

## Planning Committee

Wednesday, 13 March 2024 at 2.15 pm  
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting  
Wednesday, 10 April 2024 at 2.15 pm

**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.

**The meeting will be hybrid and an audio recording made and published on the website after the meeting.**

[Click here to join the meeting](#)

## Membership

Cllr S J Clist  
Cllr G Cochran  
Cllr F J Colthorpe  
Cllr L J Cruwys  
Cllr G Duchesne  
Cllr M Farrell  
Cllr B Holdman  
Cllr M Jenkins  
Cllr F W Letch  
Cllr N Letch  
Cllr S Robinson

## A G E N D A

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
  
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 12*)  
To consider whether to approve the minutes as a correct record of the meeting held on 14<sup>th</sup> February 2024.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**  
To report any items withdrawn from the agenda
- 7 **THE PLANS LIST** (*Pages 13 - 34*)  
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 35 - 36*)  
To receive a list of major applications and potential site visits.
- 9 **PERFORMANCE DASHBOARD QUARTER 3** (*Pages 37 - 38*)  
To receive a verbal update on the Performance Dashboard from the Corporate Performance and Improvement Manager.
- 10 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**  
Discussion with regard to the next item, may require the Planning Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Planning Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.  
  
**Recommended** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 and 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 11 **ENFORCEMENT NOTICE** (*Pages 39 - 44*)  
To consider the items contained in the Enforcement List.

**Stephen Walford**  
Chief Executive  
Tuesday, 5 March 2024

## **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](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

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 Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

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

Public Wi-Fi is available in all meeting rooms.

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**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 14 February 2024 at 2.15 pm

**Present**

**Councillors**

L J Cruwys (Chairman)  
S J Clist, G Cochran (Vice Chairman),  
F J Colthorpe, G Czapiewski, G Duchesne,  
M Farrell, B Holdman, M Jenkins, S Keable  
and F W Letch

**Apologies**

**Councillor(s)**

R Gilmour and N Letch

**Also Present**

**Councillor(s)**

D Broom, E Buczkowski, J Buczkowski, C Harrower,  
S Robinson and D Wulff

**Also Present**

**Officer(s):**

Maria De Leburne (Director of Legal, HR & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), Christie McCombe (Area Planning Officer), Daniel Sims (Planning Officer), Yvonne Dale (Planning Officer), Helen Govier (Principal Planning Officer), Magdalena Halls (Planning Officer), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

**Councillors**

**Online**

A Glover and L Knight

## 72 **APOLOGIES AND SUBSTITUTE MEMBERS (00:03:27)**

Apologies were received from the following:-

- Cllr R Gilmour with Cllr S Keable substituting.
- Cllr N Letch with Cllr G Czapiewski substituting.

### 73 PUBLIC QUESTION TIME (00:03:56)

Andrew Lloyd referred to Application 23/01615/FULL

- 1) As depicted in the photographic evidence submitted the proposed planned area for a micro energy facility is not an unused area of this residential car park. Larger vehicles use this area (others include council vehicles with trailers when conducting work in the surrounding area, recovery vehicles to recover vehicles from the car park). Unfortunately, due to the timescale I was unable to gain photographs of these.
  - a) Why does the Council believe that a car park in Copplestone, a residential village which relies on this car park for off road parking for residents and parents using the local primary school as the surrounding roads are not adequately equipped for on street parking and flow of traffic is the correct setting for this micro energy facility? Considering that Copplestone is a residential area and not industrial / commercial.
  - b) Does the Council accept that if this micro energy facility is approved that it is due to a monetary advantage gained from a sale to a private company and not the welfare of the residents of Copplestone?
- 2) If the fire safety procedures fail or are not adequate (as these seem to be a first aid firefighting capability from the response given) then does the council feel that the nearest fire assistance being Crediton (an on-call service) is an appropriate provision and acceptance of risk in a residential area considering it is surrounded by a) residential properties b) vehicles c) trees and other combustible materials d) a high voltage substation?
- 3) Has the Council considered the wider impact if the micro energy facility is approved to the increased area required for the initial construction a) how much of the car park will be lost during this phase b) increased noise and disruption to the residents c) timeframe?
- 4) Why was the planning notice not sighted to allow the maximum number of residents within the surrounding area, for example at the entrance of the car park itself? Instead, it has been sighted in the bottom corner where it is obstructed due to the very reason stated in a previous question, almost as if to avoid it being noticed.

The Chair advised that the questions would be answered when the application was discussed.

### 74 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:08:18)

Members were reminded of the need to declare any interests where appropriate.

- Cllr S Keable referred to Plans List 1 Application No. 23/01875/FULL as Cabinet Member for Planning and Economic Regeneration he declared an ORI and would not vote.
- Cllr M Jenkins referred to Plans List 3 Application No 23/01615/FULL and Plans List 5 Application 23/01251/MFULL as he had received correspondence and declared a Protocol of good practice in planning matters.

- Cllr S Clist referred to Plans List 2 Application No. 23/01513/FULL and declared that he had an ORI and it was his Cabinet portfolio area but had not been involved with this application.

#### 75 **MINUTES OF THE PREVIOUS MEETING (00:09:50)**

The minutes of the previous meeting held 10 January 2024 were agreed as a true record and duly signed by the Chairman.

#### 76 **CHAIRMAN'S ANNOUNCEMENTS (00:10:09)**

The Chairman announced the following:-

- He congratulated Jake Choules, Principal Planning Officer who had passed his Assessment of Professional Competence with the Royal Town Planning Institute which meant he was now a Chartered Planner.
- He reminded Members of the Battery Storage Briefing taking place on Wednesday 28 February at 2.15pm.
- He introduced and welcomed two new Planning Officers, Magdalena Halls and Yvonne Dale who would be presenting reports to the Planning Committee today.

#### 77 **WITHDRAWALS FROM THE AGENDA (00:12:01)**

There were no withdrawals from the Plans List.

#### 78 **THE PLANS LIST (00:12:14)**

The Committee considered the applications in the \*Plans List.

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

- a) 23/01875/FULL - Temporary siting of 12 swan sculptures as part of the sculpture trail along the Grand Western Canal and Tiverton town Centre between 1st March 2024 to 30th November 2024 at Grand Western Canal Basin, Lowman Green, Fore Street, Phoenix Lane, Beck's Square, Angel Hill, Westexe North, Westexe Recreation Ground, Park Hill, Peoples Park, Market Walk, Bampton Street

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The main objective of the project was to promote Tiverton town centre and visitor attractions connected with the town and the Grand Western Canal.
- Swans were chosen as they migrate to Devon for the season.
- The sculptures were made of fibreglass which would then be decorated by local artists with acrylic paints and placed on concrete plinths.
- The Highways Authority and the Environment Agency had raised no objections.

Discussion took place regarding:-

- The robustness of the sculptures and the plinths that would be used for mounting the sculptures.
- The duration of the display which was confirmed as being from 3<sup>rd</sup> April until the end of November.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr F Letch).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Keable abstained from voting and wished this to be noted.
- b) 23/01513/FULL - Erection of a dwelling at 5 Exon Buildings, Exeter Road, Cullompton

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The new dwelling would form part of Mid Devon District Council's housing stock.
- The accommodation would comprise of a lounge, dining area, kitchen, 3 bedrooms and a bathroom.
- There would be 6 solar panels on the front roof slope.

Discussion took place regarding:-

- Car parking problems in the area and the use of public transport.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chairman).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Robinson spoke as the Ward Member.
- c) 23/01615/FULL - Construction and operation of micro energy storage facility at Car Park, Fernworthy Park, Copplestone.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-



- The facility was located to the south east corner of the site and the location of the sub-station was just behind as they needed to be within 50 metres of each other to work effectively.
- The surrounding fencing would be 2.4 metres high.
- The main issues raised related to parking provision, impact on neighbouring community and fire risks/safety.
- The applicant had revised the siting which demonstrated acceptable distance to the nearest parking space and retained flow through the car park.
- Public Health had been consulted and had no initial concerns regarding noise
- An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warnings of a malfunction which would permit automatic shutdown. The units were also equipped with fire suppressors.
- The site would be visited twice a year by the applicant's operational and maintenance teams as part of the standard preventative maintenance schedule.

In response to the public questions received from Andrew Lloyd the Planning Officer answered as follows:-

In response to the use of the area of the car park, whilst photos had been submitted showing vehicles to this area, there were no designated parking spaces to this area of the site. As demonstrated in the submitted block plan and discussed within the presentation, the proposed development would not result in a loss of designated parking within the car park, with sufficient space to the nearest parking space to maintain flow around the car park.

As members would have been aware from the briefing session, these facilities were designed to be provided in urban areas close to existing substations, where larger facilities would not be appropriate. The development was not considered to be excessive in scale or massing, measuring 6m x 4.29m and not exceeding 2.4m in height. It would have a utilitarian appearance, however given its scale and siting within the car park it was considered that it would have limited impacts to the character and appearance of the wider area and was considered to be acceptable.

This was not considered to be a planning matter and we cannot take this into account with the application assessed against relevant national and local policies which were covered within the officer report.

The applicants have provided additional information regarding fire safety procedures for these facilities, to which Public Health had not raised concerns. The following fire safety procedures and measures were covered within the presentation:

The systems included battery management system that monitored the BESS 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warning of a malfunction and permitted automatic shutdown. The system included inbuilt heat sensors that measured the temperature of the battery units that automatically shut down in the unlikely event that thermal runaway was detected.

The equipment also automatically shuts down once it reached the limits of its safe operating parameters. This equipment was designed to operate at altitude and in more extreme weather conditions, the UK climate was well within its safe operational envelope. The units were also equipped with fire suppression, specifically a hot aerosol spray. The Battery Box also had an internal short circuit detection system, built in current and voltage sensors all of which provided early warning of a malfunction and permitted automatic switch off.

Devon and Somerset Fire and Rescue had been consulted on the application but did not provide a response.

As outlined within the submitted information and the officer report, during the 2 week construction period a total of 6 HGV movements were expected to the site. The BESS was operated remotely and therefore during the operational phase traffic movements to the site were only anticipated in relation to a fault or maintenance activities. On this basis, it was considered that the proposal was unlikely to result in any significant impacts to the local highway network and any minimal impacts regarding noise were considered acceptable during the short construction phase.

In regards to the site notice, this matter was also raised by the Parish Council and addressed within the officer report. It was considered that the site notice had been displayed within the public car park near to the proposed development site. This application had also been advertised in The Gazette and through neighbour notifications which alone would satisfy the Councils obligations regarding advertising of planning applications.

Discussion took place regarding:-

- Whether trees and over hanging branches would cause a fire hazard.
- The safety of the generators.
- The noise levels to nearby residents.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Duchesne).

Reason for the Decision – as set out in the report.

Notes:-

- (i) Ben Wallace spoke as the Applicant
- (ii) Cllr F Letch abstained from voting and wished this to be noted.

d) 23/01923/FULL - Construction and operation of a micro energy storage facility at Land at NGR 282446 100921 (Playing Field), Avranches Avenue, Crediton.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The main issues raised related to the siting of the development, the potential impact on trees and fire risk/safety.

- The surrounding fencing would be 2.4 metres high.
- Following concerns raised by Crediton Town Council there was a revised siting for the development to move it away from the position of the beacon which was lit in the park on commemorative occasions.
- The Tree Officer had been consulted and had no objections subject to conditions
- An internal short circuit detection system, temperature sensor and built in current and voltage sensors provided early warnings of a malfunction which would permit automatic shutdown. The units were also equipped with fire suppressors.
- The site would be visited twice a year by the applicant's operational and maintenance teams as part of the standard preventative maintenance schedule.
- No objections had been received.

There being no discussion on this item it was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F Letch and seconded by Cllr S Clist)

Reason for the Decision – as set out in the report.

- e) 23/01251/MFUL - Variation of conditions 3, 16, 22 and 23 and removal of condition 18 of planning permission 19/01679/MFUL (Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure) to allow amendments to internal roads, access to southern parcel, battery stations, layout of solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry and replacement with point of contact mast and addition of 4 (temporary) construction compounds at Land at NGR 303437 103555, East of Langford Mill & Tye Farm, Langford.

The Area Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- Condition 9 on the Application would be amended to read:-  
*Prior to the commencement of the proposed development, the site access roads shall be formed in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent any surface water entering onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained and thereafter hardened, surfaced, drained and maintained.*  
REASON: The revised wording would provide greater clarity to ensure that surface water did not enter the public highway.
- The application sought to vary conditions 3, 16, 22 and 23 and to remove condition 18 of an existing 2019 planning application.
- This would allow amendments to the internal roads, access to the southern parcel, battery stations, layout of solar pv arrays and fence lines, redesign of the substation area, removal of the proposed gantry with the replacement of a wooden gantry pole and the addition of 4 temporary construction compounds.

- The proposed infrastructure would be set up within the existing field pattern with all margins and vegetation retained.
- Fencing would be 2.4 metres in height ensuring the fencing was not outwardly visible.
- Noise and visual impacts were minimised and all locations had been accepted by Public Health.
- The communications mast had been removed and instead a 16 metre wooden gantry pole was proposed. This also removed the need for the 15 metre communication tower. No issues had arisen from the Conservation Team.
- Concerns from the Highways Authority regarding the safety and suitability of the roads had been removed as traffic would now re-routed away from Plymtree.
- There was a grammar error within the report relating to paragraph 1.1 – the 2019 Planning application was approved through an appeal with costs awarded AGAINST the Council and not TO the Council.

Discussion took place regarding:-

- Clarity on the comments made by Parish Councils.
- The possible use of the land once the solar panels were removed and the land decommissioned.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and as per the amendment to condition 9 as stated above.

(Proposed by Cllr S Clist and seconded by Cllr F Letch)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Gigi Morales Amroe spoke as the Applicant.

## 79 MAJOR APPLICATIONS WITH NO DECISION (01:34:54)

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

The Committee agreed that the applications remained as per the report.

Note: \*List previously circulated, copy attached to the minutes.

## 80 APPEAL DECISIONS (01:35:59)

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

Note: \*List previously circulated, copy attached to the minutes.

(The meeting ended at 3.54 pm)

**CHAIRMAN**

## PLANNING COMMITTEE AGENDA - 13th March 2024

### Applications of a non-delegated nature

| <u>Item No.</u> | Description   |
|-----------------|---|
| 01.             | 23/00510/FULL - Erection of 2 dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at Land at NGR 306315 112571, College Green, Uffculme.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions. |

Application No. 23/00510/FULL

Grid Ref: Easting 306295 : Northing 112565

Applicant: Zed Pods Limited

Location: Land at NGR 306315 112571  
College Green  
Uffculme  
Devon

Proposal: Erection of 2 dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works

Date Valid: 11<sup>th</sup> December 2023



## **Application No. 23/00510/FULL**

### **REASON FOR REFERRAL TO COMMITTEE**

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as Mid Devon District Council is the land owner and the houses will form part of the Council's affordable housing stock.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application relates to the proposed erection of two dwellings at Land at NGR 306315 112571, College Green, Uffculme. The site lies within the development boundary of Uffculme and approximately 18m outside of the Uffculme Extension 1 Conservation Area. It is not within a flood risk area, it is within a record on the historic environment record (MDV20807 – Bridwell Park) and there are no listed buildings nearby. Public Right of Way – Uffculme Footpath 5 lies approximately 28m to the west.

The submitted documents indicate that the new dwellings will form part of the Council's housing stock providing social rented housing.

The site lies to the north of the existing public highway and turning area. The site is currently a partially grassed over area with two garage buildings and 3 areas of non-permeable paving. It is seemingly used as an informal parking area for the residents of College Green with several occupiers of the houses in College Green paying a yearly rent to park their cars at the site.

The application seeks the erection of 2 semi-detached 1-bed bungalows together with 3 dedicated parking spaces, a refuse store and a cycle shelter.

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

- Application Form
- Design and Access Statement
- Arboricultural Survey
- Preliminary Ecological Appraisal and Roost Assessment
- Transport Statement
- Flood Risk Assessment
- Underground utilities scan and desktop survey
- Phase 1 Ground Investigation Report
- Heritage Technical Note
- Climate Change and Environmental Impact Statement
- Site location plan
- Existing and Proposed Site plan
- Proposed floor plan
- Proposed Roof Plan
- Proposed Unit Plan
- Topographical and Utilities Survey
- Existing and Proposed Site elevations
- Existing and Proposed Site Sections

## **RELEVANT PLANNING HISTORY**

None Applicable

## **DEVELOPMENT PLAN POLICIES**

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

Policy S1 - Sustainable development priorities  
Policy S2 Amount and distribution of development  
Policy S3 - Meeting housing needs  
Policy S9 – Environment  
Policy S13 – Rural Areas  
Policy DM1 - High quality design  
Policy DM2 – Renewable and Low Carbon Energy  
Policy DM3 - Transport and air quality  
Policy DM4 – Pollution  
Policy DM5 – Parking  
Policy DM25 Development affecting Heritage Assets

### **National Planning Policy Framework**

### **National Planning Practice Guidance**

### **Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990**

## **CONSULTATIONS**

### **South West Water**

SOUTH WEST WATER - 20.12.2023

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

#### **Asset Protection**

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

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

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

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

<https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-public-sewers>



### Surface Water Services

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

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

### 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/building-and-development/services/pre-development-services](http://www.southwestwater.co.uk/building-and-development/services/pre-development-services)

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

SOUTH WEST WATER - 1st Feb 2024

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

### Asset Protection

Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

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

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

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fsewer-services-connections%2Fdiversion-of-public-sewers&data=05%7C02%7Cdevcon%40middevon.gov.uk%7C9570ed525bc2444f671f08dc232ba6b0%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638423918675794658%7CUnknown%7CTWFpbGZsb3d8eyJWlIjoIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=5WXR7KayZSCmbO5Vf2uYWYvL7CbsRpEn3x6QA1Vjry0%3D&reserved=0>

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1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
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3. Discharge to a surface waterbody; or where not reasonably practicable,
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5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

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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:

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fpre-development-services&data=05%7C02%7Cdevcon%40middevon.gov.uk%7C9570ed525bc2444f671f08dc232ba6b0%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638423918675803204%7CUnknown%7CTWFpbGZsb3d8eyJWlIjoIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=5WXR7KayZSCmbO5Vf2uYWYvL7CbsRpEn3x6QA1Vjry0%3D&reserved=0>

nown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=0%2B8TJpLLHz2cSR%2BRXZb%2B5d7WCfmM721%2Bq6fOz73V5v8%3D&reserved=0

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

### **Highway Authority**

Highway Authority - Observations: 19<sup>th</sup> December 2023

The site is accessed off an unclassified County Road which is restricted to 30 MPH although observed traffic speeds are considerably lower.

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is one slight in 2022.

This proposal will remove garages and parking spaces, in an area where parking is a premium.

The proposal does not replace the loss of parking spaces and only provides parking for the 2 dwellings which does meet the DM5 Policy.

The number of trips these dwellings will create will not cause a severe impact on the highway network.

The County Highway Authority has no objections to this proposal.

Recommendation:

**THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT**

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

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

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Officer authorised to sign on behalf of the County Council 4 December 2023

### **Public Health 4<sup>th</sup> January 2024**

We have considered the application and have the following observations:

1. A contaminated land report has been submitted which identifies the potential for surface and near-surface contaminants in some areas. We therefore recommend that the standard "unexpected contamination" condition is included on any approval.
2. This site is within an established residential area and we would recommend that the standard CMP condition is included on any approval.

### **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 July 2020.

Four public letters of representation have been received. Two have raised an objection to the proposed development.

The matters raised in the four letters include:

- The new parking spaces for the proposed development are sited outside No 15 College Green. The occupant of No 15 has been allocated a disabled parking bay which is due to be completed in approximately 2-3 months. Due to the position of the proposed parking spaces the disabled bay will now be re-positioned further away and outside the neighbouring property, No 13.
- Possibility of providing a drop kerb to the front garden area of No15 to allow parking. The area is currently surfaced with stone and is suitable for parking.
- One of the occupants of College Green has health and mobility limitations which affect their ability to walk any length of distance and require parking close to their residence.
- The proposed Zed Pods are to be situated on an area where parking is rented out. A concrete pad was laid at the expense of one of the tenants of College Green and they wish to be compensated should planning permission be granted.
- There are four rented parking areas on this piece of land although one may not be used due to asbestos. This means that at least three residents will need to move their cars to the main parking area, where there is no available parking. Cars are already parked in the turning area.
- Delivery vans and bin Lorries already struggle at times due to the parking and some use the grass area forming the proposed site to turn their vehicles.

- Allocated parking to the pods has enraged local residents who already struggle to park. With no apparent thought to where disabled persons will park.
- Access for doctors and ambulances is already an issue and has at time caused arguments on the street given many are elderly.
- The pods do not fit with the local bungalow aesthetically and some are in a state of poor repair.
- Understand the need for additional social housing, but these zed pods are planned to be built on an area that is currently used as rented parking by 4 of the current residents of College Green. The Zed pods are being allocated 3 parking spaces between them.
- Could a condition of any approval be added requiring the proposers to provide additional parking spaces for the current residents of College Green.
- Only on road parking is available which will become more congested when more cars have to fight for a space every day.
- Additional parking could easily be provided if the grassed area to the left of the road leading to the cul-de-sac was made into a lay by. One space could even be turned into an EV charging point, something that is not currently available in the area.
- I paid to have a dumpy bag of gravel delivered to the parking space, to make the area in front of the concrete pad more stable, which if the application was agreed I would require to be refunded in full
- When weeding around the concrete pad, I have inadvertently disturbed the resident wildlife, from slow worms (which nest around the edge or under the concrete pad) to a small lizard that ran across the concrete, and frogs. There are also hedgehogs in the vicinity, several nights last summer I saw one, once it was sitting right in the middle of the access driveway.
- There is already no spare on road parking space overnight in College Green, there are currently 18 homes, with only 4 current households not owning a vehicle. If the proposal is agreed as it stands, where are the cars that PAY to park on the parking areas supposed to park? No thought has been given to the current residents of the cul-de-sac, but the proposed new buildings are going to have 3 spaces awarded to them without having to pay any extra yearly rent!
- To agree to this proposal without any additional parking being sorted out for the current residents is asking for some very angry and upset residents, which would not be very welcoming to the new residents, through no fault of their own

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Principle of development**
- 2. Design and amenity**
- 3. Impact on protected species and habitats/biodiversity**
- 4. Highways and parking**
- 5. Conservation Area**
- 6. Flood risk and Drainage**
- 7. Climate Change**
- 8. Other matters**
- 9. Conclusion**

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

- 1.1 S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [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.

- 1.2 In 2020 the Council adopted the Mid Devon Local Plan 2013-2033 and this takes priority in decision making.
- 1.3 Policies S1 and S2 of the Mid Devon Local Plan 2013-2033 seeks to deliver sustainable development including through meeting the housing needs of all sectors of the community and delivering development of an appropriate density for the location.
- 1.4 Policy S13 Rural Areas states that Uffculme will be designated as a village suitable for limited development. Development will be limited to proposals within their defined settlement limits and to allocations for a) small scale housing. The explanatory text indicates that Uffculme is considered to be appropriate for a limited level of development, based on its physical characteristics, and the availability of three identified essential services including educational facility, convenience store and transport service.
- 1.5 Policy S9 requires 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.
- 1.6 The proposed development seeks to erect a pair of semi-detached, 1-bed bungalows to add to the Council's affordable housing stock on land at College Green, Uffculme and is therefore acceptable in principle subject to other material planning considerations.

## **2. Design and Amenity.**

- 2.1 The proposed development is sited approximately 5.2m east of No 15 College Green and approximately 2.1m west of No 20 College Green. The proposed dwellings would be single storey and would have a lower ridge height than the existing adjacent dwellings (Nos 15 and 20) of approximately 4.1m.
- 2.2 The proposed building would measure approximately 8.5m by 14m, totalling 119m<sup>2</sup>. Each dwelling would provide a total floor area of approximately 59.5m<sup>2</sup>. The ground floor provides a kitchen/lounge/diner, an entrance hall, one double bedroom and a bathroom. The proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan. There is stepped access to the properties due to the topography of the site.
- 2.3 The proposed south elevation (front) has two windows at ground floor and 12 solar panels on the roof slope of each dwelling (24 in total). The west elevation has a window and single door. The proposed north elevation (rear) provides windows and two sets of double sliding doors. The east elevation provides a window and single door.
- 2.4 The proposal also includes the erection of a 1.8m high timber fence around the eastern, northern and western boundaries of the site. Additionally, the proposal includes the provision of secure cycle shelters to the rear of each property and an area to the front of the properties for the storage of waste/recycling bins.
- 2.5 The proposal also includes the demolition of the two existing garage buildings constructed of breeze blocks with a corrugated metal roof.

- 2.6 Policy DM1 of the Mid Devon Local Plan 2013-2033 requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.
- 2.7 The proposed materials for the new dwelling will match those of the surrounding properties through the use of painted render and with some red brick cladding on the elevations. The roof will be constructed with a metal standing seam roof range and the windows and doors will be anthracite grey in colour. The windows will be triple glazed and the entrance door will be obscure glazed.
- 2.8 It is considered that the proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area in accordance with policy DM1 of the Local Plan.
- 2.9 Policy DM2 of the local plan relates to renewable energy development such as solar arrays and is supportive of such development subject to proposals demonstrating that impacts are or can be made acceptable in relation to:
- a) Landscape character and the character and setting of heritage assets;
  - b) Environmental amenity of nearby properties and the wider locality;
  - c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and
  - d) Biodiversity (avoiding habitat fragmentation).

2.10 A summary assessment has been carried out below:

- a) The site lies within the Uffculme settlement boundary and does not lie within any protected landscape areas such as Conservation Areas. The site is not and does not lie within the boundary of a heritage asset. The panels are proposed on the front facing roof slope of the new dwellings and would be seen in context with the urban nature of the surrounding area.

The impacts on landscape character and heritage assets have been carefully considered. The proposed works would not cause any unacceptable adverse harm to landscape character or heritage assets. Given its relatively small scale, the visual impact is considered to be acceptable.

- b) Given the small scale nature of the development, there are no concerns in terms of impact on the environmental amenity of the wider locality or on the amenity of nearby properties. The panels are considered to result in a positive impact in terms of renewable energy.
- c) The solar panels will be sited on the roof of the dwellings and as such does not result in the loss of agricultural land.
- d) The panels are sited on the roof of the dwellings and it is not considered that there would be any loss of biodiversity. The new dwellings would be erected on an area of compacted land that has grown over with grass in places. The area of land lost is minor and it is considered that any biodiversity loss would be minimal. To ensure policy

compliance in terms of an overall net gain a condition will be added requiring the proposed development to be carried out in accordance with the recommendations set out in the submitted ecology reports and biodiversity net gain report.

- 2.11 It is considered that the impacts of the installation of the proposed solar panels are acceptable and therefore the proposal accords with policy DM2 of the Local Plan.
- 2.12 Clause (e) of Policy DM1 of the Local Plan states that new development should not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.
- 2.13 The proposed site forms part of a residential estate (College Green) and has neighbouring properties on all sides. The proposed front elevation of the dwelling is set behind the building line of the property to the east and slightly in front of the dwelling to the west.
- 2.13 The south elevation only has two windows that serve the bedrooms. The south elevation is the front elevation and faces towards other properties in College Green however, the existing surrounding properties have windows at ground and it is not considered that the addition of two dwellings would have an adverse effect on the privacy and amenity of neighbouring properties above that as existing. The proposal therefore accords with policy DM1 of the Local Plan.
- 2.14 Overall, it is considered that the provision of two affordable dwellings within Uffculme is acceptable in principle. The proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area, would have an acceptable impact on landscape character, environmental amenity, the setting of heritage assets and would not include the loss of any agricultural land. Additionally, the proposed development would not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. The proposal therefore accords with policies S1, S2, S3, S13, DM1 and DM2 of the Local Plan.

### **3. Impact on protected species and habitats/biodiversity**

- 3.1 Policy S9 of the Local Plan relates to the environment and clause f) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species, populations and linking habitats. Policy DM1 Clause c) requires new development to demonstrate a positive contribution to local character including biodiversity assets.
- 3.2 The application includes the demolition of the two existing garages on site.
- 3.3 A preliminary ecological appraisal and preliminary roost assessment has been submitted alongside the application and indicates that:
- 3.4 The proposed development will result in the loss of 325m<sup>2</sup> grassland habitat and 55m<sup>2</sup> of bramble scrub and may result in the loss of some scattered trees. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats.
- 3.5 325m<sup>2</sup> grassland habitat and 55m<sup>2</sup> of bramble scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local amphibian populations owing



to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of amphibians, if present.

- 3.6 The proposed development will result in the demolition of the garages. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.
- 3.7 The proposed development will include the use of lighting which could spill onto foraging habitat and the dark corridor of the tree belt to the north of the site. This may deter bats from using the area.
- 3.8 55m<sup>2</sup> of bramble scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local dormouse populations owing to its small area and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of dormice, if present.
- 3.9 The proposed development could result in the damage, disturbance or destruction of the badger sett within 30m of the site and could kill or injure any badgers present. 325m<sup>2</sup> grassland habitat and 55m<sup>2</sup> of bramble scrub will be removed in the proposed development. This is likely to be inconsequential for local hedgehog populations due to the presence of more extensive foraging habitat in the locality. However, site clearance may cause disturbance, injury or death to hedgehogs if present.
- 3.10 The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.
- 3.11 The report sets out recommendations and enhancements including the need for a bat emergence or re-entry survey.
- 3.12 A bat emergence survey was carried out by Western Ecology which states that a single precautionary bat emergence survey was carried out on 28<sup>th</sup> June 2023 during which time no bats emerged from the buildings. It is reasonable to conclude that it is extremely unlikely that bats are roosting in association with these structures. Works can proceed with negligible risk to bats and does not require a method statement for bats or a European Protected Species licence.
- 3.13 No mitigation is required for bats. However, it should be noted that in any building individual bats could occasionally roost or move in at any time, and recommendations are made within Section 5 of the report.
- 3.14 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation prepared by Arbtech Consulting Ltd.
- 3.15 It is considered that a condition could be added to any grant of planning permission requiring the proposed development to be carried out in accordance with the recommendations of the PEA/PRA, Emergence Survey Report and Biodiversity Net Gain Assessment.
- 3.16 Submitted alongside the application is an Arboricultural Survey carried out by arbtech which recommends that an Arboricultural impact assessment is submitted, that an Arboricultural method statement is submitted and a tree protection plan is submitted. These will be added as a condition to any grant of planning permission.

3.17 Subject to the imposition of conditions it is considered that the proposed development seeks to protect, enhance and positively contribute to biodiversity in accordance with policies S9 and DM1 of the Local Plan.

#### **4. Highway Safety**

4.1 The proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with PolicyDM5 of the Local Plan 2013-2033 which sets out that new development should provide a minimum of 1.7 car parking spaces per dwelling but allows for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and use of a site.

4.2 Policy DM3 of the Local Plan relates to transport and air quality and states that development must ensure safe access to the transport network.

4.3 The County Highway Authority have commented on the application and state “The site is accessed off an unclassified County Road which is restricted to 30 MPH although observed traffic speeds are considerably lower.

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is one slight in 2022.

This proposal will remove garages and parking spaces, in an area where parking is a premium.

The proposal does not replace the loss of parking spaces and only provides parking for the 2 dwellings which does meet the DM5 Policy.

The number of trips these dwellings will create will not cause a severe impact on the highway network.

The County Highway Authority has no objections to this proposal”.

4.4 The Highways Authority have no objections to the proposed development as submitted but have recommended the imposition of a prior to commencement condition for the submission of a construction management plan. This will be added to any grant of planning permission.

4.5 Several public letters of representation have been received from the current residents of properties within College Green and from those who currently rent the existing garages/informal parking spaces.

4.6 The existing site is not a formalised parking area with dedicated or designated vehicle parking spaces. It is noted that some residents do, however, use this space for such purposes.

4.7 The proposed development would provide 3 formalised parking spaces but these are for the sole use of the occupants of the two proposed dwellings. The current informal parking would not be replaced through the proposed development.

4.8 The representations regarding the occupant of No 15 have been taken into account. It is noted that disabled spaces provided by DCC are not allocated and there would be no guarantee that the occupant would be able to park in the provided disabled space.

- 4.9 The Commercial Services Officer for Building Maintenance at the Council has indicated that a drop kerb may be possible but the occupant would need to have discussions with the Council, Care Direct and may possibly be awarded a grant for the works to allow the occupant to park in front of their house. He also raised that this would also depend on whether there were any obstacles to providing that such as lampposts or telegraph poles.
- 4.10 Officers have visited the site and it is not clear whether the existing telegraph pole outside of No 15 would enable a parking space through the provision of a dropped kerb.
- 4.11 The Council could consider providing additional parking at College Green. There are areas of green space adjacent to the road that could be utilised for this purpose to seek to alleviate parking issues and residents' concerns. This is not however a material planning consideration.
- 4.12 The development doesn't prevent the ability to provide a disabled parking space for the occupant of No 15
- 4.13 The development as proposed seeks to provide 3 parking spaces for the two proposed dwellings. This does not accord with policy DM5 which requires 1.7 parking spaces (rounded up to two) per dwelling.
- 4.14 A transport statement has been submitted alongside the application. The statement indicates that "the proposed development is for 2 dwellings on land which is currently unoccupied and therefore has no existing impact. Whilst there are 2 units, a parking provision of 3 spaces is proposed. The traffic generated by the whole site will be no more than a worst-case scenario of 3 departures in the AM peak and 3 arrivals in the PM peak will still not result in any highways capacity concerns.

Traffic generated by the site is well within the normal daily fluctuations in traffic flows that could be expected on the surrounding local highway network. The impact of the traffic generated by the site is therefore considered to be negligible and immaterial".

- 4.15 The report concludes that the proposal consists of 2 dwellings and will take access off College Green. This Transport Statement considers the existing highway conditions in terms of the road layout, walking and cycling access, public transport facilities. The development site complies with the transport policies due to the sustainable location of the site with good quality facilities for travel by modes other than the single occupancy private car trips.

In conclusion, it has been demonstrated that the proposed development is considered to be acceptable in terms of transport sustainability, highway safety and traffic impact, and that there are no reasons why planning consent for the proposed development should not be granted.

- 4.16 The proposed dwelling is sited in a sustainable location with access to public transport options, it is within walking distance of a range of facilities, amenities and services. On that basis, it is considered that the proposed development accords with policies DM3 and DM5 of the local plan.

## **5. Conservation Area**

- 5.1 Policy DM25 relates to development affecting heritage assets including Conservation Areas. The National Planning Policy Framework requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.2 The existing building is located approximately 18m outside of the Uffculme Extension 1 Conservation Area boundary. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.3 It is considered that the proposed development would add two new bungalows to the existing residential estate with the use of some matching external materials. It is considered that the proposed development would preserve the character and appearance of the Uffculme Extension 1 Conservation Area particularly through the use of some matching materials and its scale and is considered to be supportable in accordance with policy DM25 and government advice in the NPPF.

## **6. Flood Risk and Drainage**

- 6.1 A flood risk assessment (FRA) and drainage strategy report has been submitted alongside the application.
- 6.2 The report concludes that the proposed development site lies wholly within Flood Zone 1 and that the FRA demonstrates that the proposed development is at a negligible to low risk of flooding from all sources.
- 6.3 The report also states that the surface water run off generated by the proposed development will be restricted to the lowest possible rate of 0.7 l/s to ensure the self-cleansing ability device remains practical.
- 6.4 The report sets out recommendations in relation to finished floor levels and a drainage strategy. These recommendations will be conditioned to any grant of planning permission.
- 6.5 South West Water have commented on the application and state that "Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) Please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant".
- 6.6 Officers raised this with the agent who has indicated that they do understand that further evidence of soakaway testing has been advised by SWW. The agent considers that a condition requesting this information would be best on the basis that this would be most appropriately conducted once the sites are fully vacant.

6.7 It is considered that a prior to construction condition requiring the agent/applicant to demonstrate that surface water cannot be disposed of higher up the Run-Off Destination Hierarchy as required by SWW is acceptable and will be added to any grant of planning permission.

## **7. Climate Change**

7.1 Policy S9 requires 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.

7.2 The application submission includes a climate emergency checklist and sustainability technical note. The statement considers that the proposed dwellings are constructed in line with the applicants zero carbon strategy including measures that incorporate renewable energy technology.

7.3 The siting of the proposed dwelling is conducive to providing a more energy efficient and sustainably constructed dwelling, the proposal includes solar panels to maximise solar gain alongside triple glazed windows for heat efficiency.

7.4 The proposal includes secure cycle storage space to encourage the reduction in the number of vehicle movements generated.

7.5 The sustainability technical note provides calculations in relation to the energy provision of the solar panels and the energy consumption of a 1 bed property. It indicates that the calculations demonstrate that the proposed energy production will be met by the installation of solar photovoltaic panels atop each roof which will generate a total of **20,086kWh/Year** according to Calculations performed using the PVGIS tool. This will produce more energy than is consumed on site, resulting in both an energy surplus/ export to the grid of **6,886kWh/Year** and providing an offset of the remaining energy demands ensuring the proposed development is Net Zero Operational Carbon.

7.6 The proposal also includes the provision of good quality amenity grass turves to improve the species poor grassland on site, the provision of new native trees together with the provision of mixed native hedges as a biodiversity net gain to ensure there is no adverse environmental impact created.

7.7 Paragraph 157 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

7.8 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a relatively small scale nature and would provide new dwellings with a high level of thermal efficiency. The proposal also includes the provision of solar panels to off-set reliance on less environmentally friendly energy sources.

## **8. Other Matters**

- 8.1 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".
- 8.2 In assessing this application the Council has had regard to the requirements of the public sector equalities duty within the Equalities Act to have due regard to the need to:
- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.3 The protected characteristics under Section 4 of the Equality Act 2010 are: -
- Age
  - Disability
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
  - Race
  - Religion or Belief (including no belief)
  - Sex
  - Sexual Orientation
- 8.4 A person that could be affected by the development has been identified as sharing one of the protected characteristics under Section 4.
- 8.5 It has been clearly indicated, during the course of this application, that there is concern about the impact of the proposed development and the ability for a disabled parking space to be provided and for a disabled person to access their home.
- 8.6 It is noted that the provision of a disabled space outside of No 15 is due to be provided. The proposed development would mean that this space could not be provided immediately outside of No 15. The LPA have considered this in the determination of this application and have concluded that it wouldn't prevent the space being provided in an immediately adjacent location which would still have level access from the house. It is not considered that the occupant would be subject to discrimination from the proposed development and the Council has had due regard to its duty under Section 149 of the Equality Act 2010.
- 8.7 A scheme of this size would not require any S106 planning obligations to be secured.

## **9. Conclusion**

- 9.1 The proposal is acceptable in principle as the site is considered to be a sustainable location and will be within the defined settlement limit of Uffculme, where residential development is

supported in accordance with policies S1, S2, S3 and S13 of the Local Plan. Whilst the site sits within a relatively close residential context, it is considered that two dwellings could be accommodated on the site.

- 9.2 The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the curtilage. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety interests, flood risk or surface water management.

Additionally, the proposed development would preserve the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 9.3 The proposed development is acceptable in principle subject to the imposition of conditions under Local Plan policies S1, S3, S9, S13 DM1, DM3, DM5 and DM25.

## 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. 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;
4. Prior to the commencement of the development hereby approved, an Arboricultural impact assessment (AIA), an Arboricultural method statement (AMS) and a tree protection plan (TPP) should be submitted in accordance with the Section 6 recommendations of the Arboricultural Survey carried out by arbtech.
  5. The development, hereby approved, shall be carried out in accordance with Section 4.0 Conclusions, Impacts and Recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 01/12/2022. The development should be carried out in accordance with Section 5 Recommendation and mitigation of the Bat Emergence Survey carried out Western Ecology dated 28<sup>th</sup> June 2023. The development shall also be carried out in accordance with the Biodiversity Net Gain Assessment carried out by Arbtech dated 16/01/2022.
  6. The development, hereby approved, shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF (2023) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include: i. the numbers, type and tenure of the affordable housing provision to be made; ii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved); iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  7. Prior to the dwellings hereby permitted being first occupied, final detailed design for surface water drainage, including measures to prevent the discharge of surface water onto the highway, shall be installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such detailed drainage scheme shall be designed in accordance with the recommendations in Section 6.2 of the Flood Risk Assessment and Drainage Strategy carried out by DeltaSimons for College Green, Uffculme dated January 2023. Such detailed drainage scheme shall also be supported by clear evidence to demonstrate that the surface water run-off will discharge as high up the drainage options listed within the South West Water Run-off Destination Hierarchy as is reasonably practicable. Following its installation the approved drainage scheme shall be permanently retained and maintained thereafter.

## **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 and to safeguard the



character of the listed building in accordance with Policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

3. To ensure that the proposed development does not adversely affect highway safety or its users in accordance with Policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033. This is required to be agreed prior to commencement of development to ensure that appropriate measures are in place to avoid adverse impacts on highway safety or its users, during demolition and construction.
4. To ensure the proposed development does not adversely affect the existing trees on site without adequate mitigation in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment.
5. To enable biodiversity net gain within development in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment and national policy.
6. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework.
7. To ensure the proposed development does not increase risk of flooding or surface water on site without adequate mitigation, and to ensure the proposed development disposes of surface water as high up the run-off destination hierarchy as possible in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment.

## **INFORMATIVES**

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).

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

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

A person that could be affected by the development has been identified as sharing one of the protected characteristics under Section 4. It is considered under Section 9 Other Matters of this report.

## 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        | 1     | 22/05/2024  | 24/00250/MFUL | Variation of Condition 2 and Removal of Conditions 24 and 25 of planning permission 21/00128/MFUL - Erection of 86 dwellings to include public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - to allow self build units (plots 195-199) to be open market units | Land at NGR 298634 113714 (Braid Park) Uplowman Road Tiverton Devon                    | Mrs Christie McCombe | COMM                    |           |
| 2        | 2     | 10/05/2024  | 24/00222/MARM | Reserved Matters for the erection of a 50 bedroom nursing home following Outline approval 20/01584/MOUT   | Langford Park Nursing Home Langford Road Langford Newton St Cyres Exeter Devon EX5 5AG | Mr Adrian Devereaux  | DEL                     |           |
|          | 2     | 10/05/2024  | 23/01904/MFUL | Erection of a two-storey office extension and associated works  | Pencarrie Ltd Unit 14 South View Estate Willand Cullompton Devon EX15 2QW              | Mr Jake Choules      | DEL                     |           |

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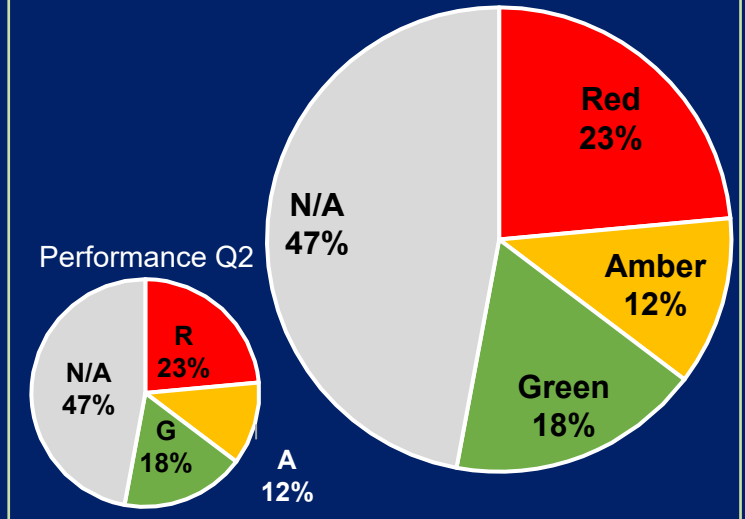
## Planning Dashboard – Quarter 3 2023/24

| Performance Measures   | Performance | Annual Target | RAG      |
|--|-------------|---------------|----------|
| Major applications overturned at appeal (YTD)                | 0.9 %       | 10%           | <b>G</b> |
| Minor applications overturned at appeal (YTD)                | 0.5 %       | 10%           | <b>G</b> |
| Planning applications determined within 26 weeks (YTD)       | 98 %        | 100%          | <b>A</b> |
| Planning applications determined within 8 weeks (YTD)        | 100 %       | 80%           | <b>G</b> |
| Planning applications over 13 weeks without a decision (YTD) | 83          | 45            | <b>R</b> |
| Planning Enforcement: Total Open Cases                       | 309         | N/A           |          |
| Planning Enforcement: Cases deemed high                      | 11          | N/A           |          |
| Planning Enforcement: Cases deemed medium                    | 5           | N/A           |          |
| Planning Enforcement: Cases deemed low                       | 293         | N/A           |          |
| Planning Enforcement: New Cases received in quarter          | 51          | N/A           |          |
| Planning Enforcement: Cases Closed in quarter                | 21          | N/A           |          |

| Finance Measures                     | Performance | Annual Target | RAG      |
|--------------------------------------|-------------|---------------|----------|
| Building Control Income              | (£167k)     | (£266k)       | <b>R</b> |
| Cost of Planning Appeals             | £5,208      | £0            | <b>R</b> |
| Planning fees income – Statutory     | (£739k)     | (£793k)       | <b>A</b> |
| Planning fees income – Discretionary | (£75k)      | (£104k)       | <b>R</b> |
| S106 income                          | (£21k)      | N/A           |          |
| S106 spend                           | £237k       | N/A           |          |

| Corporate Risk     | Risk Rating (Trajectory) | Corporate Risk           | Risk Rating (Trajectory) |
|--------------------|--------------------------|--------------------------|--------------------------|
| Planning Decisions | 12 (Decreasing)          | Building Control Service | 9 (No change)            |

### Overall Performance Q3



### In Focus

The Council's Planning Enforcement policy was last reviewed in 2018. It is currently being reviewed by the Council's Planning Policy Advisory Group and Scrutiny committee before it will be presented to Cabinet.

The proposed policy sets a clearer framework for when enforcement action will be taken, and how it will be taken, together with clarity on what types of cases will be investigated as high priority, medium priority and lower priority, accordingly.

Financial performance reflects reduced demand due to economic/ market factors.

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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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