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Committee Administrator
Angie Howell
Tel: 01884 234251
E-Mail: ahowell@middevon.gov.uk

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via 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, 12 July 2023 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 2 August 2023 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
4 July 2023

Councillors: S J Clist, G Cochran, F J Colthorpe, L J Cruwys, G Duchesne, R Gilmour, M Farrell, 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 **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 - 14*)
To consider whether to approve the minutes as a correct record of the meeting held on 14 June 2023.

- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda.
- 7 **THE PLANS LIST** (*Pages 15 - 24*)
To consider the planning applications contained in the list.
- 8 **TREE PRESERVATION ORDER (TPO) REPORT** (*Pages 25 - 30*)
To receive a report from the Head of Planning and Regeneration presenting the Tree Preservation Order 22/00005/TPO for 3 English Oak, 1 Austrian Pine, 3 Scots Pine, 2 Copper Beech, two groups of 2 English Oak, two groups of 3 English Oak and a group of 2 Scots Pine and 1 Austrian Pine trees. Land bordering Station Road and Lakeridge, Newton St Cyres, Devon.
- 9 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 31 - 32*)
To receive a list of major applications and potential site visits.
- 10 **APPEAL DECISIONS** (*Pages 33 - 34*)
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.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Angie Howell on:

Tel: 01884 234251

E-Mail: ahowell@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 June 2023 at 2.15 pm

Present

Councillors

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

Apologies

Councillors

M Jenkins

Also Present

Councillors

D Broom, G Czapiewski, S Keable, J Lock, S Robinson, G Westcott, D Wulff,
A Glover (online) and James Buczkowski (online).

Present

Officers:

Angie Howell (Member Services Officer), Richard Marsh (Director of Place),
Maria De Leiburne (District Solicitor and Monitoring Officer), Angharad
Williams (Development Management Manager), Jake Choules (Planning
Officer), Sarah Lees (Member Services Officer), Christie McCombe (Area
Planning Officer), James Clements (Principal Planning Officer) and Michelle
Woodgate Devereux (Area Team Leader).

External

Officers:

Michelle Woodgate (Devon County Council - Highways)

1 **ELECTION OF CHAIRMAN (0:00:20)**

RESOLVED that Cllr L J Cruwys be elected Chairman of the Planning Committee for the municipal year 2023/2024.

(Proposed by Cllr G Cochran and seconded by Cllr S J Clist)

2 **ELECTION OF VICE CHAIRMAN (0:08:46)**

RESOLVED that Cllr G Cochran be elected Vice Chairman of the Planning Committee for the municipal year 2023/2024.

(Proposed by Cllr G Duchesne and seconded by Cllr M Farrell)

3 **START TIME OF MEETINGS (0:10:55)**

It was **AGREED** that the start time of meetings for the remainder of the municipal year continued to be at 2.15pm.

Notes:-

- Cllr G Cochran wished to have noted that he voted against this decision.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (0:14:28)**

Apologies were received from Cllr M Jenkins.

5 **PUBLIC QUESTION TIME (0:15:23)**

Members of the public attended the meeting and asked the following questions:-

Peter Drew in respect of Application No. 22/01209/FULL

The Officer's report discusses whether there is a 'planning betterment', but it fails to provide a balanced argument and does not address a point raised during consultation. That is why this question needs to be addressed now.

Members will note the planning history set out in the report. The livestock building has been erected and there is no dispute that it required planning permission because it is within the specified distance of my dwelling. However the storage building, which is the subject of a current application, is in my view permitted development. Officers have failed to respond to an outstanding complaint on this point prior to reporting the matter to this Committee as I had requested. If the Officers had properly assessed that issue in a timely manner then they should have found criterion (g), set out in the report, is not met such that the principle of a dwelling outside the settlement boundary is contrary to the local plan policy correctly cited by the Canal Joint Advisory Committee, who have not withdrawn their objection. The Officer's claim that the applicant can chose whether to apply under the prior notification process undermines the purpose of the legislation and is not supported by any case law.

Without prejudice to that view, when Class Q is invoked a range of restrictions are brought into play. Foremost amongst these is a preclusion on the erection of agricultural buildings on the farm unit for a period of 10 years. Moreover if the conversion of the barn took place under Class Q that would mean that other barns on the holding, such as the prominent barn on the highest land at Higher Town, could not be converted because the cumulative floorspace would exceed the threshold in the statutory instrument.

Whilst condition 7, as proposed in the Committee Report, reflects another restriction in the statutory instrument the Officers are being inconsistent in not imposing similar conditions to remove permitted development rights across the farm unit. In these circumstances, if betterment is genuinely to be shown, will Officers agree to the 2 additional conditions that I have suggested to them? If not, will they please explain their inconsistent approach, particularly in the light of the fact that there was never a legitimate agricultural need for 2 livestock buildings at the site?

Giles Fawssett in respect of Application No. 22/00067/MFUL

The last time I was asking a question here, about the Creedy Bridge development on the north side of Crediton, it was before the local elections. So what a dramatic change. Back then, it felt like no one was able to stop what our local plan calls "car-dependent estates where residents have little need or opportunity to relate to other parts of the town or to each other".

So looking at Wellparks, as I do when I cycle back from Exeter, what is the issue. Wellparks farm is at the eastern end of Crediton and of all the approaches to Crediton, Wellparks is the most visible site. The idea of building two commercial units in front of a historically important site is madness.

This key gateway view would be damaged. As our local plans puts it; “The prospect of dense and badly designed buildings on green field sites, compromising the town’s landscape and setting, and generating traffic around the town raises concerns”.

So while I support the housing, the commercial buildings would visibly be in the wrong place.

The Chairman noted that this was not a question.

Nick Hasted in respect of Application No. 22/00067/MFUL

Bearing in mind we now have a different group of politicians in control of Mid Devon: I would like to know what environmental demands are being asked of the developer in this proposal with respect to energy.

Will the houses have solar panels?

Will central heating be based on heat pumps instead of gas?

If the answer is no, then is Mid Devon Council planning to set higher energy source standards so that in future developments the homes built will be for the 21st century?

Gerald Dinnage in respect of Application No. 22/01209/FULL

I have concerns about harmful impact on two conservation areas. I will explain the context and then ask my question.

The Highway Authority and officers have accepted a drawing from the applicant that claims that there is 45 metres of visibility from the site access. If you ask officers to show the applicant’s access drawing, you will see that, after just 13m, the visibility line to the north-east clearly passes through the wall of a building on the bend. (Drawing - 2927-DR-A-050-0117 Rev -).

For visibility splays as short as that, Manual for Streets, Table 7.1, says additional features are needed. None have been proposed. As objectors have pointed out, introducing traffic calming features here, where the canal conservation area overlaps with the village conservation area, could adversely affect both. The Committee Report says nothing on this.

Two different conservation officers have considered this development, reaching different conclusions. The Committee Report implies that just one conservation officer has changed his or her view but that is not the case. Only the first conservation officer based his report on Local Plan Policy DM25.

He found, with direct reference to DM25, that the application could not be described as ‘*betterment*’ as it would ‘*erode the experience and setting of the canal.*’

He based this judgement not only on the *'form'* of the dwelling (which has been amended) but also on its *'position'* as it *'introduces a clearly visible dwelling'* in a location that is *'isolated'* from the settlement. The isolated position remains, no matter what the design may be. The Grand Western Canal Joint Committee objects for the same reason.

I have objected that even the revised form of the redesigned dwelling still harms the setting of the canal conservation area. In particular, its new roof line does not offer 'betterment' to the public enjoying the canal's open views at that point. This is shown by cross-sections on the most recent Site Plan. (Drawing - 2927-DR-A-050-011 Rev - G)

So my question is -

With direct reference to the visibility drawing, to the first conservation officer report and to cross-sections shown on the applicant's site plan, will officers please confirm that Manual for Streets says that *'additional features will be needed'* to limit speeds at the access within two conservation areas and that the southern end of the roofline of the dwelling will be 2.5m (or about 70%) higher than the existing lean-to section of the barn that it replaces?

Jamie Byrom in respect of Application No. 22/01209/FULL

This concerns Application 22/01209, at Sampford Peverell. On 15 May, I sent an objection that the Committee Report fails to mention.

In that objection, I pointed out that the applicant has stated belatedly that he intends this proposed new dwelling to be a farmhouse. As a result, officers (including Public Health) have now accepted that the dwelling is to be a farmhouse. That is important. It led officers to recommend an agricultural occupancy condition, restricting occupancy to those engaged in agriculture.

Strangely, the Committee Report tells us that officers dropped that recommendation on the grounds that [quote] *'... it is the applicant's intention that his daughter eventually moves into the property who may not always work in agriculture full-time'*. Members may wish to ask officers how this informal statement from an applicant about *'eventual'* occupancy and possible later use of a development is a material planning consideration when it does not appear in the applicant's supporting evidence and clearly cannot be enforced.

Leaving aside speculation about eventual use, officers have accepted that this is an application to build a new farmhouse, as a Class Q fallback scheme. In my objection in May, I reminded officers that the Council has published its own local requirement for agricultural developments. When this application was validated in July 2022, this local requirement applied to all planning applications for [quote] *'... a new agricultural dwelling or other building in countryside for farming or other purposes'*.

It says that these applications must be accompanied by a written justification that must be sent to an independent agricultural consultant who will assess the application for viability and need. The website says nothing about any exceptions to this rule.

But no such assessment of this application has taken place.

I wanted to be sure that avoiding the requirement is lawful and I have been helped by my Ward Councillor, Gill Westcott, to whom I express my thanks. Officers have told her that, where an application such as this is based on permitted development rights, the principle of development has been established and therefore the local requirement does not apply. I could not find this qualification to the local requirement anywhere on the Council's website.

So, in the interests of transparent, lawful, decision-making, my question is:

- Is it the case that, unless the principle of development by permitted development rights has been accepted, all applications for developments that are described in that local requirement would have to comply with its terms? If there are other ways of avoiding its terms, please set these out to the Committee.

A related supplementary question is:

- Will officers confirm that the proposed non-fragmentation agreement will still allow letting of the new dwelling to non-agricultural workers or visitors?

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

6 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0:30:24)**

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

- Cllr S J Clist confirmed that he had a Declaration of Pecuniary Interest and an Other Registrable Interest for Application No. 22/00067/MFUL and would leave the room whilst this was being discussed and voted on.
- Cllr B Holdman declared that he was a member of the Planning Committee on the Tiverton Town Council.
- Cllr L J Cruwys regarding Application 22/01209/FULL declared that he was a member of the Grand Western Canal Joint Advisory Committee as several references were made to that Committee during the meeting.
- Cllr L J Cruwys regarding Application No. 22/01098/MOUT also stated that this was brought to the Tiverton Town Council Planning Committee although he did not vote on the application.

7 **MINUTES OF THE PREVIOUS MEETING 0:32:27)**

The minutes of the previous meeting held on the 5 April 2023 were agreed as a true record and duly **SIGNED** by the Chairman.

8 **CHAIRMAN'S ANNOUNCEMENTS (0:32:56)**

The Chairman made no announcements.

9 **WITHDRAWALS FROM THE AGENDA (0:33:06)**

There were no withdrawals from the agenda.

10 PLANS LIST (0:33:14)

The Committee considered the applications in the “Plans List.

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

- a) 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.**

The Principal Planning Officer outlined the application by way of a presentation and advised the Committee of an additional condition as set out below:

- Waste Management Plan - During Construction (including relevant refuse disposal details)
- No development shall commence until a waste management plan during construction had been submitted to and approved in writing by the local planning authority. The plan should detail the following:
 - The type of material to be demolished and/or excavated;
 - The volume of material to be demolished and/or excavated;
 - Opportunities for the reuse and recovery of materials;
- A demonstration of how to manage disposal of waste having regard to the significance of the; heritage assets and their setting and the visual amenities of this gateway site.
- Additional s106 Heads of Terms

Phasing scheme to be agreed to ensure that the works to the listed building are carried out at an early stage of the development to ensure that the heritage benefits are secured.

In response to the public questions the Principal Planning Officer outlined that:

- The Planning officer outlined that there were issues securing reductions in carbon emissions (for solar panels and air source heat pumps) because the Council does not have a planning policy that sets a target which would enable the Council to secure improvements. There is also potential harm to the listed buildings and their setting; and the scheme is also very close to being unviable.

Consideration was given to:-

- The Management Plan and ensuring the upkeep is up to standard.
- Parking limitations.
- Solar panels.
- Environment health conditions – there were restrictions in place in terms of hours of use.
- Bio diversity – that the development was carried out in accordance with the Ecology Management Plan as there were bats roosting in the farmhouse.

RESOLVED that planning permission be granted subject to conditions and the signing of a S106 agreement to secure as recommended by the Development Management Manager.

(Proposed by Cllr F J Colthorpe and seconded by Cllr F W Letch)

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

Notes:-

- Cllr S J Clist left the room whilst this application was debated and voted upon due to a declaration of pecuniary interest and other registrable interest.
- Cllr N Letch declared she was a Planning Committee Member at Crediton Town Council.
- Cllr Liz Brookes-Housing spoke on behalf of Crediton Town Council.

b) 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.

In accordance with its agreed procedure the Committee determined the above application could be dealt with without debate.

It was therefore **RESOLVED** that the above application be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by the Chairman)

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

Cllr R Gilmour at this point left the meeting.

c) 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.

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

- That there was a fall-back position having gone through the legislation.
- The design and impact on the Conservation Area
- Whether there was a planning betterment

In response to the public questions asked the Principal Planning Officer stated that:

- 2 Conservation Officers had been consulted on the scheme. However, the first left the Council by the time the revised plans were submitted. The Council's current Conservation Officer had reviewed the revised plans and raised no objections to the scheme.
- In terms of the height, the proposed dwelling was taller than the lean-to section of the barn, but the overall ridge heights of both buildings were very similar.
- The visibility to the north/west in particular was good and Highways had no objections.
- There was no requirement for applicants to submit a prior notification or application initially, if they would rather submit a full application. The officer is still required to do the relevant assessment.
- Condition suggestions relating to removing permitted development rights relating to agriculture buildings and Class Q - the conditions were not considered to meet the requirements of planning conditions in that they were not reasonable or necessary. Much of the applicant's land was outside of the red line subject to this application so it would not be possible to enforce conditions on the wider holding.
- The principle was established due to the class Q fall-back position and not because it was a rural worker's dwelling.
- The class Q development would be closer to the livestock dwelling than the proposed dwelling.

Consideration was given to:-

- The amount of traffic on the roads and the upkeep of maintenance.
- Betterments included solar panels, bird and bat boxes and landscaping.

It was therefore **RESOLVED** that the above application be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr F W Letch and seconded by Cllr G Cochran)

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

Notes:-

- Cllr F J Colthorpe, Cllr G Duchesne and Cllr B Holdman wished to have noted that they voted against the application.
- Mr Jamie Bryrom spoke as the Objector.
- Mr Stephen Baimbridge spoke as the Agent.
- Cllr G Westcott and Cllr J Lock spoke as the Ward Members.

d) 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

The Area Team Leader outlined the application by way of a presentation and advised the Committee of an amendment to the recommendation and an additional condition as set out below:

Amend recommendation point a) as follows:

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 each phase of development in accordance with the submitted and approved phasing plan;
- 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; and
 - vi) NHS.
- c) At the expense of the applicant, a monitoring fee, subject to the verification viability assessment and any associated financial contributions arising;
- d) 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
- e) A DCC Highway Authority Contribution of £5000 for a Traffic Regulation Order (TRO).

New wording for Condition 21:

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

REASON: To reduce the volume of traffic associated with the application site from taking access on and off the traffic calmed Blundell's Road.

Existing means of access associated with existing properties, not associated with the application site, will be retained from Blundell's Road.

Consideration was given to:-

- The Management Plan and ensuring this would be enforced.
- Potential S106 funds.
- Environmental Health would oversee contamination conditions.

- The new junction on to Heathcoat Way being a 40mph junction not a 30mph junction for road safety reasons.

It was therefore **RESOLVED** that permission be granted subject to the revised recommendation and condition and the signing of a S106 agreement to secure.

(Proposed by Cllr F W Letch and seconded by Cllr G Duchene)

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

Notes:-

- Cllr G Duchesne declared that she lived locally and was affected by the impact.
- Cllr L J Cruwys confirmed that his ward was affected the other side of the boundary line.
- Cllr L J Cruwys wished to have noted that he abstained from voting.

11 MAJOR APPLICATIONS WITH NO DECISION (1:28:20)

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

The Committee agreed that:

Application 22/02339/MFUL – Erection of extensions and improvement works to existing Church and presbytery, St James Church, Old Road, Tiverton, Devon, EX16 4HJ to be determined by Committee and to arrange a site visit if minded to be approved.

12 APPEAL DECISIONS (1:30:00)

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

Note: *list previously circulated and attached to the minutes

(The meeting ended at 5.49 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 12th July 2023

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	23/00654/FULL - Erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand. RECOMMENDATION Grant permission subject to conditions.

Application No. 23/00654/FULL

Grid Ref: 303782: 111147

Applicant: Mike Lowman, Mid Devon District Council

Location: Land at NGR 303782 111147
Fir Close
Willand
Devon

Proposal: Erection of a dwelling with associated hard and soft landscaping works

Date Valid: 24th April 2023



APPLICATION NO: 23/00654/FULL

Site Visit: Yes

Date of Site Visit: 14th June 2023

Decision Delayed Reason:

To allow to go before Planning Committee.

MEMBER CALL-IN

The application was not called in – it is before Committee due to Mid Devon District Council being the applicant.

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for the erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand. The site is within the Willand Settlement Limit but is not within a Conservation Area or Flood Risk Area. The proposal itself is for a factory built modular home built by Zed Pods.

APPLICANT'S SUPPORTING INFORMATION

In support of the application the submission includes:

- Planning statement
- Design and access statement
- Transport statement
- Utilities report
- Topographical survey
- Geo-environmental assessment
- Site location and block plans
- Proposed plans

RELEVANT PLANNING HISTORY

No relevant planning history.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

- Policy S1 – Sustainable development
- Policy S2 – Amount and distribution of development
- Policy S13 - Villages
- Policy S3- Meeting housing needs
- Policy DM1 – High quality design
- Policy DM3 – Transport and air quality
- Policy DM5 - Parking

CONSULTATIONS

Highway Authority, 27th 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.

Environment Agency:

Operational development less than 1 ha within Flood Zone 1 - No EA consultation required.

Willand Paris Council, 15th May 2023:

Willand Parish Council has resolved to offer no objection.

Public Health, 10th May 2023:

We have considered the application and read the report submitted following a Phase 1 contaminated land site investigation. There is evidence of on and near surface contamination arising from former uses and the writer recommends that an intrusive investigation is carried out. We therefore recommend that the full contaminated land 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 October 2016.

The following properties were written to:

19 Fir Close, Willand
13 Fir Close, Willand
12 Fir Close, Willand
11 Fir Close, Willand
10 Fir Close, Willand
14 South View Close, Willand
13 South View Close, Willand
12 South View Close, Willand
16 South View Close, Willand
15 South View Close, Willand

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principle of development
2. Design and amenity
3. Highways and parking
4. Contamination
5. Planning balance

1. Policy and principle of development

- 1.1. Policies S1, S2 and S3 of the Mid Devon Local Plan set the strategic basis for development in Mid Devon and seek to ensure that Mid Devon is meeting relevant housing targets. More specifically, Policy S13 of the Mid Devon Local Plan refers to development in defined rural settlements such as Willand. It permits small scale housing development within these locations. Given that the site is within the Willand Settlement Limit, the principle of residential development on the site is established.

2. Design and amenity

- 2.1. Policy DM1 refers to high quality design and seeks to ensure this according to a number of principles. These include; having a clear understanding of the site, making efficient use of the site, creating visually attractive places, meeting nationally described space standards and avoiding adverse neighbourhood amenity impacts.
- 2.2. The proposal comprises a factory built volumetric home with the aim of being more energy efficient than standard homes. It includes triple glazed windows, heat recovery ventilation and solar panels. The dwelling comprises one bedroom, a living area, kitchen and bathroom across two storeys. The overall ridge height does not exceed that of the neighbouring dwellings allowing the proposed dwelling to have a limited visual impact on the overall street scene. The roof slates largely match the local vernacular, however, whilst the cladded walls will give the appearance of brick, they will differ slightly to the surrounding dwellings. However, a condition has been added to control the colour and finish of the materials and the appearance is high quality. It is also notable that the existing dwellings in the area carry little historical or architectural merit. Overall, the appearance is considered acceptable.
- 2.3. In terms of amenity, the proposed dwelling meets the nationally described space standards for a 1 bedroom dwelling for 1 person. The rooms will benefit from good levels of natural light and the terrace and garden area will also contribute to good levels of amenity for future occupiers. Owing to the modest scale and sympathetic siting of the proposed dwelling, there are no significant concerns in terms of overbearing impacts or overshadowing. With regards to overlooking, the dwelling is proposed approximately 20m west of the existing terrace to the east of Fir Close and whilst the upper floor windows will provide some views into the garden areas, this is not considered to be an unacceptable increase compared to the existing views along the terrace and due to the very open nature of the existing street scene. Similarly, there will be some views towards the western neighbouring gardens but this is not expected to be an unacceptable increase given the existing terrace layout and existing overlooking which is common for a residential area such as this. Any views further to the north will be restricted

by the proposed planting scheme and it is notable that no objections have been raised by neighbours. A terrace is proposed at ground floor level and a condition has been added to ensure there is a privacy screen installed.

- 2.4. Overall the development is considered to make efficient use of a vacant site in a residential area with a well-designed dwelling. There are no significant concerns in terms of amenity and as such the proposal complies with DM1 of the Local Plan.

3. Highways and parking

- 3.1. DM3 of the Local Plan requires development to have safe access onto the highway network whilst DM5 requires 2 parking spaces for a single residential dwelling.
- 3.2. The access will join the unclassified highway where vehicle speeds are notably slow. Visibility is good due to the neighbouring dwellings being set back from the highway and overall there are no concerns in terms of access. It is not expected that one residential dwelling will significantly increase traffic movements in the locality. Two off road parking spaces are also provided in accordance with DM5.

4. Contamination

- 4.1. A geo-environmental assessment report has been submitted to support the application with the report finding that there is some potential for contamination from previous fires, fertiliser and asbestos as the site may have previously been used as an allotment. Further survey work is recommended by both the environmental assessment and Council's Public Health Team and this is secured by pre commencement condition.

5. Planning balance

- 5.1. Overall, the proposal is for residential development within a defined settlement which is supported by the Local Plan. The dwelling is high quality in terms of design owing to the energy efficiency and visual attractiveness. Whilst there are some views towards neighbouring dwellings, these are typical of the area and not considered to be a significant increase or unacceptable due to the existing situation and separation distances. The access and parking is acceptable and conditions have been added to ensure there are no contamination risks. As such, the development complies with local policy and approval is recommended.

REASON FOR APPROVAL

The proposed erection of a dwelling with associated hard and soft landscaping works at Land at NGR 303782 111147, Fir Close, Willand is considered acceptable in policy terms. The principle of development is established as the site is within the defined settlement of Willand. The design, access and car parking is acceptable and the use of conditions prevents any adverse contamination impacts. As such, the development complies with policies S1, S2, S3, S13, DM1, DM3 and DM5 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. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (4) below are met.
4. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (3) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
5. Following completion of any works required by condition (4) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.
6. All planting comprised in the approved details of landscaping as shown on drawing no. Z40-ZP-A1-GF-DR-A-ST-004-S1-P01, 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, with a species mix that shall first be submitted to and approved 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.

7. Before use of the terrace, a 1.7m high privacy screen shall be erected on either side of the terrace area in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be permanently retained. For the avoidance of doubt, the privacy screens shall be the form of a solid barrier such as that of a timber or obscure glazed.
8. Notwithstanding the approved plans and supporting documentation, prior to the erection of the external wall materials, details of the colour and finish 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 details shall be so used and retained.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of public health and the protection of the environment. The condition is required to be prior commencement to ensure the residential development is deliverable on the site before work commences.
4. In the interests of public health and the protection of the environment.
5. In the interests of public health and the protection of the environment.
6. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with DM1 of the Local Plan.
7. To protect neighbourhood amenity in accordance with DM1 of the Local Plan.
8. To protect the character and appearance of the area in accordance with DM1 of the Local Plan.

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.

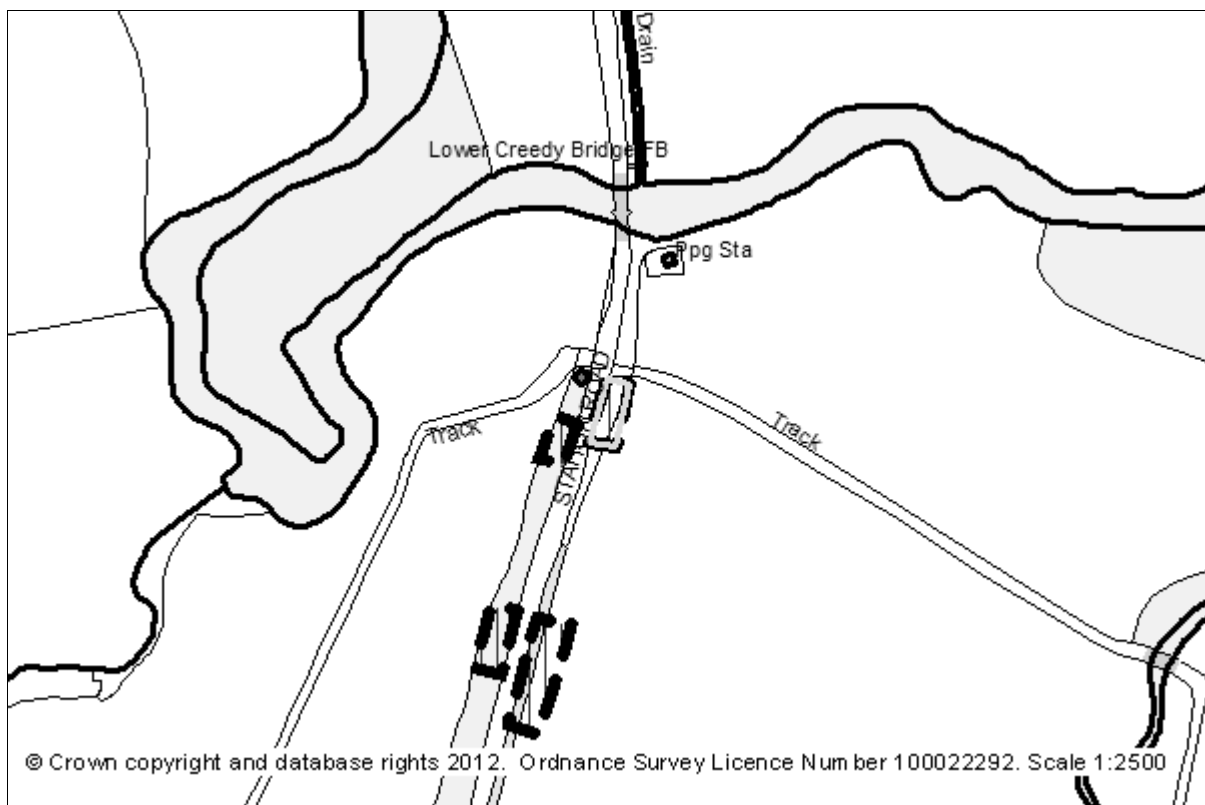
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Tree Preservation Order: 22/00005/TPO

Grid Ref: 288011 : 98321

Location: Land Bordering Station Road and Lakeridge
Newton St Cyres
Devon

Proposal: Tree Preservation Order for 3 English Oak, 1 Austrian Pine, 3 Scots Pine, 2 Copper Beech, two groups of 2 English Oak, two groups of 3 English Oak and a group of 2 Scots Pine and 1 Austrian Pine trees



TREE PRESERVATION ORDER: 22/00005/TPO

MEMBER CALL-IN

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

Following the Tree Preservation Order ref: 22/00005/TPO being made on the 01/02/2023 an objection was received, dated 09/02/23 from Mr R J and Dr H M Campbell regarding the two Copper beech trees, T8 and T9 within the order.

RECOMMENDATION

That the Tree Preservation Order 22/00005/TPO is confirmed and included the two Copper beech trees, T8 and T9 within the order

Relationship to Corporate Plan:

The Tree Preservation Order contributes to the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

PROPOSAL:

Tree Preservation Order for 3 English Oak, 1 Austrian Pine, 3 Scots Pine, 2 Copper Beech, two groups of 2 English Oak, two groups of 3 English Oak and a group of 2 Scots Pine and 1 Austrian Pine trees

RELEVANT SITE HISTORY/DESCRIPTION:

18/00899/PNHH - WDN date 18th June 2018

Prior Notification for the erection of an extension, extending to 4.35m to the side, maximum height of 3.41m, eaves height of 2.85m

18/01094/CLP - PERMIT date 5th September 2018

Certificate of lawfulness for the proposed erection of a single storey side extension

14/01332/MOUT - PERCON date 4th April 2016

Non-Material Amendment - 17/00993/NMA GRANTED 25TH JULY 2017

Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space

16/01222/FULL - PERCON date 16th July 2018

Variation of conditions (6) and (10) of planning permission 14/01332/MOUT to amend the requirement for associated off-site works from pre-commencement of development to occupation of development

16/01337/MARM - PERCON date 2nd December 2016

Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT

16/01836/MARM - PERCON date 3rd March 2017

Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following Outline approval 14/01332/MOUT

17/00993/NMA - PERMIT date 25th July 2017

Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT - Non-Material Amendment to application 16/01337/MARM to allow alterations to elevations and site layout

17/02008/ARM - PERCON date 26th February 2018

Reserved matters for the siting of a building for use as a pre-school following outline approval 14/01332/MOUT

20/00343/DPE - CLOSED date 28th February 2020

Planning advice on options for re-development of redundant school site for housing to ascertain implications for contributions

03/00781/FULL - PERMIT date 11th June 2003

Retention of agricultural access

84/01188/FULL - PERMIT date 8th August 1984

Clear fell and selective fell LA 78/84

22/02347/VALFTS - CLOSED date 16th December 2022

Validation Fast Track Service for a Full application (plant and machinery) £462.00 for each 0.1 hectare (or part thereof). Application Fee £1386.00 - Fee charged £138.60

23/00045/FULL - PERCON date 23rd March 2023

Installation of 340 ground mounted solar panels (144.5kw)

AMENITY EVALUATION:

The amenity valuation relates solely to the two Copper beech trees, T8 and T9 within the order, which the objection has been received for.

1. Size	Score	Notes
1 Very small 2-5m ²	7	Two trees range from approximately 14 to 16 metres in height, with average crown spreads of approximately 12 to 16m metres. At full maturity a Copper beech tree can potentially reach c.30m in height and sometimes even 40m height. Crown spread can reach c.15 and greater,
2 Small 5-10m ²		
3 Small 10-25 ²		
4 Medium 25-50m ²		
5 Medium 50-100m ²		
6 Large 100-200m ²		
7 Very large 200m ² +		

2. Life expectancy	Score	Notes
1 5-15 yrs	3	The Copper beech trees are viewed as mature (two-third life expectancy). The trees are potentially long-lived 150-200yrs. The two trees appear in good health informing their remaining contribution is likely to be 40yrs or greater.
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

3. Form	score	Notes
-1 Trees which are of poor form	2	The two trees exhibit good form for species, No significant structural defects was observed from the visual amenity assessment.
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good form		

4. Visibility	Score	Notes
0 Trees not visible to public	3	Due to the setting of the trees and the contrasting colour of the foliage when in leaf the two trees are prominent and clearly visibility from bridge over the train track along station Road and when approaching Newton St Cyres from Lake lane.
1 Trees only seen with difficulty or by a very small number of people		
2 Back garden trees, or trees slightly blocked by other features		
3 Prominent trees in well frequented places		
4 Principal features in a public area.		

5. Other trees in the area	Score	Notes
0.5 Wooded (70% = 100+ trees)	0.5	High number of garden trees and trees bordering the rail line too.
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

6. Suitability to area	Score	Notes
-1 Unsuitable	3	Trees bordering agriculture field by driveway to property.
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

7. Future amenity value	Score	Notes
0 Potential already recognised	1	Trees are mature but have the potential to put on further extension growth that would increase their visibility in the setting.
1 Some potential		
2 Medium potential		
3 High potential		

8. Tree influence On Structures	Score	Notes
-1 Significant	1	No clear and obvious conflict that could not be resolved through periodic and minor pruning.
0 Slight		
1 Insignificant		

9. Added factors	Score	Notes
1 Rare	0	n/a
1 Screening unpleasant view		
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

If more than one factor relevant maximum score can still only be 2.

10. Notes and total score	Score	Notes
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	20.5	The two Copper beech trees are considered to offer good amenity value to the local landscape and are likely to continue contributing to the local setting in the long-term.

REPRESENTATIONS:

Mr R J and Dr H M Campbell objected to the Tree Preservation Order including the two Copper beech trees, T8 and T9 and have raised the following objection that has been bullet pointed and summarised in this report:

1. No Consultation. The process of good planning and basic courtesy would suggest that this was a pre-requests. Otherwise, such measures may lack legitimacy within the community, appear undemocratic and seem to be the desire of the individuals concerned rather than reflecting the wider community needs.
2. Low visual amenity. Trees are located northwest of the village on a minor unnamed road that is mainly used by farm vehicles and delivery vans. The amenity value which the trees afford the village is negligible given the location.
3. Minimal contribution to character of the area. Trees are non-native detract from the character of the area.
4. Unnecessary additional cost. Mr R J and Dr H M Campbell Have no intention to harm or remove the trees. A TPO adds additional cost and unnecessary layer of bureaucratic and finical burden on the tree owner and Mid-Devon District Council

MAIN ISSUES:

In response to the issues raised by Mr R J and Dr H M Campbell. Point 1: the period of consultation occurs once the provisional order is made and before the order is confirmed. If the council was to undertake consultation before placing the provisional order this could result in the removal trees or inappropriate tree works that would be prevented if the trees where protected.

Since the order was made, interested parties included Newton Cyres Town Council have been given the opportunity to comment on the order. This has included general comments, support of Newton Cyres Town Council and the one objection.

Point 2: the above amenity evaluation informs the trees are viewed to have good amenity value despite the location being on the edges of the village. The trees have good visibility from aspects along Station road.

Point 3: Copper beech are mutation of Common beech that account for 1 in 1000 seeds produced by Common beech. Copper beech trees do produce far greater proportion of copper coloured seedlings. Trees are native and contribute to the character of the area. However, a tree being native or non-native should not be a significant influencing factor when deciding if a tree merits a Tree Preservation Order.

Point 4: It's important to recognise that a TPO should not be viewed as a tool to prevent tree works being carried out in a suitable timeframe. A TPO is there to ensure that proposed tree works are reasonable, suitable and adequately justified. The timeframe for a TPO application is 8 weeks. There are only rare occasion when 8 week application period is not suitable due

to the threat posed by the tree. In which case a 5 day notice can be submitted. Similar, if immediate works are required a 5 day notice can be submitted as soon as practical after works are completed along with sufficient photo evidence. i.e. broken branch hung up over the highway. Deadwood can be removed from the tree without applying to the local planning authority under the TPO. There is no financial cost to submitting an application.

Though Mr R J and Dr H M Campbell have no intention to remove or harm the trees. A Tree Preservation Order is long-term and would continue to protect the trees in the event Mr R J and Dr H M Campbell are no-longer the owner of the trees.

SUMMARY:

The two Copper beech trees provide good amenity value to the local landscape and are likely to continue contributing to the landscape in the long-term. The objection raised by Mr R J and Dr H M Campbell of Lakerridge, Newton St Cyres who has objected to the Tree Preservation Order including the T8 and T9, both Copper beech trees. The points raised are not sufficient to out way the contribution from the trees.

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.

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
1	0	25/09/2023	23/00854/MARM	Reserved Matters relevant to Plots 3 and 4 following Outline approval 20/01409/MOUT	Land at NGR 303082 107667 (Plots 3 & 4 Sebale Business Park) Stoneyford Devon	Ms Tina Maryan	DEL	

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LIST OF APPEAL DECISIONS FROM 02.06.23 – 28.06.23

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
22/00672/FULL	Formation of residential parking area and landscaping works	Development Site at NGR 295336 112490 St George's Court Tiverton Devon	Grant permission subject to conditions.	Committee Decision	Declined to Determine	Written Representations	Allow with Conditions
22/01670/FULL	Conversion of barn into one dwelling	Workshop at NGR 307282 113560 (Hill Park Farmhouse) Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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