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Committee Administrator

Sarah Lees

Tel: 01884 234310

E-Mail: Slees@middevon.gov.uk

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, 15 March 2023 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 5 April 2023 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

STEPHEN WALFORD

Chief Executive

7 March 2023

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

A G E N D A

MEMBES 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 - 14*)
To consider whether to approve the minutes as a correct record of the meeting held on 1st March 2023.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda.
- 7 **THE PLANS LIST** (*Pages 15 - 86*)
To consider the planning applications contained in the list.

Meeting Information

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

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

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

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

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

Tel: 01884 234310

E-Mail: Slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 March 2023 at 2.15 pm

Present

Councillors

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

Apologies

Councillors

D J Knowles, R F Radford and B G J Warren

Also Present

Councillors

Mrs M E Squires and Mrs E Lloyd

Also Present

Officers

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), James Clements (Principal Planning Officer), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

Also in

Attendance

Brian Hensley and Michelle Woodgates (DCC)

109 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from:

- Cllr D J Knowles who was substituted by Cllr Mrs C Daw
- Cllr R F Radford
- Cllr B Warren who was substituted by Cllr R J Dolley

110 **PUBLIC QUESTION TIME**

The following members of the public attended the meeting to ask questions in relation to the Creedy Bridge application:

Liz Goodman stated that Crediton RFC is one of the largest Community Clubs in Devon, 500 members and 18 teams including Walking Rugby along with a school holiday Club and a preschool Saturday morning Club.

We want and need to relocate. Our outgrown current site is allocated for housing.

An ageing Clubhouse with insufficient changing rooms for the safeguarding safety of our young people. A small Club car park means road parking, a dangerous hazard and a welfare concern, for children crossing.

Training nearly every night of the week and matches Saturday's and Sunday's for up to 18 teams and opposition teams along with spectators. Our season ends in April/May and pre-season starts in July. Hence a ball strike assessment is necessary.

Although we are grateful for our inclusion in the new Lidl store site deal, formally our leased pitch, we have not received any of the Section 106 funding. We are struggling for playing & training spaces and rely on hiring match day pitches without changing & toilet facilities.

The reserve matters application is being discussed today for Bellway, who now own our relocation land.

We requested that our allocated land be offered to us on Grant of Consent, this was ignored. We provided Bellway with a RICS valuation and the Council confirmed to them, we were the Nominee. For over 12 months we have tried but Bellway and the still involved previous landowner's agent have refused to negotiate outside of the Section 106. This lack of Community spirit and willingness to engage is alarming. Do they have another agenda?

The relocation of the Club is within the Councils own adopted Playing Pitch Strategy and Local Plan. We would love to be the Nominee but are concerned if the Reserved Matters are approved as proposed, the details in it won't enable a satisfactory relocation site to be provided. That would mean CRFC can't vacate their current site, and the current Development Plan for Crediton will, in part, fail.

Other concerns for our members' safety, will there be a pedestrian crossing to access our training pitch opposite the relocation site? Will the 30 MPH limit be extended to the end of the relocation site?

The rugby Club could not afford to pay into any management or maintenance company set up by the developer for the upkeep of the housing estate.

All the money that Crediton Rugby Club produces goes immediately back into the local economy. It enhances community spirit and cohesion, promotes widespread physical & mental health.

We really do need and want to move but we feel we have not been consulted throughout this entire process. Many of our members and members of our local Community supported the outline application for the housing development back in 2008. We expected the promised workable relocation site to be presented to the Rugby Club, not one that has since been changed by the developers, now they have achieved their ends.

How can this application be approved when there are several matters, those I mention here, along with questions my colleagues will raise shortly. Sport England, the RFU and Crediton Rugby Club have all raised responses to planning matters that have not been sufficiently addressed and the negative outcomes of them considered.

All I ask is that our Crediton Community and Crediton Rugby Club, one of your largest Community groups in Devon, gets what it needs and so deserves. We must support the young people of Crediton and the wider Community we serve.

Edward Trick, also from Crediton Rugby Club, stated that MDDC Policy and the outlined consent is to “Safeguard 8.6 hectares for the relocation of Crediton Rugby Club”. By introducing the maintenance corridor, increasing and enhancing the size of the ditch and adding the footpaths, have they failed to safeguard the land and therefore, are they in breach of their own policy and outlined consent?

The surface water run off for 257 houses and roads will run directly into an attenuation pond positioned three meters away from one of our pitches and then right through the middle of our site in a drainage ditch. How will we keep our pitches dry? Flood risk reports use lots of complicated calculations, but its a fact - water runs downhill! Why not run a new ditch directly to the river avoiding the Rugby Club? Where will the overflow from the pond go? Who will maintain the ditch? Leaving a maintenance corridor large enough for a digger will mean the pitch layout won't fit therefore the whole scheme is no longer Policy Compliant. Health & Safety for children collecting balls from the ditch will be an issue, will it need to be fenced? Who will pay for this? The club highlighted this as an objection during this application and the previous outline application but once again we have been ignored.

The drainage system to be compliant with Sport England and the RFU's standards will be very expensive. Sport England and us have officially objected to the application on the grounds of the flood risk strategy. We give notice and please minute this, that we will seek compensation for any damage to the pitches and our infrastructure from excess water in the future.

Does the applicant's drainage scheme jeopardize the PSD report that demonstrated 4 pitches could be sufficiently constructed at the site? The PSD report helped inform the RFU and Sport England's comments to the previous application. If the drainage scheme does jeopardize the PSD report and thus the viability of constructing 4 pitches at the site Sport England and the RFU would find it hard to support a further application. Does the above in turn also jeopardize this site as the intended location to construct the LIDL replacement pitch as per the condition to planning application the Council are yet to deliver?

The proposed location of the public footpath poses health risks of dog fouling on playing pitches, promotes trespassing of the public onto playing pitches resulting in a large and expensive fence to erect to keep our players and the public safe and to maintain the vital gate income on match days.

The proposed location of paths would be against the dead ball area of the rugby pitch. The rugby pitch configuration and dimensions are as per World Rugby Law 1, adopted by the RFU, which states the need for a minimum 5m run off around the full perimeter of the pitch. These dimensions are fundamentally based on player and spectator safety, any scheme of works delivered less than this would seriously jeopardize safety at the site. The footpath needs to be re-sited.

No ball strike assessment has been completed as per the original Sport England objection. Due to the proximity of the dwellings to the playing pitches the RFU and Sport England recommended a ball strike assessment be undertaken by the

applicant to understand if any safety mitigation is required. Without an assessment how can the applicant be confident the dwellings to the West of the site will be sufficiently protected from stray balls from the rugby pitches and how can the public using the proposed footpath that runs next to the pitch be protected from ball strikes? You have already heard how often we train and play matches. The Rugby Club would accept no liability for any such damage caused and would insist any retrospective mitigation is paid for and maintained by the applicant.

Nick Hasted stated that his question was associated with the aim of reducing the carbon footprint of the estate and reducing energy costs:

How many solar panels are being installed for each home?

What direction will they be facing?

What is their capacity?

What is their estimated reduction in the energy running cost of a home?

John Craythorne asked 'In relation to the Creedy Bridge application. As far as I can ascertain from your website, there is currently provision for 31 'affordable' rented homes and 21 shared ownership dwellings. Does the council have any powers to require a greater provision than this and if so will it use all its efforts or secure a greater number of affordable homes?

Does the council recognise that what is described as 'affordable' is actually not affordable for many people on lower incomes and that for people in those circumstances, a secure tenancy in the social housing sector is often the only means of having a secure, decent and affordable home?

Further, in its review of the local plan will the council ensure that the provision of more social housing to rent will be given absolute priority?'

Caroline Romijn stated....I note that the percentage of "affordable" houses within this development is set at a very low level, disappointing within the context of Mid-Devon's relatively low-wage economy. It is also extremely concerning that the development does not meet high standards of sustainability. In view of this I would like to ask Mid Devon Council to consider asking the developers to release a further number of "affordable plots" (say 15) for sale as self-builds. Providing 15 plots for Self-Builds would have two significant advantages: firstly it would meet a significant local social and economic need, and secondly it would ensure that at least that number of houses would need to be built to higher, up-to-date standards of sustainability.

Natalia Letch asked the following questions:

1. Would there be a regular bus connection to the Crediton High Street and railway station and to Exeter?
2. Would the developers commit themselves to aligning the majority of dwellings on a North-South axis? The East-West orientation cuts the solar panels' efficiency by 50% and denies the home owners the possibility to make their homes carbon neutral basically forever.

Laura Conyngham stated that COP 26 group recently learned that, in spite of Mid Devon District Council's commitment to be carbon neutral by 2030, Section 106 money for this development went on other things. There seems no hope of a FLAT

route to Crediton across the A3072, around existing new housing to join the Public Footpath by the Leisure Centre to Morrisons, schools and town. Without this, very few residents will use their legs up and over the hill to reach town within 15 minutes.

In view of this serious failure, will the developer include either air source heat pumps or ground source heat pumps for heating? Along with photo voltaic panels and solar boost, residents could be enjoying free hot water for over half the year. I speak from experience.

Dave Harris informed the Committee that In November 2021 a community event was held in Crediton to discuss and come up with ideas of what Crediton could do in relation to the climate and nature emergencies we face. Some of the ideas the community came up with were, and I quote,:

Public transport – more frequent, reliable, and affordable

How does this development enhance the delivery of more and cheaper public transport?

Cycle paths

Where are they in the plans?

Prioritise pedestrians

Where is the safe pedestrian access to the high street, leisure centre etc?

Planning – not one size fits all

According to the Office for National Statistics in 2021 80% of households had 3 people or less living in them. Why does this development average over 3 bedrooms per property?

Homes are affordable, sustainable, carbon neutral and with proper gardens

This was one of the most wanted items. Is any of this being addressed by the developer?

These items are what the community of Crediton wants and yet this development provides almost none of this. What is democracy for if it is not for listening to the local community and following their clear instructions? This is the acid test of how the democracy in our local area works, for the people, or for the money. Councillors you decide.

Alan Murray asked what is the maximum quantity on the South West Water Environment Agency permit to discharge and the current throughput capacity at Lords Meadow Sewage Works? How many more houses can Lords Meadow Sewage Works cope with without overloading the system? If there is insufficient capacity then what is the plan and timetable from the developer to contribute to an upgrade to improve capacity?

What monitoring is currently being undertaken on discharges from the sewage works into the River Creedy, and at what intervals? Has that been breached and self-reported to the Environment Agency already? In 2021 there were 66 sewage dumps over 431 hours.

Can the developer confirm that a suitable SuDS (Sustainable Drainage

System) will be employed to relieve pressure on the local sewage treatment works and run off into the close by River Creedy? And is there a detailed planting plan and absolutely clear maintenance plan which complies with CIRIA (Construction Industry Research & Information Association) standards?

Can the developer confirm that rain water storage systems will be included as part of the house design so that stored water can be used for watering gardens, cleaning cars and flushing toilets etc.

With consideration to the objection from the Crediton Rugby Club regarding flooding of the site (Objection filed 03/11/2022) what guarantees can the developer make to ensure that rain water run-off from the site does not drain directly into the adjacent River Creedy polluting the river with toxic pollutants and particulates associated with domestic habitation, car use etc.? And is permeable paving being used to reduce run-off?

As this site is very close to the River Creedy can the developer prove that the buildings will be 'Nutrient Neutral' which is a legal requirement from Natural England?

Gerald Conyngham stated that....I am speaking as a member of COP26 group in Crediton and District. A key aim of our group is to help MDDC to achieve its target of becoming carbon neutral by the year 2030. This has particular implications for new developments which should seek to minimise their carbon footprint both during construction and in use by producing a carbon reduction plan. This plan would include such things as: materials used, construction methods/design/energy facilities within the houses/water and waste management. At present despite producing a sustainability statement, the application does not have sufficient evidence to show that these issues have been given enough weight. For instance houses will be fitted with gas boilers which will be phased out by 2025. Gas boilers emit about 2.2 tonnes of CO2 per year which is equivalent to taking 7 transatlantic flights annually between London and New York, why install them now when there are alternatives such as heat pumps? If heat pumps were installed, and the houses were designed to passivhaus standard, this would reduce carbon emissions and save money in energy bills for the house owner.

In the view of our group all new developments should be obliged to produce such a carbon reduction plan. (as other councils such as Teignbridge have done) Failing that, will the council refuse planning permission until there is more evidence of carbon reduction as suggested above?

Giles Fawsett informed the Committee that.....last week MDDC approved my planning application.

I quote "The erection of a 2 storey side extension at ... (my property) is considered to be acceptable in policy terms. On balance, the overall scale and design of the proposal is acceptable following minor amendments to the design and it will not result in an overdevelopment of the site. The extension is considered to work in context with the existing dwelling, using materials to match existing. Solar panels are proposed to the roof of the extension and these comply with local policy. It is considered that there will be no significant adverse impacts on the amenity of

residents of nearby properties and the development will not harm the setting of nearby heritage assets including the Conservation Area. As such, the scheme is considered to comply with policies S1, S9, S12, DM1, DM2, DM11 and DM25 of the Mid Devon District Council Local Plan (2013-2033), the Crediton Neighbourhood Plan 2018 - 2033 and guidance in the National Planning Policy Framework.” End quote.

I am on mains gas but use no gas. I know that when my solar panels are fixed to my new south facing roof I will be energy self-sufficient.

Are any of you embarrassed by the Bellway development?

The Chairman informed those present that the questions would be answered when the application was discussed.

111 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:02:00)**

Members were reminded of the need to make declarations where appropriate.

112 **MINUTES OF THE PREVIOUS MEETING (00:03:00)**

The minutes of the previous meeting held on 18th January 2023 were agreed as a true record and duly **SIGNED** by the Chairman.

113 **CHAIRMAN'S ANNOUNCEMENTS (00:04:00)**

The Chairman reminded Members of a Special Committee meeting to be held on 15th March 2023 at 2.15pm.

114 **WITHDRAWALS FROM THE AGENDA (00:04:00)**

There were no withdrawals from the agenda.

115 **THE PLANS LIST (00:05:00)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes

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

- a) **Application 22/02321/TPO - Application to fell one Common Beech tree (T001) protected by Tree Preservation Order 96/00015/TPO close to ground level at All Saints Church, Fore Street, Culmstock.**

Consent be granted and delegated authority be given to the Development Management Manager to discuss the trees used for the replacement with the relevant parties.

(Proposed by Cllr S Clist and seconded by Cllr Mrs C Daw)

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

Note: Cllr L Cruwys requested that his abstention from voting be recorded.

- b) Application 22/02120/FULL - Creation of 2 car parking spaces at Land at NGR 301997 107506, St Andrews Estate, Cullompton.**
Planning permission be granted.

(Proposed by the Chairman)

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

Note: Cllr R J Dolley made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he had connections with Cullompton Cricket Club.

- c) Application 22/00063/MARM - Reserved matter for the erection of 257 dwellings and up to 5 Gypsy and Traveller pitches; associated works in connection with 8.6ha of land to facilitate future Crediton Rugby Club and up to 1.1ha of land for future primary school; details of landscaping, public open space and other associated infrastructure and engineering operations and access and highway work following outline approval 17/00348/MOUT at Land at NGR 284185 101165 (Creedy Bridge), Crediton, Devon.**

The Principal Planning Officer outlined the application by way of presentation which highlighted:

- The fact that the application did not include the rugby club land or school land.
- The principles of permission had been agreed at the Outline application stage. Reserve Matters needed to focus on layout, scale, appearance and landscaping.
- A number of photographs showing the location of the site and the topography of the land.
- The original scheme had been revised by the developer following advice from the Local Planning Authority which included providing a range of house types and the need to be sensitive to local distinctiveness.
- The revised scheme was landscape led and was accessible by foot and cycle paths.
- Different roof heights were proposed bearing in mind the topography of the landscape.
- There would be a hierarchy of streets providing better treatment of traffic.
- Larger dwellings would have chimney stacks.
- The area allocated for a Gypsy and Traveller site was shown.

In response to public questions asked he stated:

- Land had been secured through a S106 agreement.
- Footpaths did form part of the application, Rugby Club land did not.
- The Rugby Club would need to address issues of concern relating to dog fouling and fencing.

- Issues relating to drainage concerns on Bellway land had been conditioned for.
- Concerns regarding ballstrike, Risk Assessments and Sports England would need to be addressed by the Rugby Club when they submitted their application. This could not be addressed as part of the Reserve Matters being discussed today.
- The Council was restricted by what it could do in terms of policy when it came to considerations around the 'green' agenda, however, negotiations had been undertaken with the developer and would continue to be. A new Statutory Interim Climate Change Statement was in the pipeline, however, in itself it would not be able to provide targets.
- Solar panels would be erected on every dwelling and each property would have electric charging points. An energy plan also existed.
- A financial contribution towards a bus service had been stipulated at the Outline stage but was still a work in progress.
- A flat access route to Crediton could be provided across Rugby Club land but they would need to consider this as part of their application.
- Concerns regarding volumes of sewerage had been dealt with at Outline stage and was not relevant to Reserve Matters considerations.
- The application site was not in a 'neutrality' area.

Consideration was given to:

- The size of the proposed garages and whether those marked as double could actually accommodate two cars.
- Financial contributions towards education facilities.
- An increase in the number of proposed dwellings being larger than the number quoted in the Local Plan.
- The protection of trees was conditioned for.
- The scheme proposed a number of parkland areas.
- The plan showed all the locations for bin storage, the majority of which were in the back gardens.
- It was confirmed that the vast majority of chimneys would be cosmetic, however, some would be functioning. A condition requested that chimney stacks were located in key locations.
- The importance of the Rugby Club as a valuable community asset needed to be recognised.
- Highways considerations would address disability issues as would Building Regulations with the properties themselves.
- There was provision within the legal agreement that a management company would oversee, maintain and manage the green open spaces.
- It was confirmed that there was a lighting plan.
- the type of stone to be used in the building of the dwellings had been conditioned for so that it was locally sensitive.
- No concerns had been flagged up regarding street lighting at the Outline stage.
- It was the officer's opinion that this was a very good scheme of high quality.

It was therefore **RESOLVED** that approval be given for Reserve Matters subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C Collis)

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

Notes:

- Cllrs P J Heal, S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C Daw, R J Dolley, B Holdman, F W Letch, all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence.
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew some of the public asking questions at the meeting and was married to one of them.
- Mr Andrew Ross spoke as the agent.
- Cllrs E Lloyd and Mrs M E Squires spoke as Ward Members.
- Cllrs R J Dolley and F W Letch requested that their abstention from voting be recorded.

116 MAJOR APPLICATIONS WITH NO DECISION (02:43:00)

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

The Committee agreed that:

1. 23/00208/MFUL – remain delegated
2. 23/00073/MFUL – To Committee if officer was minded to approve – No site visit required
3. 23/00101/MARM – remain delegated
4. 23/00043/MARM – remain delegated
5. 23/00040/MFUL – remain delegated
6. 22/02374/MFUL – To Committee
7. 22/02386/MARM – To Committee if minded to approve

Note: *list previously circulated and attached to the minutes

117 APPEAL DECISIONS (02:53:00)

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

Note: *list previously circulated and attached to the minutes

118 PLANNING PERFORMANCE REPORT (02:55:00)

The Committee had before it, and **NOTED**, a report * from the Development Management Manager providing the Committee with information updating it on the performance of aspects of the planning function of the Council.

The following was highlighted within the report:

- This was a good news story with improved performance data.

- The presentation of information within the report had been revised to show all quarters as well as data with targets and without.
- The speed with which officers and applicants had worked to progress major applications had improved.
- Figures in relation to non-major applications also demonstrated how hard the officers had worked.
- By the end of March 2022, Mid Devon was the top Local Planning Authority for the South West.
- The quality of decision making had also improved.
- Vacancies were and had been advertised and recruitment was progressing well.

The Chairman requested that the Committee's thanks and appreciation of the officer's hard work be reported back to them.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 5.17 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 15th March 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	22/02220/MFUL - Variation of Condition 2 of Planning Permission 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure - Substitution of agreed drawings to incorporate revised site drawings at Land at NGR 283084 102432 (Fanny's Lane), Sandford, Devon. RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.
02.	22/00067/MFUL - Conversion of farmhouse and buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings (Use Classes B8, E, Sui Generis) at Wellparks, Exeter Road, Crediton. RECOMMENDATION Grant permission subject to conditions and the signing of a S106 agreement to secure.

Application No. 22/02220/MFUL

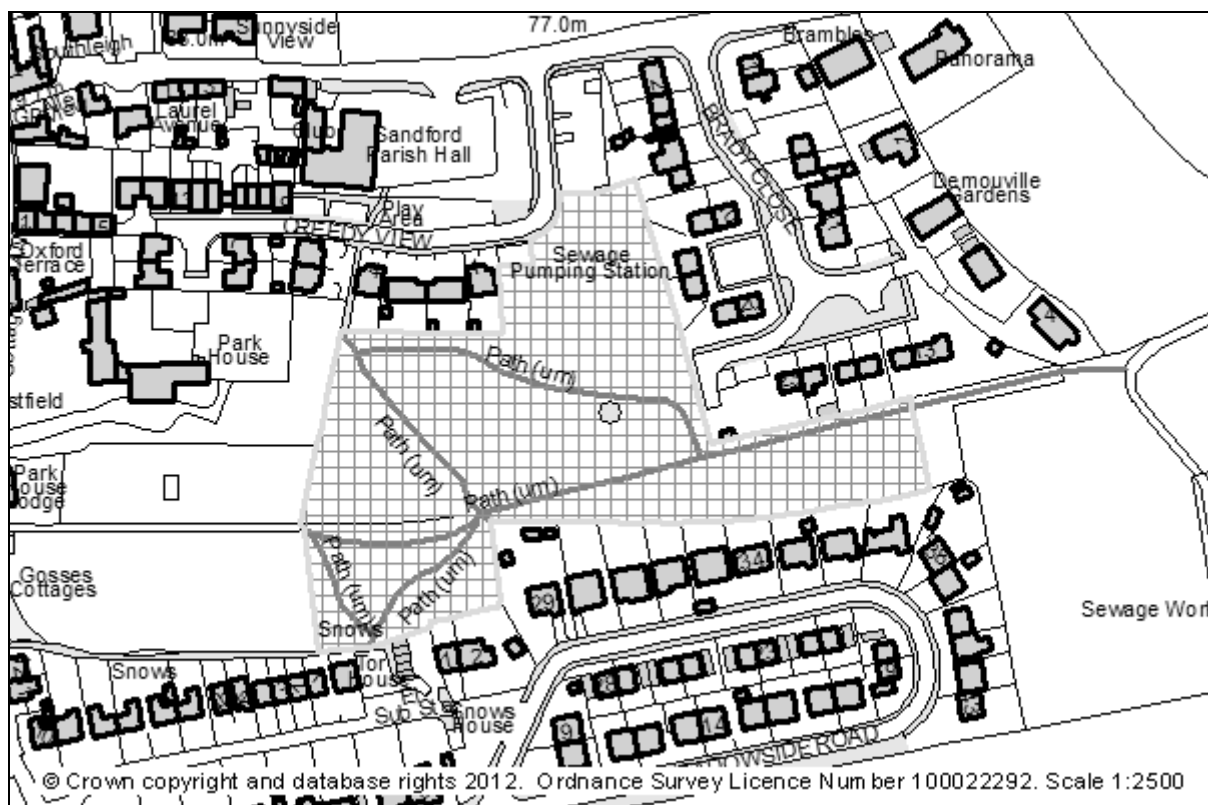
Grid Ref: 283067 : 102459

Applicant: Mr J Denno

Location: Land at NGR 283084 102432 (Fanny's Lane)
Sandford
Devon

Proposal: Variation of Condition 2 of Planning Permission 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure - Substitution of agreed drawings to incorporate revised site drawings

Date Valid: 17th November 2022



APPLICATION NO: 22/02220/MFUL

MEMBER CALL-IN

At Planning Committee held on 4 January 2023 at 2.15 pm agreed that:

1. 22/02220/MFUL – To committee to determine if officer recommendation was minded to approve with a full committee site visit required

RECOMMENDATION

Grant permission subject to conditions and the signing of a Deed of Variation for the S106 agreement under planning permission 21/00276/MFUL to ensure the planning obligations apply to this S73 application.

PROPOSED DEVELOPMENT

The application is for a variation of Condition 2 of Planning Permission 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure which relates to the substitution of agreed drawings to incorporate revised site drawings.

The changes predominantly relate to:

- Revised level changes on site (but not to the finished floor levels of the dwellings as previously approved)
- Stepped pedestrian access removed to south of the site
- Elevations of stone façade removed from house types and replaced with render (although certain elevations remain as stone facing)
- All roof coverings to be slate
- Brick plinths to building to become render plinths
- Single fence around the two drainage ponds

The initial plans submitted showed changes to the levels of the Public Right of Way (PROW) on site but this has been revised so that there would now be no change in levels associated with the PROW. Therefore this remains the same situation to the previous planning approval.

Members may recall that Planning Application 21/00276/MFUL for the erection of 13 dwellings to include associated landscaping, public open space and infrastructure on land at NGR 283084 102432 (Fanny's Lane), Sandford came in front of Planning Committee on the 8th September 2021 where it was resolved to approved subject to the completion of a S106 agreement which was done with the planning permission issued on the 4th April 2022.

The S106 agreement secured the following:

1. Three affordable houses in accordance with a scheme to be agreed with the Local Planning Authority.
2. A financial contribution of £44,340 towards funding improvements which seek to address air quality within the Crediton Air Quality Management Area in line with Policies S12 (Crediton) and CRE11 (Crediton Infrastructure) and the relevant guidance in the supporting SPD on the

provision and funding of Air Quality mitigation, whereby a financial contribution of £ 4,434.00 would be required for each new unrestricted residential unit created. A project has been allocated for provision and improvement of footpath and cycle links into and within the designated Air Quality Management Area.

3. A financial contribution of £5768 towards public open space provision in the Parish of Sandford in line with the requirements of Policy S5 (Public Open Space). This figure takes into account the public open space to be provided on site which has been subtracted from the off site financial contribution. The project which has been allocated for Improvements to Play Area including new adult exercise equipment at Sandford Play Area in Sandford.
4. Provision of on site public open space and details of Management Company to maintain the public open space in perpetuity.

The site is currently located inside of the settlement boundary for the village of Sandford and is outlined as an allocated housing site within the Mid Devon Local Plan 2013-2033 under Policy SA1 - Fanny's Lane, Sandford. This policy states:

A site of 1.5 hectares at Fanny's Lane, Sandford is allocated for residential development, subject to the following:

- a) 27 dwellings with 30% affordable housing;*
- b) Buffer strip of planting or open space to protect the setting of the listed Park House and Sandford Conservation area; and*
- c) Careful design and landscaping to protect views towards Sandford and the historic core around St Swithun's Church.*

APPLICANT'S SUPPORTING INFORMATION

Completed application form and plans

The supporting information for Planning Application 21/00276/MFUL included Plans, Planning Statement, Design and Access Statement, Ecological Appraisal, Arboricultural Report Flood Risk Assessment, Transport Statement, Waste Audit Statement, Heritage Statement.

RELEVANT PLANNING HISTORY

09/01870/MFUL – PERMIT date 17th August 2010

A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadows Road (Revised Scheme)

13/00498/MFUL - PERMIT date 13th February 2014 A mixed development of 12 open market houses and 7 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadows Road; retention and renovation and use for car parking (Revised Scheme)

13/00525/MFUL - DWD date 6th April 2017 Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for

the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)

14/00339/LBC - PERMIT date 20th May 2014 Listed Building Consent for repairs to stone wall and infilling of opening; repairs and re-rendering of block wall to include infill between piers; demolition and replacement of brick wall and repairs to estate fence

21/00276/MFUL - PERCON date 4th April 2022 Erection of 13 dwellings to include associated landscaping, public open space and infrastructure

22/01653/FULL - REFUSE date 22nd November 2022 Formation of vehicular access and erection of entrance gate

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S5 - Public open space
S8 - Infrastructure
S9 - Environment
S13 - Villages
DM1 - High quality design
DM3 – Air Quality and Transport
DM4 - Pollution
DM5 - Parking
DM25 - Development affecting heritage assets
DM26 - Green infrastructure in major development

Policy SA1 - Fanny's Lane, Sandford. This policy states:

A site of 1.5 hectares at Fanny's Lane, Sandford is allocated for residential development, subject to the following:

- a) 27 dwellings with 30% affordable housing;*
- b) Buffer strip of planting or open space to protect the setting of the listed Park House and Sandford Conservation area; and*
- c) Careful design and landscaping to protect views towards Sandford and the historic core around St Swithun's Church.*

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Sandford Parish Council – 18th January 2023

This Revised Planning Application was formally discussed at a Meeting of Sandford Parish Council, on the 4th January 2023, when it was agreed to submit the following comments

Open Space

" The space adjacent to the Western boundary, which shows a public walk way entering from Creedy View will be defined as a public open space. The local planning officer agreed that this be designated as a public open space as recently confirmed in relation to the refusal of the planning permission from Park House. This will protect the walk way extant from the corner of the plot as a local asset.

Proposed Footpath West side

The proposed footpath from the Furlongs Footpath up to the Parish Hall, against Park House, was fully discussed and after much discussion it was agreed that, due to the differing levels involved, this was not achievable. Instead Richard Spurway suggested, and it was agreed, that the Parish Council should request that a footpath "dedicated and recorded on the definitive map of public rights of way" be constructed from the Brady Close end of the development to link up with the new Estate.

Raised Manhole covers on the footpath below Brady Close

It was agreed that the manhole on the path would be dropped to the original ground level. The manhole between the two actuation ponds would be dropped to ground level as appropriate.

Furlongs Footpath (No 23)

At the site meeting the Developer suggested that the levels at the bottom of Brady Close be raised by up to 1.3 meters. The Parish Council were NOT agreeable to this proposal as it would completely alter the gentle flowing path and its original solid stoned base.

It was decided that they may allow a maximum of 300mm rise to fill in the hollow and Justin Denno (Developer) was to supply Cross Section plans to show this. However, the Parish Council at their meeting decided that they were not happy for any rise in the level of the footpath.

Having now just received the revised plans from Belfield Developments it is noted the final footpath height levels have remained the same as the previous plans, we stand by our decision to retain our original footpath level. At the site meeting it was also agreed not to allow any spoil to be spread to the south (below) the footpath as this could cause path water logging issues and pressure on the bank against the residential properties.

Built up Bank

The very high level of the Bank now formed between the footpath and new estate has caused much concern locally. We have been told these had been constructed in accordance with the Engineers calculations and will not cause any future issues. However we trust the concerns raised at the site meeting will be noted, and acted upon, to ensure the final bank formed are constructed to standards to alleviate any future potential slippage issues and set back from the footpath

Malcolm Vallance Sandford Parish Clerk 12 January 2023.

Lead Local Flood Authority – 2nd February 2023

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

Observations:

The applicant has noted on the Overview of Proposals plan (drawing No. 1445/P03; dated 11th November 2022) that below-ground features will be incorporated within the eastern POS. It is also noted on this plan that swales and above-ground drainage features will be included within the southern POS. The applicant should ensure that these features are depicted on the plans for the current application to discharge condition 11 (attached to planning permission 21/00276/MFUL).

Public Health – 17th February 2023

We have no additional comments to make regarding the proposed revision of plans.

Public Health – 6th December 2022

We have considered the application to vary the plans condition and do not anticipate any environmental health concerns.

Natural England – 30th January 2023

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Generic advice is provided in Annex A attached.

If this consultation request is related to nutrient neutrality and/or any of the conditions were requested by Natural England, please re-consult us, making it clear that this is the reason for the referral.

(Through planning application 21/00276/MFUL Natural England commented on the 19th April 2021 that they had no comments to make on this application).

Public Rights of Way Officer (D.C.C.) 28th February 2023

I have no further comments to make at this time. (Following receipt of amended plans showing PROW levels not to be altered)

Public Rights of Way Officer (D.C.C.) – 9th December 2022

I have made a site visit to Public Footpath No.23, Sandford, along with the Public Rights of Way manager and would like the following observations noted.

I have attached plans showing the legally recorded route of the above footpath, as the pictorial overview on the application details shows a slightly meandering "desire line". I have included extracts from the modern electronic layer, the 6" to a mile, which is the legal record, and the 1905 25" to a mile.

The legal line is fixed unless any changes are reflected in a legal order that is made and confirmed. It was noted that currently spoil has been deposited on the path, where there is an access route between houses Nos 1 and 3. This will need to be removed from the surface of the path. We also noted that there is a risen drainage chamber on the line of the path, which we

assume is on the pipe line to the ponds, south of the path. As there is significant room to pass this has little effect on the path and can be considered "de minimis".

On the applications details, the site sections directly on the north side of the footpath and below properties Nos 2-6 do not reflect the current gradients. Although the path is unaffected, is the bank going to be retained by hard engineering, or is it to be left at the current gradient, and if so, who will be liable should the bank slump onto the public footpath?

Devon County Council has been asked whether the level of the path could be raised using soil arising from the site. After consideration the Authority would not give permission, so the current levels must be retained.

Should planning permission be granted the applicant must ensure that the path is kept open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order. It should be noted a temporary closure cannot be seen as an alternative to adequate safety measures to mitigate risk to public users, and furthermore, the suitability of other routes would also be a consideration.

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

Historic Environment Team – 27th January 2023

Comments from Stephen Reed, Senior Historic Environment Officer

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

(The Historic Environment Team sent the same response earlier in the planning process also).

Devon and Cornwall Police – 31st January 2023

Re Variation of condition 2 (21/00276) Fannys Lane Sandford - 31 January 2023

Thank you for this application, there are no Police objections to the proposed variation.

Devon and Cornwall Police – 23rd November 2022

RE Variation of Condition 2 of Planning Permission 21/00276/MFUL, Land at Fanny's Lane Sandford - 23rd November 2022

Thank you for this application, having reviewed the relevant revised drawings, (layout and boundary treatments), I have no objections to the proposed variation of condition 2.

South West Water – 1st February 2023

I refer to the above Variation of Condition 2 and would advise that South West Water has no further comments to those made previously.

South West Water – 7th December 2022

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

Asset Protection

Please find enclosed a plan showing the approximate location of various public sewers in the vicinity. Please note that no development will be permitted within 3 metres of a sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Please click [here](#) to view the table of distances of buildings/structures from a public sewer.

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

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

Clean Potable Water

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

Foul Sewerage Services

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

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

www.southwestwater.co.uk/developers

Surface Water Services

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

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

South West Water – 21st November 2022

I refer to the above application and would advise that South West Water have no comments to make on the variation of condition 2, but advise that the advice contained within our letter dated 14th April 2021 (your ref 21/00276/MFUL) still applies, specifically the location of public sewers crossing the site (plan is attached for reference).

Highway Authority – 23rd November 2022

The County Highway Authority has no comment to make on the proposed changes.

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).

9 letters of objection were received. The objections have been summarised as follows:

- Concerns raised to the amendments proposed to Plot 7 and 10 Plans and Elevations 1445-305 HT_D2 Rev I).
- The dwelling in plot 7 has an overbearing impact, resulting in a loss of light and privacy to numbers 1 and 2 Creedy View.
- The new proposal is going to have more of an impact in terms of loss of amenity due to increase in noise, loss of visual amenity and privacy, than the original approved dwelling.
- The first floor window in the north gable wall of Plot 7 would overlook bedroom windows in neighbouring properties and garden areas, with an increase in noise.
- The site allocation was for 8 properties whereas 13 dwellings were approved.
- Due to the applicant wanting to change the 'handedness' of the property, the only proposed opening window in the bedroom would be the window facing the neighbouring property.
- There are two other very simple options which would fulfil building regulations: the most obvious is to change the large front bedroom windows from fixed to opening windows. The second option would be to change the fire rating of the plasterboard to make it either a 30 or 60 minute rated zone.
- The 'restricted opening' is only a catch (otherwise it wouldn't function as a fire exit) so there will be nothing stopping the neighbour from opening the window further than the 30 degrees stated and being able to see directly towards neighbouring property.
- The highly intrusive window is not needed at all; the bedroom has huge windows at the front of the property. These currently fixed windows could easily be changed to be opening windows, negating the need for an additional window facing our neighbouring property.
- Neighbours would experience great loss of amenity due to noise associated with proposed change in location of bi-fold doors (and large patio area).
- If the developer does not want to change the internal layout back to the original plan, we suggest they put bi-fold doors on the living room rather than the kitchen diner.
- There will be a loss in visual amenity due to proposed change in facade of North gable wall from stonework to rendering. Rendering is prone to unsightly algae growth and dirt accumulation due to age and weathering. The south facing wall is to have stonework so could be flipped.
- The original plan included an en-suite attached to this bedroom which had an opening window which could have been opened to allow fresh air and ventilation into the room.

- Revised plans include an opening kitchen-diner window on the ground floor with no privacy glass and a bedroom window on first floor with no privacy glass which has been moved to a more central location.
- Loss of amenity due to noise from air source heat pump adjacent to our hedge.
- Statement from site carpenters said that they had the revised plans around 6 months ago (July/Aug 2022) yet revised plans were only submitted on 21 Nov 2022. This demonstrates a flagrant disregard for the planning process, local democracy and affected parties.
- The boundary between Plot 7 and 2 Creedy View comprises an open fence and deciduous hedge which loses cover in winter.
- The proposed plan for another layer of hedge on the boundary is not sufficient to counter the loss of amenity incurred through the proposed revisions.
- Crucially, the ground floor window must be removed and glazing in the first-floor window must be obscured and non-opening and the air source heat pump relocated as agreed with the Planning Officer.
- The developers have removed a set of steps that would have given a shorter and safer route for schoolchildren and others passing through the estate.
- The amendments result in people having to walk further along the footpath which is often muddy and schoolchildren will have to walk across 7 driveways to get to and from school which could result in accidents.
- It is now proposed to enclose both drainage ponds in one large ugly fence limiting the space for walking in the so called public open space. A hedge would be better.
- The works which are seeking approval have already started.
- The originally approved permission should be enforced.
- Plans show the PROW to be raised with unwanted soil which should not be allowed. It would impact the surface of the walkway, impact on drainage and add pressure to existing banks.
- No section plan for the final level of the PROW has been submitted.
- The height levels on this development are already a shock to Sandford residents.
- The cross section plans submitted are misleading and do not show adjacent dwellings and gardens.
- The stability of land for 1 Creedy View has been impacted upon through banks and removal of retaining walls.
- Banking along the southern edge of the building site is proposed but also where the soil is obviously proposed to be spread over the proposed public open space.
- The removal of the public footpath retaining the historic path from Meadowside to the hall and school; the re-positioning of some buildings; the raising of levels so is more intrusive to its neighbours.
- The developers must be obliged to compensate neighbours and the whole village substantially for the deterioration of the environment caused by their un-permitted change of plans.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

- 1.1 The principle of this residential development on site was approved through planning permission 21/00276/MFUL. The development has commenced on this site and this application has been submitted in order to consider changes to the approved plans (condition 2). These relate to changes in site levels primarily within the garden areas for plots 1-6 and plots 11-13, the removal of the stepped pedestrian access to the south of the site, the change in materials where certain stone facades and brick plinths to be replaced by render, all plots are now to have slate roofs and for a single fence around the two drainage basins to the south east of the site instead of separate fencing around the two drainage basins.

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

- The removal of the stepped access in terms of accessibility of the site
- Changes to safety fence/rail around the drainage basins
- The design and appearance of the proposed changes to the approved development, including changes of ground levels
- The impact on amenity of neighbouring residential properties

Removal of Stepped Access

1.3 The original planning layout approved showed a stepped access to the south of the site running near to the Ha-Ha and another sloped pedestrian access further to the south east which provides for inclusive mobility given acceptable gradients. The stepped access originally shown was a heavily engineered structure having three platforms with the change in ground level from the top to bottom being 4.5m. Whilst the removal of the stepped access would mean pedestrians walking a little further (approximately 58m) along the Public Right of Way to enter the development at this access point, there would still be the two routes remaining for pedestrians to walk through the development to access the village hall or school.

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

1.5 The Local Highway Authority has raised no objections to the removal of the stepped access with a safe access inclusive for all still available for pedestrians. The main access into the site would be via the adopted highway of Creedy View and was acceptable in principle, subject to meeting the required width and alignment and visibility splays where the new estate road joins the adopted highway.

1.6 The Parish Council raised concerns initially to the loss of the footpath and enquired whether alternative solutions could be found. Following the site visit with the developer and representatives of the Parish Council, the response received was *'The proposed footpath from the Furlongs Footpath up to the Parish Hall, against Park House, was fully discussed and after much discussion it was agreed that, due to the differing levels involved, this was not achievable. Instead Richard Spurway suggested, and it was agreed, that the Parish Council should request that a footpath "dedicated and recorded on the definitive map of public rights of way" be constructed from the Brady Close end of the development to link up with the new Estate.'*

1.7 In light of the above, it is considered that the development proposed would provide a safe access, with pedestrians able to level the public right of way and enter onto a designated footpath. The accessibility and permeability throughout this development is considered to be in accordance with the above policies and guidance within the National Planning Policy Framework.

Changes to safety fence around drainage basins

1.8 Members may recall that when planning application 21/00276/MFUL was considered at Planning Committee, part of the resolution was to agree fencing around the drainage basins

given the concerns of Members about the safety of children when the attenuation ponds were full with water run-off.

- 1.9 The installation of and maintenance of fencing around the attenuation basins to mitigate harm to children was therefore required with plans submitted showing the installation of a post and rail safety fence around the attenuation ponds which would be maintained by the property management company to be set up to manage and maintain the public open spaces.
- 1.10 The drainage basins have been implemented on site and as a result of concerns about the area of land remaining between the two drainage basins and the change in ground levels, it was considered more sensible to provide a continuous fence around the drainage basins. As such 900mm high railings are shown similar to those which would be used within the residential development. It is considered that this proposal would be acceptable not resulting in a detrimental impact on the wider landscape, in accordance with Policy DM1 and S9.

The design and appearance of the proposed changes to the approved development including changes of ground levels

- 1.11 The original layout of the planning permission in terms of the position of the estate road and positions of the dwellings and garages has not altered, nor has the approved finished floor levels of the dwellings and garages. What has changed is the proposed levels to the surrounding garden areas, most notably to the residential properties backing onto the PROW. The approved plans showed terraces and more engineered retaining walls and stepped pedestrian link.
- 1.12 The proposed changes as shown on the submitted plans is to have a more natural finish to garden levels and more useable amenity areas for occupiers. Instead of terraces, the ground for the garden area would have a slope of 1 in 12 gradient providing a more useable area. As such there would be steeper banks down towards the PROW with a 1 in 2 gradient. Concerns have been raised by objectors and initially Sandford Parish Council to the bank to be formed between the footpath and new estate and whether this could result in landslides.
- 1.13 The applicant has confirmed that these banks would be constructed in accordance with the Engineers calculations and as such have been designed to be stable and not cause any future issues. Notwithstanding this, the developer would need to ensure that the final bank formed are constructed to standards to alleviate any future potential slippage issues and set back from the footpath. The changes proposed to ground levels across the site are considered to be acceptable not resulting in a significant detrimental impact on the surrounding landscape. A landscaping plan for the site has been approved with more hedgerows and trees to be provided.
- 1.14 Changes are proposed to materials to certain plots with all properties now to have slate roofs which was something Sandford Parish Council wanted to see as part of the original application given the location of the site adjacent to the Conservation Area and the roofing material of existing properties in Creedy View. The other changes to materials relates to the use of render for brick plinths and a number of elevations which were originally shown to have a stone façade to be changed to render. It is noted that it is proposed to retain stone facades on sides which would be more prominent in the estate.
- 1.15 These changes to materials do not result in an increase in the scale of development, nor alter the form significantly and would not result in a significant detrimental impact visually or in terms of amenity compared to the approved scheme. The amendments are not considered to be contrary to the development plan. The proposal results in a change to the external

appearance of certain dwellings within the residential development but these changes do not negatively impact the surrounding area nor do they erode the quality of the development originally approved.

The impact on amenity of neighbouring residential properties

1.16 A key consideration of these proposals relates to concerns raised by the occupiers of 1 and 2 Creedy View in terms of the impact on their amenity through works undertaken on site to date and the proposed changes to Plot 7. One of the initial concerns raised by neighbouring residents and Sandford Parish Council related to the impact on the stability of land given the works to the embankments next to no.1 Creedy View but on the site visit carried out, the applicant confirmed that this matter had been addressed through engineering surveys undertaken which the owner of No.1 Creedy View was aware of in order to confirm that the development was acceptable in terms of the stability of the ground. The Site Manager also confirmed that the Health and Safety Executive visited and viewed the works adjacent no.1 Creedy View early on in the development and raised no concerns.

1.17 The main concerns in respect to amenity however relate primarily to Plot 7 and the changes proposed. As result in the earlier committee report for the previous planning application, 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.

1.18 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 this dwelling (and those of the other dwellings approved) and orientation of windows is such that it is considered that the residential development has been designed to be in accordance with these two policies, with adequate separation.

1.19 Cross section plans have been provided which outline that plot 7 will have a finished floor level approximately 2m lower to the existing neighbouring properties along Creedy View and

the orientation is such that plot 7 will be side on to the rear of the existing neighbouring properties with adequate separation to prevent any overbearing impact. The distance between the property of Plot 7 and the rear of no. 2 Creedy View is shown as 12m which was considered acceptable.

- 1.20 Plot 7 is currently under construction and is differently handed to that of the approved plans under planning permission 21/00276/MFUL meaning that it is the mirror image to the approved plans whereby the east and west elevations have switched sides due to the change in floor layouts. As such when the plan for this plot was submitted it showed that there would be two windows in the side elevation facing the rear property of 2 Creedy View rather than a single obscured glazed window at first floor level and that there would be an air source heat pump on this gable end wall adjacent the boundary hedge. The wall material on this northern gable side is also shown to be changed to render painted white rather than stone as originally approved.
- 1.21 Following further negotiations, the air source heat pump has been relocated to the rear of Plot 7, further away from the properties of 1 and 2 Creedy View. The ground floor window proposed initially has also been removed. This thereby leaves a first floor window and it is proposed that this remaining first floor window is also to be obscured glazed and placed on restrictors to prevent the window from being opened fully unless in times of an emergency to allow for escaping a fire. Therefore the situation proposed with the north elevation of Plot 7 is similar to that approved in that there would be a single obscure glazed window which would be on restrictors at first floor level, the main change being that it is to be located approximately 1.5m further across, being more central rather than closer to one side.
- 1.22 The applicant has outlined that they want the window to be retained in this new position, being happy for the window to be obscure glazed and placed on restrictors to protect neighbouring amenity. As such, officers have to make an assessment on the acceptability of this new change but given that there was an existing window allowed at first floor level, it is considered that subject to the window being obscure glazed and with restricted opening, amenity would still be protected for occupiers of neighbouring property. A condition has been recommended to ensure that this window is obscured glazed and placed on restrictors to prevent it from being fully opened.
- 1.23 The other concerns raised by neighbours relate to noise implications and to the use of render instead of stone on the north elevation of Plot 7. With regard to the use of render, it is noted that there are other neighbouring properties which have rendered walls and as such it is not considered that the use of this material would be detrimental to the general design of the estate or the amenity of adjoining residential properties. As the southern gable wall is proposed to be stone faced whereas the northern gable wall is proposed to be render, the applicant was asked if they would consider switching. The applicant wants to stick with the current proposal for render to the north which they feel would be preferable as the white colour would reflect light better and contrasts better to the open sky. In addition, they would wish to see the stone wall on the southern side where it is more prominent in the street scene. It is not considered that a refusal based on the change from stone to render would be warranted in this case.
- 1.24 As to concerns of noise, objectors state that this would occur from the first floor window being able to be opened but that situation could have occurred under the previously arrangement for the plot. The other way noise would affect the neighbour is stated as being due to the patio doors being closer to the boundary with neighbours and the patio area in the garden but it should be noted that occupiers of plot 7 would be able to open rear windows and doors and have full use of the rear garden, so it is considered by officers that a refusal on the basis that there could be noise from occupiers accessing their property and garden would not

be justified on this ground. It should also be noted that there is Environment Health Legislation should a noise nuisance arise from an occupier of a neighbouring property.

- 1.25 With respect to overlooking, as noted the window in the side elevation is to be obscured glazed and due to the plot now being the mirror image, it is noted that the nearest first floor window to neighbours at the rear of Plot 7 would now be that of a bathroom window rather than a bedroom window. As such this would be obscured glazed preventing views sideways toward neighbours.
- 1.26 In light of the above considerations, whilst the previously approved arrangement for Plot 7 would have been preferable, on balance it is not considered that the changes proposed would result in a development contrary to policies of the Mid Devon Local Plan 2013-2033.
- 1.27 The recommendation is therefore one to approve the amended plans in light of the above considerations. The planning conditions have been amended from the previous approved planning permission to take into account that the development has now commenced on site and to the discharge of conditions relating to certain matters of the development of site under 21/00276/MFUL.

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 the decision notice. The date of this permission shall be taken as 4th April 2022.
2. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] [England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, AA, B, C, D and E of Part 1, Schedule 2 relating to the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or roof lights, porches and the provision of outbuildings, shall be undertaken within the dwellings curtilage for plots 6 - 13 without the Local Planning Authority first granting planning permission.
3. The materials to be used for all the external surfaces of the buildings shall be in accordance with the details submitted and approved under planning permission 21/00276/MFUL. These were for a slate Roof being Westland Grey Green, walls to be red sandstone, white render (Knauf Presto Regal Range Scratched colour 102) or timber cladding (Brimstone Ash from Vastern Timber). The development shall be carried out in accordance with the approved materials and shall be so retained.
4. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shown on the Detailed Planting Proposals, Drawing No.2437 01 B (notwithstanding changes made to amended site layout through this application) approved under planning permission 21/00276/MFUL shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any

trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

5. The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP), referred to as Issue No: Rev B, dated 24.05.2022, approved under planning permission 21/00276/MFUL. The CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway
8. Any dwelling constructed shall not be occupied until the access, parking and turning areas associated with that plot have been provided in accordance with the approved plans. Following their provision these facilities shall be so retained.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing by the Local Authority, and where remediation is necessary a remediation scheme, which is subject to the approval in writing of the Local Planning Authority.

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

10. No development hereby permitted shall be occupied until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment Weaver's Way Sandford 32002-BPC-ZZ-XX-RP-C-0000
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
 - (e) Evidence there is agreement in principle from South West WaterNo building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.
11. The development hereby approved shall be carried out in accordance with the recommendations and mitigation outlined within the Ecological Appraisal, dated February 2021 and produced by Richard Green Ecology Ltd. Prior to occupation of any of the dwellings

hereby approved, details shall be submitted to the Local Planning Authority to confirm the location of the ecological enhancement measures installed for the bird nesting provision and bat roosting provision as set out in the Ecological Appraisal.

12. Prior to the first occupation of the dwellings hereby approved, details of any external lighting within the application site shall be submitted, to and agreed in writing by the Local Planning Authority as part of a lighting strategy with external lighting installed in accordance with the agreed details. For the avoidance of doubt, new lighting on site shall be directed away from existing vegetation with any mature trees on site to be kept as dark as possible without compromising safety on site.
13. The development hereby approved shall be carried out in accordance with the detailed Waste Audit Statement approved under planning permission 21/00276/MFUL.
14. The engineering operations for the SUDs basins to the south east of the site shall be carried out in accordance with the approved details accepted under planning permission 21/00276/MFUL.
15. Prior to occupation of Plot 7, the first floor window in north elevation of said plot shall be glazed with translucent glass and fixed with restrictors. The window shall be so retained in this condition thereafter.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM1 of Mid Devon Local Plan 2013-2033
5. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.
7. In the interest of public safety and to prevent damage to the highway.
8. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with Policy DM1 of Local Plan 2013-2033.

10. The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including National Planning Policy Framework and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
11. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
12. To safeguard the amenity levels enjoyed by the occupiers of neighbouring properties and to protect wildlife in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
13. In order to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. It is noted that the current Waste audit Statement needs to explain a number of targets.
14. In order that the SUDS basins are structurally stable and to prevent any impact on the immediate occupiers of neighbouring property to the south.
15. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVES

1. The Public Health Team advises the applicant that with House types C1 and C2 the bedrooms are inner rooms with no primary safe means of escape in the event of a fire. Therefore they recommend that a proper hall is created at the foot of the stairs with access directly out of the property as the stairs currently descend directly to the living room which is considered to be a high risk area.
2. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence. Please contact Public Health at Mid Devon District Council on completion of proposal.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of residential development on this site was accepted through planning permission 21/00276/MFUL. The proposed changes to the previously approved development are considered to be supportable by Policies within the Mid Devon Local Plan. The access into the site to serve a

development of 13 dwellings is considered acceptable to the Highway Authority. It is considered that the overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape or significant harm to amenity of neighbouring occupiers. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation as proposed with drainage measures considered to be acceptable. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 13 new homes, of which three will be affordable dwellings weighs in favour of approval of the application as do S106 contributions towards public open space, air quality mitigation and on site public open space. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of Policies S1, S5, S8, S9, S13, SA1, DM1 and DM5 of the Mid Devon Local Plan 2013-2033.

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

Application No. 22/00067/MFUL

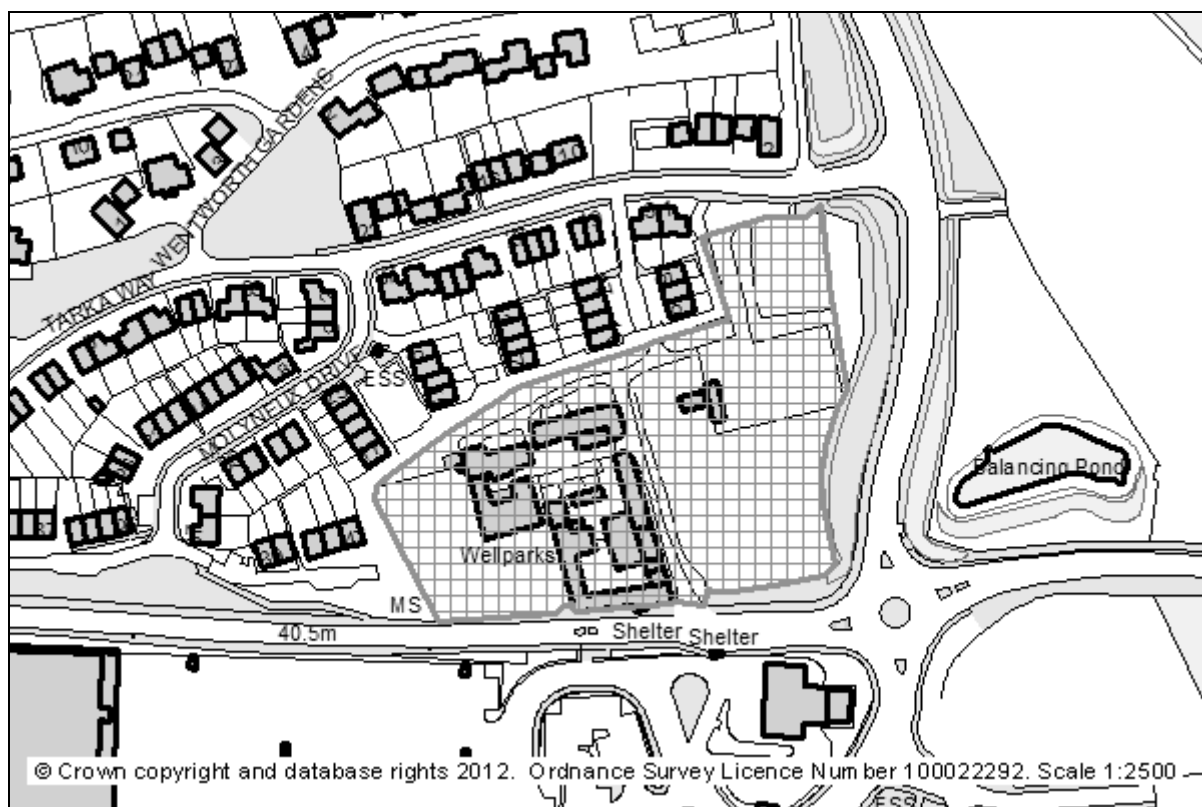
Grid Ref: 284416 : 99597

Applicant: Mr Spencer Popham

Location: Wellparks
Exeter Road
CREDITON
Devon

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

Date Valid: 15th February 2022



APPLICATION NO: 22/00067/MFUL

Site Visit: Yes Date of Site Visit: March and December 2022

REASON FOR REFERRAL TO COMMITTEE

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as it was called to committee by committee members on 02.03.2022.

RECOMMENDATION

For delegated Authority to be given to the Director of Place, Development Management Manager in consultation with the Chair and the Vice Chair of Planning Committee, to approve planning permission subject to conditions and s106 legal agreement following completion of the 21 day consultation period (to end 16th March) and subject to no further material planning considerations being raised.

SITE DESCRIPTION

The site measures 1.39ha and is located on the eastern edge of Crediton in the south-east corner of the Wellparks mixed use allocation. The site is to the south-east of the nearly complete Devonshire Homes site at Tarka Way.

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

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

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

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

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

PROPOSED DEVELOPMENT

Full planning permission is sought for the conversion of the listed farmhouse and model farm buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings amounting to 504sqm of floor space (Use Classes B8, E, Sui Generis). There is a concurrent listed building consent application to convert the farm buildings and farmhouse to dwellings: planning reference no. 22/00068/LBC. **Please note this will not be determined until Members have made a decision on the subject application and should Members vote in favour of the officer recommendation, then the associated LBC will also not be issued until post March**

16th. The listed building application contains the same plans as the current application in respect to the listed building.

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

The external public appearance of the proposed listed building conversion will be largely unchanged from the existing. The majority of changes will be to the inward facing elevations of the farm buildings re-using existing window and door openings and keeping new openings to the minimum necessary for a residential use. Three new terraced dwellings are proposed to the west of the farmhouse and will provide 'enabling development' to ensure the scheme is viable. The terrace would contain three 2-bed dwellings and has been designed to reflect the existing farmhouse; to be finished in brick and natural slate.

Some demolition is proposed to remove some of the later 20th century lean-to sheds and the piggeries. This would create a larger central amenity/parking area uncovering the earlier 'C' shaped plan.

The proposed commercial element would be located on the north eastern side of the site to be accessed from Tarka Way. Two commercial units are proposed in one block. Unit 1 & 2 would be located to the south of Tarka Way, to the east of no's 1, 5, 7 & 9 Tarka Way orientated north-south with their frontage facing westwards. Unit 1 would measure 391sqm and unit 2 113sqm with the building measuring 38m in length and 14m in width, with a mono-pitched roof 7-8.5m in height. The design of the units is typical of employment sites being steel portal construction. The commercial blocks would have composite cladding laid vertically or horizontally coloured grey or anthracite. Contrasting cladding flashings would be used at the window and door openings. Glazing elements would incorporate the entrance door to signify the access point. The proposed door and windows would be double-glazed, anthracite colour-coated aluminium frames. The eaves, gutters and downpipes will also be colour coded anthracite. The roof would be profiled composite cladding in a light grey.

Eleven dwellings are proposed to the south of units C1& C2 separated by a landscaped bank some 3m lower than the commercial units. The new dwellings have been designed to reflect the character of the listed Wellparks buildings by providing a design with the appearance of a range of converted barns. This element would comprise 4 3-bed dwellings and 7 2-bed dwellings. The range frontage would be approximately 46m in length, with units 7m in width, with eaves height measuring 4.8m to eaves and 7.8m to ridge height. The range would be finished in brick and natural slate to match the listed buildings. Access to the dwellings would be from the existing Exeter Road access which serves the listed buildings. The access, parking and amenity areas would be on the northern side of the dwellings. 21 parking spaces would be provided including 1 visitor space. Refuse collection point and cycle parking is shown at the entrance to this element adjacent to unit 11. Units 1, 9 & 11 would have secure cycle storage within their private gardens.

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

The engineering works proposed to provide the commercial units and parking and servicing include cut and fill reducing the levels adjacent Tarka Way road by approximately 2-3m to provide a level area and enlarged plateau to south. The commercial element would have 14 parking

spaces, including 2 disabled spaces and 5 EV charging bays, which would be located to the west of units 1&4. 3 cycles spaces and a bin store are shown to the northwest of unit C1. A small seating area is shown to the west of unit C2.

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

17.02.2023:

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

INFORMATION BASE

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

RELEVANT PLANNING HISTORY

16/00822/FULL - PERMIT date 21st July 2016
Reconfiguration of access and associated works
16/00876/ADVERT - PERMIT date 26th July 2016
Advertisement consent to display 1 non-illuminated pole mounted sign
19/01999/CLU - PERMIT date 27th January 2020
Certificate of Lawfulness for the existing use of building as dwellinghouse for a period in excess of 10 years
21/02250/MTREE - CLOSED date 15th November 2021
Miscellaneous tree search
22/00067/MFUL - PCO date
Conversion of farmhouse and buildings to 18 dwellings and erection of 4 commercial buildings
(Use Classes B8, E, Sui Generis)
22/00068/LBC - PCO date
Listed Building Consent for conversion of farmhouse and buildings to 18 dwellings
11/01497/DCC - DCCGNT date 12th February 2013
Regulation 3 application for the construction of a Link Road between the Wellparks roundabout on the A377 and the Commonmarsh Lane at the Lords Meadow Industrial Estate. The road will be constructed in a cutting, includes a new bridge and new junction will provided at the Lords Meadow Industrial Estate. Both Link Road junctions will be lit but the remainder of the Link road will not be lit. Some associated road and footway realignment, planting and drainage works are proposed. DCC granted conditional planning permission on 12 February 2013.
14/00830/MOUT - PERCON date 16th March 2016
Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space
21/00367/MFUL - PERMIT date 1st June 2021

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

22/00067/MFUL - PCO date

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

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

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

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

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

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

PROTECT: Proposed mixed use development

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

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

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

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

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

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

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

NMA - 18/01319/NMA

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

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

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

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

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

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

22/00067/MFUL - PCO date

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

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

Consent to display 2 no advertisement signs

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

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

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

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) - NON MATERIAL AMENDMENT GRANTED **10/01855/PE** - CLOSED date 22nd December 2010

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

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

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

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

PROTECT: Proposed mixed use development

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

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

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

Formation of new vehicular access

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

Formation of new vehicular access

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

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

22/00067/MFUL - PCO date

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

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

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

OTHER HISTORY

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

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

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

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

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

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013–2033

S1 – Sustainable Development

S2 – Amount and Distribution of Development

S3 – Meeting Housing Needs

S4 – Ensuring Delivery of Housing

S8 - Infrastructure

S9 – Environment

S12 – Crediton

CRE1 Wellparks

DM1 – High Quality Design

DM3 - Transport and Air Quality

DM4 - Pollution

DM25 - Development affecting heritage assets

DM26 – Green infrastructure in major developments

Crediton Neighbourhood Plan 2018-2033

D1 – Development principles

D2 – Sites allocated in the Mid Devon Local Plan as shown on the Adopted Policies Map for

D3 – Affordable housing

D5 – Design

T1 – Footpaths and cycle routes

E2 – Change of use of allocated employment land

H1 – Historic character

EN5 – Views and vistas

Additional historic building guidance:

Conservation Principles

HE GPA 3: Setting of Heritage Assets

HE GPA 2: Managing Significance in Decision Taking

HE GPA4: Enabling Development and Heritage (2020)

HE: National Farmstead Assessment Framework 2015

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

HE: Best Practice guidance: Adapting Traditional Farmbuildings 2017

HE: National Farmsteads Character Assessment

HE: National farm Building Types

HE: The Maintenance and Repair of Traditional Farmbuildings

Devon Waste Plan 2011-2031

W4 – Waste Prevention

National Planning Policy Framework

National Planning Policy Guidance

CONSULTATIONS

The following consultation responses contain responses from consultees on both the initial scheme which was revised and now the subject of this application. Not all consultation responses have been received at the time of the report being written and as such, any updates will be provided to members prior to the committee.

CREDITON TOWN COUNCIL

17.03.2022:
No objection.

13.02.2023:

There is concern about the impact of the commercial development on the Grade 2 listed farmhouse and outbuildings and there would be a loss of significance of the heritage asset, contrary to NPPF policies and Crediton NP policy H1. Councillor Brookes-Hocking referred to the concerns raised by Historic England related to the severing of the farm from the estate by the construction of Well Parks Hill. The view of the farm would be obscured from the east by the height and position of the commercial development that was planned to be next to the historic asset. It was felt that this damaged the significance of the Grade II asset contrary to the NPPF and Crediton NP Policy D5. It was commented that the view approaching Crediton would be spoilt by the height of the industrial buildings and did not contribute to the Crediton eastern gateway site at Well Parks roundabout.

Travel Assessment

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

Manual for Streets

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

Where does this development provide investment in the leisure network?

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

Car Parking

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

What it does not cover is the safety requirement of these vehicles as set out in Principle 6 of the plan – “A car or other vehicle is a significant asset which if stolen or damaged can have a significant financial impact on the owner and a dramatic impact on the way in which users live their lives. Owners are therefore justifiably concerned about the security of their vehicles and whilst also wishing to park conveniently close to their property. This can lead to cars being parked partly on footways close to a property rather than in isolated parking courts. It is therefore important to ensure that a vehicle can be seen from the property when in a main habitable room of a house, such as a kitchen or living room, where there can be frequent observation of a vehicle if required.” I have not seen anything mentioned about the last point on the provision of cabling to 40/50% of the parking provision.

Cycle Parking

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

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

Facilities for Cars

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

In a utopia people read and do as directed by signs but given the reduced splay and the lack of any changes to the junction between Wellparks and Tarka View do the developers really believe

as per 6.10 that “will be controlled by signage and road narrowing with associated planting....” will really be adequate?

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

Emergency Access

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

Traffic impact

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

Travel Plan

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

HISTORIC ENVIRONMENT TEAM - 03.03.2022

Comments from Stephen Reed, Senior Historic Environment Officer

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

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

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM25 (2020), that any consent your

Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

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

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

I would envisage the programme of work as taking the form of an appropriate record of the historic building as well as any architectural features, fixtures and fittings affected by the development. This work would be undertaken in advance of any conversion works and supplemented, if required, by observations made during the development. The results of the historic building recording work and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and any finds and archive deposited in accordance with relevant national and local guidelines.

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

Highway Authority – 20.06.2022

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

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

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

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

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

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

Highway Authority 13.07.2022

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

Therefore the County Highway Authority has no objections

Recommendation:

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

Subject to 2 conditions:

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

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with

confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Economic Development Officer

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

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

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

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

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

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

DCC - EDUCATION - 04.03.2022

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

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

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

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

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

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

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

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

DEVON, CORNWALL & DORSET POLICE –

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

PUBLIC HEALTH - Contaminated Land -

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

Air Quality - A detailed air quality and odour report has been submitted by SLR consulting dated October 2021. The report concludes that there will be no unacceptable impact on air quality from transport sources. However there is potential for odour from any proposed food business in the commercial units to impact on new and existing residences. Comprehensive recommendations are contained in the report and these should be followed in full. We recommend a condition along the following lines in order to ensure that this is done: 'The recommendations in the report by SLR Consulting dated October 2021 with respect to odour control from any commercial food business shall be implemented in full and maintained throughout the life of the occupation. Reason: to protect the amenity of nearby new and existing residents from unacceptable odour.' - 04.03.22

Environmental Permitting - Not applicable, no B2 or equivalent uses proposed - 04.03.22

Drainage - No concerns, the development will be connected to the main sewer - 04.03.22

Noise & other nuisances - A comprehensive noise report has been submitted by SLR Consulted dated October 2021. The writer has established the existing daytime and nighttime background noise levels in the vicinity. Recommendations relating to the standard of glazing and ventilation have been included in order to ensure that acceptable internal noise levels are achieved.

Calculations show that the external amenity areas will be below the upper guideline value of 55dBa and we agree with these conclusions. The writer recommends that the sound rating level of any plant or equipment should not exceed the background noise level during the day or at night, and that the cumulative noise level should not exceed 38dB during the day, or 35dB at night, at the façade of any residential property. We agree with these recommendations and suggest that a condition along the following lines should be included on any approval: 'The recommendations contained within the noise report prepared by SLR Consulting and dated October 2021 shall be implemented in full and maintained throughout the life of the commercial development. Reason: to protect the amenity of new and existing residents from unacceptable commercial noise.'

No working hours for the commercial units are stated, and in fact the application form indicates that this is not applicable. We do not agree with this and in view of the very close proximity of residents we recommend that this commercial area is not suitable for 24 hour working. We do appreciate that some of the businesses may provide a service into the evening and therefore recommend that the following working hours condition is included on any approval:

'The commercial units shall operate only within the hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays. Reason: to protect the amenity of new and existing residents.' SEE LIGHTING comment below - 04.03.22

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

1. Site and building lights should be mounted on low level, low height columns.

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

Housing Standards - No comments - 18.2.22

Licensing - No comments - 18.2.22

Food Hygiene - Not applicable - 18.02.22

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

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

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

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

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

FLOOD and COASTAL RISK MANAGEMENT TEAM

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

Observations:

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

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

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

Infiltration test results should be submitted.

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

LLFA 10.05.2022:

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

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

NATURAL ENGLAND - 08.03.2022:

Natural England has no comments to make on this application.

WASTE and TRANSPORT MANAGER - 04.03.2022

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

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

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

However, the following points need to be addressed:

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

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

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

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

MDDC Consultant Conservation Officer - November 2022 (comments related to previous scheme):

SUMMARY

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

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

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

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

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

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

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

SIGNIFICANCE/SETTING/CONTEXT

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

COMMENTS

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

New Build

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

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

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

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

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

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

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

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

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

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

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

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

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

- The gradient of the land being inappropriate to accommodate the car parking as originally indicated, lower down the slope.
 - However, considerable earth movement is already being undertaken on the site and there has been no justification as to why if necessary, a tiered/terraced parking area linked by modest ramps could not be employed as have been used in other locations.
- The area allocated for the commercial plot is now smaller
 - However, again any reduction would appear to be minimal and not to be immediate evident or to preclude the use of a similar layout to the indicative.
- There having been no demand for smaller units.

Whether there has been sufficient advertising to thoroughly justify this:

- I.e: use of appropriate agents, method of advertising/promotion, timescale for the length of advertising campaign, advertised at a reasonable/comparative marketable lease/rental fee, acceptable evidence of customer enquiries (names, contact details, level of discussion, any offers, reason for outcome of each enquiry)

Is a matter for the case officer.

However,

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

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

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

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

- The submitted Option’s Appraisal reinforces this by ruling out a number of layouts involving these large scale units, due to views and extent of earth movement required.
 - The latter is however questioned, due to the extensive landscape/gradient changes being undertaken on site at present lower down the slope.
- That the 3D illustrative images no longer accurately reflect the appearance of the site due to extensive earthworks having been commenced within and to the boundary.
 - Presently, views into the site are more restricted from the roundabout and from Wellparks Hill due to:
 - The lower level of the roads, particularly in the Wellparks Hill cutting.
 - The hedge line along Wellparks Hill now relatively established.
 - The recent high earth bund along the A377, which now obscures the original views of Wellparks Farm on the approach into town.

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

As such,

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

The following should also be noted:

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

- Which can provide large internal open-plan floorspace but from the exterior appear to be composed of a number of attached built elements incorporating more traditional and differing roofing forms, building lines and mix of materials, that help to mitigate massing and scale.

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

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

MDDC Conservation Officer - March 2023 relating to scheme subject to this application

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

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

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

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

Historic England - 17.11.2022 (comments relate to the original scheme for 4 commercial units)

Historic England Advice

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

Significance of Wellpark Farmstead

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

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

Impact of the proposed development

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

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

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

Historic England's Position

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

Opportunities should be sought, through discussions between the council and the applicant, to identify a less harmful solution, seeking a reduction in mass and scale as demonstrated through the outline consent (NPPF, Para 195).

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

REPRESENTATIONS

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

Revised scheme February 2023:

1 representation objecting:

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

1 letter of support:

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

Officer comment: many of the objection representations received supported the conversion of the listed farm buildings.

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

- Application exceeds the demand as set out in local plan for CRE1. 185 dwellings will soon be complete on the Tarka View development, without the need for a further 18. There are also considerable alternative plans being made for Crediton to have a sufficient housing need without the conversion of the farm.
- There are numerous empty commercial properties on Lords meadow Estate just up the road that need to be filled first before considering building new ones here.
- Marketing was undertaken during Covid.
- The revenue projections of over £1m are dubious. We have several hardware stores and bakeries in Crediton that are independently owned, and the revenue won't be generated from these places, but taken from existing local businesses. Where was this figured calculated.
- Loss of trees that well rooted trees that will impact the local habitat and species, Harm to bats including the planned preservation of the bats within the farmhouse. With regards to the commercial buildings.

- The commercial outlets will not provide the sustainable future and proposed benefits to Crediton and will harm the vitality and viability of the Town centre and other existing local businesses. These jobs will not provide high skilled employment.
- Increase traffic flow onto the link road and risks negating the Air Quality Improvement Plan
- No consideration is given to the estimated losses expected by surrounding business in the Economic Impact Statement.
- I question why the proposed redevelopment of the barns into commercial properties was unsuccessful (planning statement 2.7). Given the timing of the marketing was at the start of the COVID-19 pandemic, the shutdown and uncertainty of business may have influenced uptake to utilise these buildings as commercial outlets;
- Harm to highway safety. An already busy junction that requires better access and traffic management not additional traffic and commercial deliveries too, local businesses will also be adversely impacted.
- Highway safety concerns of pedestrians and cyclists using the access from Tarka View to Exeter Road.
- Safety concerns for the residents of Tarka view housing development. The road, the only road, that will be used to access the development is very narrow and will be used by hundreds of people a day as well as traffic from the proposed new shops
- Query the TA statistics and Trics data analysis.
- Visitor parking is not addressed which will results in extra on street parking.
- Detrimental effect on the amenity of neighbouring properties from deliveries, commercial business traffic and business noise will severely impact residents. The planning use class proposed are incompatible with residential areas.
- Commercial properties will add a considerable volume of traffic, adding to noise, pollution, and making access more difficult for existing residents and their visitors.2) Noise/disturbance from premises. The premises proposed are likely to operate 7 days a week and for extended opening hours, e.g. 8-8 or even 7-10. They are located a very short distance from the nearest housing and will thus subject residents to noise and disturbance for virtually all waking hours.
- Harm to the character and appearance of the area; Design guidance should be sought from the SW Design Review Panel. Commercial units poorly designed which do not reflect the local context; Design out of keeping with the area and existing development.
- Harm to the setting of the listed agricultural buildings
- Proposed Elevations Eastern Barns - Units B5-B7 does have levels and it has been possible to deduce from it and Drawing No. PO1 that the eaves of Commercial Unit 4 will be five metres higher than the eaves of Wellparks Barn B5 which is located less than ten

metres away. This, it is suggested will seriously compromise the setting of the Wellparks Barns.

- The existing "spoil heap" is not intended to be a temporary feature but in fact forms an integral part of the proposals. Heritage statement therefore needs updating.
- Carbon Reduction Strategy provides no energy calculations (SAP or SBEM results) to back up its paragraphs. No details on how the dwellings or commercial units will follow 'The Energy Hierarchy' to reduce carbon.
- No affordable housing proposed.
- Fear of unsocial behaviour
- There is also the problem as seen and heard at the Tesco car park of youths congregating in cars driving dangerously at night. In my opinion this would more than likely happen on the new development causing a nuisance and enhancing danger to local residents.
- Greggs will contribute to increased rubbish and waste littering.
- There are numerous empty commercial properties on Lords meadow Estate just up the road that need to be filled first before considering building new ones here.

1 representation has been received supporting the application:

- The site has been vacant for some time now. Redevelopment of this site is long overdue. Any new business that can be attracted to the town through this development is very welcome.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Principle of development

- 1.1. Policy S1 sets out sustainable development priorities for the District including the need for appropriate infrastructure. Criterion (h) of Policy S1 requires development to provide good

sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. Policy S2 directs most development to the main towns and policies S3 and S4 set out the housing requirements and targets for the District.

- 1.2. Policy S12 envisages that Crediton will, *'develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the existing retail provision. Proposals will provide for approximately 786 dwellings, of which 220 will be affordable, and 14,700 gross square metres of commercial floorspace over the plan period.'*
- 1.3. Policy S12 goes on to state that the *'following development will be supported over the plan period:*
 - a) *Proposals which support the economic regeneration of the town centre, including the provision of new homes, commercial development, cultural facilities and other key town centre uses which support the town centre's viability and vitality. Particular support will be given for proposals which improve the quantity and quality of existing retail provision within the town centre. All proposals within the town centre will need to play a positive role in sustaining and enhancing the significance of the area's heritage;*
 - b) *Proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and **Downes (my emphasis);***
 - c) *Continuation of measures to support the implementation of the Crediton Air Quality Action Plan, including enhanced walking and cycling opportunities around the town;*
 - d) *Enhance the tourism facilities and visitor role of the town and surrounding area; and*
 - e) *Community and education facilities and other infrastructure to support the development proposed, including green infrastructure.*
- 1.4. The application site forms part of housing and employment allocation CRE1 (Well Parks) which states:

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

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

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

have an impact on the rural views to the south of the town, requiring careful design and mitigation.

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

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

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

- 1.5. Policy CRE1 seeks to provide 2,220sqm of commercial floorspace in the southeast corner of the allocation. Wellparks is not explicitly mentioned but forward planning officers have confirmed that this refers to the farm buildings, farmhouse and associated land to the west and the area of former farmland land on its eastern side.
- 1.6. Wellparks was first allocated in the 2013 Mid Devon Core Strategy. The previous local plan policy that related to Wellparks was Policy AL/CRE/1 & 7. Its associated notes state that: *'Wellpark is a group of substantial buildings adjoining the A377 and opposite the new Tesco development that were originally part of Wellparks Farm. These buildings are suitable for conversion for employment uses, but this will need to be done with care as a number of them are Grade II Listed. The design of the development will need to respect this character. In addition, some new build can be achieved on land between the proposed road and these buildings and on the site of a former steel barn.'* Policy AL/CRE/7 (Wellparks) specifically allocated the listed farm buildings and land to the east for commercial development for circa 4150sqm.
- 1.7. In 2016 planning permission 14/00830/MOUT was approved for 1935m2 of employment uses but this outline did not include the listed farm buildings. The proposed commercial development was located to the northeast of the listed buildings on the site of a former steel shed and on land beyond to the north and east. This commercial element did not form part of a reserved matters application and has lapsed.
- 1.8. When the current 2013-2033 local plan was being assessed the Strategic Commercial Land Land Availability Assessment (SCLAA) panel reduced the yield to 2,220sqm. The notes from the panel meeting state that the allocation is achievable at a lower amount of floorspace than the existing allocation due to concerns regarding the impacts on the listed buildings, the potential constraints using the existing buildings and also because Crediton has only local employment needs and no need or demand for major employment growth.
- 1.9. Policy E2 of the Crediton Neighbourhood Plan (CNP) Change of use of allocated employment land states that the change of use of allocated employment sites will not be supported unless it has been demonstrated that there are available employment sites in the area and the site has been marketed at an appropriate price for at least 18 months.

- 1.10. These grade II listed model farm buildings, which are in a good state of preservation, are on the Council's building at risk register. Despite this they appear to be in a relatively good state. Although their condition is degrading and they have been subject of some vandalism they are generally water tight and break-ins have been secured by the owners and the site is fenced off.
- 1.11. Marketing details have been submitted which indicate that the farm buildings and land was marketed for a period in excess of 2 years from 2019 for B1, B2 & B8 uses. The site is still being advertised on Alder King (property consultants) website. Over the two year period it is stated there was only one interested party for an employment use for the barns but they did not proceed with the purchase. It is also stated there was interest shown in converting the listed farm buildings but only for residential conversion rather than commercial use. Much of the marketing was undertaken during the pandemic, which has been raised as a concern in representations. However, this should not be discounted. It is not particularly surprising that a group of listed buildings, on the edge of the settlement, that require substantial upgrading would not be successful in attracting a purchaser for a commercial use. In many cases a residential use will be the optimal viable use. It is understood that there has been interest in the new build commercial units including Screwfix, Howdens and Greggs. No evidence from these companies has been provided to confirm that these users are interested or committed to this site.
- 1.12. It should be noted that despite the suggestion in the DAS that units 1 & 2 have committed end users, this is not a material consideration given that the LPA has no control of who may or may not commit to the site. The application proposes B8, Class E and suis generis uses; however officer assessment considers that suis generis is too broad and to protect the amenity of residents it has been decided to restrict the use of the commercial element to use classes B8, and E only.
- 1.13. A viability assessment accompanies the application which concludes that the scheme cannot provide affordable housing but is capable of providing a contribution towards education £68,388 and towards a town centre contribution requested by the council's economic team. At the time of writing, an independent viability assessor is appraising the applicant's assessment; an up-date will be provided to committee. The viability assessment also needs to clearly demonstrate that the proposed enabling development is the minimum necessary to make the listed building conversion financially viable.
- 1.14. The Council's Forward Planning team and Conservation Officer have both concluded that the use of the farm buildings and farm house for residential purposes rather than the allocated commercial use is in this instance acceptable, despite conflict with allocation Policy CRE1 and CNP Policy E2, given the acceptable marketing exercise, which showed no commercial interest, and the benefits of bringing back to use grade II listed buildings on the Council's Listed Buildings at Risk Register. It is considered that a residential scheme is likely to be the optimal viable use for the buildings. For these reasons, the residential use, despite departing from Policy CRE1 and E2, is considered to be acceptable subject to compliance with the other criterion within the policy and other relevant policies and national guidance. As regards CNP Policy E2, in particular demonstrating there is other available employment land,

it is understood that there are other sites that could compensate for the part loss of commercial space e.g. consented site at Station Road, Crediton.

- 1.15. As originally submitted the scheme proposed two additional commercial units amounting to 1342sqm. The location of these large, bulky, composite clad commercial units on raised ground would have significantly harmed the setting of the listed building and the appearance of the area, which amounted to overdevelopment of the site. Following concerns raised by officers and Historic England the scheme was amended several times to a degree where officers considered it was more acceptable. However, following a briefing with members of the committee in January, concern was still raised regarding the commercial element, and upon discussing this with the applicant, it was agreed to remove more commercial units and develop a residential element to ensure the viability of the remaining commercial element. Officers consider that this is an acceptable approach and the best outcome for the site. The site is within the settlement boundary of Crediton therefore residential development is considered to be acceptable in principle.
- 1.16. As for the proposed commercial element, this is in principle acceptable in accordance with policy CRE1, subject to other criteria and planning policy considerations. Policy CRE1 does however seek 2,220sqm of floorspace. The proposed 504sqm falls significantly below this. However, it should be noted that the floorspace of the agricultural barns and farmhouse it is proposed to convert to residential amounts to 1728 sqm. This is an area of floor space that could conceivably be used for commercial development as envisaged in the allocation policy. This would have left circa 500sqm on land to the east of the farm buildings; which accords with the 504sqm of commercial floorspace now being proposed.
- 1.17. It should be noted that the Council's forward planning team have recently undertaken an Employment Land Monitoring Review of the District which concludes that the Council is meeting and exceeding the requirements of strategic Policy S2 which requires 147,000sqm of commercial floorspace comprising a range of employment-generating uses in the period 2013 – 2033. The total completed and committed employment floorspace (B space and Class E office, research and development, light industrial) is 175,929 sq m.
- 1.18. Three terraced 2-bed dwellings are proposed on the western side of the site. These are 'enabling development' required to ensure the viability of the listed building conversion. As originally submitted 18 dwellings were proposed within the barns and farmhouse but officers raised concerns that this was excessive subdivision harmful to the significance of the threshing barn. As a consequence the subdivision had been reduced to 17. This reduction in units, combined with increased costs of materials etc, has made the conversion unviable and hence the need for the enabling development. Officers consider this approach to be acceptable in principle. This will be discussed further below.
- 1.19. In summary, it is considered that whilst the proposed scheme does not fully accord with the allocation, there are strong material considerations, in the form of heritage and quality contextual design that make the principle of the scheme acceptable in principle and weigh in favour of the grant of planning permission.

2. Character and appearance

- 2.1. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan policies. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy CRE1 which requires that the layout, design and landscaping reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of the listed buildings at Wellparks. CNP Policy D5 (Design) states that development should have regard to the Crediton design Guide, be locally distinctive complementing local traditional housing design, using materials which reflect and complement existing development, demonstrating how they relate to the existing built environment and make a positive contribution to townscape especially when impacting on heritage assets. CNP Policy EN5 (Views and vistas) requires that views from Downshead are not harmed by development.
- 2.2. The site measures approximately 1.39ha in size and is land that forms the south eastern part of mixed use site allocation CRE1. It is located adjacent to the new link road (Wellparks Hill) on the eastern edge of Crediton and forms the eastern gateway to the town. The site is bound to the west and north by residential development being completed by Devonshire Homes as part of the wider allocation. Immediately to the north is Tarka Way which serves the residential development. To the east is the Wellparks Hill and to the south is Exeter Road (A377). The site slopes downwards approximately 11m from north to south.
- 2.3. The western side of the site contains the listed farm buildings and farmhouse, associated garden and the access track from Exeter Road. The model farm buildings form two courtyards and are constructed in brick, with some timber infill, slate and corrugated metal roofs. There is a cob wall along the western boundary. There is a native hedgerow on a retaining wall along the southern boundary with Exeter Road.
- 2.4. The eastern side of the site is land that was agricultural which contained a number of small agricultural buildings. It currently houses a Devonshire Homes compound on its northern side. To the south, until recently, there was a large amount of excavated soil from the adjoining housing site which Devonshire Homes have stored on a temporary license with the land owner. The existing plateau (minus the spoil heap) to the north east of the farm buildings, and partly housing the construction compound, did until relatively recently contain a steel clad farm building and a number of other small single-storey agricultural buildings. These were located close to the northeast corner of the listed farm buildings but no further southward than the main entrance into the courtyard.
- 2.5. The proposed conversion of the listed buildings to residential is supported in principle. The proposed external changes from public views would be minimal. Securing the long-term use of these buildings and bringing them back into use would be an enhancement to the appearance of the area.

- 2.6. The site forms the gateway into the town from the east and is the first view as one enters Crediton. Although there is existing commercial development on the southern side of the Exeter Road, it is set back and at a lower level.
- 2.7. As originally submitted officers raised concerns that the proposed commercial units 3 & 4 would be harmful to the character and appearance of the area which would be contrary to policy DM1 and criterion d) of policy CRE1. As regards layout and landscaping, it was clear that the scheme has been developed to maximise development for viability purposes rather than demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. The change in the land profile to form the build level with units 3&4 located on the plateau edge would have created the new gateway into Crediton from the east. This would not have been a positive change and would appear as incongruous and overbearing and would not reflect or enhance the visible or sloping nature of the site. The overbearing impact of the commercial units would also be seen in views from the west and south and some views to the north from Wellparks Hill.
- 2.8. As a consequence of raising these concerns the applicant has fully engaged with the LPA and has sought to mitigate the identified harm whilst ensuring that the scheme is still viable; and therefore likely to be built. Units 3 & 4 have been replaced by 11 dwellings in the form of a range of barns to reflect the listed estate farm buildings. Subject to a condition to ensure high quality materials the proposed dwellings are considered to be acceptable.
- 2.9. The proposed landscaping scheme will also help to successfully mitigate the visual impacts of the remaining commercial element and the existing housing development by providing tree and hedgerow screening on the norther boundary, eastern boundary and between the commercial and new dwellings. The remaining former farmland will be left largely open and will become an orchard.
- 2.10. It is considered that the proposed development constitutes high quality design in accordance with development plan policies S1, S9, DM1, CRE1 and CNP Policy D5.

3. Heritage

- 3.1. Policy S1 of the Mid Devon Local Plan seeks to conserve and enhance the historic environment through protection of heritage assets and by assessing the impact of new development on historic character. Policy S9 requires the protection of listed buildings, conservation areas, scheduled monuments and local heritage assets. Policy DM25 requires proposals likely to affect the significance of heritage assets to consider their significance, character and setting, and to examine opportunities to enhance them.
- 3.2. The National Planning Policy Framework affords great weight to the conservation of heritage assets and requires that any harm arising from development must be clearly justified. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 3.3. Para 197 states that *local planning authorities should take account of:*
(a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
(c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 3.4. Para 199 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..*
- 3.5. As with any LBC submission or related planning application, opportunity should be taken to better reveal the special architectural character and historic interest of a listed building. The Grade II farmhouse is the main heritage asset on the site and its primacy should be respected.
- 3.6. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area.
- 3.7. Criterion (d) of Wellparks policy CRE1 states that development must provide a, 'Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of Downes Historic Park and Garden and respect the character and setting of the listed buildings at Wellparks and Downes House'.
- 3.8. Policy H1 (Historic character) of the CNP requires that designated heritage assets and their settings are protected.
- 3.9. The application is accompanied by a Heritage Statement (additional 26.5.22 & February 2023) and Heritage Statement Addendum, Schedule of Works report and Response to Listed Building (Conservation) Officer (additional 26.5.22) & Structural Report & Supporting Sketches. The additional heritage documentation has been submitted following concerns raised by officers regarding the impacts of the development on the significance of the heritage asset and its setting.
- 3.10. The evidence base for the adopted local plan and the Wellparks allocation states that, *'The built assets affected are the Wellparks Grade II listed extensive farmstead which is adjacent to the site and in the same ownership. The proximity of the development close to this sensitive and once rural farmstead is such that there is considerable cause for harm to the setting of the farmstead. This site now has outline planning permission. Historic England were involved during negotiations, from which mitigation was included, via a condition attached to the planning permission requiring the submission of a Heritage Asset Setting Protection Statement as part of the information to accompany the future reserved matters application.'*
- 3.11. The previous policy related to Wellparks was Policy AL/CRE/7. Its associated notes state that:

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

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

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

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

on the east side. The north range consists of a 3-storey block. On the first floor a lofted barn, built into the slope of the land, with the remains of a horse engine house to the rear (north) with granite columns. The ground floor of the front elevation (under the threshing barn) has 2 windows at the left end and 4 segmental headed doorways to the right, with 2 storeys of doors and windows above. A slot in the right (east) end of the barn has a shaft for driving machinery, presumably from a steam or petrol mechanism. A particularly large and grand example of a planned farmyard, unusual for Devon.

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

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

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

The commercial units

- 3.25. The proposed commercial element is on land to the north-east of the listed model farm comprising two buildings each containing 2 commercial units accessed from Tarka Way.

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

proposed landscaping and orchard, would protect the setting of the listed model farm. However further concerns are raised regards the design of the units to the west and a condition has been recommended to overcome this concern.

- 3.33. The proposed landscaping of the northern boundary would be an enhancement to the setting of the listed buildings by helping to screen the rear boundaries (close boarded fencing) on Tarka View and softening the gable-ends to the properties.
- 3.34. In conclusion, the proposed commercial units, new dwellings and landscaping would protect and enhance the setting of the grade II listed Wellparks farm buildings, As such, officers consider that the proposed scheme for conversion is in accordance with development plan policies S1, S9, DM25, H1, guidance within the NPPF and section 66 of the Listed Building and Conservation Areas Act 1990.
- 3.35. As regards archaeology, the County archaeologist has no objection to the proposed development subject to the imposition of a condition to secure a historic building recording and analysis which has been secured and implemented in accordance with a written scheme of investigation.

4. Sustainable transport, highway safety & parking

- 4.1. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S8 requires that development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy DM3 seeks to ensure safe access to the transport network. CNP Policy T1 is supportive of development that allows greater connectivity.
- 4.2. A transport assessment (TA) and addendum has been submitted with the application to assess the transportation, traffic, parking and highway aspects of the development. A travel plan (TP) also accompanies the application which seeks to promote the use of non-car modes when travelling to and from the site.
- 4.3. The application proposes that the residential element is only accessed from Exeter Road and the employment element is only accessed from Tarka Way. Pedestrians and cyclists will however be able to travel between Tarka Way and Exeter Road.
- 4.4. As originally submitted, and as stated in the TA, it was envisaged that the employment and residential sites could be accessed from Tarka View. This was later revised following concerns raised by the County Highway Officer (CHO) because the access past Wellparks would cause unnecessary conflict between the employment and commercial uses.
- 4.5. The vehicular access from Tarka Way would have a visibility splay of 2.4m x 25m which accords with Manual for streets for a road with a 20mph speed limit. A 2m footway is proposed along the eastern edge of the access road from Tarka Way as far as the

residential site. From there a 1.5m virtual footway along the eastern side of the lane is proposed. A 3m carriageway width will be provided giving a total lane width of 4.5m. The CHO has confirmed that the linking footpath from the commercial to the residential element would need to be widened to 3m to provide sufficient width, which would need to be secured by condition.

- 4.6. Emergency vehicles can access the site from either Tarka View or Exeter Road (in all directions) as the width is in excess of the minimum width of 3.7m required for a fire engine. Swept path analysis has been undertaken which demonstrates a large car and delivery vehicle can successfully enter and park with the residential element. The swept path analysis also demonstrates a 16.5m articulated vehicle can successfully enter the employment element and satisfactorily service the units. The CHO is satisfied given the width of the road from Exeter Road that a fire engine could successfully access the residential side of the development.
- 4.7. The proposed residential listed building conversion and new terrace of three would provide parking with 40 parking spaces (38 + 2 Visitor). The residential development also provides integrated refuse stores. Cycle parking is a mix of both integrated stores and on plot provision. The new dwelling range to the south of the commercial element would provide 21 parking spaces would be provided including 1 visitor space. Refuse collection point and cycle parking is shown at the entrance to this element adjacent to unit 11. Units 1, 9 & 11 would have secure cycle storage within their private garden. The commercial element also provides 14 parking spaces, including 2 disabled spaces and 5 EV charging bays. The parking space figures are in accordance with local plan policy DM5. EV charging will be in accordance with up-to-date building regulations which with regard to the listed buildings will need to be subject to condition to ensure a suitable scheme is agreed. The TA details that 105 cycle parking spaces are required across the scheme. Whilst areas of parking are identified it is not clear if the required amount can successfully provided; there are also no details of secure cycle shed in rear gardens. Further details of the cycle parking are therefore required which will be secured by condition.
- 4.8. The proposed pedestrian/cycling link from Tarka Way to Exeter Road, subject to condition to require a 3m width, is considered to be in accordance with CNP Policy T1.
- 4.9. A number of representations raised concerns that the TRICS data is not accurate or fit for purpose and should reference similar developments in Exeter. The CHO has stated that the TRICS Data is a national accepted data base which looks at data taken from many sites which would be in similar area and size to the proposal rather than comparing to a large industrial estates in a City. The traffic volume and capacity is calculated on the peak hours of the day where these figures will be the highest.
- 4.10. The County Highway Officer has no objections to the proposals and has concluded that, subject to conditions, there will be no severe residual cumulative impacts associated with the development of the site. As such, there are no highways or transportation reasons why this development should not be permitted.

5. Flood risk and drainage

- 5.1. Policy S9 requires the provision of measures to reduce the risk of flooding to life and property; requiring sustainable drainage systems including provisions for future maintenance; guiding development to locations of lowest flood risk; and, avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including Sustainable Drainage Systems (SUDS) and arrangements for future maintenance.
- 5.2. The application site is located entirely within Environment Agency Flood Zone 1 (lowest risk of flooding). There are some known risks from surface water flooding within the southern part of the model farm courtyard.
- 5.3. The existing drainage system currently drains at an unrestricted rate into the existing dedicated foul and surface water drainage systems in the A377. The foul is 225dia and under South West Water ownership (public). The existing barn and courtyard area is currently 100% impermeable roof and hardstanding areas. The new development proposal involves removal of areas of existing impermeable hardstanding and replacement with soft garden landscaping which will provide significant betterment on the existing drainage system.
- 5.4. The application proposes to manage surface water with a soakaways and an underground attenuation tank. The water will then drain to the south side of the A377 where it will connect to Tesco's surface water drainage system.
- 5.5. At the time of writing the consultation response had not been received from the Lead Local Flood Authority (LLFA). An update will be provided to planning committee. It should be noted that the previous scheme which is closely related to this revised application was agreed by the LLFA.

6. Ecology, landscaping and trees

- 6.1. Policy S9 seeks the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. Policy DM1 requires development to make a positive contribution to local character including any biodiversity assets. Policy DM26 requires major development proposals to demonstrate that green infrastructure will be incorporated within the site for biodiversity mitigation, resulting in a net gain in biodiversity, for flood and water resource management, and to provide green corridors to link the site to the wider GI network. CNP Policy EN2 (Trees) requires that development follow the principles of retaining, avoiding harm, enhancement and compensation.
- 6.2. Two trees are proposed to be removed to provide space for parking bays. These trees will be replaced within the proposed landscaping scheme. The landscape plan identifies a native tree and shrub/hedgerow mix, to include three English oaks, on the northern boundary of the site that share a boundary with residential properties on Tarka View. 7 Scots Pines are proposed on the western boundary of the site. Silver Birch, English Oak and Wild service

Trees are proposed on the boundary and entrance of the site with Tarka View. A native hedgerow with hedge trees is shown along the eastern boundary of the site with the link road. A native tree and shrub mix on a landscaped bank would provide a screen between the commercial element and the proposed new dwelling range. A native hedgerow is also shown along the western boundary of the 'new barn' dwelling along the eastern side of the access road to the listed buildings. The area of land to the south of the new 'barn' dwellings and to the east of the listed buildings would become an orchard stocked with local varieties of apples. The existing hedge in the south-west corner is in poor condition and would be cutback, regenerated and planted with infill species. Officers consider that proposed landscaping scheme is a high quality contextual scheme that will benefit the site aiding in mitigating visual impacts, enhancing the setting of the listed buildings and the wider gateway setting. Maintenance and long term management will be secured by condition.

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

- 6.8. The ecology report includes a biodiversity mitigation and enforcement plan (appendix E) which requires compensation for the loss of nesting opportunities and recommends built in nest boxes for house sparrow, starling and swallow.
- 6.9. The ecology appraisal also recommends species are protected during construction, which could be secured by a construction and ecology management plan (CEMP).
- 6.10. The submitted ecology reports have provided evidence that the proposed development will provide a biodiversity net gain (BNG) using the Natural England metric.
- 6.11. Subject to the conditions as outlined above, it is considered that the proposal is capable of meeting the policy requirements set out in this section of the report with regard to ecology, landscaping and trees.

7. Pollution, air quality and waste management

- 7.1. Policy DM3 requires that development proposals that give rise to significant levels of vehicular movement must be accompanied by a Transport Assessment; Traffic Pollution Assessment; and, Low Emission Assessment; and, should propose mitigation measures where appropriate, including impacts on local air quality. Policy DM4 requires development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution to be accompanied by a Pollution Impact Assessment and mitigation scheme where necessary.
- 7.2. The application is accompanied by a Transport Assessment, contaminated land report, an air quality and odour report and a noise report. A lighting report has not been submitted.
- 7.3. The reports have been considered by MDDC's Public Health officers. Officers are satisfied with the contaminated land report, which identifies a number of contaminated areas within the site, and have recommended that the full contaminated land conditions should be included in any approval in order that the work is completed and verification reports obtained.
- 7.4. The air quality and odour report concludes that there will be no unacceptable impact on air quality from transport sources. However, Public Health Officers have stated that there is potential for odour from any proposed food business in the commercial units to impact on new and existing residences. Comprehensive recommendations are contained in the report and these should be secured by condition.
- 7.5. A comprehensive noise report has been submitted with the application. The writer has established the existing daytime and night time background noise levels in the vicinity. Recommendations relating to the standard of glazing and ventilation have been included in order to ensure that acceptable internal noise levels are achieved. Calculations show that the external amenity areas will be below the upper guideline value of 55dBa and we agree with these conclusions. The writer recommends that the sound rating level of any plant or equipment should not exceed the background noise level during the day or at night, and that

the cumulative noise level should not exceed 38dB during the day, or 35dB at night, at the façade of any residential property. Public Health Officers agree with these recommendations and suggest that a condition secures suitable noise levels.

- 7.6. No working hours for the commercial units are stated and the application form indicates that this is not applicable. Officers do not agree with this and in view of the very close proximity of residents it is recommended that this commercial area is not suitable for 24 hour working. It is appreciated that some of the businesses may provide a service into the evening and therefore Public Health recommend a condition ensures that the commercial units shall operate only within the hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays.
- 7.7. Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement demonstrating how the demolition, construction and operational phases of the development will minimise the generation of waste and provide for the management of waste. A Waste Management Plan has been submitted with the application but Devon County Council (Waste) have requested additional clarification. The additional details are with DCC and their comments will be included on the late sheet.
- 7.8. As regards foul water drainage no objections are raised given that the development will be connected to the main sewer.
- 7.9. Subject to conditions, it is considered that the potential impacts of pollution and waste can be managed acceptably in order to accept the proposals, and the proposals are therefore in accordance with the policies set out in this section of this report.

8. Economic benefits

- 8.10 Policy S1 of the local plan states at criterion (b) that all development will be expected to support the creation of sustainable communities by building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances.
- 8.11 Chapter 6 paragraph 81 of the NPPF states that significant weight to supporting economic development and economic growth taking account of local business needs and wider opportunities for development.
- 8.12 A viability appraisal for the listed buildings was submitted with the application followed by an addendum to include the commercial. This has been appraised by an independent assessor who has confirmed that the scheme is viable provided that no affordable housing is provided. This scheme can however provide contributions towards education and town centre improvements.
- 8.13 The economic benefits of the scheme are stated to be:
 - 20 full time jobs via the employment space and home-based workers.
 - Annual wages of circa £625,000

Construction wages of £2.4m

-The delivery of residential conversion (as opposed to employment) to secure the future of the heritage assets (an improvement on what the allocation proposes).

Members should note that the s106 contributions will include:

- **An education contribution (£68,000)**
- **economic initiatives on the high street (15,000).**

8.14 The Council's Economic Development Officer has stated that:

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

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

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

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

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

8.16 The economic benefits of the scheme will be balanced against the identified harm in section 10 of this report.

9. Residential amenity

- 9.1. Policy DM1 (e) of the Local Plan states that proposals should not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. At criterion (h) DM1 states that development should provide suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard (NDSP) with external spaces for recycling, refuse and cycle storage.
- 9.2. The proposed commercial and residential units have been sited and orientated on lower ground with appropriate separation distances between them and existing dwellings, which would ensure that there would be no harm with regard to loss of light, loss of privacy or an overbearing impact.
- 9.3. The proposed residential units have been designed to meet NDSP standards (many of the units are also provided with amenity space) therefore the amenity of future residents would not be harmed.
- 9.4. Representations have been received raising the concern of anti-social behaviour from the commercial units, particularly in the evening. This concern is noted however the site would be well overlooked by existing properties, which would aid in reducing any problematic behaviour, and the commercial units have been securely designed. The Designing Out Crime Officer has no objections to the proposal.
- 9.5. The proposed development is considered to be in accordance with Policy DM1(e).

10. Planning balance

- 10.1. The balancing exercise under the policies in paragraphs 199 and 202 of the NPPF is not the whole decision-making process on an application for planning permission, only part of it. The whole process must be carried out within the parameters set by the statutory scheme, including those under section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and section 70(2) of the 1990 Act, as well as the duty under section 66(1) of the Listed Buildings Act. In that broader balancing exercise, every element of harm and benefit must be given due weight by the decision-maker as material considerations and the decision made in accordance with the development plan unless material considerations indicate otherwise. Within that statutory process, and under NPPF policy, the decision-maker must adopt a sensible approach to assessing likely harm to a listed building and weighing that harm against benefits." The concept in paragraph 199 that "great weight" should be given to the "conservation" of the "designated heritage asset" and that "the more important the asset the greater the weight should be" does not predetermine the appropriate amount of weight to be given to the "conservation" of the heritage asset in a particular case. Resolving that question is left to the decision-maker as a matter of planning judgment on the facts of the case, bearing in mind the relevant case law, including Sullivan L.J.'s observations about "considerable importance and weight" in Barnwell Manor.

- 10.2. In this case the less than substantial harm to the listed buildings, which is given 'great weight', is weighed against the benefits of bringing the buildings back into use and the 'significant weight' of the employment benefits and s106 contributions. These benefits have to be balanced against the harm to the significance of the listed buildings and their setting, the related impacts related to character and appearance, and the lack of affordable housing.
- 10.3. In this case it is considered that the public benefits outweigh the identified harm to the heritage assets. The proposed scheme would provide a number of benefits including: securing the long term protection and use of listed building at risk, landscape enhancements that would reduce the negative impacts of the Tarka Way development; protect the remaining view and setting of Wellparks including the gateway into Crediton with a considered contextual new dwelling range to reflect the listed buildings; the economic benefits; the contribution towards education and town centre enhancements.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Notwithstanding the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;
 - details of materials (including the provision of samples) to be used for the external walls, retaining walls and roofs, including details of roof verge finishes (no verge clips to be used);
 - Details of all paint/render colours;
 - Details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including dormers and roof lights) and doors;
 - Details of position and colour finish of rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
 - Full elevation details of all boundary treatments;
 - Hard surfacing materials.

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

REASON: In the interests of good design.

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

REASON: In the interests of biodiversity.

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

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

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

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

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

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

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

REASON: In the interests of local amenity and biodiversity.

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

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

9. The commercial units hereby approved shall be for use class B8 and Class E and for no other purpose, including for any other use falling within Use Class E of the Schedule, within The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General

Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.

REASON: To ensure the commercial units are used for an appropriate use given the location of the site in relation to the residential properties.

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

REASON: In the interests of local amenity and preventing impact on the listed building.

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

REASON: In the interests of proper planning.

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

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

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

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

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

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

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

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

16. The pedestrian/cycle link between the commercial element and the residential element identified on the masterplan drawing P0 Rev Q shall be a minimum of 3 metres in width and hard surfaced details of which shall have previously been submitted to and agreed in writing by the local planning authority prior to the occupation of any part of the development. The development shall be completed in accordance with the approved details prior to the occupation of the development.

REASON: In the interests of sustainable transport.

17. Within three months of development commencing a scheme of cob wall repair shall be submitted to and agreed in writing by the local planning authority

REASON: To enhance and better reveal the listed buildings.

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

REASON: In the interests of sustainable transport.

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

REASON: In the interest of local amenity.

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

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

21. Notwithstanding the approved plans, the plans for the three units to the west of the farmhouse are not approved. Within three months of development commencing, full details

of these units including floorplans, elevations and roof plans shall be submitted to and approved in writing by the Local Planning authority. The development shall thereafter be carried out in full accordance with these plans prior to the occupation of the associated dwellings.

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

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.