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PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. 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, 14 June 2023 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 12 July 2023 at a time to be confirmed in the Phoenix Chamber, Phoenix House, Tiverton.

STEPHEN WALFORD

Chief Executive
6 June 2023

Councillors: S J Clist, G Cochran, F J Colthorpe, L J Cruwys, G Duchesne, J Frost, R Gilmour, B Holdman, M Jenkins, F W Letch and N Letch

A G E N D A

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

- 1 **ELECTION OF CHAIRMAN**
To elect a Chairman for the municipal year 2023/2024.
- 2 **ELECTION OF VICE CHAIRMAN**
To elect a Vice Chairman for the municipal year 2023/2024.
- 3 **START TIME OF MEETINGS**
To agree start time for Planning Committee meetings for the Municipal year 2023/2024.
- 4 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitutes.

5 **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.

6 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

To record any interests on agenda matters.

7 **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 18)*

To consider whether to approve the minutes as a correct record of the meeting held on 5 April 2023.

8 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

9 **WITHDRAWALS FROM THE AGENDA**

To report any items withdrawn from the agenda.

10 **PLANS LIST** *(Pages 19 - 160)*

To consider the planning applications contained in the list.

11 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 161 - 162)*

To receive a list of major applications and potential site visits.

12 **APPEAL DECISIONS** *(Pages 163 - 164)*

To receive a list of recent appeal decisions.

Meeting Information

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

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.

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Tel: 01884 234251

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 April 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, B Holdman,
D J Knowles and F W Letch

Apologies

Councillor(s)

R F Radford and B G J Warren

Also Present

Councillor(s)

Mrs M E Squires

Also Present

Officer(s):

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader) and Sarah Lees (Member Services Officer), David Parker (Member Services and Policy Research Officer) and Angie Howell (Member Services Officer).

126 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from:

- Councillor B Warren who was substituted by Cllr Mrs C Daw
- Councillor R F Radford

127 **PUBLIC QUESTION TIME (0:00:00)**

The following members of the public attended the meeting to ask questions in relation to the Staple Cross Farm and Crofts Estate Applications.

John Neave referring to No. 3 on the Plans List asked the following:-

Question 1) - While it was widely recognised that there was a need for more affordable Social housing within the Mid Devon District, has any consideration been given to an alternative site for this proposed development, for example the recently approved site within Sandford Parish known locally as Peddlars Pool/Libbets Grange for which approval has been granted for some 257 dwellings and other amenities. This development would likely be far more suitable for the proposed dwellings in Sandford and a fairly straight forward Amendment or Variation to the Peddlars pool development would resolve the current proposal.

Question 2) - Given the proposed development at Crofts Estate by the applicant, were any tenders submitted by a competitive provider or potential shared ownership provider. If not, why not?

Question 3) - If this proposed development were to be given approval, it was likely that there would be a substantial increase in revenue back to MDDC from that received currently from garage rentals, (EG rental income, council tax etc). Has any consideration been given to allocating some of this revenue back into Sandford Community in order to benefit the whole community?

Question 4) - A Field survey was undertaken by Merry Andersen, Arbtech Consulting, on 13/12/2022 to include Bat roosting, foraging habitat and flight line. This survey also considered other species such as hedgehogs etc. This survey, by their own admission, was incomplete as they could not gain access to any of the garages, and cannot be complete to any right-thinking individual, given that the primary species, (bats and hedgehogs), would have been in hibernation at this time. Would this Committee consider requesting that a full and proper survey was undertaken not only at the appropriate time of year, (usually April to October) but also the appropriate time of day (usually dusk/early evening)?

It may be worth noting that under The Conservation Regulations, including Habitat Regulations and the Wildlife and Countryside Act, as well as the Natural Environment and Rural Communities Act, there may be strong legal argument for the protection of bat foraging, commuting habitat and flight lines, which a full and proper survey should highlight. Public authorities, while conducting their functions, should be mindful of regarding the conservation of biodiversity.

Taking the above into account should be a merit of good practice rather than solely being reliant on the developers or applicant.

Question 5) - Finally I would just like to respectfully request that this Committee throw out this application in its entirety given the level of feeling within the Sandford community and the number of objections submitted.

Had the Applicant consulted with the local community in the first instance instead of showing a reckless disregard towards it, then we may not have been in the position that we find ourselves today. Thank you.

Paula Kovacs referring to No. 3 on the Plans List stated that she appreciated this opportunity to share my thoughts on this proposed development, not only because I have been a resident of Crofts Estate for nearly twenty three years and would, obviously, be directly affected by any planned changes, but also because I feel strongly that we need to maintain a democratic process. I agree with Cllr Elizabeth Lloyd who commented in her article entitled ‘Placemaking matters’ in the March 9 issue of The Crediton Courier – and I quote: “I’m only frustrated that I and others, often feel powerless in the face of developers that do things TO a place rather than work WITH a place”

As I stated in the letter of objection I sent to Council’s Development management, whilst I acknowledge that more affordable housing was very much needed, I feel very strongly that placing a new development in the middle of this small housing estate, was totally inappropriate. As many of my fellow residents have also stated in the comments they have submitted, the lack of parking at Crofts has reached a critical point. The meeting with MDDC officers organised some years ago, to discuss the parking situation, didn’t produce any results.

And the situation has deteriorated further since then, so we desperately need more parking, not only for the residents of Crofts Estate but also for St Swithins Garden and the village of Sandford generally.

If, as one resident has suggested in his submission, the current garages were demolished and replaced with parking to include electric charging points as well as some disabled parking spaces that, in my opinion, would be the very best use of this land. In an email Development Manager Angharad Williams sent to me she stated, and I quote “The Planning Officer’s role was to query whether this proposal represents, in planning terms, a good use of the land”. I would like to suggest that the aforementioned parking proposal, rather than the zedpod development, would indeed, be best use of the land at Crofts. If the Council does decide to approve the zedpod application, may I suggest that, at the very least, 1) the Council considers painting some white lines on the current Crofts car park, so that what little parking there was, apportioned appropriately and that 2) some extra parking space in Crofts is created by transforming a couple of grassed areas into concrete hard standing. Thank you.

Robert Gray referring to item 1 and 2 on the Plans List asked the following:-

Question 1) - We would like to know has a site visit been done by the Planning Committee as requested by the Borden Gate Parish Council from the meeting in January as no feedback has been received. What was the feedback from the visit? If no visit then why was this delicate case with multiple issues not been visually looked at?

Question 2) - The RAC paper contains no assessment of the business plan, noting that it was a confidential document. That need does not however extend to silence exhibited by RAC on the content of the plan. There was no expression of opinion on:

- Whether the business would be profitable and if so at what point.
- Whether the business would attain viability or indeed the measure of viability.
- Any opinion of the resale values of the livestock.
- Any opinion on how the livestock would be sourced and sold.
- Any opinion on the need for marketing (this was particularly relevant for the geese).
- The nature of the fixed and variable costs identified in the business plan.
- How the applicant intends to reduce his current of site work to transition to the full time labour requirement on site.

We would like the answers to the above:-

Question 3) - Was the Committee aware that there are three dwelling being built opposite the entrance to Staple Cross Farm as this wasn’t mentioned in the applications and has been shown as a poultry shed on the map in the agent’s submission?

Question 4) - On the planning applications submitted for Staple Cross Farm, the facts do not seem to be correct. I am the owner of the site opposite Staple Cross Farm. As of the 9th June 2020 planning was granted ref no 20/00570/full, stating the erection of 3 residential dwellings, following demolition of 2 agricultural buildings which I own.

On the applicants planning application for Staple Cross Farm it doesn't state the fact there has been planning permission granted for residential occupancy opposite. On the 11/05/2022 work commenced on my development for the three dwellings.

From the date of commencement there has been a temporary bungalow that has been lived in by the applicant. It was a scar on the landscape. So my question is – were the Planning Committee aware of this and if so how has this been allowed because as a developer it would not be acceptable that a residence can just happen regardless of the rules and it's been nearly a year?

Question 5) - Following on from my previous question, I am the owner of the site opposite Staple Cross Farm, building three properties all within my planning consent. When I bought the site I was aware of the storage barn. Since then we have started work on my site and an illegal farm popped up with immense geese noise and has turned in to an eyesore in the beautiful countryside. If this farm and geese are allowed to continue it would depreciate my site, business and make it difficult to sell these properties with the mess, eyesore and noise opposite. My question is – Why was this allowed to happen with no planning consent, and the applicant continues regardless with no thought to myself acting within my planning and rules and disregard to planning regulations?

Question 6) - My question to you all is 'what were the applicants bringing to the community of Staple Cross'. Myself and other resident here today are bringing people to the area and supporting the local community and surrounding areas.

Louise Webb referring to Item 3 on the Plans List asked has the long overdue assessment of existing properties' parking allocation been conducted yet and resolution agreed?

Mellissa Tobin referring to Item 3 on the Plans List asked:-

Question 1) - It has only just come to light that CCTV is to be installed with these pods. Can someone please advise as to why that was exactly?

Question 2) - I feel this meeting was just paying 'lip service' now to the extremely ill-informed residents and that the plan would go ahead anyway.

Question 3) - How was the asbestos going to be removed when there was a watercourse 5 metres, not 10, away from the garages?

Question 4) - A legally binding agreement states that the Council must provide provision of suitable relocation to the current occupiers of the garages. Can MDCC tell us exactly where that would be?

Question 5) - As our Public Servants, the planning department must ensure that ALL residents are kept informed by LETTER. Many residents here are elderly or infirm and do not have access to a computer or email. Some still have no idea about what was proposed where many have had their homes for decades.

Question 6) - As Government was meant to be providing service to the public, and the public here strenuously object to this development, what assurances do we have that our voices would actually be heard?

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

128 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:11:17)

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

129 MINUTES OF THE PREVIOUS MEETING (00:13:30)

The minutes of the meeting held on 15th March 2023 were **AGREED** as a true record and duly **SIGNED** by the Chairman

130 CHAIRMAN'S ANNOUNCEMENTS (00:14:09)

The Chair informed the Committee of the sad loss of Honorary Alderman Paul Williams who was a member of the Committee for many years and was a very committed Councillor.

He also thanked Councillor Dennis Knowles as it was his last meeting of the Committee after 25 years' service. His input had been valued and much appreciated and the Committee wished him a very happy retirement.

131 WITHDRAWALS FROM THE AGENDA (00:16:27)

The Chairman announced that application 22/00067/MFUL had been withdrawn from the agenda.

132 THE PLANS LIST (00:16:40)

The Committee considered the applications in the *Plans List.

Note: * List previously circulated and attached to the minutes.

- a) 22/02301/FULL - Retention and regularisation of changes made to an agricultural storage building to mixed use of agricultural storage and livestock at Staple Cross Farm, Hockworthy, Devon.**

In response to the public questions asked the Area Team Leader stated that:

- No formal site visit had been carried out. The Case Officer had visited the site twice before and photos taken which formed part of the presentation.

The Area Team Leader outlined the application by way of a presentation which highlighted:-

- The site was approximately 250m NW on the edge of Staple Cross.
- It related to an agricultural building that had been on site for a while and was unauthorised in its current state. The application was to regularise the

building and allow it to be used for occupation of livestock as well as storage for agricultural machinery and hay etc.

- It was previously permitted under prior notification but built slightly differently as it was now 1.5m taller than permitted.
- As part of the original prior notification it wasn't permitted for use by livestock due to it being within 400m of the nearest protected building.
- Several objections had been received relating to issues such as impact on heritage matters, general impact on the countryside and neighbouring amenity. Issues had been raised with Environmental Health in relation to the temporary housing of geese following the need to house them during avian flu and the impact of flood risk, parking and ecology matters.
- There was already a building permitted in the location of the same footprint and size.
- It differed only in that it was 1.5m higher and that it was proposed to house livestock.
- The Conservation Officer had raised no issues regarding general visual impact affecting heritage and flood risk.
- Environmental Health Officers didn't believe the level of agricultural use of livestock would raise significant issues.
- To the south there were 2 large buildings parallel to the road which were former poultry buildings which had been granted permission for demolition and rebuild for 3 residential units. They were approximately 150m south of the building.
- The nearest residential dwellings were approximately 100m from the site. The Environmental Health Officer had raised no objections.
- The nearest heritage assets were to the east of the property with a number of listed buildings to the north of the property. The application didn't represent any additional harm or impact to the listed buildings.
- Taking into account existing building it was not considered to be a problem in terms of livestock. If there were any particular issues with noise/smells there was scope for Environmental Health to investigate, however they didn't have any concerns regarding impact on nearby residents.

Consideration was given to:-

- Whether the Local Planning Authority was adhering to its own policies.
- The height of the proposed building and whether it was policy compliant.
- The existing building and it being used to house geese during the Avian Flu epidemic.
- That farmers should be allowed to farm their land as the countryside isn't just for tourism.
- Landscaping and additional screening to construct a hedgerow to plant native species trees.

It was therefore **RESOLVED** that planning permission be granted subject to conditions contained within the report with delegated authority given to the Director of Place to add a further condition with regard to the agreement of a scheme of landscaping, details of which should be provided within three months of the decision date and thereafter implemented in the next available planting season.

(Proposed by Cllr Mrs P Colthorpe and seconded by Cllr Mrs M Collis)

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

Notes:-

- Cllr P J Heal, Cllr L Cruwys, Cllr M Collis, Cllr S Clist, Cllr P Colthorpe, Cllr Ben Holdman, Cllr D Knowles, Cllr F Letch, Cllr C Daw all made declarations in accordance with the protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence.
- Amanda Burden spoke as Agent for the Applicant.
- Peter Stratton spoke as the Objector.
- Councillor Collis spoke as the Ward Member.

b) 22/02127/FULL - Retention of a temporary agricultural workers dwelling at Staple Cross Farm, Hockworthy, Devon.

The Area Team Leader outlined the application by way of a presentation which highlighted the following:-

- This was the same site which was an application for a temporary dwelling which would be tied to this site for 3 years in order for the applicant to fully establish their business with the keeping of the geese for Christmas market and a number of cows for sale.
For also primarily meeting the essential needs for bucket rear calves – the owners currently have 41 with a projection at the end of 3 years for 130 forming the herd.
- The applicant had to support their proposals with an independent appraisal of their business to demonstrate the need for one or more worker to be present on the site.
- There had to be a firm intention of developing the enterprise.
- Reading Agricultural Consultants (RAC) are an established agricultural consultancy and they had been instructed by the Council to appraise the information submitted.
- This was the second appraisal carried out at the applicant's expense.
- The intention was for the applicant to develop the business to enable them to meet the needs of the policy within a 3 year period. They had 3 years to build the business. A permanent dwelling wouldn't normally be granted if business didn't develop within that time frame. This would have to be considered at the time if that were to happen.
- RAC had confirmed there was sufficient justification as there was a firm intention to develop the enterprise and sound financial planning.
- It had been seen by an Agricultural consultant and it shows a profitable business within 3 years.
- There was relevant case for approving the application.

In response to the public questions asked the Area Team Leader stated that:

- In terms of whether the Committee were aware of the 3 dwellings – yes the Committee were aware and the Environmental Protection Team had considered the application regarding geese noise and the visual impact on the

open countryside and confirm there should not be any impact on the neighbouring dwellings and businesses.

- The temporary mobile home was not considered to have an adverse impact on neighbouring properties.
- If this were granted they would have the 3 years to establish this – the officer's recommendation and the independent appraiser was that there was sufficient information to recommend approval.

Consideration was given to:

- Whether the temporary mobile home fitted in with design quality and the visual impact it has.
- The external finish of the mobile home ie timber cladding or repainting the outside.

It was therefore **RESOLVED** that approval be given for the retention of a temporary agricultural workers dwelling subject to conditions in the report with delegated authority given to the Director of Place to add a further two conditions with regard to the final material finish of the retained temporary dwelling and agreement of a scheme of landscaping, details of which should be provided within three months of the decision date and thereafter implemented in the next available planting season.

(Proposed by Cllr P Colthorpe and seconded by Cllr B Holdman)

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

Notes:

- Cllr P J Heal, Cllr L Cruwys, Cllr M Collis, Cllr S Clist, Cllr P Colthorpe, Cllr Ben Holdman, Cllr D Knowles, Cllr F Letch, Cllr C Daw all made declarations in accordance with the protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence.
- Amanda Burden spoke as Agent for the Applicant.
- Peter Stratton spoke as the Objector.
- Councillor Collis spoke as the Ward Member.

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

The Area Team Leader informed the Committee of 2 updates:-

- The Lead Local Floor Authority had determined the application as a “minor” planning application and confirmed that they would not be providing a consultation response so no formal objection was raised on the drainage matter.
- An objection letter had been received from a local resident.

The Area Team Leader outlined the application by way of a presentation which highlighted:-

- The application was for the erection of 5 affordable dwellings made up of 4 x 1 bed room units. 2 at ground floor level and 2 at first floor level
- 1 x 2 story 1 bed unit
- All housed within a single 2 story block on site.
- All intended for social rent as part of the Housing Revenue Account portfolio.
- The application site Croft Estate in Sandford - located to the north west of Sandford within a settlement limit of Crofts Estate and outside of the conservation area.
- The site was bounded to the south by the access road for 6 dwellings located in Church Parks to the west.
- Private sewerage treatment plant was to the west.
- In the north and west lies 2 storey residential properties in the Croft Estate with those to the north standing at an elevated level.
- There were 11 garages and space to park 4 vehicles
- Currently 5 void garages were on the site. The Housing Team commented that only 1 garage was being used to park a vehicle.
- Any garage tenant would be offered a different garage if theirs were to be demolished.
- The garages were not just for residents of Sandford – they were available for anyone to rent regardless of where they live.
- Only 4 were rented out to Sandford residents.
- 10 parking spaces were proposed, 5 spaces will have direct access from Church Parks and the other 5 spaces would have direct access from Croft's Estate.
- Additional landscaping had been proposed in the south east corner of the site.
- Proposed Ground Floor Plan – the ground floor units would be accessed to the south of the site. With bin stores to the front of the properties.
- The right hand side unit would be accessed from the north with a bin store area.
- An access enclosed staircase on the north side elevation would provide access to the 2 first floor apartments.
- All units were 1 bed.
- The 2 first floor apartments would be served by first floor balconies, which would provide a minimum of 5m² of private outdoor amenity.
- The ground floor units had a similar area underneath the staircase.
- The apartment blocks would be set 18.1m south and at a lower level in relation to 1-4 Crofts Estate. The block would follow the same dual pitch roof orientation of the existing houses.
- There was at least a 15.6m side elevation to the corner of the block with the nearest Bungalow in St Swithins Gardens.
- 16.1m corner of the new block to the façade distance to the nearby neighbours to the south.
- Distance of the block would be 15.1m from the Conservation Area Boundary
- Solar panels could be seen on the roof. These would be installed to the south facing roof slope.

- Negative carbon emissions were possible across the site which would therefore be supported by Policy DM2 of the Local Planning Renewable and Low Carbon Energy
- Regarding the sustainability credentials of the zed pods – the modules would be super insulated, airtight and triple glassed windows and doors and mechanically ventilated to further reduce energy losses combined with on-site renewable generation of hot water.
- The materials used would be a cream render which will pick up the render properties within the Croft Estate
- The ridge of the zed pod development would be 3.9m lower than the ridge point of 1-4 Crofts Estate.
- The ridge development will be 2.7m higher than the bungalow.
- The Flood Risk Assessment confirmed that flow control would be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 45% climate change event.
- To minimise flood risk, finished floor levels were proposed to be set 300mm above surrounding existing ground levels.
- Mature trees would form a boundary for the Conservation area.

The Area Team Leader also addressed the questions raised during Public Question Time:

The application was indeed seeking to provide much needed affordable housing. The level of provision (5 units) was designed to meet specific local needs at an appropriate sustainable, central location within the village to a high standard. The application was being made on behalf of MDDC on land within its control and the proposed housing will be vested long-term on our Council housing stock. The Council had no access to/control over the Libbets Grange development however we would expect the private developer(s) of that site to meet policy requirements in terms of market affordable housing provision separately to this Zed Pods development.

Tenders were not a planning matter. The Housing Team had commented that they were not sure what was meant by a competitive provider? The chosen contractor to take forward the development (should Planning Permission be granted) would be subject to a separate procurement decision by the Council which was unrelated to the planning decision. As Council housing for long-term secure social rent tenure then shared ownership was not relevant. Nonetheless, beyond formalising use of the proposed dwellings as affordable housing (in this case the most, at the most affordable social rent level), then the exact nature of the tenure was not a material consideration for the planning committee.

Regarding revenue this was not a planning consideration. However the Housing Team note that housing would create additional revenue into the Council housing account, however this was essential to meet the development cost (including associated long-term borrowing) as well as the ongoing maintenance of the properties. Without this rent the application would not be viable and no affordable housing would be completed.

In terms of Ecology, the applicant was aware of the need to comply with the Wildlife and Countryside Act 1991, and the Conservation of Habitats and Species Regulations 2010. As noted a Preliminary Ecological Appraisal and Preliminary Roost Assessment was submitted with this application noting that there was an

external inspection of the garage buildings with the conclusions of the ecologist being that bats were very unlikely to be roosting within these buildings due to a lack of access and the identification of inaccessible roost value habitat, However a precautionary working method during and post-development had been set out and mitigation and biodiversity enhancements were proposed.

Para. 5.8 of the report sets out the findings of an ecological survey, in particular "...No further survey effort was required to evaluate the site if the recommendations and enhancements outlined were provided. Biodiversity enhancements for bat roosting and bird nesting were outlined to result in biodiversity gains. A condition was, therefore, recommended requiring the development to be carried out in accordance with the recommendations within the ecological appraisal and for confirmation of the biodiversity enhancement measures installed throughout the development to be provided prior to occupation of the dwellings."

As a Council, we had consulted directly with residents, ward members and as with any application we had also fully complied fully with the public notice and consultation requirements. This window before the planning committee decision and at the committee itself was of course part of that consultation period. Its effectiveness was demonstrated in these questions being raised.

The proposal in front of Members was that outlined within the report for the provision of five affordable units with associated parking and landscaping and it was considered that this would be an appropriate use for the site.

The plans submitted show one CCTV camera located adjacent the security gate at the north east corner of the site, shown on plans as rear staircase. There is no wider CCTV system planned for this development.

This development had been assessed against its planning merits taking into consideration policies to the Mid Devon Local Plan and material planning considerations. It was also within the necessary timeframe.

In terms of asbestos management, the requirement for demolition was that it should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. It will need to be done in line with Health and Safety Executive requirements, whereby all potentially hazardous materials should be assessed, a works plan and risk assessment. This was separate from planning.

The relocation of the garages was not a planning matter but as noted previously, the Housing Team advised that current garage tenants would be offered an alternative garage in the surrounding area as per their tenancy agreement. Though this was a matter of personal choice for current garage tenants and as you know the existing garages were either fully utilised or particularly used for parking.

Neighbour notification letters were sent out to adjoining properties, a site notice posted and a press advert placed were 27 representatives who have been informed of this application.

The comments were from those who have made representations have been noted in the report and have had the opportunity to address this Planning Committee through public questions and on the item itself.

Fundamentally, it should be noted that the proposal provides parking at a level slightly exceeding policy requirements under DM5 and that the new parking spaces around the development will not be allocated to any resident or be marked as such. An assessment of the existing properties' parking allocation was a planning requirement and the Housing team note that one hasn't been conducted on any of our estates within the district.

However in summary:

- A lot of the garages were empty
- Poor suitability of existing garages for modern vehicles
- Predominance of use for storage not parking
- Opportunity to regenerate poor asset/remove asbestos for wider housing and planning gain
- Availability of other MDDC garages locally or more widely for existing garage tenants with choice
- Policy exceedance on new parking provision – available to residents and visitors with no allocation, permit or restriction
- Although not directly relevant; the Housing Team were reviewing resident only restrictions at the adjacent, under-utilised St Swithan's parking

Consideration was given to:-

- The angle of the solar panels.
- DM3 and DM5 and whether this was cast iron.
- Concerns regarding meeting parking requirements and garages.
- The delivery of the Zed Pods.
- Flooding issues.

It was therefore RESOLVED that Planning permission be granted subject to the conditions.

(Proposed by the Chairman)

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

Notes:-

- Cllr P J Heal, Cllr L Cruwys, Cllr M Collis, Cllr S Clist, Cllr P Colthorpe, Cllr Ben Holdman, Cllr D Knowles, Cllr F Letch, Cllr C Daw all made declarations in accordance with the protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence.
- Councillor Letch declared that he knew some of the protesters.
- Laura Eimermann spoke as Agent for the Applicant.
- Chris Hetherington spoke at the Objector.

- Cllr E Lloyd (comments read out by the Chair) and Councillor M Squires spoke as Ward Members.

133 MAJOR APPLICATIONS WITH NO DECISION (02:30:05)

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

The Committee agreed that:

1. 23/00394/MARM – To Committee
2. 23/00152/MFUL - To Committee if minded to refuse.
3. 22/00857/MFUL – remain delegated
4. 23/00227/MFUL – remain delegated
5. 23/00252/MFUL – remain delegated

Note: * list previously circulated and attached to the minutes.

134 APPEAL DECISIONS (02:33:58)

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

Note: * list previously circulated and attached to the minutes.

(The meeting ended at 5.20 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 14th June 2023

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|------------------------|--|
| 01. | <p>22/00067/MFUL - Conversion of farmhouse and buildings to 17 dwellings, the erection of 14 dwellings and erection of 2 commercial buildings (Use Classes B8, E, Sui Generis) at Wellparks, Exeter Road, Crediton.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p> |
| 02. | <p>23/00326/FULL - Erection of replacement clubhouse with additional changing and toilet facilities following demolition of existing buildings at Crediton United AFC, Commercial Road, Lords Meadow Industrial Estate.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions.</p> |
| 03. | <p>22/01209/FULL - Erection of dwelling following demolition of an agricultural building utilising the Class Q fallback position at Land and Buildings at NGR 302779 113776, (Morrells Farm, South West of Chains Road), Sampford Peverell.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions and non-fragmentation legal agreement.</p> |
| 04. | <p>22/01098/MOUT - Outline for the erection of up to 120 dwellings and associated access, with all other matters reserved at Land and Buildings North of Blundells Road (Newberry Metals Ltd & Horsdon Garage), Tiverton, Devon.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p> |

Application No. 22/00067/MFUL

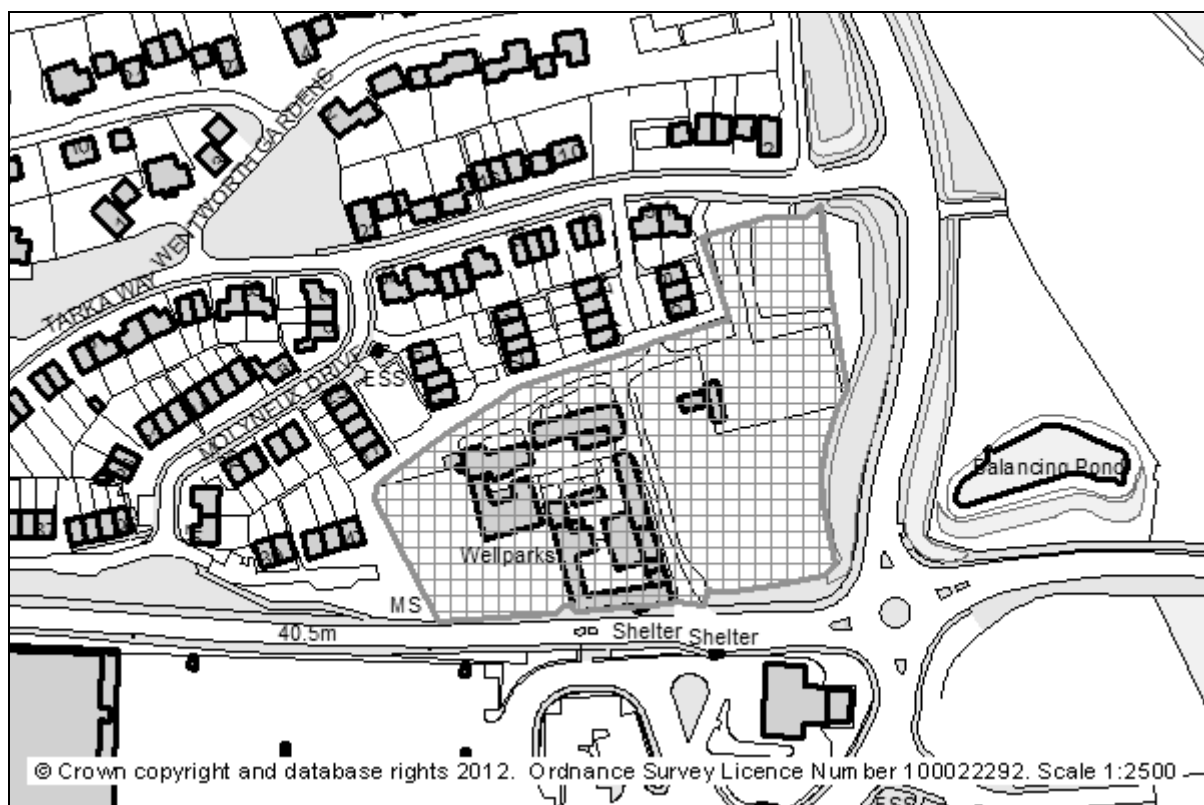
Grid Ref: 284416 : 99597

Applicant: Mr Spencer Popham

Location: Wellparks
Exeter Road
Crediton
Devon

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

Date Valid: 15th February 2022



APPLICATION NO: 22/00067/MFUL

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

REASON FOR REFERRAL TO COMMITTEE

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

RECOMMENDATION

Grant planning permission subject to conditions and the signing of a s106 legal agreement for the following:

- Landscape management and maintenance scheme for the open space and details of management company;
- Fall-back mechanism to assess viability, affordable housing and contributions should the commercial element not be provided;
- Compliance monitoring fees.

SITE DESCRIPTION

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

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

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

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

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

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

PROPOSED DEVELOPMENT

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

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

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

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

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

The proposed commercial element would be located on the north eastern side of the site to be accessed from Tarka Way. Two commercial units are proposed in one block. Unit 1 & 2 would be located to the south of Tarka Way, to the east of no's 1, 5, 7 & 9 Tarka Way orientated north-south with their frontage facing westwards. Unit 1 would measure 391sqm and unit 2 113sqm with the building measuring 38m in length and 14m in width, with a dual-pitched roof approximately 6.5m to eaves height and 7.5m to ridge height. The design of the units is typical of employment sites

being steel portal construction. The commercial blocks would be clad in green insulated vertically laid cladding and grey roofing and anthracite coloured gutters, downpipes and doors. The frontage to unit 1 would include a large opening for deliveries. The main entrances to units 1 & 2 would include glazed doors and a number of full door height windows/fixed glazing.

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

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

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

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

Surface water would be dealt with by a combination of soakaways, swale and attenuation tanks and it is proposed to connect into the surface water drainage system which serves the Tesco site.

APPLICANT'S SUPPORTING INFORMATION

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

Viability Testing
Waste Audit Statement
Structural Report & Supporting Sketches

17.02.2023:

Addendum to the heritage statement
Drainage design statement
Updated ecology report
BNG Report
Addendum Viability Report
Noise and air quality update

15.05.2023

Costs Plan to accompany viability report

19.05.2023:

Independent viability assessor's final 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

CREDITON TOWN COUNCIL

17.03.2022:

No objection.

13.02.2023:

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

Travel Assessment

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

Manual for Streets

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

Where does this development provide investment in the leisure network?

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

Car Parking

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

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

Cycle Parking

Please demonstrate how the requirements of DM8 will be met which states “32 Cycling is a suitable alternative to the car for short journeys in urban areas and is used as a form of recreation by many. To encourage further use of this sustainable alternative to the car, it is important that the occupants of new housing have dedicated storage for bicycles which is accessible, secure and weather resistant. Where a garage is provided separate cycle storage will not be required but in all

other cases the storage should be away from general public circulation, be lockable, permanently fixed and should protect the contents from the effects of weather. This could be by the provision of cycle cabinets in rear gardens or through the provision of communal cycle parking for dwellings which do not have gardens such as flats or coach houses. In all cases they should be accessible without taking bicycles through a dwelling as that would deter their use.
I have highlighted key words in bold where more information is required, please. What is a “larger dwelling” and what are the provisions for cycles at those dwellings?

Facilities for Cars

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

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

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

Emergency Access

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

Traffic impact

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

Travel Plan

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

CREDITON TOWN COUNCIL – 10.03.2023

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

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

Impact on the heritage asset

The link road, Well Parks Hill, on the east side of Well Parks House already negatively

impacts the setting of the listed building. This is exacerbated by the proposal to introduce large-scale commercial buildings of an industrial and utilitarian appearance to the northeast of the asset and higher up the hillside. These will be visible across the valley.

The commercial units at 6.5m to the eaves appear excessively high and out of context for their surroundings, and as a result not the entrance to Crediton one would look for in accordance with the Local Plan. Well Parks Hill is at the entrance to the town and the development of this gateway site needs to be carefully considered if the area is not to be a clutter of buildings in different styles, of varying architectural quality, in order to fulfil different purposes. As the area develops, it is having an even more negative impact on the setting of Downes House itself, increasing the impact of splitting of the estate from the home farm by the constructions of the link road several years ago. This further development is therefore contrary to Objective 1.5 and Policy D5 of the Crediton NP. The orchard to the southeast of the site is a welcome introduction to the landscape but clarity should be provided on the open public space availability and accessibility as it is not clear from the Site Masterplan. Although the heritage asset is still standing, it has been severely compromised, first by the proximity of new housing on the northwest side, and now by the proposal to introduce further development even closer on the west, north and east sides, including the commercial buildings which will dwarf and conflict with the asset. Well Parks House will virtually disappear into this newly constructed townscape. It has not been treated in a way which allows it to retain its historic character and contribution to the town's heritage. This is contrary to objective 7.1 and Policy H1 of the Crediton NP. To mitigate the impact of development, the asset should be protected by retaining an adequate and appropriately landscaped buffer zone on as many sides as still possible in order to give it a distinct setting, and by ensuring that buildings beyond the buffer zone are appropriately designed to complement the asset.

Traffic and transport

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

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

The virtual footpath alongside the revised two-way road system appears to have been removed without mention and it is not obvious how the residents can safely exit the development on foot.

The two-way road appears to be inadequate in width to accommodate two-way flow + pedestrians and we question if this been reviewed and commented on from a safety perspective. Reference is made in the TA 3.15 of there not being a need to revisit the swept path analysis for the three new houses proposed, but this is required as there is nothing in the earlier TA showing how a refuse vehicle would manoeuvre safely collecting refuse from the newly introduced refuse storage area.

The refuse collection point and area for cycles in the area for the proposed eleven new homes requires more information as to how the cycles will be kept secure - it would be useful to know what the dotted line rectangles with a black line in the centre are depicting on the Site Masterplan please.

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

MDDC CONSERVATION OFFICER – 09.06 & 20.06.2022

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

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

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

SUMMARY

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

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

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

Due to the close proximity of this site and significance it has, in regards to being within the setting of the listed buildings, any development must take opportunity for preservation or enhancement and integrate successfully with the historic farmstead, allowing the latter nationally designated

farmstead to retain its primacy within the environs and avoid introducing any over dominating and intrusive presence.

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

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

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

SIGNIFICANCE/SETTING/CONTEXT

- The site is located to the SE of Crediton, the former rural boundary to Crediton which historically formed part of the Downes Estate, from which it is now severed, due to the new adjacent Crediton Link Road infrastructure/ Wellparks Hill.
- The Grade II* Downes House and its associated Grade II Downes Farmhouse and its separately listed farmbuildings are to the NE with associated undesignated 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 immediately 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 RoFV,
- as well as from the customer carpark of the superstore opposite, where upward views and a wider vista will allow the large industrial units to be seen to dwarf the adjacent much smaller, traditional listed farmbuildings as well as visually bisect the views towards the dwellings located along the hilltop, introducing a mass that appears out of context on this prominent site.
- Additional downward views from the northern Tarka Estate where the units will be seen set against the wider rural backdrop.
- Should sufficient justification be provided for the need for larger units, then alternative designs to a standard modern warehouse/hangar design should have been explored.
- Which can provide large internal open-plan floorspace but from the exterior appear to be composed of a number of attached built elements incorporating more traditional and differing roofing forms, building lines and mix of materials, that help to mitigate massing and scale.

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

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

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

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

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

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

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

MDDC PUBLIC HEALTH – 07.03.2022

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

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

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

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

Noise & other nuisances - A comprehensive noise report has been submitted by SLR Consulting dated October 2021. 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. We agree with these recommendations and suggest that a condition along the following lines should be included on any approval: 'The recommendations contained within the noise report prepared by SLR Consulting and dated October 2021 shall be implemented in full and maintained throughout the life of the commercial development. Reason: to protect the amenity of new and existing residents from unacceptable commercial noise.'

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

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

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

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

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

Housing Standards - No comments - 18.2.22

Licensing - No comments - 18.2.22

Food Hygiene - Not applicable - 18.02.22

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

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

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

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

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

MDDC PUBLIC HEALTH - 09.03.2023

No additional comments.

MDDC ECONOMIC DEVELOPMENT- 03.2022

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

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

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

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

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

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

MDDC FORWARD PLANNING TEAM 06.04.2022

Proposal

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

Policy Context

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

National Planning Policy Framework

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

The Adopted Local Plan

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

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

Assessment

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

Policy CRE1 criterion b) specifies 2,220 square meters of commercial floorspace in the south east part of the site. The application proposes 1,342 sq m for business uses, which is 878 sqm less than what is required in criterion b) of Policy CRE1. However, the ability to achieve 2,220 sq m would in part be dependent on the ability to achieve a suitable conversion of the farm buildings, of which some are Grade II listed. The applicant will have to demonstrate that conversion to business

uses could not be achieved without causing unacceptable harm to the integrity of those listed buildings and which would also not be economically viable.

Having regard to the submitted plans, the elevation of the development relative to the adjacent listed buildings is of concern, although the Council's Conservation Officer will be able to advise further on this matter. Fundamentally, in order to meet the requirements of Policy CRE1 and in particular criterion d), the proposal needs to demonstrate that the layout, design and landscaping reflects the sloping, visible nature of the site, protects the setting of Downes Historic Park and Garden, and respects the character and setting of the listed buildings at Wellparks and Downes house.

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

Conclusion

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

MDDC FORWARD PLANNING 23.05.2023

Further to my response dated 21 March 2023, the Council, at the expense of the applicant, has undertaken a process of independent valuation of the applicant's viability assumptions, in particular testing the applicant's assertion that providing policy compliant provision of affordable housing would render the scheme unviable.

The conclusions of this independent assessment note that the build costs associated with the commercial element render the scheme unviable even on the basis of a 100% open market scheme with no affordable housing provision. The independent viability consultant notes that 'the reasons that the scheme is now showing as unviable, even with 100% open market housing on the site is due to the fact that the commercial units are now a significant loss to the scheme...It is my opinion that based on those costs and assumptions provided, no developer would develop out the commercial element of the scheme'.

Based on my reading of the documentation submitted, I have significant concerns regarding the scheme as proposed particularly given that in one way or another the scheme will not meet all of the requirements of Policy CRE1. It is either the case that the developer has no intention of delivering the commercial element of the scheme on the basis of the build costs proposed, therefore meaning that the costs incorporated within the assessment are inaccurate, or that the development does not intend on delivering the commercial element at all (given the significant negative impact on scheme viability). I suggest that clarification is needed from the developer regarding this matter.

The failure of the scheme to provide any affordable housing is regrettable, particularly given significant need for such housing across the district and indeed, within Crediton. There is a need to balance two separate, but not both achievable, policy requirements in reaching an overall decision regarding the scheme.

The current proposal seeks to provide commercial development as opposed to affordable housing and this is clearly a matter for the decision maker to balance having regard to the development plan and all other material considerations. However, on the basis of the independent consultant's conclusions, I consider there are significant risks associated with the commercial element of the proposal and the Council will need to be confident that this can be delivered in a timely manner and ensure that there are appropriate planning and legal mechanisms in place to do so.

HISTORIC ENVIRONMENT TEAM (DCC) - 03.03.2022

Comments from Stephen Reed, Senior Historic Environment Officer

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

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

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

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

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

Reason

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

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

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

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

HIGHWAY AUTHORITY – 20.06.2022

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

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

The Applicant has re submitted drawing which shows the connection between the employment and the dwellings are disconnected and cannot be accessed by vehicle which is in line with the Highway Authorities requirements. Although no drawing 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

Once 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;

HIGHWAY AUTHORITY – 10.03.2023

Previous Comment

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

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

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

Further Information 23/2/2023

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

Recommendation:

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

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

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

HIGHWAY AUTHORITY - 23.03.2023

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

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

DCC - EDUCATION - 04.03.2022

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

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

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

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

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

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

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

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

DEVON, CORNWALL & DORSET POLICE

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

06.03.2023

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

FLOOD and COASTAL RISK MANAGEMENT TEAM

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

Observations:

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

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

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

Infiltration test results should be submitted.

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

Lead Local Flood Authority (LLFA) 27.04.2022:

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.

LLFA 24.05.2023

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

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

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our

DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.

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

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

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

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

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

Observations:

Following my previous consultation response (FRM/MD/00067/2022; dated 27th April 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant should ensure that they have submitted the infiltration test results to the Local Planning Authority.

The applicant is proposing to connect into the surface water drainage system which serves the Tesco site. The applicant has also confirmed that they have an agreement with the landowner to drain to an Ordinary Watercourse within their ownership (if the applicant prefers this route). If there are no further landowners to agree with, then the applicant might be able to construct the outfall

pipework by agreement with DCC Highways (to construct the pipework within the road and highway verge), rather than a sewer requisition from South West Water (the applicant should confirm this).

Further infiltration tests will be required to demonstrate the viability of infiltration within the west of the site. If infiltration tests fail, then the applicant will need to reassess how they will manage surface water here. The site will be draining at the maximum 5.0 litres/second into the Tesco system, so the western site will not be able to connect into this system (without agreement from Tesco). The applicant will need to survey the existing drainage for the barns (centre of the site) and commit to any repairs. This drainage will need to be depicted on a plan.

NATURAL ENGLAND - 08.03.2022:

Natural England has no comments to make on this application.

WASTE and TRANSPORT MANAGER - 04.03.2022

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

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

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

However, the following points need to be addressed:

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

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

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

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

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

Historic England Advice

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

Significance of Wellpark Farmstead

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

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

Impact of the proposed development

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

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

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

Historic England's Position

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

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

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

HISTORIC ENGLAND – received 10.03.2023

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

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

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

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

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

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

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

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

Recommendation

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

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:

3 representations objecting:

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

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

- 1) The nature of the businesses proposed means extended opening hours, probably seven days a week. There will therefore be no respite for residents from the noise and disruption caused by customers entering and leaving the site, slamming car doors, delivery lorries at all hours etc.
- 2) One wonders whether the number of parking spaces provided will be adequate for staff and customers of both units, especially in the light of the seating area for the Greggs unit, which suggests a long dwell time. Where are people likely to park if they can't get in the car park? On Tarka Way - which already suffers from cars parking on the pavements, creating disruption to residents and their visitors wanting to access their homes.
- 3) There is fundamentally no need for a commercial development at this location. There is land available nearby adjacent to Tesco and Mole Avon, as well as on the industrial park the other side of Wellparks Hill. These would be much more suitable locations for commercial development, leaving the land which is the subject of this application for residential use and green space. I would like to object to the proposed commercial units. The additional housing is a priority & incorporating the old farmhouse seeks to retain an historic element of the town. However the idea of including commercial units ie a Greggs and a Screwfix is not in keeping with a residential development. With Jewson and Eakers on the doorstep & notwithstanding Mole Avon & Adams in the town, the need for a Screwfix seems unnecessary & would serve a small minority of local people. The idea of a food outlet at the entrance to the Tarka site is also not in keeping with the area - such a food outlet would be better located at the far end of Wellparks Hill (close to existing industrial units) or alternatively in the area of Mole Avon, Tesco etc where there is easy access to enable people the option of quickly stopping of .(for fast food) Placing a food retailer where proposed would likely draw additional traffic (causing pollution as people would be unlikely to walk up the hill from the Tesco site / also note the condition of the road at the far end of the hill is in much need of repair) create noise & disruption to the local residents & create litter (all food outlets sadly do this & aside from being detrimental this may also cause vermin) At a time when obesity is increasing & the nations health suffering especially our children's should such an unhealthy choice be acceptable. In a town that is in the process of change & modernisation. A coffee shop on the Tesco site would most likely attract a much wider audience but be competing with Tesco & Mole Avon. If a commercial unit was essential on the proposed site a newsagents type of shop could be considered 'handy' but again would be competing with the likes of Tesco & The Shell garage so potentially unnecessary duplication & therefore unlikely to be viable. Keep residential housing for housing , down downgrade the development.

2 letters 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.

This proposal by Angus Meek Architects looks really excellent. The new accommodation buildings are very sympathetic to the historic Wellparks buildings. Indeed, it is an enhancement. Also, this is brilliant, much-needed investment into Crediton, a recently moribund old Devon market town. I would recommend approval for this planning application.

ORIGINAL SCHEME – March 2022

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

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Principle of development

- 1.1. Policy S1 sets out sustainable development priorities for the District including the need for appropriate infrastructure. Criterion (h) of Policy S1 requires development to provide good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place. Policy S2 directs most development to the main towns and policies S3 and S4 set out the housing requirements and targets for the District.
- 1.2. Policy S12 envisages that Crediton will, *'develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the existing retail provision. Proposals will provide for approximately 786 dwellings, of which 220 will be affordable, and 14,700 gross square metres of commercial floorspace over the plan period.'*
- 1.3. Policy S12 goes on to state that the *'following development will be supported over the plan period:*
 - a) *Proposals which support the economic regeneration of the town centre, including the provision of new homes, commercial development, cultural facilities and other key town centre uses which support the town centre's viability and vitality. Particular support will be given for proposals which improve the quantity and quality of existing retail provision within the town centre. All proposals within the town centre will need to play a positive role in sustaining and enhancing the significance of the area's heritage;*

- b) *Proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and **Downes (my emphasis)**;*
- c) *Continuation of measures to support the implementation of the Crediton Air Quality Action Plan, including enhanced walking and cycling opportunities around the town;*
- d) *Enhance the tourism facilities and visitor role of the town and surrounding area; and*
- e) *Community and education facilities and other infrastructure to support the development proposed, including green infrastructure.*

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

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

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

e) Improved pedestrian and cycle access to the town centre and facilities to the south of the A377

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

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

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

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

- 1.5. Policy CRE1 seeks to provide 2,220sqm of commercial floorspace in the southeast corner of the allocation. Wellparks is not explicitly mentioned but forward planning officers have confirmed that this refers to the farm buildings, farmhouse and associated land to the west and the area of former farmland land on its eastern side.

- 1.6. Wellparks was first allocated in the 2013 Mid Devon Core Strategy. The previous local plan policy that related to Wellparks was Policy AL/CRE/1 & 7. Its associated notes state that:

'Wellpark is a group of substantial buildings adjoining the A377 and opposite the new Tesco development, that were originally part of Wellparks Farm. These buildings are suitable for conversion for employment uses, but this will need to be done with care as a number of them are Grade II Listed. The design of the development will need to respect this character. In addition, some new build can be achieved on land between the proposed road and these buildings and on the site of a former steel barn.' Policy AL/CRE/7 (Wellparks) specifically allocated the listed farm buildings and land to the east for commercial development for circa 4150sqm.

- 1.7. In 2016 planning permission 14/00830/MOUT was approved for 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 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 (Change of use of allocated employment land) of the Crediton Neighbourhood Plan (CNP) 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 design and access statement (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 has been submitted by the applicant which has been appraised by an independent assessor on behalf of the Council. The independent appraisal has found that the development is unable to provide affordable housing or any other contributions due to the costs associated with converting the listed buildings, the increased costs generally of building materials, and providing the lower quantum of commercial development; which has had to be reduced due to the impacts on the setting of the listed buildings. Despite the viability assessment indicating that the commercial element is unviable (i.e. falls below the 20% profit threshold) the applicant has confirmed they are committed to providing the commercial element and as such will enter into a s106 legal agreement to ensure that if the commercial were not brought forward that the site and remaining residential scheme could be re-appraised with regard to viability, affordable housing and contributions.
- 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 listed building conversion and 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 listed barns and farmhouse it is proposed to convert to residential amounts to 1728 sqm. This is an area of floor space that could have been used for commercial development as envisaged in the allocation policy. This would have left circa 500sqm on land to the east of the farm buildings; which accords with the 504sqm of commercial floorspace now being proposed.
- 1.17. It should be noted that the Council's forward planning team have recently undertaken an Employment Land Monitoring Review of the District which concludes that the Council is meeting and exceeding the requirements of strategic Policy S2 which requires 147,000sqm of commercial floorspace comprising a range of employment-generating uses in the period 2013 – 2033. The total completed and committed employment floorspace (B space and Class E office, research and development, light industrial) is 175,929 sq m.
- 1.18. Three terraced 2-bed dwellings are proposed on the western side of the site. These are 'enabling development' required to ensure the viability of the listed building conversion. As originally submitted 18 dwellings were proposed within the barns and farmhouse but officers raised concerns that this was excessive subdivision harmful to the significance of the threshing barn. As a consequence the subdivision had been reduced to 17. This reduction in units, combined with increased costs of materials etc, has made the conversion unviable and hence the need for the enabling development. Officer consider this approach to be acceptable in principle. This will be discussed further below.
- 1.19. In summary, it is considered that whilst the proposed scheme does not fully accord with the allocation, there are strong material considerations, in the form of heritage and quality contextual design that make the principle of the scheme acceptable and weigh in favour of the grant of planning permission.

2. Character and appearance

- 2.1. National guidance is supportive of high quality, well designed, beautiful places. This is reflected in development plan policies. Policies S1 & S9 seek 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 and contained a number of small agricultural buildings. It currently houses a Devonshire Homes compound on its northern side. Until recently, on the southern side of this land, 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 south 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 have appeared 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 and the extent of window/door openings 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. Crediton Town Council has raised concern that scheme will harm the appearance of this gateway into Crediton and is therefore contrary to Objective 1.5 and Policy D5 of the Crediton NP. Specifically, concern is raised that the introduction of large-scale commercial buildings of an industrial and utilitarian appearance to the northeast of the asset and higher up the hillside will be visible across the valley; and that at 6.5m to eaves height the commercial units will appear excessively high and out of context for their surroundings.
- 2.11. However, for the reasons outlined above, having regard to the allocated site and re-design, the scheme is considered to be acceptable. The commercial units will be of a scale larger than the existing development at Tarka View but at 6.5m to eaves height and 7.5m to ridge height 38m in length and 14m in depth, this is not considered to be excessive in the context of this site. It should be noted that the commercial units are on land lower than the existing surrounding residential development, will have landscaping on their south, east and northern boundaries and will be clad in green cladding so that it will reduce its impact and appears more as a modern agricultural building.
- 2.12. It is considered that the proposed development constitutes high quality design in accordance with development plan policies S1, S9, DM1, CRE1 and CNP Policy D5.

3. Heritage

- 3.1. Policy S1 of the Mid Devon Local Plan seeks to conserve and enhance the historic environment through protection of heritage assets and by assessing the impact of new development on historic character. Policy S9 requires the protection of listed buildings, conservation areas, scheduled monuments and local heritage assets. Policy DM25 requires proposals likely to affect the significance of heritage assets to consider their significance, character and setting, and to examine opportunities to enhance them.
- 3.2. The National Planning Policy Framework affords great weight to the conservation of heritage assets and requires that any harm arising from development must be clearly justified. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.3. Para 197 states that *local planning authorities should take account of:*

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

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

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

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

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

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

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

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

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

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

The commercial units

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

conditioned) the proposed landscaping will be successful in mitigating the impacts of the commercial element from gateway views into Crediton. Views will predominately be of the orchard and the proposed range of dwellings.

3.34. The proposed new range of dwellings to the east are considered to be of an appropriate design that reflect the existing listed estate farm buildings which, in combination with the proposed landscaping and orchard, would protect the setting of the listed model farm.

3.35. Historic England latest comments state that:

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

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

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

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

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

3.39. As regards archaeology, the County archaeologist has no objection to the proposed development subject to the imposition of a condition to secure a historic building recording

and analysis which has been secured and implemented in accordance with a written scheme of investigation.

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

- 4.1. Policy S1 seeks good sustainable design that respects local character, heritage and surroundings and creates safe and accessible environments. Policy S8 requires that development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 requires high quality design demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Policy DM3 seeks to ensure safe access to the transport network. CNP Policy T1 is supportive of development that allows greater connectivity.
- 4.2. A transport assessment (TA) and addendum has been submitted with the application to assess the transportation, traffic, parking and highway aspects of the development. A travel plan (TP) also accompanies the application which seeks to promote the use of non-car modes when travelling to and from the site.
- 4.3. The application proposes that the residential element is only accessed from Exeter Road and the employment element is only accessed from Tarka Way. Pedestrians and cyclists will however be able to travel between Tarka Way and Exeter Road.
- 4.4. As originally submitted, and as stated in the TA, it was envisaged that the employment and residential sites could be accessed from Tarka View. This was later revised following concerns raised by the County Highway Officer (CHO) because the access past Wellparks would cause unnecessary conflict between the employment and commercial uses.
- 4.5. The vehicular access from Tarka Way would have a visibility splay of 2.4m x 25m which accords with Manual for streets for a road with a 20mph speed limit. The CHO has confirmed that this is an appropriate splay given the context of low speeds along Tarka Way in line with Manual for Streets guidance. The CHO has also confirmed that the visibility splay from the private access onto Exeter Road is also acceptable, and that the minimum width of the private access road (3.7-4.8m) is satisfactory given the relatively modest length of the road, available passing places and the amount of traffic likely to use it.
- 4.6. A 2m footway is proposed along the eastern edge of the access road terminating with the parking area to commercial unit 1. A 2m footway is also shown along the western edge of the access road from Tarka Way to the north of the listed barns; units 1-11 would also be directly accessible from the footway. A footway will then provide access along the western side of the private access road adjacent to the listed buildings measuring 1.2-1.8m in width. The CHO has confirmed that this approach is acceptable in this instance (2m is usually the minimum) because this is a private road and will not be adopted. A condition will require that the link between the commercial element and residential parts of the site is 2.5m in width to ensure there is sufficient width for pedestrians and cyclists.

- 4.7. Emergency vehicles can access the site from either Tarka Way or Exeter Road (in all directions) as the width is in excess of the minimum width of 3.7m required for a fire engine. Swept path analysis has been undertaken which demonstrates a large car and delivery vehicle can successfully enter and park within the residential element. The swept path analysis also demonstrates a 16.5m articulated vehicle can successfully enter the employment element and satisfactorily service the units. A bin lorry will also be able to access and turn at the northern extent of private drive to serve the residential properties. The CHO is satisfied given the width of the road from Exeter Road that a fire engine could successfully access the residential side of the development.
- 4.8. The proposed residential listed building conversion and new terrace of three would provide parking with 40 parking spaces (38 + 2 Visitor). The residential development also provides integrated refuse stores. Cycle parking is a mix of both integrated stores and on plot provision. The new dwelling range to the south of the commercial element would provide 21 parking spaces including 1 visitor space. Refuse collection point and cycle parking is shown at the entrance to this element adjacent to unit 11. Units 1, 9 & 11 would have secure cycle storage within their private garden. The commercial element also provides 16 parking spaces, including 2 disabled spaces and 5 EV charging bays.
- 4.9. The TA details that 105 cycle parking spaces are required across the scheme. Whilst areas of cycle parking are identified it is not clear if the required amount can be successfully provided; there are also no details of secure cycle shed in rear gardens. Further details of the cycle parking are therefore required which will be secured by condition.
- 4.10. The TC has raised concerns that the amount and location of parking is not in accordance with Mid Devon's Parking SPD. However, the proposed residential parking exceeds the Policy DM5 requirement of 1.7 spaces per dwelling. The three visitor parking spaces also satisfies the MDDC Parking SPD which requires that for residential developments comprising more than 10 dwellings a space will be provided for visitors and marked to define them as such for every ten houses over the threshold.
- 4.11. Turning to the commercial element and its parking requirements, Screwfix is considered (as has been concluded by planning inspectors) is a B8 use with associated retail/trade element; Greggs is regarded as primarily retail which is Use Class E (b) with ancillary hot food takeaway element (Suis Generis). To comply with Policy DM5 unit 1 (Screwfix) would require 8 parking and unit 2 (Greggs) would also require 8 spaces. The previous layout iteration only provided 14 spaces including 2 disabled spaces. However, the latest plan identifies 16 spaces including 2 disabled spaces which is compliant with Policy DM5.
- 4.12. The proposed level of parking is therefore correct with regard to the proposed end users and their use classes. However, a condition is required to restrict the proposed uses within unit 1. If an A1 use were proposed an additional 12-20 spaces would be required; depending on whether food or non-food retail. Five additional spaces would be required for an A2 or B1 use (now Class E (c) & (g)). The highway Officer has stated that if an uncontrolled use were permitted this could harm highway safety with parking on the highway (Tarka Way) and also parking on the access route from Exeter Road.
- 4.13. As regards principle 6 (security of parking), it suggests that dwellings should overlook their vehicles. As regards the new 11 dwellings they do overlook their parking spaces. However,

in the case of the listed farm buildings, farmhouse and enabling development, this is problematic because of the very nature and special qualities of the listed buildings, the parking spaces have to be located where possible to ensure the significance of the listed buildings are protected.

- 4.14. In accordance with Policy DM5, commercial unit 1 requires 8 cycle parking spaces and unit 2 would require one space. Only 3 are shown (plan notes 6) adjacent to unit 1 therefore policy compliance will be secured through condition.
- 4.15. The masterplan indicates that the residential part of the scheme would only have 2 EV charging points, which does not satisfy Policy DM5 which requires 3 charging point. This can be secured by condition. It should be noted that under the new building regulations most dwellings will need to be provided with charging points. In any case, a condition is required to ensure that charging points are appropriately located having regard to the listed buildings.
- 4.16. The layout plan identifies five EV charging points for the commercial element: 1 adjacent to unit 2 and 4 adjacent to unit 1. This exceeds the requirement within Policy DM5.
- 4.17. The proposed pedestrian/cycling link from Tarka Way to Exeter Road, subject to condition to require a 2.5m width, is considered to be in accordance with CNP Policy T1.
- 4.18. A number of representations raised concerns that the TRICS data is not accurate or fit for purpose and should reference similar developments in Exeter. The CHO has stated that the TRICS Data is a national accepted data base which looks at data taken from 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.
- 4.19. Full details of refuse storage and collection will be secured by condition.
- 4.20. The County Highway Officer has no objections to the proposals and has concluded that, subject to conditions, there will be no severe residual cumulative impacts associated with the development of the site. As such, there are no highways or transportation reasons why this development should not be permitted.

5. Flood risk and drainage

- 5.1. Policy S9 requires the provision of measures to reduce the risk of flooding to life and property; requiring sustainable drainage systems including provisions for future maintenance; guiding development to locations of lowest flood risk; and, avoiding an increase in flood risk elsewhere. Policy DM1 requires appropriate drainage including Sustainable Drainage Systems (SUDS) and arrangements for future maintenance.
- 5.2. The application site is located entirely within Environment Agency Flood Zone 1 (lowest risk of flooding). There are some known risks from surface water flooding within the southern part of the model farm courtyard.

- 5.3. The existing drainage system currently drains at an unrestricted rate into the existing dedicated foul and surface water drainage systems in the A377. The foul is 225dia and under South West Water ownership (public). The existing barn and courtyard area is currently 100% impermeable roof and hardstanding areas. The new development proposal involves removal of areas of existing impermeable hardstanding and replacement with soft garden landscaping which will provide significant betterment on the existing drainage system.
- 5.4. The application proposes to manage surface water with soakaways, a small swale 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.

The applicant is proposing to connect into the surface water drainage system which serves the Tesco site. The applicant has also confirmed that they have an agreement with the landowner to drain to an Ordinary Watercourse within their ownership, if preferred.

- 5.5. The Lead Local Flood Authority (LLFA) has confirmed that they have no objection subject to condition to secure an appropriate drainage scheme. Further infiltration tests will be required to demonstrate the viability of infiltration within the west of the site. If infiltration tests fail, then the applicant will need to reassess how they will manage surface water here; such as attenuation tanks.

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 through a management company 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 therefore be required.
- 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 and s106 requirement as outlined above, it is considered that the proposal is capable of meeting the policy requirements set out in this section of the report with regard to ecology, landscaping and trees.

7. Pollution, air quality and waste management

- 7.1. Policy DM3 requires that development proposals that give rise to significant levels of vehicular movement must be accompanied by a Transport Assessment; Traffic Pollution Assessment; and, Low Emission Assessment; and, should propose mitigation measures where appropriate, including impacts on local air quality. Policy DM4 requires development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution to be accompanied by a Pollution Impact Assessment and mitigation scheme where necessary.
- 7.2. The application is accompanied by a Transport Assessment, contaminated land report, an air quality and odour report and a noise report. A lighting report has not been submitted.
- 7.3. The reports have been considered by MDDC's Public Health officers. Officers are satisfied with the contaminated land report, which identifies a number of contaminated areas within the site, and have recommended that the full contaminated land conditions should be included in any approval in order that the work is completed and verification reports obtained.
- 7.4. The air quality and odour report concludes that there will be no unacceptable impact on air quality from transport sources. However, Public Health Officers have stated that there is potential for odour from any proposed food business in the commercial units to impact on new and existing residences. Comprehensive recommendations are contained in the report and these should be secured by condition.
- 7.5. A comprehensive noise report has been submitted with the application. The writer has established the existing daytime and night time background noise levels in the vicinity. Recommendations relating to the standard of glazing and ventilation have been included in order to ensure that acceptable internal noise levels are achieved. Calculations show that the external amenity areas will be below the upper guideline value of 55dBa and we agree with these conclusions. The writer recommends that the sound rating level of any plant or equipment should not exceed the background noise level during the day or at night, and that the cumulative noise level should not exceed 38dB during the day, or 35dB at night, at the façade of any residential property. Public Health Officers agree with these recommendations and suggest that a condition secures suitable noise levels.
- 7.6. No working hours for the commercial units are stated and the application form indicates that this is not applicable. Officers do not agree with this and in view of the very close proximity of

residents it is recommend that this commercial area is not suitable for 24 hour working. It is appreciated that some of the businesses may provide a service into the evening and therefore Public Health recommend a condition ensures that the commercial units shall operate only within the hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays.

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

8. Economic benefits

- 8.10 Policy S1 of the local plan states at criterion (b) that all development will be expected to support the creation of sustainable communities by building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances.
- 8.11 Chapter 6 paragraph 81 of the NPPF states that significant weight to supporting economic development and economic growth taking account of local business needs and wider opportunities for development.
- 8.12 A viability appraisal has been submitted by the applicant which has been appraised by an independent assessor. The independent appraisal has found that the development is unable to provide affordable housing or any other contributions due to the costs associated with converting the listed buildings and providing the lower quantum of commercial development which has had to be reduced due to the impacts on setting outlined above. Despite the viability assessment indicating that the commercial element is unviable (i.e. falls below the 20% profit threshold) the applicant has confirmed they are committed to providing the commercial element and as such will enter into a s106 legal agreement to ensure that if the commercial were not brought forward that the site and remaining residential scheme could be re-appraised with regard to viability, affordable housing and contributions.
- 8.13 The economic benefits of the scheme are stated to be:
 - 20 full time jobs via the employment space and home-based workers.
 - Annual wages of circa £625,000
 - Construction wages of £2.4m

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

8.14 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. However, due to the reasons outlined above regarding viability this contribution cannot be secured.

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 but has commented on some aspects of the residential development querying the security of some boundary treatments. This will be secured through condition.
- 9.5. The proposed development is considered to be in accordance with Policy DM1(e).

10. Planning balance

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

- 10.2. In this case the less than substantial harm to the listed buildings, which is given 'great weight', is weighed against the benefits of bringing the buildings back into use and the 'significant weight' of the employment benefits and s106 contributions. These benefits have to be balanced against the harm to the significance of the listed buildings and their setting, the related impacts related to character and appearance, and the lack of affordable housing and contributions.
- 10.3. In this case it is considered that the public benefits outweigh the identified harm to the heritage assets. The proposed scheme would provide a number of benefits including: securing the long term protection and use of a listed building at risk; providing landscape enhancements that would reduce the negative impacts of the Tarka View development; protecting the remaining view and setting of Wellparks including the gateway into Crediton with a considered contextual new dwelling range to reflect the listed buildings; and also providing economic benefits from the commercial element as outlined above.
- 10.4. It is considered that in the planning balance the benefits of the development outweigh the identified harm, for the reasons outlined in this report. The development is therefore recommended for approval.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The three dwellings on the western side of the site shall not be constructed until the conversion works to the listed buildings have been completed in accordance with agreed details and are capable of being occupied.
4. Notwithstanding the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;

- details of materials (including the provision of samples) to be used for the external walls, retaining walls and roofs, including details of roof verge finishes (no verge clips to be used);
- Roof overhang details;
- Wall corner details (11 dwellings to have rounded corners);
- Details of number and location of roof lights and window/door openings;
- Details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows, roof lights and doors;
- Details of position and colour finish of rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
- Full elevation details of all boundary treatments;
- Hard surfacing materials.

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

5. 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.
6. If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.
7. A landscape, ecological and arboriculture management and maintenance plan (LEAMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEAMMP shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

The plan shall also set out (where the results from 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.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Ecology Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
 - (o) Details how any potential harm to biodiversity is to be mitigated;
9. Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site, a light strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall including but not limited to design, siting, illumination-type and hours of use to take account of biodiversity, residential amenity and light pollution. The development shall be carried out in accordance with the approved details. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.
10. Commercial unit C1 as identified on drawing no. P01 Rev S shall only be used under use class B8, with ancillary trade counter use providing for trade and retail sales only, within The Town and Country Planning (Use Classes) Order 1987 (as amended), and not any other permitted change if 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.

11. Commercial unit C2 as identified on drawing no. P01 Rev S shall only be used for use classes B8, Class E, and Use class Suis Generis (R – hot food takeaway) restricted to bakery (restricted to the preparation, baking and retail sale of bread, flour and sugar confectionery, savoury products, fresh and delicatessen foods, sandwiches, snacks, soups, beverages, soft drinks, ice cream and a full takeaway, delivery and collection service normally associated with the bakery trade and such other products as may be sold by the Tenant and its other retail bakery outlets) and for no other purpose or other use falling within Use Class Suis Generis or within Suis Generis (R) (hot food takeaway) of the Schedule, within The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.
12. Prior to the occupation of a dwelling or commercial unit hereby approved, details of the EV charging points shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the EV technical specifications, their number, locations and an implementation plan. The development shall proceed in accordance with the approved details and shall be retained and maintained thereafter.
13. Prior to the occupation of any part of the development hereby approved a scheme of refuse storage and collection shall, including elevation drawings and materials of any bin enclosures, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details prior to the occupation of the associated dwelling or unit.
14. The parking layout (not including the farmyard/courtyard) shall be carried out in accordance with drawing no.P01 Rev. S prior to the occupation of the associated dwelling(s).
15. No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
16. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, AA, B, C, D and E, of Part 1 relating to the extension and alteration of the dwelling, extensions or alterations to its roof, porches and the provision of outbuildings or Class A of Part 2 relating to enclosures, shall be undertaken within the curtilage of any dwelling hereby approved without the Local Planning Authority first granting planning permission.
17. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A & H of Part 7 relating to the extension and alteration of a non-domestic premises, industrial

building or warehouse without the Local Planning Authority first granting planning permission.

18. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A of Part 2 relating to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure without the Local Planning Authority first granting planning permission.
19. The pedestrian/cycle link between the commercial element and the residential element identified on the masterplan drawing P01 Rev S shall be a minimum of 2.5 metres in width and hard surfaced details of which shall have previously been submitted to and agreed in writing by the local planning authority prior to the occupation of any part of the development. The development shall be completed in accordance with the approved details prior to the occupation of the development.
20. Within three months of development commencing a scheme of cob wall repair shall be submitted to the local planning authority. Thereafter the development shall proceed in accordance with the approved details and shall be completed prior to the first occupation of any dwellings hereby approved.
21. Prior to occupation of any element of the development hereby approved full details of secure cycle parking for residents and visitors shall be submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details prior to the occupation of the related dwelling(s) or commercial element.
22. The commercial uses hereby approved shall not take place other than between the following hours of 7am to 9pm on Mondays to Fridays and 7am to 6pm on Saturdays.
23. 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 before first use and maintained throughout the life of the occupation.
24. The recommendations with respect to noise from extract and ventilation systems and other mechanical plant which are contained within the noise report prepared by SLR Consulting and dated October 2021 shall be implemented prior to first use of any premises and maintained throughout the life of the commercial development.
25. Notwithstanding the approved plans the subdivision of the farmyard/courtyard has not been approved. Prior to the occupation of any part of the development full details of the farmyard/courtyard subdivision shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in full accordance with these plans prior to the occupation of the associated dwellings.
26. 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 the Local Planning authority. Details that are acceptable to the LPA shall be approved in writing. The

development shall thereafter be carried out in full accordance with the approved details prior to the occupation of the associated dwellings.

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

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.

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

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

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

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

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

REASONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. The dwellings are enabling development and only required to ensure the viability of the listed building residential conversion
4. In the interests of good design.
5. In the interests of biodiversity.
6. To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and

usability of open spaces within the development, and to enhance its setting within the immediate locality.

7. To enhance biodiversity and in the interests of proper planning and good design.
8. In the interests of local amenity and biodiversity.
9. In the interests of biodiversity, residential amenity and to restrict light pollution.
10. In the interests of highway safety and to ensure the commercial units are used for an appropriate use given the location of the site in relation to the residential properties.
11. In the interests of highway safety and to ensure the commercial units are used for an appropriate use given the location of the site in relation to the residential properties.
12. In the interests of local amenity and preventing harm to the setting of the listed buildings.
13. In the interests of proper planning and good design.
14. In the interests of proper planning.
15. To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of the historic building fabric that is affected by the development.
16. To safeguard the amenities of the area in accordance with Policies DM1 & DM25 of the Mid Devon Local Plan 2013-33.
17. To safeguard the amenities of the area in accordance with Policies DM1 & DM25 of the Mid Devon Local Plan 2013-33.
18. To safeguard the amenities of the area in accordance with Policies DM1 & DM25 of the Mid Devon Local Plan 2013-33.
19. In the interests of sustainable transport.
20. To enhance and better reveal the listed buildings.
21. In the interests of sustainable transport.
22. In the interest of local amenity.
23. to protect the amenity of nearby new and existing residents from unacceptable odour.
24. to protect the amenity of new and existing residents from unacceptable commercial noise.
25. In the interest of safeguarding the listed building and ensuring good design.
26. In the interest of safeguarding the listed building and ensuring good design.
27. In the interest of public safety and to prevent damage to the highway

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

Application No. 23/00326/FULL

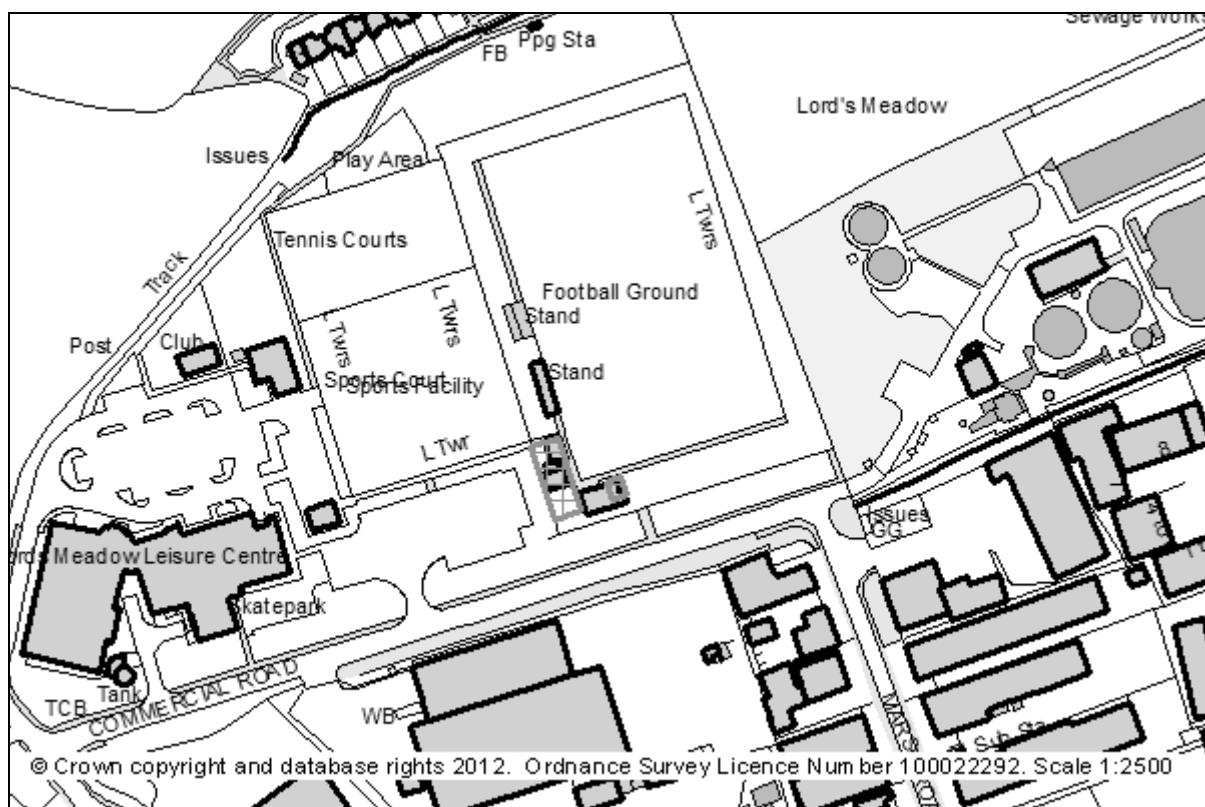
Grid Ref: 284254 : 100435

Applicant: Mr Keith Hopkins

Location: Crediton United AFC
Commercial Road
Lords Meadow Industrial Estate
Crediton

Proposal: Erection of replacement clubhouse with additional changing and toilet facilities following demolition of existing buildings

Date Valid: 29th March 2023



APPLICATION NO: 23/00326/FULL

MEMBER CALL-IN

Whilst Crediton United AFC are the applicant, Mid Devon District Council own the site

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of replacement clubhouse with additional changing and toilet facilities following demolition of existing buildings at Crediton United AFC, Commercial Road, Lords Meadow Industrial Estate, Crediton.

The grounds of Crediton United AFC are located to the east of Lords Meadow Leisure Centre to the opposite side of the car park. It is located within the settlement limits of Crediton with car parking used by the facility being the car park located to the east of the main leisure centre building. The site is level being located outside of any landscape designations and is within flood zone 1 which is the lowest probability of flooding.

The proposed development of the new building containing the ticket office, hospitality function room, storage and changing rooms would have a maximum height of 3.6m which is a similar height to the buildings to be removed, and will be built over the footprint of the buildings to be removed. In terms of materials, the walls would be rendered masonry, to match the finish of the existing changing rooms, having EPDM Flat Roofing System (Ethylene Polypropylene Diene Monomer) a versatile rubber roofing option on the market. An extension is proposed to the other side of the existing clubhouse to provide improved toilet facilities. The development would amount to 230sqm, being an overall increase in floor area of 148sqm as 82sqm is already taken up by existing buildings which are proposed to be replaced. The improved facilities would ensure the Lady's teams have suitable changing facilities in the future and the younger club teams would be able to use the improved toilet facilities.

APPLICANT'S SUPPORTING INFORMATION

Completed Application Form, Plans, Topic-specific Ecological Appraisal, Wildlife Trigger List.

RELEVANT PLANNING HISTORY

77/01314/FULL - PERMIT date 20th October 1977 Outline application for the erection of a club room

77/01817/FULL - PERMIT date 8th February 1978 Detailed drawings for the erection of new clubroom

80/00724/FULL - PERMIT date 8th July 1980 Erection of portable wooden hut for storage purposes

80/01087/FULL - PERMIT date 22nd August 1980 Erection of eight floodlight pylons

81/02032/FULL - PERMIT date 1st February 1982 Erection of grandstand and store

83/00215/ADVERT - PERMIT date 11th April 1983 Consent to erect 50 hoardings 8ft x 3ft adjacent to football pitch

83/00973/FULL - PERMIT date 22nd July 1983 Renewal for the erection of portable wooden hut for storage purposes

85/00615/ADVERT - PERMIT date 1st July 1985 Consent to display an illuminated entrance sign

88/00222/FULL - PERMIT date 13th May 1988 Erection of extension to existing club house

89/01740/FULL - PERMIT date 4th October 1989 Partial enclosure of pitch by erection of 8ft high chain link fencing

91/01846/FULL - PERMIT date 29th January 1992 Erection of floodlighting to football field

92/01964/FULL - PERMIT date 12th January 1993 Erection of covered terracing

93/01571/FULL - PERMIT date 12th November 1993 Retention of portable wooden hut for storage purposes

97/00921/FULL - PERMIT date 19th December 1997 Erection of two single storey extensions and provision of car parking areas

17/01432/FULL - PERMIT date 9th November 2017 Erection of 2 new steel fabricated dug-outs on west side of football pitch following removal of existing dug-outs

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities

Policy S9 – Environment

Policy S12 – Crediton

Policy DM1 - High quality design

Policy DM3 - Transport and air quality

Policy DM4 – Pollution

Policy DM5 – Parking

Policy DM22 – Tourism and leisure development

Policy DM23 - Community facilities

National Planning Policy Framework

National Planning Practice Guidance

Crediton Neighbourhood Plan 2018-2033

Policy D1 - Development Principles

Policy D5 - Design

CONSULTATIONS

Crediton Town Council – 4th May 2023

No objection.

Highway Authority – 11th April 2023

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

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.

One letter of support was received commenting:

- A great opportunity to improve sport amenities in the town to be fully inclusive, and to replace dilapidated old buildings with poor energy efficiency with a great facility.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1.1 This application seeks planning permission for the erection of replacement clubhouse with additional changing and toilet facilities following demolition of existing buildings at Crediton United AFC, Commercial Road, Lords Meadow Industrial Estate, Crediton. The proposal would remove three flat-roofed buildings and replace them with fit-for-purpose clubhouse facilities.

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

- **Policy and principle of development**
- **Impact of the various proposals on the appearance of the football club site and the wider street scene**
- **Impact to the amenities of neighbouring occupiers**
- **Highway safety and capacity issues**
- **Biodiversity Net Gain**

2 Policy and principle of development

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

2.2 In 2020 the Council adopted the Mid Devon Local Plan 2013-2033 and this takes priority in decision making. As outlined earlier on in this report, the intent of the proposals is to provide improved clubhouse and changing room facilities for Crediton United AFC. The key relevant

Local Plan Policies in respect to the proposed development are considered to be those of policies S1, S9, S12, DM1, DM22 and DM23.

- 2.3 Policy S1 (Sustainable development priorities) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S9 (Environment) identifies that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change. Policy S12 (Credition) outlines that Credition will continue to develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. This policy states in criterion (e) that community and education facilities and other infrastructure will be supported. Policy DM1 considers high quality design based on a number of principles which are set out in the policy and considered in this application.
- 2.4 In terms of the improvements to the existing football club, Policy DM22 (Tourism and leisure development) identifies leisure facilities will be supported within defined settlements, subject to respecting the character and appearance of the location. Policy DM23 (Community facilities) identifies that *the development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.*
- 2.5 The Credition Neighbourhood Plan 2018-2033 went through a referendum in September of last year with the result being that it has been adopted. Therefore there are a number of policies which would be relevant to the proposed developments. These are considered to be Policy D1 (Development Principles) which states that development that takes into account the effects of climate change will be supported and Policy D5 (Design) requires the use materials which reflect and complement the development.
- 2.6 It is considered that the proposals to improve the clubhouse and changing room facilities on site is acceptable in principle complying to the policies referred to above, subject to the development not resulting in a detrimental impact on the appearance of site setting and wider landscape. This assessment on impact on the appearance of the site and surrounding area is considered further below. The works will also help sustain the future of the football club, which is an important community facility.

3. Impact of the various proposals on the appearance of the leisure centre and the street scene.

- 3.1 In terms of the design, scale and appearance of the proposals, and the impact on the surrounding area, Policy DM1 (High quality design) is relevant. This policy focuses on the design of new development outlining it must be of a high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area; and the efficient and effective use of the site.
- 3.2 Policies D1 (Development Principles) and D5 (Design) of the Credition Neighbourhood Plan 2018-2033 are also relevant. Policy D1 supports sustainable development well-connected to the town centre by sustainable transport means, contributes to protecting and enhancing the natural, built and historic environment and where the development makes effective use of land, delivers biodiversity net gain and wherever possible. In respect to the site of Credition United

AFC, this is an established community facility located adjacent Lords Meadow Leisure Centre being within walking distance to the Town Centre and public transport facilities.

- 3.3 Policy D5 (Design) states proposals for new development should have regard to the Crediton Design Guide and, subject to the scale and size of the proposal should use materials which reflect and complement existing development. With regard to the materials, the walls of the new build is to be rendered and in keeping with the existing clubhouse on site. A flat roof is proposed which will keep the development lower in height and will not be too dissimilar to the height of the flat roof outbuildings to be removed, albeit with the new build being on a larger footprint. The football club site is at a lower ground level than the adjoining car park at the leisure centre so the new building will be lower in the landscape and it is noted that there is a mature vegetation screen along the boundary of the site adjacent to Commercial Road which will limit views.
- 3.4 It is considered that the general design and layout of the new building and extension to the clubhouse will be acceptable, not resulting in a detrimental impact on the surrounding landscape, making best use of the land available. Whilst the proposal would be larger than the existing buildings to be removed, it would still be of a modest scale and provide what appears to be essential facilities to serve the associated football club. The existing buildings to be replaced are old and temporary in nature and do not make a positive contribution to the character of the area. The proposal would result in a new all purpose clubhouse and changing room building and the building would, in any case, be well screened from its surroundings by existing vegetation and being located lower down than the existing car park area.
- 3.5 Policy DM22 supports the provision of new or expanded leisure facilities, the proposed changing rooms and clubhouse facilities are required to ensure the proper functioning of this significant leisure facility, improving on the existing facilities on site. It is not considered that the works will have an unacceptably adverse impact on the appearance of the football club site, the adjacent leisure centre building or on the wider street scene. The development is therefore considered to be in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

4. Impact to the amenities of neighbouring occupiers

- 4.1 Policy DM1 requires that development is of a high quality and does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. Having regard to the design, scale and siting of the development and the separation distance to the nearest residential properties, it is considered unlikely that it would result in any significant adverse impacts on amenities of a neighbouring occupier. The site is adjacent to Lords Meadow Leisure Centre and surrounded to the west and south by commercial units with playing fields to the north. Therefore it is not considered that the proposed building and extension to existing clubhouse would result in an unacceptable overshadowing, overlooking impact or loss of privacy to neighbouring properties.

5. Highway safety and capacity issues

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

5.2 Policy DM5 requires that development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport. With respect to the development proposed, noting the existing buildings to be replaced and that there is only one main playing pitch with the changing rooms proposed being to improve facilities for the ladies team and there is also a proposal to create a Under 18 team, but these teams will play at different times so the existing parking arrangements adjacent to the site would be sufficient, with accessibility to public transport within walking distance. As such, it is considered that this level of parking is acceptable for the proposed development.

6. Biodiversity Net Gain

6.1 Policy S1 requires development to minimise impacts on biodiversity and provide a net gain in biodiversity. The application is supported by an ecological appraisal which concludes that as a result of the survey, the three buildings to be removed from site do not provide suitable opportunities for bats to roost. That results from there being no roofspaces, crevices or gaps that would enable bats to roost. Birds are also unable to enter any part of the buildings. Foraging in the area will be limited by the club's location in a heavily-industrialised part of Crediton and by the lines of non-native Monterey cypress trees that were planted around the pitch some years ago.

6.2 Provisions for biodiversity mitigation have been identified. Currently, the three buildings do not provide any suitable opportunities for bats to roost or birds to nest. The existing site is of very low habitat value, so the need for mitigation to make up for any losses in biodiversity is correspondingly limited. Nevertheless, an obligation to enhance biodiversity by a measurable amount is set out within the National Planning and Policies Framework (2021). As such, the ecological appraisal outlines that it should be possible to install one open-fronted and two hole-fronted nest boxes under the barge-boards on the south-western aspect of the proposed building, or on the western end of the existing clubhouse. In addition, if a strip of grass is to be retained between the western aspect of the building and the perimeter, it would be advantageous to plant crab apple and cherry plum trees in the grass and to encircle the trees with a range of spring flowering bulbs.

6.3 In light of the above, a condition is recommended that nest box facilities be provided as part of provisions to demonstrate a measurable enhancement in biodiversity, in line with obligations set out within the NPPF. In addition, the planting of small flowering and fruit-bearing trees in any residual strip of amenity grassland, would provide both a new habitat and an attractive landscape feature.

7. Other matters

7.1 In terms of drainage and flood risk, the site is located within flood zone 1 which is the lowest level of flood risk and the development replaces a number of existing buildings and as such it is not considered that the development will result in an increase in flood risk elsewhere. Foul drainage will connect to the existing system site which goes onto connect to the mains drainage located beneath the car park of the leisure centre.

7.2 In conclusion the proposed development in its present format is considered to be an acceptable approach for the need to provide up to date facilities for the football club to allow it to continue to flourish and provide suitable facilities for the modern game and to promote the inclusivity of all to the game. There are no other material considerations that need to be taken

into account in the determination of this application and it is recommended that planning permission is granted.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The provisions for biodiversity mitigation as outlined within the Topic-specific Ecological Appraisal, dated March 2023 and prepared by Sunflower International Ecological Consultancy shall be implemented, completed and retained in accordance with the requirements of that report. For the avoidance of doubt this includes the provision of nest box facilities on site and for landscape planting within the strip of grass to be retained between the western aspect of the building and the site perimeter.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To provide a net gain in biodiversity in accordance with Policies S1 and S9 of the Mid Devon Local Plan 2013- 2033.

INFORMATIVES

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application proposal for the erection of replacement clubhouse with additional changing and toilet facilities following demolition of existing buildings at Crediton United AFC, Commercial Road, Lords Meadow Industrial Estate, Crediton is considered acceptable. It is not considered that the proposals would have any significant detrimental impacts on the appearance of the existing football club or in the wider street scene. The development supports a community use and is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species and/or the amenities of local residents within the locality. The development is therefore in accordance with the requirements of Policies S1, S9, S12, DM1,

DM22 and DM23 of the Mid Devon Local Plan 2013-2033 and Policies D1 and D5 of the Crediton Neighbourhood Plan 2018-2033, and Government advice in the National Planning Policy Framework (NPPF).

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. 22/01209/FULL

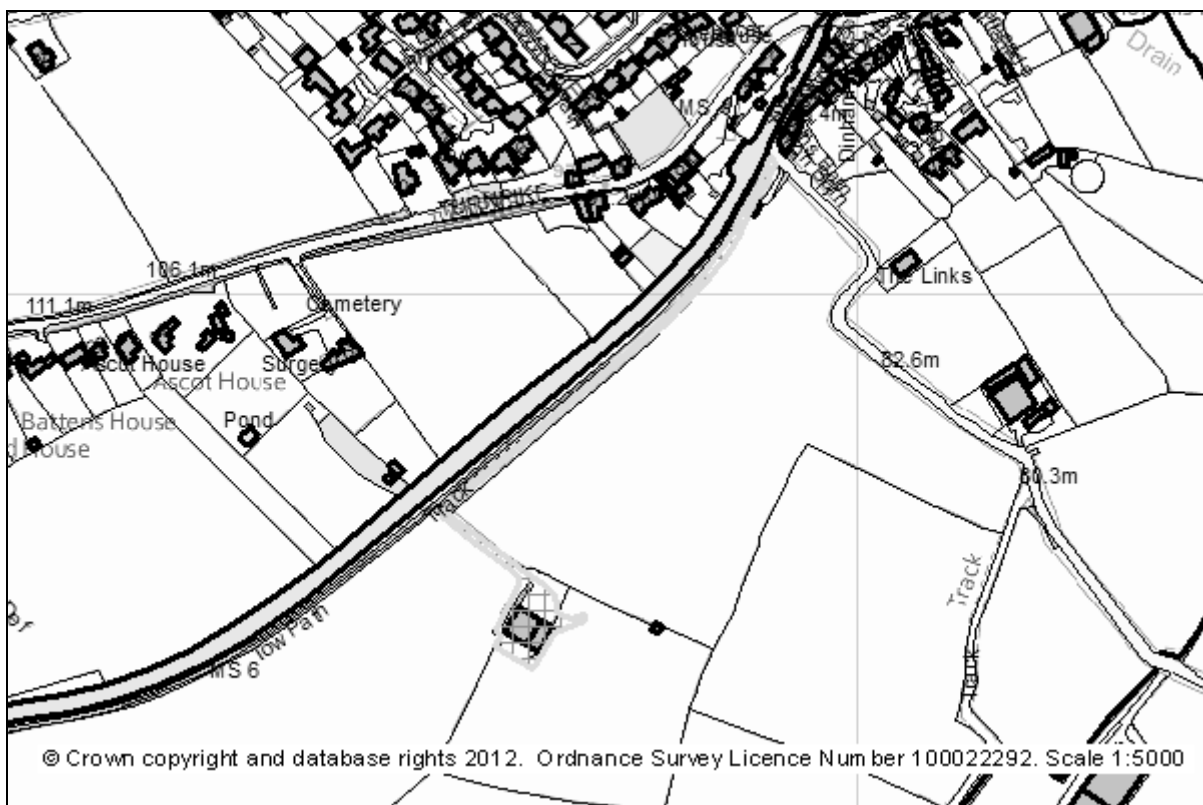
Grid Ref: 302782 : 113779

Applicant: Mr and Mrs G Cottrell

Location: Land and Buildings at NGR 302779 113776
(Morrells Farm, South West of Chains Road)
Sampford Peverell
Devon

Proposal: Erection of dwelling following demolition of an agricultural building utilising the Class Q fallback position

Date Valid: 28th July 2022



APPLICATION NO: 22/01209/FULL

Site Visit: Yes

Date of Site Visit: 02.02.2023

Decision Delayed Reason:

Amended plans and to allow to go before Committee.

MEMBER CALL-IN

The application was initially called in by Cllr Jo Norton if minded to approve, reasons for consideration included:

- Whether the building would qualify for Class Q
- New dwelling in open countryside
- Impact on Conservation Area
- Design and access

Following the elections of May 2023, both incoming ward members (Cllrs Westcott & Lock) confirmed that they would still like the application discussed at Committee if minded to approve. They cited the following points for discussion:

- Impact on Conservation Area
- Whether there is a 'planning betterment'

RECOMMENDATION

Grant permission subject to conditions and non-fragmentation legal agreement.

PROPOSED DEVELOPMENT

The proposed development is for the erection of dwelling following demolition of an agricultural building utilising the Class Q fallback position, at Land and Buildings at NGR 302779 113776 (Morrells Farm, South West of Chains Road), Sampford Peverell.

The site is not within a defined settlement and is therefore classified as being in the open countryside. The Grand Western Canal Conservation Area is approximately 85m west of the building subject to the application whilst part of the access track falls within the Conservation Area. There are no nearby listed buildings, however, and the site is not within a flood risk area.

The application is submitted on the basis that the building could be converted under Schedule 2, Part 3 Class Q(a) and (b), of The Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks to use this as a fall-back position.

A historic application under reference 21/01685/FULL permitted an agricultural storage building immediately forward of the building relevant to this application. However, a new application under reference 23/00145/FULL seeks to move this to the other side of the access track, approximately 25m away. Officers are minded to approve application 23/00145/FULL to

move the nearby building and at the time of writing this report, a legal agreement is being drafted to ensure the building can only one of the developments can come forwards.

APPLICANT'S SUPPORTING INFORMATION

- Ecological Appraisal
- Structural Survey
- Foul Drainage Assessment
- Planning Statement
- Heritage Statement
- Site Location Plan
- Class Q Plans
- Highways Technical Note and Access Plans
- Existing Plans
- Proposed Plans

RELEVANT PLANNING HISTORY

21/01685/FULL - PERMIT date 7th December 2021 Erection of a livestock building, agricultural storage building and formation of concrete hardstanding
23/00145/FULL – PCO - Erection of an agricultural building (revised siting of Barn 2) previously approved under 21/01685/FULL

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable development priorities
S9 Environment
S14 Countryside
DM1 High quality design
DM3 Transport and air quality
DM5 Parking
DM25 Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3 Class Q(a) and (b)

CONSULTATIONS

Environment Agency:

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

Natural England:

No comments received.

Historic Environment Team, 10th February 2023:

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

Historic Environment Team, 26th April 2023:

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

Public Rights of Way Officer:

No comments received.

Sampford Peverell Parish Council, 27th September 2022:

It was RESOLVED that the Parish Council objected to this application for the following material planning considerations:

- Effect on a conservation area (part of site falls within a designated conservation area and is also in view of the Great Western Canal and will adversely affect the landscape)
- Site is outside the settlement area
- Scale and dominance

Sampford Peverell Parish Council (following revised plans), 18th April 2023:

At its meeting on 17 April 2023, Sampford Peverell Parish Council RESOLVED, by a majority decision, that it had no objection in principle to the application in front of them. However, given the concerns of members of the public present at the meeting, the Parish Council would ask for confirmation that all the paperwork provided to MDDC's planning department meets the designated legal requirements and that the proposed build falls within the site plan contained therein.

Sampford Peverell Parish Council, 18th May 2023:

The Parish Council RESOLVED at its meeting on 15 May 2023, following comments in the Public Forum to seek further assurances from MDDC Planning that all the required legal documents relating to this application had been provided prior to it being validated and that a meeting would be sought with MDDC to run through the requirements of Class Q and the Class Q fallback position.

Conservation Officer, 8th February 2023:

The application site is partially in the Grand Western Canal Conservation Area (GWCCA) and partly outside but in close proximity. You will be aware that settings of heritage assets have great weight in the NPPF and DM25 applies a presumption in favour of preserving or enhancing the setting of heritage assets. There is no conservation area assessment for the GWCCA.

Being a canal it was built both for a functional purpose, to connect places and resources, and engineering constraints as it remains level for the 11 miles or so in water (there are no locks on this section). The overall experience of the canal varies along its length as it passes through countryside and villages, but the overall experience is rural, with vistas along the canal and views out over countryside, as unusually amongst watercourses, the canal is not at the bottom of a valley, but contouring along the valley side.

I have visited the site and walked the canal tow path. I found that in walking the canal in both directions the eye is drawn to this site as the direction of the canal lines up towards the site. At present there are two farm buildings at the site, one is quite new. The other is the position of the proposed dwelling. Whilst it is clearly seen from the canal, it is benign in the landscape, it is not unexpected.

The new dwellings form and position is not in the vernacular. It is isolated away from the settlement and from the farm buildings to be retained, and for me would erode the experience and

setting of the canal by introducing a clearly visible dwelling of a non-vernacular form and inappropriate materials. I cannot see this proposal as a betterment.

Conservation Officer (following revised plans), 12th May 2023:

I understand there were previous objections raised regarding the setting of the Grand Western Canal Conservation Area. Due to the angle the property would be viewed from, and the appearance to be that of a barn, I do not consider that this proposal would be detrimental to the CA.

I do have concerns regarding the amount of hardstanding surrounding the property. Barns and agricultural areas do have a significant amount of hardstanding where there are large vehicles moving, and some of these movements will continue. However, the amount given over to a turning area appears to be excessive, particularly as there are large existing areas of hardcore that can contribute to this. In addition, there is little to no reason why the very domestic-looking patio needs to wrap around the property. This could be grassed or planned from the front door around to the southern corner of the dining area without creating access issues, but reducing surface water and improving the overall appearance. There appears to be no justification for such a large swathe of patio at the rear, or the additional hardsurfacing at the front. I've attached a very rough mock-up of where additional green space might be found without compromising the available outside space.

Public Health, 17th August 2022:

We have considered the application and have no environmental health concerns. This would be a new rural dwelling associated with a working farm and therefore the future occupier must expect the usual noise and smells associated with that. The applicant proposes to connect to the mains water supply. A new package treatment plant discharging cleaned water to a drainage field on land in the ownership of the applicant is proposed. We have no concerns regarding this.

Public Health, 19th May 2023:

We have considered the revised site plan and email from the agent dated 17th May 2023. The issue of farm noise and activities affecting future residents of the property was raised in our comments of August 2022 which have been online since that time, and therefore this is not an issue raised at a late stage. However we can see from the comments online that the applicant has confirmed to the parish council that the house will be occupied by the farmer and future generations, in which case the issues of future complaints regarding farm nuisance will not arise.

Highway Authority, 1st August 2022:

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

Highway Authority, 8th February 2023:

The County Highway Authority's original response to this application was for the Planning Authority to use Standing Advice to assess the highway impacts. I have since been asked by the Planning Officer for the County Highway's recommendation due to concerns from objectors

The Site is accessed off an unclassified County Road which is restricted to 60 MPH although the observed speeds are a lot lower. The Number of trips the existing agricultural building could create would be very similar to one dwelling. Therefore the County Highway Authority could not ask for any changes to the access.

Although this is a stand alone application, the Applicant has submitted a further Application 23/00145/FULL which is for a Agricultural Building and revised siting of Barn 2. There is also an Approved Application of a Agricultural Building 21/01685/FULL.

These combined applications if approved could change the number of trips through this existing access, and therefore the County Highway Authority would require an Access Drawing to showing the existing visibility spays and the visibility for vehicles entering the access off the County Road to ensure a safe and suitable access can be achieved.

The County Highway Authority cannot put forward a recommendation until this information has been received.

Highway Authority, 15th February 2023:

The applicant has submitted drawing no. 2927/DR-A-050-017 which shows the visibility which can be achieved which is suitable for the observed speeds in the area. Therefore the County highway Authority has no objections to this application.

Highway Authority, 27th April 2023:

The County Highway has no further comments.

Grand Western Canal Joint Advisory Committee, 21st August 2022:

The Grand Western Canal Joint Advisory Committee (GWCJAC) Objects to this Application since it considers that the proposed development would have a damaging effect on the Grand Western Canal's valued rural characteristics.

It is a Country Park and a Local Nature Reserve and is protected by its linear Conservation Area status.

It is acknowledged that the proposed dwelling would not be in the Conservation Area but its presence would have an unfortunate visual effect on its neighbouring Conservation Area. The proposed dwelling is 100 metres from the canal's towpath and the site is easily seen from the canal. 22/01209/FULL

The drawings suggest that it will be taller than the existing barn and the previously approved, unbuilt, agricultural buildings for that site.

Paragraph 6.2.4 of the submitted Planning Assessment considers that the proposed building will have no significant visual impact when viewed from the properties on the higher ground along Turnpike. Although the ground from the canal falls to the site, the proposed dwelling will have a significant visual impact from the canal which, of course, is considerably lower than Turnpike.

Pleasant though the proposed dwelling may look on the plans, it would be an isolated house away from the settlement of Sampford Peverell which finishes at Chains Road on that side of the canal.

Paragraph 2.82 of Mid Devon's adopted Local Plan says:

"New isolated homes will be avoided in the countryside unless there are special circumstances as set out in national policy and supplemented in relevant Local Plan policies such as Policy DM6 (rural exception sites), DM8 (rural workers dwellings) and DM9 (conversion of rural buildings). In the context of the Mid Devon Local Plan, 'isolated' refers to any location outside defined settlement limits".

The spirit of Class Q permitted development is intended to increase the number of dwellings by converting redundant farm buildings. The GWCJAC is not comfortable with the Agent's arguments that a new build is required when the independent Structural Appraisal concludes that the barn is suitable for conversion to a dwelling. The conversion would be less intrusive from the canal corridor than the proposed taller new build with a completely different profile than the existing barn.

The Application 21/01685 was for two separate agricultural buildings and was approved with, among others,
Condition 5;

The developments shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology (document ref: SPLC21Slv2, dated 17/11/2021) and submitted in support of this planning application. 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 with the Local Planning Authority.

The GWCJAC will seek reassurance that this condition will be repeated for the new development should it be approved.

Grand Western Canal Joint Advisory Committee (following revised plans):

No comments received.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the applicant, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement October 2016. Following receipt of revised plans, further consultations were carried out and the case officer erected a new site notice.

The following properties were written to as part of the consultations:

16 Paultet Sampford Peverell Tiverton Devon EX16 7TA
Quay Head 2 Boobery Sampford Peverell Tiverton EX16 7BS
25 Higher Town Sampford Peverell Tiverton Devon EX16 7BR
16 Turnpike Sampford Peverell Tiverton Devon EX16 7BN
44 Higher Town Sampford Peverell Tiverton Devon EX16 7BR
44 Higher Town Sampford Peverell Tiverton Devon EX16 7BR
16 Paultet Sampford Peverell Tiverton Devon EX16 7TA

A total of 24 letters of objection have been received at the time of writing this report, albeit most are submitted by the same parties at different stages of the application process. Many of the letters are detailed and can be read in full on the public portal, the key considerations have been summarised here:

- Whether the building could be converted under Class Q
- Principle of development outside of settlement limits
- Impact on Grand Western Canal Conservation Area and open countryside
- Impact on local rural economy
- Validity of application
- Design
- Highway safety and access
- Flood risk
- Precedent

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development
2. Design and amenity
3. Impact upon heritage assets
4. Ecology/biodiversity
5. Highway safety and parking
6. Flood risk

7. Other matters

8. Planning balance

1. Principle of development

- 1.1. The site is located in the countryside where Policy S14 seeks to control development to enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable diversification of the rural economy. Ordinarily, new-build, open-market housing would not be supportable in a countryside location such as this.
- 1.2. However, in this case, the application seeks to demolish an existing building and erect a new dwellinghouse in its place on the basis that the existing building could be converted via a Class Q, permitted development conversion. In considering this proposal, members should be aware of recent case law and appeals, namely *Mansell V Tonbridge* 2017, which establish that permission for a residential conversion gained through Class Q can establish a fall-back position for a replacement dwelling in general terms. The case law does not make it clear how much weight should be applied, as it is clearly a matter for the decision maker to interpret on a case-by-case basis. The case law merely establishes the general principle that such a fall-back position can be given weight.
- 1.3. No Class Q application has previously been submitted in relation to this site so in order to establish whether there is indeed a fall-back position, the existing building has been assessed against Class Q below (Class Q in bold):

- a) **The site was not used solely for an agricultural use as part of an established agricultural unit –**
 - (i) on 20th March 2013, or**
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

The agent has submitted a letter dated the 24th of January 2023 which refers to the requirements of Class Q. The information received sets out that the building was in agricultural use prior to the above date. The planning history and officer site visit do not provide any evidence to dispute this.

- b) **Within the agricultural unit the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or the cumulative floor space of the existing building or buildings changing use under Class Q exceeds 465 sqm.**

ba) the floor space of any dwellinghouse development under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order exceeds 465 sqm.

In addition to the supporting letter dated the 24th of January 2023, the application submission includes Class Q plans to demonstrate what could be achievable. The plans indicate that 1 larger dwellinghouse measuring 459sqm could be developed. As noted in one of the letters of objection, the Class Q plans show that a lean-to section of the building would not be converted which allows the building to meet the above floor space criteria. Class Q does permit reasonable demolition and does not require that the whole building be converted. In terms of the number of buildings converted under Class Q on the holding, no history could be found to indicate that the holding would exceed the threshold set out above. The comments

relating to potential precedent allowing the development of another site are noted but at this time this has not occurred and the building meets with these criteria.

- c) Within the agricultural unit the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or the floorspace of any one separate smaller dwellinghouse having a use falling within Class C3 exceeds 100sqm.**

The application refers to 1 larger dwellinghouses and no smaller dwellinghouses.

- d) The development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following-**

- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 sqm of floor space having a use falling within Class C3 of the Schedule to the Use Classes Order;**
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 of the Schedule to the Use Classes Order exceeding 5.**

No planning history could be found to show that a Class Q application for 1 larger dwellinghouse would take the holding above this threshold. The information in the supporting planning statement states that there are no matters that would preclude development under Class Q.

- e) The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and tenant has been obtained;**

- f) less than 1 year before the date development begins –**
(i) an agricultural tenancy over the site has been terminated, and
(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use.

The information submitted with the application clarifies that there are no agricultural tenancies.

- g) development under Class A(a) or Class B(a) of Part 6 of this schedule (agricultural buildings and operations) has been carried out on the established agricultural unit –**
(i) since 20th March 2013; or
(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

The supporting information and planning history indicates that there has been no development of this type. A letter of objection refers to application reference 23/00145/FULL and states that the building subject to that application may qualify as a Class A building, however, as a planning application has been submitted – it has been assessed as such and not as a permitted development, Class A building. There is no requirement for the applicants to apply under the prior notification process if they opt to apply for full planning consent instead – this has been confirmed by the Council's Planning Solicitor.

- h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

Both the submitted Class Q plans and supporting statement confirm that the proposal would not exceed the external dimensions of the existing building.

- j) the development under Class Q(b) would consist of building operations other than –
 - (i) the installation or replacement of-
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)

The Planning Practice Guidance provides guidance regarding the extent of the works that are allowable under Class Q. Paragraph 105 now states:

“What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?”

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: [Class Q of Part 3 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. For a discussion of the difference between conversions and rebuilding, see for instance the case of [Hibbitt and another v Secretary of State for Communities and Local Government \(1\) and Rushcliffe Borough Council \(2\) \[2016\] EWHC 2853 \(Admin\)](#). Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

The building is a steel portal frame barn with steel wind posts. At the lower levels, the walls generally consist of block work and timber cladding with vertical timber cladding above. The roof consists of profiled metal roof sheets typical of an agricultural building in the district. At the time of the site visit, the structure appeared to be in good condition, as did the cladding and roof sheets. A structural survey has been submitted to support the application which concludes that the portal frames are in good condition and states that cracking in the masonry has not made the barn unstable. Overall, it concludes that the barn could be converted to a dwelling without significant alteration, extension or re-building. The submitted Class Q plans show that the building could be converted by retaining the features referred to above and shows that existing openings are largely used for windows and doors. Albeit new windows and doors are permissible by Class Q. Similarly, the conversion plans do not include a lean-to section, the demolition of this section also being permissible by the legislation and guidance. Overall, the building is considered capable of conversion with any alterations being allowable by Class Q, the PPG and relevant case law.

k) the site is on article 2(3) land;

l) the site is, or forms part of –

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

m) the site is, or contains, a scheduled monument; or

n) the building is a listed building

The building is not on article 2(3) land and the site does not fall within any of the other designations listed above. Whilst part of the access track falls within a Conservation Area, it is feasible that a Class Q application be submitted where the red line only covers the building itself – as is the case for many Class Q applications.

Conditions

Q.2 – (1) Where the development proposed is development under Class Q(a) and (b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to:

(a) transport and highways impacts of the development;

(b) noise impacts of the development;

(c) contamination risks on the site;

(d) flooding risks on the site;

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Together with the provisions of paragraph W (prior approval) of this Part.

Transport and Highways Impact

An existing access track would be used which currently serves farm traffic. The County Highway Authority have raised no objections.

Noise Impact

Public Health have raised no concerns in relation to noise.

Contamination Risks

Public Health have not raised any contamination concerns.

Flooding risks on the site

The site is in Flood Zone 1 which represents the lowest probably of sea and river flooding. The overall roof area would not be increased by Class Q development.

Ecology

Ecology surveys are not a requirement of Class Q applications but given this is a full application, a survey has been submitted. It concludes that the removal (and therefore conversion) of the building would have no significant impact on statutorily protected species.

Whether the development allows for sufficient natural light

Indicative Class Q plans have been submitted that show that all habitable rooms can benefit

from natural light.

Whether the location or siting of the building makes it otherwise impractical or undesirable for use as a dwellinghouse.

The indicative Class Q plans show that the building can be converted to one large dwellinghouse with good levels of amenity for prospective occupants. The site is in the open countryside but the access borders the settlement boundary of Sampford Peverell and the building itself is only 230m from the settlement limit meaning that prospective occupants would be well connected with local services. The Canal Conservation Area is in close proximity to the site but the conversion of an existing building would not be expected to adversely impact the setting of the Conservation Area in this instance. There is an existing livestock building opposite the building on the other side of the farm track, whilst Public Health note that it would be preferred that the occupiers of the building are associated with the holding, they raise no formal objections. There is also permission for a storage building adjacent to the conversion building. This would be for storage only and in any case, there is a live application to relocate the building away from the conversion building, on the other side of the farm track. Officers are minded to approve this application and at the time of writing this report, a legal agreement is being drafted to ensure the building can only come forwards in 1 position. On balance, the location and siting of the building is not considered to make it impractical or undesirable for conversion under Class Q.

- 1.4. Given the assessment against Class Q set out above, it is considered that there is a real possibility of a Class Q scheme being brought forward so a fall-back position has indeed been established. On this basis, consideration for this application should be given to the overall impact of the proposed development, with appropriate weight given to the fall-back position. Generally, it is expected that the proposed replacement development should represent a real and positive enhancement, or betterment, to the original scheme allowed under Class Q. Overall, the principle of the development is considered to be broadly acceptable subject to consideration of the details in line with other relevant local and national policy which are assessed throughout this report.

2. Design and amenity

- 2.1. Policy DM1 of the Local Plan refers to high quality design and seeks to ensure this according to a number of principles. These principles include creating visually attractive spaces, meeting nationally described space standards and protecting amenity.
- 2.2. Following receipt of revised plans following negotiations throughout the application process, the proposed dwelling represents a low-level building that is effectively a storey and a half with only the main bedroom and en-suite on the first floor. The proposed dwelling makes up a relatively simple form with the pitched gables and brick features adding interest to the design which could otherwise not be achieved under Class Q. There is an adjoining double garage proposed, the ridge height of which does not exceed that of the main dwelling making the garage appear subservient. Materials respond well to the rural location, final details of which will be secured by condition to ensure high quality. The design also include solar panels which could not be part of a Class Q scheme, resulting in betterment.
- 2.3. In terms of amenity, nationally described space standards are adhered to and the floor plan indicates good levels of natural light. There are no nearby neighbours so there are no concerns in terms of overlooking, loss of light or overbearing impacts. As alluded to in the Class Q analysis above, there is an existing agricultural building approximately 15m north west of the proposed dwelling that has the possibility of homing livestock. Public Health have not objected to the application, indicating that any prospective occupants would be aware of such a situation

and therefore they do not anticipate any complaints in this regard. To ensure this, officers recommended an agricultural occupancy condition which would require the occupants of the dwelling to work in agriculture and therefore it would be expected that they do not have concerns with nearby agricultural buildings. However, it is the applicant's intention that his daughter eventually moves into the property who may not always work in agriculture full-time. It has therefore been agreed that a non-fragmentation legal agreement be drawn up instead, meaning that if the dwelling is sold, the adjacent agricultural building will also be sold. Therefore any occupants of the dwelling would have control of the agricultural building – protecting their amenity. Similarly, there is permission for an agricultural storage building, however, there is an application to relocate this to the other side of the farm track which officers are minded to approve subject to a legal agreement so that it can only be brought forward in one location. Whilst the storage building will be slightly closer to the proposed dwelling, given its storage use, there are no significant amenity concerns relating to this.

- 2.4. Overall, the design of the dwelling is considered to be of high quality in accordance with policy DM1. The design is low-level with materials in-keeping with the local vernacular. The details of materials can be secured by condition to ensure their quality, something which could not have happened under Class Q. Similarly, solar panels are proposed which also could not be achieved under Class Q. This is considered to be betterment in terms of the reason for approval over a fallback position.

3. Impact upon heritage assets

- 3.1. Policy DM25 of the Local Plan refers to heritage assets, stating that they are irreplaceable resources. The policy seeks to protect and where possible, enhance these assets and their settings. The Grand Western Canal Conservation Area is approximately 85m west of the building subject to the application whilst part of the access track falls within the Conservation Area, therefore DM25 has been carefully considered.
- 3.2. Initially, concerns were raised by both the Grand Western Canal Joint Advisory Committee (GWCJAC) and the Conservation Officer relating to the impact of the design on the setting of the Canal Conservation Area. However, revised plans have been submitted to represent a much more low level building which is more rural in character compared with the suburban design initially proposed. The Conservation Officer raises no objections to the revised scheme, albeit did suggest that some of the hardstanding was replaced with grass to soften the overall appearance – the latest revised plans indicate this.
- 3.3. Whilst the GWCJAC did not comment on the revised plans, their initial comments also suggested an archology condition given similar conditions have been used for other development near to the site. However, the Historic Environment Team at Devon County Council have been consulted and have raised no comments.
- 3.4. Overall, in light of the revised plans and as per the Conservation Officer's comments, the setting of the Conservation Area is considered to be protected in accordance with DM25.

4. Ecology and biodiversity

- 4.1. Given that the existing building is proposed for removal, an ecological impact assessment has been submitted to support the application. The survey assess the wider site but does include the building to be removed as per paragraphs 3.1 and 3.2 of the ecology report.
- 4.2. The report concludes that there will be low to negligible to low-moderate impacts on protected species such as bats and breeding birds, stating that no buildings on the site are

suitable for roosting features. However, the report does go on to recommend a number of enhancement measures which can be seen on the proposed plans and are secured by condition – these ecology gains could not otherwise have been achieved under Class Q development. Similarly, a landscaping scheme is proposed and conditioned which also could not have been guaranteed under a Class Q scheme as well as a condition controlling the use of external lighting. This is again, considered to be betterment on the fall-back position.

5. Highway safety and parking

- 5.1. DM3 of the Local Plan requires development to have safe access onto the highway network. Following receipt of an access plan, the County Highway Officer is satisfied that the access is suitable for vehicle speeds in the area and raises no objection. Similarly, given that there is a real prospect of a dwelling being implemented under Class Q, it is not expected that this application will result in an increase of vehicle movements in the area and overall the local road network is protected.
- 5.2. In terms of car parking, DM5 requires 2 spaces for a scheme of 1 residential dwelling. Whilst a double garage is proposed, the Council's SPD for parking states that garages and car ports are not counted as part of parking provision. In any case, the submitted plans clearly show two car parking spaces externally in accordance with the local policy.

6. Flood risk

- 6.1. The comments raised relating to flood risk have been noted. However, the site is in Flood Zone 1 which represents the lowest probability of sea and flooding as per Environment Agency guidance. Similarly, given the removal of the existing building on the site, there will not be a significant increase in terms of roof and hardstanding areas, particularly in light of the latest plans and therefore the impacts in terms of run off are considered to be insignificant.

7. Other matters

- 7.1. In addition to the policy and material considerations assessed throughout this report, the comments relating to the validity of the planning application and precedent of development have been carefully considered.
- 7.2. In terms of the former, officers are satisfied that the validation process was carried out correctly in accordance with the relevant legislation and guidance and the correct ownership certificate process has been followed. This comes following an investigation by senior officers. Revised plans were received where the red line for the application was amended which is permissible under Paragraph 061 of the National Planning Practice Guidance (Making an Application). A full re-consultation period was carried out – including the case officer erecting a new site notice.
- 7.3. With regards to precedent, members will be aware that each application is assessed against its individual merits as has been the case throughout this report. Any further applications for similar development would be subject to the relevant applications and subsequent scrutiny.

8. Planning balance

- 8.1. Whilst no Class Q application has been submitted relating to the existing building on the site, it has been demonstrated by the information submitted with this application that there is a real prospect of such a scheme coming forwards. As per relevant appeal decisions and case law,

a fall-back position has therefore been established for the principle of residential development on the site. The proposed development has been found to be of acceptable in terms of design, protecting amenity and heritage assets. Similarly, sufficient access and car parking has been provided and there are no ecology or flood risk concerns in accordance with policy. The ecology and design enhancements such as solar panels, a planting scheme, bat boxes and control over materials could not otherwise be achieved under a Class Q scheme on the site and, on balance, it is therefore considered that a planning betterment has been demonstrated. As such, officers are recommending approval in accordance with the case law and local policy.

REASON FOR APPROVAL

The proposed erection of dwelling following demolition of an agricultural building utilising the Class Q fallback position at Land and Buildings at NGR 302779 113776 (Morrells Farm, South West of Chains Road), Sampford Peverell is considered acceptable as a matter of principle. It has been demonstrated that there is a real prospect of a Class Q development coming forwards on the site so the fall-back position is established. The proposed development has been found to be of acceptable in terms of design, protecting amenity and heritage assets. Similarly, sufficient access and car parking has been provided and there are no ecology or flood risk concerns. As such, a planning betterment has been established and the scheme complies with Policies S1, S9, S14, DM1, DM3, DM5 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report and updated undertaken by Quantock Ecology dated May 2021 and July 2022 respectively.
4. Prior to the installation of any exterior lighting on the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.
5. All planting comprised in the approved details of landscaping as shown on drawing no. 2927-DR-A-050-011 REV H, shall be carried out in the first planting season, following the occupation of the dwelling hereby permitted or substantial completion of the development, whichever is the sooner, in accordance with a species mix that will first be agreed in writing by the Local Planning Authority. Any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be so retained.

6. Prior to the erection of the external materials (namely brickwork and roof slates) as shown on the approved plans, details of the colour and construction of the materials to be used (including samples where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
7. 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 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, enlargement by construction of an additional storey, addition or alteration to the roof, provision of a porch and provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
4. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
5. To protect the character of the open countryside and Conservation Area in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
6. To protect the character of the open countryside and Conservation Area in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
7. To protect the character of the open countryside and Conservation Area in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).

INFORMATIVES

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has utilised planning conditions to the application to enable the grant of planning permission.

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

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

Application No. 22/01098/MOUT

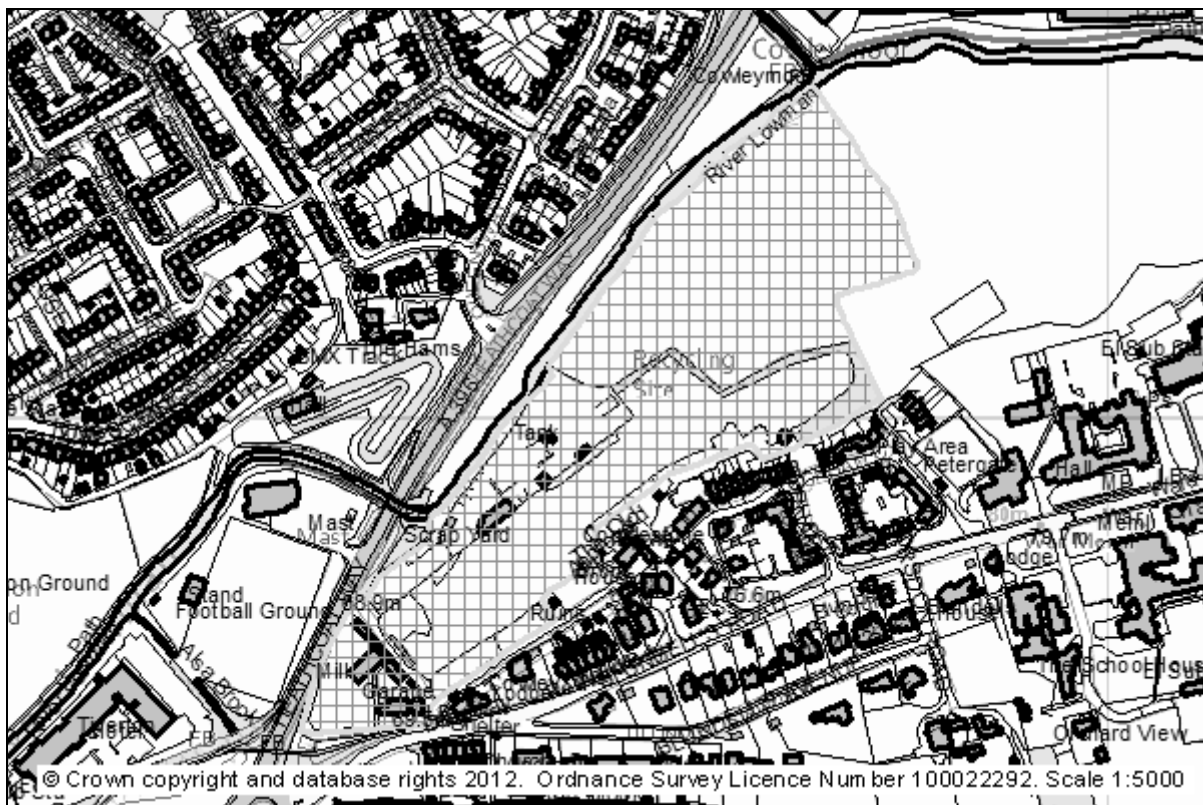
Grid Ref: 296567 : 112932

Applicant: Mr Russell Toghill, PF123 Ltd

Location: Land and Buildings North of Blundells Road (Newberry Metals Ltd & Horsdon Garage),
Tiverton
Devon
EX16 4DE

Proposal: Outline for the erection of up to 120 dwellings and associated access, with all other matters reserved

Date Valid: 19th July 2022



APPLICATION NO: 22/01098/MOUT

Site Visit: Yes

Date of Site Visit: 16.09.22

Advertisement of Application:

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

Decision Delayed Reason: An Extension of time was agreed to allow for further assessment of highway issues and viability.

RECOMMENDATION

Grant permission subject to conditions and a S106 legal agreement to include:

- a) At the expense of the applicant, an independent verification viability assessment of the site to make financial contributions, no more than 6 months prior to the commencement of development;
- b) Subject to the outcome of point a) above make financial contributions towards the delivery of infrastructure needed to support the development including (but not restricted to):
 - i) Affordable housing;
 - ii) Education;
 - iii) DCC Highway Authority Travel and Action Plan;
 - iv) Public open space;
 - v) Community centre.
- iii) At the expense of the applicant, a monitoring fee, subject to the verification viability assessment and any associated financial contributions arising;
- iv) A junction on Heathcoat Way and a safeguarded road route through the site to serve as a future second strategic road access for development on the Tiverton Eastern Urban Extension; and
- v) A DCC Highway Authority Contribution of £5000 for a Traffic Regulation Order (TRO).

PROPOSED DEVELOPMENT

This is an outline planning application for the erection of up to 120 dwellings and associated access, with all other matters reserved.

The application site is some 5.87ha in size comprising of brown field land (approximately 2.8ha) and greenfield land (approximately 2.8ha). The site includes Horsdon Garage fuel station and shop (operational), car wash (operational), Newbery Metals waste recycling depot (operational) and agricultural land (in agricultural use but not actively farmed). Remaining areas include the former 3 Sisters abattoir and packing factory (demolished). This part of the site has since been used for depositing spoil.

The site lies north of Blundell's Road. The proposal includes the closure of the only point of access into the application site from Blundell's Road, reducing it to pedestrian and cycle access (including

retention of it as a Sustrans route). Access for private vehicles associated with Ailsabrook House, Redlands, Cowley Lodge and Deepway will be retained. Permanent vehicular access is planned off a new proposed junction from Heathcoat Way.

The site is triangular in shape and is bounded by residential development along its southern edge, Heathcoat Way and the River Lowman with associated landscape setting along its north western edge and land associated with Blundell's School along its eastern edge.

The site forms approximately half of the Mid Devon Local Plan TIV16 policy allocation. Apart from a small area of land on the southern boundary of the site, the site lies within the flood plain of the River Lowman (Zone 2; at risk of flooding).

Views into the site are limited due to the tree and hedgerow boundary along the River Lowman, hedgerow interspersed with trees along the eastern boundary and a mixture of vegetated bank, trees and fencing along the southern boundary. A hedge bank with trees bisects the site.

A small part of the application site lies within the Blundell's Conservation Area. Other parts of the site adjoin it. A number of trees are in or in close proximity to the site, lying within the Blundell's Conservation Area, protected also by Tree Preservation Orders.

The relocation of Newbery Metals will be required prior to any development of the site.

The site has previously been the subject of pre-application discussions. Development of the site will require the signing of a S106 agreement, conditional upon the grant of planning permission.

In accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations 2017 (as amended), this application has been screened for an EIA. Whilst meeting the EIA criteria for a Schedule 2 development the proposal is an allocated site and unlikely to lead to significant effects during construction, operation or cumulatively with other development. There would be some localised effects but any measures arising during the construction and occupation stages and associated with contaminants can be suitably mitigated by processes set out by appropriate conditions, a CEMP and SUDs scheme.

APPLICANT'S SUPPORTING INFORMATION

Air quality assessment
Arboricultural report
Archaeological magnetometer survey
Bat activity analysis
Construction management plan
Design Report – Storm Network 1
Design report – Storm network 2
Ecological Impact Assessment (July 2022 & Dec 2022)
Flood risk assessment inc Appendix A, B & D
Historic Environment assessment
Hydraulic modelling report
Planning, design and access statement
Preliminary phase 2: geotechnical investigation and contamination assessment
Road safety audit
Statement of Community Involvement
Transport Assessment inc appendices
Travel Plan
Waste Audit Strategy

Drainage Strategy (sheets 1 & 2)
 Maintenance Plan
 Exceedance Plan
 General Arrangement Plan
 Outline Parameters Plan
 Site layout
 Illustrative masterplan
 Site Location Plan
 Traffic Survey

RELEVANT PLANNING HISTORY

78/00245/FULL - PERMIT date 24th April 1978 Re-organisation of the poultry processing station comprising internal alteration and amendments to roof and elevations

80/01099/FULL - PERMIT date 10th September 1980 Change of use of store to poultry shop and flat

81/00724/FULL - PERMIT date 21st July 1981 Erection of workshop, office and WC and replacement of existing buildings

82/00372/OUT - PERMIT date 21st October 1982 Outline for the construction of a poultry processing plant

82/01075/FULL - PERMIT date 30th September 1982 Construction of petrol tank and fuel pump
83/00002/TPO

84/00232/FULL - PERMIT date 25th April 1984 Change of use from vacant school building (prefabricated) to office (Class II) or craft workshop (Class III)

84/01143/FULL - PERMIT date 19th September 1984 Re-siting of existing timber building to be used as poultry shop

85/01269/FULL - PERMIT date 16th October 1985 Erection of storage shed

86/01281/FULL - PERMIT date 19th September 1986 Retention of extension to existing boiler room

86/01920/FULL - PERMIT date 4th February 1987 Erection of extension of chilled holding, chilled dispatch and basket wash facilities

87/00971/FULL - PERMIT date 21st August 1987 Siting of liquid nitrogen storage tank

87/00972/FULL - PERMIT date 19th August 1987 Erection of lorry shelter

87/01258/FULL - PERMIT date 28th August 1987 Erection of enclosures and covers to reduce noise emission from existing offal/feather disposal plant and equipment

87/01793/FULL - PERMIT date 16th November 1987 Erection of boiler, plant room and loading canopy

89/01353/FULL - PERMIT date 4th September 1989 Retention of enclosures to cover loading bay and feather pit

89/00030/FULL - REFUSE date 21st February 1989 Erection of a dwelling

90/00111/OUT - REFUSE date 18th September 1990 Outline for Business Park (14.9 acres) with spur road off Heathcoat Way, also serving existing ind. premises & provision of public open space (2 acres) adj. to River Lowman, & land for private edu. purp

91/00281/FULL - PERMIT date 19th March 1991 Refurbishment of shop and erection of canopy

91/00420/FULL - WD date 26th April 1991 Re-siting of existing weighbridge

91/00421/FULL - PERMIT date 3rd June 1991 Change of use of part storage building to lairage and extension to unloading bay

92/00331/FULL - PERMIT date 11th June 1992 Demolition of existing buildings and erection of new storage building

92/01946/CLU - WD date 7th May 1993 Application for certificate of lawful use in respect of a use for the storage, sorting and processing of scrap metal

93/00287/FULL - REFUSE date 10th August 1993 Change of use from workshop to retail APPEAL ALLOWED

93/00288/FULL - PERMIT date 10th August 1993 Erection of workshop extension

93/01942/FULL - NOBJ date 3rd August 1994 Mixed waste transfer station for verification/ separation of metals, timber etc (not for public use)

93/01347/FULL - PERMIT date 29th October 1993 Replacement of existing effluent treatment tanks and plant with new balancing tank and treatment units in agricultural type plant housing

93/02106/FULL - PERMIT date 20th July 1994 Demolition of existing pre-treatment works and erection of a new canopy over proposed processing works extension and existing freezer building.

94/01007/OUT - WD date 8th November 1995 Outline for the erection of a foodstore with car park, petrol filling station and automatic car wash, new roundabout and access road off Heathcoat Way

95/00286/FULL - PERMIT date 12th April 1995 Consent for the erection of a new HV and dismantling of existing HV overhead lines

95/01842/FULL - PERMIT date 21st December 1995 Erection of extensions (2 no.) and external alterations

96/00599/OUT - WD date 18th November 1997 Outline for the erection of foodstore, three shop units and petrol filling station and construction of new roundabout and access road

97/00268/FULL - PERMIT date 30th October 1997 Extensions and alterations to loading dock area

97/00668/OUT - WD date 17th January 2003 Outline application for the formation of Business Park, together with access roads, parking and other ancillary works. Subsequent buildings to be used as per Class B1 (Offices, Light Industry etc)., Class B2 (General Industrial) and Class B

97/01803/FULL - PERMIT date 9th February 1998 Erection of single storey extension to house Basket Wash facility

97/01728/ADVERT - PERMIT date 16th January 1998 Advertisement Consent for the retention of illuminated forecourt re-signing

98/01608/FULL - PERMIT date 24th November 1998 Change of use of garage workshop to form an extension of existing garage retail sales area

98/00104/FULL - PERMIT date 13th March 1998 Extension and roof alteration to provide freezer and blast freezer rooms

98/01852/FULL - PERMIT date 2nd February 1999 Erection of In-Line Chiller Unit with integral plant room and roofing over between new building and existing production area after demolition of existing freezer units and plant rooms

00/01952/OUT - WD date 12th November 2001 Outline for the erection of buildings on 10.06 ha of land to be used for purposes within use classes B1 (business) and B2 (general industrial) together with associated access roads (including the construction of new roundabout on Heathcoat Way), parking and ancillary works

00/00911/CLU - PERMIT date 14th September 2000 Certificate of Lawfulness for the use of buildings and land as a timber yard and sawmill for the purpose of wholesale and retail sales of timber and timber products and also as a base for a fleet of lorries

01/02066/OUT - WD date 2nd December 2005 Outline Application for creation of buildings to be used for purposes within Use Classes B1 (business) and B2 (general industrial), construction of access roads, parking and other ancillary works

01/01333/ADVERT - PERMIT date 21st September 2001 Advertisement consent to change detail of existing shop sign

01/01334/FULL - PERMIT date 6th September 2001 Alterations to shopfront and side (north) elevation

04/00050/DET - REC date Change of use of showroom

04/02034/DET - CLOSED date 15th October 2004 Proposed outfall headwall for surface water sewer

04/02556/FULL - PERMIT date 8th February 2005 Change of Use of land to car parking

05/00923/PE - REC date Redevelopment of site

05/01585/DET - CLOSED date 3rd August 2005 Licensing application

05/02395/FULL - PERMIT date 30th November 2005 Installation of weighbridge
 08/00181/ADVERT - PERMIT date 27th March 2008 Advertisement Consent for the retention of 1 internally illuminated double sided pole mounted display unit
 08/00027/PE - REC date Redevelopment of site
 11/01922/FULL - REFUSE date 19th March 2012 Erection of replacement storage building (APPEAL ALLOWED 20.11.12 - PLANNING PERMISSION GRANTED))
 11/00449/PREAPP - CLOSED date 22nd February 2016 PROTECT: Redevelopment of site
 16/00371/TPO - REFUSE date 5th May 2016 Application to reduce 1 Oak tree by 20-25% and cut back overhanging branch by 5-6m protected by Tree Preservation Order
 16/00902/TPO - PERMIT date 4th August 2016 Application to cut back overhanging branch by 5-6m protected by Tree Preservation Order 83/00002/TPO
 18/01216/PNDEM - PD date 11th September 2018 Prior notification for the proposed demolition of commercial buildings
 19/00092/CAT - NOBJ date 22nd February 2019 Notification of intention to remove overhanging branch of 1 Ash tree; remove deadwood of 1 Lime tree; remove the stems of 2 Poplar trees; remove the limb of 1 Lime tree and 1 Oak tree; fell 1 Plum tree, 1 Indian Bean tree and 1 Apple tree within the Conservation Area
 21/02175/CAT - NOBJ date 24th December 2021 Notification of intention to dismantle 1 Willow (G34) to a safe height, fell 1 Poplar (T216), pollard 4 lime trees (T339, T340, T341, T344), reduce 1 Sycamore (T358) by 2-3m and remove lower limbs on SE side. Reduce 2 Sycamore (T359, T360) and 1 Oak by 2-3m and reduce 1 Oak (T389) by 4m within a Conservation Area
 22/00398/MFUL - PCO date Erection of swimming pool building, conversion of squash courts into a P.E. department, external services compound and associated landscaping
 22/01717/CAT - PCO date Notification of intention to fell 1 Spruce (T1); remove torn limb from 1 Cedar (T3); fell 2 Silver Birch trees (T5 & T6), 1 Poplar (T7), 1 Willow (T8), 1 Elm and 1 Ash stem (T9) and 2 Horse Chestnuts (T10 & T11); dismantle 2 Ash trees to monoliths (T12 & T13); fell 3 Ash trees (T14, T15, T16); reduce the height of Beech hedgerow trees (G1); fell 2 Elms (G2); coppice all Willow and Alder (G3) and fell a group of Elms (G4) within the Conservation Area

OTHER HISTORY

11/00274/PREAPP - CLO date 22nd February 2011. PROTECT: Proposed development - DUPLICATE SEE 11/00449/PREAPP
 15/01505/PREAPP - CLO date 22nd December 2015. PROTECT: Proposed development.
 15/01619/PREAPP - CLO date 15th July 2021. PROTECT: Erection of 200 dwellings, formation of new junction and road access to
 18/00329/PREAPP - CLO date 29th May 2018. PROTECT: Mixed use redevelopment of site
 19/00309/PREAPP - CLO date 12th June 2020. PROTECT - Proposed residential development Heathcoat Way, and cycle/pedestrian link to Blundell's Road

INFORMATIVES

Refuse Storage for New Residential Properties SPD
 Parking SPD
 Meeting Housing Needs SPD
 Open Space SPD
 Non-Statutory Interim Planning Policy Statement: Climate Emergency

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable Development Priorities
S2 Amount and Distribution of Development
S3 Meeting Housing Needs
S4 Ensuring Housing delivery
S5 Public Open Space
S8 Infrastructure
S9 Environment
S10 Tiverton

TIV15 Tiverton Infrastructure

TIV16 Blundell's School

DM1 High Quality Design
DM2 Renewable and Low Carbon Energy
DM3 Transport and Air Quality
DM4 Pollution
DM5 Parking
DM15 Development outside town centres
DM23 Community Facilities
DM25 Development Affecting Heritage Assets
DM26 Green infrastructure in Major Development
DM28 Other Protected Sites

Tiverton Neighbourhood Plan 2020-2033

T1 Location and scale of development in Tiverton
T2 Meeting local housing needs
T3 Providing lifetime affordable housing
T4 Character of development
T5 Design of development
T6 Energy efficiency and design
T7 Minimising the risk of flooding
T8 Local Buildings and Structures of Merit and Heritage assets at risk
T9 Network of green and blue infrastructure
T10 Local Green Spaces
T11 Locally significant views
T12 Supporting sustainably friendly agriculture and opportunities for diversification
T13 Sports and leisure provision
T14 Protecting cultural and community venues
T15 Allotments and community growing spaces
T16 Encouraging safe and sustainable movement

National Planning Policy Framework
National Planning Policy Guidance

CONSULTATIONS

DEVON, CORNWALL & DORSET POLICE: 25 July 2022

Having reviewed this and the subsequent additional information application, I have no objections in principle from a designing out crime and anti-social behaviour perspective. However, whilst it is understood the proposed layout is illustrative, as there appears to be no mention within the Design & Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where and how it is proposed they might be implemented moving forward. Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-

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

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

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016. As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

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

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

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

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

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

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

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

Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB Areas of concern tend to be in relation to defensible space, clear ownership of property, including parking spaces, defensible planting preventing conflict with youths and ball games etc, desire lines and planned for example the proposed Sustrans cycle route link and unwarranted permeability allowing potential offenders to wander unchallenged.

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

Perimeter security, being the first line of defence against unwanted trespassers, is one of the basic principles of crime prevention. As such, all rear and side boundary treatments must be 1.8m high, as a minimum requirement and be solid and robust to prevent being breached. Any proposed boundary treatment must not undermine the safety and security of existing adjacent dwellings and facilities.

Gates that lead to the rear of dwellings are capable of being locked from both sides, by means for example of a key, as this will enable rear gardens to be secured regardless of access or egress. Public and private space should be clearly defined and areas of ambiguity avoided with appropriate boundary treatments provided. How dwellings address green space is important. They should provide frontage to such space and not have rear gardens backing onto these areas. Similarly, they should also address new streets and other public realm areas positively to ensure good natural surveillance.

The need for Public Open Space (POS) is fully appreciated, as long as it does not run the risk of becoming a problem area or capable of having a negative impact on quality of life issues for residents. Best practice suggests POS, including play areas, should preferably be positioned centrally to a development or as a minimum, be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or the intended users of the space.

Therefore, mere residual space or land that cannot easily or is awkward to develop, should not be considered as being suitable or appropriate as public open space. Where dwellings are adjacent to public open space, (POS), considerations must be given to the inclusion of defensive planting as part of clear boundary definition of private and public space. It would be preferable that open access to the side and rear of dwellings be removed from the scheme where possible.

It is not immediately clear where and what types of, if any, play areas are proposed for the development. Communal areas, such as play grounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. These may often be referred to as:

Local Areas of Play (LAP) primarily for the under 6 year olds;

Local Equipped Area for Play (LEAP) primarily for children who are starting to play independently;

Neighbourhood Equipped Area of Play (NEAP) primarily for older children;

Multi-Use Games Areas (MUGA) primarily for older children.

These areas should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings. Any proposed pedestrian routes must not run to the rear of and provide access to gardens, rear yards / parking courts or dwellings, as this has been proven to generate crime and anti-social behaviour (ASB).

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

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles+ and designed that it is convenient and practical to use, for example, side by side parking as opposed to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the elsewhere parking that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

With reference to tandem parking above, there is ever increasing evidence from new development in the county where this design of parking is not being embraced, perhaps due to being inconvenient or just awkward to use, seeing the 2nd (or 3rd) vehicle being parked elsewhere just to make life easier for the occupants. It is appreciated that the tandem parking design is likely to

fulfil the number of parking spaces required for new development, but this number is likely to be much reduced if the spaces are not being utilised. In addition to this the problems associated with tandem parking are further exacerbated when designed to the front of a garage or car port.

PUBLIC HEALTH: 25 July 2022

Neither objecting to nor supporting the Planning Application.

We have considered the information provided with the outline application and have some concerns that should be addressed before any decision, as they might impact on whether certain areas are suitable for the location of residential properties.

1. Contaminated land. A preliminary contaminated land report has been submitted by Ruddlesden Geotechnical dated July 2021. The historical use of the site includes a saw mill, scrap yard, garage and petrol station, all of which uses have the potential to result in contaminants that might affect the sub-soils, topsoils, building elements and close by water environment. The report concludes that further intrusive investigation is required, and we would agree with this.

Furthermore some extensive decontamination works are likely to be required, and it may be the case that some areas of the site might not be suitable for residential use; although they could be suitable for parking and hard landscaping. We note that this is only an outline application but many of the houses are proposed in areas likely to be affected by contamination and we are not convinced that even an outline decision can be made without more information being made available.

2. Air Quality. A report has been submitted by Kairus dated March 2022. The consultant consulted EH for advice regarding the scope of the report. The report includes the detail requested, and clearly states that the existing air quality in the area is good with levels of pollutants well below the action levels. Most importantly it demonstrates an improving trend in air quality, in line with many other areas, which align with improvements in fuels, and falls in the proportion of diesel vehicles on the roads. We agree with the findings of this report and do not anticipate any concerns with air quality.

3. Construction site issues. If an approval is recommended in due course then the standard CEMP condition should be included.

4. Noise. We do not anticipate any concerns regarding noise because the redevelopment of this site is likely to result in a noticeable improvement in the noise environment. This would benefit both future residents of this site and also existing nearby residents who are likely to be impacted upon by noise from the commercial activities in this area.

PUBLIC HEALTH: 17th August 2022

No additional comments at this stage. Await detailed responses to our points raised in our consultation response of 25th July.

PUBLIC HEALTH: 25 October 2022

This site is a brownfield site and is likely to have a range of contaminants on and under the ground as a result of its previous uses. Our recommendation was that an intrusive investigation should be carried out prior to determination because the findings might well influence the layout of the site and whether some areas are not suitable for residential properties or gardens. However we have seen the further comment from Ruddlesden Geotechnical and would accept that further intrusive investigation is not possible at this stage due to the presence of existing uses. This is helpful and we therefore recommend that, should this site be recommended for approval, the full contaminated land condition be included.

WASTE AND TRANSPORT: 28 July 2022

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 Audit Statement submitted, the applicant has made a good attempt to consider the approaches to minimise waste where possible as well as demonstrating the management of waste in accordance with the waste hierarchy.

However, the following information needs to be provided:

- The amount of construction, demolition and excavation waste in tonnes;
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation;
- Method of auditing the waste. This should include a monitoring scheme and corrective measures if failure to meet targets occurs;
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- Identify the main types of waste generated when development is occupied (If possible); &
- Provide detail of the waste disposal method including the name and location of the waste disposal site for the waste produced.

It is recommended that a condition is attached to any consent requiring the submission of this information at reserved matters stage.

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-planningdocument>

HISTORIC ENVIRONMENT: 29 July 2022

The proposed development lies in an area of archaeological potential to the west of a landscape containing a concentration of prehistoric and Romano-British settlement and funerary activity. While the geophysical survey did not identify any significant heritage assets with the application area, several linear features interpreted as ditches were identified, and the geotechnical investigations identified alluvial deposits. Any water lain and waterlogged alluvial deposits on the site have the potential to contain preserved paleoenvironmental indicators that can provide information on past land use and human impact upon it. I understand that the greenfield part of the site will be re-profiled as part of the use of the land as the flood retention zone. As such, groundworks here have the potential to expose and destroy archaeological, artefactual and palaeoenvironmental deposits within the proposed development site. The Historic Environment Team would therefore advise that the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. 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 shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) 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 as 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 archaeological evidence that may be affected by the development'.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:

'The development shall not be occupied/brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason

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

I would envisage a suitable programme of work as taking the form of (i) a programme of palaeoenvironmental investigation and sampling as well as (ii) a staged programme of archaeological works, commencing with the excavation of a limited number of evaluative trenches to investigate the anomalies identified by the geophysical survey as well as any palaeoenvironmental deposits that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

TIVERTON TOWN COUNCIL: 2 August 2022

This application, if approved, would see the loss of a valuable shop/garage amenity.

Serious concerns regarding the amount of contamination that would be present on this site, which does not seem to have been fully investigated. The site is adjacent to a flood plain, therefore there are serious concerns in relation to the building of so many properties in this area. Tiverton Town Council feels that this is over development. The Council therefore does not support this application.

NATURAL ENGLAND: 5 August 2022

No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

RSPB: 7 August 2022

Section 4.5.3 of the Ecological Assessment:

Ecological enhancement: The enhancement of retained hedges, and provision of compensatory scrub and hedges, as well as wildlife friendly GI, would enhance the site for birds. It is recommended that integrated bird nesting provision, e.g., swift bricks (or similar), be provided within the new dwellings, following guidance on swiftconservation.org. A ratio of at least 1 brick per dwelling, but grouped on the most suitable buildings, is recommended. Bird bricks should be installed at least 4 m above ground in clusters of at least two on the gable ends, spaced at least 1 m apart and located on the north or east elevations of the buildings to avoid excessive heating or prevailing weather conditions, i.e., from the southwest.

Integral boxes are less likely to overheat than external models. Our surveys suggest that a fairly even spread is generally more acceptable to the Developers, the Species that are likely to use them and the new residents!

We agree that swift/universal bricks with 30 X 65mm minimum sized entry holes see attached would be appropriate as most bird species that nest in the cavities found in buildings and mature trees will use them.

We recommend that installing the above to comply with BS42021 is made a condition of the consent if granted.

LEAD LOCAL FLOOD AUTHORITY: 10 August 2022

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 additional information, as outlined below:

The applicant has proposed to manage surface water within an attenuation pond in the floodplain. The applicant has also proposed to manage surface water, in the southwest of the development, within an underground attenuation tank. It is appreciated that the applicant is proposing an above-ground feature to manage surface water at this brownfield site. The applicant should confirm how surface water was previously managed at the site. The applicant should also provide a discussion to clarify why they have chosen the features that they have.

If some surface water features are unfeasible, then the applicant should state why. There appears to be space for above-ground features within the southwest of the development.

A SuDS Management Train should be assessed for this site. Suitable SuDS Management Trains provide opportunities for treatment as well as interception losses. It might be better to have two elongated basins along the northern edge of the housing, perhaps with sediment forebays. The applicant could assess this. The applicant has proposed a flat base to the pond with a permanent

water level of 300mm. However, a deeper level of water might reduce the likelihood of vegetation dominating. An undulating base might provide pools of water between emergent planting. A suitable freeboard should be designed within the pond. Shallow groundwater was encountered during the Ground Investigation. The applicant should ensure that groundwater will not effect the surface water drainage system (e.g. floatation). The applicant should submit calculations for greenfield runoff rates. The applicant should confirm that a factor for Urban Creep has been applied to the impermeable areas.

LEAD LOCAL FLOOD AUTHORITY: 17 April 2023

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

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment.
- (b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (d) A plan indicating how exceedance flows will be safely managed at the site.

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

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

Observations:

Following my previous consultation response (FRM/MD/01098/2022; dated 10th August 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has removed the attenuation tank from the southwest of the development and included an attenuation pond instead. Whilst this is appreciated, the applicant will need to ensure that groundwater will not impact on this pond. The applicant has confirmed that urban creep has been allowed for within the surface water drainage system.

If possible, the applicant could assess further above-ground surface water drainage features to form a SuDS Management Train.

DCC HIGHWAY AUTHORITY: 15 August 2022

The site is accessed off the A396 a Primary County Route which is restricted to 40 MPH. The Applicant has submitted with this application a Transport Assessment which I have the following comment to make:

The Trip rate figures which have been used are from TRICs which is a nationally accepted database, but this is such an unusual site and the parameters within TRICs are difficult to replicate, it would be easier and more accurate to use the actual trip rate figures of the site as the companies are still in place and it will take into account the Poultry Factory has been demolished back in 2016 and this use is no longer permitted.

Then the number of trips this new development would create are compared with existing to ensure the network could operate within capacity following the opening of the A361 junction.

This would also show whether the need for an assessment is to be done on the Heathcoat Road Roundabout and Lea Road Roundabout.

Drawing Number C21150-TP001 Rev A shows the 30 MPH limit is to be moved further north and therefore the new proposed junction would be within the 30MPH. Unfortunately this would require a Traffic Order (TRO) and these are authorised by a separate body to the planning process.

Therefore the applicant needs to show the actual speeds in the area are within 30 MPH to ensure the visibility splays provided are safe and suitable.

The Mid Devon Local Plan states that provision of a junction on Heathcoat Way and a safeguarded road route through the site to serve as a future second strategic road access for development at Tiverton Eastern Urban Extension, this should be secured through a S106 Agreement.

This area does not have formal direct pedestrian link to the Lowman Industrial Estate which should be provided as there is no footway on the Eastern side of the A396 to Ind Est.

The County Highway Authority cannot put forward a recommendation until the above has been addressed.

DCC HIGHWAY AUTHORITY: 25 January 2023

An actual traffic count has now been carried out, and this still shows to be higher than the predicted trip of the proposed development. However the change of the access location from Blundell's Road to Heathcoat Way will affect where this traffic loads onto the existing network and a capacity assessment of the junction onto Heathcoat Way should be carried out.

The 30 MPH signing has been addressed by ensuring the access does have the visibility splays for the existing speed limit, therefore a safe and suitable access is being provided.

The Applicant has explored the option to provide a pedestrian link to Lowman Ind Est which looks to be unlikely due to land being out of the applicant's control.

Once the assessment has been carried out on Heathcoat Way junction the County Highway Authority can put forward a recommendation.

DCC HIGHWAY AUTHORITY: 8 March 2023

The Applicant has submitted an Addendum to assess the Heathcoat Way Junction.

I am satisfied that our latest comments have been addressed satisfactorily. The PICADY assessment of the access road junction shows that it will be well within capacity for both 2023 traffic flows and 2028 forecast flows.

ARCADY results are also presented for Blundell's Roundabout, Lowman Way Roundabout and Gornhay Roundabout, however these are taken from previous TA's relating to the construction of the new junction on the A361. These indicate that all three roundabouts should operate within capacity if the new junction on the A361 is fully constructed, and given that this development will generate less trips than currently observed, this should not be an issue.

The County Highway Authority would require the sum of £5000 to be secured through a Section 106 Agreement for the TRO.

A new approach is being considered with regards Travel Plans to ensure getting better travel planning outcomes. This will be implemented by the Developer contributing £500 per dwelling to be secured through a S106 Agreement. DCC will produce a Travel and Action Plan to encourage other modes of transport, which will be including details for monitoring/surveys of assessing the impact including overseeing voucher and their usage.

Therefore the County Highway Authority has no objection to the proposed application.

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO
RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION**

1. 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;
- (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.

2. 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.

3. 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.

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

4. The existing access shall be effectively and permanently closed by to vehicles in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

REASON: To minimise the number of accesses on to the public highway.

5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway

6. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the drawing C21150-TP001.

REASON: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

ENVIRONMENT AGENCY: 16 August 2022

We have no objections to the proposal as shown on the submitted Illustrative Master Plan 4022 July 2022 and supporting documents, provided that conditions in respect of the following are included within any permission granted to secure details of the measures necessary to ensure delivery of the strategic objectives of the development:

- Details of finished ground levels and landscaping
- Finished floor levels
- Details of the Cycle Route across the floodplain
- Site Investigation and Remediation
- Unsuspected Contamination
- Recommendations of the Ecological Impact Assessment
- Construction Environment Management Plan (CEMP)

Given that parts of the site are within Flood Zones 3 and 2 associated with the River Lowman, before determining the application your Authority will need to be content that the flood risk Sequential and Exception Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential or Exception Test is sufficient justification to refuse a planning application.

The suggested wording for our recommended conditions are set out below, together with advice on flood risk, contaminated land, biodiversity, pollution prevention and waste management.

Condition – Details of finished ground levels and landscaping

No development approved by this permission shall be commenced until such time as details of finished ground levels and landscaping, including the access road (and culvert) off Heathcoat Way within the site, have been submitted to and approved in writing by the local planning authority. The landscaping proposals shall include details of existing hedge banks, and trees, that are to be retained, and areas of planting, within the proposed dedicated floodplain corridor area. The existing tree-lined hedge bank that currently forms the boundary of the scrap metal yard and Blundell's school land shall be retained.

The approved finished ground levels and landscaping shall be fully implemented and maintained over the lifetime of the development.

Reason: To ensure site levels, and features within the floodplain corridor both current and proposed, reflect those necessary to deliver the flood risk management strategy as identified within the applicants Flood Risk Assessment. Po1/Nov 2021 'Final Report' by jba Consulting, and to secure the long-term functionality of the floodplain corridor over the lifetime of the development.

Condition – Finished floor levels

No development approved by this permission shall be commenced until such time as details of finished floor levels of the approved properties have been submitted to and approved in writing by the local planning authority. The approved finished floor levels shall be fully implemented prior to the occupation of the dwellings and maintained over the lifetime of the development.

Reason: To ensure the properties would be free from the risks flooding poses from the adjacent River Lowman, including allowances for climate change over the lifetime of the development.

Condition – Cycle Route across the floodplain

No development approved by this permission shall be commenced until such time as details of the form and nature of the cycle route across the floodplain have been submitted to and approved in writing by the local planning authority. The approved cycle route shall be fully implemented and subsequently maintained in accordance with the approved details.

Reason: To ensure the feature is in line with the flood risk management strategy for the site and for reasons of safety.

Condition – Site Investigation and Remediation

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition – Ecological Impact Assessment

The development shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment for Newbery Metals, Tiverton by Richard Green Ecology Ltd July

2022. Prior to the commencement of the development a scheme showing the detailed landscaping design and future management of the riparian zone of the River Lowman shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented prior to the occupation of the development and subsequently maintained in accordance with agreed details.

Reason: To minimise the impact on ecology and ensure that opportunities to enhance the riparian zone of the River Lowman are achieved.

Condition – Construction Environment Management Plan (CEMP)

No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

Informative – Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

Advice – Flood Risk

Whilst the site is in part within Flood Zones 3 and 2, we can report that the proposed strategy for the development of this part brownfield, part greenfield site, fully recognises the flood risks present and legacy of historic development of this area. The form and nature of the development proposed is acceptable. It will provide a development plateau that would be safe from the risks flooding poses, including the risks posed by climate change, as well as provide a significant area of functional floodplain (also referred to below as the floodplain corridor) which in itself will help reduce flood risk downstream. In light of the above we take this opportunity to state that the development as proposed would achieve the second part of the Exception Test as detailed in the National Planning Policy Framework (July 2021).

Having worked closely with your Authority for the past decade, and more recently the developer, we are pleased to see that the current outline application mirrors the flooding constraints/opportunities contained with Policy TIV16 of the Mid Devon Local Plan 2013-2033, and pre-application discussions. Further to this we can confirm that the development proposed could help facilitate future development of the remainder of the TIV16 allocation to the immediate east of the red line boundary associated with the current application. This would deliver further flood risk benefits to areas of Tiverton at risk from the River Lowman downstream, and indeed adjacent to the site.

Whilst the principle of development is acceptable, we feel our stance is very much on the basis that the above conditions are embedded into a Decision Document should permission be granted.

These will ensure that the detailed design of the development incorporates the measures necessary to ensure delivery of the flood risk objectives of the development, importantly ensuring that the development will be safe over its lifetime and not increase flood risk elsewhere. The detailed design will also be subject to a Flood Risk Activity Permit from us, as highlighted above.

Advice – Contaminated Land

We reviewed the Exploratory Phase 2: Geotechnical Investigation and Contamination Assessment Reports (Ref: CG/SR/15623C/EGICAR & CG/SR/15623S/PGICAR). Both dated July 2021.

According to the above reports, the proposal requires further investigations as indicated in section 10 to demonstrate that the potential risks to controlled waters will be appropriately managed. In addition, the recommendations in chapter 9 are preliminary and the final will come after completing these investigations. Those recommendations in chapter 9 are subject to changes according to the results and findings of the further investigations proposed.

We support the need to undertake further work and would like to review the validation reports in due course. In order to secure this additional work, we consider that planning permission should only be granted for the proposed development as submitted if the above planning conditions regarding contaminated land are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Advice – Biodiversity

Overall, the ecological survey and reporting is thorough, with good detail on requirements to be picked up through planning conditions as this outline permission progresses through to the detailed proposals. We encourage your Authority to insist on the mitigation requirements and suggested planning conditions given in the Ecological Impact Assessment for Newbery Metals, Tiverton by Richard Green Ecology Ltd July 2022.

Specifically, we highlight the following:

1. We note this outline permission is for access alone with all else being held as reserved matters. As the outline permission stands, the access arrangements illustrated within the masterplan look acceptable, but if these change then we would need to be reconsulted. This is because of potential impacts on the River Lowman and adjoining key habitats that support priority species as detailed in the Ecological Impact Assessment. Similarly, any expansion of developed space for housing and access routes within the development site will have further impact on ecology and wildlife, and impact assessments would have to be redone to ensure understanding and the correct mitigation is proposed.
2. We draw your attention to Section 4 - Assessment, Recommendations and Mitigation in the Ecological Impact Assessment. We encourage you to ensure conditions are attached to full planning permission to incorporate mitigation measures to address impacts of the development on habitats, bats, hazel dormice, nesting birds, reptiles, amphibians, invertebrates, otter, badger and hedgehog. All these species are dependent to different degrees on the mosaic of habitats on the site, and many specifically with the habitats within the riparian zone of the River Lowman and the adjoining hedgerows and tree lines. Retaining continuity of these is important to retain the connectivity and routes for movement around, in and out of the site. The current outline masterplan retains these features and this must be carried forward into detailed design. Cross referencing the Arboricultural report with the Ecological Impact Assessment report is essential to ensure least possible removal of key features supporting protected species, and every effort should be made to find alternatives to removal of key features such as trees that support bat roots etc.
3. The requirement for a detailed Ecological Mitigation and Enhancement Strategy (EMES), including a detailed planting scheme and an ecological management plan should be made a condition of planning permission to ensure the implementation and success of biodiversity mitigation, compensation, and enhancement measures over the site.

4. A Construction Environmental Management Plan (CEMP) should also be provided to detail measures to avoid potential pollution incidents of the nearby River Lowman. This should include attention to the potential for contamination from disturbance of the ground, identified as contaminated land, both during construction and in after use.
 5. Lighting conditions must follow the recommendations in the report to protect flight and foraging pathways for key species. The relationship between access routes, lighting from housing (security lighting etc put in place by residents) and the impact on wildlife must be fully understood and recognised in planning effective impact mitigation.
 6. Biodiversity Net Gain – detail will be required to inform the proposal and to ensure delivery of 10% BNG under Biodiversity Metric 3.1. There should be the opportunity within the green spaces to deliver this on site, but if off-site compensation is proposed this needs to be specifically detailed as well. The River Lowman is a heavily constrained watercourse through Tiverton, which impacts heavily on its ecological potential. There is significant potential within this development to enhance the riparian strip into a good ecological network of habitats that provide wildlife with a refuge within the town. This would also help with climate emergency issues such as improving carbon storage and flood resilience.
 7. Climate - we recommend developing a climate and disease resilient planting proposals using native species wherever possible as a key part of the detailed Landscape Planting plan.
 8. Invasive non-native species – follow mitigation within the Ecological Impact assessment to try to remove invasive species from the site before further spreading through ground operations.
- We consider that the above-mentioned condition will be sufficient to secure the necessary ecological mitigation requirements as the detailed design develops.

Advice – Pollution Prevention

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

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

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

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

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

Advice – Waste Management

The proposed devolvement area includes two sites which have environmental permits issued by the Environment Agency, Newbery Metals Limited (Tiverton Metal Recycling Site) EPR/DB3503MK and Horsden Lane Depot, Waste Transfer Station, EPR/DB3503KX. Both sites have been operating for a number of years and any re-development of the area. We would encourage the applicant to formally surrender both environmental permits as part of any re-development of the area.

SOUTH WEST WATER: 18 August 2022

South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

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

Clean Potable Water

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

Foul Sewerage Services

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

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

www.southwestwater.co.uk/developers

Surface Water Services

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

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

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

MDDC HOUSING OPTIONS MANAGER: 19 August 2022

Band	Housing Type	Housing Needs Requirement Size					
		1BH	2BH	3BH	4BH	5BH	6BH
Total	General Needs	102	74	45	21	4	1
	Step Free	22	5	4	2	0	0
	Max 3 Steps	3	1	1	1	0	0
	Wheelchair	10	1	1	1	0	0
Grand Total		137	81	51	25	4	1

To confirm that Tiverton is showing a high housing demand. Extracted from Devon Home Choice July 2022.

DCC EDUCATION: 25th August 2022

Devon County Council has considered the application in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.

Devon County Council has identified that a development of 120 family type dwellings would generate an additional 30 primary pupils and 18 secondary pupils. This application would have a direct impact on primary and secondary schools within Tiverton. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested:

Special Education Provision

It is set out in the DCC Education Section 106 Infrastructure Approach that where an application less than 150 dwellings forms part of an allocation of 150 dwellings or more, a request towards SEN would be required and therefore a request is made against this application. It is set out that approximately 2.0% of the school population require specific Special Education provision. The proposed development is likely to generate a total of 0.96 pupils (0.60 primary, 0.36 secondary) who will require a specialist place. Based on a standard rate of £81,274 per SEN pupil, a total of £78,023 is requested for additional SEN provision that would be required as a result of the development. This equates to a per dwelling rate of £650.19.

Primary Education Provision

It has been forecast that the Primary Schools in Tiverton have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards additional education infrastructure at the local primary schools.

Secondary Education Contributions

Tiverton High is forecast to have capacity for 79% of all pupils likely to be generated by the proposed development and therefore contributions will be sought towards the remaining 21% of pupils expected to be generated by the development. DCC will not seek additional secondary contributions for SEN pupils and therefore will seek S106

contributions towards the remaining 17.64 secondary pupils likely to be generated by the development. The contribution sought towards secondary is £87,201 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development. This equates to a per dwelling rate of £726.67.

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 would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates 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.

TORBAY & SOUTH DEVON NHS FOUNDATION: 5 September 2022

The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon ICB as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance>) which

was jointly prepared by NHS England and Devon County Council. In preparing this response, it is noted that the documents of the Mid Devon Local Plan 2013 – 2033 (adopted July 2020) states that:

“Vision and Spatial Strategy

Vision 1.15...

Promote community well-being

- Diverse, inclusive communities with a vibrant mix of accessible uses and local Services

Spatial Strategy

Other Market Towns

The market towns of Tiverton and Crediton will be the secondary focuses of new development, in scale with their individual infrastructures, economies, characters and constraints. Development will be targeted to:

- Provide a sustainable mix of fit for purpose homes, businesses, shops, leisure, health, education and many other uses, to resolve existing problems where feasible and to meet rural needs

Infrastructure

Policy S8: Infrastructure

The location, scale and form of development will be guided by the need for community facilities and any existing infrastructure deficiencies. The Council will work with providers and developers to ensure that new development is served by necessary infrastructure in a predictable, timely and effective fashion. Development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. The Council will set out key infrastructure and facility requirements for new development in an Infrastructure Plan, taking account of existing provision and cumulative impact of new development. Developers will be expected to contribute fairly towards, or bear the full cost of, new or improved infrastructure and facilities where it is appropriate for them to do so, subject to viability assessment where appropriate.

Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan.

Policy TIV15

Strategic Local Plan sites will be required to pay for specific items of infrastructure that are necessary to make the development acceptable.

The Council’s strategic infrastructure policy is set out earlier in the Local Plan under Policy S8, but there are infrastructure requirements specific to Tiverton that are listed under Policy TIV15. The Council will use CIL, planning obligations for strategic sites and other sources of funding to deliver the infrastructure listed wherever possible. The Council’s Regulation 123 list and accompanying policy on the use of Section 106 agreements, sets out the mechanism to be used to fund infrastructure. Where another organisation is responsible for delivering the infrastructure required as a result of new development, the Council will work in partnership with the relevant bodies to ensure that infrastructure needs associated with development are addressed appropriately.”

The ICB’s concern is that the combined surgeries of Clare House Surgery and Castle Place Surgery are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 27,527 patients registered between them and this new development will increase the local population by a further 280 persons. Taking this into account and drawing upon the document “Devon Health Contributions Approach: GP Provision document” which was agreed by NHS England and Devon County

Council, the following calculation has been made:

Methodology for Application 22/01098/MOUT

1. Residential development of 120 dwellings
2. This development is in the catchment of Clare House Surgery and Castle Place Surgery which have a total capacity for 26,468 patients.
3. The current patient list size is 27,527 which is already over capacity by 1,059 patients or at 104% of capacity.
4. The increased population from this development = 120
 - a. No of dwellings x Average occupancy rate = population increase
 - b. $120 \times 2.33 = 280$
5. The new GP List size will be 27,807 which is over capacity by 1,339
 - a. Current GP patient list + Population increase = Expected patient list size
 - b. $27,527 + 280 = 27,807$ (1,339 over capacity)
 - c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6
6. Additional space required = 19.57 m²
 - a. The expected m² per patient, for this size practice = 0.07m²
 - b. Population increase x space requirement per patient = total space (m²) required
 - c. $280 \times 0.07 = 19.57\text{m}^2$
7. Total contribution required = £62,630
 - a. Total space (m²) required x premises cost = final contribution calculation
 - b. $19.57\text{m}^2 \times £3,200 = £62,630$ (£522 per dwelling).

NHS ROYAL DEVON UNIVERSITY HEALTHCARE: 5th September 2022

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.

The Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that this development will create potentially long term impact on the Trust ability to provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Furthermore, it is important to note that the following year's contract does not pay previous year's deficit retrospectively.

This development creates an impact on the Trust's ability to provide the services and capacity required due to the funding gap it creates. The contribution sought is to mitigate this direct impact. CIL Regulation 122

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.”

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £185,028 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies.

TIVERTON CIVIC SOCIETY: 7th September 2022

Tiverton Civic Society appreciates that this application is for residential development of land allocated for housing in the Mid Devon Local Plan Review (TIV 16). We also welcome the opportunity to develop a large and unsightly brownfield site, and we are aware that the Environment Agency have provided a positive input regarding the establishment of a developable area. However, we have strong reservations about some aspects of the application, and we therefore object to it in its present form.

Flooding. We consider that the applicants have underestimated the flood risk potential for this land, which is largely in Flood Zones 2 and 3. An online map of the major flood which occurred in December, 1960 shows that virtually the complete application site was engulfed, and the Historical Records of Flooding, published by MDDC, carries the following quotes from the Western Morning News “Tiverton ... was flooded again, and several schools had to close”. ‘The Lowman had once again caused the trouble at Tiverton. It broke its banks in Blundell’s Road soon after 3 am, cutting the town in half. ... At its highest ever, with water lapping the main arches of Lowman Bridge” “For the fourth time in a month householders and shopkeepers in Lowman Green and Blundell’s Road Tiverton, had their homes and premises flooded to a depth of over 3 ft.” Floodwater also swept through the yard of Tiverton Sawmills and lapped the platforms at Tiverton railway station.” The Environment Agency’s Exe Catchment Flood Management Plan, 2012, emphasises that the Lowman Valley is not well protected, ‘The River Lowman’s catchment is much smaller and more ‘flashy’ than the Exe. The standard of protection of defences from the Lowman is also lower than for the Exe. So although approximately three-quarters of the properties at risk from flooding in Tiverton are at risk from the Exe and only one quarter from the Lowman, overall we consider the consequences of flooding to people is generally greater for the Lowman than for the Exe. Flood defences on the Exe and the Lowman comprise flood walls, channel improvements and weirs. These provide a standard of protection of 1% on the Exe, and 2% on the Lowman’. The risks of major flooding have increased in many parts of the world, the recent floods in the Indus Valley have been described as ‘a wake- up call for the world’, and the use of past flood levels as a predictive method has been repeatedly called into question. For this reason, we contend that, not only should the land in the former chicken factory site be built up to a higher level, but also that the building of a dyke or flood wall should be considered. Additionally, we consider that, when and if, the scrap metal site is vacated, it should not be used for residential development, but decontaminated and restored as part of the floodplain.

Primary Wildlife Corridor. The TEUE Masterplan describes the Lowman Valley as ‘a primary wildlife corridor’, and it is a very attractive green urban corridor which is rich in ecological diversity, with a wide range of habitats. There is a dense population of small burrowing mammals, buzzards are almost constantly overhead during daylight hours and frequent visitors include herons and egrets. It is gratifying that much of the flood plain, totalling 8 hectares, will remain undeveloped in the application site, but we strongly oppose the plan, outlined in the Design and Access Statement, that ‘the development can also deliver a reduction in flood risk to Tiverton town centre through the reprofiling of the non-developable area of the site, allowing the greenfield area to act as a brake to slow flood waters before they enter the town centre zone’. This would have dubious

benefit during a major flood, and it could result in considerable ecological and hydrological damage.

We consider that **all existing hedgerows and trees bordering the former chicken factory site should be retained.**

Affordable Housing. Policy TIV16 Blundell's School in the Mid Devon Local Plan Review, 2017 is a 14 hectare allocation for residential development to include 200 dwellings with 28% Affordable Housing; The Design and Access Statement (6.12.7) states that 'the lack of viability does not prevent delivery of the scheme if the owner is motivated to do so, provided additional financial barriers are not imposed and therefore the viability report concludes that any grant of planning permission should proceed without any imposition of affordable housing or other planning obligations'. There is an enormous demand for Affordable and Social Housing in the Tiverton Area, and we stress that the provision of this is important. Any reduction of this as well as other obligations, such as S106 contributions, should only be considered when the full cost of developing this site have been fully calculated.

Local Business and Employment. We object to the proposed closure of the Horsdon Minimarket and its associated car-cleaning business. Both provide a valuable local service, much appreciated in the local area, and we consider that they should be retained. The Newbery Scrap Metal Recycling business is rather more controversial, as many local people are concerned by the high level of noise pollution, but together with the other businesses, it provides valuable local employment, and every effort must be made to relocate it to a suitable site elsewhere in the local area.

Contamination. The Geotechnical Investigation and Contamination Risk Assessment for the Newbery Metals site reveals that 'the levels of contamination recorded in this investigation are potentially harmful to human health given the proposed end use and to the water environment. It is noted that currently unidentified, potentially heavier, contamination is likely to be present in both the current scrap yard area and former saw- mill area of the site'. The contamination remediation strategy will likely take the form of localised contaminated soil and groundwater removal or treatment, combined with capping of gardens. The extent of contaminated soil and groundwater removal or treatment is to be confirmed by further investigation'. In addition, 'the investigation of the former poultry processing factory area concluded that the contamination risk assessment showed that the levels of contamination recorded are locally potentially harmful to human health given the proposed end use, though are unlikely to be harmful to the water environment'.

Design and Access Statement. Both these problems are of considerable concern, and a clear programme of remediation is essential before planning consent is granted.

Car Parking. One of our members considers that 'there is a desperate need for car parking, particularly for commercial vans and camper vans for the houses just along Blundell's Road by the bus stop and residents living in the old Redvers School. They park in Blundell's Avenue, causing problems there for residents trying to get their vehicles out of their drives. Possibly, a small private car park could be provided to cater on the site for this need, acquired and run by MDDC, with car parking slots available for hire for these properties, as there is along nearby Old Road'.

DEVON WILDLIFE TRUST: 29 September 2022

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d and 175d of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been addressed. (These requirements are included in the original submission available on the planning portal).

The comments provided below are based on an Ecological Impact Assessment produced by Richard Green Ecology Ltd (July 2022). We consider that insufficient evidence has been provided because:

1. A substantial area of the site has been classified as Open Mosaic Habitat on Previously Developed Land (OMHPDL), which is a Priority Habitat. The report provides general recommendations on landscape planting, however no impact assessment or mitigation recommendation for the total loss of this Priority Habitat is made.
2. The report provides recommendations on measures which should be carried out to mitigate the ecological impacts of the proposals, however no firm commitment is made to undertake these recommendations. The residual impact of the works on the ecology of the site is therefore uncertain. We concur with the recommendation of the report that a detailed Ecological Mitigation and Enhancement Strategy (EMES) is required to ensure the implementation and success of biodiversity mitigation, compensation and enhancement measures over the site. Full Ecological Impact Assessment of detailed plans is also required. This particularly important given that the site has been identified as being of regional value to bats.
The Ecological Impact Assessment will need to provide accurate figures on habitat loss. Inconsistencies within the current report need to be addressed. For example, the survey findings in section 3 state that 1.4ha OMHPDL is present, whereas in section 4 a 1.75ha loss of OMHPDL is suggested. Section 3 states that the site includes 0.5ha of buildings / hardstanding, whereas in section 4 a 1ha loss of buildings/hard standing is suggested.
3. The report produced for the site does not include an assessment of net gain (or loss) of biodiversity. In particular, as a Priority Habitat, the loss of approximately 1.75ha of OMHPDL will need to be offset with a significant area of like-for-like habitat. The most recent DEFRA Biodiversity Metric should be utilised to calculate loss/gain. Biodiversity net gain calculations for the site must be produced using a detailed landscaping plan and must show net gain. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.

MDDC ARBORICULTURAL OFFICER : 31 October 2022

The arboriculture reports does not have are a high number of trees that require removal. These are generally low quality self-seeded specimens with limited visibility and remaining contribution. However, there are a number trees viewed of moderate quality that are also highlighted for removal. Where this relates to section of groups or areas the impact may be limited. However, the loss of T9 will require significant mitigation.

Encroachment into T8 an "A" cat oak may be acceptable but will require a detailed method statement and possible below ground root investigation.

Trees within A4, G4, G5, A5 and G6 are likely to cast significant shade over the proposed dwellings. The report notes reduction works. However, this may not be a suitable long-term solution. Informing there is probable long term conflict.

REPRESENTATIONS

2 letters of objection. The main points including:

- Loss of privacy due to change in levels between existing and proposed properties.
- Loss of local convenience store (Horsdon garage) resulting in a loss of a community facility.
- Flood risks arising for the Tiverton Business Park.
- A local relocation of Newbrey Metals should be prioritised.
- Too much development in Tiverton resulting in loss of wildlife and views.
- Development would reduce the value of existing properties.
- Peak time traffic would be intolerable on Blundell's Road.
- Safety of children crossing at Blundell's School as a result of the increase in traffic is a concern.
- More development results in more CO2 emissions and noise pollution from associated traffic.
- Over stretched NHS doctor and dental services.

1 letter of support. The main points including:

- Horsdon Garage is an eyesore in the Conservation Area infested with rats and rubbish.
- The lane is shared by school children, cyclists, lorries and industrial vehicles and is neglected.
- Vandalism is extensive.
- More housing close to town is welcomed.

2 letters of general Comment. The main points including:

- A request is made for a rear point of access to be made to existing properties from the application site.
- A request is made for the trees to the rear of existing properties to be assessed for safety due to size and impact on all properties.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy and Procedure

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and places a key emphasis on achieving sustainable development. Paragraph 8 identifies the three overarching objectives in the achievement of it:

- **an economic objective** – to help build a strong, responsive and competitive economy;
- **a social objective** – to support strong, vibrant and healthy communities; &
- **an environmental objective** – to protect and enhance our natural, built and historic environment.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions and in decision-taking. The Adopted Mid Devon Local Plan 2013-2033 (Adopted Local Plan) sets out the sustainable strategy for growth across the District, to achieve positive social, environmental and economic objectives. This outline planning application seeks to establish the principle of development on land forming part of policy allocation TIV16, Mid Devon Local Plan 2013-2033.

The site forms part of the more extensive 14ha TIV16 Blundell's Road residential allocation. The site currently provides and has previously made provision for employment uses. The Adopted Local Plan acknowledges that whilst most of the TIV16 allocation was previously allocated as an extension to the Tiverton Business Park, the current adopted Local Plan identifies it solely for residential development, including the provision of 28% affordable housing. The use of the land for residential development is therefore already accepted in principle.

Policy TIV16 sets out a number of requirements including the provision of a new junction on to Heathcoat Way and a safe guarded route through the site to serve as a future second strategic road access for development at the Tiverton Eastern Urban Extension (EUE) (Policy TIV16,d) and the creation of additional / compensatory floodplain (Policy TIV16,c & k).

An illustrative layout plan and parameters plan have been submitted as part of this application. Together they seek to establish the principle that 'up to 120 dwellings' can be accommodated on the site. The main issues for consideration are as follows:

- 1. Transport Infrastructure**
- 2. Design Layout, Density and Amenity**

3. Ecology
4. Affordable Housing
5. Public Open Space
6. Climate Change, Drainage and Flood Risk
7. Air Quality, Pollution and Waste Management
8. Heritage
9. Parking and Electric Charging (EV) provision
10. Other Matters
11. Section 106 and other financial considerations
12. Planning balance

1.0 Transport Infrastructure

- 1.1 The NPPF (para 104) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impact of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should also be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, para 111). All developments that will generate significant amounts of movement should provide a travel plan. They should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 1.2 Policy S8 Infrastructure of the Adopted Local Plan seeks to ensure new development is served by necessary infrastructure in a predictable, timely and effective fashion; that it will be coordinated to improve accessibility and promote the use of sustainable modes of transport. Policy DM1 of the same Plan requires development to create safe and accessible places.
- 1.3 Policy TIV16 allocates this site as part of the more extensive 'Blundell's School' residential allocation and makes provision for transport infrastructure to ensure appropriate accessibility for all modes including the provision of a new junction on to Heathcoat Way and a safe guarded route to serve as a future second strategic road access for development on the Tiverton Eastern Urban Extension (EUE) (Policy TIV16,d) as well as transport measures to minimise carbon footprint and air quality impacts (TIV16,h).
- 1.4 In accordance with Policy TIV16d a new vehicular access is proposed from Heathcoat Way (Dwg No. C21150-TP001A). It has been designed to ensure it can operate as a strategic road link in accordance with the aspirations of the Adopted Local Plan. The 30mph traffic speed restriction on Heathcoat Way will be extended and will include pedestrian refuges on Heathcoat Way. The new junction is accordingly designed as a 30mph junction, to relevant standards and is acceptable to Devon County Council (DCC) Highway Authority. Creation of the new junction and associated visibility splays, including highway verge, will result in the loss of some mature planting along Heathcoat Way. The closure of the existing access from Blundell's Road to vehicular traffic (other than for existing properties) provides opportunity for enhancement on this part of the site, aiding the completed traffic calming measures on Blundell's Road as part of the Tiverton EUE development. This would provide some comfort to the respondent who identified this part of the application site as an 'eyesore' on Blundell's Road and the Conservation Area.
- 1.5 The internal road layout is reserved for future determination including the point of egress from this site into the remaining TIV16 policy allocation. This is acceptable in principle. It will

be at Reserved Matters stage that Officers will secure the safe guarded route up to the red line boundary of this application site as a means to ensure vehicular connection and connectivity across the remaining TIV16 allocation.

- 1.6 Pedestrian and cycle access to Tiverton Business Park will be secured via the existing infrastructure which routes beneath and along Heathcoat Way towards Lowman Way and the Business Park. TIV16(e) requires the provision and enhancement of cycle and pedestrian links in the area. The addition of new cycle and pedestrian provision, particularly to the Business Park, would both extend beyond the applicants land ownership and may have potential impact on the functioning flood plain. The application makes provision for connection to the existing infrastructure and safeguards the SUStrans route through the application site between Heathcoat Way and Blundell's Road. This will represent a betterment to the current provision, providing some comfort to the respondent who identified the conflict between school children, cyclists and industrial vehicles along this route.
- 1.7 Representations have been received concerned about peak time traffic movements on Blundell's Road and through Blundell's School. DCC Highway Authority are satisfied with the Traffic Assessment on the wider network including (up dated) trip rates. Representations make a request for a rear point of access to existing properties from the application site and for a small car park for existing residents. This is a detail at Reserved Matters stage and will be at the discretion of the applicant.
- 1.8 Overall, Officers consider that the development can be accommodated without an unacceptable impact on the highway network. Technical reports indicate that the level of traffic generated will be acceptable to the Highway Authority and the development can be served by the new junction on to Heathcoat Way in a predictable, timely and effective manner. The development provides a betterment for sustainable modes of transport with opportunity for enhancement on Blundell's Road. Your officers consider the access arrangements comply with Policies S8 and TIV16 of the Adopted Local Plan ensuring an integrated and comprehensive approach to development whilst according with the aspirations of the Adopted Local Plan to safeguard a secondary strategic road access for the development of the Tiverton EUE.

2.0 Design Layout, Density and Amenity

- 2.1 The NPPF states that the creation of high quality places is fundamental to the achievements of the planning and development process (NPPF, Para 126). Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments 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. New places should be visually attractive, sympathetic to local character and landscape setting and establish a strong sense of place using the arrangement of streets, spaces, building types and materials to create distinctive, inclusive and accessible places.
- 2.2 Policy S9 of the Adopted Local Plan seeks high quality sustainable design that reinforces the character and distinctiveness of Mid Devon's built environment, mitigates and adapts to climate change and creates attractive places. Policies DM1 and DM25 of the same plan require the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. Development proposals should make a positive contribution to local character including any heritage or biodiversity assets, and

create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impact on privacy or amenity for proposed or existing properties.

- 2.3 An Illustrative Masterplan (Dwg No. 4022, dated July 2022) has been submitted in support of this application. It does not determine the layout of the development should planning permission be forthcoming; this being subject to a Reserved Matters application at a future date. Its function is to illustrate that 120 units can be satisfactorily accommodated on the site. Officers would advise, however, that the masterplan does not satisfactorily illustrate the delivery of 120 units; exhibiting a poor sense of arrival into the site both from Heathcoat Way and Blundell's Road, poor informal surveillance, an absence of focal points / sense of place within the layout, an over reliance on the use of parking courts and inadequate size and quality of private gardens including their relationship with existing trees. On this basis, Officers would advise that 120 units cannot be satisfactorily accommodated on the site. An Outline Parameters Plan (Dwg No. 4022, dated December 2022) has therefore been submitted to confirm some key characteristics for the site. It provides broader detail of the developable area, densities, above ground attenuation features as well as the junction and safe guarded route. On this basis, and because this is an application for 'up to' 120 units, Officers are confident that up to 120 units can be satisfactorily accommodated on the site.
- 2.4 The NPPF (para 119) requires the effective and efficient use of land. The Outline Parameters Plan establishes the developable area of the site. The Planning, Design and Access Statement (para 4.1.2) confirms that a scheme of up to 120 dwellings within the developable area would equate to a density of approximately 35 dwellings per hectare (subject to detailed design and layout). This compares to a medium density of development; is acceptable in this location and accords with NPPF requirements. Also established is the provision of the new access on to Heathcoat Way with safeguarded route through the development to the remainder of the TIV16 residential allocation. This too accords with para 119 of the NPPF.
- 2.5 The Design and Access Statement (para 6.4.6) confirms the establishment of a strategic view into the site from the existing point of access on Blundell's Road. Representations confirm that this opportunity to improve the appearance of this part of Blundell's Road and the conservation area would be welcomed. The Outline Parameters Plan establishes the public open space adjacent to the river Lowman as a key characteristic. Re-profiled, it will function as an enhanced floodplain whilst ensuring its status as a regionally important bat habitat. This accords with Policy S5 of the Adopted Local Plan that requires on site amenity and green infrastructure for developments of this size and with policies S1, S9 and DM26. A strong built frontage on to the area of public open space will be required to enhance its role as green infrastructure.
- 2.6 There is potential for conflict between the development and adjoining dwellings as acknowledged by the representation concerned by a loss of privacy. A key feature will be to ensure that the proposed development is carefully designed to avoid unacceptable impact on the amenity of adjoining residents by way of overlooking, loss of light, scale and massing. The delivery of a strong sense of place that respects local character in accordance with Policy S1(h) of the Adopted Local Plan will be required at Reserved Matters stage. Conditional upon an outline planning permission is a requirement for existing and proposed floor levels and building heights.

- 2.7 Tiverton has a mixed character and history which Policies S1 and DM1 of the Adopted Local Plan seek to uphold. However, this will be addressed in detail at a future Reserved Matters application, should planning consent be forthcoming.
- 2.8 Your officers consider overall that this outline application, with all matters reserved except for access, is acceptable. The proposed scheme makes good use of the land available with the potential for key features to be distinguishing features of the site. Cycle and pedestrian links are retained, including a safeguarded route for future development. An integrated approach to development with permeability is ensured. For these reasons, your Officers consider that the proposed development accords with the NPPF, Policies S1, S9, DM1, DM25, DM26 and TIV 16 of the Adopted Local Plan.

3.0 Ecology.

- 3.1 The NPPF (Para 174) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems. Development should provide net gains for biodiversity, including establishing coherent ecological networks.
- 3.2 Policies S1(l) and DM26 of the Adopted Local Plan require net gain in biodiversity. Policy S9 of the same plan seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape to create attractive places. Similarly, Policies S9 and DM26 require measures to protect and enhance trees, hedgerows and other environmental features which contribute to character and biodiversity and measures to maintain a wildlife network within the site, linking to the surrounding countryside.
- 3.3 A green corridor and retained area for flood prevention and public open space is proposed adjacent to the River Lowman where the most frequently used / highest levels of bat activity occurs. Mature trees along the boundaries of the site and the majority of the species-rich hedgerow bisecting the site would be retained. In accordance with guidance (Devon County Council, 2022), a minimum 10m dark corridor with less than 0.5 lux (or not above existing baseline lighting levels) is required adjacent to the bat activity corridor with an open space buffer provided between the built development and dark corridor. Information submitted in support of this application indicates that this is achievable.
- 3.4 The site has the potential to support slow worms and reptiles. The site is used by nesting dormice. Mitigation can be provided, conditional upon planning consent, through appropriate planting and the retention and provision of new connecting hedgerow.
- 3.5 The Ecological Impact Assessment (July 2022) submitted in support of the application, identifies the previously developed land as an area of 'open mosaic habitat'. By definition this is a Priority Habitat; otherwise known as semi-natural habitat. The most common legislation relevant to it being the Habitats Directive 2017 (as amended). In addressing Officers' comments regarding the open mosaic habitat, the assessment of this habitat has been revised (Ecological Impact Assessment; Dec 2022). Richard Green Ecology Ltd confirm that the site does have some characteristics of the open mosaic habitat. However, given the recently cleared nature of the site (2018) and lack of habitats such as mosses/liverworts, lichens, flower-rich grassland, the site has been re-characterised into

compartments of neutral grassland, ruderals/ephemeral vegetation, scrub and patches of bare ground, which is considered a more realistic evaluation of the biodiversity value. On this basis, the ecologists do not consider it to currently meet the threshold for priority habitat. Officers can confirm that the site has undergone clearance and deposition of waste materials. The site is also not an identified Priority Habitat through the recent adoption of the Local Plan and Policy TIV16. Mitigation measures in the form of rough grassland, tree & scrub planting to maximise prey abundance for bats and other wildlife is set out in the Impact Assessment. These provide opportunities for the loss of any habitat to be off-set, ensuring minimised adverse impact either at a local or cumulative scale. The Ecological Impact Assessment concludes that a detailed Ecological Mitigation and Enhancement Strategy (EMES) should be required conditional upon detailed planning consent. The site is confirmed as being of regional value to bats. Conditional upon detailed planning consent will also be a full Ecological Impact Assessment of the detailed design at Reserved Matters stage.

- 3.6 By November 2023 all development will be required to achieve at least 10% net gain in biodiversity. The DEFRA Biodiversity Metric 3.1 is the current measure for assessing the achievement of it. The Ecological Impact Assessment (Dec 2022) confirms that the development is capable of delivering 13.79% net gain for habitats and 14.79% for hedgerows; exceeding the 10% biodiversity net gain requirement. A detailed Ecological Mitigation and Enhancement Strategy including a detailed planting scheme, Ecological Management Plan supported by a lux contour plan will be conditional upon planning consent to ensure success of biodiversity mitigation, compensation and enhancement measures on site.
- 3.7 An Arboricultural Impact Assessment has been submitted in support of the application. It offers a schedule of works to the trees based on the outline application including the removal of 5 trees and 5 mixed species tree groups to facilitate development, canopy reduction to 4 trees and general reduction of regenerative unmanaged growth into the site from the existing boundaries. The Arboricultural report has been reviewed by the MDDC Tree Officer who has provided comments but no objection to the principle of development. Conditional upon outline planning consent, a detailed Tree Protection Statement will be required at Reserved Matters stage.
- 3.8 In summary, the site is identified as a site for development through Policy TIV16 of the Adopted Local Plan. As an allocated site it is identified as having the ability to comply with Policies S1 and S9 of the Adopted Local Plan ensuring the protection and enhancement of valued landscapes. It is for these reasons that overall, this outline application is considered acceptable, conditional upon the submission of a Detailed Landscape Plan including the riparian zone of the River Lowman, an Ecological Mitigation and Enhancement Strategy, an Ecological Impact Assessment of the detailed design and layout, a Sensitive Lighting Plan, installation of bird and bat boxes, a Tree and Hedge Protection Plan and Method Statement and detailed SUDs scheme. This will ensure appropriate assessment and management of the trees is undertaken; providing comfort to those submitting representations in this regard.

4.0 Affordable Housing

- 4.1 The NPPF (para 62) requires the size, type and tenure of housing needed for different groups in the community to be provided. Where there is a need for affordable housing this should be met on-site.
- 4.2 Policy S3 of the Adopted Mid Devon Local Plan 2013 – 2033 requires open market housing sites, in excess of 11 dwellings, in Tiverton to provide 28% affordable housing, depending on viability. On sites of 20 dwellings or more, developers are required to supply at least 5% of serviced dwelling plots for self-build and custom housing. Policies S3 and TIV 1 require Gypsy and Traveller pitches to be allocated on deliverable sites to ensure that the predicted need for sites will be met.
- 4.3 Under the terms of the Adopted Local Plan Policy TIV16 establishes a requirement for 28% affordable housing to be provided on site. This equates to 34 dwellings on a site of 120 units. 6 units (or 5%) will be required to be provided as Self-Build and Custom dwellings in accordance with Policy S3 of the Adopted Local Plan. Such provision would form part of the S106 legal agreement, subject to planning approval.
- 4.4 A Viability Assessment has been submitted in support of this application (May 2022). It concludes when factoring in affordable housing provision and planning contributions that the site is not viable; that should planning permission be given, it should proceed without any affordable housing or other planning obligations. Whilst development of this brown field site may not prove very financially rewarding it does not mean there is no incentive to proceed. The Environment Agency have concerns regarding the proximity of the metal waste recycling facility and petrol filling station to the River Lowman. There is a risk to the owner with these uses that a future pollution event could occur. Should such an event occur, then there would be significant costs. Similarly, future legislation may require additional safeguarding (capital expenditure) to be carried out to maintain these uses in this location. Together these may be the incentives upon the land owner to redevelop the site.
- 4.5 An Independent Viability Assessment has been undertaken on behalf of the Local Planning Authority (Jan 2023). It too concludes that the scheme is not viably able to provide any affordable housing (or other S106 contributions). Officers in consultation with the Independent Assessor have scrutinised the documentation submitted, including all assumptions made and conclusions arising. Further detail is provided at para 11.0 of this report but based on the issues of viability, combined with:
- Officers concerns that the site may not suitably deliver 120 units based on reasons of design and layout, and
 - Policy S3 (para 2.28) of the Adopted Local Plan that acknowledges that some sites may not viably be able to fund affordable housing and that the Council can consider a reduced contribution where it can be demonstrated that payment of the full cost would make the development unviable,

Officers advise that the application proceeds without the delivery of affordable housing.

5.0 Public Open Space

- 5.1 Policy S5 of the Adopted Local Plan requires the provision of high quality open space. It establishes when off-site provision will be acceptable and confirms that any financial contribution required will be based on a 'cost per person' contribution as set out in the Open Space and Play Area Strategy. The Strategy establishes a cost at £1,441 per person (Table 16) to meet the open space and play area needs within a new development. The open space

and play area needs are defined as allotments, children's play areas, teenage facilities, parks and recreation grounds and amenity / natural green space. For a development of 120 units, assuming an average household size of 2.35 persons (Policy S5) this would equate to a financial contribution of £406,362. However, in accordance with Policy TIV16b this development is proposing to provide a proportional amount of the open space policy needs on site, in the form of amenity open space. On this basis, contributions towards amenity / natural green space would not be required (assuming there are appropriate management arrangements in place, in perpetuity).

- 5.2 Acknowledging that a proportion of formal play space (0-9 years) will be expected on site at Reserved Matters stage in accordance with Policy S5 of the Adopted Local Plan, Policy S5 supports off site provision for formal sport and recreation and teenage facilities. The skate-park and 'free access' MUGA in Amory Park, within a 6-7 minute walk time, offers appropriate facilities within easy access. An off-site contribution would be considered acceptable. The policy requires allotments to be provided on site and has been the subject of some discussion. It is recognised that the on-site amenity area is proposed as a functioning flood plain. The provision of allotments within this area would be inappropriate. A financial contribution towards off-site allotments would be considered acceptable in this instance.
- 5.3 On the basis that allotment, teenage, parks and recreation facilities will be provided offsite the following contribution has been calculated:

Typology	Standard (m2) / person	Cost / m2	Contribution (£/per person)	Total Contribution (£/person x 2.3 x 120)
Allotments	2.5	£30.00	£75.00	£20,700
Teenage Facilities	0.2	£170.00	£34.00	£9,384
Parks and Recreation Grounds	15.0	£72.00	£1080.00	£298,080
Grand Total				£328,164

On this basis, a contribution of £328,164 would be requested as a public open space contribution.

- 5.4 However, a Viability Assessment (dated May 2022) has been submitted. It concludes that the site is not viable with the inclusion of any planning contributions. This has been confirmed by an Independent Viability Assessor on behalf of the Local Planning Authority (Jan 2023). Officers in consultation with the Independent Assessor have scrutinised all the viability documentation including requests from Officers for additional information including varying combinations of contribution. In all instances, the site proves unviable if contributions are attached to the application.
- 5.5 It is for these reasons, whilst acknowledging Policy S5 (para 2.38) of the Adopted Local Plan that confirms the Council will consider a reduced contribution where it can be demonstrated that payment of the full cost would make the development unviable, Officer's advise that the application proceeds without financial contributions.

6.0 Climate Change, Drainage and Flood Risk

- 6.1 The NPPF requires the planning system (para 152) to support the transition to a low carbon future, taking full account of flood risk. Proposals should take into account the long term implications for flood risk and provide appropriate mitigating measures. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para 167). Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.
- 6.2 The NPPF (para 161) requires a sequential, risk based assessment of the location of development. This site is a strategic residential allocation in the Adopted Local Plan. As such a Sequential Test and Exception Test has been applied to confirm its suitability as an allocated site. The Flood Risk and Coastal Change guidance (25 August 2022) confirms that the sequential test is not required for a planning application where the site is allocated. The Flood Risk Assessment submitted in support of the application contains details including re-profiling of the land to create a raised development area, raised access road, and lowered flood storage area. This accords with Policy TIV16c of the Adopted Mid Devon Local Plan. Modelling results demonstrate that post development, the development area will be above the 1 in 1000-year flood level and therefore within Flood Zone 1, with a low probability of flooding. Due to the re-profiling, analysis demonstrates that the proposal will not generate an increase in risk to downstream properties during a 1 in 1000-year flood event. In this respect the proposal meets the exception test of the NPPF, creates additional / compensatory floodplain in accordance with Policy TIV16k and is accepted in principle by the Environment Agency (subject to the application of conditions).
- 6.3 Representations relating to the flood risks to Tiverton Business Park and the wider area are acknowledged. However, lengthy pre-application discussions have been undertaken between the applicant and the Environment Agency who are satisfied that, subject to conditions, the proposal is acceptable.
- 6.4 In accordance with the NPPF, Policies S9, DM1, DM26 and TIV16k of the Adopted Local Plan this development proposal incorporates flood and water resource management including mitigation measures including assurances that the development will not increase the risk of flooding elsewhere. A Flood Risk Assessment (November 2021), Drainage Strategy and Storm Network Report have been submitted in support of this application. Following the submission of additional information, the applicant is proposing to manage surface water within an attenuation pond in the southwest of the development. Provision for future maintenance, is proposed. DCC Flood Authority have withdrawn their objection, subject to planning conditions.
- 6.5 For these reasons, your Officers consider that the proposed development accords with the NPPF, Policies S9, DM1, DM26 and TIV 16 of the Adopted Local Plan.

7.0 Air Quality, Pollution and Waste Management

- 7.1 The NPPF (para 174) requires development proposals to specifically identify opportunities to improve air quality or mitigate the impacts of air pollution, through means such as traffic and travel management, green infrastructure and the enhancement of existing measures. This is

supported by Policies DM3 and DM4 of the Adopted Local Plan that requires pollution impact assessment and mitigation schemes where necessary; confirming that development will be permitted where direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity. Policy TIV16 goes on to confirm that whilst the western end of Blundell's Road has air quality issues that exceed relevant guidelines, access to this application site, direct from Heathcott Way via a new junction, would overcome air quality issues.

- 7.2 This application is supported by an Air Quality Assessment (March 2022) and modelling in accordance with Policy DM3. Construction activities associated with any new development will inevitably cause some disturbance. However, the Air Quality Assessment has predicted minor to moderate impact prior to the implementation of mitigation measures with insignificant impact following implementation. These to be secured through a Construction Management Plan, conditional upon planning permission. Once in operation, the overall impact from the traffic generated by the development is assessed as negligible. Nonetheless, a Low Emission Strategy conditional upon planning consent, will ensure appropriate mitigation measures can be put in place at detailed design stage. This would provide a more accurate indication and provide greater comfort to representations received concerning emission and noise pollution.
- 7.3 Policy TIV16f of the Adopted Local Plan requires assessment and remediation for site contamination. Appropriate assessment has been undertaken in consultation with Public Health who, subject to a full contaminated land condition, are able to support this application.
- 7.4 The NPPF (para 8) and 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 Audit Strategy has been submitted setting out appropriate waste management measures including targets for reuse, recycling, and recovery of waste during site reclamation, construction and operation phases. In consultation with DCC, planning consent is recommended conditional upon the submission of further information.
- 7.5. Overall, your Officers consider that this outline application is acceptable. The proposed scheme offers an alternative means of access, via Heathcoat Way, demonstrating an improving trend in air quality. Public Health have confirmed the findings of the Air Quality Assessment and do not anticipate any concerns with air quality. For these reasons, your Officers consider that the proposed development accords with the NPPF, Policies DM3, DM4 and TIV16 of the Adopted Local Plan.

8.0 Heritage

- 8.1 The NPPF (para 195) requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm (NPPF, Para 201), planning applications should be refused. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset (NPPF, para 203).
- 8.2 Policy DM25 of the Adopted Local Plan requires design solutions to respect the character and setting of heritage assets within and adjoining the site. The application site is within the defined setting of Knightshayes Court which is on the national register of historic parks and gardens. Development proposals are required to have appropriate regard to the character

and historic setting of Knighthayes Court. Similarly, a small part of the site lies within and/or adjacent to the Blundell's Conservation Area.

- 8.3 Policy DM25 states that where development is likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Officers advise that this proposal would not be impactful on the setting of Knighthayes Court Registered Park and Garden, Blundell's Conservation Area or any listed property. Historic Environment (DCC) in acknowledgment of Policy TIV16i and Conservation (MDDC) have indicated no objection to the proposal subject to customary planning conditions, pursuant on planning consent.
- 8.4 Overall, your Officers consider that this outline application, is acceptable. It forms part of the wider TIV16 development, a strategic allocation in the Adopted Mid Devon Local Plan 2013-2033. The nature and scale of this proposal is consistent with the Knighthayes Court Setting Assessment and assessment of significance in respect of the Blundell's Conservation Area and nearby listed buildings. Officers advise that this application does not detrimentally affect the setting of any heritage assets. For this reason, the application is considered to be acceptable and in accordance with policies TIV16 and DM25 of the Adopted Local Plan and the NPPF.

9.0 Parking and Electric Charging (EV) provision

- 9.1 The NPPF (para 124) and Policy S1 of the Adopted Local Plan confirm that the creation of high quality places are fundamental to the achievements of the planning process. Appropriate consideration to parking provision is central to this. Policy DM5 and the Provision of Parking in New Development SPD requires a minimum of 1.7 spaces per dwelling. For a development of 120 units this equates to 204 spaces. The illustrative masterplan (Dwg No. 4022), submitted in support of this application that is overly reliant on the use of parking courts, shows the development providing 159 parking spaces. This is not policy compliant and again raises concerns regarding the number of units that can be appropriately delivered on the site. Conditional upon planning consent, the final number and form of parking provision will be subject to a Reserved Matters application.
- 9.2 The Adopted Parking SPD requires 1 visitor parking space for every 10 dwellings. This equates to 12 spaces across the development. Policy DM5 sets a minimum cycle parking provision for per dwelling. The final number and form of visitor and cycle parking provision will be conditional upon a Reserved Matters application.
- 9.3 Policy DM5 of the Adopted Local Plan requires 1 EV charging point per 10 dwellings. This equates to 12 charging points across the scheme. However, with the introduction of Part S of the Building Regulations (June 2022) every new home must have an EV charge-point.
- 9.4 Overall, your Officers consider that this outline application, is acceptable. Subject to detailed planning, the proposal to accord with policy DM5 of the Adopted Local Plan, the Provision of Parking in New Development SPD and the NPPF.

10.0 Other Matters

- 10.1 Policy S8 of the Adopted Mid Devon Local Plan 2013-2033 requires facilities such as community halls to be provided or enhanced to account for the increased demand arising from new development. Policy S8 confirms that developments will be required to contribute towards such infrastructure through S106 agreements. On this basis a Community Facilities Contribution of £236,760 would be required towards the Tiverton Eastern Urban Extension

Community Centre. This is based on a figure of £1,973 per dwelling, established through the applications on the Tiverton EUE. However, on the basis of the Viability Assessment and Policy S8 that confirms that contributions will be subject to a viability assessment, Officer's advise that the application proceeds without financial contributions.

10.2 Representations concerned for the loss of the local convenience store (Horsdon Garage) are acknowledged. However, similar facilities are in close proximity, accessible on foot. The loss of this facility is not justification alone for refusing planning permission.

10.3 In seeking to address representations, the applicant acknowledges that the development of this site is dependent on the relocation of Newbery Metals. Relocation and redevelopment would likely enhance existing properties. Existing properties do not have a right to a view.

11.0 S106 and other financial considerations

11.1 This application will be subject to the signing of a Section 106 Agreement, conditional upon the grant of planning permission, to secure a new junction on to Heathcoat Way and a safeguarded road route through the site to serve as a future second strategic road access for development on the Tiverton EUE. The outcome of the Viability Assessment and Independent Review of it, is acknowledged. However, officers, through the recommendation, have sought to ensure that should the financial market improve, there is opportunity to 'claw back' contributions at a future date. On this basis, the recommendation seeks, at the expense of the applicant, an independent verification of the viability assessment to understand if the site can make financial contributions. The independent verification will be required within 6 months of the commencement of development. This is to ensure that the financial position is up-to-date and relevant. The recommendation then safeguards a process of securing contributions and monitoring fees dependent on the outcome of the independent verification of the existing viability assessment. At the time of writing this report, the following contributions would be required:

- Education Contributions:
 - Special Educational Need: £78,023; &
 - Secondary Education: £87,201
- DCC Highway Authority Contribution:
 - £5000 for a Traffic Order (TRO).
 - £500 per dwelling for a Travel and Action Plan (to be managed by DCC) to encourage other modes of transport including monitoring & surveys for assessing impact including overseeing vouchers and their usage.
- Public Open Space: £328,164.
- Community Facilities Contribution: £236,760.
- 28% Affordable Housing including 5% as Self-Build and Custom Housing.
- Monitoring fee: £10,227.00

11.2 It is acknowledged that DCC as the Highway Authority have requested £500 per dwelling for the production of a Travel Action Plan. This is a contribution that will be reviewed on receipt of the verification assessment.

11.3 Policy TIV15 of the Local Plan relates to Tiverton Infrastructure and states that Mid Devon will work with partners to deliver a list of infrastructure for Tiverton, which includes education facilities (TIV15e). Land north of Blundell's Road is a strategic allocation site. Development of it has the potential to address, either in total or in part, a number of strategic infrastructure requirements detailed under Policy TIV16, including:

- Re-profiling of the floodplain including allowance for the effects of climate change and to create additional floodplain (TIV16c);
- A new junction on to Heathcoat Way and a safeguarded road route through the site to serve as a future second strategic road access for development at Tiverton eastern urban extension (TIV16d);
- Site contamination assessment and remediation measures to mitigate risks associated with former and current land-uses including the scrapyard and former poultry factory (TIV16e); &
- The creation of additional/compensatory floodplain to secure wider environmental and sustainability benefits (TIV16k).

The proposed development will provide a development plateau that will be safe from the risks of flooding including the risks posed by climate change. In so doing, it will provide a significant area of functional floodplain which in itself will help reduce flood risk downstream. It will clean the site of contamination whilst safeguarding a strategic highway route for future development of the Tiverton EUE. The development will incorporate SUDs to the satisfaction of the Flood Authority as well as visually improve the Blundell's Conservation Area and traffic calmed Blundell's Road.

The NPPF, paragraph 120c confirms that substantial weight should be given to the use of brownfield land for homes within settlements. Redevelopment of this site has opportunity to enhance a long-standing brown field site that lies within the settlement limit of Tiverton. It is on this basis, and on the understanding that development of the site will deliver other strategic benefits for the town and wider area that the development is considered acceptable in light of Policy TIV15.

11.4 The DCC Highway Authority Contribution of £5000 for a Traffic Regulation Order (TRO) is a necessary requirement of the development and cannot be avoided.

11.5 The NHS have sought a contribution request:

- Torbay & S Devon NHS Foundation: £62,630; and
- NHS Royal Devon University Healthcare: £185,028

However, the recent High Court examination (R (University Hospitals of Leicester NHS Trust) v Harborough District Council [2023]) suggested that gathering NHS contributions by means of S106, CIL 123 merited further consideration; that an NHS contribution is necessary to make a development acceptable in planning term is questionable. For this reason, NHS contributions are not being requested on this occasion. Discussions with the NHS are on-going.

12.0 Planning balance

12.1 This is an outline planning application for the construction of up to 120 dwellings and associated access. All other matters are reserved. The site forms part of the TIV16 Blundell's Road residential allocation in the Adopted Local Plan. The use of the land for residential development has been subject to a sequential and exceptions test in accordance with the NPPF and is accepted in principle.

- 12.2 The development can be accommodated without an unacceptable impact on the highway network and can be served by the necessary infrastructure in a predictable, timely and effective fashion whilst safeguarding a future vehicular route through site allocation, TIV16.
- 12.3 The proposed development will provide a development plateau that would be safe from the risks of flooding including the risks posed by climate change. It provides a significant area of functional floodplain which in itself will help reduce flood risk downstream. The development is capable of incorporating SUDs to the satisfaction of the Flood Authority.
- 12.4 As an outline application, it has the ability to provide up to 120 dwellings with the provision of on-site open space and a betterment for sustainable modes of transport. Conditional upon planning consent is the protection and enhancement of valued ecology and landscapes. Biodiversity net gain can be achieved.
- 12.5 A Viability Assessment has been submitted with this application. It confirms that the delivery of this part brownfield, part green field site, with affordable housing and S106 contributions would not be viable. This has been confirmed by an Independent Review. The NPPF, paragraph 120c confirms that substantial weight should be given to the use of brownfield land for homes within settlements. Redevelopment of this site has opportunity to enhance a long-standing brown field site that lies within the settlement limit of Tiverton. Redevelopment would be beneficial to the Blundell's Conservation Area, neighbouring listed buildings and traffic calmed Blundell's Road. The site is an allocated site in the Adopted Mid Devon Local Plan. On this basis, Officers advise that the application proceeds without financial contributions but with any ability at 'claw back' financial contributions, should the economic market change, at a future date,
- 12.6 With all matters taken into consideration, your officers advise that on balance, the proposal is acceptable.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. Before development begins, detailed drawings to an appropriate scale for the layout of the site, the scale, height and appearance of the buildings including materials, and the hard and soft landscaping details (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
3. Application(s) for approval for the Reserved Matters relating to the first phase shall be made to the Local planning Authority before the expiration of three years from the date of this permission.
4. The first and subsequent phases of development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last Reserved Matters which have been approved, whichever is the later.
5. The details required to be submitted by Condition 2 shall include the following additional information: boundary treatments, existing and proposed ground levels (including the access road and culvert off Heathcoat Way), finished floor levels and sections through the site indicating the relationship of the development with its surroundings.

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. No part of the development hereby approved shall begin until:
 - A. The access road has been laid out, kerbed, drained and constructed up to base course level for not less than the first 10.00 metres back from its junction with the public highway and maintained thereafter to the satisfaction of the Local Planning Authority;
 - B. The ironwork has been set to base course level and the visibility splays required by this permission laid out;
 - C. The footway on the public highway frontage required by this permission has been constructed up to base course level; and
 - D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 18.
8. First occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
 - A. The spine road and cul-de-sac carriageways including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the statutory undertakers' mains and apparatus including sewers, manholes and service crossings completed;
 - B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and

G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.

9. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
10. No external lighting shall be installed on any part of the site except in accordance with a Sensitive Lighting Plan which shall have been previously submitted to and approved in writing by the Local Planning Authority. The Sensitive Lighting Plan shall take into account wildlife habitats and protected species. It shall demonstrate how dark corridors for wildlife will be provided. In addition, the Sensitive Lighting Plan shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.
11. Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors. This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been submitted to and approved in writing by the Local Planning Authority.

12. 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 and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of remediation 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.
13. Prior to the commencement of any part of the site hereby approved, the Planning Authority shall have received and approved in writing a report giving detail on:
 - a) The amount of construction, demolition and excavation waste in tonnes;
 - b) Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation;

- c) Method of auditing the waste. This should include a monitoring scheme and corrective measures if failure to meet targets occurs;
- d) the predicted annual amount of waste (in tonnes) generated during the occupational phase of the development;
- e) Identify the main types of waste generated when the development is occupied; and
- f) Provide detail of the waste disposal method including the name and location of the waste disposal site for the waste produced.

The recommendations in the report to avoid waste generation during the operational phases of the development shall be adhered to and the development shall be operated thereafter in accordance with those recommendations.

14. No development shall begin until a Landscaping Scheme and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of all planting and sowing, including size species and numbers of trees and plants, ground preparation, management and maintenance as well as methods to eradicate invasive species. All planting, seeding and earth works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following substantial completion of the development (or phase thereof), whichever is the sooner, and any trees or plants which within a period of 10 years from the 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.
15. No development hereby approved shall begin until a detailed Ecological Mitigation and Enhancement Strategy (EMES) for the detailed design and layout of the site has been submitted to and approved in writing by the Local Planning Authority. It shall demonstrate a biodiversity net gain and include full details of planting and other habitat creation works, a habitat balance sheet, timescales for implementation and details of long term management and maintenance.
16. All development hereby approved shall be developed in accordance with the recommendations in the Ecological Impact Assessment (produced by Richard Green Ecology and dated December 2022) that shall have been updated at Reserved Matters application stage with evidence of a minimum of 10% Biodiversity Net Gain.
17. Prior to the commencement of the development a scheme showing the detailed landscaping design and future management of the riparian zone of the River Lowman shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the occupation of the development and subsequently maintained in accordance with agreed details.
18. Prior to the first occupation hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the Ecology Impact Assessment (Dec 2022).
19. 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;
- (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.

Construction shall be carried out only in accordance with the approved CEMP.

- 20. 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.
- 21. The existing access shall be effectively and permanently closed to vehicles in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.
- 22. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the drawing C21150-TP001 RevA.
- 23. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) 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 as agreed in writing by the Local Planning Authority.
- 24. Prior to the commencement of development, details of the form and nature of the cycle route across the floodplain shall be submitted to and approved in writing by the local planning authority. The approved cycle route shall be fully implemented and subsequently maintained in accordance with the approved details.
- 25. No development shall take place until a Tree / Hedge Protection Plan detailing trees and hedges to be retained and removed including mitigation for loss and an Arboricultural Method Statement detailing how retained trees and hedges will be protected during the construction period, have been submitted to and approved in writing by the Local Planning

Authority. The tree and hedge protection shall be in place before development commences on the site and shall only be removed following written confirmation from the Local Planning Authority.

26. No development hereby approved shall begin until a Low Emissions Strategy of the operational development has been submitted to and approved in writing by the Local planning Authority. A Travel Plan will form part of the overall Low Emissions Strategy.
27. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Flood Risk Assessment;
 - (b) Detailed proposals for the management of surface water and silt run-off from the site during and after construction of the development hereby permitted;
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system and foul drainage system; and
 - (d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above. Once provided, the permanent surface water drainage system shall be maintained in accordance with the approved details for the lifetime of the development.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by section 51 Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by section 51 Planning and Compulsory Purchase Act 2004.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policies S9, DM1 and DM25 of the Adopted Mid Devon Local Plan 2013 - 2033.
6. To ensure that adequate information is available for the proper consideration of the detailed proposal and in the interest of public safety.
7. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
8. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

9. To ensure the proper development of the site in accordance with Policies S1, DM1 and TIV16 of the Adopted Mid Devon Local Plan 2013 – 2033.
10. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework and to minimise the impact of the development in accordance with Policies DM4 and DM25 of the Adopted Mid Devon Local Plan 2013 – 2033.
11. In the interests of public health and protection of the environment, in accordance with Policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that site contamination is properly investigated and an appropriate remediation strategy is put in place prior to any construction works.
12. In the interest of public health and safety and in accordance with the provisions of Policy DM4 of the Adopted Mid Devon Local Plan 2013 - 2033.
13. To ensure that waste is managed appropriately in accordance with Policy W4 of the Devon Waste Plan 2011 – 2031 (Adopted 2014).
14. To ensure that the development makes a positive contribution to the character and amenity of the area and compensates for the loss of trees, hedges and other habitats in accordance with Policies S9, DM1 DM26 and TIV16 of the Adopted Mid Devon Local Plan 2013 - 2033.
15. To minimise the impact upon ecology and ensure lost landscape features and habitats are replaced and enhanced to provide net gains in biodiversity in accordance with the provisions of the National Planning Policy Framework and Policy TIV16 of the Adopted Mid Devon Local Plan 2013 – 2033.
16. To ensure that adequate information is available for the proper consideration of the detailed proposal to ensure landscape features and habitats are protected and enhanced in recognition that the site is of regional value to bats. This to support net gains in biodiversity in the interest of proper planning and in accordance with the provisions of the National Planning Policy Framework and Policies S9 and TIV16 of the Adopted Mid Devon Local Plan 2013 – 2033.
17. To minimise the impact upon ecology and ensure that opportunities to enhance the riparian zone of the River Lowman are achieved in accordance with Policies S1, S9, DM1 and TIV16 of the Adopted Mid Devon Local Plan 2013 - 2033.
18. In the interest of ecology in accordance with Policy S9 of the Adopted Mid Devon Local Plan 2013-2033.
19. To ensure that adequate on-site facilities and protections are provided during the construction period, in the interest of safety of all users of the adjoining public highway and to protect the environment and the amenities of the adjoining residents. The condition should be pre-commencement since it is essential that the facilities and protections are in place before works begin.
20. In the interest of public safety and to prevent damage to the highway.
21. To minimise the number of accesses on to the public highway.

22. To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.
23. To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.
24. To ensure the feature is in line with the flood risk management strategy for the site and for reasons of safety.
25. To ensure trees and hedges are protected on site (and that mitigation is in place should trees and hedges be removed) in the interests of ecology and amenity in accordance with Policies S9, DM1, DM26 and TIV 16 of the Adopted Mid Devon Local Plan 2013 - 2033.
26. To ensure that adequate information is available for the proper consideration of the detailed proposal in accordance with Policy DM3 of the Mid Devon Local Plan and paragraph 174 of the National Planning Policy Framework (2021).
27. 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.

INFORMATIVES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact SW_Exeter-PSO@environment-agency.gov.uk
 A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.
2. Climate and disease resilient planting proposals using native species wherever possible are recommended as a key part of the Detailed Landscaping Plan; that simultaneously supports biodiversity mitigation and enhancement measures.
3. The applicant is advised to assess further above-ground surface water drainage features to form a SuDS Management Train.
4. South West Water will need to be informed of any development within 3m of the water main and ground cover should not be substantially altered. Should development encroach on the 3m easement, the water main will need to be diverted at the expense of the applicant.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of development for this site for residential development is already established through the allocation of this site under Policy TIV16 of the Adopted Mid Devon Local Plan 2013-2033. In accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations 2017 (as amended) the application has been screened for an EIA. Whilst meeting the EIA criteria for a Schedule 2 development, the proposal has been assessed as unlikely to lead to significant effects during construction, operation or cumulatively with other development. On this basis, the Authority is content that the flood risk Sequential and Exception Test has been satisfied in accordance with the National Planning Policy Framework.

Consideration has been given to traffic generation and road safety whilst safeguarding a future vehicular route through site allocation as required by Policy TIV16. Flood issues and surface water drainage have been given full consideration to the satisfaction of the Flood Authority. The development would be safe from the risks of flooding including the risks posed by climate change. The scheme proposes a significant area of functional floodplain which will help reduce flood risk downstream. Pollution and air quality will be subject to conditions. On this basis, the proposal is considered to be acceptable in these respects. Less than substantial harm has been identified to the setting of heritage issues.

As an outline application, the proposal has the ability to provide up to 120 dwellings with the provision of on-site open space and a betterment for sustainable modes of transport. Conditional upon planning consent is the protection and enhancement of valued ecology and landscapes. Biodiversity net gain can be achieved.

A Viability Assessment has been submitted with this application and confirms that the inclusion of affordable housing and S106 contributions would not deliver a viable scheme. This has been confirmed by an Independent Assessor. The National Planning Policy Framework, paragraph 120c confirms that substantial weight should be given to the use of brownfield land for homes within settlements. Redevelopment of this site has opportunity to enhance a long-standing brown field site that lies within the settlement limit of Tiverton. Redevelopment would provide a significant area of functional floodplain which in itself would help reduce flood risk downstream. It would clean the site of contamination and threats of 'leaching' into the River Lowman. The proposal safeguards a strategic highway route for future development including the Tiverton EUE. The scheme also has the ability to enhance the Blundell's Conservation Area, neighbouring listed buildings and traffic calmed Blundell's Road.

On this basis, Officers advise that the application accords with Policies S1, S2, S3, S4, S5, S8, S9, S10, TIV15, TIV16, DM1, DM3, DM4, DM5, DM25 and DM26 of the Adopted Mid Devon Local Plan 2013 – 2033, policies T1, T2, T3, T4, T6, T7, T9, T11 and T16 of the Tiverton Neighbourhood Plan and Policy W4 of the Devon Waste Plan, as well as the National Planning Policy Framework. Officers advise that the application proceeds without financial contributions but with any ability at 'claw back' financial contributions, should the economic market change, at a future date.

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.

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

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	29/08/2023	23/00760/MFUL	Erection of offices and store room to include formation of new access road and parking	Land at NGR 306681 107934 (Warren Farm Business Park) Kentisbeare Devon	Mr Jake Choules	DEL	
2	1	23/08/2023	23/00601/MFUL	Erection of two industrial units	Lowman Units Tiverton Way Tiverton Business Park Tiverton Devon	Mr John Millar	DEL	
3	3	09/08/2023	22/00652/MFUL	Change of use of agricultural land to green infrastructure, including provision of a sports pitch (1.4 hectares), equipped formal play area (0.45 hectares), a multi-use games area (0.1 hectares), allotments (0.7 hectares), community orchard (0.2 hectares), landscaped public open space (1.1 hectares) and associated infrastructure	Land at NGR 301784 108326 South of Rull Lane Cullompton Devon	Ms Tina Maryan	DEL	
4	5	24/07/2023	23/00584/MARM	Reserved matters in respect of (appearance, landscaping, layout and scale) for the erection of 20 dwellings, following Outline approval 20/00618/MOUT	Land at NGR 276485 107851 (Adj. to Allotment Gardens) Chulmleigh Road Morchard Bishop Devon	Ms Tina Maryan	DEL	
5	8	04/07/2023	23/00436/MFUL	Change of use of 2 agricultural buildings to storage (Use Class B8)	Land and Buildings at NGR 297922 108434 (Birchen Oak) Butterleigh Devon	Mr Jake Choules	DEL	
6	8	06/07/2023	23/00577/MFUL	Erection of warehouse, associated charging pod, associated landscaping and infrastructure, and siting of a non-permanent welfare facility	Land at NGR 305146 112110 (South of Hitchcocks Business Park) Uffculme Devon	Mr James Clements	DEL	
7	9	26/06/2023	22/02339/MFUL	Erection of extensions and improvement works to existing Church and presbytery	St James Church Old Road Tiverton Devon EX16 4HJ	Ms Tina Maryan	DEL	

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LIST OF APPEAL DECISIONS FROM 25th March 23 to 1st June 23

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
22/01203/TPO	Application to fell 1 Ash protected by Tree Preservation Order 91/00001/TPO	2 Castle Barton Culmstock Road Hemyock Cullompton Devon EX15 3RJ	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
21/01702/LBC	Listed Building Consent for the erection of extension to rear following demolition of lean-to, conversion and extension to shed to provide office	Prestons Colebrooke Crediton Devon EX17 5DL	Refuse Listed Building Consent	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions
22/00687/HOUSE	Retention of building for use as additional living accommodation	Old Parsonage Cottage High Street Hemyock Cullompton Devon EX15 3RG	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Allow with Conditions

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