

## Planning Committee

Wednesday, 12 June 2024 at 2.15 pm  
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting  
Wednesday, 10 July 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.

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## Membership

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

## AGENDA

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

- 1       **ELECTION OF CHAIRMAN**  
To elect a Chairman for the municipal year 2024/2025.
- 2       **ELECTION OF VICE CHAIRMAN**  
To elect a Vice-Chairman for the municipal year 2024/2025.
- 3       **START TIME OF MEETINGS**  
To agree a start time of meetings for the remainder of the municipal year.
- 4       **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute
- 5       **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 6       **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters
- 7       **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 16*)  
To consider whether to approve the minutes as a correct record of the meeting held on 8<sup>th</sup> May 2024.
- 8       **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 9       **WITHDRAWALS FROM THE AGENDA**  
To report any items withdrawn from the agenda.
- 10      **THE PLANS LIST** (*Pages 17 - 116*)  
To consider the planning applications contained in the list.
- 11      **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 117 - 118*)  
To receive a list of major applications and potential site visits.
- 12      **APPEAL DECISIONS** (*Pages 119 - 120*)  
To receive a list of recent appeal decisions.
- 13      **HABITAT BANK AT PUDDINGTON MOOR, PUDDINGTON** (*Pages 121 - 126*)  
To consider the signing of a S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 10.29ha at Puddington Moor, Puddington, Devon.

- 14 **HABITAT BANK AT HIGHER AYSHFORD FARM, WESTLEIGH, TIVERTON** (Pages 127 - 132)  
To consider the signing of a S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 59.85ha at Higher Ayshford Farm, Westleigh, Tiverton.
- 15 **PERFORMANCE DASHBOARD QUARTER 4** (Pages 133 - 134)  
To receive a verbal update on the Performance Dashboard from the Corporate Performance and Improvement Manager.

**Stephen Walford**  
Chief Executive  
Tuesday, 4 June 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.

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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 8 May 2024 at 2.15 pm

**Present**

**Councillors**

L J Cruwys (Chairman)  
S J Clist, F J Colthorpe, J M Downes,  
G Duchesne, M Farrell, B Holdman,  
M Jenkins, F W Letch, N Letch and D Wulff

**Apologies**

**Councillor(s)**

G Cochran and S Robinson

**Also Present**

**Councillor(s)**

C Adcock, G Czapiewski and S Keable

**Also Present**

**Officer(s):**

Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer), Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), John Millar (Area Team Leader), Christie McCombe (Area Planning Officer), Helen Govier (Principal Planning Officer) and Angie Howell (Democratic Services Officer)

**Councillors**

**Online**

J Buczkowski and A Glover

**Officers Online**

**102 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:49)**

Apologies were received from Cllr G Cochran with Cllr D Wulff substituting and Cllr S Robinson with Cllr J Downes substituting.

**103 PUBLIC QUESTION TIME (00:04:10)**

Duncan Manning - Application No. 23/00118/MFUL

Question 1

As Chairperson of the Bampton Allotment Association Ltd. My question is whether a better use for the area of land to the extreme west of the proposed development site would be for allotments rather than a small community wood? All allotments in the area are fully occupied and this development provides the opportunity to provide more.

Cllr Barry Warren, Chairman of Willand Parish Council Application No. 23/00118/MFUL

The officer report under Proposed Development states: “*This application is for the erection of 7 affordable dwellings on disused, Council-owned land off Somerlea, Willand*”. This is not a true statement. There is considerable use of this land which has taken place over a number of years. We are advised that some of the garage users have recently been granted new leases by MDDC. There are photographs in the Design and Access Statements and in a recent drone shot provided to the case officer by the Parish Clerk which shows some 26 vehicles on the site.

Question 1

Will members of committee satisfy themselves as to the true position of the use of land before making a decision?

Many of the vehicles on the site will be displaced and have to park on adjoining roads which are already congested with parked vehicles. There is a suggestion that some of the householders who park on the land at the rear of their properties can park on the road at the front. That position is close to a busy road junction from Station Road to Somerville Road where there are bus stops either side of the road. See paragraph 5.4 on page 74.

Question 2

Is it sensible for Committee to approve the application for more housing whilst ignoring or dismissing the problems which will be caused to existing residents or infrastructure by potential parking problems caused by the displaced vehicles?

In paragraph 5.4 on page 74 of your papers are these words: “*In responding to these concerns, the applicant has also advised that as a result of the tenure type, it is anticipated that the occupiers would have lower car ownership rates, in which case it would be feasible to allocate one space per property and leave the remaining spaces unallocated (albeit this cannot be guaranteed).*”

These words are judgemental and discriminatory in respect of potential Council tenants. Working members of families in occupation may well need to bring home works vans to park as well as their own vehicles.

Question 3

Is it appropriate for an officer to include such comments in his report from an applicant on behalf of the council, particularly taking into account the comments at the end of the report which says: “*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.*”?

Paul Elstone - Application No. 23/01381/FULL

Question 1

Very precisely why have Mid Devon District Council decided not to use their declared Partner i.e. ZED PODS to build these 6 affordable/social properties?

Application No. 24/00039/FULL

Question 2

Why is it not being brought to the attention of this Committee that there are two bedroom windows in a property that immediately faces bedroom windows of the new proposed modules? That there is only around a 10-meter separation between these windows. That privacy will be significantly impacted?

Question 3

Why is the applicant being allowed to locate the refuse storage and collection area and for all 7 properties immediately on the boundary fence line of an adjacent bungalow and around 5 meters from the bungalow's front door?

Question 4

In the Zed Pod Design and Access Statement Section 6.2 Reference is made to Factory Built Quality Control. Specifically, in-house manufacturing quality control. Can it be fully confirmed that Zed Pods firstly own, then manage and that they have full operational control of their own factory?

Question 5

If not, who does own, manage and operate the factory?

Denise McGowan - Application No. 23/00118/MFUL

Question 1

Please consider the previous emails and correspondence already sent to you in recent weeks regarding how this proposal is going to affect the residents already living in the areas of Market Close and West Street, Bampton. It will affect lighting, privacy and security. There will be an increase in traffic and the play area will cause problems with litter and noise.

Kim Aitkin - Application No. 23/00118/MFUL

Question 1

I don't understand why the current houses are being knocked down. The play area proposed will have an impact on the residents living in the area.

**104 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:18:33)**

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

- Cllr F J Colthorpe referred to Plan List 3 Application No. 23/00118/MFUL and declared a Protocol of Good Practice as her husband used to work with Duncan Manning (who had asked a question during 'public question time') a long time ago and she also had dealings with him when she was County Councillor for Tiverton West.
- Cllr S Clist referred to Plan List 1 Application No. 23/00510/FULL, Plan List 2 Application No. 24/00039/FULL, Plan List 3 Application 23/00118/MFUL and Plan List 4 Application No. 23/01381/FULL and declared that he had an Other Registerable Interest.

**105 MINUTES OF THE PREVIOUS MEETING (00:19:22)**

The minutes of the previous meeting held on 10<sup>th</sup> April 2024 were agreed as a true record and duly signed by the Chairman.

**106 CHAIRMAN'S ANNOUNCEMENTS (00:19:42)**

The Chairman reminded Members of the Committee of the Informal Planning Committee scheduled to take place on the 29<sup>th</sup> May 2024.

**107 WITHDRAWALS FROM THE AGENDA (00:20:15)**

There were no withdrawals from the Plans List.

**108 THE PLANS LIST (00:20:22)**

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

Note: \*List previously circulated.

- a) 23/00129/MFUL – Erection of 13 affordable dwellings following demolition of 4 existing dwellings and garage blocks with associated parking, landscaping and works at Dwelling Block 2 - 8 Holly Road and Garage Blocks Sycamore Road, Tiverton.

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

- The site currently comprised of 4 existing dwellings and a number of dilapidated garage blocks which would be removed and replaced with 13 affordable dwellings, which would form part of the Council's affordable housing stock.
- The site location was on the corner of Holly Road and Sycamore Road.
- The main issues raised were principle of development, design and impact on surroundings, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- The properties comprised of 3 terraced houses with 2 bedrooms and a larger block of 10 properties with 1 bedroom.
- All units built would comply with the National Space Standards.
- 28 parking spaces would be provided and the site also included secure bike storage.
- The scheme also provided for the storage of waste and recycling through the provision of external storage space with the provision of a communal bin area for the other properties that would not have storage provided.
- The front elevation would be cream rendered half way with metal standing seam external cladding at the first floor and to the roof.
- Solar Photovoltaics (PV) panels would be installed on the roof slopes of the building.
- There was a mix of private gardens and communal landscaped areas.



- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however it would provide a BNG of 13.57% in habitat units and 916.15% in hedgerow units.

Discussion took place regarding:-

- Whether the units were on a level access as the properties were being built on a slope.  
It was **AGREED** that delegated authority be given to the Development Management Manager to check the plans in more detail regarding the design of the properties.
- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.  
It was **AGREED** that condition 8 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.  
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and delegated authority be given to the Development Management Manager to check the plans in more detail regarding the decision of the properties and to amend condition 8 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding the recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr B Holdman and seconded by Cllr G Duchesne).

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

Notes:-

- (i) Laura Eimermann spoke on behalf of the Applicant.
  - (ii) Cllr M Farrell and Cllr G Czapiewski spoke as Ward Members.
- b) 24/00039/FULL - Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages at Land at NGR 303611 111116, Somerlea, Willand.

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

- The application was for the erection of 7 affordable dwellings on disused Council-owned land off Somerlea, Willand, which would form part of the Council's affordable housing stock.
- A total of 12 car parking spaces would be provided.
- The main issues raised were principle of development, design and impact on surroundings, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- All units would be built to comply with the National Space Standards.

- The properties would comprise of a rendered finish with a metal standing seam roof.
- Solar PV panels would be installed on the roof slopes of the building.
- The storage of waste and recycling would be provided through the provision of a secured communal refuse storage area.
- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however it would provide a BNG of 20.63% in habitat units.
- The Highways Authority had no concerns with regard to the single access track to the site.

In response to the public questions the Area Team Leader answered as follows:-

Barry Warren

Questions 1 and 2

It had been confirmed that the site was originally a Garage Ground Rent site, however most of the garages had now been removed. There were 5 of the original garages that remained tenanted. Those tenants would be served notice once planning permission was obtained. Otherwise there was no legal right to park, despite the use by some local residents.

While some local residents would no longer be able to park on the site, which they had no right to do, several of the vehicles were owned by a local business that had been using the site to park vehicles and carry out business activities, much of which would not be able to take place on the public highway.

As indicated in the report, and as raised in the following question, it was indicated that there was a likelihood that residents may have a lower vehicle ownership rate, which could allow the allocation of one space per property, with other spaces being unallocated.

Question 3

No. This statement was based on fact. While it was not suggested that all tenants would not have more than one vehicle, figures released by the Office of National Statistics did clearly show that occupiers of Council social rented properties did generally have lower vehicle ownership levels than other tenure types.

Paul Elstone

Question 2

This related to a property directly opposite one of the units, which did not have any windows on its gable end. There were two roof lights, however these were set higher than the windows of the proposed unit, and at an angle, at which it was considered that there would be reduced levels of overlooking, which would not be unacceptable to the occupiers of that property, and future residents. This property also had its main window on the north facing elevation, with roof lights to both roof slopes for additional light.

### Question 3

The location of the waste storage area was considered to be acceptable. I did run this past the Environmental Health Officer before they left and they did not raise any concerns. It was suggested that provision of signage for users could assist with management of the bin store area. It was suggested by Mr Elstone that the bin storage area could become smelly and attract flies and wasps, as bins were only collected every three weeks. Despite this, food waste should not be placed in bins, with separate food waste collection made on a weekly basis.

### Questions 4 and 5

Not relevant to planning, unable to answer.

Discussion took place regarding:-

- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.  
It was **AGREED** that condition 7 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.  
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.
- Whether the tenants would be eligible for “Right to Buy”? It was confirmed that this would be the case.

It was therefore **RESOLVED** that planning permission be granted subject to conditions including the prior completion of a S106. Delegated authority be given to the Development Management Manager to amend condition 7 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr F J Colthorpe and seconded by Cllr M Jenkins).

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

### Notes:-

- (i) Elizabeth Lawrence spoke on behalf of the Applicant.
- (ii) Debbie Bird, Parish Clerk for Willand spoke on behalf of the Parish Council.
- (iii) Cllr A Glover spoke as the Ward Member.

- c) 23/00118/MFUL - Erection of 18 affordable dwellings following demolition of 10 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at School Close, Bampton, Tiverton.

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

- The application was for the erection of 18 affordable dwellings following the demolition of 10 existing properties which would form part of the Council's affordable housing stock.
- The main issues raised were principle of development, design and impact on surroundings, impact on heritage assets, residential amenity, highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity and climate change.
- The properties would comprise of a mixture of 1, 2, 3 and 4 bedroomed homes.
- The properties would comprise of a rendered finish with a metal standing seam roof.
- Solar PV panels would be installed on the roof slopes of the building.
- Plans were amended to ensure all rooms met and complied with the National Space Standards.
- Due to the time that the application was submitted there were no requirements for Biodiversity Net Gain (BNG) however the landscaping provided a BNG of 20.85% in habitat units and 295.11% in hedgerow units.

In response to the public questions the Area Team Leader answered as follows:-

#### Duncan Manning

##### Question 1

This matter had been discussed, with the approved plans amended to include indicative locations for raised beds. It was not considered appropriate to condition these, as the provision of allotment space/raised beds was not necessary in order to make the development acceptable. As such, a condition to that effect would not meet the 'tests for conditions'. It was noted that the Council as landowner had indicated a willingness to discuss the matter of providing raised beds, outside of the planning process.

#### Denise McGowan

##### Question 1

The points raised are all answered in the officer report, however to clarify, no play area is proposed. The space referred to was an open communal landscaped area. The triangular area of land referenced also has no intended use other than forming part of the landscaped area providing biodiversity net gains.

#### Mr Atkins

##### Question 1

Unable to comment on the need for the type of accommodation being lost, however the development would provide for a much needed affordable (socially rented) accommodation, with the terrace replacing the existing bungalows providing two 2 bed homes, and six 1 bed homes. Again confirmation was provided that no play area was proposed.

Discussion took place regarding:-

- Whether the properties were currently vacant – it was confirmed that the properties would be vacant by June 2024.
- The communal gardens and who would manage and maintain them going forward for the lifetime of the development and the amendment of a condition regarding this.  
It was **AGREED** that condition 8 would be amended regarding the communal gardens and who would be responsible for the maintenance of them.
- Recycling and bin storage and the inclusion of a condition regarding this.  
It was **AGREED** that additional conditions would be included regarding recycling/bin storage to ensure provisions were in place prior to occupation.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and delegated authority be given to the Development Management Manager to amend condition 8 to reflect the management and maintenance of the communal gardens and to draft additional conditions regarding recycling/bin storage to ensure provisions were in place prior to occupation.

(Proposed by Cllr J Downes and seconded by Cllr B Holdman).

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

Notes:-

- (i) Elizabeth Lawrence spoke on behalf of the Applicant.
  - (ii) Cllr C Adcock spoke as the Ward Member.
- d) 23/01381/FULL - Erection of 6 dwellings following demolition of 4 existing dwellings at 7-10 Wordland Cross, Cheriton Fitzpaine, Crediton

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

- The application was for the erection of 6 dwellings following demolition of 4 existing dwellings.
- The main issues raised were policy and principle of development, highways impacts and parking, design and amenity issues, impact on the character and appearance of the rural area, ecology and biodiversity, flood risk and drainage.
- The application included small gardens and a layby parking area for 12 parking spaces.
- The dwellings included solar panels to the North East and South West elevations.
- The properties would comprise of a brick plinth, painted render walling, cladding, slate tile roofs and uPVC windows and doors.
- Each property would have individual bin/recycling storage.

In response to the public questions the Principal Planning Officer answered as follows:-

Paul Elstone

Question 1

We are required to determine the application before us on its merits and, as set out in the officer report, the design of the scheme was considered to be acceptable in this context therefore any possible alternative approaches to construction on the site were not considered to be relevant at this stage.

Discussion took place regarding:-

- Why the properties were set further back than the current properties. It was explained this was to accommodate parking and recycling storage.

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

(Proposed by Cllr F Letch and seconded by Cllr J Downes).

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

Notes:-

- (i) Cllr F J Colthorpe spoke as the Ward Member.
- e) 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 at Land at NGR 298634 113714 (Braid Park), Uplowman Road, Tiverton.

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

- The application sought to vary Condition 2 of the Application and remove Conditions 24 and 25.
- 5 of the plots were identified as custom and self-build units through a S106 agreement.
- After a 22 month marketing period the plots were not sold.
- The application was to now regularise the planning conditions to remove the reference to self-build and to allow construction of 5 units and 5 single garages on the site in keeping with the existing dwellings.
- Main issues raised were loss of custom and self-build plots, affordable housing provision and surface water discharge.
- The application for 5 open market units did not reach the threshold to make contributions in the form of affordable housing as the original 2013 application had previously secured the affordable housing provision and had been provided.

Discussion took place regarding:-

- Whether there was sufficient drainage. It was confirmed that further drainage works had been carried out which the Flood Authority had overseen.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and a Deed of Variation to the S106 Agreement.

(Proposed by Cllr S Clist and seconded by Cllr F J Colthorpe)

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

#### 109 **MAJOR APPLICATIONS WITH NO DECISION (02:34:28)**

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

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

Note: \*List previously circulated.

#### 110 **APPEAL DECISIONS (02:34:45)**

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

Note: \*List previously circulated.

(The meeting ended at 4.50 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 12th June 2024

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 01.             | <p>24/00285/FULL - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings at Stag and Squire, Shadow Pond, Stoodleigh.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |
| 02.             | <p>24/00695/TPO - Application to monolith 1 Beech tree by 4-6m in height from ground level protected by Tree Preservation Order 80/00003/TPO at Land at NGR 294630 113109, Longdrag Hill, Tiverton.</p> <p><b>RECOMMENDATION</b><br/>Grant consent.</p>   |
| 03.             | <p>24/00507/FULL - Demolition of existing garages and erection of 3 affordable dwellings and associated parking, landscaping and other minor associated works at Garages and Forecourt, Churchill Drive, Crediton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>                                       |
| 04.             | <p>23/01838/MFUL - Installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works (Site Area 6.30ha) at Land at NGR 300681 107829 (East of Wells Park), Cullompton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p> |

Application No. 24/00285/FULL

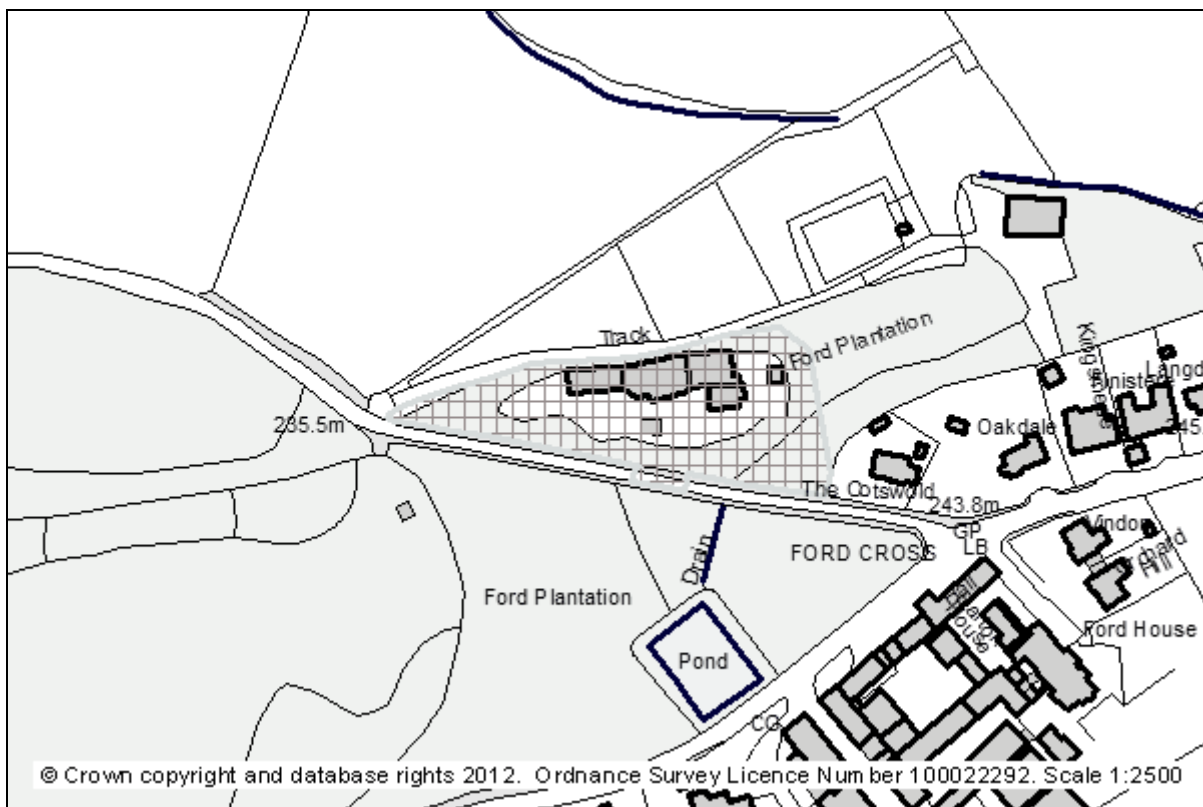
Grid Ref: 291216: 118854

Applicant: Mr Dave Harris

Location: Stag and Squire  
Shadow Pond  
Stoodleigh  
Tiverton  
Devon  
EX16 9PW

Proposal: Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings

Date Valid: 1<sup>st</sup> March 2024



## **APPLICATION NO: 24/00285/FULL**

**Site visit:** Yes

**Date of Site Visit:** 28<sup>th</sup> March 2024 and 29<sup>th</sup> April 2024

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

This application was called in by Cllr Rachel Gilmour and Cllr Chris Adcock to consider the following issues:

- Highway safety impacts
- Economic viability
- Light pollution
- Ecology impacts
- Proposed commercial use of the site
- Conflict with Policy DM18

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application is for the redevelopment of the timber mill at Ford Plantation. The application proposes to demolish a range of dilapidated timber buildings and erect 7 workshops (Use Class B2) and café (Use Class E) to serve the development with associated parking and landscaping.

The site lies at the western edge of Stoodleigh, which is a small settlement spread out in a ribbon fashion along the main road. Stoodleigh is not defined as a village with a settlement limit within the Mid Devon Local Plan, in which case the site is considered to be in the open countryside for planning purposes. Development is dispersed throughout the village, which comprises several pockets of development, all of which are contained within the Stoodleigh Conservation Area. The application site is at the edge of, but also within, the conservation area. The Parish Hall, Ford Barton and Barton House, and several adjacent historic farm buildings, are grade II listed buildings, and are located to the south of the site, just over 100 metres away.

The current lawful use of the site is Use Class B2 (General industrial). The site is accessed via an existing vehicular and pedestrian entrance. The site is surrounded by woodland, which limits greatly any views of the site. The site itself is currently in a very dilapidated state, with the existing buildings in very poor condition.

It is proposed to demolish the existing buildings, which cover a total area of 777 square metres and replace with 7 new buildings of a total floor space, including the first floor within units 1 and 7, of 602 square metres and a small café of a total floor space measuring 25 square metres. Therefore, the proposed use of the site is Use Class B2 (General Industrial) and E(b) (Commercial, business and service).

The workshops are split into varying sizes. Units 2-5 would accommodate 1-2 people, unit 6 could accommodate up to 4 people, unit 7 is broken up into several workshops and administration spaces with a shared welfare facility, and unit 1 consists of a workshop space to be used by the applicant, office, storage and display of antiques space. The café would provide a space where

different businesses could collaborate and share experiences. However, the proposed café would also be available to the general public.

The proposed workshops and cafe will be in a similar location to the existing buildings, with the exception that the replacement buildings would cover a smaller area and there would be a gap between units, which would increase the permeability of the site and therefore, serve as a wildlife corridor.

The palette of materials would comprise a charred stained timber elevations, black standing seam metal roof, timber frame windows and doors, and black aluminium gutter and down pipes. Solar PV panels would be installed on the roof slopes of each unit.

It is also proposed to provide 21 parking spaces with 2 spaces being reserved as a disabled parking space and 1 parking space for electric vehicle charges. Provision would also made for refuse store, secure cycle storage.

## **APPLICANT'S SUPPORTING INFORMATION**

Completed application form, Existing Site Plan, Existing Elevations Plan, Proposed Site Plan, Proposed site Sections, Proposed Site Elevations, Proposed Floor Plans, Proposed Elevations Plans, Climate Emergency Check List, Wildlife trigger Table, Foul Drainage Assessment Form, Ecological Impact Assessment, Arboricultural Survey, Design, Access and Heritage Statement, Supporting Information.

## **RELEVANT PLANNING HISTORY**

82/01802/OUT - REFUSE date 21st December 1982 Outline for the erection of a dwelling.

13/00845/FULL - PERMIT date 20th August 2013 Erection of part agricultural and part equestrian building following removal of existing agricultural building.

00/00888/FULL - PERMIT date 11th August 2000 Installation of a 2720 litre septic tank.

02/01143/FULL - PERMIT date 24th July 2002 Retention of storage building (Revised Scheme).

99/02083/FULL - PERMIT date 21st May 1999 Erection of extension to existing building to provide an open-fronted storage building.

99/02084/FULL - PERMIT date 21st May 1999 Retention of open storage building.

79/00611/OUT - REFUSE date 6th July 1979 Outline for three dwellings.

80/01649/OUT - REFUSE date 19th November 1980 Outline for the erection of bungalow and garage.

## **DEVELOPMENT PLAN POLICIES**

### **National Policy Documents**

National Planning Policy Framework  
National Planning Practice Guidance

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

S1 - Sustainable development priorities  
S2 - Amount and distribution of development  
S6 – Employment  
S8 – Infrastructure  
S9 - Environment  
S14 – Open Countryside  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM3 - Transport and air quality  
DM4 - Pollution  
DM5 – Parking  
DM 18 – Rural employment development  
DM25 - Development affecting heritage assets

### **Other**

The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **CONSULTATIONS**

### **Stoodleigh Parish Council**

18.03.2024

Please could someone amend the last comment. It should read Stoodleigh Inn not Stoodleigh Club. Apologies I only uploaded the comment last night.

17.03.2024

Following a site meeting on the 15th March a planning meeting was held in the evening.

The applicant was present and was given opportunity to answer questions and concerns from the 30 members of the public present. The Chairman had also received a number of written questions from other residents

The Parish Council unanimously voted to object to the proposal their main reasons as follows -:

- 1) Creation of additional traffic leaving the A361 on a narrow road for in excess of a mile with very limited passing places
- 2) Light pollution within a conservation and dark sky area as there is a requirement for 24 hour security lighting.
- 3) General interference with wildlife and existing trees with structural works and surface run off
- 4) There has been no identified need for additional light industrial units within the parish and the viability of the project is unproven. The development does not meet the current Mid Devon Plan which supersedes the 2005 Parish Plan
- 5) A cafe possibly would attract off site customers at the detriment of the Stoodleigh Club and the village shop which is soon to reopen
- 6) The councillors were elected to represent the community and from the representation tonight and the written correspondence sent previously the idea has not been well received.

## **Highway Authority**

9th April 2024

### Observations:

I have visited the site and reviewed the planning documents.

The existing barns have a footprint area of 777m<sup>2</sup> however the proposed area contains a floor area of 602m<sup>2</sup>. The additional Cafe space adds an additional 25m<sup>2</sup> giving a total of 627m<sup>2</sup>. Therefore the proposed floor area of the proposed layout is 150m<sup>2</sup> less, as such I do not believe the vehicular numbers from this application will create a trip generation intensification, including the Class E proposed cafe use.

The access to be utilised is existing and the turning area is to be kept sufficiently to allow vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion.

Therefore in summary the County Highway Authority (CHA) has no objection.

### 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

## **Public Health**

We have considered the application and do not anticipate any environmental health concerns. Residents are concerned that there would be additional light pollution but this can be controlled by condition. In addition the working/operating hours should be conditioned to standard working hours for all units. There is potential for B2 units to be occupied by noisy uses and this should also be conditioned so that noisy activities are contained with the buildings, with a boundary noise level set for the whole site. Suitable conditions would be:

1. The premises shall not be open for business except between the hours of 7.30am to 6pm Monday to Friday, or 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.  
Reason: To protect the amenities of local residents from noise.

2. The specific noise level of any plant installed and operated on the site must not exceed the background noise level at the boundary of the site at any time. Background noise level to be measured as La90dBa (1 hour).  
Reason: To protect the amenity of local residents and the tranquillity of the local environment.

3. No work activities or storage shall be carried on outside the buildings.  
Reason: To protect the amenity of local residents from noise and/or dust.

4. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with planning policy for the avoidance of light pollution.

### **Devon and Cornwall Police**

11.03.24

Consultee

Customer made comments neither objecting to nor supporting the Planning Application

Re Erection of 7 workshops (Use Class B2) and cafe to serve development at Stag and Squire Shadow Pond Stoodleigh Tiverton Devon EX16 9PW - 11th March 2024

The proposed units follow a simple design where recesses and concealed areas are minimised, a good design feature in increasing surveillance opportunities.

It is recommended any roller shutter doors be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. It is also recommended all external doors providing pedestrian access and ground floor windows are, as a minimum standard, PAS 24: 2022.

To prevent casual intrusion beyond public areas, enhanced access control measures to any offices, meeting and staff rooms are recommended.

Whilst it is recommended CCTV be included as part of the initial build, it should not be seen as a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. It is therefore recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package, with any lighting for the sites compatible with the CCTV system.

Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.

Any proposed lighting plan should include the service yards, external storage, pedestrian/cycle access and staff/visitor parking. It must be ensured that any landscaping/planting does not obstruct any lighting columns or provide concealment opportunities.

External illumination of entrance doors and observable building elevations when the building is unoccupied is recommended, lighting must be compatible with any CCTV system installed.

If enclosed, the cycle store should have a door locking system that is easily operable from the inner face by use of a thumb turn and include some form of internal lighting to provide safe use during hours of darkness.

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

Rick Napier

Designing Out Crime Officer

North Devon, Torrington & Mid Devon

## **Tree Officer**

22.03.2024

The tree cover is predominantly around the edge of the site and together with the banks this does much to screen the site.

There is a range of species is of mostly native self-set trees with native ecological value. A number of trees are noted with good bat habitat features.

The survey inspected a total of 25 trees tree groups and hedges, majority being viewed of 'C' quality, trees viewed to be of low quality. This appears to be based on the individual tree or tree group's arboriculture quality. However, the trees collectively provide moderate to High landscape quality and are integral to the local landscape character and remain worthy of the Tree Preservation Order.

A number of tree have been highlighted form removal. Firstly, T001 (Western Red Cedar) and T002 (Cypress) are requested for removal. The trees do lack amenity and suitability to the rural location and are not native. Informing their removal is reasonable. The removal of "U" class tree is further viewed as reasonable due to their condition. T11 and T12 (Ash) are noted for removal, these are recorded with Ash Dieback (ADB). Due to the time of year it is difficult to quantify this. Where tree removal is not required to aid proposed new layout, there removal should not be permitted under the application 24/00285/FULL. Tree Works application should be submitted to the Planning Authority with further evidence and justification provided. Similar is noted with T24 (Sycamore).

Approximately 30m length of tree canopy representation along the northern aspect, an old hedgerow embankment bordering a neighbouring access lane has been omitted from all site plans. There is some note of it in the Arboriculture report and a basic outline is indicated in the Constraints Plan and Tree Protection Plan. It is unclear, but the trees are assumed to form part of G010, a group of 45 stems. These trees would be a constraint to the proposal. In reviewing north elevation plans the units 1, 2 and 3 is noted with large windows and glass doors. Removal of tree will likely required in order to provide adequate access and light through the widows. Removal of trees along this section would be detrimental to the old embankment and potentially result in erosion of the embankment. It is also noted there are attractive views along the valley in a north-westerly direction, which the window opening would benefit where trees are removed.

Trees along the north-western boundary an old hedgerow bordering the neighbouring access lane appear not to have been plotted with an appropriate Root Protection Area (RPA). A consequence of the lane directly northwest of these trees has likely restricted root growth along this aspect. The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution". It would be anticipated the access lane that borders the northwest aspect of these trees would impede root growth, which has not been demonstrated in the plans. It would be anticipated as a result of the constraints along the northwest aspect of these trees there would be greater rooting expansion extending in a



southerly direction. Informing the impact of the new proposed layout could have a more negative impact than what is anticipated.

It is noted there is already hardstanding within the site. It is unclear if excavation will be required for the new proposed layout or if the current hardstanding is sufficient to construct upon. There is high risk, where excavation is required, notable along the northern boundary there would be a high likelihood of significant root damage that would impact on the trees' longevity along this boundary. Where an existing hard surface is scheduled for removal, care should be taken not to disturb tree roots that might be present beneath it. Hand-held tools or appropriate machinery should be used (under arboricultural supervision) to remove the existing surface, working backwards over the area, so that the machine is not moving over the exposed ground. If a new hard surface is to be laid, it might be preferable to leave any existing sub-base in situ, augmenting it where required.

The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread. Conflict between the trees along the northwest aspect and the current structure is apparent. Trees have historically been pruned back, most likely to resolve previous branch conflict. It would be envisaged the new proposed layout will result in significantly more increased conflict along the northwest boundary, resulting in increased pruning pressure on the trees due to direct conflict and perceived threat from the trees to the new structure. Given that a Tree Preservation Order is present the removal of trees in this instance would not be justified and would impact the collective amenity value the woodland provides.

The soil structure including the area beneath the proposed new hard surface should be protected from compaction during installation. The precautionary zone. This may be achieved by the use of temporary ground protection. The location of the new proposed layout informs this cannot be achieved due to the close nature of the building in relation to the trees' stems, notable along the northwest boundary.

Increased level of parking will be required. The site layout informs parking will be situated within the current hardstanding, informing there will be no impact to the trees' RPA. Trees are naturally growing and shedding organisms. Leaves of some species can cause problems, particularly in the autumn, it would be anticipated there would be increased pruning pressures on the trees to reduce the issue. Buildings, footpaths and hard-standing areas should be designed with due consideration to the proximity of retained trees, especially in terms of their foliage, flowering and fruiting habits. It is unclear if this has been a material consideration. Consideration should be given to provide an increased buffer between the new proposal and the trees.

There are large soil mounds, notable in relation to G016, T007 and T009 that have been recommended for removal in the supporting arboriculture report. These soil mounds have been in place for some 30 years. It is likely there is significant rooting within these soil mounds. Significant caution must be taken when removing this soil, deploying a hand-dig method only. A full detailed methodology must be submitted to the Planning Authority for approval if these works are to be undertaken.

In summary the propose layout will require a low number of tree removal, however, further trees highlighted for removal that are not required to permit the new layout should not be permitted within this application due to limited supporting evidence. Concerning, there is a large group of trees omitted from the majority of plans. It clear there is already conflict between these trees and the current structure that could be resolved through pruning and some thinning. The proposed new layout would result in significant increased conflict that would likely require removal of a high number of boundary trees along the north-western aspect that would be detrimental to the old embankment. It is unclear if the now proposal will require excavation works that could impact the RPA of a high number of trees or will construction be on the current hard-standing. The RPA of trees along the northwest boundary is not realistically plotted due to the constraints of an access lane. There is also insufficient precautionary construction zone due to the close proximity to the new structure to the tree stems.

16.05.2024

Further comments concentrate solely on the northern boundary trees (mainly G10) of the site in relation to the new proposed building and concerns raised in previous comments dated 22/03/2024.

Revised site plans show and increased buffer between the proposed units 1 to 5 of some 0.5 to 1m in order to reduce levels of conflict between the trees crown spread and the new units. It is envisaged there will still be some level of conflict that will require remedial pruning from time to time. Tree works is already required in this section of tree group G10 and it is noted in the report tree works should be performed before the installation of the CEZ barrier fence. This should especially include crown raising of T013 to 5m AGL and coppicing (or where possible laying) of stems under 100mm diameter DBH close the ground of G10 and T14 to create vigorous basal growth. Stems also leaning to the south may be treated in the same way. Full details in Appendix A, Figure 2. Where the application is permitted such works should be conditioned and completed before construction begins in order to ensure risk of damage to trees is avoided and new planting is in place in order to facilitate betterment of the boundary hedge and tree line. Planting of gaps along northern boundary, especially in G10 with a native hedgerow mix of 'whip' trees containing such species as Hazel, Common Hawthorn, and Spindle.

Further, where the application is permitted 7 days' notice must be given to the Arboricultural Supervisor as worded in the report to attend and provide on-site observation and guidance during the demolition of the buildings along the North boundary. Reason to ensure that root disturbance is kept to a minimum in order ensue the vitality and viability of the trees along the North boundary. No construction works are to be permitted within Tree Protection Area as indicated the Tree Protection Plan without prior notice to the LA along with detailed method statements

All supply and drainage trenches to be used as part of the development are understood to be outside RPA's or using existing cables and pipework.

## **Economic Development**

Stag and Squire, Shadow Pond, Stoodleigh

Proposal - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial building

#### Summary of proposal

This proposal is the redevelopment of a site, formerly a Timber Mill, to create a number of small workshop units together with a café area; described in the Design, access and heritage statement as 'modern workshops that could form the basis of a craft business hub'.

This is a speculative development i.e. apart from the applicant, who intends to have a presence on the site, the end users/ occupants are yet to be identified.

The proposed development is outside of defined settlement limits.

The community of Stoodleigh and the site is within a Conservation Area; the site sits within (but is itself not designated) a Priority Habitat.

Mid Devon Local Plan Policy DM18 - Rural employment development in countryside locations states that: 'planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

#### Comments

This site has an existing employment use: former Timber Mill business.

The proposal is to create a number of small workshop units described in the Design, access and heritage statement as 'modern workshops that could form the basis of a craft business hub'.

Whilst the proposal is for the creation of workshops, it seems that there is likely to be an element of public access to the site. There needs to be consideration of issues such as adequate on-site parking; potential conflicts between the public and vehicle movements and to ensure that there is a containment of activity within the site so as not to create any overspill issues i.e. parking within the wider Stoodleigh community.

Economic Development support the principle of the proposed development of 'modern workshops that could form the basis of a craft business hub'.

#### **Natural England**

11.03.2024

SUMMARY OF NATURAL ENGLAND'S ADVICE

## NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### Environment Agency

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

### South West Water

06.03.2024

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.

#### 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 applicant's current information as to propose surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

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

## 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.

At the time of writing this report, letters have been received from thirty-four residents. Seven are in support and twenty-eight are letters of objection. The points raised are summarised below:

### **Comments of Support:**

- A communal office space in the area would be very useful and allow for a professional space within walking distance for in-person meetings with colleagues across the area instead of travelling to Exeter;
- Meeting rooms and shared employment hub would connect working age people in the area;
- The proposed café would continue a sense of connection and build on the sense of community in Stoodleigh;
- The prospect of having space for local artisan and crafts people would be great addition to the Stoodleigh community;
- The proposed commercial spaces would benefit the village by addressing shortfall of commercial premises;
- The proposed development is an excellent vision for rural working;
- The proposed commercial spaces would benefit the village by addressing the very limited current amenities available within Stoodleigh;
- The design of the scheme has been well-considered, it is aesthetically pleasant and provides a mix of units to fit different needs;
- One neighbour expressed that the smaller units are ideal for their upholstery business. If the Planning Committee was minded the application, they would be delighted to be able to rent out one of the units;
- Some residents expressed their disappointment that more local people do not support the application. Passing this application a positive message to all that live and work in rural communities;
- The regeneration of commercial/employment site to provide opportunities for rural businesses is supported by the Local Plan.
- Rural business have had to adopt to different ways of working after the Covid-19 Pandemic, especially the need for 'hot desk' working;
- The opportunity for rural working and access to a reliable and fast data communications would further promote rural economy;
- The development reflects well how rural working has changed over the years and delivers sustainable solution for continually changing working habits, which is especially important in rural places;
- The proposal would redevelop a derelict brownfield site and meet the needs of people working and living in rural places instead of encroaching the countryside and delivering employment land on the green fields;
- The site of the development is not excessive and would not have a significant impact upon the neighbouring properties;
- The site is in a state of dilapidation and the proposal would replace a run-down light industrial site into a location for skilled craft and artisan, which is a very positive aspect for the village;
- The proposed design and palette of materials reflect the rural setting of the site;
- The scheme incorporates the high environmental standards, including a high quality thermal performance and use of low carbon and net zero technologies minimising impacts of the development upon the natural environment and climate change;
- Permeable paving for the parking area and soakaways have been well-considered to manage the surface water run-off;
- The roads around the village are very quiet and can accommodate the potential traffic generated by the development, especially that the previous use on the site generated a lot of traffic involving large lorries;
- The application promotes cycling and therefore, any potential impact upon the local network might as well be lower than anticipated;

- The site has always been used for industrial purposes and generated significant light pollution. The regeneration of the site is an improvement of already established industrial site;
- Most of residential properties have security lights sense on so no different to what could be present on the site;
- If the site can develop into a craft hub this would benefit the village shop and pub in the long terms;
- There are no rural workshops available in the locality and as such, the proposal would meet the demand for rural business of this type whilst respecting the natural environment;
- The proposal would provide the applicant with the opportunity to work and live within working distance and therefore, promote sustainable way of rural living;
- The proposal would generate some traffic through deliveries of good, however this also applies to all other business, including those situated within rural settlements.
- The business would operate during commercial hours/day time, as any other commercial or industrial business do and therefore, there would be no light pollution affecting any wildlife outside of operational hours or dark skies.
- The applicant not only considered the design of the development carefully to mitigate any impacts of the development upon the natural environment but also purchased 10 acres of land to be left undeveloped/wild to provide shelter for wildlife habitats.
- The proposed waste and foul drainage system have been informed by South West Water and as such, it is expected to be fit for purpose.
- The proposed café would provide different services to the local pub or the village shop;
- The village shop does not have any café approved.

### **Comments of Objections:**

- Concerns over impact on local road infrastructure, such as existing road network, safety of its users due to significantly increased traffic;
- The existing roads are in a very poor condition and development should not be allowed until comprehensive measures are taken to address the inadequacies of highways infrastructure, including immediate plans for pothole repair, the creation of additional passing places and the implementation of effective drainage solution;
- The windows introduced to the northern elevations of the workshops would overlook the valley and together with the recommended external illumination, it would have a negative impact upon 'dark skies';
- The village already has a coffee shop and as such, a new café would impact the viability of reopening the other coffee shop to be included within the village shop;
- The proposal has some potential to be converted to residential dwellings under permitted development rights;
- Noise pollution arising from the use of the site and increased traffic;
- Impact on trees and wildlife;
- Light pollution;
- Industrial/commercial development is inappropriate to a small residential/agricultural area;
- There is no need for the proposed workshops/commercial space and the development would not be financially viable;
- Pollution to watercourse;
- Flooding risks;
- Overlooking neighbouring properties;
- It is unclear why 21 parking spaces are being proposed;

- Overdevelopment of the site – two storey buildings and hardstanding are not compatible with rural landscape;
- Negative visual impact upon the surrounding countryside landscape;
- Increased number of visitors to the site raises concerns about security of the local residents and increased noise.

During the course of the application amended plans, together with a revised Arboricultural Report including tree protection measures, have been received which moved the buildings away from the northern boundary to address the Council's Arboricultural Officer concerns. Furthermore, in response to the concerns raised by the Conservation Officer, metal cladding to be used on the elevations of the buildings has been replaced with a charred painted timber. These amended plans, received on the 10<sup>th</sup> of May 2024, shall form the basis of the following analysis.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main material considerations in respect of this proposal are:

1. **Principle of development**
2. **Design and impact on the character and appearance of the surrounding area, including heritage impact**
3. **Impact on neighbouring amenity**
4. **Highway and Access Issues**
5. **Ecology**
6. **Trees**
7. **Flooding and Drainage**
8. **Climate change and sustainability**
9. **Economic Impacts**
10. **Other Matters**
11. **Planning balance**

### **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 (NPPF) is noted as one such material consideration, which outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The NPPF outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 of the Local Plan permits development which supports a prosperous rural economy through either the conversion of existing buildings or provision of new well-designed buildings, promotes sustainable transport, and meets the challenge of climate change through provision of a low carbon future, energy efficiency, and increases the use of low carbon and renewable energy

sources. Furthermore, a good sustainable design that respects surroundings, materials, safe environments, design out crime and establishes a strong sense of place is also required.

- 1.3 The delivery of employment sites and commercial premises is supported by Policy S6. Supporting text to policy S6 (para 2.44) states that there is an identified shortage of small-scale employment sites. Policy DM18 also permits new-build employment development within a countryside location, providing that the development would not result in an unacceptable adverse impact upon the character of the area, highway safety, and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.
- 1.4 The application proposes to develop a group of modern workshops that could form the basis of a craft business hub. This would provide workshop spaces for the skills associated with antique restoration to create a shared work culture around the industry. However, the applicant is also open for other crafts to use the proposed spaces as long as they are associated with creative and traditional skills.
- 1.5 Paragraph 123 of the NPPF seeks to make the most efficient use of land with the emphasis on using as much as possible of previously-developed 'brownfield land' and substantial weight to the value of using suitable brownfield land to support appropriate opportunities to remediate despoiled, degraded and derelict land.
- 1.6 The site has been previously developed and the existing use of the site as a timber mill falls within Use Class B2 (General Industrial), possibly with some Use Class B8 (Storage and Distribution). The site is currently in a very dilapidated state. The existing buildings are in a poor state and their structural condition would not enable their conversion without significant works and associated cost of any conversion would threaten the viability of such a project. The replacement buildings would be used for Use Class B2 purposes and as such, the industrial and ancillary storage use of the site would be retained. In addition, the application proposes a new commercial use on the site in a form of a café.
- 1.7 In light of the above, there is considered to be an established industrial use at the site despite the demolition of the existing building. This is because the use relates to the land rather than any specific structure or building. The principle of a café on the site is also supported by Policy DM18. As such, the principle of the proposed development is considered to be acceptable in policy terms, subject to further considerations listed below.

## **2. Design and impact on the character and appearance of the surrounding area, including heritage impact**

- 2.1 Policy S14 of the Mid Devon Local Plan seeks to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. As well as consideration against the aforementioned policy, the proposal needs to be assessed against Policy DM1 of the Local Plan, which requires design 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. The above requirements in respect to heritage assets are echoed in Policy S9 of the Mid Devon Local Plan, which includes the requirement that "development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the preservation and enhancement of Mid Devon's cultural and historic environment, and



the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.”

2.2 The site lies within the Stoodleigh Conservation Area, and also within the setting of a number of listed buildings. In considering applications affecting designated heritage assets, the council has a duty set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 relates to having special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. Section 72 requires the decision to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance. Policy DM25 also states that *“heritage assets and their setting which are irreplaceable resources accordingly the Council will:*

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets*
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.*
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.*
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and*
- e) Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”*

2.3 In considering the impact on the significance of local heritage assets, paragraph 203 of the National Planning Policy Framework (NPPF) advises that *“in determining applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness.”*

2.4 The site is currently in a very dilapidated state and it is not considered that it currently contributes to the character or appearance of the conservation area, in fact the existing buildings would likely to be considered to detract from the conservation area’s qualities, even though it is very well screened by boundary planting, which reduces the adverse impact. The development proposes five workshops (units 2-6) to be single storey with a pitched roof. Unit 1 would be larger in terms of its foot print and massing. It would integrate additional space within the roof space, created by dropping the eaves. Unit 7 would be two storey with increased height of the eaves to maximise the usable space to the first floor.

- 2.5 The site is not located within a protected landscape and is on reasonably level land with a gentle slope from East to West. The buildings would follow the natural gradient of the site with the lowest buildings being positioned in the narrowest part of the site whilst the two storey buildings would be sited where the site is widest. The buildings would be located in a similar position to the existing structures to be demolished, although the development will be moved away from the northern boundary and there will be a decrease in a number of individual structures. Each workshop has access to a communal landscaped areas. In terms of materials, the external walls of the workshops would have charred painted timber cladding, timber framed openings and doors and black standing seam metal roof. The façade has been pushed back to allow a covered access across all the units. The colonnade is supported by a timber frame.
- 2.6 The proposed use of timber provides a strong reference to the surrounding woodland whilst the shape of the buildings and pitched metal roofs allude to the agricultural character of the surrounding countryside landscape. A simple but also utilitarian shape and style of the buildings provides a further reference to the industrial use of the site whilst the glazed openings would add a contemporary accent to the traditional aspect of the proposal. It is therefore considered that the use of traditional materials in a modern shape would be well integrated with the site context giving reference to its historical industrial use, the woodland and countryside location and therefore create uniquely regional buildings.
- 2.7 The comments of objection related to the visual impact of the development upon the surrounding landscape and overdevelopment of the site are duly noted. The site is very well screened by surrounding woodland. It is noted that some views of the development would be allowed from the wider landscape to the north, however any visual impact of the development would be lessened by boundary treatment. Although some trees on the northern boundary would be pruned with one tree being recommended for removal due to the extent of Ash Dieback, there would still be reasonable screening of the site retained. Furthermore, the development would be seen within the industrial context of the site. It is therefore considered that the increase in height of the replacement buildings compared to its predecessors is not considered to significantly increase the prominence of the buildings within the wider landscape.
- 2.8 The application proposes to introduce a permeable hardstanding within the yard and some soft landscaping to enhance visual amenity of the site. Details of landscaping will be secured by a condition that requires details to be submitted prior to groundworks to ensure that it would be considered at early stages to mitigate any visual impact of the development.
- 2.9 Policy DM1 advises that development should provide suitable external spaces for recycling and refuse. Details of storage provision has been indicated on the submitted plans, and as such there are no objections to the proposal on these grounds.
- 2.10 Overall, it is considered that the design, form and massing of the proposed buildings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity. Development of this site would lead to the visual enhancement of the site, improving the site appearance within a designated conservation area and the setting of listed buildings. The Council's Conservation Officer has assessed the proposal and although the Conservation Officer has expressed some disappointment with regards to the dark colour of the proposed materials, the change to timber would improve the visual appearance of the scheme and raised no objections to the application. Therefore, the proposed development demonstrates a clear understanding of the characteristics of the site,

its wider context and the surrounding area in accordance with policy S9, S14, DM1, DM18 and DM25 of the Mid Devon Local Plan.

### **3 Impact on neighbouring amenity**

- 3.1 The nearest residential property lies approximately 46 metres to the south-east of the site. Further properties, excluding a residential dwelling in the applicant's ownership, is situated approximately 95 metres to the south-east and 100 metres to the south. It is however noted that the timber saw mill had been operating from the site without any restrictions until the site was purchased by the applicant in 2020.
- 3.2 Concerns have been raised by a third party, the Parish Council and Ward Members highlighting the issue of noise emitted from the site and overlooking the neighbouring properties. Although it is acknowledged that the current use of the site as an industrial site would remain, it is considered that the nature of the proposed businesses and addition of a small café (Use Class E) would likely result in lower levels of noise pollution, which would be more appropriate in this location given the distance to the neighbouring residential areas. Furthermore, there would be a degree of relief between the workshops and the residential units to the south-east and the south of the site. The Public Health Officer has been consulted on the proposal and raised no objections on residential amenity grounds, subject to appropriate conditions to restrict the operational hours of the site, control the specific noise level of any plant operated on the site and level of lighting, and to restrict any storage or industrial activities taking place outside of the buildings. These requirements will be secured by planning conditions and therefore, the application would comply with the requirements of Policy DM4 of the Local Plan.
- 3.3 With regards to the overlooking and loss of privacy, the site is very well screened by a rich vegetation on and around the site. Furthermore, the relationship between the proposed buildings and existing residential properties to the south-east is such that there would be no windows directly overlooking any of the neighbouring dwellings or their outdoor amenity space. Whilst some comments regarding the overlooking from the windows proposed on the northern elevation of the workshops are acknowledged, these windows would be facing the open countryside and land in agricultural and equine use. There are no residential properties to the north of the site. As such, it is not considered that the development would result in any detrimental impact upon the living conditions of nearby residents through overlooking or loss of privacy in accordance with Policy DM1 of the Local Plan.
- 3.4 The proposed demolition and construction phase of the development is likely to give rise to some amenity impacts but these could be controlled to an acceptable level through a condition requiring submission of a Construction and Environmental Management Plan (CEMP). Outside the construction phase noise activity associated with the development would be limited and as mentioned above, it is likely to be less than that associated with the historic use of the site.

### **4 Highway and Access Issues**

- 4.1 The proposal would retain the existing access situated on the southern boundary of the site, which has reasonable visibility leaving the site. The access leads directly onto an unclassified road. The lane connects the site to the main road running through the village, West End Lane, to the south-east of the site and to Hull Lane situated to the west of the site. In the light of the above, and also noting the extant use that has potential to generate a

certain level of vehicular movements, it is considered that the development would not lead to any adverse impact on highway safety. The Highway Authority Officer visited the site and reviewed the documents submitted with the application and confirmed that the “vehicular numbers from this application will not create a trip generation intensification, including the Class E proposed café use.” Furthermore, the Highway Authority considers that an adequate manoeuvring area would be provided, which would allow vehicles to access and leave the site onto the road in a forward facing motion. Taking the above considerations into account, and the lack of objections from the County Highway Authority, it is considered that the development would not lead to any adverse impact upon the highway safety and as such, the development complies with the requirements of Policy DM3 of the Local Plan.

- 4.2 Comments of objections related to the poor condition of nearby roads and that the development should not be permitted until comprehensive measures are taken to address the inadequacies of highways infrastructure, including immediate plans for pothole repair, the creation of additional passing places and the implementation of effective drainage solution are noted. Nonetheless, the Mid Devon District Council has no control over the public highways and cannot request such works. Given the minor scale of the development, it is also considered that any works to the public highway could not be secured by planning obligations. Furthermore, the application does not propose a completely new use within the site. Although it is acknowledged that the proposed business would differ in its nature to those undertaken in the past, the industrial nature of the site has been already established. It is noted that some objectors claim that the previous business operating from the site generated less traffic movement and that the proposed use is likely to lead to an increased traffic from and to the site. However, it needs to be considered that any assessment of traffic and highways implications must be determined by assessing the current lawful use of the site. Whilst the previous owner might not have had the need for frequent deliveries, any other industrial use, which is already allowed on the site, could potentially lead to substantial vehicular movement, including HGV vehicles passing through the village.
- 4.3 Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires a minimum of 1 parking space per 30 square metres, 1 cycle parking per 300 square metres and 1 electric vehicle infrastructure per 200 square metres of gross floor area. Based on the development’s floor area of 627 square metres, the proposal is required to provide 21 car parking spaces, however there is no requirement for the provision of a cycle parking or electric charging points. The application proposes 21 parking spaces with 2 of those spaces being allocated for disabled users and 1 providing an electric car charging point. There will also be a covered bike store that will provide space to lock up to 15 bikes. Therefore, the development accords to the requirements of Policy DM5 of the Local Plan.

## **5 Ecology**

- 5.1 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy S9 of the Mid Devon Local Plan 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.

- 5.2 A desk study, extended Phase 1 habitat survey and buildings inspections for bats and nesting birds were undertaken in March 2023. Additionally, Bat Activity surveys were carried out in May and June 2023. The survey was extended to highlight the potential presence of protected and priority species, which involved a search to identify the presence or potential presence of notable and protected species, such as breeding birds, badger, hazel dormouse, bats, reptiles and amphibians. Where access allowed, adjacent habitats were also considered in order to assess possible impacts of the proposal in a wider context.
- 5.3 The majority of the site comprises bare ground with a mix of concrete hardstanding close to the buildings, an area of gravel to the east of the buildings and bare ground towards the western end of the site. The Ecology Survey confirmed that these habitats are of negligible ecological value. The majority of the northern and southern boundary comprises a defunct grown out hedgerow of sycamore, oak and beech with an earth stone bank. The western corner of the site has been used for composting waste, and bramble and ivy have colonised.
- 5.4 In terms of species, the following was identified:
- (a) Bats – the site is of high value for bats affording potential roosting sites within trees and opportunities for foraging. The site boundaries also provide good linear features for commuting bats. Although the yard is unlikely to provide good foraging habitat, the woodland is suitable for a range of bat species. At least 8 species were recorded within 4km of the site and 9 species were recorded during the period of remote monitoring.
  - (b) Badger – no confirmed or suspected badger setts were located during the survey and no evidence of badger foraging activity was seen. Badgers are considered to be in the wider landscape. Considering the presence of higher quality foraging habitat within the surrounding wider landscape, the survey concluded that it is unlikely that the site provides an important foraging resource for local badger populations.
  - (c) Breeding birds – the woodland is expected to be used by birds for nesting and roosting. Birds were recorded from within the buildings on site.
  - (d) Hazel dormouse – the woodland and southern boundary hedge are suitable for this species, however no records were returned during the data search.
  - (e) Hedgehog – there is some potential shelter for hedgehogs within the woodland, and they may traverse the site occasionally.
  - (f) Otter, Reptiles and amphibians – there are no suitable habitats within the site.
- 5.5 The Ecology Survey states that the survey effort is sufficient to provide an assessment of the likely significant effects of the development proposals on ecological features and to inform the mitigation strategy. No further ecological survey work is considered necessary in order to determine the application and the results are considered valid for two years.
- 5.6 The survey findings confirmed that the redevelopment of the hardstanding and existing buildings is not considered significant, given these are of a low ecological value, and no specific mitigation is considered necessary, subject to compliance with the recommendations of the submitted Arboricultural Report to avoid any adverse impacts upon the trees. Although

no evidence of use of the buildings by bats was found, a precautionary approach to demolition must be employed. The survey's recommendations for the demolition works can be secured by a condition.

- 5.7 The site presents some potential for roosting bats within trees along the woodland edge, however the survey confirmed that no direct adverse impacts are predicated to arise from the development. If any works to trees would be required to accommodate the development, the survey's recommendation is that re-start checks must be undertaken to ensure that no bats roosts are present. However, the survey confirmed that there is potential for bats to be impacted indirectly by light spill from the new buildings. Nonetheless, given that the site is for commercial use, which would operate during the day time hours, any night light spill from windows would be negligible. Any exterior or security lighting must be carefully placed to avoid illumination boundary vegetation in accordance with the recommendations set out in the Bats and Artificial Lighting in the UK. Details of any external lighting, including security lighting, and its lux levels will be secured by a planning condition to ensure that no light barriers would be introduced to foraging and commuting bats.
- 5.8 The Ecology Survey also confirmed that subject to compliance with the survey's recommendations for the mitigation of the impact of the development upon nesting birds, the development can be delivered without a significant adverse impact upon birds. Furthermore, the survey advises that considering that the woodland and the southern boundary are to be retained, there will be no adverse impacts upon hazel dormice or other species discussed above.
- 5.9 The following enhancement measures have been recommended by the survey with the aim of providing a net biodiversity gain, as follows:
- (a) Infill planting of boundaries with native hedgerows, as per Arboricultural Report recommendations;
  - (b) 2 x in-built bat boxes on the west elevations of units 3, 5, 6 and 7 (8 in total);
  - (c) 2 x in-built bat boxes on the east elevation of units 1 and 7 (4 in total);
  - (d) 2 x sparrow terraces on the north elevations of units 2, 6 and 7 (6 in total);
  - (e) 2 x in-built bird boxes on the east elevations of units 6 and 4 (4 in total);
  - (f) Soft landscaping/lawns to include a species-rich flowering lawn mixture; and
  - (g) Ornamental borders around the site, if required, to be planted with plants selected from the RHS Plants for Pollinators list 4.
- 5.10 In conclusion, there are no significant constraints to development identified provided appropriate conditions are imposed. In addition to the proposed precautionary measures to avoid committing any offence in relation to protected species, should any be found during construction, and also in relation to breeding birds, mitigation and enhancement measures are proposed. A condition will be imposed requiring that the recommended precautionary measures, mitigation and biodiversity enhancement measures comply with the recommendations of the submitted reports. As such, the development is deemed to comply with Policy S9 of the Mid Devon Local Plan and the aims and objectives of the NPPF.
- 5.11 In addition, the Ecology Survey concludes that no adverse impact upon ecological features would arise from the development, subject to compliance with the survey's recommendations. Requirements for mitigation and ecological enhancement will be secured through a Landscape and Environmental Management Plan (LEMP) via a condition on any planning permission granted. As such, the development is deemed to comply with Policy S9 of the Mid Devon Local Plan and the aims and objectives of the NPPF.

## 6 Trees

- 6.1 The tree cover is predominantly around the edge of the site. There is a range of species of mostly native self-set trees with native ecological value. The majority of the trees have been identified in the submitted Arboricultural Report being viewed of 'C' quality, trees viewed to be of low quality. Whilst this appears to be based on the individual tree or tree group's Arboricultural quality, the Council's Arboricultural Officer confirmed that the trees collectively provide moderate to high landscape quality. The site is within a conservation area and as such, each tree which form part of a group of trees and measure the diameter of the tree at 1.5 metres above the ground of 10cm or more, holds the same level of protection against unauthorised works as trees subject to a Tree Protection Order.
- 6.2 In response to the concerns raised by the Council Arboricultural Officer with regards to the potential impact of the development upon the trees and the lack of details related to approximately 30 metres length of tree canopy representation along the northern boundary, and old hedgerow embankment bordering a neighbouring access lane, the applicant entered discussions with the Council. An amended Arboricultural Survey, including an Arboricultural Implications Assessment, a Tree Constraints Plan, a Tree Protection Plan and Arboricultural Method Statement have been provided to the Local Planning Authority.
- 6.3 The revised plans show that units 1-5 have been moved away from the northern boundary of approximately 0.5 metres to provide an increased buffer between these units and the tree line. The Council's Arboricultural Officer considers that there would still be some level of conflict between the trees crown spread and the proposed units. Nonetheless, the Arboricultural Officer has also confirmed that tree works is already required in this section of tree group. It should also be noted that any woodland requires a regular management otherwise they become dark, over-shaded and dominated by big mature trees without any variation in structure, age or cover. As such, regular pruning and even removal of some trees allows more light to enter the forest floor, represents a critical endeavour in maintaining ecological equilibrium, and safeguarding biodiversity.
- 6.4 Having reviewed the amended Arboricultural Survey report, the Arboricultural Officer has no objections to this aspect of the proposal, subject to imposing a condition on any planning permission requiring these works to be carried out before the installation of the CEZ barrier fence and completed before construction begins to avoid any risk of damage to trees. Furthermore, new planting with a native hedgerow mix of 'whip' trees containing such species as Hazel, Common Hawthorne and Spindle is required within planting gaps along northern boundary, which would facilitate a betterment of the boundary hedge and tree line.
- 6.5 The application proposes to remove two trees (T001 – Western Red Cedar and T025 - Cypress) situated by the entrance to the site to enable development. These trees are not native and considered to be unsuitable to the rural location. The survey report also recommends the removal of T012 – Common Ash situated at the north-western part of the site's boundary due to Ash Dieback extent and T022 – Sycamore located at the south-eastern corner of the site, if concerned for safety. Figure 2 in Appendix A of the Arboricultural Report also sets out the recommended pruning of other trees on the site.
- 6.6 The provided Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan set out adequate tree protection measures to be implemented during the

demolition and construction phase. These details have been reviewed by the Council's Arboricultural Officer and are considered to be acceptable to ensure the protection of remaining trees on the site.

- 6.7 On this basis, it is considered that the development can be delivered on site without a significant adverse impact upon existing and retaining trees.

## **7 Flooding and Drainage**

- 7.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer, where available.
- 7.2 The application site lies within Flood Zone 1 and therefore, the proposed development is at a negligible to low risk of flooding from all sources. The Environment Agency has been consulted on the application and raised no objections.
- 7.3 There is no foul or surface water mains within a reasonable distance, therefore all drainage is proposed to be managed on site. The Design and Access Statement states that the existing impermeable hardstanding will be replaced with porous gravel surface. Percolation tests have been carried out at 3 points under the proposed car parking area. The results of the tests demonstrate that the ground drains well and the surface water can be distributed to three major soakaways positioned alongside the length of the site. The South West Water confirmed that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.
- 7.4 The foul drainage is proposed to be dealt by a Package Treatment Plant which is considered to be an efficient and effective method of treating wastewater on site and any release of harmful pollutants into watercourses is significantly reduced. The two main package treatment plants at either end of the site will discharge treated waste into ground percolation tunnels. Details of the proposed foul drainage strategy will be secured by a planning condition.

## **8 Climate change and sustainability**

- 8.1 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. The application submission includes a climate emergency checklist and energy strategy included in the Design and Access Statement. The siting and design of the proposed buildings are conducive to providing more energy efficient and sustainably constructed buildings. The proposal includes secure cycle storage space to encourage the reduction in the number of vehicle movements generated.
- 8.2 The proposed construction approach to use a timber frame and timber elevations ensures that the embodied carbon that is present in concrete based primary structures is reduced. The units will contain energy efficiency measures such as being highly insulated, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source



heat pumps. A concrete slab floor will help provide mass to the buildings to reduce the peaks and trough in the daily heating and cooling cycle.

- 8.3 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a moderate scale and would provide employment premises with a high level of thermal efficiency. As such, it is considered that on balance, the proposal has been designed to address climate change impacts.

## **9 Economic Impacts**

- 9.1 Comments of objections have been received with regards to the viability of the proposed business and that its need could be met by other commercial premises available within proximity to the site and as such, there is no requirement for commercial buildings within the residential area of Stoodleigh.

- 9.2 Whilst comments of concern regarding the viability of the proposed business are acknowledged, the applicant has provided further information which indicates that there is no available rural working premises within the village or in close distance to the site. Based on the information provided by the applicant, the nearest available commercial spaces of a similar floor space are as follows:

- 8 units in Wellington (21 miles away); and
- 6 units in Taunton, 2 in Bishops Lydeard and 2 in Exeter (21-31 miles away).

Additionally, should the Planning Committee be minded to approve the application, the applicant confirmed that unit 1 will be used by the applicant to serve his successful antique restoration business with further three workshops being already reserved by residents of Stoodleigh. The identified interest in the proposed employment space by the applicant has been confirmed by written representation received in support of the application from local residents.

- 9.3 Some comments have been received stating that any need for a conference room could be met through the use of the village hall. Nonetheless, it has not been demonstrated that the village hall is currently used for such purposes by a broader group of residents or that there is any interest in using this space. Letters of support suggest that a new, contemporary and well equipped commercial space is needed and welcomed within the area. Furthermore, supporting text to Policy S6 (para 2.44) states that there is an identified shortage of small-scale employment sites.
- 9.4 Comments of objections have also been received with regards to the proposed café and its potential impact upon the viability of the Stoodleigh Inn and recently approved village shop to be reopened soon. The proposed café would operate during working hours only, which can be secured by a condition, and it would provide a different type of hospitality, the village pub and the village shop is considered to be retail use in planning terms and not a cafe. Having checked the Stoodleigh Inn page on Yell, the pub is opened between 17.00 – 23.00 Wednesday to Friday inclusive, 19.00 – 23.00 on Saturday and 12.00 – 14.00 & 19.00 – 23.00 on Sunday with the pub being closed on Monday and Tuesday. However, the pub's Facebook page indicates that opening hours may vary to suits the business' needs and the pub opens on some days as early as 2pm, however it also closes on some Fridays and Saturdays. Given the opening hours of the pub and different nature of services provided within the pub, it is not considered that a modest café would result in a significant adverse impact on the local pub.

- 9.5 Some comments have been received stating the approved village shop approved under application ref. 23/00928/FULL, has also been granted permission to include a coffee shop. It is acknowledged that the supporting statement submitted with the application for the re-opening of the shop stated that the shop might include a Costa coffee machine. Nonetheless, this does not grant any permission for the shop to be used as a café or coffee shop. There is also a distinction between the two uses in that coffee shop is considered to serve specialty drinks such as different types of coffee whilst a café offers food as the main menu and some drinks. The Economic Development Team has been consulted on the application and supports the proposed development, including the provision of a small café.
- 9.6 On this basis, it is considered that the needs of the proposal cannot be met by other premises or sites within the area and the proposed café would not impact the viability of the existing village shop or the pub. Moreover, given the identified need for small commercial units in the Mid Devon Local Plan and the interest in premises supporting rural working received from local residents, it is considered that the application meets the requirements of Policies S6 and DM18 of the Local Plan.

## **10 Other matters**

- 10.1 The Police Designing Out Crime Officer has commented on the proposal, raising no objections in principle. They have commented on some of the measures proposed, clarifying some of the standards required for compliance with Secured By Design, such as the types of lock, roller shutters, doors and windows required, external lighting, external illumination of entrance doors and observable building elevations, and in relation to the siting and operation of CCTV. The applicant is aware of these comments and will be able to ensure that they incorporate any recommendations into the finished scheme. However, it should be noted that external illumination is not recommended by the Ecology Report to mitigate any impacts upon the wildlife habitats and dark skies. As such, details any external and security lighting will be secured by a planning condition to ensure that the lighting meets the Ecology Survey and the Public Health Officer recommendations and security standards.
- 10.2 Comments of objections have been received stating that the windows introduced to the northern elevation of the proposed workshops would result in a light pollution to the detriment of a wildlife and it would have a negative impact upon 'dark skies', in particular when combined with external illumination recommended by the Police Designing Out Crime Officer. These comments are duly noted, however any commercial activities would take place only during the 'day time working hours' and as such, there would be no light pollution outside of these hours, especially during the night time. The issues of external lighting have been already discussed above.
- 10.3 It is also noted that some objectors stated that there is no justified need for any windows to be introduced to the northern elevation of the proposed workshops as these would provide a working environment. Therefore, there is no need for more day light to be provided than would be already introduced by the windows in the southern elevation of the buildings or any views towards the surrounding countryside landscape.
- 10.4 The above comments are noted, however multiple studies conducted in the UK and worldwide indicate that daylight and views provided by windows access are two factors important to office occupants. Beyond the benefits of daylighting, there is growing evidence of the importance of providing working spaces occupants view outside. The most common benefits arising from the provision of access to natural daylight and outside view are:

improved cognitive performance and satisfaction, reduced stress levels and eyestrain, reduced risks of anxiety and depression, and overall well-being of occupants. Therefore, whilst these comments are acknowledged, and the extent to which they represent material planning considerations, the site is shaded by the surrounding trees and the proposed windows would provide a sufficient amount of daylight to ensure the well-being of future tenants.

- 10.5 Some objectors also stated that the development has been designed to enable future conversion of the workshops into a residential dwellings using permitted development rights. Nonetheless, there are no permitted development rights to convert any buildings in Use Class B2 to residential accommodation. Therefore, any proposal to convert the workshops to dwellings would require an application for planning permission. There are some permitted development rights allowing conversion of Use Class E premises to either a mixed use (commercial and residential) under Class H or to residential property only under Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, any such conversion would be subject to the submission of an application for prior approval of the Local Planning Authority to consider, amongst other criteria, the living conditions of future occupiers. The café is modest in scale with a footprint of 25 square metres only and therefore, any potential conversion would not meet a minimum requirements of national space standards. It should also be acknowledged that every application must be determined on its own merits as it currently stands and cannot be subject to any speculations of any potential uses to be introduced on site without robust evidence.

## **11 Planning balance**

- 11.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted. The proposal respects the character and appearance of the Stoodleigh Conservation Area and wider landscape and there are no harm to the setting of the nearby listed buildings. 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. The proposal delivers sufficient number of car parking spaces and generous cycle store. It is designed to adapt to the climate change with the use of energy efficiency measures such as being highly insulated, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps.
- 11.2 The redevelopment of the site and provision of modern, energy efficient employment buildings would enhance the character and appearance of the conservation area, enhance the ecological value of the site and contribute to the reinvigorating local economy. Provision of employment opportunities within rural areas adds to the sustainability of such remote places and improves economic competitiveness and prosperity. Taking all the above consideration and identified social, environmental and economic benefits, it is considered that the balance weighs in favour of approval of the application. The proposed development is acceptable in principle subject to the imposition of conditions under Local Plan policies S1, S2, S6, S8, S9, S14, DM1, DM2, DM3, DM4, DM5, DM18 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 the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:
  - (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 Local 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. This may include the establishment of a 'wait away' system for all deliveries;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (k) details of wheel washing facilities and obligations;
  - (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
  - (m) details of the amount and location of construction worker parking; and
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

4. Prior to the commencement of the development hereby permitted, details of the surface water drainage management system which will serve the development site for the full period of construction phase will be submitted to and approved in writing by the Local Planning Authority. This temporary surface water drainage management shall satisfactory address both the rates and volumes, and quality, of the surface water runoff from the construction site. The construction works shall be carried out in accordance with the approved details.
5. No development above the foundation level shall be commenced until full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage management shall be implemented in full in accordance with the approved details before any of the buildings will be occupied, and shall thereafter be managed and maintained in perpetuity.
6. Foul drainage shall be dealt with by a package sewage treatment plant, which shall be sited so as not to cause pollution of any watercourse or water sources. Details of this treatment plant and its siting and of the necessary percolation system shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
7. Prior to the installation of any external lighting, including security lighting, on the outside of the buildings or elsewhere on the site, a light strategy which complies with the requirements of the Light Engineers guidance on the avoidance of light pollution shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not be limited to design, siting, illumination-type and hours of use to take account of biodiversity, residential amenity and light pollution. Any security lighting shall be compatible with the CCTV system. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site,. The development shall be carried out in accordance with the approved details. Only lighting that has been approved by the Local Planning Authority shall be installed.
8. Notwithstanding the landscape strategy submitted with the application, prior to any ground works of the development hereby approved, a final scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on tree species type, planting design and aftercare. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
9. The development hereby approved shall be carried out strictly in accordance with the recommendations, mitigation and ecological enhancement measures within Ecological Impact Assessment by Lakeway Ecological Consultancy dated 14<sup>th</sup> February 2024.

10. The development hereby approved shall be carried out strictly in accordance with all measures for the protection of ground and trees prior to and during the course of the demolition and construction phase as set out in the Arboricultural Survey report dated 30<sup>th</sup> April 2024 and prepared by Arbmark Ltd, and as shown on the accompanying Tree Protection Measures and Arboricultural Method Statement and related plans, as well as the monitoring of these measures. The approved measures shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until works are completed, and no changes shall be made. The approved works to trees shall be carried out before the installation of the CEZ barrier fence and 7 days' notice must be given to the Arboricultural Supervisor to attend and provide on-site observation and guidance during the demolition of the buildings along the North boundary to ensure that root disturbance is kept to a minimum in order to ensure the vitality and viability of the trees along the North boundary. No construction works are to be permitted within Tree Protection Area as indicated on the Tree Protection Plan without prior notice to the Local Planning Authority along with detailed method statements.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5 metres of any part of any tree to be retained;
  - (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Volume 4, Issue 2, 2007);
  - (c) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which dies or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs and hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
11. Details of the secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved cycle storage has been provided in accordance with the approved details. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
12. The development hereby permitted shall not be occupied until the parking areas have been laid out and provided in accordance with the approved 'Proposed Site Plan', drawing number

'2227\_P\_05 Rev H'. Following their provision these facilities shall be maintained and retained for the lifetime of the development

13. Notwithstanding the details indicated on the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place in relation to the construction of each element of the proposal respectively:
  - Details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;
  - Details of materials (including samples where appropriate) for the hardstanding and parking area;
  - Details of the recessing, materials and finish to be used for all new windows and doors;
  - Details of materials (including samples where appropriate) of the boundary treatments; and
  - Details of position and colour finish of meter cupboards, gas boxes and rainwater goods.
14. Prior to the occupation of the development hereby permitted, at least 1No. EV charging point shall be provided in full and shall thereafter be retained in perpetuity.
15. The premises hereby approved shall not be opened for business except between the hours of 7.30am to 6pm Monday to Friday inclusive, 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
16. The specific noise level of any plant installed and operated on the site must not exceed the background noise level at the boundary of the site at any time. Background noise level to be measured as La90dBa (1 hour).
17. No manufacturing or other industrial processes shall take place outside the confines of the approved buildings.
18. No goods, plant or machinery shall be stored in the open outside the confines of the approved buildings without written consent of the Local Planning Authority.
19. Loading and unloading of goods vehicles shall take place only within the curtilage of the site to which this application relates.
20. Prior to the first use of the kitchen associated with the café hereby permitted, details of the ventilation and extraction equipment shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be used whenever hot food is prepared at the premises and shall be cleaned and maintained in accordance with the approved details and the manufacturer's recommendations.
21. Prior to the first use of the kitchen associated with the development hereby permitted the extraction system serving the kitchen must be fully tested by an acoustic engineer and a validation report shall have been submitted to and approved in writing by the Local Planning

Authority. The extraction system shall be thereafter cleaned and maintained in accordance with the manufacturer's recommendations.

22. Before the development hereby approved is first brought in to use, details of a scheme for the provision of noise insulation shall be submitted to the Local Planning Authority for their written approval. Any details so agreed shall be implemented in full prior to the commencement of the use hereby permitted and shall thereafter be retained in perpetuity.
23. The workshops hereby approved shall only be used for a use falling within Use Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) and for no other purpose except for uses falling within Use Class E (g) (i) and (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) being ancillary uses to the principal approved Use Class B2 of the 1987 Order (as amended) (or any Order revoking and re-enacting that Order with or without modification).
24. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ) (or any Order revoking and re-enacting that Order with or without modification) the café hereby permitted shall only be used for a use falling within Use Class E (b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes (including any other purpose in Class E of the amended Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification)) without the prior express consent of the Local Planning Authority.

## **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 as the development hereby proposed and in the interests of proper planning.
3. In the interests of public health and highway safety, in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
4. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area to accord to policies S9 and DM1 of the Mid Devon Local plan 2013-2033. A pre-commencement condition is required to ensure that surface water can be managed suitably without increasing flood risk and negatively impacting on surrounding areas and infrastructure.
5. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site or elsewhere in line with national policies, including NPPF and PPG, and policies S9 and DM1 of the Mid Devon Local Plan



2013-2033. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

6. A pre-commencement condition is required to ensure that the details are planned and considered at an early stage to avoid pollution of the environment in accordance with policies S9 and DM4 of the Mid Devon Local Plan 2013-2033.
7. To protect adjoining occupiers from excessive light pollution, in the interests of the wildlife habitats and to ensure that dark skies in the locality, which contribute to the character of the open countryside, are preserved in accordance with policies S9, S14, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
9. To ensure the protection of wildlife habitats on the site during and after construction in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.
10. To ensure protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.
11. To promote sustainable travel and in the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
12. In the interests of highway safety and to ensure adequate on-site parking facilities are available for traffic attracted to the site, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033.
13. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies S14, DM1 and DM25 of the Mid Devon Local Plan 2013-2033.
14. To avoid the pollution of the environment and reduce the impact of the development upon the air quality in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033.
15. To protect adjoining occupiers from excessive noise in accordance with policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
16. To protect the amenity of local residents and the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
17. To protect the amenity of local residents from noise and/or dust in accordance the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.

18. To protect the amenity of local residents from noise and/or dust in accordance the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
19. To ensure that adequate provision for loading and unloading is available and to prevent congestion on the highway in accordance with policies S8 and DM3 of the Mid Devon Local Plan 2013-2033.
20. To prevent adverse impact on residential amenity in relation to odours and in accordance with Policies DM4 and DM1 of the Mid Devon Local Plan 2013-2033.
21. To prevent adverse impact on residential amenity in relation to noise and in accordance with Policies DM4 and DM1 of the Mid Devon Local Plan 2013-2033.
22. To protect the amenity of local residents in accordance with policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
23. To ensure that the use is compatible with the surrounding uses and to enable the Local Planning Authority to retain control over future uses in the interests of amenity and sustainable development in accordance with policies S1, S14 and DM18 of the Mid Devon Local Plan 2013-2033.
24. To ensure that the use is compatible with the surrounding uses and to enable the Local Planning Authority to retain control over future uses in the interests of amenity and sustainable development in accordance with policies S1, S14 and DM18 of the Mid Devon Local Plan 2013-2033.

## **INFORMATIVES**

1. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 11<sup>th</sup> March 2024, in respect to compliance with Secured By Design principles.
2. 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.
3. This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc.) other than Section 57 of the Town and Country Planning Act 1990.
4. 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.

## Biodiversity Net Gain Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

The permission which has been granted is for development which is exempt being:

- 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
- i) the application for planning permission was made before 2 April 2024;
  - ii) planning permission is granted which has effect before 2 April 2024; or
  - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed regeneration of the previously developed employment site for industrial use (Use Class B2 – General industrial), which is currently in a very dilapidated state, is considered to be supported by the relevant national and local policy. The provision of energy efficient and well-designed development of this nature will enhance the character and appearance of the designated conservation area whilst contributing to the prosperous rural economy and the enhancement of the ecological value of the site. As such, it would meet the three overarching social, economic and environmental objectives of the National Planning Policy Framework and in turn, contribute to addressing issues of climate change, unsustainability of rural settlements and promote a competitive rural economy. The overall design, scale and layout of the development is acceptable in this location not resulting in a significant detrimental impact on the landscape, wildlife habitats, ecology, highway safety, residential amenity or any of the designated heritage assets. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation secured through conditions, whereby drainage measures,

biodiversity, ecology and landscape can be adequately mitigated and enhanced. Taking all the above into consideration, the application is deemed to comply with Policies S1, S2, S6, S8, S9, S13, DM1, DM2, DM3, DM4, DM5, DM18 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework 2023.

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

Application No. 24/00695//TPO

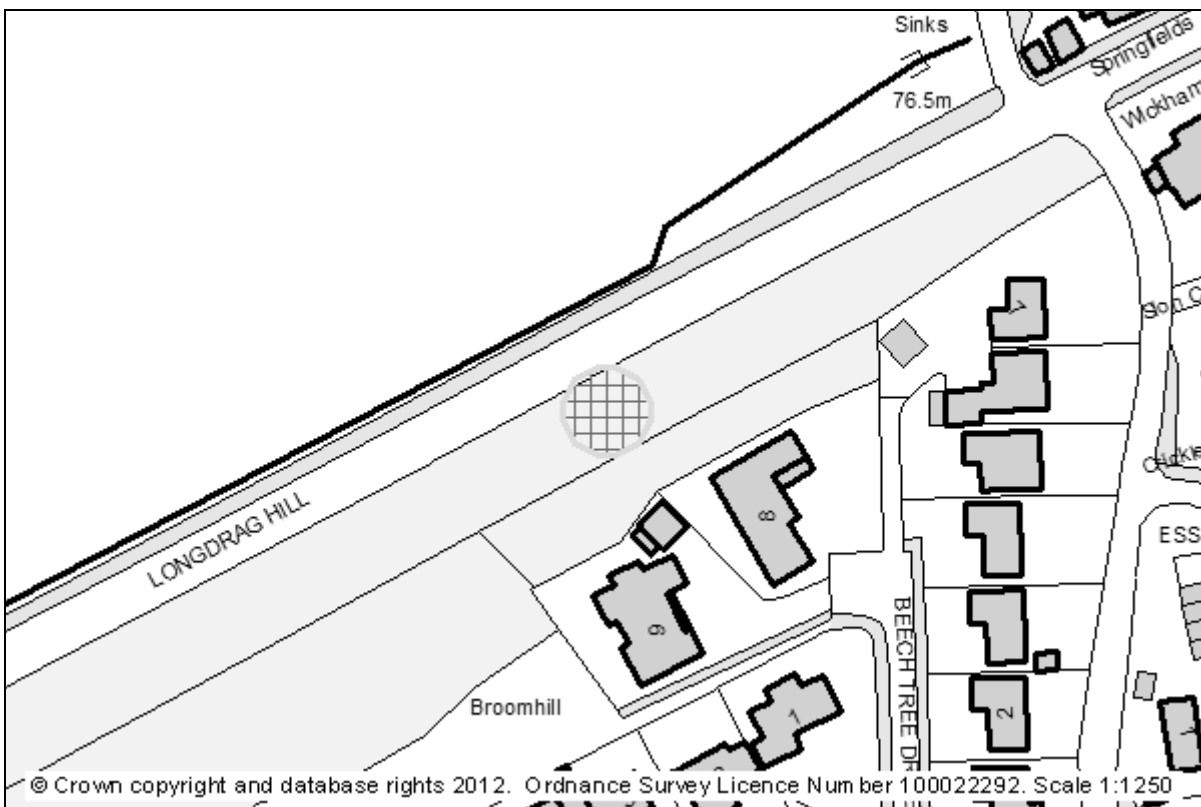
Grid Ref: 294548: 113045

Applicant: Mr Tim Jarratt

Location: Land at NGR 294630 113109  
Longdrag Hill  
Tiverton  
Devon

Proposal: Application to monolith 1 Beech tree by 4-6m in height from ground level protected by Tree Preservation Order 80/00003/TPO

Date Valid: 1<sup>st</sup> May 2024



## **APPLICATION NO: 24/00695/TPO**

**Site Visit: No**

### **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 landowner, and the application is submitted by the Council's Tree Officer.

### **RECOMMENDATION**

Grant consent

### **PROPOSED DEVELOPMENT**

Application to monolith 1 Beech tree by 4-6m in height from ground level protected by Tree Preservation Order 80/00003/TPO.

This application relates to a Common Beech tree (*Fagus sylvatica*), which is subject to a Tree Preservation Order (TPO). It is located to the south of the western end of Longdrad Hill. The tree is sited close to adjoining residential properties and has been identified as having a large area of decay on the northern aspect, multiple weak primary limb attachments, and unmovable targets. As a result of this, its structural condition is classified as 'poor' which poses a risk to neighbouring residents and properties. It is therefore proposed to monolith the tree to 6 metres.

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

Application form, site location plan and tree survey report

### **RELEVANT PLANNING HISTORY**

07/00607/TPO Application to carry out works to 1 Oak Tree protected by Tree Preservation Order 80/00003/TPO. Application permitted – 16.05.2007.

92/00137/TPO Consent to fell one Norway Spruce under Tree Preservation Order No. 4/52/80/TP3. Application permitted – 25.03.1992.

### **DEVELOPMENT PLAN POLICIES**

None applicable to this development

National Planning Practice Guidance - *Tree Preservation Orders and trees in conservation areas*

### **CONSULTATIONS**

#### **Tiverton Town Council**

Council feels that the suggested works to this tree are not appropriate as this is too extreme for a TPO tree of this nature. Would support crowning. Refer to tree officer.

## **REPRESENTATIONS**

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

No comments have been received to date.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

1.0 The application is made to a Common Beech tree protected by Tree Preservation Order (TPO) 80/00003/TPO, located to the south of Longdrad Hill, immediately to the rear of number 6 and 8 Southfield Way in Tiverton.

1.1 When considering an application relating to works to trees protected by a TPO, the Planning Practice Guidance outlines that the Local Planning Authority may grant consent unconditionally; grant consent subject to such conditions as it thinks fit; or refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others.

1.2 In assessing this application, it is important to consider the amenity value of the tree. In this case, the mature tree forms part of a wider group of trees of high amenity value. The tree does however suffer from a number of defects that put its long-term stability and health at risk.

1.3 The tree has been assessed as being potentially dangerous and a risk to adjoining properties as a result of its structural deficiencies. In cases such as this, it is usually necessary to fell the tree, fence it off or reduce it. In this case monolith is considered to be the most appropriate course of action.

1.4 The comments of the Town Council are duly acknowledged. However, monolithic trees are widely accepted as being industry best practice as an alternative to felling, which in itself is being regarded as a last resort. The habitat created is of great conservational value, supporting a wide range of species that are dependent upon a sufficient supply of decaying wood and cavities.

1.5 It is concluded that the proposal have been appropriately justified, and is considered necessary to prevent damage to local properties. It is therefore recommended that consent is granted for the proposed works to this tree. It is however appropriate to condition the planting of a replacement tree, with a Common or Copper Beech considered to be the most suitable replacement. A condition is proposed to secure this replacement planting.

## **REASON FOR GRANT OF CONSENT**

The proposal to monolith one Beech tree by 4 - 6m in height from ground level protected by Tree Preservation Order 80/00003/TPO is considered acceptable and viewed as prudent management, and should be subject to replacement tree planting to be secured by condition.

## CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA Guidance Note. 5) by an appropriate experienced and qualified tree surgeon.
3. The tree that is to be monolith shall be replaced by Common or Copper Beech, heavy standard (10/12) in accordance with BS8545:2014 Trees: from independence in the landscape – Recommendations. The tree shall be planted within 10m of the monolithic tree, or other such species and location as may be agreed in writing with the Local Planning Authority. The replacement tree should be planted in the next growing season following the approved works to the tree and in accordance with the above specification should they be damaged, uprooted, destroyed or die.

## REASON FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the conditions of the tree and in the interests of visual amenity.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. In the interests of replacing the amenity lost by the removal of the tree.

## INFORMATIVES

1. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.



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 2<sup>nd</sup> 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 and has negotiated amendments to the application to enable the grant of planning permission.

Application No. 24/00507/FULL

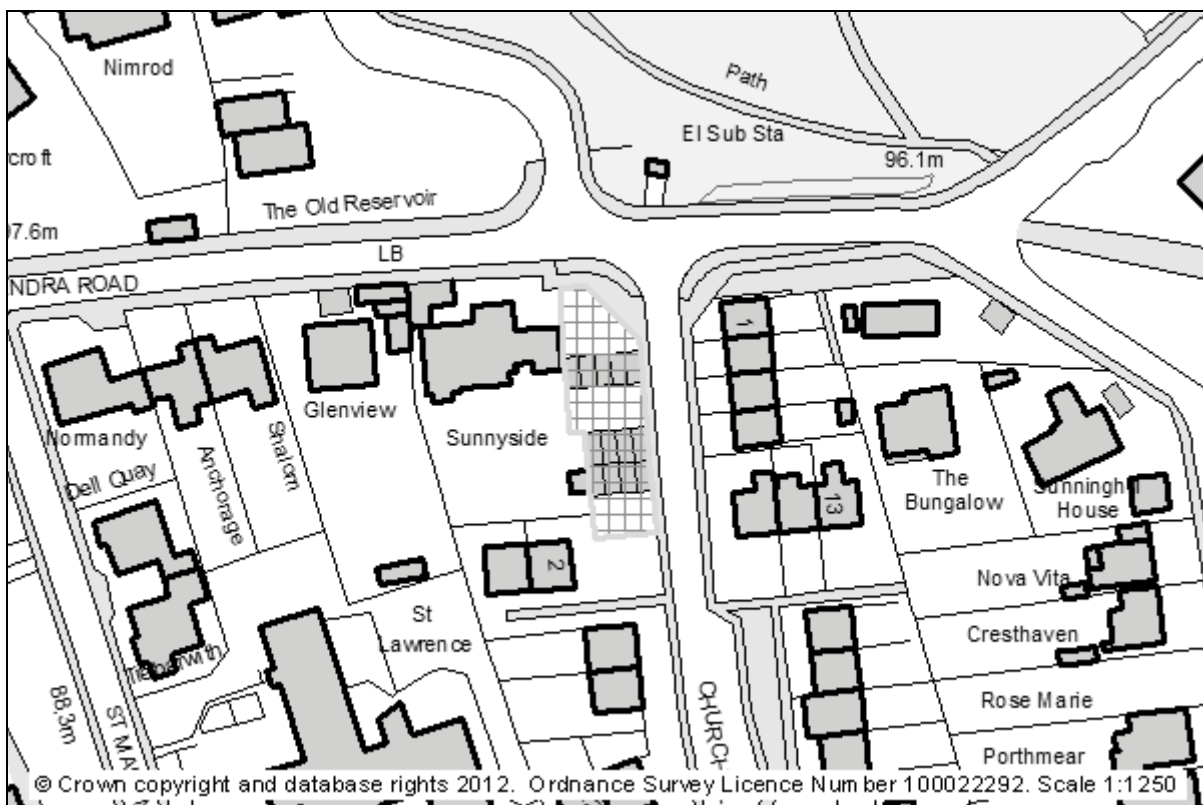
Grid Ref: 282759 : 100602

Applicant: ZedPods Limited

Location: Garages and Forecourt  
Churchill Drive  
Crediton  
Devon

Proposal: Demolition of existing garages and erection of 3 affordable dwellings and associated parking, landscaping and other minor associated works

Date Valid: 22nd March 2024



## **APPLICATION NO: 24/00507/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**

This application is for the demolition of existing garages and erection of 3 affordable dwellings and associated parking, landscaping and other minor associated works on Garages and Forecourt, Churchill Drive, CREDITON.

The site is located inside the settlement limits of CREDITON and approximately 200m away from the Town Centre boundary to the south east with the site currently comprising 13 garages with the ground levels falling from north to south. There is a prominent Swedish Whitebeam tree to the north of the site in close proximity of the garage block within an area of open space. The application site is within flood zone 1 which is the lowest level of flooding outside of a landscape designation. However, an area of surface water flooding (1 in 1000 years) is recorded running along Churchill Drive crossing the site in the north east corner and towards the south east part of the site.

The proposal is for 3, social affordable units made up of 3 one bed units (single storey) being in the form of a detached unit and two semi-detached properties. The development would replace the existing garage court and provide 3 parking spaces. One unit would be a 1 bed 2 person dwelling of 50.45 m<sup>2</sup> Gross Internal Floor Area (GIFA) whereas the other two units would be 1 bed 1 person units of 38 m<sup>2</sup> Gross Internal Floor Area (GIFA). The proposal would retain and respect the two green spaces located directly North and South of the site creating a buffer zone with defensible vegetation and amenity grass area between Churchill Drive and inhabited spaces. All existing trees would be retained. All of the units are built to be national space standard compliant and are intended for social rent as part of the HRA portfolio. Solar PV panels would be installed on the roof slope of the building.

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

Completed application form, Plans, Design and Access Statement, Air Quality Statement, Arboricultural Impact Assessment, BNG Assessment, BNG Calculation, Carbon Reduction Note, Climate Emergency Check List, Desk Study, Desktop Utility Survey, Drainage Strategy, Planning and Affordable Housing Statement, Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal, Transport and Parking Technical Note, Topographical and Utility Survey.

### **RELEVANT PLANNING HISTORY**

No relevant planning history

## **DEVELOPMENT PLAN POLICIES**

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

S1 - Sustainable development priorities  
S2 - Amount and distribution of development  
S3 - Meeting housing needs  
S4 - Ensuring housing delivery  
S5 - Public open space  
S9 – Environment  
S12 - Crediton  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM3 - Transport and air quality  
DM4 – Pollution  
DM5 – Parking  
CRE11 - Crediton Infrastructure

### **Crediton Neighbourhood Plan 2018 to 2033**

D1 - Development principles  
D3 - Affordable Housing  
D5 - Design  
T4 - Off street parking  
S1 - Renewable energy excluding wind turbines  
EN2 - Trees

## **CONSULTATIONS**

### **Crediton Town Council** - 25th April 2024

This proposal is in contradiction of NP Policy T4 Off street parking:  
Development proposals that would result in the loss of off- street parking will not be permitted unless it can be shown that there is no need for the car park or that equivalent space is being provided elsewhere.  
We also note that there is at least one garage that is constantly in use.

### **Local Highway Authority** – 4th April 2024

I have visited the site and reviewed the planning application documents.

The historical garage use of the site would have set a precedent for like-for-like trip generation. Each of the proposed dwellings will be provided with a dedicated parking space, there is no off-carriageway turning, however Churchill Drive is not a A or B classified road and therefore this is not a requirement.

Therefore in summary, the County Highway Authority (CHA) has no objection to this application, however, I would recommend the conditioning of secure cycle storage to help mitigate the effects of vehicular trip generation, especially for shorter trips, together with encouraging sustainable travel.

**South West Water** – 28th March 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.

**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.

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

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.

**Council's Arboriculture Officer** – 24th May 2024

Recommend the following conditions:

**Condition 1**

Prior to the commencement of works a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

1. Location and installation of services/ utilities/ drainage.
2. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
3. Details of construction within the RPA or that may impact on the retained trees, including details of the no-dig specification and extent of the areas
4. a full specification for the installation of boundary treatment works.
5. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
6. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
7. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
8. Arboricultural supervision and inspection by a suitably qualified tree specialist

## 9. Reporting of inspection and supervision.

### Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

### Condition 2

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the local area.

### **Public Health** – 24th May 2024

We have considered the application and do not anticipate any environmental health concerns once constructed. We agree with the findings of the air quality statement that no change is predicted. The site is located within an established residential area and there are residents who may be impacted upon during demolition, site clearance and construction. We would therefore recommend that the standard CEMP condition is included on any approval.

## **REPRESENTATIONS**

This planning application has been advertised by means of a site notice, 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.

Two letters of representation were received, both objecting. The comments are summarised as follows:

- If the garages in Churchill Drive are demolished, where are the occupants of those garages going to park?
- The loss of thirteen garages would push even more vehicles on to Churchill Drive and surrounding roads.
- Churchill Drive is already overflowing with parked cars
- I live just around the corner in Alexandra Road and parking is also bad here and will become even worse if this application goes through.
- While appreciating the need for affordable homes in Crediton, there is also a great need for off street parking
- It would also be extremely unfair on people who have rented these garages for years, to lose this facility.
- Churchill Drive is always heavily congested with vehicles, especially during school term time and this plan would make a bad situation even worse.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Principle of development/planning policy**
- 2. Highways and highway safety**
- 3. Design of development and impact on landscape**
- 4. Living conditions of the occupiers of nearby residential properties**
- 5. Green infrastructure (GI) and public open space**
- 6. Drainage and Flood Risk**
- 7. Climate Change**
- 8. Ecology and Biodiversity Net Gain**
- 9. Other matters**
- 10. Planning balance**

### **1. Principle of development/planning policy**

- 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 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 The National Planning Policy Framework (2023) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S12 (Crediton) which recognises proposals will provide for approximately 786 dwellings, of which 220 will be affordable.
- 1.3 The National Planning Policy Framework (NPPF) seeks to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area.
- 1.4 With respect to other relevant policies within the Development Plan, Policy S1 (Sustainable development priorities) of the Mid Devon Local Plan 2013-2033 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S3 (Meeting housing needs) seeks to meet the diverse housing needs of the community, including the provision of affordable dwellings across the District. It is noted that the 3 dwellings proposed will be for social rent, a recognised form of affordable housing.
- 1.5 Policy D1 (Development principles) of the Crediton Neighbourhood Plan 2018-2033 outlines that achieving sustainable development is at the heart of the Crediton Neighbourhood Plan. New development in Crediton will be supported, subject to other policies in the development plan, where it can be demonstrated that the development is:
  - Appropriately located for its purpose and is well-connected to the town centre by sustainable transport means.

- The development contributes to protecting and enhancing our natural, built and historic environment.
- The development makes effective use of land, delivers biodiversity net gain and wherever possible, includes proposals that contribute to the Devon Biodiversity Action Plan.
- The development takes into account the effects of climate change and the plans show what has been included that will help to mitigate and adapt to these changes.

1.6 Policy S9 of the Mid Devon Local Plan 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. The layout plan submitted shows how the layout for the residential development of 3 residential units would be achieved which has been considered to be acceptable and below the planning matters of the development are considered further.

## 2. Highways and highway safety

2.1 Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policies S8 (Infrastructure) and DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

2.2 Concern has been raised by Crediton Town Council that this proposal is in contradiction of the Neighbourhood Plan Policy T4 Off street parking which states that development proposals that would result in the loss of off-street parking will not be permitted unless it can be shown that there is no need for the car park or that equivalent space is being provided elsewhere.

2.3 The proposed development results in the removal of a garage court which would be replaced by three 1 bed dwellings with 3 parking spaces which equates to 1 space per dwelling. Policy DM5 (Parking) of Mid Devon Local Plan 2013-2033 sets a residential parking standard of 1.7 spaces per unit. Therefore the proposal would represent a shortfall of 2 parking spaces. However, it has been taken into consideration that the 3 units are one bedroom and that the site is close to local facilities, located within the built-up area of Crediton, as such there is the opportunity to minimise car parking.

2.4 The Local Highway Authority has stated that *'the historical garage use of the site would have set a precedent for like-for-like trip generation. Each of the proposed dwellings will be provided with a dedicated parking space, there is no off-carriageway turning, however Churchill Drive is not a A or B classified road and therefore this is not a requirement. Therefore in summary, the County Highway Authority (CHA) has no objection to this application'*

2.5 With respect to the concerns raised by Crediton Town Council, it should be noted that Policy T4 resists the loss of off-street parking unless it can be demonstrated that there is no need for the car park or alternative spaces can be provided elsewhere. The site comprises 13 garages and does not operate as an off-street car park. Concern was raised that one garage was in active use but it has been stated that all garages on the site are now vacant and that when they were last in use the majority were used for storage



purposes. Accordingly a case could be made that the scheme would not result in any additional parking demand being displaced as a result of the current use of the site.

- 2.6 Whilst the Local Highway Authority do not object to the development, they have recommended the conditioning of secure cycle storage to help mitigate the effects of vehicular trip generation, especially for shorter trips, together with encouraging sustainable travel. A condition has been recommended.
- 2.7 With regards to the site's accessibility, it is in close proximity to local facilities being within walking distance of the town centre and close to public transport. The proposals will make best and most efficient use of the site through providing 3 affordable dwellings. It is considered that any perceived harm caused by the loss of the existing garages is significantly outweighed by the benefits of providing new homes for Crediton, which will be served by 3 new on-site parking spaces.
- 2.8 Notwithstanding concerns raised by the Town Council on highway grounds, on balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds with a condition recommended for a Construction Management Plan and taking into account the sustainable location of the site, the development is considered to comply with the above policies of the Mid Devon Local Plan 2013-2033.

### **3. Design of development and impact on landscape**

- 3.1 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 3.2 The site is not located within a designated landscape but is on sloping land adjacent to the highway and as such the development will be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

*Designs of new development must be of high quality, based upon and demonstrating the following principles:*

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
  - i) Architecture*
  - ii) Siting, layout, scale and massing*
  - iii) Orientation and fenestration*
  - iv) Materials, landscaping and green infrastructure*

- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

- 3.3 The general character of the residential area within the vicinity is that of a mix of single storey and two storey in the form of semi-detached and terraced properties with materials in the immediate vicinity being primarily brick walls with concrete roof tiles although there are a couple of newer rendered dwellings located further down in the estate. Therefore it is considered that the residential development of single storey units providing rendered walls would be acceptable. Metal standing seam roof is proposed with integrated solar PV panels. Whilst being of a differing material to the surrounding properties, a case could be made that the properties would improve carbon reduction and with this location also being outside of the Conservation Area.
- 3.4 The massing of the development maintains the previous demolished structure's relationship with the topography, and follows a similar approach for ground interaction. The planned massing location respects the planning of the broader context and offers a new, better housing supply with accessible unit designs. Existing footpaths are maintained to keep connectivity and permeability of the surrounding buildings with spacious public amenity. The unit mix allows for level access 1B1P units along with 1B2P units addressing a wider housing need within the local areas. The massing is positioned farther back from the public road so as not to dominate the current streetscape, following the existing building line produced by the streetscape.
- 3.5 The proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan. 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. The proposals have responded directly to the character of the site as set out above.
- 3.6 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).
- 3.7 A summary assessment has been carried out as follows: a) The site lies within the Crediton 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. Solar PV panels are proposed on the 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 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 land where garages exist. The area of land lost is minor and it is considered that any biodiversity loss would be minimal. To ensure policy compliancy in terms of an overall net gain a condition will 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.

- 3.8 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.

#### **4. Living conditions of the occupiers of nearby residential properties**

- 4.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The single storey scale of the dwellings and orientation of windows is such that it is considered that the residential development has been designed to be in accordance with these two policies, with adequate separation with windows to habitable rooms to windows in neighbouring properties.

- 4.3 Overall, it is considered that the provision of 3 affordable dwellings within Crediton 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, environment and amenity. Additionally, the proposed development would not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. The proposal is therefore considered to accord with policies S1, S2, S3, S12, DM1 and DM2 of the Local Plan and Crediton Neighbourhood Plan 2018 to 2033 policies D1 (Development principles), D5 (Design) and S1 (Renewable energy excluding wind turbines).

## **5. Green infrastructure (GI) and public open space**

- 5.1 The case has been outlined within the application submission that the existing site currently consists of hardstanding, standing trees and amenity grassland. Further landscaping is proposed on site with existing trees to be retained and protected through condition. The scheme offers ecological improvements to the landscape including retaining trees, hedge planting, amenity grassland and grasscrete. The proposed ecological improvements resulted in an on-site net percentage change of 25.96% (Gain).
- 5.2 A Biodiversity Net Gain Assessment has been prepared to assess the site's feasibility and consider improvements to the ecology of both current and proposed habitats. The report was prepared by David Stanley (CIEEM member, BSc Ecology and Wildlife Conservation and MSc Biodiversity Conservation – both CIEEM accredited). The site received an on-site net percentage change of 25.96% (Gain), with trading rules satisfied as a result of the Proposed Development which will incorporate retaining trees, hedge planting, amenity grassland and grasscrete as referred to above. It should be noted however that the application was received after the statutory requirement of requiring 10% BNG.
- 5.3 No objections are raised by the Council's Arboriculture Officer who was involved at pre-application stage noting the importance of the mature Swedish Whitebeam tree to the north of the site which is prominent in the street scene. Advice given was taken on board with the new buildings positioned further away from this tree.
- 5.4 Policy S5 (Public Open Space) states that within Crediton, public open space is required from residential development of 11 or more dwellings. Therefore as this development is below that figure no public open space is required and it should be noted that the development is for solely affordable housing, no financial contribution would be required. Notwithstanding this two small areas of public open space will be retained on site with further shrub/hedge planting to improve the amenity of the area.

## **6. Drainage and flood risk**

- 6.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. Whilst the site is within flood zone 1 which is the lowest zone, the applicant has still submitted a Drainage Strategy.
- 6.2 South West Water do not raise any objections to the application. However they seek to clarify whether the surface water drainage strategy and run-off will follow the drainage hierarchy. The proposed drainage design seeks to reduce hardstanding on-site and ensure surface water runoff is captured and drained sustainably. This includes through on-site

attenuation through geo-cellular crates and grasscrete. The use of soakaways and above ground storage are not able to be accommodated on site due to spatial constraints. A gravity fed foul connection is considered possible via the existing foul sewer to the south-west of the site. The proposals do not factor in any on-site infiltration at this stage, pending further testing which will need to be carried out.

- 6.3 A condition has been recommended to agree the final detailed drainage design. This approach (securing a condition to secure infiltration testing and detailed drainage design) has been agreed for other ZedPods applications including at College Green, Uffculme (Planning Ref. 23/00510/FULL) and Beech Road, Tiverton (Planning Ref. 23/00126/FULL).
- 6.4 Policy DM1 of the Local Plan requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. It is considered that a condition requiring the applicant to demonstrate that surface water cannot be disposed of higher up the Run-Off Destination Hierarchy as required by SWW is acceptable and can 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. The application submission includes a climate emergency checklist and a Carbon Reduction 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.
- 7.2 The design of the 3 residential units is conducive to providing a more energy efficient and sustainably constructed dwellings, with the proposal including solar panels to maximise solar gain alongside triple glazed windows for heat efficiency. The proposal includes secure cycle storage space to encourage the reduction in the number of vehicle movements generated.
- 7.3 The Carbon Reduction note outlines that the development is estimated to save 3.2 tonnes of carbon per year over the building regs baseline. This means the scheme is actually a net offset of total emissions for the area helping to reduce the areas overall emissions by 97 tonnes over the next 30 years. Using the National TOMS social value calculations of £86 per tonne of CO2 it is possible to estimate that the scheme will save the area £6.8K over the next 30 years by reducing the damages caused by global warming effects. The proposal also includes a landscape strategy which results in the provision of new landscaping as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 7.4 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".

- 7.5 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. This would be supported by policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033.

## **8. Ecology and Biodiversity Net Gain**

- 8.1 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.
- 8.2 The application includes the demolition of existing garages on site. With regards to protected species and habitats a Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal has been submitted by AVAL Consulting Group who also carried out the Biodiversity Net Gain Assessment.
- 8.3 The garages were surveyed and no bats were found. The conclusion being that it is extremely unlikely that bats are roosting in association with the structures. Works can proceed with negligible risk to bats and does not require a method statement for bats or a European Protected Species licence. 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 6 of the report.
- 8.4 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 and the provisions of the NPPF.

## **9. Other matters:**

- 9.1 As noted earlier, a scheme of this size would not require any S106 planning obligations to be secured in the way of Public Open Space. The Council's Public Health Team advises that no contribution is required to Air Quality mitigation. In addition, no response from DCC Education has been received but as the units are 1 bed rather than family units, no education provision would be required. As such no S106 agreement would be required from this development.

## **10. Planning balance**

- 10.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted. The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the site. 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. It is noted that there is a shortfall in parking provision but the site is within walking distance of public transport and other services and facilities.

- 10.2 The delivery of 3 affordable homes for social rent, weighs in favour of approval of the application. Taking all the above into consideration, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited. The proposed development is acceptable in principle subject to the imposition of conditions, complying with Local Plan policies S1, S3, S9, S12, DM1, DM2 and DM3 and Policies D1, D3, D5, T4, S1 and EN2 of Crediton Neighbourhood Plan 2018-2033.

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

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. 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.
- The development shall be carried out in accordance with the approved CMP at all times.

4. Prior to the commencement of works a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

1. Location and installation of services/ utilities/ drainage.
  2. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  3. Details of construction within the RPA or that may impact on the retained trees, including details of the no-dig specification and extent of the areas
  4. a full specification for the installation of boundary treatment works.
  5. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  6. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  7. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  8. Arboricultural supervision and inspection by a suitably qualified tree specialist
  9. Reporting of inspection and supervision.
5. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.
  6. The development, hereby approved, shall be carried out in accordance with Section 6 'Mitigation and Recommendations' of the Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal' carried out by AVAL Consulting Group Ltd. dated March 2024. The development shall also be carried out in accordance with the Biodiversity Net Gain Assessment carried out by AVAL Consulting Group Ltd. dated January 2024.
  7. 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 National Planning Policy Framework (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.
8. 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 5.2 of the Drainage Strategy carried out by Delta Simons for Churchill Drive, Crediton dated January 2024. 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.
  9. The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within the Design and Access Statement. Details for any proposed changes to the materials outlined would need to be submitted to and approved in writing by the Local Planning Authority, with the development carried out in accordance with the approved materials and shall be so retained.
  10. The development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with the proposed block plan, drawing number Z50-0011- P03 Rev P03. Following their provision these facilities shall be maintained for the lifetime of the development.
  11. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development of the types referred to in Classes A, AA, B, C of Part 1 of Schedule 2 relating to the enlargement, improvement or other alteration of the house (including the installation of new windows or doors or the replacement of existing windows and doors), alterations to the roof of the dwellinghouse, shall occur without the Local Planning Authority first granting planning permission.
  12. The secure refuse storage arrangements indicated on the approved block plan, drawing number Z50-0011- P03 Rev P03 and outlined within the Design and Access Statement shall be provided in full and made available for the use of the development's occupiers, prior to the first use or occupation of the dwellings hereby approved, and shall thereafter be retained for the life of the development.
  13. The secure bicycle stand/storage arrangements indicated on the approved block plan, drawing number Z50-0011- P03 Rev P03 and outlined within the Design and Access Statement shall be provided in full and made available for the use of the development's occupiers, prior to the first use or occupation of the dwellings hereby approved, and shall thereafter be retained for the life of the development.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt 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. Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990.
5. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the local area.
6. To enable biodiversity net gain within development in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment and national policy and to ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with Policy DM1 of Mid Devon Local Plan 2013-2033.
7. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework.
8. To ensure that the proposed development implements an appropriate drainage system, to avoid any increase risk of surface water flooding on and off site 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.
9. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.
11. To restrict the size of the buildings to ensure they remain affordable and due to the close proximity of neighbouring properties in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
12. To comply with the requirements of Policy DM1 of the Mid Devon Local Plan 2013-2033.

13. To comply with the requirements of Policy DM1 of the Mid Devon Local Plan 2013-2033.

## **INFORMATIVES**

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).
2. 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.

## **BNG – Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

### *Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.*

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- iv) the application for planning permission was made before 2 April 2024

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The site is located within the defined settlement limit of Crediton, therefore the principle of residential development on this site is accepted. The access and parking areas to serve the development of 3 dwellings is considered acceptable and on balance, the overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation secured through condition, whereby drainage measures, biodiversity and landscape can be adequately mitigated and enhanced. The scheme would result in the net delivery of 3 additional new homes, of which would

be affordable dwellings weighs in favour of approval of the application providing public benefits and notwithstanding the shortfall in parking provision, the site is considered to be a sustainable location within walking distance of service and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of Policies S1, S2, S3, S4, S9, S12, DM1 and DM2 of the Mid Devon Local Plan 2013-2033 and Policies D1, D3, D5, T4, S1 and EN2 of Crediton Neighbourhood Plan 2018-2033.

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

Application No. 23/01838/MFUL

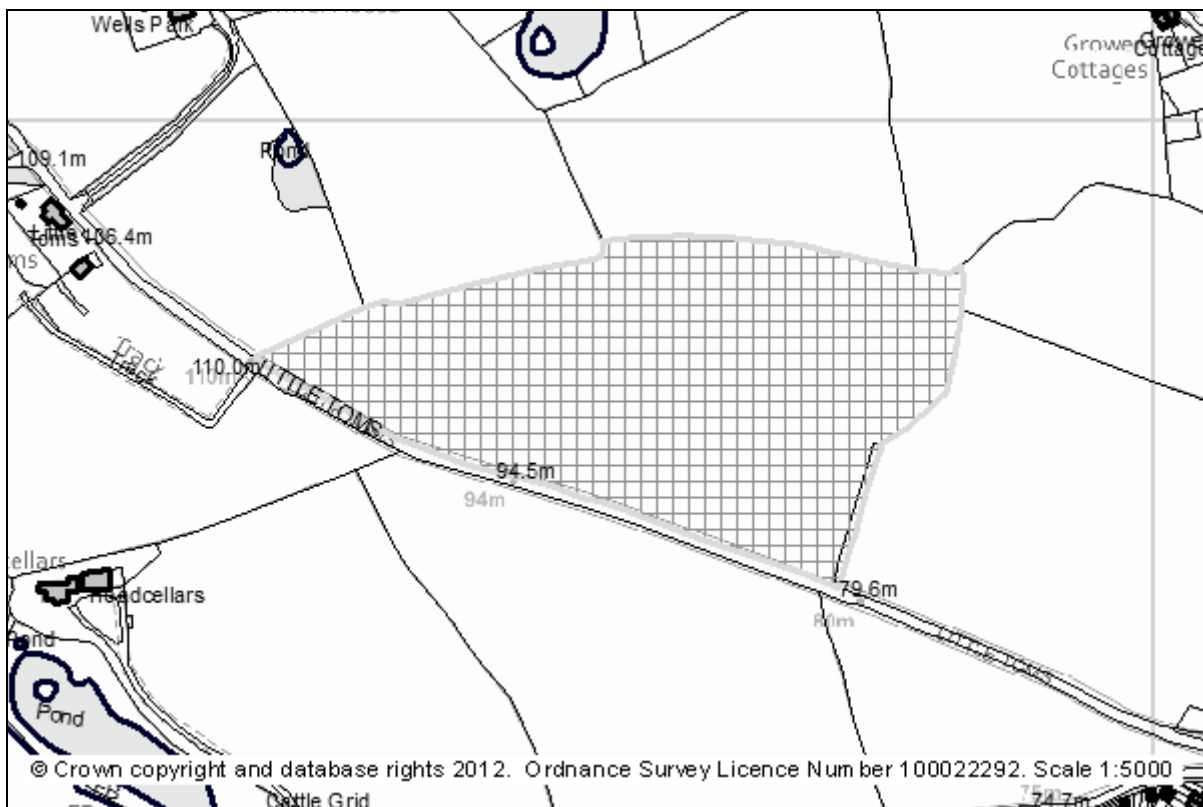
Grid Ref: 300681 : 107829

Applicant: Ms Charlotte Peacock, PS Renewables

Location: Land at NGR 300681 107829 (East of Wells Park)  
Cullompton  
Devon

Proposal: Installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works (Site Area 6.30ha)

Date Valid: 28th November 2023



## **APPLICATION NO: 23/01838/MFUL**

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

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as the application is EIA (Environmental Impact Assessment) development and accompanied by an Environmental Statement.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application is for the installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works, including the provision of central access track, DNO Substation, customer substation, control room, inverter stations, security fencing and CCTV.

The site area comprises 6.3ha of agricultural land on the north side of Little Toms, the main route into Cullompton, direct from Tiverton. It lies outside of but immediately adjoining the defined settlement limit of Cullompton. Even so, the site would be deemed as countryside in policy terms. The land to the east of the site is allocated in the Mid Devon Local Plan 2013-33 for mixed use development.

In line with Mid Devon's Landscape Character Assessment 2011, the site is partly on land designated as 'Lower rolling farmed and settled valley slopes', and partly 'Upper farmed and wooded valley slopes'.

The site is located at distance from the Cullompton Conservation Area but is in relatively close proximity to two grade II listed buildings, Wells Park, which is approximately 250m to the north west of the site, and Growen Farmhouse, which is approximately 350m to the north. There are other listed buildings further away to the south west and south. Ponsford Farmhouse and Helmore are grade II listed buildings, approximately 550m to the south west and Lower Knowle lies approximately 790m to the south.

The site is located within Environment Agency designated Flood Zone 1.

There is an existing vehicular access from Little Toms, to the south west corner of the site. It is proposed to utilise this access for both the construction and operational phases of the development. The access is proposed to be widened by 6.9m, otherwise no changes are proposed in respect to visibility.

Electricity would be exported from the site via an underground cable to an existing substation approximately 600m to the south east, off Tiverton Road.

The application is accompanied by an Environmental Statement prepared under the Environmental Impact Assessment Regulations.

## **APPLICANT'S SUPPORTING INFORMATION**

Proposed plans and specifications, design and access statement, environmental statement (appendices include setting impact assessment, landscape and visual impact assessment, historic environment impact assessment, geophysical survey report, construction traffic management plan, agricultural land classification report, draft landscape and ecological management plan, arboricultural survey report, flood risk assessment), planning statement, climate emergency statement, surface water drainage strategy, biodiversity metric, noise assessment, statement of community involvement, general construction management plan, wildlife trigger table, noise and dust management plan.

## **RELEVANT PLANNING HISTORY**

23/00010/SCR - CLOSED date 24th May 2023

Request for a Screening Opinion in respect of a solar farm, including solar panels, inverter cabins, associated infrastructure and landscaping works

## **DEVELOPMENT PLAN POLICIES**

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

S1 - Sustainable development priorities  
S9 - Environment  
S11 - Cullompton  
S14 - Countryside  
DM1 - High quality design  
DM2 - Renewable and low carbon energy  
DM3 - Transport and air quality  
DM4 - Pollution  
DM5 - Parking  
DM25 - Development affecting heritage assets  
DM26 - Green infrastructure in major developments

### **Cullompton Neighbourhood Plan 2020 to 2033**

SD01 - Traffic impact of major development  
SD07 - Timing of infrastructure  
EN01 - Protecting and enhancing the natural environment  
TC01 - Designated and non-designated heritage assets

Mid Devon Supplementary Planning Document (SPD) - Solar PV Developments in the Landscape (2016)

National Planning Policy Framework

National Planning Practice Guidance

## **CONSULTATIONS**

### **CULLOMPTON TOWN COUNCIL - 24.01.2024**

RESOLVED that planning application 23/01838/MFUL is NO OBJECTION as long as the community contribution is forthcoming.

### **WILLAND PARISH COUNCIL - 15.12.2023**

Willand Parish Council has considered this application and as it will not directly affect the parish it offers neither support or objection.

It would comment on the fact that the applicant provides selective information in places and in particular in the Planning Statement on pages 13 and 14 under the heading Cumulative Environmental Impact. A number of planning and solar installations in the area are listed but fall short of the true picture. The two largest recent approvals for solar arrays at Langford and Willand/Halberton appear to be omitted.

### **BRADNINCH TOWN COUNCIL - 09.01.2024**

Further to a recent planning meeting the Town Council resolved to submit a comment of 'no objection' on the above application.

### **HALBERTON PARISH COUNCIL - 19.12.2023**

At its meeting on 12 December 2023, Halberton Parish Council RESOLVED that they would object to this application on the following material planning conditions:

#### Traffic/Road Safety

The proposed access in the traffic management would have HGVs travelling along a road that is not suitable for such traffic with insufficient passing spaces to accommodate the passage of large vehicles. Access through Cullompton is also unsuitable.

#### Use of agricultural land

The Parish Council believes that sufficient agricultural land has been set aside for solar panel farms and additional farms will have an adverse effect of food sustainability.

#### Visual Impact

The Parish Council noted that there might be architectural works on merit on the site which is clearly visible due to its hillside location.

### **DCC HIGHWAY AUTHORITY - 18.12.2023**

Observations:

The site is accessed off a C Classified County Route which is restricted to 60 MPH

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 accident in 2019

The Application proposes temporary traffic lights during the construction process which would require a Highway licence before these can be erected on the highway.



The County Highway Authority has no objection 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

### **DEVON, CORNWALL & DORSET POLICE - 5th December 2023**

Thank you for this application, I have no objections in principle to the proposal.

There has been a sharp increase in the price of metals recently, which, combined with the cost of living crisis will likely see an increase of metal and cable thefts across the county. We have already seen some significant thefts of metal in recent weeks, including from solar installations. These installations by their very nature and location are potentially vulnerable to criminal attack and damage. Therefore, any appropriate means of preventing/deterring this activity is supported.

I note that proposed fencing and gates for perimeter demarcation, it is recommended any permanent onsite buildings/units be further enclosed within a secure compound. I would advise that security fences incorporate a PID system. PID is a Perimeter Intrusion Detection System, it is series of fence mounted sensors that monitors and detects any form of intrusion from the perimeter and then can provide a real time alert of this.

Where appropriate and feasible, buildings should be protected by an intruder alarm, this is recommended to be monitored and compliant with current National Police Chiefs Council guidance. The buildings should also have robust external doors/windows. These are advised to meet an appropriate security standard such as LPS 1175 or equivalent.

It is recommended the proposed CCTV system designed in co-ordination with any external lighting and landscaping. A passport for compliance document, previously known as an Operational Requirement (OR), should be drawn up prior to installation to ensure any system will be fit for purpose.

Consideration should also be given to incorporating a movement activated audio challenge system as part of the overall security strategy.

I would suggest that the above brief guidance should also be applied to any compounds during the construction phase of any approved project when plant and installation equipment are particularly vulnerable.

### **EXETER INTERNATIONAL AIRPORT - 04.12.2023**

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

### **MDDC PUBLIC HEALTH - 29.12.2023**

We have considered the application and have the following comments:

1. A noise report has been done on the basis of data supplied by the applicant. The inverter/transformers on site have potential to cause noise, including low frequency noise, which might impact on residents living some distance away. The writer of the noise report has not specified the required acoustic performance of these buildings, and there is no clear information regarding the structure of the enclosures and the noise attenuation they will provide. If details have been provided they are not obvious in the relevant reports and these buildings would be the most important noise mitigation measure. We would be grateful if the noise consultant could clarify the information they have been provided with in relation to the buildings and the attenuation they will provide and whether this has been taken into account when deciding an appropriate source noise level to be used. We would also request a comment/assessment regarding low frequency noise and how this will be mitigated if anticipated to be present.

2. Air Quality - the construction of large solar farms involves a significant temporary movement of large vehicles bringing machinery, cabling and panels. We note that the parish council are concerned that there is no suitable road access to the proposed site, and if it goes ahead these vehicles will impact on residents along the chosen access route. We would request more detailed information regarding how local air quality, airborne noise and vibration will be managed during this process.

3. Surface water - the extensive trenching required for the installation of cabling is likely to displace surface water which must be properly managed so that it remains inside the site boundary. If these works are carried out during periods of heavy rain there is likelihood that run-off using the roadways would become hazardous.

15.02.2024

Thank you for sending these through. I have considered the arrangements for noise and dust management during construction and have no concerns. The applicant has answered my queries regarding attenuation and low frequency noise and we have no concerns.

### **FLOOD and COASTAL RISK MANAGEMENT TEAM - 22.12.2023**

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has submitted the Surface Water Drainage Strategy (Report No.01, Rev.01, dated 15th Nov.2023) to demonstrate the surface water management for the site.

The applicant has proposed constructing swales to intercept and distribute flows adjacent to the southern and eastern red boundaries of the site.

Any ancillary buildings on the site, such as inverter station or substations, will likely contribute to the perturbed surface water runoff, and without sufficient control measures, will exacerbate the concentration of downslope flows and soil erosion.

As a means of controlling these impacts, filter strips should surround the concrete bases of the ancillary buildings to capture any runoff from the roofs, which should in turn be conveyed to the wide cross-contour perimeter swale around the downstream boundary of the site.

The applicant has submitted the Micro Drainage Model Output to demonstrate the green field runoff rate. However, the applicant has proposed two different SAAR parameters, the applicant should clarify this discrepancy.

24.01.2024

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

- (a) A detailed drainage design based upon the approved Surface Water Drainage Strategy (Report No. J-15522, Rev. 02, dated 8th Jan. 2024).
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

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

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response (FRM/MD/01838/2023; dated 22nd Dec. 2023), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has proposed filter strips surrounding the concrete bases of the ancillary buildings to capture any runoff from the roofs.

The applicant has clarified that the proposed SAAR value is 1479.

**SOUTH WEST WATER - 04.12.2023**

Thank you for the consultation request.

Location: Land at NGR 300681 107829 (East of Wells Park) Cullompton Devon  
Your ref: 23/01838/MFUL  
Our ref: PC041223EX151LR

Proposal: Installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works  
(Site Area 6.30ha)

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.

#### 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 applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

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

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fpre-development-services&data=05%7C01%7Ccustomerservices%40middevon.gov.uk%7Cb99b8251dad444dd2b1e08dbf4c85cb4%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638372913607928847%7CUnknown%7CTWFpbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=XQiGgH1Z7cWqePbzn3jHGYL6nnDkUlgpohfyrO1nu%2FQ%3D&reserved=0>

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

#### **HISTORIC ENVIRONMENT TEAM - 05.12.2023**

The geophysical survey and field evaluation has demonstrated that the proposed solar farm site contains heritage assets with archaeological interest, indicated by the presence of a cluster of Roman pits and a previously unknown Bronze Age ditched enclosure. However, I would not consider the significance of these heritage asset be significant enough to recommend exclusion from the proposed development. However, the construction of solar panels and associated infrastructure has the potential to impact upon these archaeological deposits. As such, the Historic Environment Team would advise that the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological

work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2023) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM25 (2020), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'

#### Reason

'To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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

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

#### Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation, investigation and recording of two areas where archaeological deposits have been shown to be present and will be affected by the proposed development. The proposed excavation areas would be located around the positions of trenches 7-13 and 19-24 excavated as part of the field evaluation of the proposed development site. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

### **HISTORIC ENGLAND - 17.02.2024**

Thank you for your letter of 4 December 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

### **MDDC CONSERVATION OFFICER - 23.02.2024**

Built Heritage Advice pertaining to the installation of ground mounted solar PV panels to generate up to 5MW, comprising photovoltaic panels and associated infrastructure and works.

The application site is that of open agricultural land, it is located to the west of Cullompton. The site is bounded by Little Toms road to the south and agricultural land to the east, west and north. The proposals have the potential to affect the setting of the following heritage assets:

Wells Park including front garden wall and railings, Grade II listed (list entry number: 1326149) and Growen Farmhouse and adjacent range of farm buildings to south, Grade II listed (list entry number: 1168527).

The proposals are for the installation of ground mounted solar PV panels across the site, with security fencing, CCTV cameras and associated infrastructure such as DNO substation. The application site as open agrarian land is considered to positively contribute to the settings of the affected heritage assets and their rural character. Due to distance and topography, the proposed development of the site for ground mounted solar PV panels is not considered to result in harm to the significance of Growen Farmhouse.

With regard to Wells Park, the application site as agrarian land is considered to make a positive contribution to the setting and significance of the heritage asset. The application site shares several attributes within Step 2 of Historic England's Setting of Heritage Assets (GPA Note 3) such as green space, surrounding landscape character, land use and views. The submitted Settings Impact Assessment identifies that the principal elevation of Wells Park is facing towards the application site and there are views to and from the site. The application site is also on the approach to the heritage asset as one travels in a westerly direction from Cullompton. It is not clear if the application site also shares a historic ownership or functional association to the site, which would increase its sensitivity.

The solar arrays would be located on land to the east, beyond the vegetated boundary of the site.

The topography of the site, which slopes in an easterly direction, means that there may be glimpses of the arrays to the north of the application site however with robust mitigation this impact would not detract from the significance of the listed building to a great degree. However, the character of the approach to the listed building from the east, along the road, would be altered. This would erode the degree to which the asset is experienced within an agrarian landscape, furthermore the security fencing, CCTV cameras and associated infrastructure would further alter the rural character. The development would therefore result in an amount of harm to the setting of the listed building, this being less than substantial harm at the very low end of the scale.

It is noted that a landscape planting plan has been submitted which shows mitigation measures however the General Layout plan does not show the extent of the CCTV cameras required with the security fencing. This should be the minimum amount required in order to lessen the impact to the rural character of the area. Landscaping details, including boundary treatments, could be secured by condition.

#### **MDDC TREE OFFICER - 04.01.2024**

The site of the proposed solar farm is within field parcel within a rural setting on the western fringes of the Town of Cullompton. The boundaries of the field parcel are noted with significant mature native broadleaf trees that are viewed as an important feature providing high amenity value to the local and wider setting.

The trees are not currently subject to a protection order as it has likely not been expedient to do so previously. The site is not within a conservation area.

The proposal informs under Draft Landscape and Ecological Management Plan "that No solar panels or fencing will not be installed within the root protection area of any existing tree and hedgerow other than in accordance with the approved Arboricultural Method Statement. This is to prevent accidental damage to the trees. Trees and hedgerows are considered to have an intrinsic value". The Tree Protection Plan and Arboriculture Method Statement is within a number of separate documents referenced General and Construction Environmental Plan. In total there are 13 individual trees, 12 groups and 5 hedges.

In general as it currently stands the proposal will have a limited impact on the current trees and hedges. Only a small section of hedgerow is required to be removed to enable access into the site.

New hard surfacing is proposed within the RPAs at the entrance to the site. This incurs within the RPAs of G1 and T1 - a category 'B' group and a category 'B' tree. The extent of incursion into the RPA of T1 is 16.5%. It is proposed that a surface using a cellular confinement system will be used. This should ensure compaction of the ground is avoided that would damage tree roots and its health.

No details of the routing of services for the proposals are not available. Routing of services will need to be undertaken outside the trees RPAs.

The proposal as it stands will only have limited impact on a small section of hedge. Tree Protection fencing and installation of cellular confinement system will need to be in place prior to construction started where approved. Details of the routing of services for the proposals will need to be made available prior to construction starting and ensure they do not impact the trees RPAs. Due to the nature of solar farms and the potential conflict caused by trees shade either future pruning of the tree should require notification to the council before hand or possible issue TPO's to ensure future pruning is reasonable justifiable.

## **MDDC ECOLOGY - 03.01.2024**

The survey effort and information provided within Chapter 9 Ecology and Ornithology in the Environmental Statement prepared by SK Environmental Solutions Ltd (PS Renewables, 2023) is welcomed, as is the intention to achieve a minimum 10% Biodiversity Net Gain onsite. However, the following issues need to be addressed for the application to be acceptable:

- 1) Clarification in relation to conditions which would trigger future tree removal as indicated in the ES.
- 2) Confirmation is required of great crested newt survey effort and results relating to the offsite ponds located within a 250m radius of the proposed development site.
- 3) Further justification is required for the reason not to undertaking a ground nesting bird survey and appropriate mitigation measures to be detailed.
- 4) Assessment of the site's suitability for brown hare is required.
- 5) Justification for not having a hedgerow buffer along the south-western site boundary (H4) is required.
- 6) Clarification with regards to development including landscaping within 20m of the badger sett with appropriate mitigation detailed and an exclusion zone should be shown on a site plan.
- 7) A Construction Exclusion Zone is required around the free-standing oak tree, reflecting its root protection area; there appears to be no mention of this in the Ecology and Ornithology chapter of the ES.
- 8) Submission of the completed Biodiversity Metric is required. It should be noted that the most recent version of the Defra Metric (Statutory version) should be used.
- 9) Submission of an Ecological Constraints and Opportunities Plan (ECOP) is required.
- 10) The submitted CEMP needs to be revised to include all ecological mitigation and enhancement measures required during the groundworks and construction phases of the proposed development. Alternatively, a CEMP could be secured by condition.

### Full Comments:

The ecological survey effort and information is welcomed, contained within Chapter 9 Ecology and Ornithology in the *Environmental Statement* prepared by SK Environmental Solutions Ltd (PS Renewables, 2023). The application site is adjacent to the North West Cullompton Masterplan SPD area, abutting the south-western boundary. The SPD states that '*The habitats on the site include stream and ditch corridors, mature trees and species rich hedgerows. A protected species survey found that bats, dormice, badgers and nesting birds can all be found on the site*'. Residential and open space/green infrastructure is planned for land immediately to the east.

The main ecological interest onsite is the boundary hedgerows (native with scattered trees), a freestanding mature oak tree and seasonal pond in the north-eastern corner of the site; the majority of the field is arable with patches of species-poor grassland along some field margins. No Phase 2 protected species surveys have been completed.

There are no statutory or non-statutory wildlife sites within the application site, nor within a 2km radius. The site does not lie within a SSSI Impact Risk Zone. There are no issues regarding the proposed development and designated wildlife sites.



The hedgerows bounding the site are Habitats of Principal Importance and their loss should be avoided – only 7m is due to be lost to the proposed development. The free-standing oak tree has veteran features and should be retained – this tree, along with all hedgerow trees are being retained during construction. However, it is concerning that section 570 of the Environmental Statement states that trees may be removed in future if incompatible with the functions of a solar farm. Clarification on this matter is required as future impacts relating to the operation of the site e.g. shading also need to be assessed, and the scheme designed accordingly to reduce such impacts.

The site is assessed as being of district importance for mature trees, of local importance for hedgerows and of neighbourhood importance for arable, species-poor grassland and ephemeral pond.

A ground level tree assessment for roosting bats was undertaken on mature trees onsite; five were assessed as having high potential (including the free-standing oak) and one as having moderate potential. Although trees are stated as retained and protected during construction, the caveat in regard to long-term retention needs to be clarified as detailed above.

The site is within a Great Crested Newt Consultation Zone and a Habitat Suitability Index (HSI) for great crested newt was undertaken for the pond, which was assessed as 'Below Average'. An eDNA analysis was planned for April but the pond was already dried up – it is considered highly unlikely that the pond functions as a breeding pond for great crested newts. Other ponds within a 500m radius of the site were identified but do not appear to have been surveyed for the presence of newts. Confirmation is required of survey effort and results for these offsite ponds.

A main badger sett within the northern boundary hedgerow (near the north-eastern corner) was recorded during the field survey, along with discarded bedding and a latrine. Although it is mentioned that there will be no vehicle movements and limited construction activity within 15m, no exclusion zone is shown on site plans.

Data from Devon Biodiversity Records Centre contained records for brown hairstreak; this species could potential be using H4 (along south-western boundary) as this hedgerow contains blackthorn, the larval foodplant of the brown hairstreak. The site is assessed as being of local importance for amphibians, reptiles, birds, bats, badger and hazel dormouse; of neighbourhood importance for invertebrates, West European hedgehog and flora; and of negligible importance for Eurasian otter, European water vole and invasive non-native flora species. Brown hare is mentioned but not assessed.

The mitigation and biodiversity measures are to be welcomed, especially the limiting of hedgerow loss to 7m to facilitate site access. It is clear that ecological avoidance measures have been considered within the design of site access.

There are a number of matters which require revision or additional information for proposals to be acceptable as set out below.

1. Confirmation is required of great crested newt survey effort and results relating to the offsite ponds located within a 250m radius of the proposed development site.
2. Further justification is required for not undertaking a ground nesting bird survey site to support ground nesting birds and those associated specifically with arable / farmland such as skylark, yellowhammer, etc. needs to be assessed and clearly stated in the Environmental Statement. The approach of mowing/vegetation management outside of the nesting bird season in advance of development is not sufficiently precautionary. If species such as skylark or lapwing are nesting on site, a pre-commencement nesting bird check would usually be required by an ecological during the nesting season (March to early September) with an exclusion zone if any active nests are found, until chicks have fledged. Compensatory habitat creation is also usually required for any nests lost, although the evidence-based assessment in relation to use of solar farms by ground nesting birds is appreciated
3. Assessment of the site's suitability for brown hare is required.
4. A definitive and legally compliant approach for badger mitigation is required to demonstrate compliance with the Protection of Badgers Act 1992. The proposed site layout does not indicate the location of all sett entrances and it is not clear if the distance of the fence from the boundary hedgerow reflects the tree root protection area (RPA) or the distance from the badger sett. There is landscaping proposed within 15m, including restoration of arable habitats to species-rich grassland which may require significant work to the soil. It is best practice for 20m buffers to be implemented from badger sett entrances in accordance with Natural England (and more detailed NRW) advice as badger tunnels can often extend to the distance. All entrances should be shown on a clear plan and an appropriate exclusion zone marked with full justification for any deviation from a best practice approach provided. The recommendation for a pre-commencement badger survey is welcomed and will need to be secured by condition if consent is granted.
5. Construction Exclusion Zone is required around the free-standing oak tree, reflecting its RPA; there appears to be no mention of this in the ES.
6. The completed Defra Biodiversity Metric spreadsheet in an up-to-date format is required as it does not appear to have been submitted with the application (the results, pre- and post-development BNG plans and habitat condition assessment sheets have been submitted). Detailed comments can then be provided relating to Biodiversity Net Gain. A realistic target condition will need to be made for species-rich grassland establishment on fertile arable soils, with justification for target condition provided.
7. It would appear that an Ecological Constraints and Opportunities Plan (ECOP) has not been submitted; this should be submitted in line with CIEEM best practice.
8. The CEMP needs to be revised to include all ecological mitigation and enhancement measures required during the groundworks and construction phases of the proposed development. For, example the requirement for an exclusion zone (minimum of 15m) around the badger sett is not stated. Alternatively, a detailed CEMP could be secured by condition, providing the submitted version if not approved and the points above are addressed with appropriate mitigation detailed.
9. Other measures to protect wildlife and enhance the site including grassland creation, habitat management, additional native shrub/scrub and hedgerow planting, conservation grazing, precautionary methods for hedgerow removal, mammal gaps through fences and installation of bat and bird boxes are welcomed and should be secured by condition. A full and final Biodiversity Gain Plan detailing management and monitoring will also need to be secured by condition if the above points are satisfactorily addressed and consent is granted.

Currently, there is insufficient information to fully demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as

amended) and the Protection of Badgers Act 1992 in relation to avoidance and mitigation measures for protected and notable species, which is also required to meet Local Plan Policy S9. Clarifications are required to demonstrate that there will be no net loss and net gain of biodiversity in accordance with Local Plan Policies S1 and DM26; particularly, submission of the Defra metric spreadsheet.

12.03.2024

Summary:

The submitted clarifications mostly address the previous comments. Updated information regarding badger demonstrates clearly that a 15m standoff from sett entrances is not possible within the current layout. Either the layout will need to be changed, or a legally compliant badger mitigation strategy proposed. Although full details of the strategy could be secured by condition, if the layout requires amendment, this appears to be a matter which would be best resolved before determination. Of minor note, the Biodiversity Net Gain calculations include retention of modified grassland, which is not shown on the landscaping plans. As significant net gain will still be achieved, a Biodiversity Gain Plan can be secured by condition.

Full comments:

These comments should be read in conjunction with my colleague's previous comments dated 3/1/24. Points raised in the previous comments have been addressed in the response dated 12/2/24 as follows:

*Clarification in relation to conditions which would trigger future tree removal as indicated in the ES.* The response clarifies that all trees will be retained and tree removal would only be triggered by necessity such as storm damage or severe disease. The clarification is welcomed and no further information is required.

*1) Confirmation is required of great crested newt survey effort and results relating to the offsite ponds located within a 250m radius of the proposed development site.*

Full justification has been provided to demonstrate that there is negligible risk of presence and impacts on great crested newt (GCN). Commitment to stopping work and applying for a Natural England mitigation licence if GCN are unexpectedly found is welcomed and will need to be included in an updated Construction Environmental Management Plan.

*2) Further justification is required for the reason not to undertaking a ground nesting bird survey and appropriate mitigation measures to be detailed.*

The updated assessment in relation to ground nesting birds is accepted. The precautionary approach including a pre-commencement ground nesting bird check and retention of any active nests is welcomed, if works commence during March to September inclusive. This will need to be completed by a suitably qualified ecologist within 48 hours before works commence. The approach will need to be detailed in an updated CEMP: Ecology to be secured by condition.

*3) Assessment of the site's suitability for brown hare is required.*

An assessment has now been provided. There is suitability for brown hare, but this is likely to increase as a result of the proposals. The pre-commencement check for leverets (young hares)

is welcomed and will need to be completed by an ecologist. The approach will need to be detailed in an updated CEMP and fully implemented.

*4) Justification for not having a hedgerow buffer along the south-western site boundary (H4) is required.*

Detailed justification has not been provided – it is stated that this is required for the site layout. Although a standoff from the hedgerow would be preferred, it is accepted that there is unlikely to be significant harm to the hedgerow. No further information is required.

*5) Clarification with regards to development including landscaping within 20m of the badger sett – with appropriate mitigation detailed and an exclusion zone should be shown on a site plan.*

Further detail in relation to the badger sett has been provided and is welcomed. It appears difficult to determine whether the sett is a main or annex sett. If the sett was to be closed, there would need to be sufficient confidence that it is an annex sett (e.g. main sett nearby found and/or trail camera footage showing no cub activity) to avoid the need for a replacement sett. Should an artificial sett be required, there appears to be sufficient space within the landscape buffers e.g. south-east corner for this to be located. I remain unconvinced that a badger mitigation licence will not be required. The site plan provided in Page 14 of the response clearly shows footings of several panels and landscaping within the 15m buffer and there will be disturbance within this distance. It is accepted in principle that a badger mitigation strategy could be conditioned, to be informed by a pre-commencement badger survey. However, if the site layout was to be revised to accommodate the badger standoff area, a S73 or new application may be required. The current proposals also shown a likely legal breach. It is recommended that a clear and legally compliant strategy is provided before determination with either:

- a) A 15m exclusion works within which no works will take place clearly shown on the landscaping and layout plans, which may need to be revised to take account; *or*
- b) Confirmation that a Natural England mitigation licence will be obtained and an outline of the badger mitigation strategy to be provided. A clear approach should be provided to demonstrate compliance with the Protection of Badgers Act 1992. Proceeding without a licence based on the current plans would be likely to result in a breach of the law as it has not been demonstrated that an exclusion zone can be enforced.

*6) A Construction Exclusion Zone is required around the free-standing oak tree, reflecting its root there appears to be no mention of this in the Ecology and Ornithology chapter of the ES.*

It has been confirmed that the tree protection fencing will effectively act as a Construction Exclusion Zone. No further information is required. It has been confirmed that the tree protection fencing will effectively act as a Construction Exclusion Zone. No further information is required.

*7) Submission of the completed Biodiversity Metric is required. It should be noted that the most recent version of the Defra Metric (Statutory version) should be used.*

The submitted Defra metric is not entirely consistent with the proposals shown in drawing P21102PL-00-02 and the LEMP. Retained modified grassland and the pond is not shown within these documents. The ephemeral pond can be retained within the landscape buffer. However, the modified grassland is proposed for reseeded to neutral grassland. As this will be an improvement, and at least 10% net gain will clearly be achieved, the calculations are accepted. The proposed

target habitat condition is conservative, with poor or moderate habitat condition achieved. In reality, higher net gain may be possible with appropriate management over a 30 year period. A final Biodiversity Gain Plan should be secured by pre-commencement condition.

8) *Submission of an Ecological Constraints and Opportunities Plan (ECOP) is required.*

An ECOP has been submitted and no further information is required.

9) *The submitted CEMP needs to be revised to include all ecological mitigation and enhancement measures required during the groundworks and construction phases of the proposed development. Alternatively, a CEMP could be secured by condition.*

It is accepted that an updated CEMP detailing ecological method statements can be secured by condition.

Conditions:

It is recommended that an approach for badger mitigation which is clearly achievable and consistent with the scheme layout is provided before determination to demonstrate compliance with the Protection of Badgers Act 1992.

In the event of consent being granted, please attach appropriately-worded conditions to cover the following:

#### 1) Construction Environmental Management Plan: Biodiversity (Pre-Commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) consistent with but additional to the avoidance, mitigation and enhancement measures outlined in *Environmental Statement: Chapter 9 Ecology and Ornithology* (PS Renewables, November 2023) and the ecology response dated 12 February 2024 has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

A) Risk assessment of potentially damaging construction activities.

B) Identification of "biodiversity protection zones" based on up-to-date survey information for habitats and protected and notable species, including an update survey for badger.

C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, provided as a set of method statements, including for ground nesting birds and badger.

D) The location and timings of sensitive works to avoid harm to biodiversity features.

E) The times during which construction when specialist ecologists need to be present on site to oversee works.

F) Responsible persons and lines of communication.

G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

H) Use of protective fences, exclusion barriers and warning signs if applicable.

The CEMP shall be adhered to and implemented throughout construction strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and Mid-Devon Local Plan Policy S9 in relation to protected species and priority habitat.

## 2) Biodiversity Gain Plan (Pre-Commencement)

Prior to the first occupation of any part of the development, full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least 10% net gain in habitat and linear units. The Plans shall be in accordance with (but not limited to) the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Revised Defra metric spreadsheet showing final values including any revisions to landscaping required.
- C) Habitat Management Plan- long-term management prescriptions, annual work schedule and protection measures for at least a 30 year period for all retained habitats and species, including fencing and boundary details consistent with the submitted LEMP (this can be cross- referenced where no significant changes are proposed).
- D) Detailed monitoring strategy for habitats and species, particularly moderate and high distinctiveness habitats, and methods of measuring progress towards and achievement of stated objectives.
- E) Details of proposed periodic reporting to the Local Planning Authority, and proposed review and remediation mechanism if target condition is not achieved. F) Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To deliver biodiversity net gain in accordance with the NPPF and Mid-Devon Local Plan Policies S1 and DM26.

Please note that this condition is recommended based on a current lack of guidance on standard wording on Gain Plan conditions from the UK Government (see paragraphs 024-035 [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain)). Before a decision is issued, any change in standard wording should be checked. It should be noted that mandatory BNG does not however apply to the scheme, although achieving net gain is required in national and local policy.

## 3) Lighting (Bespoke Trigger)

No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing before installation by the local planning authority.

Reason -To minimise the effects of light pollution on nearby wildlife habitat in accordance with Policy S9 of the Mid-Devon Local Plan.

#### 4) Ecological Compliance Report (Bespoke Trigger)

Within six months of first operation of the development hereby approved, a report produced by a suitably experienced professional ecologist based on a post-construction site visit and inspection, which confirms and demonstrates, using photographs, completion and implementation of ecological avoidance, mitigation and enhancement measures as detailed in the CEMP: Biodiversity and Biodiversity Net Plan (revised and updated version approved by condition) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

*Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies S1, S9 and DM26 of the Mid-Devon Local Plan.*

#### **DCC ECOLOGIST - 08.03.2024**

It appears from Sarah's comments that 'a clear and legally compliant strategy is provided before determination' - development will then be conditioned in line with this strategy.

If the 15m buffer zone is not to be provided by the applicant, then as per Sarah's comments, Confirmation that a Natural England mitigation licence will be obtained and an outline of the badger mitigation strategy needs to be provided prior to determination.

This is required so the LPA have confidence that a badger licence from Natural England will be granted – especially as ambiguity remains around whether the sett is a main or annex sett.

#### **REPRESENTATIONS**

This planning application has been advertised by means of two site notices erected by the Planning Officer, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020.

At the time of writing this report, one letter of objection has been received. The main objections are summarised below:

- The application has been selective in its reading of certain policies and the impacts of the proposal on the immediate and wider setting.
- The submission fails to comply with policies S9, DM1, DM2 and DM25.

- The land is on a gentle slope within a rolling landscape, where there will be far reaching visual harm, resulting in long-term damage to the surrounding area.  
It is not considered that the cumulative impacts have been considered thoroughly enough, with some other local solar sites omitted.
- There will be an unacceptable impact on the character, amenity and visual quality of the area through the continuing expansion of Cullompton.
- The proposal will be harmful to the character and setting of heritage assets, with consideration not given to the setting and impact to the grade II listed Lower Knowle Farm.
- The applicant has not sufficiently demonstrated the impact on the amenity of neighbours.  
The land will be taken out of productive agricultural use for the life of the solar farm, which will be in excess of 40 years.
- Biodiversity will be adversely impacted by closing the field to aerial predators and impacting on hedgerows and a veteran oak tree.
- There is no substantial benefit arising from the proposals.
- The development is low quality with no relevance to the character of the built environment.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main material considerations in respect of this proposal are:**

- 1. Principle of development**
- 2. Visual impacts, including heritage impact**
- 3. Loss of agricultural land**
- 4. Access and highway safety**
- 5. Flooding and drainage**
- 6. Residential amenity**
- 7. Ecology and Biodiversity Net Gain**
- 8. Planning obligations**
- 9. Environmental Impact Assessment (EIA) consideration**
- 10. Planning balance**

### **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 (NPPF) is noted as one such material consideration. The NPPF outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The environmental objective includes “mitigating and adapting to climate change, including moving to a low carbon economy. The NPPF builds on this principle and defines renewable energy in the following way:

*“Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”*

Paragraph 157 of the NPPF states 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.”*

Paragraph 163 of the NPPF states that:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable...”*

- 1.3 Further to the general support within the NPPF, the Government expects future low cost, net zero consistent electricity to be made up of on shore and offshore wind and solar, complemented by technologies such as nuclear. Renewables accounted for 43% of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass (pv Magazine, 29.07.21). Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut the 1990 UK level of greenhouse gas emissions by 100% by 2050.
- 1.4 More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 426.5 million tonnes carbon dioxide equivalent (Department for Business, Energy & Industrial Strategy, Feb 2023). The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.
- 1.5 In 2016 Mid Devon adopted the supplementary planning document Solar PV development in the landscape providing guidance on key landscape issues and sensitivities, good siting and design.
- 1.6 At a full Council Meeting on 21 February 2019, Devon County Council (DCC) agreed to declare a ‘Climate Emergency’ and to initiate a county-wide partnership to ensure Devon becomes Carbon Neutral by 2050. This means that the total carbon emitted by the county as a whole will need to be balanced out through an equivalent amount of carbon savings.
- 1.7 Mid Devon District Council signed the Devon Climate Emergency Pledge on 26th June 2019 and aims to become carbon neutral by 2030 (Net Zero greenhouse gas emissions).
- 1.8 In February 2023 Mid Devon adopted the ‘Non-Statutory Interim Planning Policy Statement: Climate Emergency’. The Statement states that:

“Tackling climate change is a material consideration to the planning process, to which significant weight should be attached.... Due to the urgent need for action and the potential impact on delivery of housing and associated infrastructure, the Council is placing preparation for, and response to climate change at the forefront of its corporate agenda. This will ensure that environmental sustainability is considered alongside social and economic sustainability. This will, of necessity, require changes to existing planning policies, which will be explored during the preparation of Plan Mid Devon. The Plan will cover the period to 2043, set within a vision that looks ahead to 2053’ (para’s 1.3 & 3.2).

- 1.9 The Mid Devon Climate Strategy 2020-2024 clearly identifies the role that the planning system can lead in mitigating, and adapting to, climate change. The strategy states (Pg 10, bullet 3) that MDDC will strategically address the climate crisis by “allowing renewable energy development in suitable locations and at an appropriate scale in accordance with planning policies and guidance”.
- 1.10 There are several local policies that are relevant to the consideration of a solar farm application. Those being policies S1, S9 and DM2 of the Mid Devon Local Plan 2013 - 2033. These state the following:

Policy S1 (Sustainable Development Priorities) states that: *‘Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land’.*

Policy S9 (Environment) states 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 through... (b) preserving the quality and productivity of the best and most versatile agricultural land wherever possible...[and] (d) renewable energy development in locations where there is an acceptable local impact, including visual, on nearby residents, landscape character and wildlife, balanced with the wider sustainability benefits of renewable energy’.*

The site is within the countryside and is subject to Policy S14 (Countryside) which requires that development preserves and where possible enhances the character, appearance and biodiversity of the countryside.

Policy DM2 (Renewable and low carbon energy) details renewable energy criteria which states:

*The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate 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).*

- 1.11 The Cullompton Neighbourhood Plan 2020 – 2033 does not have specific policies for this type of ground mounted solar array, however it is supportive of the increased use of renewable energy subject to controlling the impact of renewable energy installations.
- 1.12 The approach in the National Planning Policy Framework and local planning policy is supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.
- 1.13 A key environmental benefit is that this proposal has capacity to generate up to 6,500 MWh per year, which the applicant states could provide approximately enough energy to power approximately 1,740 households with renewable energy.
- 1.14 This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.
- 1.15 Paragraph 11 of the NPPF requires decisions to apply a presumption in favour of sustainable development, thereby requiring the decision maker to grant planning permission unless having undertaken a balancing exercise *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal...”*
- 1.16 The “Planning Balance” is undertaken further below, but before doing so a wider assessment of the proposal has been undertaken against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance. Noting that this application has been screened as EIA (Environmental Impact Assessment) development too, consideration will be given to EIA matters as well. In particular, in determining that the proposal was EIA development, consideration was given to the cumulative impacts of the development, in conjunction with the North West Cullompton urban extension. It was considered that these cumulative impacts during the construction and operational phase would be impact on the use of resources, impacts on transport routes during construction, cumulative visual and landscape character impacts, and impacts on heritage assets.

## 2 **Visual impact, including heritage impact**

- 2.1 As identified earlier in this report, the site adjoins to the defined settlement limit of Cullompton, lying to the north west of the town. The site slopes gently in a south easterly direction, as it meets the edge of the existing settlement limit. The site is a triangular shaped field of 6.3ha.
- 2.2 In considering Mid Devon’s Landscape Character Assessment 2011, the site is partly on land designated as ‘Lower rolling farmed and settled valley slopes’, and partly ‘Upper farmed and wooded valley slopes’.

- 2.3 In support of the application, the applicant submitted a comprehensive set of supporting documents, including an Environmental Statement and Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the proposed development, considering against the policies of the Mid Devon Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016).
- 2.4 The LVIA considers a number of representative viewpoints from surrounding areas, also considering the impact on specific landscape characteristics identified within the Mid Devon Landscape Character Assessment.
- 2.5 The proposed solar farm is identified as being within the lower end of the Medium Scale (5-10ha) (*Solar PV Developments in the Landscape SPD*), as well as being within the aforementioned Landscape Character Types (LCT).
- 2.6 While the proposal would lead to the introduction of a new and uncharacteristic feature in the countryside, the assessment of the conclusions of the LVIA are that the proposed development would have a small magnitude, minor adverse impact on other surrounding landscape character areas, beyond the site, and at distance. At a more localised landscape level, there would be medium magnitude, moderately adverse significance direct landscape effect on the Lower rolling farmed and settled, and the Upper farmed and wooded slopes Landscape Character Areas, within which the site is located.
- 2.7 Overall, it is concluded that the scale of the proposed solar farm would be acceptable in this landscape, with limited significant landscape effects. The greater impacts would be within a limited medium range distance, as the impact will be felt closer to the site, however the topography of the site and its surroundings, means that views will be limited from many viewpoints. Where there is a greater impact, these are largely from the south and south east, and predominantly relates to the landscape setting of the Cullompton townscape rather than the more rural landscape to the south west and west. Furthermore, as the nearby urban extension is developed, it is considered the significance to the visual amenity from the urban edge will be reduced. Additionally, the site contains robust hedge and tree planting that will be reinforced to fragment views and further lessen the impact.
- 2.8 There are a number of other solar farms within a range of approximately 5km, which have been scoped into the LVIA considerations, however it is concluded that there was generally none to negligible significance from the majority of viewpoints. There was confirmed however to be no intervisibility between sites. It is noted that some comments have been received noting that two more recently approved schemes at Langford and Dean Hill Road, Willand, have not been considered, however these are not considered to be an issue with no intervisibility between these sites either.
- 2.9 Ultimately, the proposed solar scheme is of a small to medium scale and it is considered that the site can comfortably accommodate it on this urban edge, without causing a significantly unacceptable impact on local landscape character, or leading to an unacceptable extension of built form at the edge of Cullompton. It is further accepted that the proposed buildings on site (DNO substation, customer substation, control building and inverter cabins) have been located as sensitively as possible to avoid higher ground and the root protection areas of trees. Similarly, the proposed security fencing (which will be 2m in height) will have the appearance of stock proof fencing to reduce overall impact. The final colour of the structures on site will need to be agreed by condition.

2.10 In considering the visual impacts of the proposed development, consideration must also be given to the impact that the development will have on the significance of these heritage assets, of which several identified in the local area are grade II listed buildings, and the Cullompton Conservation Area. Paragraph 192 of the NPPF advises that “in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

The above requirements in respect to heritage assets are echoed in policy S9 of the Mid Devon Local Plan, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “heritage assets and their setting which are irreplaceable resources accordingly the Council will:

- f) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- g) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.
- h) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.
- i) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and
- j) Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”

In coming to this decision the council must also be mindful of the duty as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 relates to having special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. Section 72 requires the decision to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

2.11 In assessing the impact of the development, against the aforementioned local and national policy requirements, the application is supported by a comprehensive assessment of local designated heritage assets.

- 2.12 Historic England have advised that they do not wish to add comments on the applications, referring to the advice of the Council's Conservation Officer and County Historic Environment Team.
- 2.13 In considering the proposal, the Council's Conservation Officer has identified that the proposal has the potential to impact the setting of Wells Park, a grade II listed building approximately 250m to the north west of the site, and Growen Farmhouse, a grade II listed building approximately 390m to the north.
- 2.14 Due to the distance and topography, the Conservation Officer's view is that the proposal would not result in harm to the significance of Growen Farmhouse.
- 2.15 It is identified that there will be some impact on the setting and significance of Wells Park. The solar panels would be to the east of this heritage asset but would be beyond a vegetated boundary and on a sloped site, away from it. There would be glimpses of the panels to the north of the site however with the landscape mitigation proposed, it is considered that the proposal wouldn't detract from the significance of the listed building to a great degree. The Conservation Officer has however identified that the approach to the listed building, from the east, would be altered. There would be some erosion to the degree in which the heritage asset is experienced within the agrarian landscape as a result of the panels, security fencing, CCTV cameras and associated infrastructure. It is however considered that the harm would be less than substantial, and at the very low end of the scale. The Conservation Officer has commented that the plans don't show the extent of CCTV, and that these should be kept to a minimum. Since making these comments, details have been provided, confirming the extent. Otherwise it is suggested that the landscaping improvements should be secured by condition.
- 2.16 Overall, there is no objection in principle from the Conservation Officer, although it is noted that there is a low level of harm to the adjoining heritage asset, Wells Park. This being the case, paragraphs 205, 206 and 208 of the NPPF, state the following:
205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- As such, it will be necessary to assess the identified harm against the public benefits of the scheme. This assessment will be addressed later in the Planning Balance section.
- 2.17 Finally in considering heritage assets, it is noted that an objection has been raised, citing the impact on another grade II listed building, Lower Knowle. Whilst objecting on the basis of the impact on this heritage asset, the contributor also suggest that consideration has not been given to the effects on this listed building.

- 2.18 In giving this matter further consideration, it is noted that Lower Knowle is referred to in the LVIA when considering heritage assets within the surrounding area, however the more detailed Settings Impact Assessment notes that there are 63 listed building within a 2km search area, however the identified Zone of Theoretical Visibility (ZTV) and site visits confirmed that most are well-screened in practice by intervening buildings or landscape features. As such, only the most likely to be affected were assessed further. In specifically referring to this property however, Lower Knowle is approximately 790m from the application site. Even in the case of there being views of the site from this heritage asset, the distance and intervening topography and landscape is such that it is not considered that there would be any harm caused to the setting or significance of this heritage asset.
- 2.19 Consideration also needs to be given to archaeology, with the application being supported by a geophysical survey and field evaluation, which has been assessed by the County Historic Environment Team. The initial investigations have demonstrated that the site contains heritage assets with archaeological interest, indicated by the presence of a cluster of Roman pits and a previously unknown Bronze Age ditch enclosure.
- 2.20 The Historic Environment officer notes that the proposed development would have the potential to impact on these archaeological deposits, however does not consider that they would be of such significance that they should be excluded. On this basis, pre-commencement conditions are recommended to secure a programme of archaeological works to investigate, analyse and record any archaeological evidence that would otherwise be destroyed by the development.

### **3. Loss of agricultural land**

- 3.1 Local Plan policy DM2 requires proposals for renewable and low carbon energy to demonstrate that the impact are or can be made acceptable in relation to the quality and productivity of the best and most versatile land, which is grades 1, 2 and 3a.
- 3.2 The application is supported by an Agricultural Land Classification Report, which concludes that the entirety of the site falls within agricultural land classification 3b, which is moderate quality land. As such, the proposal would not lead to any impact on best and most versatile land.
- 3.3 The proposal will still lead to the loss of this land from arable farming, however the agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep. Furthermore, the land would be able to be returned to full agricultural use following decommissioning, albeit that being after a period of 40 years.

### **4. Access and highway safety**

- 4.1 Policy DM1 of the Local Plan states that new development should be safe and accessible and policy DM3 of the Local Plan requires development to ensure safe access to the transport network.
- 4.2 The site is currently accessed via an existing vehicular access in the south west corner of the site, which is to be retained and utilised during both the construction and operational

phases of development. It is proposed to widen the access by removing 6.9m of hedgerow to the east, otherwise there are no proposals to improve visibility or remove any more vegetation.

- 4.3 In considering the operational phase, the site will be unmanned with it anticipated that there would be two visits a month for servicing and routine inspection. On this basis, the traffic associated with the operation of the proposed development would be less than expected in the use of the field for agricultural use.
- 4.4 There would be a greater impact than existing during construction, however a Construction Traffic Management Plan has been submitted, assessing the likely impact and making recommendations to limit the impact as much as possible during this temporary phase. On top of construction traffic, this report provides an indicative programme of deliveries, with a worst case scenario suggested to be up to 194 deliveries over a six month period, with these spread throughout the day. Otherwise construction workers traffic is likely to be concentrated toward the beginning and end of the working days.
- 4.5 In considering the impacts, there are no objections in respect to the operational phase, with no increases in vehicle trips compared to the agricultural use of the site. To ensure highway safety during the construction phase, it is proposed that a temporary traffic light system will be put in place, which will remove the need to increase the visibility splays on site.
- 4.6 The Construction Traffic Management Plan also details route of construction traffic, specifically deliveries by HGVs, noting that access from Cullompton itself would be problematic as a result of the narrow junction of Tigerton Road onto the B3181/Fore Street, as well as this area of Cullompton attracting a high footfall, being within the town centre. As such, it is proposed to route traffic from the north west, with delivery vehicles arriving from the A361 via Tiverton.
- 4.7 The Highway Authority have considered the proposal and raised no objections, taking into account the proposed mitigation measures to be taken during construction, and the limited usage of the site during operational phase.

## **5. Flooding and Drainage**

- 5.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. Policy DM1 requires the use of appropriate drainage including sustainable drainage systems.
- 5.2 The site is located wholly within Flood Zone 1 and as such the proposed development is at a negligible to low risk of flooding from all sources.
- 5.3 Due to the nature of the proposal, which includes the introduction of solar panels, access track and some structures, including the substations, control room and inverter stations only, there will be limited additional impermeable areas created. The solar panels themselves will not have foundations due to being pile driven into the ground. Overall, it has been calculated that the total impermeable area created will amount to approximately 215m<sup>2</sup>.



- 5.4 A surface water drainage scheme has been provided, which advises that no formal drainage is required as a result of the impacts of the scheme, however a pragmatic approach has been taken to promote infiltration and create storage within the site. It is therefore proposed to include swale features running parallel to the site contours within the downslope area of the site, which will intercept and distribute surface water flows, and attenuate runoff, promoting infiltration across the site.
- 5.5 Runoff as a result of the development has been calculated to be approximately 15.5m<sup>2</sup>, with the proposed swales providing around 53.52m<sup>2</sup> of storage capacity, which well exceeds the requirements of the development.
- 5.6 The Lead Local Flood Authority (LLFA) initially objected to the proposal on the basis of the originally submitted Surface Water Drainage Scheme, requiring further information. The document has since been updated to the satisfaction of the LLFA, who have now removed their objection subject to the imposition of a pre-commencement condition for the submission of a more detailed drainage strategy and proposal for the management of surface water and silt runoff during construction.
- 5.7 South West Water (SWW) have also commented, raising no objections to the proposed surface water drainage scheme, which will retain runoff on site for disposal via infiltration.

## **6. Residential amenity**

- 6.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - k) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents.

- 6.3 The main areas of risk to residential amenity are identified as the potential for noise, and dust creation generated during the construction phase, and the potential for glint and glare during the operational phase.
- 6.4 Starting with the construction phase, the applicant has submitted a noise and dust management plan, which has been updated to clarify questions asked by the Council's Environmental Health Officer. By following the recommendations contained within this plan, which include measures for the suppression of dust and limiting of noisy activities on site, as well as providing instructions to delivery drivers, and providing nearby residents with a newsletter advising of forthcoming activities, it is considered that the construction impacts will be acceptable and adequately controlled to avoid unacceptable harm to residential amenity. The measures will be included within an updated Construction and Environmental Management Plan (CEMP).
- 6.5 During operation, noise impact will be negligible, as the solar farm will generate very little noise. The Council's Environmental Health Officer did request further information in respect to the potential for low frequency noise from the inverter stations/transformers, however has no issues following clarification on that matter.
- 6.6 The other main consideration during the operational phase is the possibility of glint and glare effecting nearby receptors.
- 6.7 Solar PV panels are inherently designed to absorb, rather than reflect irradiation, however there are occasions when 'glint' may occur, being a momentary flash of the sun reflecting on the surface of the panels. 'Glare' is the continuous reflection of the sky around the sun. In order to consider this impact, a Glint and Glare Assessment has been submitted with the application.
- 6.8 The Glint and Glare Assessment identifies receptors that may be affected. These include residential and road receptors. The magnitude of impact is assessed with a High impact at 18 residential receptors, Medium impact at 4, Low impact at eight, and None at the remaining receptors. 11 road receptors are identified as potentially having a High impact. As a result of this, more detailed assessment was carried out, which lowered the expected impacts so that magnitude of impact was found to be Low to None on most of the residential receptors, with the highest Impact being assessed as Medium. In respect to the impact on road receptors, these were found to be Low to None.
- 6.9 In order to mitigate against these risks, the proposed landscaping and planting plan includes the provision of native hedgerow planting and infilling along the eastern boundary, which is to be maintained at a height of 3 - 4m. This is expected to be effective in reducing the projected impacts, with residual impacts following mitigation expected to be None to Low at all receptors. On this basis, it is concluded that there would be no significant effects resulting from the development.
- 6.10 Having considered the above, the proposed development is not considered to lead to unacceptable impacts on residential amenity, with harm during construction able to be controlled by measures contained within an approved CEMP.

## **7. Ecology and Biodiversity Net Gain**

- 7.1 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.

- 7.2 The submitted Environmental Statement and Construction and Environmental Management Plan (CEMP), provide details of wildlife surveys carried out on site, assessing the likely impact of the development proposal on protected species in and around the site.
- 7.3 The part of the site that will be directly affected by the introduction of built form, is the central farmed section of the field, which has been in active agriculture would provide negligible habitat for protected species. The site is however surrounded by mature hedge and trees, which could support wildlife. There is also a mature oak tree within the field.
- 7.4 The assessment provided within the supporting information, identifies the boundary hedgerows as having some potential to support invertebrates and reptiles, as well as nesting birds. Trees in the site were identified as having potential for providing bat roosting capabilities. Due to the makeup and management of the onsite hedgerow, it is not assessed as being suitable to support dormouse populations all year round, and is therefore unlikely to be of high value to this species. Evidence of badger activity was discovered on site, as was a main set within part of the boundary. Otherwise, the site was considered to have potential to support brown hare and hedgehogs.
- 7.5 The potential for the above identified species is not considered to be a constraint to development, with the 'built' area not directly impacting on the better habitat within and around the site. The existing higher quality habitat is to be retained and enhanced as part of the overall landscape and biodiversity net gain proposals. Furthermore, it is recommended that precautionary pre-commencement checks take place prior to development, with protective fencing being installed around the work areas to prevent encroachment on the retained habitats during construction. Preventative measures will also be put in place to ensure avoidance of harm to any wildlife that may enter the site during the construction phase, with further mitigation and enhancements proposed.
- 7.6 At the time of considering this application, the Council was able to employ ecology consultants, who commented on the applications. They did identify some areas that needed further consideration, the majority of points were able to be satisfied. On area of concern however was the potential impact on the identified badger sett, in which case it was recommended that the application was amended to include a 15m exclusion zone, or confirmation provided prior to determination that a Natural England mitigation licence would be obtained and outline badger mitigation strategy provided. Ultimately, the applicant decided to amend the application to avoid encroachment of any development within a 15m exclusion zone, as some of the solar panels were originally located within this area.
- 7.7 The Council's Ecologist was satisfied with the measures put in place, although did recommend that the submitted CEMP did need to be amended to incorporate further measures in relation to protective measures to be incorporated in the management of the development. The only outstanding concern has now been addressed following the amendment of the plan to remove any development from the badger exclusion zone. In addition to the need to revise the CEMP, the ecologist has suggested the imposition of a post construction ecological compliance condition to confirm compliance with the proposed ecological avoidance, mitigation and enhancement. A condition was also suggested to

restrict the introduction of any external lighting other than that which has first been submitted to and agreed in writing by the Local Planning Authority.

- 7.8 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the supporting information. As well as enhancement to the existing hedgerows, tree planting is proposed. In addition, it is proposed to introduce neutral grassland to the traditionally farmed areas, through the sowing of different grass seeds, which will be managed going forward. New mixed shrub will also be introduced to the site. Overall, it is noted that there would be an increase in BNG of 88.82% in habitat units, and 14.77% in hedgerow units.
- 7.9 It should be noted that this application was submitted prior to mandatory BNG of 10% coming into force, however the measures proposed demonstrate that there will be biodiversity net gain on site. These enhancements can also be given weight in assessing the benefits of the scheme in the Planning Balance.
- 7.10 In the case of more recent applications submitted after BNG legislation came into force, it is not necessary to impose any conditions relating to the provision of a biodiversity gain plan to ensure the delivery and monitoring of BNG, as this is a legal requirement of all planning permission, unless otherwise exempt. In this case, there is no legal requirement, in which case it will be necessary to include a condition to secure the Biodiversity Net Gain proposed.
- 7.11 Further to the above matters, it is proposed to ensure that all existing trees are retained and protected during construction. A Tree Protection Plan and Arboricultural Method Statement is included within the submitted Construction and Environmental Management Plan (CEMP). It is also proposed to use a cellular confinement system to provide the new track, where this is within the root protection area (RPA) of some of the trees to the south western edge of the site, in order to ensure that compaction of the ground is avoided.
- 7.12 The Council's Tree Officer has reviewed the proposals and raises no objections. It is however noted that specific details have not been provided in respect to the service routes. These will need to be agreed prior to those works taking place to ensure that the RPAs of trees are avoided. It is also suggested that future pruning of trees, where required to reduce shade on solar panels, should require advanced notification to the Council to allow a specification of works to be agreed. Notwithstanding, this, there are not considered to be any adverse impact on trees within the site, as a result of these proposals.

## **8. Planning obligations**

- 8.1 The proposed development is not one that generates to need for the agreement of any planning obligations.
- 8.2 It is however noted that Cullompton Town Council have advised that they do not object to the scheme, subject a community contribution being forthcoming.
- 8.3 It should be noted that this is not a material planning consideration, and as such any payment into a community fund by the applicant cannot be considered as part of the determination of a planning application and is entirely outside of the planning process.
- 8.4 Notwithstanding this, it is understood that the applicant has committed to making payment of £15,000, following discussions with the Town Council. On the basis of the previous comment

however, this will not be secured as a requirement of planning permission, should it be granted.

## **9. Environmental Impact Assessment (EIA) Considerations**

- 9.1 The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017, and has been assessed as being EIA development. As such, the application was accompanied by an Environmental Statement.
- 9.2 In assessing development in the context of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, there is a requirement to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination of the submitted environmental information.
- 9.3 In considering the assessment contained within the Environmental Statement it is agreed that there would for the most part be no potential significant effects as a result of the proposed development. The areas where more significant environmental effects were identified related to the cumulative impacts of the development, alongside the ongoing epsilon of Cullompton within the adjoining North West Cullompton Urban Extension, which is a mixed development for 1,350 houses, employment, community facilities and infrastructure. In the Screening Opinion issued by the Local Planning Authority, it was advised that there were likely cumulative impacts resulting from the use of resources (potential loss of best and most versatile land), impacts on transport routes, cumulative visual and landscape character impacts and impacts on the setting of heritage assets. In carrying out the Environmental Impact Assessment, which is detailed in the submitted Environmental Statement, the applicant has included Landscape and Visual Impact Assessment (LVIA), ecology and nature conservation, archaeology and cultural heritage, construction noise, hydrology, hydrogeology and geology, and traffic and access.
- 9.4 In assessing the above matters, the conclusions of the Environmental Statement are that the proposed development will have no significant environmental impacts, in respect to specific EIA considerations.
- 9.5 The main planning considerations have assessed the proposed development as having an acceptable impact, notwithstanding the consideration of Planning Balance in the next part of this report. On the basis of these conclusions, it is also agreed that the proposed development would not have any significant environmental impacts and as such is not considered to represent a wider unacceptable impact on the environment. In the context of the EIA Regulations, the proposed development is considered to be acceptable.

## **10. Planning balance**

- 10.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole.
- 10.2 In assessing the proposed development, the main adverse impacts identified relate to the impact on landscape character, as a result of the introduction of an uncharacteristic form of development into a countryside location, albeit adjoining the defined settlement limit of Cullompton, the impact on the setting and significance of the nearby grade II listed Wells Park, and the loss of agricultural land (not best and most versatile). There will be further

harm during construction, however this is able to be adequately mitigated through the agreement of an updated Construction and Environmental Management Plan (CEMP).

- 10.3 The benefits of the proposal are considered to include the generation of domestic renewable energy, which will assist in meeting UK targets, with the proposed development expected to generate enough electricity to power approximately 1,740 households, further providing towards energy security and energy affordability ambitions. There will be some employment and economic benefits during the construction phase, and then the operational phase through the generation of business rates. The proposal would also provide Biodiversity Net Gain in excess of the 10%, which is now a mandatory requirement, despite being exempt due to the date of the application was made valid. Subject to the securing of these benefits through an appropriate condition, this will be weighed in favour of the proposal.
- 10.4 On balance, it is considered that the harm identified is outweighed by the public benefits of the scheme and approval is therefore recommended.

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

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal is acceptable in that the development would provide public benefits in terms of generation of renewable energy, localised economic benefits and on site biodiversity net gain, which would not be outweighed by the harm identified to the landscape and visual amenities of the area including the setting of nearby heritage assets, and the temporary loss of moderate quality agricultural land. Impacts on other heritage assets, general landscape and visual amenity, flood risk, ecology and the amenities of neighbouring residents can be mitigated, subject to conditions. Furthermore, the proposal is not considered to lead to unacceptable impact on the environment, having been assessed in line with the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, the proposed development satisfactorily accords with policies S1, S9, S11, S14, DM1, DM2, DM3, DM4, DM25 and DM26 of the Mid Devon Local Plan 2013-2033, policies SD01, SD07, EN01 and TC01 the Cullompton Neighbourhood Plan 2020-2033 and the aims and objectives of the National Planning Policy Framework and Planning Practice Guidance.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

4. Prior to the commencement of development, a final Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.
  - A) In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
  - B) The following specific details should also be included in respect to highway safety:
    - (i) the timetable of the works;
    - (ii) daily hours of construction;
    - (iii) any road closure;
    - (iv) 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;
    - (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
    - (vi) 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;
    - (vii) 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. This may include the establishment of a 'wait away' system for all deliveries;
    - (viii) hours during which no construction traffic will be present at the site;
    - (ix) the means of enclosure of the site during construction works;
    - (x) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
    - (xi) details of wheel washing facilities and obligations;
    - (xii) the proposed route of all construction traffic exceeding 7.5 tonnes;
    - (xiii) details of the amount and location of construction worker parking; and
    - (ixv) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
  - C) In respect to ecology and biodiversity, details to be provided shall be consistent with but additional to the avoidance, mitigation and enhancement measures outlined in *Environmental Statement: Chapter 9 Ecology and Ornithology* (PS Renewables, November 2023) and the applicant's ecology response dated 12th February 2024. Such details shall include the following:
    - (i) Risk assessment of potentially damaging construction activities.

- (ii) Identification of “biodiversity protection zones” based on up-to-date survey information for habitats and protected and notable species, including an update survey for badger.
- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, provided as a set of method statements, including for ground nesting birds and badger.
- (iv) The location and timings of sensitive works to avoid harm to biodiversity features.
- (v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- (vi) Responsible persons and lines of communication.
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (viii) Use of protective fences, exclusion barriers and warning signs if applicable.

D) In respect to the protection of on-site trees, the updated CEMP shall include a Tree Protection Plan and Arboriculture Method Statement. Once installed, tree protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled following completion of the development hereby permitted, or with the prior written agreement of the Local Planning Authority.

Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

5. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Surface Water Drainage Strategy (Report No. J-15522, Rev. 02, dated 8th Jan. 2024).
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

No development hereby permitted shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (b) above.

6. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
7. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
8. Prior to any part of the development hereby permitted being first brought into use, full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least 10% net gain in habitat and linear units. The Plans shall be in accordance with (but



not limited to) the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Revised Defra metric spreadsheet showing final values including any revisions to landscaping required.
- C) Habitat Management Plan- long-term management prescriptions, annual work schedule and protection measures for at least a 30 year period for all retained habitats and species, including fencing and boundary details consistent with the submitted LEMP (this can be cross- referenced where no significant changes are proposed).
- D) Detailed monitoring strategy for habitats and species, particularly moderate and high distinctiveness habitats, and methods of measuring progress towards and achievement of stated objectives.
- E) Details of proposed periodic reporting to the Local Planning Authority, and proposed review and remediation mechanism if target condition is not achieved. F) Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

9. Within six months of first operation of the development hereby approved, a report produced by a suitably experienced professional ecologist based on a post-construction site visit and inspection, which confirms and demonstrates, using photographs, completion and implementation of ecological avoidance, mitigation and enhancement measures as detailed in the CEMP: Biodiversity and Biodiversity Net Plan (revised and updated version approved by condition) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- 1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
  - 2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
  - 3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

10. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.
11. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be

restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority. The solar farm and its ancillary equipment, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

12. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.
13. The solar PV panels hereby permitted shall not be erected on site until a final Landscape and Ecological Management Plan (LEMP) based on the submitted *Draft Landscape and Ecological Management Plan*, dated November 2023, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover a minimum of 40 years management and shall include the details set out in the *Draft Landscape and Ecological Management Plan*, as well as a timescale for delivery of each element of landscaping and habitat enhancements and ongoing management and monitoring. The development shall be carried out, monitored and maintained in accordance with the approved details. On completion of the provision of the landscaping and habitat enhancements in accordance with the approved LEMP, written confirmation of completion shall be submitted to the Local Planning Authority for approval.
14. The Solar PV Panels hereby permitted shall not be erected until the full details of the works to the hedges, including details of planting and future management and maintenance, as recommended in the *Glint and Glare Assessment*, prepared by Neo Environmental Limited, dated 17<sup>th</sup> November 2023, have been submitted and approved in writing by the Local Planning Authority. The works shall then be carried out in the first planting season after the written approval is received and thereafter retained and maintained.
15. No works shall commence in relation to the provision of service routes until details of the routing of services, so as to avoid having an impact on the root protection areas of retained trees, have been submitted to and approved in writing by the Local Planning Authority. Once approved the proposed details shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
16. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To establish the commencement date for the 40 year operational life of the solar farm.
3. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.

4. In the interests of public health and highway safety, for the conservation and protection of legally protected species and to preserve the health, structure and amenity value of existing landscape features (trees) in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033, the aims and objectives of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended). This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
5. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), national policies, including NPPF and PPG, and policies S9 and DM1 of the Mid Devon Local Plan 2013-2033. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is agreed and temporary drainage arrangements in place prior to construction works starting.
6. To ensure, in accordance with policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.
7. To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.
8. To deliver biodiversity net gain in accordance with policies S1 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
9. To prevent ecological harm and to provide biodiversity gain in accordance with policies S1, S9 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
10. To ensure the removal of the equipment and decommissioning in the interests of the character of the area in accordance with policies S1, S9, DM1, DM2, DM25 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
11. To ensure the removal of the equipment and decommissioning in the interests of the character of the area in accordance with policies S1, S9, DM1, DM2, DM25 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
12. In the interests of the character of the area in accordance with policies S1, S9, DM1, DM2, DM25 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
13. To ensure landscaping and habitat enhancements are appropriately managed for the lifetime of the development and to secure biodiversity net gain in accordance with policies S1, S9,

DM2 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

14. In the interests of the character of the area and residential amenity in accordance with policies S1, S9, DM1, DM2, DM25 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
15. To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies S9, DM1 and DM2 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
16. In the interests of the character of the area and for the conservation and protection of legally protected species in accordance with policies S9, DM1 and DM2 of the Mid Devon Local Plan 2013-2033, the aims and objectives of the National Planning Policy Framework and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

## **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 negotiated amendments to the application to enable the grant of planning permission.

### **BNG - Biodiversity Net Gain**

This application was made valid on 28<sup>th</sup> November 2023, in which case it is exempt from mandatory Biodiversity Net Gain (BNG). Nonetheless, the applicant has committed to providing BNG in excess of the mandatory 10%, and a Biodiversity Gain Plan condition has been imposed on this consent to secure this.

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	1	21/08/2024	24/00696/MFUL	Erection of an agricultural building for free range egg laying unit, including control room/packing area, office, clean and dirty water handling facilities, concrete yard areas, feed bins and creation of an access track	Land at NGR 288460 100067 (Summerhay Farm) Shobrooke Devon	Mr Adrian Devereaux	DEL	

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## LIST OF APPEAL DECISIONS FROM 23<sup>rd</sup> April 2024 to 29<sup>th</sup> May 2024

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
22/01910/MOUT	Outline for the erection of 14 dwellings to include a footpath link with all matters reserved (Revised Scheme)	Land at NGR 273411 108426 (Sandhurst) Lapford Devon	Refuse permission	Delegated Decision	Refuse permission	Enf Written Reps	Appeal Dismissed

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## BNG Habitat Bank report for Committee

AGENDA ITEM

Planning Committee 12<sup>th</sup> June 2024

Application No. 24/00687/HABITA

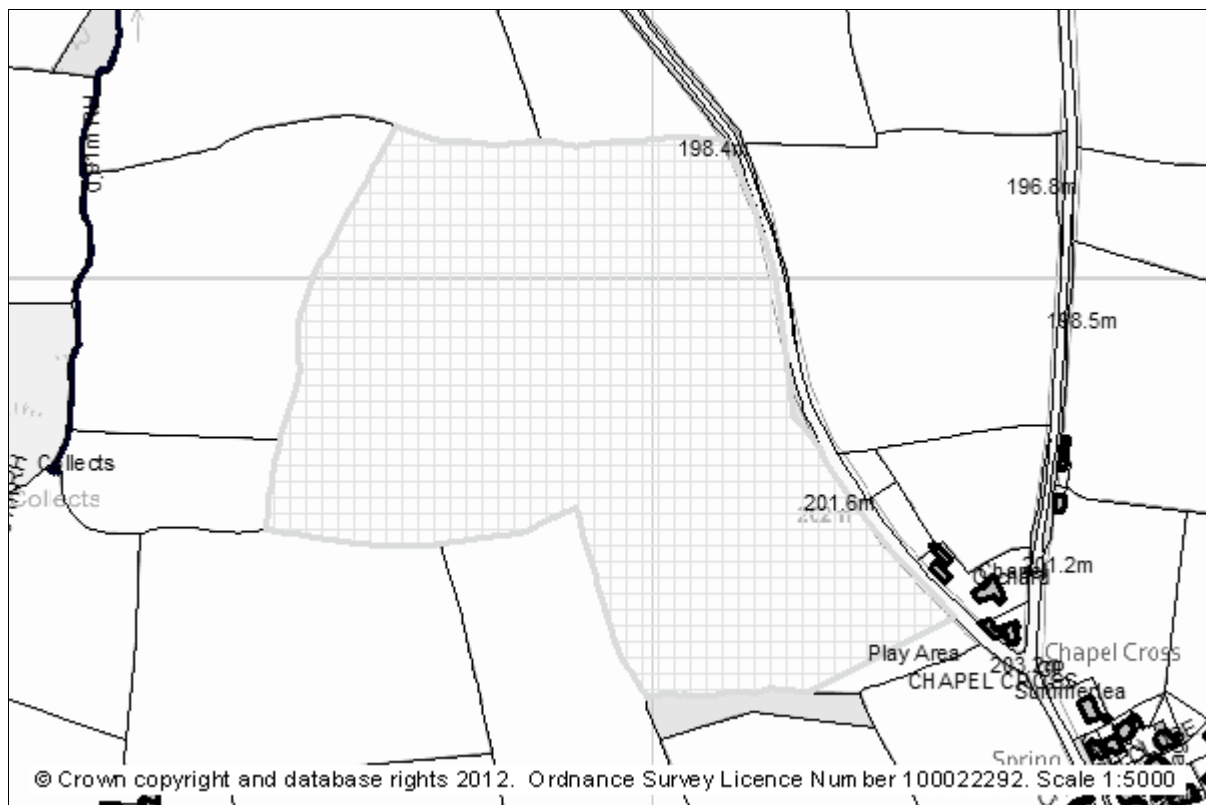
Grid Ref: 282965 : 110941

Applicant: Bella & William Lowes

Location: Land at NGR 282965 110941  
Puddington Moor  
Puddington  
Devon

Proposal: BNG Habitat Bank - 10.29ha

Date Valid: 13th May 2024



## **REFERENCE NO: 24/00687/HABITA**

### **RECOMMENDATION**

To approve the signing of a S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 10.29ha.

### **PROPOSAL**

This is a proposal to create a BNG Habitat Bank of 10.29ha on a site within the Local Planning Authority of Mid Devon. Environment Bank Ltd are establishing a national network of Habitat Banks across England. Under Schedule 14 of the Environment Act 2021, all developments need to deliver at least a 10 % increase in biodiversity as a result of their proposals; Biodiversity Net Gain (BNG). This can be delivered on-site or off-site. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives.

The Site, Puddington Moor (Environment Bank Ltd Ref: MDEV07) is situated on the northern edge of the village of Puddington. The site is a single arable field that has been subject to intensive arable management since the 1960's and there is a narrow strip of grassland present along the southern edge with the site bordered by hedgerows. The site is outside of any landscape designation and within flood zone 1.

In terms of the baseline for the site, the Habitat Bank comprises 10.26 ha of predominantly arable Cropland (Cereal crops) with a thin strip of Modified grassland. The creation of Priority Habitats within a network of supporting seminatural habitats will provide an off-site solution to Biodiversity Net Gain. The proposed habitats for the site are other neutral grassland (8.68 ha) in Good condition and mixed scrub (1.58 ha) in Moderate and Good Condition. The Habitat Bank has been secured for 33 years by legal agreement with the Land Owner to legally ensure the highest quality delivery of the habitats.

A Habitat Management Plan (HMP) is to detail the habitat creation and long-term management proposals required to achieve the proposed habitats for Puddington Moor. The management period is defined by net gain principles and planning obligations associated with the proposed development and so must cover a minimum 30-year period. The plan is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Third party oversight of the HMP will be carried out by Mid Devon District Council as the Local Planning Authority, who would review progress of the habitat bank against the proposed management objectives.

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

BNG Appraisal, Habitat Management Plan, Monitoring Strategy, Statutory BNG Metric, Statement of Achievability, Vision Document.

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history on this site.

## DEVELOPMENT PLAN POLICIES

### Mid Devon Local Plan 2013 – 2033

S9 Environment

S14 Countryside

National Planning Policy Framework

National Planning Practice Guidance

The Environment Act 2021

## CONSULTATIONS

### Council's Forward Planning Team – 17<sup>th</sup> May 2024

I've checked both our current Local Plan allocations and HELAA sites and the site is not allocated for anything.

### Council's Planning Solicitor – 16<sup>th</sup> May 2024

I have been instructed to prepare a s106 agreement for this one. As I understand it the land is already laid out as habitat. I don't have any comments of any value other than that.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

As referred to earlier in this report, Environment Bank Ltd (EBL) are establishing a national network of Habitat Banks across England. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives. They are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. The Habitat Bank has been secured by legal agreement with the Land Owner to legally ensure the highest quality delivery of the habitats. The uplift in biodiversity is measured by the current version of the Statutory Biodiversity Metric (Defra, 2023) (the Metric) and translated into Biodiversity Units (BU) that can then be sold to developers to meet their BNG obligations that are now mandatory.

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

- **Principle of this site as a Habitat Bank**
- **Site Specifics**
- **Biodiversity Net Gain (BNG)**
- **Section 106 agreement and monitoring**

### **1. Principle of this site as a Habitat Bank**

1.1 The Vision Document submitted as part of this proposal for a habitat bank at Puddington Moor (MEDV07) outlines that through the MDEV07 project, it is envisaged that the existing arable field will be transformed into a diverse mosaic of wildflower grassland and native mixed scrub. These habitats will then provide a myriad of opportunities for increasing abundance and expanding populations of local species. The MDEV07 project totals an area of 10.26 ha and is composed of one field targeted for Other Neutral Grassland with bordering regions of Mixed Scrub. The field is bound by existing hedgerows which will help reinforce the newly planted Mixed Scrub.

1.2 In light of the requirements of the Environment Act, to secure a 10% net gain of biodiversity from developments, it is considered that the principle for the creation of a habitat bank is acceptable.

## **2. Site Specifics**

2.1 As commented upon above, the site is situated on the northern edge of the village of Puddington. The Council's Forward Planning Team have confirmed that there are no site constraints and as such the proposals appear acceptable for this site.

2.2 Habitat Banks are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. A Habitat Management Plan would be formulated for this site. The site- and habitat-specific BNG management objectives including detailed activities for creation, establishment and subsequent habitat management would be found in the Habitat Management Plan.

2.3 The purpose of the Habitat Management Plan (HMP) would detail the habitat creation and long-term management proposals required to achieve the proposed habitats for Puddington Moor (Environment Bank Ltd Ref: MDEV07) across the period of 30 years.

## **3. Biodiversity Net Gain (BNG)**

3.1 An ecological assessment was undertaken to establish a baseline for the site, as well as to understand the local ecological priorities for biodiversity enhancement design, and to inform the proposed management measures that would need to be actioned for the lifetime of the project. Further surveys, including two separate soil nutrient sampling and analysis, were undertaken to further inform micro-siting of habitats.

3.2 The baseline habitats for the site are:

- Modified grassland (0.08 ha) in Good condition
- Cereal crops (10.18 ha) in condition assessment N/A
- Native hedgerow (0.10 km) in Good condition
- Species-rich native hedgerow - associated with bank or ditch (0.34 km) in Good condition
- Species-rich native hedgerow with trees - associated with bank or ditch (0.84 km) in Good condition

3.3 Following the detailed assessment including desk study and field survey, the following habitats are proposed which are considered beneficial for the Site, the local area, and which contribute to local ecological targets. The proposed habitats for the Site are:

- Other neutral grassland (8.68 ha) in Good condition
- Mixed scrub (1.58 ha) in Moderate and Good Condition

3.4 These habitats have been deemed the most suitable for the prevailing soil conditions and will complement the boundary hedges and existing areas of wildlife interest near to the site while supporting locally declining species such as Yellowhammer and Skylark. The site will help to create a stepping stone through the agricultural landscape, helping to bolster connectivity and contribute to Devon's Nature Recovery Network.

3.5 It has been stated that prior to creation works, the baseline habitats equated to 20.85 habitat Biodiversity Units (BU). Following creation works, the site will provide a total net gain in 93.35 habitat BU, before baseline has been accounted. As such the creation of a Habitat Bank at Puddington Moor will produce an overall biodiversity increase of 72.51 habitat BU.

#### **4. Section 106 agreement and monitoring**

- 4.1 As confirmed by the Council's Planning Solicitor, a S106 agreement would be entered into whereby the Habitat Bank would be secured for 33 years with the Land Owner to legally ensure the highest quality delivery of the habitats. The oversight of the Habitat Management Plan would be carried out by Mid Devon District Council as the LPA, who would review progress of the habitat bank against the proposed management objectives.
- 4.2 With respect to monitoring, this would be a programme of repeated surveys carried out to a pre-defined standardized method, with a baseline against which subsequent surveys are compared. Monitoring surveys have a specific purpose and aim to determine whether a management objective and/or target has been achieved or whether progress is being made towards achieving that target. A well-designed monitoring survey should detect changes in the data over time and trigger responses if any of the changes are undesirable.
- 4.3 Environment Bank would produce a Biodiversity Appraisal Report for the Habitat Bank which details the baseline habitats and flora found within the site. This document also provides information on the target habitats and target condition which is their aim, i.e. the uplift in BNG. A Management and Monitoring Plan (MMP) is also required to meet the British Standard requirements for Habitat Banks (BS 8683; British Standards Institution, 2021). Environment Bank would provide two separate documents that together meet the requirements of the MMP. The site- and habitat-specific BNG management objectives including detailed activities for creation, establishment and subsequent habitat management are found in the Habitat Management Plan. The monitoring aspects of the MMP are provided in this document, the Monitoring Strategy Report, which under BS 8683 (8.2 Monitoring), shall be implemented to.
- 4.4 Environment Bank's monitoring strategy is to provide data on progress towards BNG for the defined habitat within a Habitat Bank site, providing the quantifiable evidence and scientifically rigorous data required to measure gains (or otherwise) against set targets and enable us to employ adaptive management. The management period is defined by net gain principles and planning obligations associated with the proposed development and so must cover a minimum 30-year period.
- 4.5 The plan is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Mid Devon as Local Planning Authority (LPA) would oversee the monitoring, reviewing the progress of the habitat bank against the proposed management objectives. This is to provide the LPA confidence in the performance of the Habitat Bank in line with the Biodiversity Unit sales used as part of the planning process to secure the 10% net gain in biodiversity from developments.
- 4.6 It should be noted that the land manager is responsible for implementing the management works in the HMP and reporting back progress to Environment Bank in accordance with the terms and funding provided within the signed Habitat Management Agreement (HMA). The HMP ensures that works do not adversely affect any protected species within the site and is compliant with UK Wildlife Legislation.

## **5. Conclusion**

- 5.1 Members are recommended to sign the s106 and enable the habitat bank to be established on site, thereby allowing off site credits to be purchased within Mid Devon as appropriate.

# Agenda Item 14

## BNG Habitat Bank report for Committee

AGENDA ITEM

Planning Committee 12<sup>th</sup> June 2024

Application No. 24/00715/HABITA

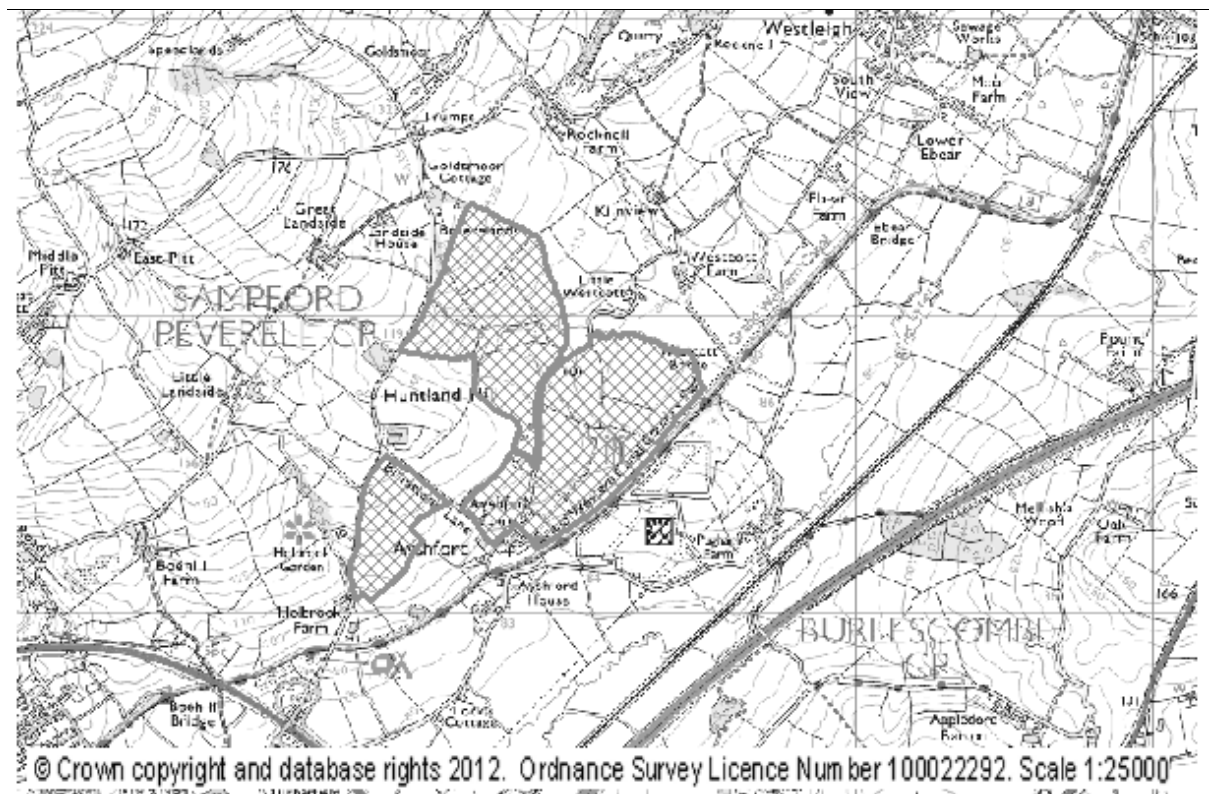
Grid Ref: 304882 : 115589

Applicant: Mr Simon Caudwell

Location: Higher Ayshford Farm  
Westleigh  
Tiverton  
Devon

Proposal: BNG Habitat Bank - 59.85ha

Date Valid: 13th May 2024



## **REFERENCE NO: 24/00715/HABITA**

### **RECOMMENDATION**

To approve the signing of a S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 59.85ha.

### **PROPOSAL**

This is a proposal to create a BNG Habitat Bank of 59.85ha on a site within the Local Planning Authority of Mid Devon. Under Schedule 14 of the Environment Act 2021, all developments need to deliver at least a 10 % increase in biodiversity as a result of their proposals; Biodiversity Net Gain (BNG). This can be delivered on-site or off-site. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives.

The Site, at Higher Ayshford Farm is to the north and north east of the hamlet of Ayshford. The site comprises 16 fields, over three separate parcels of land, which are currently actively managed for agricultural purposes. The site is outside of any landscape designation and within flood zone 1. The Grand Western Canal Conservation Area is located adjacent to the south eastern boundaries of the site. To the south are a number of listed buildings, including the Grade I Ayshford Chapel and Grade II\* Ayshford Court.

In terms of the baseline for the site, the Habitat Bank comprises 5 fields totalling 14.85ha as arable leys, 11 fields totalling 40.48ha as cereal crop and 1.78ha area of intensive orchard within an arable field. Other areas of habitat found within the site include, hedgerows, woodland and riparian habitats including ditches and ponds.

The site will be managed as a biodiversity unit bank for a minimum period of 30 years. The proposed habitats for the site will be made up of primarily species-rich grasslands within retained hedgerow borders.

A Habitat Management and Monitoring Plan (HMMP) details the habitat creation and long-term management proposals required to achieve the proposed habitats. The management period is defined by net gain principles and planning obligations associated with the proposed development and so must cover a minimum 30-year period. The plan is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Third party oversight of the HMP will be carried out by Mid Devon District Council as the Local Planning Authority, who would review progress of the habitat bank against the proposed management objectives.

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

Habitat Management and Monitoring Plan, Statuary BNG Metric

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history on this site.



## DEVELOPMENT PLAN POLICIES

### Mid Devon Local Plan 2013 – 2033

S9 Environment

S14 Countryside

DM25 Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

The Environment Act 2021

2021

## CONSULTATIONS

N/A

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

As referred to earlier in this report, the applicant is seeking to establish a Habitat Bank on the site. Habitat Banks are one-off solutions that unlock more sustainable development locally and meet wider nature recovery objectives. They are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. The uplift in biodiversity is measured by the current version of the Statutory Biodiversity Metric (Defra, 2023) (the Metric) and translated into Biodiversity Units (BU) that can then be sold to developers to meet their BNG obligations that are now mandatory.

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

- **Principle of this site as a Habitat Bank**
- **Site Specifics**
- **Biodiversity Net Gain (BNG)**
- **Section 106 agreement and monitoring**

### **1. Principle of this site as a Habitat Bank**

1.1 The area habitats within the site totals 57.11ha. The HMMP submitted as part of this proposal for a habitat bank, envisages that the existing areas of cropland will be replaced by the creation of species-rich neutral grassland swaths, through the introduction of species rich seed mix and the implementation of more favourable management. Existing areas of modified grassland will be enhanced by introducing a species rich seed mix and again more favourable management. The other habitats found, such as hedgerows, woodland, ditches and ponds will retained as present due to their being difficulties in enhancing, and/or little scope for improvement from a BNG perspective.

1.2 In light of the requirements of the Environment Act, to secure a 10% net gain of biodiversity from developments, it is considered that the principle for the creation of a habitat bank is acceptable.

### **2. Site Specifics**

2.1 As previously identified, the site is situated close to the hamlet of Ayshford, and adjoins the Grand Western Canal. There are a group of listed buildings close to the site, including a grade I and grade II\* listed building. The proposed use of the site as a habitat bank is not considered to adversely affect these heritage assets.

- 2.2 A variety of protected species have been identified in the area, however once the created habitats are established, the project will have a positive impact on these species.
- 2.3 The site is in an open countryside location and is not within any allocations within the Mid Devon Local Plan.
- 2.4 Habitat Banks are large-scale habitat creation and enhancement projects that deliver an uplift in biodiversity value and restore nature at scale. The Habitat Management and Monitoring Plan (HMMP) details the habitat creation and long-term management proposals required to achieve the proposed habitats across the period of 30 years.

### **3. Biodiversity Net Gain (BNG)**

- 3.1 A baseline habitats survey was undertaken to establish a baseline for the site, as well as to understand the local ecological priorities for biodiversity enhancement design, and to inform the proposed management measures that would need to be actioned for the lifetime of the project. Soil sampling has been carried out to demonstrate that the soil types across the site are favourable to grassland habitats.
- 3.2 The baseline habitats for the site are:
- Modified grassland (0.48 ha) in Good condition
  - Modified grassland (1.2 ha) in Moderate condition
  - Modified grassland (12.89 ha) in Poor condition
  - Cereal crops (40.46 ha) in condition assessment N/A
  - Intensive orchard (1.78 ha) in Poor condition
  - Broadleaved woodland (2.62 ha) in Moderate condition
  - Pond (non-priority) (0.05 ha) in Poor condition
- 3.3 Following the detailed assessment including desk study and field survey, the following habitats are proposed which are considered beneficial for the Site, the local area, and which contribute to local ecological targets. The proposed habitats for the Site are:
- Other neutral grassland (55.33 ha) in Good condition
  - Traditional orchards (1.78 ha) in Good Condition
- 3.4 These habitats have been deemed the most suitable for the prevailing soil conditions and will complement the other retained habitats and existing areas of wildlife interest.
- 3.5 It has been stated that prior to creation works, the baseline habitats equated to 142.84 habitat Biodiversity Units (BU). Following creation works, the site will provide a total net gain in 547.48 habitat BU, before baseline has been accounted. As such the creation of the Habitat Bank will produce an overall biodiversity increase of 404.64 habitat BU, which equates to a biodiversity net gain of 283.28%.
- 3.6 The creation of the habitat would be phased, and it is anticipated that habitat creation will not be commenced until the units have been purchased by third parties. This applies to any futures phased delivery of habitat creation/enhancement. In order to keep track of unit sales a log will be kept which allocates units/parcels of land to a specific buyer, which can then be tracked centrally. This log will be shared with the Local Planning Authority during the monitoring reporting and at any other stage as required.

#### **4. Section 106 agreement and monitoring**

- 4.1 A S106 agreement would be entered into whereby the Habitat Bank would be secured for at least 30 years. The oversight of the Habitat Management Plan would be carried out by Mid Devon District Council as the LPA, who would review progress of the habitat bank against the proposed management objectives.
- 4.2 The habitat will be established over the first 5 years, after which management of the site will change to post-establishment management with monitoring at specified periods to review the success of the habitat and provide remedial actions where appropriate, if targeted creation measures have not been achieved. The key elements of this monitoring will be to review whether the long-term management practices are maintaining the site in the targeted condition scores for the proposals. During this period, adaptive management measures will be reviewed to determine whether there are any opportunities to alter management to encourage additional habitat enhancements.
- 4.3 It should be noted that the land owner will be responsible for the delivery of the habitat creation, enhancement and management prescriptions detailed within the Habitat Management and Monitoring Plan (HMMP). They will also be responsible for ensuring that ongoing monitoring is undertaken and that monitoring reports are provided to Mid-Devon Council on the dates specified within the HMMP.

#### **5. Conclusion**

- 5.1 Members are recommended to sign the s106 and enable the habitat bank to be established on site, thereby allowing off site credits to be purchased within Mid Devon as appropriate.

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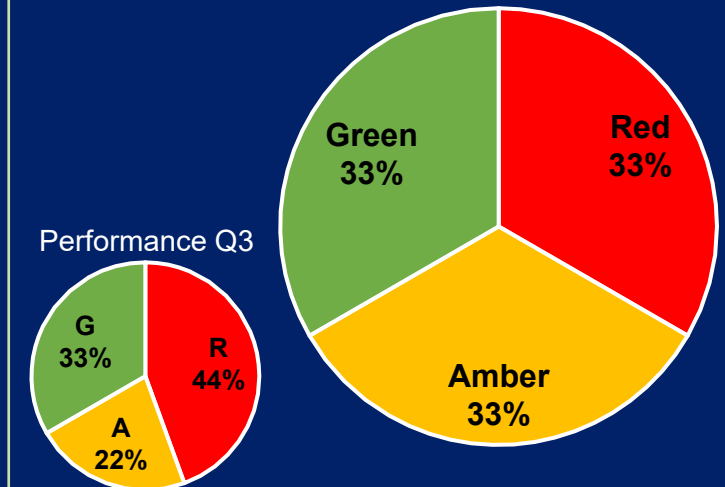
## Planning Dashboard – Quarter 4 2023/24

Performance Measures	Performance	Annual Target	RAG
Major applications overturned at appeal (YTD)	1.0 %	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)	91	45	<b>R</b>
Planning Enforcement: Total Open Cases (Current)	355	N/A	
Planning Enforcement: Cases deemed high (Current)	18	N/A	
Planning Enforcement: Cases deemed medium (Current)	5	N/A	
Planning Enforcement: Cases deemed low (Current)	332	N/A	
Planning Enforcement: New Cases received in quarter	96	N/A	
Planning Enforcement: Cases Closed in quarter	59	N/A	

Finance Measures	Performance	Annual Target	RAG
Building Control Income	(£181k)	(£266k)	<b>A</b>
Cost of Planning Appeals	£32k	£0	<b>R</b>
Planning fees income – Statutory	(£731k)	(£793k)	<b>A</b>
Planning fees income – Discretionary	(£81k)	(£104k)	<b>R</b>
S106 income	(£21k)	N/A	
S106 spend	£388k	N/A	

Corporate Risk	Risk Rating (Trajectory)	Corporate Risk	Risk Rating (Trajectory)
Planning Decisions	9 (decreasing)	Building Control Service	9 (no change)

### Overall Performance Q4



### In Focus

Income for both Planning (-9%) and Building Control (-32%) fell short of the budgeted targets in 2023/24 due to the economic conditions and depressed housing development leading to fewer planning applications and build sign offs.

Consequently, Land Charges Income was also below budget by 35%. However, Pre-App Advice income was nearly 20% up on budget. Overall, income for the service was £200k lower than budget.

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