timing of the marketing was at the start of the COVID-19 pandemic, the shutdown and uncertainty of business may have influenced uptake to utilise these buildings as commercial outlets;
- Harm to highway safety. An already busy junction that requires better access and traffic management not additional traffic and commercial deliveries too, local businesses will also be adversely impacted.

- Highway safety concerns of pedestrians and cyclists using the access from Tarka View to Exeter Road.
- Safety concerns for the residents of Tarka view housing development. The road, the only road, that will be used to access the development is very narrow and will be used by hundreds of people a day as well as traffic from the proposed new shops
- Query the TA statistics and Trics data analysis.
- Visitor parking is not addressed which will results in extra on street parking.
- Detrimental effect on the amenity of neighbouring properties from deliveries, commercial business traffic and business noise will severely impact residents. The planning use class proposed are incompatible with residential areas.
- Commercial properties will add a considerable volume of traffic, adding to noise, pollution, and making access more difficult for existing residents and their visitors.2) Noise/disturbance from premises. The premises proposed are likely to operate 7 days a week and for extended opening hours, e.g. 8-8 or even 7-10. They are located a very short distance from the nearest housing and will thus subject residents to noise and disturbance for virtually all waking hours.
- Harm to the character and appearance of the area; Design guidance should be sought from the SW Design Review Panel. Commercial units poorly designed which do not reflect the local context; Design out of keeping with the area and existing development.
- Harm to the setting of the listed agricultural buildings
- Proposed Elevations Eastern Barns - Units B5-B7 does have levels and it has been possible to deduce from it and Drawing No. PO1 that the eaves of Commercial Unit 4 will be five metres higher than the eaves of Wellparks Barn B5 which is located less than ten metres away. This, it is suggested will seriously compromise the setting of the Wellparks Barns.
- The existing "spoil heap" is not intended to be a temporary feature but in fact forms an integral part of the proposals. Heritage statement therefore needs updating.
- Carbon Reduction Strategy provides no energy calculations (SAP or SBEM results) to back up it's paragraphs. No details on how the dwellings or commercial units will follow 'The Energy Hierarchy' to reduce carbon.
- No affordable housing proposed.
- Fear of unsocial behaviour
- There is also the problem as seen and heard at the Tesco car park of youths congregating in cars driving dangerously at night. In my opinion this would more than likely happen on the new development causing a nuisance and enhancing danger to local residents.
- Greggs will contribute to increased rubbish and waste littering.



- There are numerous empty commercial properties on Lords meadow Estate just up the road that need to be filled first before considering building new ones here.

1 representation has been received supporting the application:

- The site has been vacant for some time now. Redevelopment of this site is long overdue. Any new business that can be attracted to the town through this development is very welcome.
- Officer comment: many of the objection representations received supported the conversion of the listed farm buildings.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

1. **Principle of development**
2. **Character and appearance**
3. **Heritage**
4. **Sustainable transport, highway safety and parking**
5. **Flood risk and drainage**
6. **Ecology, landscaping and trees**
7. **Pollution, air quality and waste management**
8. **Economic benefits**
9. **Residential amenity**
10. **Planning balance**

### **1. Principle of development**

- 1.1. Policy S1 sets out sustainable development priorities for the District including the need for appropriate infrastructure. Criterion (h) of Policy S1 requires development to provide good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. Policy S2 directs most development to the main towns and policies S3 and S4 set out the housing requirements and targets for the District.
- 1.2. Policy S12 envisages that Crediton will, *'develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the existing retail provision. Proposals will provide for approximately 786 dwellings, of which 220 will be affordable, and 14,700 gross square metres of commercial floorspace over the plan period.'*

- 1.3. Policy S12 goes on to state that the *'following development will be supported over the plan period:*
- a) *Proposals which support the economic regeneration of the town centre, including the provision of new homes, commercial development, cultural facilities and other key town centre uses which support the town centre's viability and vitality. Particular support will be given for proposals which improve the quantity and quality of existing retail provision within the town centre. All proposals within the town centre will need to play a positive role in sustaining and enhancing the significance of the area's heritage;*
  - b) *Proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and **Downes (my emphasis);***
  - c) *Continuation of measures to support the implementation of the Crediton Air Quality Action Plan, including enhanced walking and cycling opportunities around the town;*
  - d) *Enhance the tourism facilities and visitor role of the town and surrounding area; and*
  - e) *Community and education facilities and other infrastructure to support the development proposed, including green infrastructure.*

- 1.4. The application site forms part of housing and employment allocation CRE1 (Well Parks) which states:

*'A site of 22.9 hectares at Wellparks, A377 is allocated for residential and commercial development subject to the following:*

- a) *185 dwellings with 28% affordable housing on 7.9 hectares;*
- b) *2,220 square metres of commercial floorspace in the south east part of the site;*
- c) *15 hectares of Green Infrastructure on the upper slopes of the site;*
- d) ***Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of Downes Historic Park and Garden and respect the character and setting of the listed buildings at Wellparks and Downes House (my emphasis); and***
- e) *Improved pedestrian and cycle access to the town centre and facilities to the south of the A377*

*3.155 This site is to the south east of Crediton and is adjacent to the new Crediton Link Road to the east and Crediton Conservation Area to the west. This prominent wooded hillside gives character and an attractive skyline to the eastern half of the town. The development of the site, even though it is on the lower southern edge of the hillside, would have an impact on the rural views to the south of the town, requiring careful design and mitigation.*

*3.156 Planning permission has been granted for 185 dwellings, including 27.5% affordable housing. The policy provides the criteria to be applied as a starting point, should any revised scheme be submitted.*

*3.157 Due to the constraints of the site in respect of the Local Historic Park and Garden, adjoining listed buildings and a number of large trees that are interspersed in the development, a lower than usual density is assumed. In respect of the impact on the landscape, this will require careful treatment.*

*3.158 A small watercourse runs along the boundary of the site. A flood risk assessment will need to consider the potential for flooding. An onsite Sustainable Urban Drainage Scheme will require implementation to negate any increase in flood risk and ensure that there is no additional run-off from the site as a result of development. Sustainable drainage is a standard requirement under Policy DM1.*

- 1.5. Policy CRE1 seeks to provide 2,220sqm of commercial floorspace in the southeast corner of the allocation. Wellparks is not explicitly mentioned but forward planning officers have confirmed that this refers to the farm buildings, farmhouse and associated land to the west and the area of former farmland land on its eastern side.
- 1.6. Wellparks was first allocated in the 2013 Mid Devon Core Strategy. The previous local plan policy that related to Wellparks was Policy AL/CRE/1 & 7. Its associated notes state that: *'Wellpark is a group of substantial buildings adjoining the A377 and opposite the new Tesco development that were originally part of Wellparks Farm. These buildings are suitable for conversion for employment uses, but this will need to be done with care as a number of them are Grade II Listed. The design of the development will need to respect this character. In addition, some new build can be achieved on land between the proposed road and these buildings and on the site of a former steel barn.'* Policy AL/CRE/7 (Wellparks) specifically allocated the listed farm buildings and land to the east for commercial development for circa 4150sqm.
- 1.7. In 2016 planning permission 14/00830/MOUT was approved for 1935m<sup>2</sup> of employment uses but this outline did not include the listed farm buildings. The proposed commercial development was located to the northeast of the listed buildings on the site of a former steel shed and on land beyond to the north and east. This commercial element did not form part of a reserved matters application and has lapsed.
- 1.8. When the current 2013-2033 local plan was being assessed the Strategic Commercial Land Land Availability Assessment (SCLAA) panel reduced the yield to 2,220sqm. The notes from the panel meeting state that the allocation is achievable at a lower amount of floorspace than the existing allocation due to concerns regarding the impacts on the listed buildings, the potential constraints using the existing buildings and also because Crediton has only local employment needs and no need or demand for major employment growth.
- 1.9. Policy E2 of the Crediton Neighbourhood Plan (CNP) Change of use of allocated employment land states that the change of use of allocated employment sites will not be supported unless it has been demonstrated that there are available employment sites in the area and the site has been marketed at an appropriate price for at least 18 months.
- 1.10. These grade II listed model farm buildings, which are in a good state of preservation, are on the Council's building at risk register. Despite this they appear to be in a relatively good state. Although their condition is degrading and they have been subject of some vandalism they are generally water tight and break-ins have been secured by the owners and the site is fenced off.
- 1.11. Marketing details have been submitted which indicate that the farm buildings and land was marketed for a period in excess of 2 years from 2019 for B1, B2 & B8 uses. The site is still being advertised on Alder King (property consultants) website. Over the two year period it is stated there was only one interested party for an employment use for the barns but they did not proceed with the purchase. It is also stated there was interest shown in converting the listed farm buildings but only for residential conversion rather than commercial use. Much of the marketing was undertaken during the pandemic, which has been raised as a concern in

representations. However, this should not be discounted. It is not particularly surprising that a group of listed buildings, on the edge of the settlement, that require substantial upgrading would not be successful in attracting a purchaser for a commercial use. In many cases a residential use will be the optimal viable use. It is understood that there has been interest in the new build commercial units including Screwfix, Howdens and Greggs. No evidence from these companies has been provided to confirm that these users are interested or committed to this site.

- 1.12. It should be noted that despite the suggestion in the DAS that units 1 & 2 have committed end users, this is not a material consideration given that the LPA has no control of who may or may not commit to the site. The application proposes B8, Class E and suis generis uses; however officer assessment considers that suis generis is too broad and to protect the amenity of residents it has been decided to restrict the use of the commercial element to use classes B8, and E only.
- 1.13. A viability assessment accompanies the application which has recently been reviewed by an independent assessor. The findings of the appraisal are still under discussions and an update will be provided to planning committee.
- 1.14. The Council's Forward Planning team and Conservation Officer have both concluded that the use of the farm buildings and farm house for residential purposes rather than the allocated commercial use is in this instance acceptable, despite conflict with allocation Policy CRE1 and CNP Policy E2, given the acceptable marketing exercise, which showed no commercial interest, and the benefits of bringing back to use grade II listed buildings on the Council's Listed Buildings at Risk Register. It is considered that a residential scheme is likely to be the optimal viable use for the buildings. For these reasons, the residential use, despite departing from Policy CRE1 and E2, is considered to be acceptable subject to compliance with the other criterion within the policy and other relevant policies and national guidance. As regards CNP Policy E2, in particular demonstrating there is other available employment land, it is understood that there are other sites that could compensate for the part loss of commercial space e.g. consented site at Station Road, Crediton.
- 1.15. As originally submitted the scheme proposed two additional commercial units amounting to 1342sqm. The location of these large, bulky, composite clad commercial units on raised ground would have significantly harmed the setting of the listed building and the appearance of the area, which amounted to overdevelopment of the site. Following concerns raised by officers and Historic England the scheme was amended several times to a degree where officers considered it was more acceptable. However, following a briefing with members of the committee in January, concern was still raised regarding the commercial element, and upon discussing this with the applicant, it was agreed to remove more commercial units and develop a residential element to ensure the viability of the remaining commercial element. Officers consider that this is an acceptable approach and the best outcome for the site. The site is within the settlement boundary of Crediton therefore residential development is considered to be acceptable in principle.

- 1.16. As for the proposed commercial element, this is in principle acceptable in accordance with policy CRE1, subject to other criteria and planning policy considerations. Policy CRE1 does however seek 2,220sqm of floorspace. The proposed 504sqm falls significantly below this. However, it should be noted that the floorspace of the agricultural barns and farmhouse it is proposed to convert to residential amounts to 1728 sqm. This is an area of floor space that could conceivably be used for commercial development as envisaged in the allocation policy. This would have left circa 500sqm on land to the east of the farm buildings; which accords with the 504sqm of commercial floorspace now being proposed.
- 1.17. It should be noted that the Council's forward planning team have recently undertaken an Employment Land Monitoring Review of the District which concludes that the Council is meeting and exceeding the requirements of strategic Policy S2 which requires 147,000sqm of commercial floorspace comprising a range of employment-generating uses in the period 2013 – 2033. The total completed and committed employment floorspace (B space and Class E office, research and development, light industrial) is 175,929 sq m.
- 1.18. Three terraced 2-bed dwellings are proposed on the western side of the site. These are 'enabling development' required to ensure the viability of the listed building conversion. As originally submitted 18 dwellings were proposed within the barns and farmhouse but officers raised concerns that this was excessive subdivision harmful to the significance of the threshing barn. As a consequence the subdivision had been reduced to 17. This reduction in units, combined with increased costs of materials etc, has made the conversion unviable and hence the need for the enabling development. Officer consider this approach to be acceptable in principle. This will be discussed further below.
- 1.19. In summary, it is considered that whilst the proposed scheme does not fully accord with the allocation, there are strong material considerations, in the form of heritage and quality contextual design that make the principle of the scheme acceptable and weigh in favour of the grant of planning permission.

## **2. Character and appearance**

- 2.1. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan polices. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy CRE1 which requires that the layout, design and landscaping reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of the listed buildings at Wellparks. CNP Policy D5 (Design) states that development should have regard to the Crediton design Guide, be locally distinctive complementing local traditional housing design, using materials which reflect and complement existing development, demonstrating how they relate to the existing built environment and make a positive contribution to townscape especially when impacting on heritage assets. CNP Policy EN5 (Views and vistas) requires that views from Downshead are not harmed by development.

- 2.2. The site measures approximately 1.39ha in size and is land that forms the south eastern part of mixed use site allocation CRE1. It is located adjacent to the new link road (Wellparks Hill) on the eastern edge of Crediton and forms the eastern gateway to the town. The site is bound to the west and north by residential development being completed by Devonshire Homes as part of the wider allocation. Immediately to the north is Tarka Way which serves the residential development. To the east is the Wellparks Hill and to the south is Exeter Road (A377). The site slopes downwards approximately 11m from north to south.
- 2.3. The western side of the site contains the listed farm buildings and farmhouse, associated garden and the access track from Exeter Road. The model farm buildings form two courtyards and are constructed in brick, with some timber infill, slate and corrugated metal roofs. There is a cob wall along the western boundary. There is a native hedgerow on a retaining wall along the southern boundary with Exeter Road.
- 2.4. The eastern side of the site is land that was agricultural which contained a number of small agricultural buildings. It currently houses a Devonshire Homes compound on its northern side. To the south, until recently, there was a large amount of excavated soil from the adjoining housing site which Devonshire Homes have stored on a temporary license with the land owner. The existing plateau (minus the spoil heap) to the north east of the farm buildings, and partly housing the construction compound, did until relatively recently contain a steel clad farm building and a number of other small single-storey agricultural buildings. These were located close to the northeast corner of the listed farm buildings but no further southward than the main entrance into the courtyard.
- 2.5. The proposed conversion of the listed buildings to residential is supported in principle. The proposed external changes from public views would be minimal. Securing the long-term use of these buildings and bringing them back into use would be an enhancement to the appearance of the area.
- 2.6. The site forms the gateway into the town from the east and is the first view as one enters Crediton. Although there is existing commercial development on the southern side of the Exeter Road, it is set back and at a lower level.
- 2.7. As originally submitted officers raised concerns that the proposed commercial units 3 & 4 would be harmful to the character and appearance of the area which would be contrary to policy DM1 and criterion d) of policy CRE1. As regards layout and landscaping, it was clear that the scheme has been developed to maximise development for viability purposes rather than demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. The change in the land profile to form the build level with units 3&4 located on the plateau edge would have created the new gateway into Crediton from the east. This would not have been a positive change and would appear as incongruous and overbearing and would not reflect or enhance the visible or sloping nature of the site. The overbearing impact of the commercial units would also be seen in views from the west and south and some views to the north from Wellparks Hill.
- 2.8. As a consequence of raising these concerns the applicant has fully engaged with the LPA and has sought to mitigate the identified harm whilst ensuring that the scheme is still viable;

and therefore likely to be built. Units 3 & 4 have been replaced by 11 dwellings in the form of a range of barns to reflect the listed estate farm buildings. Subject to a condition to ensure high quality materials the proposed dwellings are considered to be acceptable.

- 2.9. The proposed landscaping scheme will also help to successfully mitigate the visual impacts of the remaining commercial element and the existing housing development by providing tree and hedgerow screening on the northern boundary, eastern boundary and between the commercial and new dwellings. The remaining former farmland will be left largely open and will become an orchard.
- 2.10. The TC has raised concern that scheme will harm the appearance of this gateway into Crediton and is therefore contrary to Objective 1.5 and Policy D5 of the Crediton NP. Specifically, concern is raised that the introduction of large-scale commercial buildings of an industrial and utilitarian appearance to the northeast of the asset and higher up the hillside will be visible across the valley; and that at 6.5m to eaves height the commercial units will appear excessively high and out of context for their surroundings.
- 2.11. However, for the reasons outlined above, having regard to the allocated site and re-design, the scheme is considered to be acceptable. The commercial units will be of a scale larger than the existing development at Tarka View but at 6.5m to eaves height and 7.5m to ridge height 38m in length and 14m in depth, this is not considered to be excessive in the context of this site. It should be noted that the commercial units are on land lower than the existing surrounding residential development, will have landscaping on their south, east and northern boundaries and will be clad in green cladding so that it will reduce its impact and appears more as a modern agricultural building.
- 2.12. It is considered that the proposed development constitutes high quality design in accordance with development plan policies S1, S9, DM1, CRE1 and CNP Policy D5.

### **3. Heritage**

- 3.1. 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.
- 3.2. The National Planning Policy Framework affords great weight to the conservation of heritage assets and requires that any harm arising from development must be clearly justified. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.3. Para 197 states that *local planning authorities should take account of:*

*(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*

*(c) the desirability of new development making a positive contribution to local character and distinctiveness.*

- 3.4. Para 199 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..*
- 3.5. As with any LBC submission or related planning application, opportunity should be taken to better reveal the special architectural character and historic interest of a listed building. The Grade II farmhouse is the main heritage asset on the site and its primacy should be respected.
- 3.6. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area.
- 3.7. Criterion (d) of Wellparks policy CRE1 states that development must provide a, 'Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of Downes Historic Park and Garden and respect the character and setting of the listed buildings at Wellparks and Downes House'.
- 3.8. Policy H1 (Historic character) of the CNP requires that designated heritage assets and their settings are protected.
- 3.9. The application is accompanied by a Heritage Statement (additional 26.5.22 & February 2023) and Heritage Statement Addendum, Schedule of Works report and Response to Listed Building (Conservation) Officer (additional 26.5.22) & Structural Report & Supporting Sketches. The additional heritage documentation has been submitted following concerns raised by officers regarding the impacts of the development on the significance of the heritage asset and its setting.
- 3.10. The evidence base for the adopted local plan and the Wellparks allocation states that, *'The built assets affected are the Wellparks Grade II listed extensive farmstead which is adjacent to the site and in the same ownership. The proximity of the development close to this sensitive and once rural farmstead is such that there is considerable cause for harm to the setting of the farmstead. This site now has outline planning permission. Historic England were involved during negotiations, from which mitigation was included, via a condition attached to the planning permission requiring the submission of a Heritage Asset Setting Protection Statement as part of the information to accompany the future reserved matters application.'*
- 3.11. The previous policy related to Wellparks was Policy AL/CRE/7. Its associated notes state that:



*'Wellpark is a group of substantial buildings adjoining the A377 and opposite the new Tesco development that were originally part of Wellparks Farm. These buildings are suitable for conversion for employment uses, but this will need to be done with care as a number of them are Grade II Listed. The design of the development will need to respect this character. In addition, some new build can be achieved on land between the proposed road and these buildings and on the site of a former steel barn.'*

- 3.12. Since the application (and its associated LBC application) were submitted in February 2022, Officers have raised serious concerns regarding the impact of the proposed scheme to the significance of the listed building in terms of their fabric, evidential value and setting. Following the raising of these concerns, the applicant provided revised plans to address the conversion works and provide an options appraisal to clarify the quantum, layout and design of the commercial units. Officers considered at the time, that the revised details failed to address their concerns and further amendments were required. Since that time, a briefing was also undertaken with members where there was further concerns raised regarding the commercial element and subsequently commercial units 3&4 were removed and the subdivision of the listed building conversion has been reduced to 17 units with residential development also now proposed on the eastern side in response to members concerns. The Council's Conservation Officer has since looked at the scheme again, and is far more content with the proposals subject to revised designs of the three units to the west of the farmhouse. This has been conditioned should members seek to move the officer recommendation.

#### Conversion of the listed farm buildings, associated works and enabling development

- 3.13. The Grade II Wellpark's Farm is described in the HE List Entry as "A particularly large and grand example of a planned farmyard, unusual for Devon" and has Historical and Evidential Value for its plan form and design, as well for its large variety of building types/uses reflecting the evolution of farming practices and related social and economic changes of the era. The significance is also derived from its association with the Grade II\* Downes House, and its associated Grade II Downes Farmhouse and its separately listed farmbuildings, which are located to the north east with associated undesignated historic parks and gardens. Significance of the listed buildings is also derived from being the former rural boundary to Crediton and its link to farmland to the east.
- 3.14. The list description for the farm buildings state, *'Estate planned farmyard, part of the Downes estate. Circa 1840. Flemish bond brick on local volcanic trap footings; slate roofs. Plan: Double-courtyard plan, with narrower north yard. South yard, South Range is an 8-bay linhay, weatherboarded below the loft with large chamfered posts to the bays. King post and strut roof, some of the struts removed, or perhaps never used. The west range is a similar 9-bay linhay with a C20 addition on the front to the north. Beyond the linhay a 2-storey brick building with brick-coped gables, probably a granary, with a segmental-headed doorway into the yard and a loft door over. The north range consists of pigsties with brick walls in front, with a monopitch pantile roof and a rounded corner. The east range includes, to the south, an archway from the lane into the lower yard. To the north, a 4-bay barn with opposed doorways with brick cheeks. 5 bay stable to north with door to left, 4 ground floor windows, a central loft door and 4 first floor windows. North Yard. This has a 2-bay open-fronted linhay on the east side. The north range consists of a 3-storey block. On the first floor a lofted barn,*

*built into the slope of the land, with the remains of a horse engine house to the rear (north) with granite columns. The ground floor of the front elevation (under the threshing barn) has 2 windows at the left end and 4 segmental headed doorways to the right, with 2 storeys of doors and windows above. A slot in the right (east) end of the barn has a shaft for driving machinery, presumably from a steam or petrol mechanism. A particularly large and grand example of a planned farmyard, unusual for Devon.*

- 3.15. The list description for the farmhouse states, '*Estate farmhouse including block of agricultural buildings to the rear (north) which have been partly converted to accommodation and are part of a planned farmyard, the remainder separately listed (q.v). Circa 1840, said to have been rebuilt following a fire (information from the occupier). Flemish bond red brick on local volcanic trap rubble footings; hipped slate roof with deep eaves; brick end and rear axial stacks with corbelled shafts. Plan: U-plan. A single depth main block, 3 rooms wide with an entrance to left of centre. Rear right and left wings at right angles, the rear left wing containing a principal room, kitchen wing to rear right. A dairy addition under a lean-to roof has partly infilled the north courtyard between the wings. Brewery wing to rear of house and stable wing to north of courtyard. Exterior: 2 storeys. Asymmetrical 4-window front, the front door to left of centre with a doorcase with panelled pilasters and reveals; 6-panel front door, the upper panels glazed with an overlight with geometric glazing bars. All windows have flat quaged brick arches and are glazed with early C19 small pane iron-framed casements: 3-light in the outer bays, 2-light above the front door and 4-light in the bay to right of the front door. The left return has a mixture of casements, some secondary, and a segmental-headed brick archway through the rear left wing to the rear courtyard, dividing the farmhouse from the brewery. The rear (north) elevation of the brewery has a flight of external stone steps up to the first floor. The stable block has deep eaves, matching the house and doors on the north side. Interior: The house preserves original early C19 features including joinery and a stick baluster stair*'.
- 3.16. The estate farm buildings include two courtyard areas comprising of the farmhouse, threshing barn, Linhays, granary, brewery, stable and pigsties as well as a number of other barns. The works to the listed farm buildings include subdivision of the farmhouse to three dwellings as well as subdivision of other farm buildings including the northern bank barn. The main courtyard area would be subdivided and used for parking and amenity space. It is proposed to demolish the pigsties.
- 3.17. The significance of the listed buildings are derived from its retained historic fabric, features and floorplan and the limited extent of alteration allows the original architectural hierarchy of its rooms and layout to remain legible.
- 3.18. The former Conservation Officer (CO) raised a number of concerns and comments related to conversion of the farm buildings including: the amount of units proposed within the threshing (bank) barn, the amount of new window openings and subdivision of the garden. Subsequently, revised details were submitted which sought to address these concerns.
- 3.19. The Council's interim consultant CO reflected on the original CO comments and the subsequent revisions, broadly agreeing with the CO but adding further detail raising concerns regarding the subdivision of the farmhouse, the treatment of units B9-B10, the

subdivision of the farmyard area to provide amenity and parking space and the subdivision of the garden area.

- 3.20. The identified harm is less than substantial and this should be weighed against the public benefits of bringing this listed building at risk back into use and securing its long term survival. Many of the concerns raised have been resolved in the revised scheme with the reduction of the threshing barn subdivision and the retention of the full height threshing door space. Whilst the interim CO did also raise additional concerns regarding the subdivision of the farmhouse the proposed conversion to three had been previously agreed by the former CO and is considered by officers including the Council's new CO to be acceptable.
- 3.21. There are remaining concerns regarding harm to the internal setting where it is proposed to subdivide the central yard to provide dedicated amenity space and landscape works, which are considered out of context with the historic planned model farm design and contrary to Historic England best practice guidance. It is considered that this matter can be resolved through planning condition.
- 3.22. The removal of one unit and the rising costs of materials has made the scheme, with regard to listed building conversion, financially unviable. Therefore, Officers suggested that, using Historic England best practice guidance, enabling development in the form of an additional dwelling or dwellings could be provided in an appropriate location. The CO confirmed that the best location would be adjacent to the north-west boundary adjacent to the farmhouse and existing properties at Tarka View. In this location the impacts on the listed building's setting are limited and there are also restricted public views.
- 3.23. The applicant subsequently proposed three dwellings in the form of a 2-storey dwelling containing three 2-bed dwellings; taking design cues from the adjacent farmhouse but of a smaller scale and lower ridge height. The scale of the building is considered to be appropriate for the location and would not unduly harm the setting of the listed building. The Council's Conservation Officer has commented that whilst the footprint and scale is acceptable a condition is required for the final appearance to ensure the building appears as a row/terrace of agricultural workers' dwellings.
- 3.24. This part of the site is largely screened for public views with the only views being to the south from Tesco's car park. In the medium term these views would be filtered by the proposed Scots Pines. The proposed enabling development would cause less than substantial harm to the setting of the listed buildings but these would be offset by the overall benefits in the planning balance.
- 3.25. The independent viability assessment has confirmed that the loss of any units from 18, such as reducing the subdivision within the farmhouse, or reducing the floor space in other units (such as with B10&B11) would make the conversion unviable.
- 3.26. As such, subject to the above, officers consider that the proposed scheme for conversion and associated enabling development is in accordance with development plan policies S1, S9, DM25, H1, guidance within the NPPF and section 16 of the Listed Building and Conservation Areas Act 1990.

### The commercial units

- 3.27. The proposed commercial element is on land to the north-east of the listed model farm comprising two buildings each containing 2 commercial units accessed from Tarka Way.
- 3.28. This eastern plot of land is the only remaining remnant of the historic farmstead's original rural setting and as such, has considerable significance. The NPPF Glossary refers to "setting" as being an important component of a listed building's significance and should accord with NPPF para. 197 and 199. Attention should be given to the requirements of the NPPF in regard to the great weight that should be given to the safeguarding of the heritage assets' significance in any planning balance including that of any public benefit.'
- 3.29. Historic England describe the setting of a heritage asset to be all of that land from which the heritage asset can be experienced, whether public or private land and as such, this proposed commercial plot falls within the setting of the designated Wellpark's Farm.
- 3.30. The application is accompanied by a heritage statement (and subsequent addendums) which in its original state sought to downplay the significance of the heritage assets, stating that they are inward looking with little or no setting significance externally, and therefore the impact on the setting of the listed farm buildings. This has been challenged by both previous conservation officers, by English Heritage (at the outline stage) and by Historic England.
- 3.31. Due to the close proximity of this site and significance it has, in regards to being within the setting of the listed buildings, any development must take opportunity for preservation or enhancement and integrate successfully with the historic farmstead, allowing the nationally designated farmstead to retain its primacy within the environment and avoid introducing any over dominating and intrusive presence.
- 3.32. As originally submitted the scheme failed to respond successfully to the former estate setting of these designated heritage assets and its edge of settlement location bordering rural land and instead, proposes to impose a standard industrial estate form, layout and character on the last remaining open area of land adjacent to the listed farmstead with an excessively overbearing massing, scale and form that will dominant the skyline when viewed from within the courtyards and buildings of the historic complex and against which the listed farmstead will be juxtaposed. The scheme was considered to contribute a high level of detrimental impact on the setting and hence, significance of the heritage assets translating to less-than-substantial harm. It was considered by officers that other options are available that had not been included in the Options Appraisal and therefore the proposal was insufficiently justified and officer support cannot be forthcoming e.g. enabling development in the form of more modest and contextually appropriate residential development.
- 3.33. Following a period of reflection and discussions with officers the commercial element was re-imagined with units 3&4 removed and replace with a range of dwellings to reflect the listed model farm. Units 1 & 2 have been retained but will be screened by native hedgerow on its northern and eastern boundary and a tree/shrub landscaped bank on its southern side. Subject to a suitable management and maintenance regime (to be conditioned) the proposed landscaping will be successful in mitigating the impacts of the commercial element

from gateway views into Crediton. Views will predominately be of the orchard and the proposed range of dwellings.

3.34. The proposed new range of dwellings to the east are considered to be of an appropriate design that reflect the existing listed estate farm buildings which, in combination with the proposed landscaping and orchard, would protect the setting of the listed model farm. However further concerns are raised regards the design of the units to the west and a condition has been recommended to overcome this concern.

3.35. Historic England latest comments state that:

*'The previous proposals were for 2 large commercial industrial buildings which introduced a conspicuous feature in an elevated location, out of character with the adjacent farmstead, its immediate neighbour. The latest proposals are to introduce a C shaped range of terraced residential units that better reflect the agricultural role of the site. This is set back from the previous scheme and allows the landscape to retain a more incline to its topography. Overall, the proposals are a marked improvement from the previous scheme. They provide a much more contextual respond to their surroundings. The range will still form a sizeable development adjacent to the historic farmstead, albeit with a reduced footprint form the previous proposals.*

*'When considering the architecture of the proposed buildings, Historic England has produced guidance on Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Reuse. We acknowledge that the application is proposing new builds; however, to ensure that there is a consistency between the development and the main farmstead, we would encourage steps to be taken to ensure that the detailing and materiality of the structures appears consistent and reflective of a barn within the historic context. The council in their consideration of the application may wish to identify ways by which to secure design details, such as materiality, number and treatment of openings including roof lights etc, through the application to ensure that the building provides a contextual response.'*

3.36. To ensure that the design is high quality, details of materials, architectural detailing (roof, walling, rooflights and windows & doors), and the number of rooflights & openings and their treatment will be secured by condition.

3.37. The proposed landscaping of the northern boundary would be an enhancement to the setting of the listed buildings by helping to screen the rear boundaries (closeboarded fencing) on Tarka View and softening the gable-ends to the properties.

3.38. In conclusion, the proposed commercial units, new dwellings and landscaping would protect and enhance the setting of the grade II listed Wellparks farm buildings, As such, officers consider that the proposed scheme for conversion is in accordance with development plan policies S1, S9, DM25, H1, guidance within the NPPF and section 66 of the Listed Building and Conservation Areas Act 1990.

3.39. As regards archaeology, the County archaeologist has no objection to the proposed development subject to the imposition of a condition to secure a historic building recording and analysis which has been secured and implemented in accordance with a written scheme of investigation.

#### **4. Sustainable transport, highway safety, parking, EV charging & refuse**

- 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. CNP Policy T1 is supportive of development that allows greater connectivity.
- 4.2. A transport assessment (TA) and addendum has been submitted with the application to assess the transportation, traffic, parking and highway aspects of the development. A travel plan (TP) also accompanies the application which seeks to promote the use of non-car modes when travelling to and from the site.
- 4.3. The application proposes that the residential element is only accessed from Exeter Road and the employment element is only accessed from Tarka Way. Pedestrians and cyclists will however be able to travel between Tarka Way and Exeter Road.
- 4.4. As originally submitted, and as stated in the TA, it was envisaged that the employment and residential sites could be accessed from Tarka View. This was later revised following concerns raised by the County Highway Officer (CHO) because the access past Wellparks would cause unnecessary conflict between the employment and commercial uses.
- 4.5. The vehicular access from Tarka Way would have a visibility splay of 2.4m x 25m which accords with Manual for streets for a road with a 20mph speed limit. The CHO has confirmed that this is an appropriate splay given the context of low speeds along Tarka Way in line with Manual for Streets guidance. The CHO has also confirmed that the visibility splay from the private access onto Exeter Road is also acceptable, and that the minimum width of the private access road (3.7-4.8m) is satisfactory given the relatively modest length of the road, available passing places and the amount of traffic likely to use it.
- 4.6. A 2m footway is proposed along the eastern edge of the access road terminating with the parking area to commercial unit 1. A 2m footway is also shown along the western edge of the access road from Tarka Way to the north of the listed barns; units 1-11 would also be directly accessible from the footway. A footway will then provide access along the western side of the private access road adjacent to the listed buildings measuring 1.2-1.8m in width. The CHO has confirmed that this approach is acceptable in this instance (2m is usually the minimum) because this is a private road and will not be adopted. A condition will require that the link between the commercial element and residential parts of the site is 2.5m in width to ensure there is sufficient width for pedestrians and cyclists.

- 4.7. Emergency vehicles can access the site from either Tarka Way or Exeter Road (in all directions) as the width is in excess of the minimum width of 3.7m required for a fire engine. Swept path analysis has been undertaken which demonstrates a large car and delivery vehicle can successfully enter and park within the residential element. The swept path analysis also demonstrates a 16.5m articulated vehicle can successfully enter the employment element and satisfactorily service the units. A bin lorry will also be able to access and turn at the northern extent of private drive to serve the residential properties. The CHO is satisfied given the width of the road from Exeter Road that a fire engine could successfully access the residential side of the development.
- 4.8. The proposed residential listed building conversion and new terrace of three would provide parking with 40 parking spaces (38 + 2 Visitor). The residential development also provides integrated refuse stores. Cycle parking is a mix of both integrated stores and on plot provision. The new dwelling range to the south of the commercial element would provide 21 parking spaces including 1 visitor space. Refuse collection point and cycle parking is shown at the entrance to this element adjacent to unit 11. Units 1, 9 & 11 would have secure cycle storage within their private garden. The commercial element also provides 16 parking spaces, including 2 disabled spaces and 5 EV charging bays.
- 4.9. The TA details that 105 cycle parking spaces are required across the scheme. Whilst areas of cycle parking are identified it is not clear if the required amount can be successfully provided; there are also no details of secure cycle shed in rear gardens. Further details of the cycle parking are therefore required which will be secured by condition.
- 4.10. The TC has raised concerns that the amount and location of parking is not in accordance with Mid Devon's Parking SPD. However, the proposed residential parking exceeds the Policy DM5 requirement of 1.7 spaces per dwelling. The three visitor parking spaces also satisfies the MDDC Parking SPD which requires residential developments comprising more than 10 dwellings, a space will be provided for visitors and marked to define them as such for every ten houses over the threshold.
- 4.11. Turning to the commercial element and its parking requirements, Screwfix is considered (as has been concluded by planning inspectors) is a B8 use with associated retail/trade element; Greggs is regarded as primarily retail which is Use Class E (b) with ancillary hot food takeaway element (Suis Generis). To comply with Policy DM5 unit 1 (Screwfix) would require 8 parking and unit 2 (Greggs) would also require 8 spaces. The previous layout iteration only provided 14 spaces including 2 disabled spaces but the latest plan identifies 16 spaces including 2 disabled spaces which is compliant with Policy DM5.
- 4.12. The proposed level of parking is therefore correct with regard to the proposed end users and their use classes. However, a condition is required to restrict the proposed uses within unit 1. If an A1 use were proposed an additional 12-20 spaces would be required; depending on whether food on non-food retail. Five additional spaces would be required for an A2 or B1 use (now Class E (c) & (g)). The highway Officer has stated that if an uncontrolled use were permitted this could harm highway safety with parking on the highway (Tarka Way) and also parking on the access route from Exeter Road.

- 4.13. As regards principle 6 (security of parking), it suggests that dwellings should overlook their vehicles. As regards the new 11 dwellings they do overlook their parking spaces. However, in the case of the listed farm buildings, farmhouse and enabling development, this is problematic because of the very nature and special qualities of the listed buildings, the parking spaces have to be located where possible to ensure the significance of the listed buildings are protected.
- 4.14. In accordance with Policy DM5, commercial unit 1 requires 8 cycle parking spaces and unit 2 would require one space. Only 3 are shown (plan notes 6) adjacent to unit 1 therefore policy compliance will be secured through condition.
- 4.15. The masterplan indicates that the residential part of the scheme would only have 2 EV charging points, which does not satisfy Policy DM5 which requires 3 charging point. This can be secured by condition. It should be noted that under the new building regulations most dwellings will need to be provided with charging points. In any case as condition is required to ensure that charging points are appropriately located having regard to the listed buildings.
- 4.16. The layout plan identifies five EV charging points for the commercial element: 1 adjacent to unit 2 and 4 adjacent to unit 1. This exceeds the requirement within Policy DM5.
- 4.17. The proposed pedestrian/cycling link from Tarka Way to Exeter Road, subject to condition to require a 2.5m width, is considered to be in accordance with CNP Policy T1.
- 4.18. A number of representations raised concerns that the TRICS data is not accurate or fit for purpose and should reference similar developments in Exeter. The CHO has stated that the TRICS Data is a national accepted data base which looks at data taken from may sites which would be in similar area and size to the proposal rather that comparing to a large industrial estates in a City. The traffic volume and capacity is calculated on the peak hours of the day where these figure will be the highest.
- 4.19. Full details of refuse storage and collection will be secured by condition.
- 4.20. The County Highway Officer has no objections to the proposals and has concluded that, subject to conditions, there will be no severe residual cumulative impacts associated with the development of the site. As such, there are no highways or transportation reasons why this development should not be permitted.

## **5. Flood risk and drainage**

- 5.1. 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.



- 5.2. The application site is located entirely within Environment Agency Flood Zone 1 (lowest risk of flooding). There are some known risks from surface water flooding within the southern part of the model farm courtyard.
- 5.3. The existing drainage system currently drains at an unrestricted rate into the existing dedicated foul and surface water drainage systems in the A377. The foul is 225dia and under South West Water ownership (public). The existing barn and courtyard area is currently 100% impermeable roof and hardstanding areas. The new development proposal involves removal of areas of existing impermeable hardstanding and replacement with soft garden landscaping which will provide significant betterment on the existing drainage system.
- 5.4. The application proposes to manage surface water with a soakaways and an underground attenuation tank. The water will then drain to the south side of the A377 where it will connect to Tesco's surface water drainage system.
- 5.5. At the time of writing the consultation response had not been received from the Lead Local Flood Authority (LLFA). An update will be provided to planning committee. It should be noted that the previous scheme which is closely related to this revised application was agreed by the LLFA.

## **6. Ecology, landscaping 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. CNP Policy EN2 (Trees) requires that development follow the principles of retaining, avoiding harm, enhancement and compensation.
- 6.2. Two trees are proposed to be removed to provide space for parking bays. These trees will be replaced within the proposed landscaping scheme. The landscape plan identifies a native tree and shrub/hedgerow mix, to include three English oaks, on the northern boundary of the site that share a boundary with residential properties on Tarka View. 7 Scots Pines are proposed on the western boundary of the site. Silver Birch, English Oak and Wild service Trees are proposed on the boundary and entrance of the site with Tarka View. A native hedgerow with hedge trees is shown along the eastern boundary of the site with the link road. A native tree and shrub mix on a landscaped bank would provide a screen between the commercial element and the proposed new dwelling range. A native hedgerow is also shown along the western boundary of the 'new barn' dwelling along the eastern side of the access road to the listed buildings. The area of land to the south of the new 'barn' dwellings and to the east of the listed buildings would become an orchard stocked with local varieties of apples. The existing hedge in the south-west corner is in poor condition and would be cutback, regenerated and planted with infill species. Officers consider that proposed landscaping scheme is a high quality contextual scheme that will benefit the site aiding in

mitigating visual impacts, enhancing the setting of the listed buildings and the wider gateway setting. Maintenance and long term management will be secured by condition.

- 6.3. An ecology report has been submitted which has found no evidence of dormice, hedgehogs or badgers using the site. The report did find evidence of nesting birds. The ecology report also found that a number of the barns contain non-breeding roosts used by a number of different bat species (common pipistrelle, brown long eared, Natterer's bat, lesser horseshoe, whiskered Myotis mystacinus). Natural England Licences will be needed.
- 6.4. In order to allow the proposed works to take place, a European Protected Species Licence (EPSL) will be required from Natural England. The EPSL will outline that the works to the bat roosting features associated with the farmhouse and outbuildings must be carried out in Spring or Autumn to avoid disturbing hibernating bats and undertaking works at a time of year when the most amount of bats are likely to be present (Summer). Conditions of the licence will include a precautionary methodology, including hand removal of roosting features under the supervision of an ecologist. Additional analysis of the Myotis species recorded emerging from the farmhouse will be required prior to a licence application submission, and could include further DNA analysis of bat droppings or additional survey effort.
- 6.5. To gain an EPS Licence from Natural England, the proposed development must satisfy three criteria:
  1. The development must be for reasons of overriding public interest;
  2. There is no satisfactory alternative; and,
  3. The favourable conservation status of the species concerned will be maintained and/or enhanced i.e. through appropriate mitigation.
- 6.6. The conclusion of the report is that subject to mitigation, in the form of retained roof voids to provide compensatory bat boxes, the bats will be protected. Securing the future of the heritage asset is considered, for the purposes of the EPS, to be for reasons of overriding public interest, with no alternative that would have less impact on protected species. The above criteria are considered to be met.
- 6.7. A sensitive lighting strategy would be required for the operational phase of the development. As this strategy will need to be developed to take into account the associated housing development, it is recommended that this would need to be secured by condition.
- 6.8. The ecology report includes a biodiversity mitigation and enforcement plan (appendix E) which requires compensation for the loss of nesting opportunities and recommends built in nest boxes for house sparrow, starling and swallow.
- 6.9. The ecology appraisal also recommends species are protected during construction, which could be secured by a construction and ecology management plan (CEMP).
- 6.10. The submitted ecology reports have provided evidence that the proposed development will provide a biodiversity net gain (BNG) using the Natural England metric.

6.11. Subject to the conditions as outlined above, it is considered that the proposal is capable of meeting the policy requirements set out in this section of the report with regard to ecology, landscaping and trees.

## **7. Pollution, air quality and waste management**

- 7.1. 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.
- 7.2. The application is accompanied by a Transport Assessment, contaminated land report, an air quality and odour report and a noise report. A lighting report has not been submitted.
- 7.3. The reports have been considered by MDDC's Public Health officers. Officers are satisfied with the contaminated land report, which identifies a number of contaminated areas within the site, and have recommended that the full contaminated land conditions should be included in any approval in order that the work is completed and verification reports obtained.
- 7.4. The air quality and odour report concludes that there will be no unacceptable impact on air quality from transport sources. However, Public Health Officers have stated that there is potential for odour from any proposed food business in the commercial units to impact on new and existing residences. Comprehensive recommendations are contained in the report and these should be secured by condition.
- 7.5. A comprehensive noise report has been submitted with the application. The writer has established the existing daytime and night time background noise levels in the vicinity. Recommendations relating to the standard of glazing and ventilation have been included in order to ensure that acceptable internal noise levels are achieved. Calculations show that the external amenity areas will be below the upper guideline value of 55dBa and we agree with these conclusions. The writer recommends that the sound rating level of any plant or equipment should not exceed the background noise level during the day or at night, and that the cumulative noise level should not exceed 38dB during the day, or 35dB at night, at the façade of any residential property. Public Health Officers agree with these recommendations and suggest that a condition secures suitable noise levels.
- 7.6. No working hours for the commercial units are stated and the application form indicates that this is not applicable. Officers do not agree with this and in view of the very close proximity of residents it is recommend that this commercial area is not suitable for 24 hour working. It is appreciated that some of the businesses may provide a service into the evening and therefore Public Health recommend a condition ensures that the commercial units shall

operate only within the hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays.

- 7.7. Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement demonstrating how the demolition, construction and operational phases of the development will minimise the generation of waste and provide for the management of waste. A Waste Management Plan has been submitted with the application but Devon County Council (Waste) have requested additional clarification. The additional details are with DCC and their comments will be included on the late sheet.
- 7.8. As regards foul water drainage no objections are raised given that the development will be connected to the main sewer.
- 7.9. Subject to conditions, it is considered that the potential impacts of pollution and waste can be managed acceptably in order to accept the proposals, and the proposals are therefore in accordance with the policies set out in this section of this report.

## **8. Economic benefits**

- 8.10 Policy S1 of the local plan states at criterion (b) that all development will be expected to support the creation of sustainable communities by building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances.
- 8.11 Chapter 6 paragraph 81 of the NPPF states that significant weight to supporting economic development and economic growth taking account of local business needs and wider opportunities for development.
- 8.12 A viability appraisal has been submitted by the applicant which has very recently been appraised by an independent assessor. Discussions are currently ongoing and an update will be provided to planning committee.
- 8.13 The economic benefits of the scheme are stated to be:
- 20 full time jobs via the employment space and home-based workers.
  - Annual wages of circa £625,000
  - Construction wages of £2.4m
  - The delivery of residential conversion (as opposed to employment) to secure the future of the heritage assets (an improvement on what the allocation proposes).
- 8.14 At the time of writing there are ongoing discussions regarding viability and planning obligations. An update will be provided on the late sheet.
- 8.15 The Council's Economic Development Officer has stated that:

*Economic Development supports this application as providing overall economic benefits to the town on a site already earmarked for commercial development in the Adopted Local Plan.*

*Policy CRE01 of the Mid Devon Local Plan provides for a mixed-use allocation at Wellparks with "2,220 square metres of commercial floorspace in the south east part of the site". The proposal to provide 4 commercial units with a total floorspace of 1,338 square metres is therefore within the scope of the allocation and seems appropriate on a site visually and spatially related to Mole Avon and Tesco across the A377 Exeter Road.*

*The fact that the applicant has three prospective occupiers for the units indicates that there is demand for commercial units in this location...on balance it is anticipated that there will be overall economic benefits to the town, through increased jobs, increased choice and legitimate competition.*

*Even though the proposed business occupiers as listed in the application would be unlikely to take customers directly from the town centre, one cannot presume that the named businesses will take up the units as expected, nor that they will necessarily stay there. Therefore, the potential impact of the units on the town centre cannot be determined at this stage. More generally, any increase in out-of-town retail is likely to have both direct and indirect impacts on the high street. If this is not through like-for-like businesses providing direct competition, then there is still an indirect impact through a potential decrease in footfall, as customers can meet more of their needs outside of the town centre and are therefore less likely to go there. We would therefore look to compensatory funding from any proposal for out-of-town retail to support economic initiatives in the high street to maintain its vitality and vibrancy.'*

- 8.16 A number of representations have been received raising concern that the economic benefits of the commercial elements are overstated and that there would be harm to the viability and vitality of Crediton town centre. Officers have no reason to question the validity of the economic appraisal. However, as noted above, there are concerns that the units could impact the town centre but at this stage the impacts cannot be determined because the end user is unknown. As such, a contribution of 15k has been suggested by the Council's economic development team. This would be secured by s106 legal agreement.
- 8.17 The economic benefits of the scheme will be balanced against the identified harm in section 10 of this report.

## **9. Residential amenity**

- 9.1. Policy DM1 (e) of the Local Plan states that proposals should not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. At criterion (h) DM1 states that development should provide suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard (NDSP) with external spaces for recycling, refuse and cycle storage.

- 9.2. The proposed commercial and residential units have been sited and orientated on lower ground with appropriate separation distances between them and existing dwellings, which would ensure that there would be no harm with regard to loss of light, loss of privacy or an overbearing impact.
- 9.3. The proposed residential units have been designed to meet NDSP standards (many of the units are also provided with amenity space) therefore the amenity of future residents would not be harmed.
- 9.4. Representations have been received raising the concern of anti-social behaviour from the commercial units, particularly in the evening. This concern is noted however the site would be well overlooked by existing properties, which would aid in reducing any problematic behaviour, and the commercial units have been securely designed. The Designing out Crime Officer has no objections but has commented on some aspects of the residential development querying the security of some boundary treatments. This will be secured through condition.
- 9.5. The proposed development is considered to be in accordance with Policy DM1(e).

## **10. Planning balance**

- 10.1. The balancing exercise under the policies in paragraphs 199 and 202 of the NPPF is not the whole decision-making process on an application for planning permission, only part of it. The whole process must be carried out within the parameters set by the statutory scheme, including those under section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and section 70(2) of the 1990 Act, as well as the duty under section 66(1) of the Listed Buildings Act. In that broader balancing exercise, every element of harm and benefit must be given due weight by the decision-maker as material considerations and the decision made in accordance with the development plan unless material considerations indicate otherwise. Within that statutory process, and under NPPF policy, the decision-maker must adopt a sensible approach to assessing likely harm to a listed building and weighing that harm against benefits.” The concept in paragraph 199 that “great weight” should be given to the “conservation” of the “designated heritage asset” and that “the more important the asset the greater the weight should be” does not predetermine the appropriate amount of weight to be given to the “conservation” of the heritage asset in a particular case Resolving that question is left to the decision-maker as a matter of planning judgment on the facts of the case, bearing in mind the relevant case law, including Sullivan L.J.’s observations about “considerable importance and weight” in Barnwell Manor.
- 10.2. In this case the less than substantial harm to the listed buildings, which is given ‘great weight’, is weighed against the benefits of bringing the buildings back into use and the ‘significant weight’ of the employment benefits and s106 contributions. These benefits have to be balanced against the harm to the significance of the listed buildings and their setting, the related impacts related to character and appearance, and the lack of affordable housing.

10.3. In this case it is considered that the public benefits outweigh the identified harm to the heritage assets. The proposed scheme would provide a number of benefits including: securing the long term protection and use of a listed building at risk. It would also provide landscape enhancements that would reduce the negative impacts of the Tarka View development; protecting the remaining view and setting of Wellparks including the gateway into Crediton with a considered contextual new dwelling range to reflect the listed buildings. The scheme would also provide economic benefits as outlined above; and contribution towards education and town centre enhancements.

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

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The three dwellings on the western side of the site shall not be constructed until the conversion works to the listed buildings have been completed in accordance with agreed details and are capable of being occupied.

REASON: The dwellings are enabling development and only required to ensure the viability of the listed building residential conversion.

4. 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;
  - 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);
  - Roof overhang details;
  - Wall corner details (11 dwellings to have rounded corners);
  - Details of number and location of roof lights and window/door openings;
  - Details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows, roof lights and doors;
  - Details of position and colour finish of rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);

- Full elevation details of all boundary treatments;
- 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.

5. The development shall be carried out in accordance with the recommendations, mitigation and ecological enhancement measures within ecological appraisal by Halpin Robbins dated 20<sup>th</sup> February 2023, including the requirement for the developer to obtain an EPS Licence.

REASON: In the interests of biodiversity.

6. If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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.

7. A landscape, ecological and arboriculture management and maintenance plan (LEAMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEAMMP shall include the following.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEAMMP shall include all details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.



The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEAMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

REASON: To enhance biodiversity and in the interests of proper planning and good design.

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

REASON: In the interests of local amenity and biodiversity.

9. Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site, full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval in writing. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

REASON: In the interests of biodiversity and residential amenity. .

10. Commercial unit C1 as identified on drawing no. P01 Rev S shall only be used under use class B8, with ancillary trade counter use providing for trade and retail sales only, within The Town and Country Planning (Use Classes) Order 1987 (as amended), and not any other permitted change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.

REASON: In the interests of highway safety and to ensure the commercial units are used for an appropriate use given the location of the site in relation to the residential properties.

11. Commercial unit C2 as identified on drawing no. P01 Rev S shall only be used for use classes B8, Class E, and Use class Suis Generis (r – hot food takeaway) restricted to bakery (restricted to the preparation, baking and retail sale of bread, flour and sugar confectionery, savoury products, fresh and delicatessen foods, sandwiches, snacks, soups, beverages, soft drinks, ice cream and a full takeaway, delivery and collection service normally associated with the bakery trade and such other products as may be sold by the Tenant and its other retail bakery outlets) and for no other purpose or other use falling within Use Class Suis Generis or within Suis Generis (R) (hot food takeaway) of the Schedule, within The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.

REASON: In the interests of highway safety and to ensure the commercial units are used for an appropriate use given the location of the site in relation to the residential properties.

12. Prior to the occupation of a dwelling or commercial unit hereby approved, details of the EV charging points shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the EV technical specifications, their number, locations and an implementation plan. The development shall proceed in accordance with the approved details and shall be retained and maintained thereafter.

REASON: In the interests of local amenity and preventing harm to the setting of the listed buildings.

13. Prior to the occupation of any part of the development hereby approved a scheme of refuse storage and collection shall, including elevation drawings of any bin enclosures, be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details prior to the occupation of the associated dwelling or unit.

REASON: In the interests of proper planning and good design.

14. The parking layout (not including the farmyard/courtyard) shall be carried out in accordance with drawing no.P01 Rev. S prior to the occupation of the associated dwelling(s).

REASON: In the interests of proper planning.

15. No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of the historic building fabric that is affected by the development.

16. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C, D and E, of Part 1 relating to the extension and alteration of the dwelling, extensions or alterations to its roof, porches and the provision of outbuildings or Class A of Part 2 relating to enclosures, shall be undertaken within the dwelling curtilage without the Local Planning Authority first granting planning permission.

REASON: To safeguard the amenities of the area in accordance with Policy DM1 & DM25 of the Mid Devon Local Plan 2013-33.

17. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A & H of Part 7 relating to the extension and alteration of a non-domestic premises, industrial building or warehouse without the Local Planning Authority first granting planning permission.

REASON: To safeguard the amenities of the area in accordance with Policy DM1 & DM25 of the Mid Devon Local Plan 2013-33.

18. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A of Part 2 relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure without the Local Planning Authority first granting planning permission.

REASON: To safeguard the amenities of the area in accordance with Policy DM1 & DM25 of the Mid Devon Local Plan 2013-33.

19. The pedestrian/cycle link between the commercial element and the residential element identified on the masterplan drawing P01 Rev S shall be a minimum of 2.5 metres in width and hard surfaced details of which shall have previously been submitted to and agreed in writing by the local planning authority prior to the occupation of any part of the development. The development shall be completed in accordance with the approved details prior to the occupation of the development.

REASON: In the interests of sustainable transport.

20. Within three months of development commencing a scheme of cob wall repair shall be submitted to the local planning authority. Thereafter an acceptable scheme shall be agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details and shall be completed prior to the first occupation of any dwellings.

REASON: To enhance and better reveal the listed buildings.

21. Prior to occupation of any element of the development thereby approved full details of secure cycle parking for residents and visitors shall be submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details prior to the occupation of the related dwelling(s) or commercial element.

REASON: In the interests of sustainable transport.

22. The commercial uses hereby approved shall not take place other than between the following hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays.

REASON: In the interest of local amenity.

23. Notwithstanding the approved plans the subdivision of the farmyard/courtyard has not been approved. Prior to the occupation of any part of the development full details of the farmyard/courtyard subdivision shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in full accordance with these plans prior to the occupation of the associated dwellings.

REASON: In the interest of safeguarding the listed building and ensuring good design.

24. Notwithstanding the approved plans, the plans for the three units to the west of the farmhouse are not approved. Within three months of development commencing, full details of these units including floorplans, elevations and roofplans shall be submitted to and approved in writing by the Local Planning authority. The development shall thereafter be carried out in full accordance with these plans prior to the occupation of the associated

dwellings. REASON: In the interest of safeguarding the listed building and ensuring good design.

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

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

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

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

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	2	05/06/2023	23/00394/MARM	Reserved matters for the erection of up to 122 dwellings, public open space, landscaping, drainage, pedestrian, cycle and vehicular links and associated infrastructure following outline approval 14/00881/MOUT	Land at NGR 298120 113015 Blundells Grange Blundells Road Tiverton Devon	Mrs Christie McCombe	COMM	
2	2	05/06/2023	23/00152/MFUL	Conversion of main building to 8 flats and erection of 6 dwellings with associated parking and landscaping following demolition of cell block and office annexe.	Former Police Station The Avenue Tiverton Devon EX16 4HS	Mr John Millar	DEL	
	4	22/05/2023	22/00857/MFUL	Erection of a warehouse and production facility with associated car parking following demolition of existing building	Hepco Slide Systems Ltd 9 Tiverton Way Tiverton Business Park Tiverton Devon EX16 6TG	Mrs Christie McCombe	DEL	
	4	22/05/2023	23/00227/MFUL	Erection of extensions to create new dairy, handling facilities and cubicle housing 1042sqm	Land and Buildings at NGR 310544 114945 Dalwood Farm Culmstock Devon	Mr Jake Choules	DEL	
5	4	24/05/2023	23/00252/MFUL	Erection of agricultural building (1794 sq. m) to house milking parlour on site of existing silage clamp	Land and Buildings at NGR 274379 101477 (Appledore Farm) Bow Devon	Mr Hamish Laird	DEL	

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## LIST OF APPEAL DECISIONS FROM 16<sup>th</sup> Feb 2023 to 24<sup>th</sup> March 2023

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
20/01686/CLU	Certificate of lawful use for the present use of the building as a dwelling	Pixton Woodlands Bampton Tiverton Devon EX16 9HU	Refuse Certificate of Lawful Use	Delegated Decision	Refuse permission	Written Representations	Appeal Allowed
21/00706/FULL	Erection of 1 dwelling following demolition of existing building	Land Behind 22B Tiverton Road (Former Scout Headquarters) Cullompton Devon EX15 1HT	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions
22/01174/HOUSE	Erection of extensions to bungalow involving raising roof to provide first floor accommodation (Revised Scheme)	The Shieling Silver Street Culmstock Cullompton Devon EX15 3JE	Non-determination, Appeal instigated		Dismissed on appeal	Written Representations	Appeal Dismissed
21/02347/OUT	Outline for the erection of 3 dwellings following removal of bungalow, with all matters reserved	Moorland View Station Road Bow Crediton Devon EX17 6HU	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

