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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, 29 June 2022 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 13 July 2022 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

21 June 2022

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

A G E N D A

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

1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of substitute

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

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters
- 4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 3 - 6)*
To consider whether to approve the minutes as a correct record of the meeting held on 18 May 2022.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda
- 7 **THE PLANS LIST** *(Pages 7 - 52)*
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 53 - 54)*
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** *(Pages 55 - 56)*
To receive for information a list of recent appeal decisions

Meeting Information

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

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. 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.

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

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 18 May 2022 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

D J Knowles and Mrs C Collis

Also Present

Councillor(s)

J Buczkowski and R J Dolley

Present

Officers:

Angharad Williams (Development
Management Manager), Helen Govier
(Principal Planning Officer), Damian Hunter
(Planning Solicitor), John Millar (Acting Area
Team Leader), Sally Gabriel (Member
Services Manager) and Carole Oliphant
(Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF COUNCIL IN THE CHAIR)

Cllr P J Heal was duly elected Chairman for the municipal year

2 ELECTION OF VICE CHAIRMAN (0.02.24)

Cllr L J Cruwys was duly elected Vice Chairman for the municipal year

3 APOLOGIES AND SUBSTITUTE MEMBERS (0.07.36)

Apologies were received from Cllrs D J Knowles and Mrs C Collis who was substituted Cllr C J Eginton

4 PUBLIC QUESTION TIME (0.07.59)

There were no public questions.

5 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.08.10)

Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had been in attendance at the Parish Council meeting when application for 1 Allington Terrace, Morchard Road, Crediton was discussed.

Cllr B Holdman made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was the Ward Member for the application for Park Road Nursery.

6 MINUTES OF THE PREVIOUS MEETING (0.08.25)

The Minutes of the meeting held on 20th April 2022 were agreed as a true record and duly signed by the Chairman

7 CHAIRMAN'S ANNOUNCEMENTS (0.09.03)

The Chairman had no announcements to make.

8 WITHDRAWALS FROM THE AGENDA (0.09.18)

There were no items withdrawn from the agenda

9 THE PLANS LIST (0.09.26)

The Committee considered the applications on the *Plans List.

Note: *List previously circulated and attached to the minutes

a) Application 21/02034/FULL - Erection of 6 dwellings including associated car parking and access with conversion of former gate house to ancillary accommodation in respect of House Type 4 at Mid Devon District Council, Park Road Nursery, Park Road

The Acting Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, the proposed site layout, various house type plans, illustrative site sections, visualizations and photographs of the site.

The officer explained that the site, apart from the lodge area, was outside of the conservation area and that permission had already been granted for 9 dwellings on the site. The revised application before Members was for 6 dwellings.

He explained that there had been a consideration of the impact of the conservation area and heritage assets and that highways concerns had been addressed. He further explained that there was a requirement for the developer to agree S106 provision for education with Devon County Council (DCC).

Consideration was given to:

- The properties would be open market
- The parking provision exceeded the parking standards
- The trees had some form of protection due to being in a conservation area but they did not currently have Tree Protection Orders. It was however a recommendation of the Tree Officer that Tree Preservation Orders were considered for some of the adjoining parkland trees, should permission be granted
- Access to the construction site would be from the north

- The lodge was within the conservation area and it was conditioned that this could not be altered or extended without planning permission

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

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

Reason for the decision: As set out in the report

Notes:

- Cllr B Holman requested that his abstention from voting be recorded

b) Application 22/00077/FULL - Erection of dwelling at 1 Allington Terrace, Morchard Road, Crediton

The Principal Planning Officer outlined the application by way of a presentation which highlighted the site location plan, proposed elevations, floor and roof plans and photographs of the site.

The officer explained that the application was for an affordable dwelling adjacent to an existing terrace and that the application complied with the national space standards.

Consideration was given to

- The views of an objector who felt that the plot was too small for a new property and that it would have been better if the existing end terrace could have been extended, the current issues with parking in and around the site and concerns with rear access to neighbouring properties
- The views of the Ward Member who had no issue with the application and felt that there was adequate parking in the adjacent public car park

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

(Proposed by Cllr E J Berry and seconded by Cllr F W Letch))

Reason for the decision: As set out in the report

Notes:

- Karen Atkinson spoke as the objector
- Cllr P J Heal spoke as Ward Member

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

The Committee agreed that:

- Application 22/00642/MFUL – Westcott Park – To be determined by Committee if the officer recommendation was one of approval – no site visit was required as Members had previously visited the site
- Application – 22/00665/MFUL – Land at NGR 299554 112915 – To be determined by Committee – No site visit was required
- Application – 22/000460/MFUL – Heathcoat Fabrics Ltd – Remained delegated
- Application 22/00675/MARM – South of Blundells Road – to be determined by Committee and a full Committee site visit was required
- Application 22/00706/MFUL – Land north west of Cullompton - to be determined by Committee and a full Committee site visit was required
- Application 22/00707/MFUL – AD at Edgeworthy Farm – To remain delegated
- Application – 22/00729/MFUL – North of Tiverton Road/Goblin Lane - to be determined by Committee and a full Committee site visit was required
- Application – 22/00735/MARM – Tiverton Road/Goblin Lane - to be determined by Committee and a full Committee site visit was required

Note: *list previous circulated and attached to the minutes

11 **APPEAL DECISIONS (1.13.45)**

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

Note: *list previously circulated and attached to the minutes

(The meeting ended at 3.29 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 29th June 2022

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	22/00431/FULL - Change of use from public convenience to office/storeroom (Class E (g) (i) and B8) at Public Conveniences, Footpath from Bus Station to Phoenix Lane, Tiverton. RECOMMENDATION Grant permission subject to conditions.
02.	22/00599/HOUSE - Erection of single storey extension at Lower Warnicombe House, Warnicombe Lane, Tiverton. RECOMMENDATION Grant permission subject to conditions.
03.	22/00040/MARM - Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval 17/01359/MOUT at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell. RECOMMENDATION Grant permission subject to conditions

Application No. 22/00431/FULL

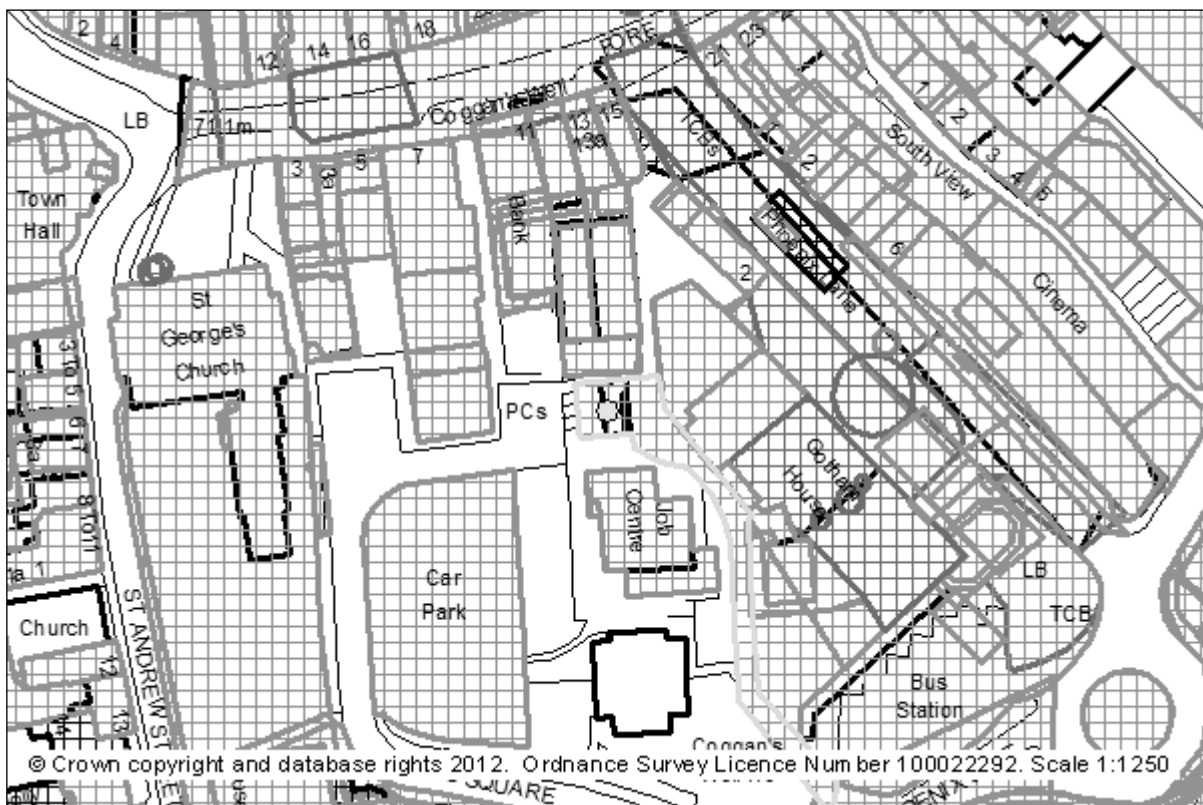
Grid Ref: 295495: 112449

Applicant: Mr Steve Martin

Location: Public Conveniences
Footpath from Bus Station to Phoenix Lane
Tiverton
Devon

Proposal: Change of use from public convenience to office/storeroom (Class E (g) (i) and B8)

Date Valid: 17th February 2022



APPLICATION NO: 22/00431/FULL

Site Visit: Yes Date of Site Visit: 8th March 2022

Decision Delayed Reason: EOT agreed to allow to go before committee.

MEMBER CALL-IN

The application is required to go before committee due to Mid Devon District Council owning the building.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use from public convenience to office/storeroom (Class E (g) (i) and B8)

APPLICANT'S SUPPORTING INFORMATION

Site location plan, block plan, existing and proposed plans.

RELEVANT PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-2033

Policy S1 -Sustainable development priorities

Policy S10 - Tiverton

Policy TIV12 - Phoenix Lane

Policy DM1 -High quality design

Policy DM3 - Transport and air quality

Policy DM5 – Parking

Policy DM14 - Town centre development

Policy DM25 - Development affecting heritage assets

CONSULTATIONS

Highway Authority, 7th March 2022:

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

Environment Agency:

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

Public Health, 17th March 2022:

Contaminated Land - No concerns anticipated - 15.03.22

Air Quality - Not applicable - 15.03.22

Environmental Permitting - Not applicable - 15.03.22

Drainage - No concerns, premises is on main sewer - 15.03.22

Noise & other nuisances - No concerns anticipated - 15.03.22
Housing Standards - N/A - 15.03.22
Licensing - N/A - 03.03.22
Food Hygiene - Not applicable - 04.03.22
Private Water Supplies - Not applicable - 04.03.22
Health and Safety - Not applicable - 04.03.22

MDDC Property Services:

No comments received.

Tiverton Town Council, 22nd March 2022:

No objections.

Conservation Officer, 11th May 2022:

The site is within the conservation area and adjacent to a grade 2* listed building – Gotham House. Raymond Penny House is a short distance to the north east. This is grade 2 listed.

The proposal involves the change of use of the building and external alterations.

We have two statutory duties here:

Section 72 of the Listed Building Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 66 relates to the consideration of applications which affect a listed building or its setting where there is a statutory requirement on local planning authorities 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'.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

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 change of use to an office/storeroom would have no impact on the setting of the listed building or the conservation area in this context.

The external alterations are side elevation which faces onto the front courtyard and boundary wall of the listed building and to the (other) side elevation which faces away from the listed building.

The side which faces has a pair of high level windows. One is proposed to be altered to a roller shutter door. This is somewhat utilitarian, but so is the building it would be in. Subject to agreeing the design and colour finish of the roller shutter (to be a neutral colour that blends with the building), and that the roller case is internal and not external, then I would take the view that this would not be harmful to the setting of the listed buildings and would preserve the conservation area at this point.

The (other) side elevation is to the car park to the rear of Nat West Bank premises. There are steps down from this car park to the rear of the application site that allow public access through. Signage is proposed to replace or cover up the existing high level windows which appear to be boarded up. Both listed buildings can be seen over the roof of the application site. There is no detail of the signage, but it is assumed it will be non-illuminated, and subject to an appropriate design where the signage is fitted well to the building I have no objections. There would be no harm to the listed buildings or the conservation area in context.

You will be aware of the requirement to consult Historic England on the setting of the grade 2* building.

Historic England, 9th May 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.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the case officer, 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).

The following properties were written to as part of this consultation:

Red Earth Developments Ltd Coggans Well House Phoenix Lane Tiverton Devon EX16 6LU
13B Fore Street Tiverton Devon EX16 6LN
Green Pastures CBS Limited First Floor Office Coggans Well House Phoenix Lane Tiverton Devon EX16 6LU
Bevan Ashford Gotham House Phoenix Lane Tiverton Devon EX16 6LT
11A Fore Street Tiverton Devon EX16 6LN
Devon County Council Social Services Department Phoenix Lane Tiverton Devon EX16 6LB
B H & S Insurance Services Ltd Gotham Chambers Phoenix Lane Tiverton Devon EX16 6LR
Churches Housing Action Team Ltd Coggans Well House Phoenix Lane Tiverton Devon EX16 6LU

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Principle of the development/sustainability

Policy S10 deals with development in Tiverton and seeks to continue to develop Tiverton in a balanced way as a medium sized market town and seeks to encourage the self-sufficiency of the town by allowing employment and service development to serve the population.

Whilst the site is not in the main shopping area, it is within the central area and falls within the designated mixed use allocation covered by policy TIV12. The area is a site of 1.4 hectares at Phoenix Lane and is allocated for redevelopment as a high quality shopping, leisure and residential area subject to 7,000 square metres of mixed commercial floor space including retail, office and leisure uses.

The proposal seeks to convert a currently vacant toilet block into a storage and office facility for a local business. The business is a plumbing and heating business and the building will be used for three to four staff members to meet in the morning for approximately 30 minutes to arrange jobs and materials for the day. One person will use the office section at any one time. This is considered to meet the requirements of S10 in terms of developing the self-sufficiency of the town by allowing employment and service development. It also meets the requirements of Policy TIV12 given the policy's requirement for mixed use floor space which includes office floor space.

Policy DM14 refers to development in town centres and supports the sustainable growth and regeneration of Tiverton, Cullompton and Crediton. It states that within defined town centres, development proposals for main town centre uses, community and residential development will be supported where they:

- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;
- b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and
- c) Are readily accessible by public transport, walking and cycling.

A summary assessment against these criteria is undertaken below:

- a) The proposal is for the change of use to an existing building with the main external alteration being the addition of a roller door for the storage element of the building. The existing building carries very little architectural merit and this alteration has a negligible

impact on the character of the building and wider area. Whilst in a town centre location, the building is not within a well frequented area and set back and screened by the main pedestrian routes. Overall, the development is not expected to impact the character of the town centre. A fuller assessment against local heritage is undertaken later in this report.

- b) The proposal is for an office and storage facility whereby staff of the plumbing and heating business will meet in the mornings to gather materials and arrange jobs and the owner will use it as an office space for the rest of the day. Whilst this is not typical of a town centre area and may not significantly enhance the town centre, it is considered an improvement compared with a vacant toilet block. It is also noted that TIV12 requires some office floor space.
- c) The site is easily accessible on foot and bicycles with footpaths both to the north and south. Similarly, the site is only 50m North West of the bus station.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

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.

Similarly, in coming to this decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

More specifically, DM25 of the MDDC Local Plan refers to heritage assets stating that they are irreplaceable resources and any harm should be outweighed by a public benefit. In this case, it is not considered that the change of use from a public toilet facility to a storage and office unit will adversely impact the conservation area or nearby listed building (Gotham House). The main external alteration is the introduction of a roller shutter door and whilst this is not a particularly attractive feature, the existing building carries little architectural merit and the impact on the conservation area and setting of listed building is not expected to be worsened. The Conservation Officer describes the roller door as a utilitarian feature but also explains that this is in-keeping with the building itself. The Conservation Officer has confirmed that he is content with the works subject to conditions to assess the finishes of the roller shutter door and signage. Overall, the works are considered to be in accordance with DM25.

Impact on residential amenity of surrounding properties

The site is in the town centre area and is allocated for mixed use development. It is well contained by surrounding buildings and businesses. Whilst there are some dwellings in the central area, these are well separated from the site and on balance the change of use is not expected to adversely impact neighbourhood amenity. It is noted that Public Health have raised no concerns regarding noise or other nuisances.

Land drainage/flood risk

The site is not within a flood risk area and the roof area is not increased. There are therefore no concerns relating to flood risk.

Highway safety and parking

Policy DM3 states that development must ensure safe access to the transport network. Whilst the access to the site is partially pedestrianised, it can be accessed by vehicles. The access is well

established and vehicle speeds in the area are very low so overall the access is considered acceptable. Whilst there will be some increase in traffic movements to and from the site, due to the small area of the building (approx. 60sqm), it is not expected that these will be significant. The local road network in the central location is considered to be able to handle a slight increase in movements.

Policy DM5 sets out the required levels of parking provision per development and in this case 1 parking space would be required. As above, the site is usually accessed on foot, however, there is sufficient area to the front of the building for the parking of 1 vehicle in accordance with DM5. In addition, the bus station, multi storey car park and Becks Square car park are all short walks from the site.

Planning Balance

Overall, the proposal meets with the aims of policies S10, TIV12 and DM14. There would be no significant adverse impacts on heritage assets or the residential amenity of occupants of nearby properties and the access and parking arrangements are sufficient. As such, the recommendation is for approval.

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 change of use hereby permitted, shall only be used in relation to the specific use hereby approved (Use Class E (g)(i) and B8) and for no other purpose (including for any other use falling within Use Class E of the Schedule to 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.
4. Prior to the installation of the roller shutter door as shown on the approved plans, details of the colour and workings of the door to be used (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be so used and retained.
5. Prior to the installation of the signage as shown on the approved plans, details of the design of the signage to be used (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be so used and retained.

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. In the interests of residential amenity, highway safety and to ensure sufficient parking provision in accordance with DM1, DM3 and DM5 of the Mid Devon Local Plan (2013-2033).
4. To protect the character and appearance of the Conservation Area and nearby listed building in accordance with DM25 of the Mid Devon Local Plan (2013-2033).
5. To protect the character and appearance of the Conservation Area and nearby listed building in accordance with DM25 of the Mid Devon Local Plan (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 and has imposed planning conditions 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

The proposed change of use from public convenience to office/storeroom (Class E (g) (i) and B8) at Public Conveniences, Footpath from Bus Station to Phoenix Lane, Tiverton is considered acceptable as a matter of principle. The development will support Tiverton in developing in a balanced way as a medium sized market town and will not adversely impact the character of the area, local road network or neighbourhood amenity. As such, the scheme complies with policies S1, S10, TIV12, DM1, DM3, DM14 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

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

Application No. 22/00599/HOUSE

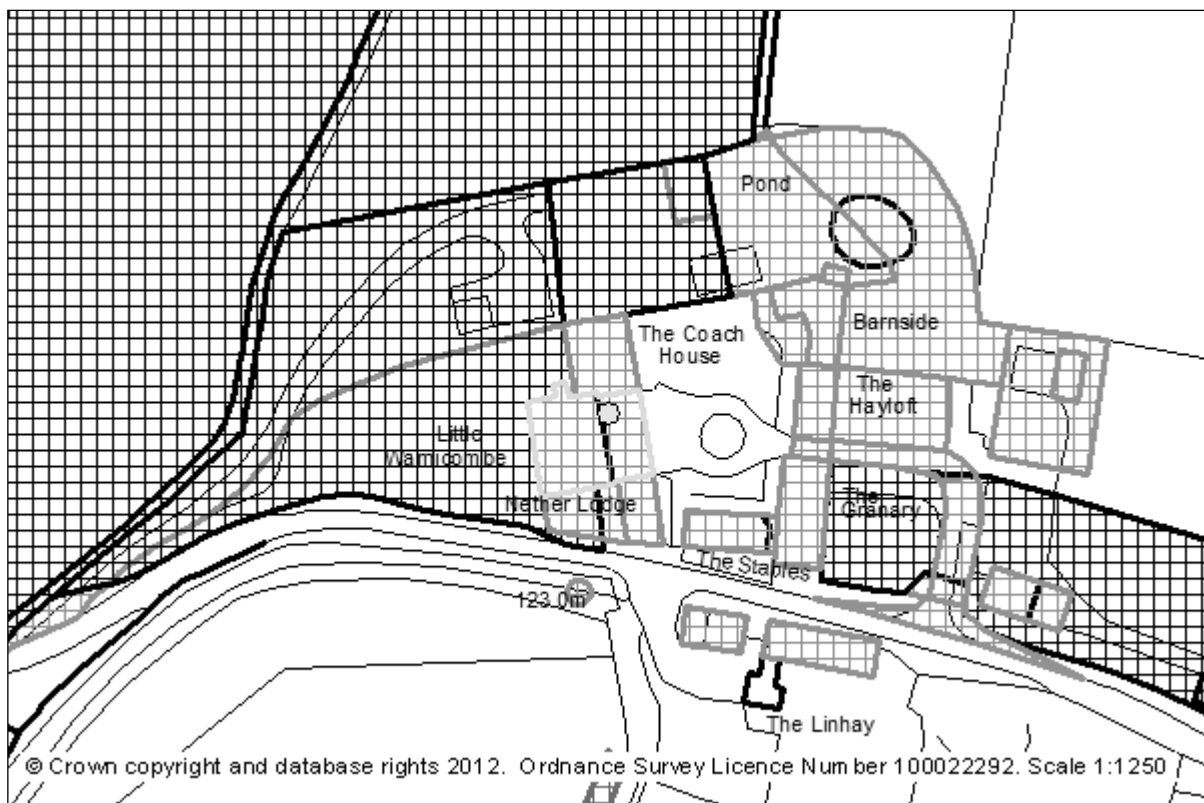
Grid Ref: 297811: 111802

Applicant: Mrs V Pugh

Location: Lower Warnicombe House
Warnicombe Lane
Tiverton
Devon

Proposal: Erection of single storey extension

Date Valid: 29th March 2022



APPLICATION NO: 22/00599/HOUSE**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 the applicant is the spouse of a District Councillor.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the erection of a single storey extension to the rear of Lower Warnicombe House.

The application site is in a countryside location approximately 2 miles east of Tiverton town centre and comprises a two storey former farmhouse. The dwelling sits to the west of a residential courtyard which is bordered by a number of other dwellings forming part of Warnicombe Court, a modest residential development, comprising a range of converted barns and outbuildings. The site is not within the defined Settlement Limit of Tiverton and is therefore in the Open Countryside. Lower Warnicombe House is not listed, nor is it within the setting of any listed buildings.

The proposal seeks to introduce a modest single storey extension to the kitchen that would project 2.14m from the eastern elevation. The extension is proposed in the vernacular style of the main house in form and materials.

APPLICANT'S SUPPORTING INFORMATION

Application form, existing and proposed plans

PLANNING HISTORY

88/01889/FULL - PERMIT date 28th September 1988

Change of use from land in agricultural use to domestic curtilages and extension of existing drive to serve cottage and farmhouse.

01/01757/FULL – PERMIT date 26 February 2003

Removal of Condition (c) of planning permission 4/52/89/721 to allow occupation of Nether Lodge as a separate dwelling.

DEVELOPMENT PLAN POLICIES**Mid Devon Local Plan 2013-33**

S1 - Sustainable development priorities

DM1 - High quality design

DM3 - Transport and air quality

DM11 - Residential extensions and ancillary development

National Planning Policy Framework

CONSULTATIONS

TIVERTON TOWN COUNCIL - Support

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

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy DM11 of the Mid Devon Local Plan 2013-2033 permits extensions to existing dwellings provided that they:

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

A summary assessment of the scheme against these criteria is set out below:

a) The proposal comprises a modest extension and associated steps, projecting from the north eastern corner (rear) of the property into the associated private terrace area which adjoins the residential courtyard area. It is considered to appropriately respect the character, scale, setting and design of the existing dwelling. It is proposed to finish the extension with painted render and timber windows and doors to match those already found within the property. The extension will have a flat roof behind a parapet wall.

b) The property sits within a large garden, although the area of curtilage to the east of the dwelling and adjoining the residential courtyard is of limited size. Nonetheless, the development is of a modest size and scale and is not considered to result in over-development of the dwelling curtilage.

c) The extension would be set away from the neighbouring property so as to retain access for maintenance. There is a bathroom window with obscured glazing to this adjoining property, at ground level adjacent to the proposed extension, however this is not blocked or overlooked by the projecting wall or proposed openings, which have views to the east only. As such the proposal is not considered to lead to any harm to the living conditions of any adjoining residents by way of overshadowing, overbearing impact or overlooking. No objections have been received.

Additionally, the proposal does not encroach on existing parking or access arrangements, therefore has no impact in respect to highway safety.

SUMMARY

The proposed development is considered to be acceptable, satisfactorily relating to the character and appearance of the existing property and its surroundings. Furthermore, there will be no unacceptable impact on neighbouring living conditions as a result of the proposed development or any adverse impact on highway safety. For these reasons it is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. The proposal therefore accords with policies S1, DM1 and DM11 of the Mid Devon Local Plan 2013-2033 and the National Planning Policy Framework.

CONDITIONS

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

REASONS FOR CONDITIONS

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

INFORMATIVES

1. If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.
Note: South West Water will not permit building within 4.5 metres of public water mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on their website:

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

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

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

The case officer has not carried out a site visit in the determination of the application. The officer has instead considered the application using maps, photographs and other information and considers that to determine the application without a site visit would not prejudice any interested party.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to

the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Application No. 22/00040/MARM

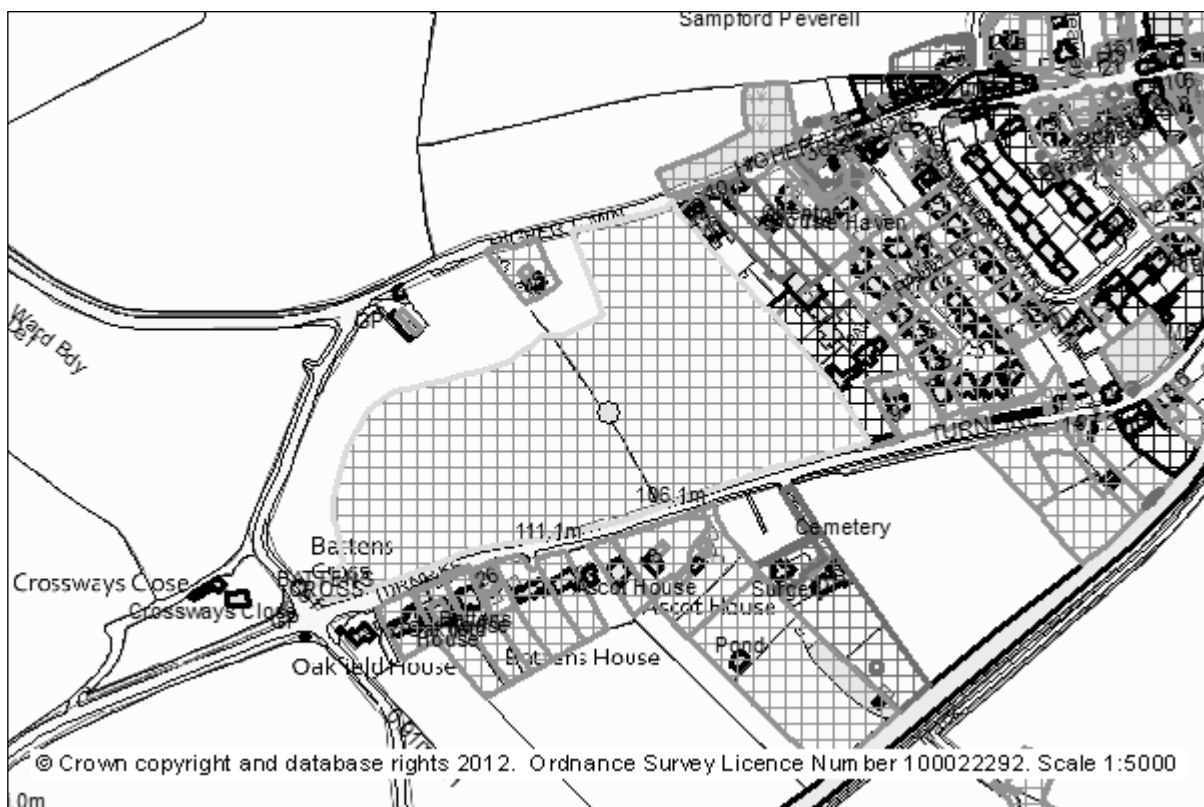
Grid Ref: 302469: 114078

Applicant: Edenstone Homes

Location: Land and Buildings at NGR 302469 114078
Higher Town
Sampford Peverell
Devon

Proposal: Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval 17/01359/MOUT

Date Valid: 24th December 2021



APPLICATION NO: 22/00040/MARM

MEMBER CALL-IN

At Planning Committee on the 2nd February 2021 Members resolved that 22/00040/MARM be determined by committee and full committee site visit was required.

Cllr Collis has also called this application to be considered by Members of the Planning Committee in order to consider the impact of the development on the amenity of neighbouring occupiers.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The application seeks permission for Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with access reserved) following outline approval 17/01359/MOUT on Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell. Outline planning permission 17/01359/MOUT was granted by the Planning Inspectorate on the 7th April 2021.

The proposal for 60 dwellings would be a mix of single storey and two storey properties with 39 being open market dwellings, 7 of which are to be 3 bed bungalows with the other two storey properties being a mix of 2, 3 and 4 bed units. There would be 18 affordable units, a mix of 1 bed, 2 bed, 3 bed and 4 bed units and 3 plots for self-build units which would be limited to 2 storey.

The application site comprises approximately 4.3 hectares of land to the west of Sampford Peverell. The site is currently agricultural and is consequently undeveloped. It lies to the north of Turnpike and to the south of Higher Town. It is bounded to the west by an un-named lane which links between Turnpike and Higher Town. The site is now within the development boundary following the adoption of the Local Plan. The site occupies an elevated position in relation to Sampford Peverell with land levels falling to the south and east. There exists a ribbon development of dwellings on the southern side of Turnpike (opposite the site) and a dwelling to the north of the site (on the southern side of Higher Town). Agricultural buildings are located to the north west of the site. Existing residential dwellings lie to the east of the site, and residential properties to the north east of the site (on the southern side of Higher Town) adjoin the site.

The site is not within a Conservation Area but the north eastern part of the application site lies adjacent to the designated Sampford Peverell Conservation Area although there will be views to the Grand Western Canal Conservation Area. No. 42 Higher Town which itself is Grade II Listed. This building lies adjacent to the site to the north east of it. The site itself falls within Flood Zone 1; land with the lowest probability of flooding and of the least risk of being susceptible to flooding.

Within the Local Plan the site is allocated for development under Policy SP2. The Policy outlines the following:

Policy SP2 - Higher Town, Sampford Peverell

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, subject to the following:

- a) No more than 60 dwellings with 30% affordable housing;
- b) Landscaping and design which respect the setting and character of the area, conservation area and listed building;
- c) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- d) Mitigation of any wildlife impact including protection of hedgerows;
- e) Archaeological investigation and appropriate mitigation
- f) 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and
- g) Improved access to the village for pedestrians and cyclists.

APPLICANT'S SUPPORTING INFORMATION

Completed application Form, Plans, Design and Access Statement, Ecological Appraisal, Ecological Statement, Arboricultural Impact Assessment, Arboricultural Impact Assessment and Arboricultural Method Statement, Tree Constraints Plan, Tree Protection Plan, Carbon Reduction Statement, Heritage Statement, Reserved Matters Compliance Statement, Statement of Community Involvement, Waste Audit Statement, Flood Risk Assessment and Drainage Strategy, SUDS Management Regime.

RELEVANT PLANNING HISTORY

03/01243/FULL - PERMIT date 23rd June 2003 Erection of timber framed storage building

17/01359/MOUT - REFUSE date 1st August 2019 Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site APPEAL ALLOWED - PLANNING PERMISSION GRANTED 07/04/21

19/01836/MOUT - WDN date 9th December 2019 Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site

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 S14 – Countryside
Policy DM1 - High quality design
Policy DM2 - Renewable and low carbon energy
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking

Policy DM25 – Development Affecting Heritage Assets
Policy DM26 - Green infrastructure in major development
Policy SP2 - Higher Town, Sampford Peverell

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Sampford Peverell Parish Council – 26th May 2022

A further objection from Sampford Peverell Parish Council 26 May 2022 to 22/00040/MARM

1. Firstly we are concerned that some of the 26 planning decisions from the Inspector's Appeal Decision have not yet been addressed, such as the lighting arrangements which we cited in our last objection (decision 20), and the plans for the road work near the canal bridge (decision 7).
2. The documents added recently, such as '100 Rev D Site Layout', still show the play area (LEAP) in the green infrastructure area and very separate from the housing. We still feel that for safety reasons and to preserve the green area it should be further south, nearer the houses. It does not need to be large as there is already a very good play park in the village, so it could be sited in the area marked as community gardens, or in the open space area near the planned notice board. Its proposed site could also create a litter problem – see item 4 below.
3. Document '103 Rev D Storey Heights Layout' is mostly acceptable, but local residents would, understandably, prefer the houses along Turnpike to be single storey only, and we support them in this.
4. In document '108 Rev D Refuge and cycle strategy' we welcome the provision of cycle storage, but the document still gives no mention of public waste bins and how they are to be emptied. To avoid litter there must be waste bins near public areas like the allotments and especially the LEAP, wherever it may be sited. With the LEAP in its current proposed position in the north-east of the plot it is hard to see how refuse collection vehicles could get to it. If the LEAP were sited near the allotments or near the notice board the bins would be on the road route used by refuse collection vehicles.
5. The document 'Open Space Specification' has been added to the original application 17/01359/MOUT but should be part of the 22/00044/MARM list. We are extremely disappointed by most of what it contains, such as extensive use of herbicides, pesticides, and hedge trimming during the nesting season. We fully endorse all the points made by Peter Bowers in his assessment of it. The green area would become a desert for wildlife when it could be a haven.
6. Similarly we support the objections raised by Peter Bowers to the 'Soft Landscape General Arrangement Plan (Trees Only)', specifically his items 6 and 7 regarding the unsuitable location of the orchard, the choice of trees for it, and the fact that it is not needed as the village already has a community orchard and other trees such as those suggested by him would be better suited for that location. Peter Bowers leads the village tree wardens who are supported by and report in to the Parish Council, and we have complete trust in their judgment.

Sampford Peverell Parish Council - 22nd March 2022

The documents concerning this Reserved Matters application which have been added since our first response to it at the end of January 2022 have been studied by all Members of Sampford Peverell Parish Council. We appreciate the efforts that have been made to improve and clarify the application, but we still feel further changes and clarifications are required before the Parish Council can support it.

- 1) We previously said that we are disappointed that gas boilers are being installed, and no solar panels are used. The government is encouraging councils to decarbonize their social housing for climate change reasons. Additionally, fuel costs, especially gas, are currently soaring and are only expected to climb further. With gas boilers installed the occupants of the affordable houses on this plot will struggle to pay their fuel bills, and the occupants of the other houses will also be looking to reduce their fuel costs as much as possible. The developers have not commented at all on the requests from us and individual local residents that other heating sources should be provided.
- 2) The Parish Council previously said that it is not happy with the revised position of the LEAP (Play Area): there continues to be a lot of trouble with anti-social behaviour in the village. The proposed play area is away from houses, and we feel that it should be near to, and clearly overlooked by, housing, so as to make it as safe for children as possible and to discourage anti-social behaviour. Furthermore, it is in an area marked as Green Infrastructure in the current Local Plan, and being on high ground it would, as other residents have pointed out, show up all too clearly from lower areas. The 'covering letter' dated 24th Feb says the LEAP has been moved further south, but this is not apparent from the plans. The Parish Council believes that a play area should not be situated in this area, and it does not need to be as large as shown on the plan – a small play area further to the south, perhaps near the allotments, would be perfectly adequate. There is already a small play area in Cornlands and a large and well-maintained play area in the centre of the village.
- 3) We are still concerned about the loss of light and privacy to 42-46 Higher Town. Drawing 112-2 Rev A is an improvement on the previous plan, but we don't believe the residents, especially of number 44, are happy with it yet, and we support their concerns.
- 4) The Parish Council said that we would like the positioning of public waste bins near to the public spaces such as the allotments, play area and seating areas to be clear. They are still not mentioned in drawing 108-Rev A, the revised Refuse and Cycle Strategy.
- 5) Last time we pointed out that there is no information on the positioning of streetlights and that information on them should surely be included. This is an area where dark skies are enjoyed. Item 20 in the list of planning conditions from the Appeal Inspector said that "no street and/or external lighting of public areas shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority". We have not yet seen such a plan.
- 6) In our previous response we queried the impact of the extra homes on the drainage systems, the canal, and the local sewage treatment plant (which frequently overflows into the River Culm making it currently one of the eight worst rivers for sewage pollution in the whole country). We note that a number of documents concerning drainage, sewage and water management have been added to the database but we are not sure these adequately cover all the issues of potential run-off and sewage capacity. We would like to see answers to the questions raised on this subject in Mr Byrom's response of 9th March.

- 7) It is still the case that the plan is not clear about the positioning of paths along, or crossings over, Turnpike. Until a document appears that details all the highway and footpath plans for Turnpike, the Parish Council is unable to comment on highway safety issues.
- 8) We suggested that the planter in the south west corner could be replaced in the style of a "village gateway". This relates to drawing 103 rev PL01 SW Corner Gateway detail. We welcome the statement in the covering letter' from Avison Young dated 24th Feb that the developers would like to engage with the Parish Council about the design and layout, and would be happy to discuss ideas.
- 9) We welcome the additional landscaping and tree planting proposed for the southern boundary but note that the Turnpike residents in that area still have concerns about being overlooked, and about the views of the site from their houses and from the Grand Western Canal conservation area. We would like to see agreement reached with the residents on this matter.
- 10) A number of residents queried the original proposal that a cross be erected in central open space. We note that in the 24th Feb Covering Letter it is stated that a Notice Board will be placed there instead. We are pleased that the cross idea has been dropped in the letter, but note that it is still included in drawing 2182401-SBC-00-XX-DR-L-401 rev PL06, the Strategic Soft Landscape Plan, added on 14th March. We hope the cross will be removed from this plan. We also support the views of those residents who have mentioned that a sculpture or wood carving would be preferable to a notice board. Page 38 of the revised 'Design and Access Statement' dated 25th Feb still refers to a 'cross / stone monument'. This needs to be clarified.

Sampford Peverell Parish Council – 1st February 2022

The Reserved Matters application has been studied by all Members of Sampford Peverell and was the subject of extended discussions at the recent meeting of the Parish Council.

Sampford Peverell Parish Council wishes to record its objection to the application in its current state: although it has many good features, there are several changes and clarifications required before the Parish Council can support it.

The Parish Council is disappointed that gas boilers are being installed, and no solar panels are used, however it welcomes the energy-saving building fabric use and EV charging points. Whilst west-facing gardens are nice in the evenings, they are not so useful if the residents wish to install solar panels themselves, so the Parish Council would like to see more of the houses having roof slopes facing south.

Also, and very importantly, the Parish Council is not happy with the revised position of the LEAP (Play Area): there has been, and still is, a lot of trouble with anti-social behaviour in the play area opposite the village hall. The proposed play area is away from houses and in a green area surrounded by hedges and trees. It is felt, and the comments from the police would seem to agree with this, that the play area should be near to, and clearly overlooked by, housing so as to make it as safe for children as possible and to discourage anti-social behaviour. Furthermore, it is in an area marked as Green Infrastructure in the current Local Plan. The Parish Council believes that a play area should not be situated in this area.

Another matter of major concern is the proposed privacy hedge near 44 Higher Town. It will result in a loss of light to that house. The Parish Council would like to see some other solution proposed which would maintain their privacy while not blocking their light. One Member has suggested that the land at that corner of the development could be lowered to allow more light to reach the cottage with the hedge still giving the same level of privacy.

The Waste Audit Plan does not mention public refuse bins. The Parish Council would like the positioning of these near to the public spaces such as the allotments, play area and seating areas. Will there be separate general and recycling bins in those places?

There is no information on the positioning of street- lights. Information on them should surely be included.

Doubts have been expressed to the Parish Council about the drainage system calculations. The Parish Council urges that these are checked. It is strongly recommended that The Grand Western Canal Country Park management team should be consulted on this issue. Also, has the impact of the additional 60 dwellings on the sewage system been taken into account? Frequent overflows of the local treatment plant into the River Culm make this river the eight worst for sewerage pollution in the whole country.

The site plan is not clear about the positioning of paths along, or crossings over, Turnpike. Until a document appears that details the highway and footpath plans for Turnpike, the Parish Council is unable to comment on highway safety issues. The pedestrian access to the site at the south-west corner may affect the existing large planter placed at the village entrance on the northern verge of Turnpike. If this planter is to be removed it must be replaced in the style of a "village gateway", with planters to replace that removed.

Historic Environment Team – 14th March 2022

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/31627h

I refer to the above application and your recent re-consultation. The Historic Environment Team have no additional comments to make to those made already, namely:

The consent granted for the outline approval (17/01359/MOUT) is conditional upon a programme of archaeological work being undertaken - Condition 6. To date the Historic Environment Team is unaware that the required archaeological work has been undertaken. As such, I would be grateful if you could make the applicant aware of the outstanding requirement to undertake the archaeological works in advance of any development commencing here.

Historic Environment Team – 24th January 2022

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/31627g

I refer to the above application and your recent consultation. The consent granted for the outline approval (17/01359/MOUT) is conditional upon a programme of archaeological work being undertaken - Condition 6. To date the Historic Environment Team is unaware that the required archaeological work has been undertaken. As such, I would be grateful if you could make the applicant aware of the outstanding requirement to undertake the archaeological works in advance of any development commencing here.

Devon, Cornwall & Dorset Police – 13th May 2022

Thank you for this application, having reviewed the relevant revisions, I have no additional comments at this time.

Devon, Cornwall & Dorset Police – 4th March 2022

Thank you for this application. The revised boundary treatment for the proposed LEAP is noted and supported.

Devon, Cornwall & Dorset Police – 24th January 2022

Thank you for this application, I have no objections in principle to the overall design and layout proposed, which will on the whole provide both, active frontages and good overlooking to the new internal streets and open space. The predominate use of back to back rear gardens is also noted and supported.

However, as there appears to be no mention within either the Design & Access or Compliance Statements of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where they have been implemented. Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-

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

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.

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

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products. SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit. The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-

'Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security

'Structure: Places that are structured so that different uses do not cause conflict

' Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed

'Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

'Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ

'Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.

'Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB

The proposed site wide boundary and plot separation treatments are noted and I welcome the intention to define private front gardens with for example, railings or planting.

If existing hedgerow and banking is likely to comprise new rear or side garden boundaries then it must be fit for purpose. They should be of both, sufficient height and depth to provide a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Rear access must also be secured with a lockable gate, fitted as flush to the building line as possible.

With regard to the indicated LEAP boundary treatment, from a crime and ASB prevention perspective, it would be preferable if this was replaced with open type fencing/railings and gates to a minimum height of 1200mm. This would allow for both, natural and casual surveillance from nearby dwellings and pathways and can help discourage casual entry, provide a safe clean play area and reduce damage to the equipment.

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, including any proposed future residential and community facility phases (school) and designed that it is convenient and practical to use thus reducing the level of any unplanned parking elsewhere throughout the development. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

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

Flood and Coastal Risk Management Team - 19th April 2022

Recommendation:

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

Observations:

Following my previous consultation response (FRM/MD/00040/2022; dated 23rd March 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has defined which bodies shall be responsible for maintaining specific parts of the surface water drainage system.

Flood and Coastal Risk Management Team – 1st February 2022

Recommendation:

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

Observations:

The applicant has proposed to manage surface water within a mixture of above-ground and below-ground storage. The applicant should assess further above-ground features to form a SuDS

Management Train across the site. Above-ground features offer opportunities for treatment as well as interception losses. Rain gardens, swales and tree pits can be designed with various widths and depths as well as various planting types. The applicant should submit correspondence from South West Water to confirm that they will accept surface water discharge from the development at the proposed rates. It is not known whether previous discussions with South West Water were for the full site with attenuation strategy (the western area of the site was previously designed for infiltration). The applicant must submit maintenance details. The applicant should confirm the products proposed to form inlets from the proposed basins/swales into the attenuation tanks. The applicant should confirm how the northern footpath link shall be drained.

Highway Authority response – 28th April 2022 (with respect to latest revisions)

This proposal to not remove the bank does deal with concern regards the reptiles and is in line what was agreed at the Appeal. We had a meeting with the Developer yesterday, who has agreed to show this drawing with more detail for the S278 Agreement. They have also confirmed the pedestrian access in the South is no longer going to be moved and they are reverting back to approved location. The speed survey produced for the Outline Application does show the whole area of the main access and this proves the 85 percentile of speeds are in the region of 30 MPH therefore the access they have approval for is acceptable without the 30 MPH TRO in place.

Highway Authority – 31st January 2022

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

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

Natural England – 25th May 2022

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

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further

guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/localplanning-authorities-get-environmental-advice>

Natural England – April 2022

Natural England has been contacted by a member of the public who has raised concerns that some of the highways revisions may compromise the conditioned reptile mitigation, namely by the resurrected proposal to reprofile the embankment to the north of the barrier in the revised engineering layout.

Condition 22 at appeal stated – ‘The recommendations in the reptile mitigation strategy report undertaken by Ecological Surveys Ltd dated May 2018 are to be fully implemented and maintained during the course of development associated with the relevant area of the site as set out within the report’.

In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued [Standing Advice](#) to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development.

Specific advice for reptiles can be found at <https://www.gov.uk/guidance/reptiles-advice-for-making-planning-decisions>.

Further advice on protected species, over and above that covered by standing advice, will only be provided in limited circumstances such as where specifically requested. [Standing Advice](#) is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

Natural England – 15th March 2022

Natural England has previously commented on this proposal and made comments to the authority in our email dated 25 January 2022, reference 380475.

The advice provided in our previous response applies equally to these revisions/amendments, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England – 28th January 2022

Natural England has no comments to make on this application.

Public Health – 28th January 2022

Contaminated Land - No concerns - 26.01.22

Air Quality - No concerns - 26.01.22

Environmental Permitting - Not applicable - 26.01.22

Drainage - No concerns relating to foul drainage provision - 26.01.22

Noise & other nuisances - No concerns anticipated - 26.01.22

Housing Standards - House Type Teign - the stairs from the first floor do not provide a protected route to final exit, all bedrooms will need to have escape windows which provide escape to a place of safety. House Type Frome - the escape route from the bedrooms is via the kitchen/dining/living area and so are inner rooms which do not have a protected route to final exit all bedrooms will need to have escape windows which provide escape to a place of safety - 14.01.22

Licensing - No comments - 12.1.22

Food Hygiene - Not applicable - 13.01.22

Private Water Supplies - Not applicable - 13.01.22

Health and Safety - Not applicable - 13.01.22

MDDC Tree Officer – 12th May 2022

Information Provided/Reviewed: (REVISED 09/05/22) Soft Landscape General Arrangement Plan (Trees Only). Additional to prev. comments made on the 27-1-2022. Comments are only made to additional information following prev. comments.

In reviewing the Soft Landscape General Arrangement Plan (Trees Only) in addition to the Ecology Statement as previously reviewed. This further supports there will be significant tree planting proposed. There's a mix of woodland tree, shrubs along with specimen trees and orchard. Its felt the proposed tree planting will be of benefit not only to the proposed development but also the wider landscape too.

The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Following tree planting that should be carried out in accordance with best practice. Each specimen and orchard tree should be prided with a hydration bag. For a period of three years all young trees should be watered, filling of hydration bags where fitted, by applying a minimum of 60 litres of water per visit with 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed.

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

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

Reason:

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

The following British Standards should be referred to:

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

MDDC Tree Officer - 17th March 2022

Information Provided/Reviewed: Arboriculture Impact Assessment, Design and Access Statement, Ecology Statement, Heritage Statement, Tree Constraints and Protection Plan, Drainage Addendum and Site Location Plan.

The proposed development is located on agriculture land that's located to the west of Sampford Peverell and to the south of Higher Town. The site is genially void to tree cover. Long linear hedging are present along the external boundaries. The hedging is viewed as not significant feature in the wider landscape. Part of the hedging noted as H3 and H4 will require removal. This is viewed as not significant. The supporting Arboriculture Report does note to trees on the northern boundary. However, T1, an Ash tree is noted with Ash Die Back are requires removal for Arboriculture reasons only. In viewing Google Street View Image dated Dec. 2021 it is evident the tree is in terminal decline. T2, a Common oak tree is a significant distance from the proposal and will not be directly affected.

A Tree Protection Plan has been provided and show adequate protecting facing to trees/hedging being retained.

The Ecology Statement provided informs there is significant tree planting proposed. There's a mix of woodland tree, shrubs along with specimen trees. Its felt the proposal will be of benefit not only to the proposed development but also the wider landscape.

In summery the hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable subject to suitable replacement planting. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is a good level of tree planning proposed that is viewed as a net benefit.

MDDC Tree Officer – 27th January 2022

Relevant Tree Preservation Order/Conservation Area: N/A

Information Provided/Reviewed: Arboriculture Impact Assessment, Design and Access Statement, Ecology Statement, Heritage Statement, Tree Constraints and Protection Plan, Drainage Addendum and Site Location Plan.

The proposed development is located on agriculture land that's located to the west of Sampford Peverell and to the south of Higher Town. The site is genially void to tree cover. Long linear hedging are present along the external boundaries. The hedging is viewed as not significant feature in the wider landscape. Part of the hedging noted as H3 and H4 will require removal. This is viewed as not significant. The supporting Arboriculture Report does note to trees on the northern boundary. However, T1, an Ash tree is noted with Ash Die Back are requires removal for Arboriculture reasons only. In viewing Google Street View Image dated Dec. 2021 it is evident the

tree is in terminal decline. T2, a Common oak tree is a significant distance from the proposal and will not be directly affected.

A Tree Protection Plan has been provided and show adequate protecting facing to trees/hedging being retained. The Ecology Statement provided informs there is significant tree planting proposed. There's a mix of woodland tree, shrubs along with specimen trees. Its felt the proposal will be of benefit not only to the proposed development but also the wider landscape.

In summary the hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable subject to suitable replacement planting. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is a good level of tree planning proposed that is viewed as a net benefit.

Conservation Officer – 15th March 2022

Thank you for consulting me on the above application. You will be aware of the two nearby conservation areas and the listed building and their relationship to the application site. There has been an appeal on this site which was allowed where the Inspector considered the heritage aspects of the proposal. I have read the heritage statement which accompanies this application, and looked through the proposal. I have no reason to disagree with the conclusions within the heritage statement which are found in section 6.

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).

20 Letters of objection have been received with the objections summarised as follows:

- The applicant has engaged contractors to do a number of works to hedgerows around the site which is within the bird breeding season which is of great concern.
- The relationship between the approved highway works and what is now proposed needs to be assessed such as the SE access position.
- Significant additional planting, including trees, is required on the bank opposite the cemetery and along the southern boundary of the site.
- Whilst tree planting is proposed this is not structural tree planting as envisaged in the LVIA or tree screening as envisaged in paragraph 5.20 of the Heritage Statement.
- There is a clear gap between the proposed trees in front of the bungalow on plot 28, the consequence being that it's mass and scale will define the skyline and not be ameliorated in views from the Grand Western Canal Conservation Area.
- The list of constraints has failed to identify the revised location of the badger sett that the new survey has identified.
- The revised Design and Access Statement claims that the Grand Western Canal Conservation Area "has been considered in the design process". However that is untrue because it was not identified at all in the original Design and Access Statement and the addition of 7 trees is not integral to the design process.
- No material revisions to the built form, specifically on plots 28 and 29, have been proposed.
- Photographs submitted with original representation in January 2022 have still not been uploaded to the Council's website.

- Object to any proposal to create a visibility splay on the inside of the bend along the 'link road' between Higher Town and Battens Cross. This was not shown on the original engineering drawing submitted at reserved matters stage and would impact on reptiles.
- The plans show an 'attenuation area' (water-holding area) about half way along the south of the site. Reassurance is required that the developer has submitted all the necessary evidence to show that this will not overflow onto Turnpike or allow water to break through the banks nearby and spill over Turnpike.
- The play area has been placed at the top of very steep access routes, which may make it hard for children to access. Please could this be repositioned in the centre of the new site with better access?
- Condition 7 on the outline permission said that the footway into the village along Turnpike from the cemetery to the new crossing near canal bridge should be widened to 2m. Is this still the case?
- The development is positioned too close to neighbouring gardens and there is scope to increase the distance as the slope on the field also affects privacy.
- The developers have agreed to put a fence between the site and existing neighbours. It is unclear who will be responsible for the maintenance of the fence and boundary hedge.
- Neighbouring residents not wish to lose light due to erection of high fences/hedges along the boundary.
- Plot 37 is just 20 metres away from 13D Paullet. The floor level of this nearest building is 1.5 metres above 13D and the roof line will be some 8 metres above. It shows that there is still a serious privacy issue.
- Plot 36 on the plan is even nearer but not shown in cross section, why?
- The pedestrian access onto Higher Town looks too close to the building on the highway edge making visibility difficult.
- There is a drain easement allowing the high volume of water travelling down Higher Town to be removed from the highway and prevent flooding of properties lower down. It is not clear that the new arrangement for access on to the road will not affect this.
- The new access seems to be built out to enable visibility so reducing the road width which is already narrow at this point and removing parking.
- There will be no passing place along Higher Town and neighbours driveways should not be relied upon.
- The hedge suggested as affording privacy for 42-44 Higher Town is too close to the properties which are lower than the site and will remove the natural light.
- The path and play area result in a reduction of privacy to neighbouring properties.
- Question whether the play area is needed as there is a recently well-developed play park in the village.
- The play park would give scope for anti-social behaviour due to its distance away from properties.
- The play park location appears to be in the green infrastructure which would not be an appropriate use of this part of green infrastructure in this rural development.
- The arrangements for street lighting are not clear. The area is very rural and benefits from almost no light pollution with dark skies which benefit local wildlife.
- Arrangements for the practicalities of building site access and hours etc. should be agreed as part of the application.
- Walking and cycling routes are not effectively laid out to encourage best use and optimise safety for pedestrians and cyclists.
- Installation of a cross in a new development at the upper outer edge of a ribbon village is probably not good practice.
- There doesn't seem to be much regard for utilising sustainable development practices e.g. solar heating. Installation of solar panels on roofs

- Impact on the living conditions of residents at 44 Higher Town from proposed trees likely to block views and result in blocking afternoon light.
- The applicant has gone to significant efforts to ameliorate the impact on the Eastern edge of the development, with bungalows, however this is not replicated on the southern boundary where the development would be overbearing due to the difference in elevation of the land. Bungalows should be considered along the southern boundary.
- The two-storey buildings at the north-east of the site (ie the two 'Lyne' dwellings and the Monmouth corner house) will be prominent features in views up the new north-east access from Higher Town. Their rooftops will dominate the skyline in ways that will change the character of the roadside setting of the Listed Building and other heritage assets.
- The Waste Audit Plan does not mention public refuse bins. I would like the positioning of these, near the public spaces such as the allotments, play area and seating areas.
- The map is not clear about the positioning of paths along or crossings over Turnpike
- The LEAP position will not be in line with the Inspector's comments addressing the character of the area from the access point in the North East corner as the play equipment will certainly make this access very different from residential driveways on Higher Town.
- The size of the LEAP seems excessive given the amount of houses it would serve from the development and if it is to serve the entire village there are concerns to the parking available for visitors and where they are positioned on site in respect to the play area.
- Plans show regrading work to the South-east access on land outside of the red edge.
- Outline Planning Condition 21 requires a re-survey for the presence of badgers at the site.
- The ecology survey provided to support the outline application is out of date.
- Concerns raised over Drainage into the Grand Western Canal.
- New large trees to be planted on the east side of the development would in time overshadow the nearby properties.
- Concerns over the types of trees to be planted, especially in the Community Orchard as trees are not local varieties and may not cope well with the climate and would not be bought from local nurseries. Please change the varieties for Devon ones.
- The positioning of the Community Orchard puts it in the shadow (from the south and west) from the new Woodland at WM2, in the south west corner.
- Why is the Green Infrastructure area to the north of the site not used more imaginatively? It would benefit from the Community Orchard being sited here, and the meadow grass used elsewhere on the site which would be more beneficial to wildlife than the 'Meadow Grass Rye Mixture'.
- The native hedge mix would benefit from the addition of Alder Buckthorn, to benefit wildlife (specifically, the brimstone butterfly).
- The Open Space Specification (OSS) should be placed on the reserved matters application and not the outline application.
- The use of herbicides as referenced in the OSS should be avoided and used only in extremis.
- At the inquiry it was mentioned that it would be safer for residents near Batterns cross to cross the road and walk along the south side of the new estate and not walk down the Turnpike. The current plans do not allow that given the position of private driveways.
- The gradients for pedestrian footpaths are all very challenging and the only path that is a cycleway is the one at the far east of the site.
- There are inconsistencies between the plans submitted.
- In relation to the Linked Canopy between the Severns, plots 48-51, what purpose does it serve and who would be responsible for maintaining it?
- In relation to plot 40, this creates a flying freehold which can be awkward to manage. Is this necessary?
- The S106 definition shows that the GI on the site is 'informal green space'. It cannot therefore include the 'formal' play area.

- A sign is required on gate accessing the wildflower meadow in the NE corner of the site to state land behind is not open for the public.
- Hope the plans will allow for the planter at Batten's Cross to be kept more or less in place, and perhaps signage and street furniture on both sides of Turnpike could mark the start of the village clearer, encouraging drivers to slow down.
- The soft landscaping detail as they are seriously deficient.
- The plans opposite number 26 Turnpike there appears to be a bin collection point instead of hedging. This increases the visibility from the development into the house and rear garden of No 26, the property opposite.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy and Procedure

The acceptability of the proposal, in principle, was established by the granting of outline planning permission. The main issues for consideration now concern the proposal's layout, scale, appearance and landscaping with the access arrangements into the site having already been approved as part of the outline planning permission and the site being within the settlement limit and allocated under policy SP2.

Outline Planning Permission 17/01359/MOUT was approved subject to the signing of a S106 agreement which secured the following:

1. 35% affordable housing (21 dwellings);
2. 5% self-build housing (3 plots)
3. Financial contributions towards early years and secondary education and secondary school transport
4. Public open space/LEAP to be provided in accordance on site and for maintenance to be undertaken by an appropriate management company
5. Retention of Green infrastructure located to the North of the site and the Green buffer area shown on the Indicative plan to the east of the site. A management plan to protect the future of the GI space and the Green Buffer zone from future development.
6. Submission and implementation of a travel plan to reduce the reliance on private motor vehicles.
7. Provision of offsite highway works

A number of comments received throughout the planning process relate to matters covered through conditions of the outline planning permission. Those which relate to agreed off site highway works require submission of further information and these works do not form part of the reserved matters submission although commentary has been received from the applicant on certain highway matters in response to some concerns raised and these points are addressed later in the report.

It should be noted that the submitted plans, landscaping details and engineering plans, Tree Protection Plan and Arboricultural Method Statement cover the additional information sought pursuant to Condition 4 of the outline permission. With respect to compliance of other outline conditions, plans have been submitted as part of the reserved matters which address condition 5 (20% of dwellings to meet Part M4 (2) Category 2): Accessible and Adaptable Dwellings) and condition 26 (60 dwellings to be restricted to within the residential area identified on the Sampford Peverell Adopted Policies Map). The Lead Local Flood Authority are content with drainage information submitted which were conditioned at outline stage.

Whilst a number of conditions have been complied with through the submission of the reserved matters application, the following conditions have been discharged by the local authority through discharge of condition application:

Condition 6 - The implementation of a programme of archaeological work for the entire site to be secured in accordance with a written scheme of investigation and timetable for implementation. The Historic Environment Team has confirmed that the WSI is acceptable and the approach to be taken.

Condition 16 - A programme of percolation tests for the whole site to be submitted and approved. Groundwater monitoring results have been supplied to the Local Planning Authority to address this matter and the Lead Local Flood Authority confirmed that they had no objections to the discharge of condition 16 as a result of this information provided.

Condition 17 – Approval of full results of a groundwater monitoring programme across the site for a period of 12 months. Again the Lead Local Flood Authority considered the details associated with condition 17 and raised no objections.

Condition 23 – Submission of a site investigation and risk assessment to determine the nature and extent of any land contamination. A report prepared by Hydrock was submitted which the Councils Environmental health officer considered and concluded that the site was largely undeveloped prior to this approval and the report findings are that there are no contaminants of concern that would not be removed during oversite works. This condition was discharged and as a result, conditions 24 and 25 of the outline permission would not apply.

The following conditions are therefore still outstanding subject to further information required or stakeholder comments:

Conditions 7 – 11 relates to various highway works and the requirement for details to be submitted and approved.

Condition 12 - No commencement until a Construction Management Plan has been approved.

Condition 13 - Details to be approved for estate road and other highway works and carried out prior to commencement on site.

Condition 15 - No commencement until a temporary surface water drainage management system to serve the development has been implemented and is operational.

Condition 20 - No street and/or external lighting of public areas shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Condition 21 - No commencement until the site has been re-surveyed by an appropriate person for evidence of badgers. An updated report shall be submitted to and approved in writing by the Local Planning Authority.

The site is allocated within the adopted Local Plan 2013 – 2033 under Policy SP2. Aside from the principle of development and access requirements which have been established by virtue of the outline and access permissions, the policy makes provision for no more than 60 dwellings with 30% affordable housing, landscaping and design which respect the setting and character of the area, conservation area and listed building, provision of a drainage strategy and Sustainable

Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance, mitigation of any wildlife impact including protection of hedgerows, archaeological investigation and appropriate mitigation, 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and improved access to the village for pedestrians and cyclists. These matters are considered in detail throughout the report.

The main issues in the determination of this application are:

- Urban Design, Density, Scale and Layout of the Development
- Ecology, Landscaping, Green Infrastructure and Public Open Space
- Impact on amenity, the character of the area and the setting of heritage assets
- Affordable Housing Provision (Tenure mix, Layout and Design)
- Access, Parking and EV provision
- Other matters
- Planning balance

Urban Design, Density, Scale and Layout of the Development

The NPPF is clear that the creation of high quality places is fundamental to what the planning and development process should achieve. Policy DM1 of the Mid Devon Local Plan 2013 – 2033 requires the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area, and making efficient and effective use of the site. Development proposals should make a positive contribution to local character and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impacts on privacy or amenity for proposed or existing properties. Policy DM1 also requires suitably sized rooms and overall floor space to Nationally Described Space Standards, which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage as well as adequate levels of daylight to amenity spaces and principal windows.

Sampford Peverell is identified as having a 'Linear' settlement typology within the adopted Mid Devon Design Guide Supplementary Planning Document. This is one of the most common settlement forms across Mid Devon although it exists in a variety of topographical situations which require a variety of design approaches in order that the settlement form maintains its integrity. A primary objective of design is to maintain the continuity of built form along the main route. Towards the centre, buildings are positioned immediately against the back of the pavement, or at the edge of the carriageway if no pavements, to increase the sense of enclosure and linear form; routes leading off of the linear form should be overtly secondary with discrete junctions. The site access is from the west boundary of the site (as established via the outline planning permission) with footpath connections to Turnpike and Higher Town which helps connectivity throughout the development. The proposed layout is consistent with the principles enshrined within the Design Guide SPD.

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

and the local authority. The Design Review Panel is an independent panel of experts which provide impartial design advice on design proposals.

A draft site layout was built on the analysis work undertaken as part of this application and the original plans submitted with the Outline Planning Application. The Design Review Panel and officers at MDDC made a number of suggestions in relation to the design of the scheme covering points such as road widths, planting structure and the straightness of the main street having had a more suburban character, which could benefit from referencing more of the existing informal urban grain of the village. The Panel was concerned that the main street lead to nowhere, and would ideally connect to the east back to the village. Therefore a connection to the north east corner could be looked at as desire line link to the village.

Also to reduce the amount of highways infrastructure around the village green and to look at swapping the LEAP for the community orchard, as the play area would be on route to the village school.

As outlined within the Design and Access Statement, the final layout aims to address the comments made at the Design Review Meeting with the following key changes being made:

- More variety and informality has been introduced into the street and planting structure referencing the character of the village.
- Terraces have been added along the main street to vary the roofscape and add density to the central character area.
- The proposal for the removal buffer of planting along the southern boundary has been looked at, and more visual breaks have been introduced to allow views into and out of the development.
- The route of the main street has been altered to follow the desire line to the north east corner of the site leading back into the village centre. Additionally, along the main street key buildings have been added to terminate key views.
- The village green has been relocated further to the east along the main street linking back to the village centre to the north east.
- The community orchards and LEAP have been moved.
- Leftover green space in the north west corner has been included within the gardens.
- New woodland planting has been added on the sites western boundary.
- The parking provision has been reviewed and designed to meet MDDC parking requirements.

In addition to the guidance given from the Design Review Panel, pre-application feedback was given by officers which also highlighted a number of points to be addressed. These included to review elevations treatments and size of affordable housing to see if they can be enhanced, to consider the location of the 3 self-build units and the impact of construction on neighbouring properties, to consider the impact on long distance views from the proposed boundary treatments due to the sloping nature of the site and to consider the provision of inclusive play equipment within the LEAP. As a result the affordable housing has been designed to comply with National Described Space Standards, the elevation treatments used on narrow fronted dwellings have been selected to reference the character of similar dwellings in the village, a separate construction access will be provided to the three self-build dwellings to ensure surrounding neighbours are not disturbed by construction traffic. Inclusive play equipment will also be looked at in detail when the LEAP is designed.

The area for the 60 dwellings has been restricted to within the residential area identified on the Sampford Peverell Adopted Policies Map in the Mid Devon Local Plan 2013-2033. With respect to the layout and scale, it is considered that there would be strong desire lines through the scheme, helping to link with existing local facilities and open spaces. There will be a legible perimeter block

form that responds positively to the site's topography and the built form has been arranged in a manner respectful to the existing neighbouring properties with residential development having been pulled away from the conservation area to protect its rural setting. Revisions have been made throughout the planning process to address concerns of neighbouring residents to improve the relationship of the development with neighbours.

The application site comprises approximately 4.3 hectares of land to the west of Sampford Peverell although over 2 hectares is allocated for green infrastructure. The proposed development of 60 dwellings comprises a mix of single and two stories, with density across the site being approximately 30 dwellings per hectare. On the whole it is considered that the development achieves a good balance between continuity and contrast which will integrate well with surrounding buildings, streets and landscapes, consistent with Policy DM1 of the Local Plan.

In terms of the sustainability credentials of the properties, the strategy follows a 'fabric first' approach to constructing energy efficient buildings with insulation standards, thermal bridging and air leakage all improved beyond the levels required for Building Regulation Compliance. Electric charging points are also proposed to be installed within garages of the dwellings.

Finally there is a requirement for 20% of all the dwellings approved to be constructed to meet the requirements of Part M4 (2) Category 2: Accessible and Adaptable Dwellings of the Building Regulations 2010 (as amended 2016). The submitted plans 'Part M Category 2 Layout' and 'M4 (Category 2) Compliance House Types Severn, Avon and Budleigh Floor Plans' demonstrate the proposals comply with this requirement. The applicants have also confirmed that all dwellings are compliant with Nationally Described Space Standards.

Ecology, landscaping, green infrastructure and public open space

Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environment. Criterion e) requires the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. In addition, criterion f) requires that development supports opportunities for protecting and enhancing species populations and linking habitats. Policy DM26 requires that major development proposals must demonstrate that green infrastructure will be incorporated within the site.

As far as Green Infrastructure and Biodiversity are concerned, there would be a significant amount of new tree and hedge planting which would ensure a green leafy residential environment achieving softer transformation into open landscape. A tree lined primary street with drainage rill will be created forming a green spine to the development and a green gateway is to be created into the development, with stone dressed Devon Hedgebanks, public green space and a community orchard. The green space located around the edge of the built environment has been designed so it creates a joined up network of on and off site green infrastructure and wildlife habitats. Areas of new open spaces are carefully integrated with sustainable drainage proposals and informal play spaces. A landscape green wedge has been provided along the existing urban edge of the village, which acts as buffer between the development and the adjoining properties and conservation area. The setting of the nearby listed buildings will be protected through the planting of adjacent green corridor.

Visual mitigation of the site will be achieved by utilising a series of west to east tree and hedge belts. The Council's Arboricultural Officer has commented that the Ecology Statement provided informs there is significant tree planting proposed. There is a mix of woodland tree, shrubs along with specimen trees. It is felt the proposal will be of benefit not only to the proposed development but also the wider landscape. Conditions to secure landscaping and maintenance of the planting have been recommended.

A new village green and shared space square has been created to form the focal point of the development with a proposal for a village cross as a focal point changed to a notice board following complaints received. The village green will be linked to the wider green network via a series of green corridors. As commented upon earlier, taking the advice from Design West Design Review Panel (October 2021), the proposed LEAP was relocated to the north east of the site, nearer the proposed north eastern pedestrian link and better integrated with the pedestrian desire lines to the local school. The position of the LEAP, village green, allotments, wildflower meadows and woodland planting all relate to the application site context and constraints add to the visual amenity of the area and the sense of space within and around the development.

It is noted that concerns have been raised to the position of the LEAP on the grounds of proximity to neighbours, concerns over anti-social behaviour and use within the green infrastructure. The LEAP is considered to be an adequate distance from neighbouring properties with no objections from Devon, Cornwall and Dorset Police with the position meeting appropriate standards. The original position shown was moved further south away from neighbouring properties of 40-46 Higher Town, but still in line with guidance where a play area should be sited 30m away from residential properties. The play space will also include inclusive play equipment so that it is accessible to all.

On the matter of the Green Infrastructure and allowance for the LEAP within, it should be noted that Local Plan Definition of Green Infrastructure is 'A network of multi-functional green space with recreational, visual and ecological value.' Policy DM26 - Green infrastructure in major development outlines that:

Major development proposals must demonstrate that green infrastructure will be incorporated within the site as follows:

- a) Biodiversity mitigation, resulting in a net gain in biodiversity;*
- b) Flood and water resource management;*
- c) Green corridors and public rights of way to link the site to the wider GI network, provide walking and cycling opportunities and avoid habitat fragmentation; and*
- d) New green infrastructure such as the creation of native woodland where possible.*

Where evidence demonstrates that meeting these criteria in full would render the development unachievable, the Council will balance the benefits of the development against the objectives of this policy. Where appropriate, the Council will seek contributions toward off-site green infrastructure where on-site green infrastructure is unfavourable.

The supporting text comments that green infrastructure is a network of multi-functional green space with recreational, visual and ecological value. It includes Natural and semi-natural green spaces such as grassland and nature reserves, green corridors such as hedgerows, verges and public rights of way, or 'blue infrastructure' such as watercourses and other water bodies, public or private spaces such as gardens, parks, village greens and allotments. Most guidance documents adopted by Council's outline parks as being Green Infrastructure which include play and other recreational areas, therefore the location of the LEAP is not considered to be at odds with the green infrastructure requirement for this site.

On the matter of ecology, the Ecology Statement details relevant ecological avoidance, mitigation and enhancement measures proposed for the development. These measures are considered suitable to ensure the proposals comply with Policy DM26 of the Mid Devon Local Plan (2020) and Paragraph 180 of the National Planning Policy Framework (2021). The Ecology Statement has been made with reference to the 2018 ecology report that was submitted with the outline planning application¹; the appeal decision planning conditions; and feedback on initial design iterations from the Design Review Panel and Mid Devon District Council.

Conditions to secure bat and bird boxes, in addition to a scheme of soft landscaping, can be imposed at this stage and would help to mitigate against the loss of an undeveloped site. As the final details for the dwellings has been provided through this reserved matters submission, a further condition has been imposed on this reserved matters application to require final details for the scheme for bat and bird boxes to be provided on site.

It is considered that the provision for open space and green infrastructure has been designed in appropriately to maximise the attractiveness, safety and overall quality of the development. Planning obligations were secured as part of the S106 agreement completed at outline stage to control the ongoing maintenance of onsite open space with an Open Space Specification (OSS) to be agreed upon. An OSS has been submitted which has been linked to the outline application given that it is a requirement of the S106 agreement. Concerns raised by objectors to this document have been noted with final sign off of this document still to occur at the time of writing this report. For the reasons outlined above, it is considered that the proposal complies with policies S5, S9, DM1 and DM26 of the adopted Local Plan 2013 – 2033 ensuring an appropriate delivery of wildlife mitigation, landscaping, green infrastructure and public open space.

Impact on amenity, the character of the area and the setting of heritage assets

With respect to the living conditions of the occupiers of nearby residential properties, Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments:

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

This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential dwellings and orientation of windows and separation distances involved to existing neighbouring properties is such that it is considered that the residential development has been designed to be in accordance with these two policies. The plans have been revised to address the outlook from properties 40-46 Turnpike, with an area of wildflower meadow to be positioned adjacent these properties with a post and rail fence to allow for a more open skyline. Some concerns still remain from residents to the position of certain isolated trees and heights for hedges with further meetings having taken place with the applicant and residents, so a condition is recommended to agree to the final landscaping of the northeast section of the site.

Another concern raised by residents along Higher Town relates to the position of the LEAP and proximity to neighbours but the Locally Equipped Area for Play (LEAP) has been moved further south away from neighbours to north east of application site (set a minimum distance of

approximately 30 metres from No. 46 Higher Town). Details of the LEAP design have also been included within the updated Design and Access Statement and to address feedback received from the Devon and Cornwall Police Designing Out Crime Officer, the previously proposed hedges bounding the LEAP have been removed, replaced with picket style fencing to allow for both natural and casual surveillance and discourage casual entry, providing a safer, cleaner play area. A condition has been recommended to agree the final details of play equipment in the LEAP.

A concern was raised to the heights of dwellings along the southern part of the site given the difference in land levels to the road and properties along Turnpike. Revisions were made to the built form along the southern boundary to incorporate a bungalow within Plot 13 reducing massing facing the neighbouring properties on the immediate opposite (southern) side of Turnpike with Plot 54 located further into the site which previously incorporated a bungalow now incorporating a two-storey dwelling. Further landscaping has been proposed along the southern boundary of the site, to the south of Plots 19, 28 and 29.

Whilst there would still be two storey properties proposed along the southern part of the site which would be at a higher level than neighbouring properties on Turnpike, it is considered that the distances would be such (over 30m in all cases) that there would not be significant overlooking and additional planting will help with screening and softening any impact.

Turning to the wider character of the area and potential impact on the setting of heritage assets, in coming to a 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. With respect to conservation areas, in coming to a decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

The boundary of Sampford Peverell Conservation Area immediately abuts the site to the east. The Grand Western Canal Conservation Area is located in close proximity to the site to the south of Turnpike. No. 42 Higher Town, a Grade II listed building, is located to immediately to the north east of the site. The relevant policy within the Mid Devon Local Plan 2013-2033 would be that of DM25 (Development affecting heritage assets).

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

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

e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).'

At pre-application stage the lowering of the pedestrian link to the north east was noted and reference to pedestrian/cycle paths having a gradient of 1:12 with the Conservation Officer advising that section plans would be required with the main submission which have occurred. A Heritage Statement has been submitted as part of the application with the conclusions agreed upon by the Conservation Officer, raising no objections to the development, confirming that he agrees with the conclusions of the submitted heritage statement, in that there would be no change to the significance of the nearby Conservation Areas, and negligible change to the significance of the grade II listed 42 Higher Town.

A matter for consideration given the sloping nature of the site relates to boundary treatment. The types of boundary and materials shown are considered acceptable in principle and have been conditioned. Policy DM1 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. In addition to this new housing should be designed to deliver high quality, taking account of context, local character, density, and land use mix.

Subject to the use of the aforementioned conditions, overall, it is considered that the proposed development would not result in significant harm to the character of the area. In terms of its visual impact, the proposal is considered to be in accordance with Policies S1, DM1 and DM25 of the Local Plan.

Affordable Housing Tenure Mix, Layout and Design

Policy S1 of the Local Plan expects that development will support the creation of sustainable communities by delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community.

The Section 106 obligations have been factored into the proposals submitted as part of this Reserved Matters application. As such 30% (18 no.) of the dwellings are proposed as Affordable dwellings and 5% (3 no.) are proposed as Self Build Land/Plots. These dwellings are shown most clearly on the Site Layout Plan and the Affordable Housing Layout Plan. The tenure and mix of the Affordable Dwellings has been established following engagement with MDDC's Principal Housing Enabling and Forward Planning Officer. With respect to the proposed siting of the Self Build Plots, the Construction Management Plan (CMP) required by Condition 12 of the outline planning permission would provide detail of the access and compound area for the construction of the 57 dwellings delivered by Edenstone Homes and would also cover the construction arrangements for the three Self Build Plots to demonstrate that the proposed location for these Plots is deliverable, feasible and appropriate.

Having regard to the demand data available for Sampford Peverell, this is considered to be an appropriate mix of tenures and dwelling sizes. The affordable housing tenure mix therefore accords with Policy S1 and S3 of the Local Plan 2013 – 2033. It should also be noted that six of the Part M4 (2) Category 2: Accessible and Adaptable Dwellings are affordable units and across the mix of affordable rented and intermediate housing

The proposed dwellings would provide an adequate standard of living accommodation and private amenity space for the enjoyment of future occupiers. Given the relationship between the proposed dwellings and existing neighbouring properties, it is considered that there would not be

unacceptable harm to the amenities of neighbours, or the proposal's future occupiers, in terms of outlook, privacy, or access to natural light. The proposal is considered to be in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

Access, Parking and EV charging provision

Policy DM1 of the Local Plan states that new development should be safe and accessible and Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. The access points into the site are in the same positions agreed at outline stage. In terms of access across the site, a Part M-compliant stepped pedestrian access has been incorporated into the layout of the development to the south east of the site near Plot 28 which is in addition to a step-free route. Drawings have been submitted to demonstrate how the proposed paths and routes through and across the site will connect with the off-site highway improvements approved as part of the outline planning permission 17/01359/MOUT and the proposals incorporate Devon hedge banks as requested by MDDC's Conservation Officer.

Amended plans detail that the existing planter to the south west of the application site is proposed to be relocated to facilitate the off-site highway improvements in this area. The applicant has advised that they are keen to engage with Sampford Peverell Parish Council in respect of the final design and layout of the planter and would accept a condition attached to any Reserved Matters Approval granted requiring further details in relation to this element of the proposals to be submitted for further discussion and approval should Members feel this is necessary.

Concerns have been received from residents to the gradients of the paths on site. Clarification was requested from the Local Highway Authority on the matter who responded that they were aware of the gradients of the internal footway/cycleways and that the highway officer and his Agreement Officer had agreed these gradients subject to there being landing points along these footway/cycleways. The Senior Agreements Officer is ensuring these landing areas are included in the S278 Agreement drawing to ensure this is carried out. Therefore no objection has been received from the Local Highway Authority on the matter. The Consultants for this development have confirmed that this development will not put forward to be adopted by Devon County Council and therefore this site will be subject to Advance Payments Code (APC) to ensure it built to an acceptable standard rather than an adoptable standard. APC forms part of the Highways Act 1980 (Sections 219-225). The Code secures payment of the costs of street works in private streets adjacent to new buildings. This ensures the street works authority (Highway Authority) can complete the roadworks if the builder is unable to complete them.

Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling. Car parking provision follows the guidelines established in the Provision of Parking in New Development SPD, June 2013 and Policy DM5 whereby there is a requirement for 1.7 parking spaces per dwelling, 1 or 2 bed dwelling storage for two bikes, and for 3+ bed dwellings storage for four bikes, 1 EV charging point per 10 units and 1 visitor space for every ten dwellings.

Car parking provision has been catered for in a variety of ways, including on plot via driveways, limited on-street and small rear parking courts. Where small parking courts have been used they have been designed to ensure they are overlooked with active edges, and enclosed with brick screen walls to protect residents' amenity. Visitor parking is incorporated into the scheme. Visitor bays have been provided on-street adjacent to the allotments and the LEAP so that residents of the development and the village can easily access these community assets. It has also been stated in the Design and Access Statement that a number of the visitor parking spaces will be

equipped with EV charging points along with most of the dwellings with electric charging for in curtilage parking provided to all garages. A condition is recommended to provide the final details for electric charging points across the development for both occupiers of the new housing but also visitors. The EV requirements under Policy DM5 would be met.

Within the development 20% of the dwellings have been designed to comply with Building Regulations M4 Part 2, as required by planning policy. For these units 3.3m wide parking spaces have been provided or space allocated to enable spaces to be made 3.3m wide. Overall, by virtue of the provision for cyclists and electric vehicles, it is considered that the development is appropriate in enabling and encouraging the maximum use of sustainable modes of transport. Provision exceeds the standards established by Policy DM5 and therefore, the development accords with this policy.

Other matters

Drainage and Flood Risk

In respect of drainage and flood risk, the Lead Local Flood Authority (LLFA) has confirmed that they have no in-principle objections to this application. The LLFA were satisfied with the details submitted, subject to confirmation regarding who will maintain the surface water pipework, attenuation tanks and filter drains and a request that the filter drains serving the footpaths were detailed on a plan. The requested filter drain detail was added to the Engineering Layout and Drainage Maintenance plans and the submitted Maintenance plan also states who will be responsible for maintaining the sustainable drainage features, pipework and cellular attenuation.

In addition to the above, to address comments received from the LLFA through the planning process, swales have been designed and incorporated along the frontages of Plots 5 – 10 to increase sustainable drainage green infrastructure within the scheme design. An updated Drainage Strategy Addendum has been included to include South West Water correspondence as requested by the LLFA and to reference how surface runoff from the footpaths to the wider highway network will be avoided through the incorporation of a filter drain along one edge of the relevant routes. A Sustainable Drainage SUDS Management Regime document also accompanies the planning submission as requested by the LLFA.

Refuse Storage

Policy DM1 is clear that development should provide suitable external spaces for recycling and refuse. The Parish Council has identified that they would wish to see bins serving the public open space areas. On the whole it is considered that sufficient consideration has been given to refuse storage and appropriate storage areas both within homes and externally has been provided to store bins. The provision is consistent with the general principles set out in adopted Refuse Storage for New Residential Properties SPD and therefore accords with Policy DM1 criterion h). A condition has however been recommended to deal with bin storage and maintenance.

Climate Change

The Government has enshrined in law, a commitment to achieving net-zero carbon emissions by 2050. Achieving sustainable development is also a clear priority of national planning policy. Policy S1 requires development to meet the challenge of climate change by supporting a low carbon future, energy efficiency and including the use and supply of renewable and low carbon energy. The principle of development has already been established by reference to the outline planning permission detailed above, which considered whether the development would contribute towards achieving sustainable communities. Together with the extensive EV provision proposed across the

development, as well as the requirement for dwellings to be constructed in accordance with Building Regulations Part L, it is considered that the application accords with sustainable development priorities and in particular Policy S1 of the Local Plan.

Consultation on Health and Safety

In response to comments received from MDDC's Public Health team it is relevant to note that all two storey units proposed have been designed to incorporate appropriate means of escape at first floor level.

Planning Balance

This is a Reserved Matters planning application for the construction of 60 dwellings (including 35% affordable housing (21 dwellings) and 5% self build housing (3 plots)), with public open spaces, landscaping and associated infrastructure. The application has previously been the subject of an outline planning application (Application No. 17/01359/MOUT).

The proposed development provides a net density of approximately 30 dwellings per hectare and accords with the Local Plan 2013 – 2033 and the NPPF which requires effective use of land. On the whole, it is considered the development is well integrated with surrounding buildings, streets and landscape and is consistent with the principles enshrined within the adopted Mid Devon Design Guide SPD. The proposal meets Nationally Described Space Standards, Building Regulations Part M (4) and parking and EV standards. The public open space and associated landscape details form a key feature of the development. Drainage and flood risk have been fully considered. Affordable housing provision meets identified local needs and visually integrates well with the market provision. The proposed scheme, on balance, is considered to accord with relevant Local Plan policies as set out in this report and therefore, is recommended for approval.

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 carried out in accordance with the approved plans listed in the schedule on this decision notice.
2. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, drawings numbers 2182401 - SBC - 00 - XX - DR - L - 404 rev PL03, 2182401 - SBC - 00 - XX - DR - L – 405 rev PL03 and 2182401 - SBC - 00 - XX - DR - L – 406 rev PL03 (noting exceptions through condition 7 below), shall be carried out within 9 months of the substantial completion of the development (or phase thereof) whichever is the sooner; and any trees or plants which within a period of 10 years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
3. The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:
 - a. BS: 3882:2015 Specification for topsoil

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

Each specimen and orchard tree should be provided with a hydration bag. For a period of three years all young trees should be watered, filling of hydration bags where fitted, by applying a minimum of 60 litres of water per visit with 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the a expiry of 5 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

4. The development hereby approved shall not be occupied until refuse/bin storage facilities have been provided in accordance with the refuse and cycle strategy plan with details submitted to and approved by the Local Planning Authority to include proposals for maintenance and management of the refuse storage areas and provision of bins to serve the public open spaces on site.
5. The materials to be used for all the external surfaces of the buildings shall be those as agreed and shown in the plot materials detailed on the submitted plan Drg. No. 102 Rev. B. Prior to their use within the development details of the materials to be used on the external ground finishes which will require a 'virtual'/digital materials board with images and specifications shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.
6. The development shall not be occupied until the Locally Equipped Play Area has been provided in accordance with the details which have first been submitted to and approved in writing by the local planning authority. Relevant details shall include the specifications of play area equipment to be used including at least one item of play equipment suitable for children with disabilities as well as the use of locally sourced and sustainable materials.
7. Notwithstanding the plans submitted, prior to the first occupation of the development hereby permitted, a final scheme of landscaping and boundary treatment within the north east corner of the site adjacent the residential properties of 42-46 Higher Town shall be fully installed in accordance with revised details (referencing maintenance heights for hedgerow sections and positions and species of tree planting within the green infrastructure and boundary treatment details along the eastern side of the site adjacent the residential properties of 42-46 Higher Town) 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.

8. The proposed new residential development shall include electric charging points for electric vehicles, accessible to residences and visitors, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policies S1 and DM5. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed. For the avoidance of doubt the provision should be a minimum of 1 EV charging point per 10 units.
9. Prior to the first occupation of the dwellings hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the recommendations and opportunities for enhancement recommendations outlined within the Ecology Statement dated 23rd February 2022 prepared by EAD Ecology which outlines that bird boxes/bat tubes need to be integrated into some of the new residential dwellings. The ecology summary within this document outlines the mitigation and enhancement measures which need to be carried out as part of the development.

REASONS FOR CONDITIONS

1. In order to ensure compliance with the approved drawings
2. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, and DM1 of the Adopted Mid Devon Local Plan 2013 - 2033.
3. 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.
4. In the interests of local amenity in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
5. In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.
6. In the interest of creating a safe and inclusive play area for residents and visitors.
7. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance Policy DM1 of the Mid Devon Local Plan 2013 – 2033.
8. To ensure that the development is resilient and sustainable in accordance with policies S1 and DM5 of the Mid Devon Local Plan 2013-2033 and the provisions of the National Planning Policy Framework.
9. In the interests of ecology in accordance with Policy S9 of the Mid Devon Local Plan.

INFORMATIVES

You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline planning permission no.17/01359/MOUT.

If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required.

The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of development for 60 dwellings on site is already established by the granting of outline planning permission 17/01359/MOUT. Comprehensive consideration has been given to the overall design, scale and layout of the proposal. The scheme proposes a well-integrated landscaping, green infrastructure and public open space with appropriate wildlife mitigation. The design and layout including house types are acceptable meeting the requirements of Policy DM1 High Quality Design including compliance with Nationally Described Space Standards. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, heritage assets, and the environment including flood risk and protected species and/or the amenities of local residents within the locality. The proposal is therefore in accordance with Policies S1, S9, SP2, DM1, DM5, DM25 and DM26 of the Mid Devon Local Plan 2013-2033.

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

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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.

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
1	5	07/08/2022	22/00868/MFUL	Removal of condition 13 of planning permission 17/01142/FULL - further noise assessments	Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton Devon	Mr James Clements	DEL	
2	5	11/08/2022	22/00969/MOUT	Removal and/or variation of Conditions 5, 6,7, 8, 9 and 10 of Planning Permission 18/02019/MOUT Outline for the erection of 20 dwellings	Land at NGR 295508 103228 (Silverdale) Silverton Devon	Mr John Millar	DEL	

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LIST OF APPEAL DECISIONS FROM 06/05/22 – 16/06/22

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
21/00031/TPO	Application to fell one Sweet Chestnut tree protected by Tree Preservation Order 73/00012/TPO	Land at NGR 303248 110828 Meadow Park Willand Devon	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Allowed
20/02137/FULL	Erection of an agricultural storage building	Land at NGR 306760 119356 (East of Battens Cottage) Holcombe Rogus Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
21/00782/FULL	Siting of a temporary rural workers dwelling (mobile home)	South West Game Birds Crediton Devon	Grant permission subject to conditions.	Delegated Decision	Non-determination, Appeal instigated	Written Representations	Appeal Allowed
21/00082/OUT	Outline for the erection 1 dwelling, with all matters reserved	Land at NGR 277071 93208 (Adj. Glenthorne) Cheriton Bishop Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision