

Planning Committee

Wednesday, 8 May 2024 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 12 June 2024 at 2.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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

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Meeting ID: 359 183 503 935
Passcode: 46rVTr

Membership

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

A G E N D A

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

- 1 APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 30*)
To consider whether to approve the minutes as a correct record of the meeting held on 10 April 2024.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda.
- 7 **THE PLANS LIST** (*Pages 31 - 150*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 151 - 152*)
To receive a list of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 153 - 154*)
To receive a list of recent appeal decisions.

Stephen Walford
Chief Executive
Monday, 29 April 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 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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MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 April 2024 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

C Adcock, D Broom, R Gilmour, C Harrower, S Keable and
G Westcott

Also Present

Officer(s):

Richard Marsh (Director of Place & Economy), Angharad Williams (Development Management Manager), Philip Langdon (Solicitor), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), Yvonne Dale (Planning Officer), Tina Maryan (Area Planning Officer), Sarah Lees (Democratic Services Officer) and Angie Howell (Democratic Services Officer)

Brian Hensley (Devon County Council Highway Authority),

Councillors

Online

E Buczkowski, M Farrell, A Glover and D Wulff

Officers Online

John Millar (Area Team Leader)

93 **APOLOGIES AND SUBSTITUTE MEMBERS (04:26)**

Apologies were received from Cllr M Farrell however he attended online.

94 **PUBLIC QUESTION TIME (04:40)**

Paul Elstone (Application 23/00126/FULL) - Chairman read out.

Question 1

In respect of Paragraph 3.4 Page 87 and Paragraph 3.6 of your bundle.

The statements made in the officer report appear very substantially incorrect.

That the new Zed Pods modules will be far bigger than the existing footprint. The modular building will be over 50% wider this including the balcony's extending to the front of the property and the stair tower at the rear.

That the modular home will extend forward by about 3 meters in respect of the existing building line.

Why are Planning Officers supporting a building design where the massing is substantially insensitive to the local area and therefore not compliant with the principles of Policy DM1?

Question 2

On examining the drawings provided by Zed Pods it is noticed that the 2 bedroom 4 person properties have an internal floor space area of only 66.9 m². This despite to be compliant with the National Housing Standard they should have a gross internal floor area of 70m². That even when an allowance is made for the internal separation walls that the floor space does not meet the standard.

Specifically the Living Dining and Kitchen Area has a floor space of 30.5 m².

Bedroom 1 = 11.5m²

Bedroom 2 = 11.5 m²

WC = 4.1 m²

Entrance Lobby (Room) = 8 m²

Storage = 1.3 m

Total 66.9 m² or around 3.1 m² less than the National Space Standard or DM 1 requires.

Will MDDC Officers obtain and make available the drawings showing the exact internal wall to wall measurements of each of the dwellings. This to fully confirm full compliance with National Floor Space Standards?

Question 3

It is noted that the design of the 1st floor one-bedroom properties have bedroom windows that have direct access from a communal landing. This resulting in both substantial privacy (visual and noise) and security issues for the residents.

Does this Committee accept that this floor plan design warrants substantial redesign and for the welfare of its residents. That the current floor space design is not conducive to good or healthy living standards and therefore is unacceptable and by any reasonable measure?

Question 4

Why is the applicant only providing 9 parking spaces and when the policy requires it to be 14 spaces?

Why should the applicant on behalf of MDDC once again be given a DM 5 car space provision dispensation? A dispensation that would permit others developers easily to do so as the benchmark has been set?

Question 5

A recent Government Report and coupled with well publicised Chief Fire Officer repeat concerns has identified potential fire risk to Category 1 modular homes and which ZED PODS are. Fire risk with the potential of rapid and complete burn down.

Has MDDC commissioned a fully independent and expert report into ZED POD modular home fire safety this including the preparation of any risk mitigation plan. If not, why not?

Peter Drew (Application 23/01351/MFUL)

Question 1

I support the principle of grid scale battery storage as an appropriate response to the climate emergency but I remain unconvinced this is the right site for this development. Specifically my concern relates to the scale of the substation in the context of the dismissed appeal on this site.

Question 2

In my view the Applicant's approach to the substation has been misleading. It was not shown on any of the material that formed part of the pre-application consultation. The Committee Report claims that the submitted drawing shows the structure would be a maximum of 13 m high, but that claim is incorrect. At the stated scale of the drawing, which is 1:1000, the structure measures 23 m high.

Question 3

It might be that there is an internal contradiction on the face of drawing No 10 Rev 2 between the annotation and the scale. In other words it might be that the plan is actually drawn to a scale of 1:500, but if that is true then it beggars belief that such an error can exist on the only drawing showing the height of the highest structure proposed and not be noticed at registration or during the long gestation of this planning application. You would therefore be unwise to grant planning permission today on the basis of such a fundamentally contradictory drawing.

Question 4

Even if the highest structure is 13 m tall, rather than 23 m, I still have concerns about its visual impact. The LVIA falsely claims that my property is outside the zone of theoretical visibility but from my bedroom windows and balcony I have a clear view up the valley that takes in the pylons, Burlescombe Church all well beyond the application site. The claim that I would not see a new structure well over 40 feet high to the south east of a line to the church is nonsense and perhaps fails to account for my windows being up to 6 m above ground level. To be clear I am not objecting because I would see it from home but I am saying the LVIA is not fit for purpose because I can testify to the fact that it underestimates the visual impact of the proposal. My opinion that the LVIA is unsatisfactory is confirmed by the fact that the photomontages that have been submitted fail to show the highest structure which would, by way of example, be visible above and at certain times of year between the trees when seen from the path next to the canal, which is a conservation area and a popular and attractive leisure walk.

Question 5

The Committee Report claims that this proposal can be distinguished from the scheme dismissed at appeal on the basis that it would have had a “moderate to high impact”. That again is incorrect. The LVIA undertaken by Aecom said the appeal scheme would have a “moderate adverse effect on landscape character yet no significant effects on visual amenity [and] once the proposed mitigation planting has become established, the predicted landscape effects would be reduced to minor adverse or negligible level”. So, in other words, the level of harm identified by 2 landscape architects applying the standard GLVA guidelines is greater for the current proposal, particularly in terms of visual effects, than for that which was dismissed on appeal by the Secretary of State in 2018. Against the background that the Applicant failed to even mention the dismissed appeal at any stage of its voluminous submission, in what appears to be a flagrant attempt to mislead, and so has never offered any reasons to depart from its position, the Planning Officer has completely misunderstood and/or misrepresented the position in the Committee Report. If you were to decide to grant planning permission today on the basis of this incorrect advice then your decision would be challengeable.

Question 6

I have found no clear analysis as to how the application site was identified. The only rationale appears to be that the site is close to the motorway and so it would be easy from a logistical point of view to get the containers onto the land but whilst that might be convenient for the Applicant that does not mean it is a good location in landscape terms.

There appears to be no analysis of alternative sites. In particular I note that East Devon District Council only last month granted planning permission for a similar scale battery energy storage scheme [BESS]. In its press release following that decision the applicant, a company called Statera Energy, said “Increasing BESS capacity close to National Grid’s strategic substations is critically important to the decarbonisation of the UK’s electricity system”. I agree and in my view that is the key. As I understand it there are existing substations at Burlescombe, to the west of Willand, which is called Tiverton Junction Substation, and to the south of Tiverton just a few hundred metres from the Council Offices. Why haven’t these sites been considered because, to be clear, I positively support the delivery of BESS and, subject to landscaping, do not perceive them to be harmful to the landscape, but it is the scale of the proposed substation that is the problem.

Question 7

I would like to finish by quoting from the dismissed appeal. The Secretary of State found that this site was “the ‘gateway’ into Devon...being directly adjacent to and visible from the A361...as well as being visible in longer views from the M5 and from the railway line”. In that context it was concluded that “the proposal would result in significant harm to the character and appearance of the area in which it is located and that this could not be avoided or minimised to acceptable levels within a reasonable period”. Given the proposed development would be two and a half times the height of what was previously found to be unacceptable on this site and that a structure 13 m high could not be ameliorated by landscaping, this scheme is materially worse - as borne out by the Applicant’s own LVIA working to standard guidelines - and should be refused for this reason.

Darren Manley (Application 23/00511/FULL) - Chairman read out.

Question 1

Are you aware that if this development goes ahead you would potentially lose 20-25 parking spaces (this includes the current car park and garages with some having additional parking at the front of their garages) You are going to create 16 new parking spaces. Which would mean a loss of around 9 parking spaces. Currently most evenings every parking space is occupied. This would create huge problems, especially as some people work shifts and in the morning after a 12 hour shift the last thing people want to be doing is looking for a parking space after work.

Question 2

If you build 5 new dwellings, assuming each would have at least one vehicle, where would the additional parking be? Probably along the roads which are already crowded.

Question 3

And where will the elderly residents that currently park in the carpark near the garages park their vehicles? Especially with some having limited mobility.

Question 4

Emergency vehicles, recycle/refuse collections deliveries etc would struggle to get past these vehicles. Are you aware that this would be a huge problem in an emergency?

Question 5

Also where is the current local infrastructure investment of doctors, schools, public transport etc?

Philip Marshall (Application 23/00511/FULL)

Question 1

I would like to ask if a resident impact statement has been completed. Taking in to account the following:

- (a) The land drains in the carpark aren't fit for purposes, are totally silted up and the carpark floods with the slightest bit of rain. This has been exasperated by people concreting their gardens to accommodate what they had previously stored in their garages. Which we were lied to about. You said in the Zoom meeting only 2 were occupied. I personally know of 3 people who rented a garage and are in the process of moving out. I have been informed it is possible as many as 10. You denied this multiple time during the meeting.
- (b) The new car parking spaces all require cars to reverse out over the pavement and will need turn on them to get out, making access from our cul-de-sac more dangerous as the road is too narrow to turn on and the cars will need to use the pavement for passing and turning.

- (c) Access in and out of Eastlands is really restricted as cars park on one side of the road leaving only enough room for one vehicle to pass. The dropped pavement in front of the garages was the only place to pull in and allow vehicles to pass with the new building plans and carpark arrangement this will be impossible creating bottle necks. Making it nearly impossible to get in and out of the close when a delivery or recycling lorry is present. Cars will have to pull on to the pavement making them dangerous to use for the residents especially children. The roads into Eastlands really need widening if you're going to add more families into the cul-de-sac and reduce the overall number of car parking spaces.
- (d) As the roads are so narrow and in an awful condition the presence of workers and building delivery lorries is going to add to the traffic congestion and wear and tear to the road during the building construction period. Will working people be compensated for any loss of earnings caused by these delays and will the roads be brought up to a suitable standard before works commence, including widening to improve access.
- (e) If you insist on proceeding with these plans without proper consultation of the residents which hasn't happened up to now, we will have no other option than to block access to the site and considering the access problems we already have in Eastlands and how you are going to make them even worse it won't be too hard to do with some nonviolent direct action. I can promise you most of the residents support this and it will happen. We will not have these plans forced upon us with no changes to accommodate the residents and to make it safe for residents especially children to travel to and from the cul-de-sac.

Tilly Cooling (Application 23/00511/FULL) - Chairman read out.

Question 1

Parking is currently an issue for residents in Eastlands currently as there aren't enough spaces. The residents have been asking for years for the green triangle to be made into extra parking but have been ignored. What is going to be done in order to fix this problem as it will just worsen with the increase in houses and no increase to parking facilities?

Question 2

The main concern for residents is the extra pressure on sewage, water and electric. We have issues with drainage and bad roads there are so many potholes that need sorting. The excess weight of plant vehicles are likely to make the road surfaces even worse during the process of building the development. Are these issues going to be addressed?

Question 3

The Council should be more concerned in the upkeep of the current properties they have already rather than adding to it. There are a number of outstanding repair jobs which myself and other residents have been waiting months and years for which just keep getting pushed back. We have been left in the darkness to when these are going to be done. Will we have to wait even longer for these repairs to take place?

Question 4

Is the new development going to be for local residents or current residents who need to downsize? Or do they intend to bring in people from outside of the Culmbridge area.

Question 5

Is the school, preschool and the doctors going to receive more funding and resources to keep up with the increase in children if the Council intend to put in families. The doctors and the schools are currently extending their limits and can't take on anymore without changes being made.

Sophia Sendra (Application 23/00511/FULL)

Question 1

Since the first hand-delivered letter in December '22, all notifications, consultations and contact has been extremely limited and restricted to internet users only. This has excluded all the residents who are most affected by the proposal, the residents of the bungalows and houses immediately surrounding the site. The majority of those residents are not internet users and are unaware of when to expect the build to start, fearing how and when life will change for them.

Question 2

The letter notifying of this meeting was sent as an attachment to an email, only 2 of us have received it. We took it upon ourselves to take photocopies and hand deliver it to all the residents of Eastlands.

The garage tenants have received 2 separate 'Notice to Quit' letters, both with different deadline dates and an application form to apply for a garage in a neighbouring village which included the plots in Eastlands. They also received an invoice for next year's rent after receiving the first Notice To Quit.

Question 3

You are planning to remove 21 parking spaces and create 16 new ones. 5 houses will introduce approximately 10 more cars. This leaves a clear shortfall. There is much concern from residents and Hemyock Parish Council about the proposed configuration of the new parking area. There are obvious safety issues and it would be prudent to discuss this with the residents and to rethink the configuration based on our knowledge of daily life in Eastlands with safety as a priority.

Question 4

Administration and communication between Council departments and with the residents of Eastlands has been shockingly inept.

All concerns, comments and recommendations submitted last December by the residents and Hemyock Parish Council were disregarded. The limited contact relating to this proposal feels like nothing more than a box-ticking exercise.

Question 5

Can you explain why every single concern and suggestion has been ignored and will you consider reviewing your approach to this proposal by listening to and interacting with the residents instead of building a wall of resistance?

Mark Stewart (Application 23/1870/MOUT)

Question 1

Is the proposed development in conflict with policies DM18 (Rural Development) and DM22 (Tourism and Leisure Development) and the findings of the Mid Devon Tourism Study?

Question 2

Does the business plan for the proposed development include a robust and detailed financial summary with breakeven points and profit goals within 5 years as per the requirements set out by Mid Devon District Council?

Question 3

Would the planning committee care to answer on the following, the detailed plans of type 1 & 2 Safari tents clearly show baths, showers, toilets and sinks, none of the tents or cabins are offering gutters, downpipes, rainwater collection or soakaways in any respect.

Question 4

The climate emergency planning checklist submitted in the planning application, argues that the applicant does not require any of the following, rainwater collection, greywater recycling, water efficacy design, soakaways etc

Question 5

The installation details of PTSP is not sufficiently detailed, but the understanding is that there will be one per tent/cabin, equally the processors do not have to have soil permeability and percolation tests and will be discharging into the ground.

Question 6

As no other flood mitigating factors have been proposed by the applicant to reduce the transit time of waste water and rainwater entering the watercourses and considering the site is bounded by flood zones 2 and 3, the proposed development along with global warming and increased rainfall puts more strain on the watercourses and increases the flood risk, the proposal is therefore unsuitable and in conflict with policy S9 (c) (Environment).

Dr Julie Meeson (Application 23/1870/MOUT)

Question 1

I would like to ask the committee how they consider the application complies with pollution policy DM4 when the following details are considered?

Although the officer's report sets condition #7 preventing '*amplified, live, or recorded music except within the lodge building*', other significant noise will be generated by the 88 people plus day visitors (according to the applicant's 'Marketing Strategy'), as they use the outdoor swimming pool, eating and drinking areas and other outdoor activities; additional noise will also arise from staff and site maintenance services.

The topography of the valley together with the overall quiet nature of this countryside means noise travels a long way. I can hear 2 workers chatting as they work at the pheasant rearing area several fields away, so I am sure the noise from 88+ guests enjoying themselves eating and drinking until late at night and revelling in the outdoor pool will be objectionable to residents and negatively affect wildlife. Residents already suffer noise late into the night from the existing Loyton's facility when they hold commercial events such as parties and weddings, but the sporadic nature of these means' complaints are not raised.

Question 2

Light pollution is also a significant concern in this application – with the officer's report condition #8 requiring 'an additional lighting design strategy before installing any lighting'. As there is already a 'lighting strategy plan' in the application I ask the Committee whether this plan will be used to satisfy condition 8?

The reason I ask is because the lighting proposed in this plan is excessive: for Phase 1 alone approximately 1000m of paths and tracks will be lit, tent decks will have lights facing the sky and the car park area will be lit. Using the specifications in the current plan this could result in up to 115 lights at 600 lumens on paths / tracks and 20 lights in the car park at 810 lumens.

The impact of this level of lighting (even if motion triggered), on wildlife and residents' conflicts with policy DM4 by virtue having a negative *impact on the natural environment and general amenity*.

Question 3

Finally, each of the 25 dwellings will have a log burner fitted – thus contributing to increased particulate matter and smoke pollution. Depending on wind direction and other atmospheric conditions the pollution from wood burners could settle in the valley and impact clean air.

Victoria Killearn (Application 23/1870/MOUT)

Question 1

Would the committee take a moment to comment on why this development needs to be scattered over 20 hectares quality agricultural land when it could be accommodated closer to the proposed amenities thereby lessening the impact on the environment and lessen the loss of farmland. (MDLP S9). This policy recommends and I quote "Preserving the quality and productivity of the best and most versatile agricultural land whenever possible". Would they not consider this application contravenes this clear advice of Mid Devon?

Question 2

Has the committee taken in that one sixth of Loyton Farm will be lost to this holiday complex. The farm covers approximately 300 acres. A good proportion is wooded. Most of the valley will no longer be farmed and that such changes of use are all threats to the quality of Middevon. Would they agree that this site should not be considered suitable for allocation to commercial development?

Question 3

I implore the committee to take seriously the adverse impact on the quality of life of close neighbours. There will be inevitable noise, night light, and odours from 88 guests trying to keep warm in a wet Devon valley. And when they are sitting outside in the evening every sound they make will amplify outwards and upwards as if in an amphitheatre.

Dogs can so easily be carriers of Neospora Caninum causing early abortion in cattle. I need hardly remind you all of just how many sheep and lambs are killed by walkers' dogs each year. Also red and roe deer suffer heartbreaking injuries from being brought down by dogs.

Question 4

Would the planning committee consider it sensible, if this application is passed, that a planning condition is added to ban dogs from the safari accommodation?

Question 5

And finally is the committee aware that it is incorrect - as stated in the application - that local residents and neighbours were involved in the early conception of the application?

Some Councillors were contacted but this did not include ordinary residents.

It is recommended as stated in the Community Involvement statement SC1/7, 10 and 11 that this should happen and it did not. Only a few were invited to look around the site in February 2024, 2 months after it was submitted to you. The closest and most worried neighbours were not invited. I stress NOT INVITED. I have never known this parish so disturbed and unhappy.

Lars Hesslegren (Application 23/1870/MOUT)

Question 1

Since your policy states (DM1) "Designs ... must be of high quality ... well integrated with surrounding buildings, streets and landscapes" So why should the proposal which claims to be tents but which are in fact small dwellings – complete with bathrooms and kitchens be considered appropriate? Their appearance is completely out of context with local buildings – instead of an approach involving local materials.

Question 2

Since your policy (DM18) says "Rural employment development ... 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." So why build 10 tents which are in fact a set of luxury dwellings set in a park? Each tent is located well away from its neighbours so this is not a village arrangement which would be more appropriate especially if these so-called tents became permanent dwellings as they easily could. The tent roofs combined with wood burners seem inappropriate in an age of new heating technologies. The walls and windows are modern but the roof and heating technologies are inappropriate and against government policy.

Question 3

Since your policy (S14) says “Countryside Development outside the settlements will preserve ... and enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy.” Why build a development that is completely unrelated to the scale of the existing Morebath village? This is a luxury Butlins development with no interaction with the local society and the design layout reflects that segregated approach. It is clear no interaction with the locals is anticipated or desired.

The layout is very dispersed – each so-called tent is on average 70 m apart, although there is a group of 4 closer together. The total length of gravelled track – intended for bicycles and ATVs but realistically will be used by cars – is 951m, nearly 1 km. It is laid out so that the walk to the central marquee is very circuitous.

Question 4

Since your policy (DM22) says “a Tourism and leisure development ... will be supported within or adjacent to defined settlements. ... it must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network.” How would this development unrelated to the existing village of Morebath be a justified countryside location? It is not part in any way of the small village and the traffic impact – including agriculture - is likely to be severe.

In addition it would imply a great deal of car excursions to Exmoor, adding the strain on the local lanes. The impact on the neighbourhood would be very damaging – this is a luxury development where the locals would not be involved.

Matt Brammer (Application 23/1870/MOUT)

Question 1

The committee will no doubt be aware that Planning policy S1(K) details the need for developments conserving and enhancing the natural environment by protecting and enhancing valued landscapes. Given this wording, how could this planning application possibly be accepted? In particular, could the committee comment on how the addition of 25 structures, plus hard access trackways damaging protected habitats, plus lighting, plus vehicles, plus wood burners, plus supporting maintenance activities by staff, contractors and suppliers, could be described as conserving and enhancing an area which is currently open farmland and woodland?

Question 2

I would also like to ask the committee if they feel this application can be granted, given the concept of minimising impacts on biodiversity and geodiversity as described in planning policy S1(L)? Whilst Devon County Council’s own principle ecologist has raised multiple concerns, I ask this with particular concern regarding the impact of human disturbance on wildlife and also the effect of light pollution on wildlife. The effect of cutting trees down can be partly mitigated by planting more trees, and moving hedges can be mitigated by re-planting elsewhere, but I do not see how it is possible to mitigate against wildlife departing an area of quiet countryside if something near 100 campers were to move in on a year-round basis. Light pollution is known to have negative effects on amphibians, birds, mammals, insects and plants, and multiple scientific papers have been published on the subject. The blurring of the boundary between day and night disrupts the natural patterns of sleeping, hunting, eating and mating for many species, potentially changing the balance of species within an area.

Bats in particular associate light with danger and avoid entering or crossing lit areas making lighting a barrier on wildlife corridors and routes used by bats travelling to feed. On our own property we have a significant population of glow worms, a species which is currently in decline. Female glow worms use light emitted from their abdomen to attract a mate, as such they are a species particularly sensitive to light pollution as the males can be attracted to alternative light sources. The lighting plan included with the application shows trackways to be lit with between 100 and 220 lights in total, each equivalent to a 40watt incandescent bulb. In addition to this the proposed cabins have decking lights and interior lighting.

Question 3

Given the potential for harm, does the committee consider the addition of hundreds of light sources to an area of almost entirely dark countryside, to be in line with the principle of minimising impacts on biodiversity and geodiversity outlined by policy S(1)L?

Sherrie Tuhy (Application 23/1870/MOUT)

Question 1

I would like to ask the committee why the applicant's proposal is supported by a transport statement and travel plan only. NOT a travel assessment as may be required under highways policy DM3? This document was produced for the applicant and is paid for by the same.

Also it is clearly stated that this transport statement is produced in SUPPORT of the application. Perhaps the committee could answer why the transport statement was NOT an independent document and as a result it could be argued to present a POSITIVE TWIST to make any prospective reader of the statement agree the road network is easily able to take the additional load. The local objectors did offer a fully independent traffic assessment but were told that this would be inadmissible

I am here to offer some questions for the planning committee to answer which show up in the travel plan submitted by the applicant

First the document submitted uses data based on incorrect assumptions. The shoot traffic will decline as the holiday traffic increases due to the decline of the shoot business thus there will be little or no increase in total road usage. Documents submitted recently say the shoot will continue indefinitely.

The majority of traffic will arrive and leave via Hukeley Bridge.

Some traffic will turn right when leaving and pass through CLAYPITS..... A TIGHT AWKWARD ROAD Blatant omissions in the transport statement and the failure to consider or mention

The Morebath cricket club,
the hunt and hunt followers.,
the roads being unlit...
the roads being narrow ...
the roads being single vehicle width,

claypits is not mentioned at all.
no mention of the pothole problem
the roads have deep drainage ditches on either side.
the use of the roads by local farm traffic and animals

All very conveniently left out of the transport statement

The bus service is one bus out and one bus back a day.....

Car sharing does not really happen

This proposal will bring a massive increase in traffic generation on roads that are windy with limited visibility. Hukeley bridge B3227 has already been severely damaged on more than one occasion and required repair on more than one occasion because of vehicles hitting it due to the tight turn to the right. The proposal is contrary to the local plan policy DM3 (Transport) (which observes the requirement for a transport assessment) and conflicts with DM18a rural employment development by creating an unacceptable impact on the local road network. And DM22 (Tourism and Leisure) which seeks to avoid unacceptable traffic impacts on the local roads network.

95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (46:43)**

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

- Cllr S Clist referred to Plan List 1 Application No 23/1870/MOUT and Plan List 2 Application No. 23/00511/FULL and declared that he had an Other Registerable Interest but he had not been involved with this application.
- Cllr B Holdman referred to Plan List 3 23/00126/FULL and declared that he had an Other Registerable Interest as he had been contacted with regard to this application.
- Cllr P Colthorpe referred to Plan List 1 Application 23/1870/MOUT and declared that from 2003-2011 and then 2009-2022 she represented the area in Lloyton first as District Councillor and then as County Councillor for Tiverton West. Over that period of time she had contact with the family from time to time.

96 **MINUTES OF THE PREVIOUS MEETING (48:20)**

The minutes of the previous meeting held 13 March 2024 were agreed as a true record and duly signed by the Chairman.

97 **CHAIRMAN'S ANNOUNCEMENTS (48:42)**

The Chairman made the following announcements:-

There had been some changes within the Planning Team with some staff leaving and some new starters.

- Yvonne Dale would be leaving Mid Devon District Council in May and Shane Burgess, Principal Planning Officer would be leaving on Friday 12 April. Replacements would be advertised.

The Chairman thanked the officers for their time with Mid Devon District Council and wished them well for their future.

- The Chairman also welcomed two new starters - Elaine Barry, Planning Obligations Monitoring Officer who had replaced Jo Williams. Emma Armes, Planning Support Officer was also a new starter.

98 WITHDRAWALS FROM THE AGENDA (49:45)

There were no withdrawals from the Plans List.

99 THE PLANS LIST (49:54)

The Committee considered the applications on the *Plans List

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

- a) 23/01870/MOUT - Hybrid application for a change of use of land to allow the siting of 10 safari tents; conversion of existing barns to provide space for administration, grounds keeping, housekeeping facilities and visitors reception; extension to existing marquee; creation of vehicular access ways; the construction of 24 car parking spaces and natural swimming pool and associated landscaping; and Outline application (All Matters Reserved) for a change of use of land to allow the siting of up to 15 safari tents and cabins; demolition of existing barn and construction of wellness centre; improvements to existing vehicular access and the provision of car parking; the creation of track ways and associated access and landscaping works at Loyton LLP, Loyton Lodge, Morebath.**

The Area Planning Officer advised the Committee of the following update:-

- a) One of the wood burning stoves had been removed.
- b) The spring bat survey had been completed and was available to view on the planning portal. The spring survey had placed detectors in the area most likely to be impacted. The number of flight passes were slightly less due to other suitable habitat close by. Devon County Council ecologists submitted their final comments confirming it was acceptable subject to the inclusion of conditions.
- c) A letter of concern had been received from Mr Bateman and was available on the planning portal.
- d) An error had been noted in the report under Condition 5 – the barn conversion should sit under the “full planning” list of conditions and not under the “outline planning” list of conditions. The condition numbers would need amending accordingly.

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

- This application had been called in to Planning Committee for reasons of impact on highways, public disturbance by way of noise, design and appearance, impact on protected species, loss of high grade farmland and flood issues.
- The application was presented in hybrid form – part outline, part full seeking the construction of up to 25 safari tents and cabins for year round accommodation.
- The main issues raised were traffic impact, pollution, water, visual impact, scale of development, viability, ecological impact and planning balance.
- The County Highways Authority had been out to visit the site and had no objections to the application.
- There was a sewerage treatment plan for each accommodation.
- The proposed development was within flood zone 1 and deemed appropriate for development.
- Members were made aware of the following Committee Updates:-
 - i) DCC Ecology comments – which were available to view on the planning file.
 - ii) The submission of a detailed business case which was confidential.
 - iii) The submission of a revised drawing for Tent Type which included the removal of one of the wood burning stoves within each tent.
 - iv) The submission of the Spring Bat Survey which was available on the planning file.
 - v) The submission of a letter of concern which was available on the planning file.
- Members attended a site visit on 5th April where Members viewed the site noting existing buildings.

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

Mr Mark Stewart had asked how the proposed development cannot be in conflict with policies DM18 (Rural Development) and DM22 (Tourism and Leisure Development) and the findings of the Mid Devon Tourism Study? With respect to Policy DM18, the officer's report provided some detail at paragraph 3.0 on traffic generation and trip rate forecasts and para 4.0 on landscape and visual impact. The suitability of the site was addressed more critically within the planning balance (paragraph 11.0) where officers had set out the compelling evidence (at para 11.2) and the content of the National Planning Policy Framework (NPPF) in respect of suitable sites in rural locations not well served by public transport at paragraph 11.3.

The officer's report provided some detail at paragraph 1.0 in respect of DM22 confirming the proposal represented a diversification of an existing business and that it would represent a new kind of offer within Mid Devon. Paragraph 2.0 made reference to the business plan and paragraph 6.0 to the design and layout minimising environmental impacts in a countryside location. This again was picked up in the planning balance.

The Mid Devon Tourism Strategy identified a need to develop the accommodation offer for short stays including a high quality residential experience for people looking to get close to nature (slow tourism), encouraging countryside pursuits / quality locally sourced produce and goods and all year round events and accommodation – each of which this application sought to offer. Paragraph 2.5 of the officer report provided some detail in respect of the Tourism Strategy.

Officers advised that the proposed development was not in conflict with policies DM18, DM22 or the findings of the Mid Devon Tourism Study.

Matt Brammer

Paragraphs 4.1 – 4.11 of the officer’s report made reference to the National Planning Policy Framework and Mid Devon planning policy with specific reference to Policy S1, the special character of Exmoor National Park, Mid Devon’s Landscape Character Assessment, the submitted LViA and Arboricultural Impact Assessment as a means to address the impact of this application on the landscape.

The impact of the proposal on biodiversity and geodiversity was more specifically addressed at paragraph 5.1 – 5.10 of the officer’s report with light pollution referenced more specifically at paragraphs 5.9 and paragraph 8.6.

Mark Stewart

The tents had fabric rooves and provided no solid attachments for gutters and down pipes. Surrounding the tents was permeable ground, with the Flood Risk assessment confirming an ‘infiltration’ form of water disposal linking into a system of swales and ditches. Paragraph 7.3 of the officer’s report provided more specific reference.

Sherrie Tuhy

The Transport Statement and Plan provided a detailed assessment of traffic generation and trip rates which were set out in paragraph 3.3 of the officer’s report. Professional consultants had been engaged to undertake the Transport Statement drawing on a range of data sources. It had been independently reviewed by Devon County Council Highway Authority who had not raised an objection to the application. An additional independent assessment for a development of this scale would be unusual.

Lars Hasselgren

Paragraphs 6.1 – 6.21 provided some detail on the design and layout of the proposed scheme with para 4.1 – 4.11 on their visual impact within the landscape. How they accorded with Policy forms part of your considerations within the planning balance.

S14 was specifically referenced at paragraph 1.6 of the officer’s report; concluding in-principle support on a policy basis at para 1.14. With regard to how this application would justify its countryside location on the basis of Policy DM22 - again this had been addressed above.

Julie Meeson

Whilst Condition 7 restricts amplified music, any other increase in noise associated with the scale of development and its impact, would form part of your considerations within the decision making.

It was not your officer's intention to approve the lighting strategy forming part of the application pack. Condition 8 required a strategy so that further assessment including with DCC Ecology could be undertaken to ensure the very best lighting solution was achieved in this rural location.

In planning terms, officers advised that this was a sui generis (unique) holiday accommodation use and not commercial development.

With regard to the inclusion of a condition to ban dogs on the site. This was not a planning issue and could not be added.

Victoria Killearn

Whilst the officer's report sets out at Paragraphs 6.1 – 6.21 detail on the design and layout, at paragraphs 4.1 – 4.11 the visual impact, it was again a consideration that forms part of your planning balance.

Consideration was given to:

- Cooking facilities – it was explained that cooking facilities were not available but that strong links were being established with local businesses for food provision.
- Air quality with the use of fire pits/wood burners – it was explained that this was not something the Council could condition as households were not controlled in that way. Public Health had raised no concerns.
- The use of the land and whether it would still be used for grazing – it was confirmed that the land would continue to be farmed and people would be given free space to roam across the estate.
- Whether any Tree Preservation Order's (TPOs) had been placed – it was explained that the Tree Officer had not attended or viewed the site but that a TPO could be issued at any point. There was also significant tree planting as part of the application.
- The Committee were concerned with regard to noise levels. It was **AGREED** that delegated authority be given to the Development Management Manager to amend the noise condition to include more robust wording.

It was therefore **RESOLVED** that the application be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Cochran)

Reason for the decision - as set out in the report.

Notes:-

- i) Cllr L Cruwys, Cllr G Duchesne and Cllr M Jenkins voted against the application.
- ii) Cllr S Clist abstained from voting.
- iii) Kevin Bateman spoke as the objector.
- iv) Lestyn John, Bell Cornwall spoke on behalf of the applicant.
- v) Cllr C Adcock and Cllr R Gilmour spoke as Ward Members.

b) 23/00511/FULL - Erection of 5 affordable dwellings following demolition of existing garages with associated parking, landscaping and works at Land and Garages at NGR 313963 113447, Eastlands, Hemyock.

The Planning Officer advised the Committee of the following update:-

- Condition 4 - Prior to the construction of the residential development hereby approved, the proposed car parking spaces located adjacent to the development (9) and those spaces immediately to the east of the development (7) as shown on approved plan Z34-ZP-A1-XX-DR-A-010-S1-P05 – Proposed Site Plan shall be substantially completed and made ready for use. Such spaces shall be maintained for the lifetime of the development. The car parking spaces to the north shall be available for the residents of 'Eastlands' estate, with the car parking provided immediately to the east of the development made available at all times for the residents of the new residential units hereby approved.

Reason: To ensure that there were sufficient parking spaces available to the existing residents of Eastlands following the re-development of the formal parking area, as well as the new residents associated with the development hereby approved.

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

- The site lay within the development boundary of Hemyock within the Blackdown Hills National Landscape.
- The site was split into 2 areas separated by the existing highway.
- The site to the north of the public highway was currently a grassed area with a low metal barrier around its boundary.
- There was an existing cycle path route from the south west of the site to the main road and in turn to the recreation ground.
- The main issues raised were the principle of development, design and amenity, impact on protected species and habitats/biodiversity, highways and parking, Blackdown Hills National Landscape, flood risk and drainage and climate change.
- The proposed application sought the provision of 9 car parking spaces on land to the north of the proposed dwellings. There would be an overall loss of up to 6 parking spaces.
- The County Highways Authority had no objections to the application.
- South West Water had no objections regarding sewerage or water.

- The proposed materials for the new dwellings would match those of the surrounding properties through the use of painted render on the elevations.
- There were solar panels proposed on each dwelling.
- Each dwelling would have a small garden to the rear and would form part of the Council's housing stock.

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

Parking and Highway Safety

There were 8 existing formalised parking spaces on site and 5 informal parking areas. There were 16 proposed spaces. 9 were required for the new dwellings, leaving 7 to replace the existing provision leading to a deficit of 1 space (or 6 including the informal parking areas), however, the proposed dwellings were sited in a sustainable location with access to public transport options and within walking distance of a range of facilities, amenities and services. The reduction of 1 parking space in this location was not considered to be reasonable ground for refusal. The Highways Authority had no objections to the proposed development. On that basis it was considered that the proposed development satisfactorily accords with policies DM3 and DM5 of the Local Plan.

The elderly or those with limited mobility would be able to use the replacement spaces in the same manner as they currently did.

School Capacity

Devon County Council had commented on the application in relation to education and have sought contributions in relation to secondary school education and school transport.

Drainage and Surface Water

South West Water (SWW) had requested further information in relation to surface water disposal and that it should be demonstrated that this would discharge as high up the run off destination hierarchy as possible.

A condition had been included requiring a final detailed design for surface water drainage to be approved prior to the first occupation of the dwellings.

The photographs provided showed a drain that lied outside of the red line boundary area. Additionally, it was the responsibility of the Highways Authority to clear the drains. The condition of the road lay outside the scope of material planning considerations.

Sewage, Water and Electric

SWW had commented on the application and did not raise any objection in relation to sewage or water.

Future Occupiers of the dwellings

A condition had been included requiring the dwellings to be used as affordable dwellings only and that prior to occupation a scheme for the provision of affordable housing was submitted to and approved in writing by the Local Planning Authority. These dwellings would be available to Council tenants district wide.

Consideration was given to:

- Whether the garages to be demolished contained asbestos. It was confirmed that they did and the Council would be required to pay for the removal of this.
- Car parking issues for elderly residents.

It was therefore **RESOLVED** that the application be granted subject to conditions.

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

Reason for the decision - as set out in the report.

Notes:-

- i) Elizabeth Lawrence spoke as the applicant.
- c) 23/00126/FULL - Erection of 8 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at 2 - 8 Beech Road, Tiverton, Devon.**

The Area Team Leader advised the Committee of the following update:-

- Condition: The development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with the proposed site plan, drawing number Z28-ZP-A1-XX-DR-A-010-S01-PROPOSED SITE PLAN. Following their provision these facilities shall be maintained for the lifetime of the development.

Reason: 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.

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

- The application was for the erection of 8 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access.
- The facilities would be retained for the lifetime of the development.
- Moorhayes bungalows to the northwest of the site comprised of a row of terraced and semi-detached, single storey brick and tile roofed dwellings set back from the road with enclosed front gardens.
- The site lies within the settlement boundary for Tiverton.
- The main issues raised were principle of development/planning policy, highways and highway safety, design of development and impact on landscape, living conditions, green infrastructure and public open space, drainage and flood risk, climate change, ecology and biodiversity net gain.

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

Paul Elstone

Question 1:

It had been commented that statements in the officer report were substantially incorrect whereby the modular building would be over 50% wider and that the modular home would extend forward by about 3 meters in respect of the existing building line. As could be seen in the comparison of the existing block plan and that of the proposed plan this would not be the case. The dimensions of the existing building to be removed had been measured as approx. 21m by 7.45m whereas the new building would be 28m by 10.85m. When taking the footprint of the existing outbuildings to either side of the main building which would also be removed, the length of building coverage was 27.4m which is comparable to that of the new building footprint, albeit the new building would be moved further away from the neighbouring property from a distance of 4.02m to 5.28m. With respect to being forward of a building line by 3m, the new building would be 1.08m further forward than the neighbouring property of 10 and 12 Beech Road whereas it would still be 0.54m behind the front facing walls of 14 and 16 Beech Road. Therefore still following the general pattern of development.

Question 2:

The second question related to National Floor Space Standards and that the questioner having examined the plans for the 2 bedroom 4 person properties had calculated that the internal floor space area of only 66.9 m² which was below the 70sqm required.

It appeared that this calculation by the questioner had been achieved by adding up the figures provided for each room. However, this was not how internal floor area was calculated as set out in the Technical housing standards – nationally described space standard. This outlined that The Gross Internal Area of a dwelling was defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling (The internal face of a perimeter wall was the finished surface of the wall. For terrace and semi-detached houses or apartments they were the external walls and party walls). This included partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. RICS Code of measuring practice also outlined that for calculating Gross Internal Area (GIA), this would include areas occupied by internal walls and partitions, columns, piers, chimney breasts etc. Taking an area measurement from the inside of the perimeter walls, I calculated that the floor area would be 70.05sqm.

The applicant was also questioned on the matter of floor area and they have confirmed that the units in question do adhere to the 70 sqm NDSS GIA as they contain a total of c.3sqm of internal partition.

Question 3:

The third question related to the design of the 1st floor one-bedroom properties where the bedroom windows have direct access from a communal landing. Therefore concern was raised that this resulted in both substantial privacy (visual and noise) and security issues for the residents so should be redesigned.

I would note that this arrangement was not dissimilar to the 8 dwellings at Shapland Place, Tiverton (21/01957/FULL) which Planning Committee approved in 2022. The design approach as set out in para.4.3 of the officer report is that 'Habitable room spaces have all been designed with primary windows and balconies facing towards the front of the property onto public road with amenity grassland and defensive planting acting as a buffer'. As can be seen from the first floor plan, 4 first floor properties would be accessed via the first floor landing whereby the staircase is located centrally so only the occupiers of one other property would pass by the bedroom window. The width of the landing is also not conducive for sitting out and as such congregating was unlikely to occur.

Question 4:

This matter was addressed in detail within Section 2 (Highways and highway safety) of the officer report where it was noted that 9 spaces would be provided which equated to 1 space per unit with 1 visitors space. It was noted that four of the units were 1 bed and the site was in a sustainable location within walking distance of a number of services/facilities and public transport. In addition, the proposals at Beech Road formed part of the Council's Housing Services wider regeneration of the local area and there was a scheme also under consideration located at Sycamore Road within 100m of the site which was to provide 13 Homes and 28 spaces which was an over provision of parking by 6 spaces. Therefore it was considered that a case could be made to the level of parking provided which would not set a precedent elsewhere and the Local Highway Authority raised no objection to the development.

Question 5:

On the matter of fire safety, in accordance with validation requirements, the Applicant had provided a Fire Strategy which is contained within the Design and Access Statement. The non-combustible materials specified as part of the fire strategy demonstrate part of how the proposal would comply with Part B2 and B3 of the building regulations.

Zedpods had also outlined the additional strategies that were deployed as standard by their construction system to comply with regulatory requirements whereby:

- All units were provided with both a primary means of escape via the front entrance door and stairway or secondary by the including of openable windows on the first floor ensuring a fire in any unit would not impede residents' ability to egress the unit safely as required by Part B1 -Means of Warning and Escape
- All units would be installed with an LD-2, Grade D1 detection and alert system using industry leading AICO components with remote monitoring and call outs in the case of an activation, as required by BS 5839 and Part B1 - Means of Warning and Escape
- Compartmentation to stop the surface spread of flame was achieved by use of both horizontal and vertical fire stopping between units. This prevented a cladding fire from spreading between units for an hour as required by Part B4: External Fire Spread.

In summary, fire safety measures were integrated into the construction build to ensure full compliance with fire regulations.

Consideration was given to:

- Car parking and public transport.
- The positioning of bird boxes.

It was therefore **RESOLVED** that the application be granted subject to conditions (Proposed by Cllr M Jenkins 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.

d) 23/01351/MFUL - Construction, operation and maintenance of a Battery Energy Storage System (BESS) facility with associated infrastructure and works including highway access, landscaping and biodiversity enhancements at Land at NGR 304444 114510, North of A361, Junction 27, Westleigh.

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

- The land for this application was close to Junction 27 of the M5.
- The batteries were designed to import energy from the grid and release at periods of high demand.
- The main issues raised were construction traffic, landscape and visual impacts, loss of best and most versatile agricultural land, impact on Grand Western Canal, Impacts on neighbouring residents, fire safety, flood risk and drainage.
- Devon and Somerset Fire and Rescue Service had no objections subject to conditions.

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

Mr Peter Drew

The drawing illustrating the substation was indicative and not for approval. The actual details of the substation would be required to be submitted and approved to discharge condition 6 as recommended in the officer's report. The applicant had confirmed that the substation would be a maximum of 13 metres high. The applicant had also confirmed that the photomontages did show the substation but the substation was hidden behind existing trees in the views shown on the photomontages.

The officer's report referenced the appeal decision mentioned and stated that the impacts of the appeal development would have had a moderate to high impact. The Landscape and Visual Impact Assessment submitted to the appeal and supplied by Mr Drew assessed the impact on landscape character as moderate adverse, with no significant effects on visual amenity.

At the time of the appeal, Devon County Council's Landscape Officer stated that the visual effects had been underestimated in the Landscape and Visual Impact Assessment and disagreed with the findings. Devon County's report stated that whilst it was acknowledged that landscaping proposals would help to integrate the development into its setting and mitigate adverse visual impacts in some views in the medium to long term, it was considered that many adverse visual impacts could not be mitigated and residual adverse effects would be more sensitive than was concluded in the Landscape and Visual Impact Assessment.

During the appeal, the Inspector stated that the stockpiles of materials would be large and unsightly, with a maximum height of 5m. They would also be highly visible from the adjacent road and visible from the main transport routes into Devon. The appeal proposal would result in significant harm to the character and appearance of the surrounding area.

By way of verbal update, the Area Planning Officer stated that taking this into account, Members should note that the statement in the officer's report relating to the appeal development should be amended from it having a 'moderate to high' impact, to a 'moderate adverse' impact. This did not change the officer's conclusion in the report that the battery energy storage proposal, which could be largely screened, would have less of an impact on the character and appearance of the area.

With regard to how the site was identified, the applicant has secured a grid connection in this location and was not required to identify alternative locations.

Consideration was given to:

- Landscaping a 2.5 metre high bund and a new hedge bank along the northern boundary to reduce background noise and to help with screening.
- Visual impacts including from the Grand Western Canal.
- Flood risk as the land adjacent to Flood Zone 2 and 3 and how this would be addressed. It was explained that the Environment Agency and Lead Local Flood Authority had considered the proposal and surface water drainage arrangements to ensure its suitability and the battery packs would be placed on concrete plinths.
- Safety of the Battery Energy Storage Systems (BESS) and fire risk which had been considered by the Devon & Somerset Fire and Rescue Service and Public Health Officers.

It was therefore **RESOLVED** that the application be granted subject to conditions

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

Reason for the decision - as set out in the report.

Notes:-

- i) Rachel Ness, Clearstone Energy spoke on behalf of the Applicant.
- ii) Cllr S Taylor spoke on behalf of Sampford Peverell Parish Council.
- iii) Cllr G Westcott spoke as the Ward Member.
- iv) Cllr N Letch abstained from voting.

100 **MAJOR APPLICATIONS WITH NO DECISION (04:14:44)**

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

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

Note: *List previously circulated.

101 **APPEAL DECISIONS (04:15:01)**

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

Note: *List previously circulated.

(The meeting ended at 6.30 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 8th May 2024

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>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.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>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.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>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.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
04.	<p>23/01381/FULL - Erection of 6 dwellings following demolition of 4 existing dwellings at 7-10 Wordland Cross, Cheriton Fitzpaine, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
05.	<p>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.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 23/00129/MFUL

Grid Ref: 296412: 113296

Applicant: ZED PODS Limited

Location: Dwelling Block 2 - 8 Holly Road and
Garage Blocks Sycamore Road
Tiverton
Devon

Proposal: Erection of 13 affordable dwellings following demolition of 4 existing dwellings and
garage blocks with associated parking, landscaping and works

Date Valid: 8th December 2023



APPLICATION NO: 23/00129/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 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 erection of 13 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works. The proposal also includes the demolition of existing dilapidated garaging, with parking spaces being provided in their place.

The scheme forms part of the Council's wider regeneration of the local area, which is being delivered through their partnership with Zed Pods to improve the quality and sustainability of, and to increase the number of affordable homes in the area. As such, the dwellings are intended for social rent.

The site is within the defined settlement limit of Tiverton and is located on the corner of Holly Road and Sycamore Road, comprising the 4 existing dwellings, which front onto Holly Road. These properties have large rear gardens that run alongside Sycamore Road. The garaging is located to the west of the houses, on Sycamore Road, and to the south of the properties, accessed along a track, also off Sycamore Road.

The existing dwellings are two storey units finished with pebble-dashed render at ground floor level and brown tile mansard roofs, which is the prevalent style along Holly Road. It is proposed to demolish this block of 4 dwellings and replace with 13 new homes, comprising a terrace of 3 no. 2 bed/3 person houses, fronting Holly Road, and a larger two-storey of 10 1 bed/2 person flats, 5 at ground level and 5 at first floor level. The block of 10 flats is proposed to run perpendicular to the terrace of 3, fronting Sycamore Road. The terraced properties are to be provided with their own private gardens, while the flats will have access communal landscaped areas within the former garden of the existing properties. A palette of materials is proposed comprising rendered finish at ground level and metal standing seam external cladding at first floor and to the roof. Solar PV panels would be installed on the roof slopes of the building.

All of the units are to be built to be national space standard compliant, with the flats having a floor area of approximately 52 square metres and the 2 bedroom dwellings having a floor area of approximately 72.5 square metres. All bedrooms are proposed to have a floor area of 12 square metres and provide dedicated storage space. The scheme also provides for the storage of waste and recycling through the provision of external storage space for those properties with direct access to the highway, and the provision of a communal bin store for the other properties. Provision is also made for secure cycle storage.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning Statement, Design and Access Statement, Arboricultural Survey, Flood Risk Assessment and Drainage Strategy, Ground Investigation Desk Study, Wildlife Trigger Table, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Bat Emergence Surveys, Energy and Sustainability Statement, Site Waste Audit Statement, Transport Statement, Biodiversity Net Gain Assessment, Biodiversity Metric, Climate Emergency Check List.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

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
- S10 - Tiverton
- DM1 - High quality design
- DM2 - Renewable and low carbon energy
- DM3 - Transport and air quality
- DM4 - Pollution
- DM5 - Parking

Tiverton Neighbourhood Plan 2020 to 2033

- T1 - Location and scale of development in Tiverton
- T2 - Meeting local housing needs
- T3 - Providing lifetime affordable housing
- T4 - Character of development
- T5 - Design of development
- T6 - Energy efficiency and design
- T7 - Minimising the risk of flooding
- T9 - Network of green and blue infrastructure
- T16 - Encouraging safe and sustainable movement

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

TIVERTON TOWN COUNCIL - 19.12.2023

Application is contrary to DM1. Over development beside a very busy road. There are a number of access difficulties on this site. Question if affordable, and yet states they are for rent?

Unable to support

HIGHWAY AUTHORITY - 01.02.2024

Observations: I have visited the site and reviewed the planning documents.

The proposal presents a net gain of 9 dwellings. The Transport Statement, utilising TRICS data indicates an Am peak trip rate of 3 and a Pm peak trip rate of 6, therefore I am satisfied that this development will not create an unacceptable trip generation impact upon the local highway network.

Sycamore Road is not an A, B or C classified road and therefore does not require off-carriageway turning for the parking area, indeed the existing garages already facilitate parking in this location.

The secure cycle storage is welcomed to help reduce the impact of local vehicle trip generation and help sustainable travel.

I would recommend the provision of a Construction and Environment Management Plan (CEMP) to help mitigate the impact of construction upon the local highway network.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

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

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

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

DCC EDUCATION - 13.02.2024

DCC will not request a contribution toward education provision in relation to the above planning application because the site will deliver less than 4 family type dwellings (2+ bedrooms).

DEVON, CORNWALL & DORSET POLICE - 15.12.23

Thank you for this application, I have no objections in principle to the proposal, the reference to Secured By Design (Design & Access Statement section 5.5) is noted. However, for doors and windows etc. to be SBD compliant, they must be sourced from an SBD approved / accredited supplier, details of which can be found via the attached link below. The requirements of SBD are that doors and windows are not only tested to meet PAS 24:2022 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

The proposed layout provides both active frontages and good overlooking of the internal movement areas and off plot parking, with surveillance further enhanced by the proposed inclusion of CCTV.

Bin and bicycle stores should be designed with a lockable door to ensure they are secure and prevent unauthorised access. The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. Any bicycle rack should have a minimum foundation of 300mm with a ground anchor.

Bicycle parking access doors should be fitted with thumb turns, or other emergency furniture, on the inside face to facilitate emergency egress and so as to avoid locking people inside the store. Bicycle stands, anchor points, single and two-tier rack systems should be certified to one of the following standards:

SS104 Security Rating Bronze, or
STS 501 Security Rating TR1, or
STS 503 Security Rating TR1, or
STS 205 Issue 6:2021 Security Rating BR1, or

STS 225 Issue 1:2021 Security Rating BR1 (S), or
LPS 1175 Issue 8:2018 Security Rating A (A1), or
LPS 2081 Issue 1.1:2016 Security Rating A

N.B. Careful consideration must be given to cater for sections of the community who may find vertical bicycle racks difficult to use.
(Secure By Design Accredited Product Search - Doors).

MDDC PUBLIC HEALTH - 3.01.2024

We have considered the application and do not anticipate any environmental health concerns. The site is within a large area of existing housing and we would therefore recommend that the standard CMP condition is included on any approval.

DCC HISTORIC ENVIRONMENT TEAM - 18.12.2023

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

SOUTH WEST WATER - 28.12.2023

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

Asset Protection

Please find enclosed a plan showing the approximate location of a public 100mm combined sewer and 225mm surface water in the vicinity. Please note that no development will be permitted within 3 metres of the sewers, and ground cover should not be substantially altered.

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

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

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

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

Please find attached a plan showing the approximate location of a public 4 inch water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

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

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

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

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

Surface Water Services

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

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

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

As the Flood Risk Assessment states the option to soakaways has not been fully investigated. discharge to the watercourse will also need to be investigated further as the applicant can use South West Water's statutory powers to cross 3rd party land.

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

Clean Potable Water

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

Foul Sewerage Services

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

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

www.southwestwater.co.uk/building-and-development/services/pre-development-services

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

FLOOD and COASTAL RISK MANAGEMENT TEAM - 04.01.24

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 have submitted 6 Sycamore Road, Tiverton, EX16 6JL Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 1, dated 22nd November 2022) to support the planning application for the proposed 13 no. of residential development.

The applicant mentioned that the existing hardstanding areas on site is 990m² or 52.8% of the total site area. The current development proposal will comprise 1,355m² or 72.7% of impermeable area. The 10% urban creep shall only be applied to the residential dwelling only. The derivation of greenfield runoff rate shall exclude the 10% urban creep allowance also.

The applicant must note that, in accordance with Chapter 24.2 of CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent. The applicant will therefore be required to revise the proposed offsite discharge rates to accord with the area being positively drained to the proposed surface water drainage management system.

Where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly,

the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate. The current proposed 4.6l/s (50% betterment compared to the existing brownfield runoff rate) is not acceptable.

The applicant currently consider to discharge the surface water runoff via infiltration means (soakaways and permeable surfaces). In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event. If the above tests demonstrate that infiltration is not viable, the applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water runoff generated up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

The applicant currently proposed to attenuate the surface water runoff via porous or permeable paving before discharging into the public sewer system. Underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

14.03.24

We are happy for them to carry out the infiltration at a later stage but the current attenuation option proposed is not meeting the criteria at all. We need to agree the greenfield runoff rate with them at this stage, the associated storage volume and location of the SuDS features before the layout is fixed. The current proposals are based on the brownfield runoff rate and the area used in one of the proposals is incorrect also.

In light of the above, I am reluctant to agree any pre-commencement conditions with them.

17.04.24

Recommendation:

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

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

- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- (b) A detailed drainage design based upon the approved 6 Sycamore Road, Tiverton, EX16 6JL Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 2, dated 14th March 2024) and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

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

The applicant have revised 6 Sycamore Road, Tiverton, EX16 6JL Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 2, dated 14th March 2024) to support the planning application for the proposed 13 no. of residential development.

The applicant mentioned that the existing hardstanding areas on site is 990m² or 52.8% of the total site area. The current development proposal will comprise 1,355m² or 72.7% of impermeable area. The derived 1 in 2 year greenfield runoff rate is 0.39l/s but the applicant are proposing to restrict to 1 in 10 year of 0.7l/s.

It is proposed to attenuate the flow via permeable paving or grasscrete within the parking and pavement areas and geocellular crates and a pond in the south east of the site before discharging into the surface water sewer within the site via a HydroBrake or similar flow control device. The attenuation storage volume required is 115m³. A simplified model output results were submitted at this stage.

The applicant are yet to carry out any infiltration testing at this stage.

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, no comments have been received in respect to this planning application.

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
3. Flooding and drainage
4. Residential amenity
5. Highways, parking and access
6. Climate change
7. Ecology and Biodiversity Net Gain
8. Planning obligations
9. Other matters
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 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 (NPPF), (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 S10 (Tiverton) which recognises proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable.
- 1.3 The 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 13 dwellings proposed will be for social rent, a recognised form of affordable housing.
- 1.5 Policy T1 (location and scale of development) of the Tiverton Neighbourhood Plan states that development in the neighbourhood area will be focused within the settlement boundary, established through Local Plan policy and shown on the Policies Map. Policy T2 (meeting local housing need) outlines that other than in development designed to meet an identified specialist housing need, the mix of housing sizes, types and tenures in proposed development should, in so far as is reasonably practicable and subject to viability considerations, assist in meeting needs identified in the most recently available Strategic Housing Market Assessment and/or the Tiverton Local Housing Needs Assessment.
- 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 13 residential units would be achieved, which has been considered to be acceptable. The further relevant planning matters of the development are considered further below.
2. Design and impact on the character and appearance of the surrounding area, including landscaping, including heritage impact
- 2.1 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.
- 2.2 The site is not located within a designated landscape and is on level land, but it 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'.

2.3 Details of the appearance of the development have been provided which show two blocks of two storey buildings, one comprising the three x 2 bed houses, and the other providing the ten x 1 bed flats. The terrace of houses will be located in a similar position to the existing houses to be demolished, although will be 3 metres closer to the neighbouring houses to the east. The block of flats will be located to the west of the new houses, running parallel to Sycamore Road. These properties will be set at a lower height than the existing properties to be demolished, and the remaining neighbouring houses to the east. The scheme proposes a mixture of 1 and 2 bedroom units to serve a range of housing needs with accessible units located on the ground floor. The proposed houses and ground floor units will all have level access. All bedrooms are shown as having a floor area of 12 square metres, which exceeds the minimum of 11.5sqm for a double bedroom, as identified within the nationally Described Space Standards. All units will have access to private amenity space provided by a private garden or external balconies. Those properties without their own garden have access to the wider communal landscaped areas around the properties. In terms of materials, the first floor walls and roof will be Metal Standing Seam, with the colour being Oxidised (RAL 0502010), which is a brown colour. The ground floor walls would be silicone render finish 1.5mm in Cream colour. The windows and door would be Anthracite Grey (RAL7016) with black steel staircase and railings. The first floor properties are to be access from external balconies, which in turn are accessed form an enclosed external staircase.

2.4 Notwithstanding the use of some materials of a different finish to those used primarily in the neighbouring properties, the design, form and massing of the proposed dwellings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity.

2.5 The Design and Access Statement includes details of measures to ensure that the proposed development includes measures to comply with Secured by Design guidelines. 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, doors and windows required. The applicant is aware of these comments and will be able to ensure that they incorporate any recommendations into the finished scheme.

- 2.6 Referring to the comments made by Tiverton Town Council, in respect to potential overdevelopment, the proposals are informed by National Planning Policy which encourages the effective use of land to meet the identified affordable housing needs that will make better use of the land replacing existing poor-quality housing and doubling the number of homes on-site. The proposals will be restricted to two-storey in height (in line with the local character and immediate neighbouring properties) and will in fact result in a slight reduction in the ridge height, albeit an increase in floor area and numbers. The overall floor areas of the proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan.
- 2.7 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 and through the use of materials including cream render at lower floors and the use of darker material at the upper floor in response to the appearance of the typical mansard roof character seen locally.
- 2.8 Policy DM2 of the local plan relates to renewable energy development such as solar arrays and is supportive of such development subject to proposals demonstrating that impacts are or can be made acceptable in relation to: a) Landscape character and the character and setting of heritage assets; b) Environmental amenity of nearby properties and the wider locality; c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and d) Biodiversity (avoiding habitat fragmentation).
- 2.9 A summary assessment has been carried out as follows: a) The site lies within the Tiverton settlement boundary and does not lie within any protected landscape areas such as Conservation Areas. The site is not and does not lie within the boundary of a heritage asset. The panels are proposed on the south facing roof slope of the new dwellings and would be seen in context with the urban nature of the surrounding area. The impacts on landscape character have been carefully considered. The proposed works would not cause any unacceptable adverse harm to landscape character or heritage assets. Given the limited sensitivity of the location, and mix of property types in the immediate vicinity, the visual impact is considered to be acceptable. b) 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 do not result in the loss of any 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 currently occupied by existing properties, and their gardens. 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. It is considered that the impacts of the installation of the proposed solar panels are acceptable and therefore the proposal accords with policy DM2 of the Local Plan.
- 2.10 A detailed landscaping scheme has been provided. The case has been outlined within the application submission that the existing landscaping is of poor quality, comprising primarily amenity grassland and hard surfaces of concrete and tarmac. Existing structures on site do not contain any biodiversity enhancement measures such as green roofs or bird boxes.
- 2.11 The proposed landscaping seeks to increase the biodiversity of the site by providing a mix of

amenity grassland, including grasscrete parking areas, wildflower planting, hedges and trees. Bat and bird boxes can be attached to the proposed buildings providing roosting and nesting sites, in addition to bee bricks, and will be located on the advice of the ecological surveys and reports provided.

- 2.12 The application is supported by a tree survey, which identifies that there are no significant trees on-site that would be affected by the proposals. There are trees on adjoining land to the east and to the west of the garages. Of the trees to the west of the garages, there are two category B, moderate quality trees. While these are not within the site and no development would encroach upon these, the tree survey recommends the provision of a further arboricultural impact assessment, arboricultural method statement and tree protection plan, details which can be conditioned to ensure that adequate tree protection measures are put in place during construction. Otherwise, it is noted the proposals include the planting of 12 new trees, which contribute to significant Biodiversity Net Gain of 13.57% in habitat units and 916.15% in hedgerow units.
- 2.13 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, with some properties with direct access from the public highway having individual storage space for recycling and refuse, and a communal bin store being provided for the remaining residents.
- 2.14 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping.

3. Flooding and Drainage

- 3.1 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.
- 3.2 Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Foul flows are proposed to discharge to a 100 mm combined sewer that passes through the site.
- 3.3 The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy in support of the proposal. The report concludes that the proposed development site lies wholly within Flood Zone 1 and that the FRA demonstrates that the proposed development is at a negligible to low risk of flooding from all sources. The report states that the proposed development will result in an overall impermeable area of 1,355 m². Surface water runoff generated by the development will be restricted to 0.7 l/s, which is equivalent to the 1 in 10 year greenfield run off rate, which comprises a 89% betterment over the 1 in 1 year return brownfield runoff rate for the Site. In order to achieve this restriction, the preferred drainage strategy is for attenuation to be provided within permeable paving and grasscrete, geocellular crates and if required, pond in the south east of the site, which will then be restricted by Hydrobrake before being discharged at this controlled rate into the local surface water sewer. The Lead Local Flood Authority (LLFA) have considered the proposal and did initially object to the proposed drainage strategy. However this has since been amended to provide the above scheme, to which the LLFA now have no objections in principle. They do note however that the applicant must still demonstrate that on-site infiltration is no feasible

initially, as required by the SuDS hierarchy for disposal of surface water. While the submitted scheme demonstrates that the site can be appropriately drained to avoid additional surface water flooding in the locality, a pre-commencement condition is requested to ensure that the final drainage scheme addresses the SuDS hierarchy, and allows for the disposal on site, if possible. This condition requires the applicant to, undertake BRE Digest 365 infiltration testing to determine the suitability of infiltration techniques; provide details of management during construction, proposals for the adoption of the permanent surface water drainage system, provide a plan indicating how exceedance flows will be safely managed on site, and evidence of agreement in principle that connection can be made to nearby systems.

3.4 A consultation response has also been received from South West Water (SWW) noting that discharging surface water to the public sewerage network meets the run-off destination hierarchy (albeit seeking further evidence to formally confirm this). As discussed above, the preferred drainage strategy includes on-site storage and controlled discharge to the public surface water sewer, however as required by the LLFA, a condition will be imposed to ensure that opportunities to discharge of surface water higher up hierarchy in the first instance.

3.5 SWW have also provided details of the locations of the nearby combined sewer, surface water sewer and water main, some of which pass through the site. Whilst this is not a constraint to development, it is noted that the development must not encroach within a 3 metre easement, otherwise these assets may need to be diverted at the developer's expense. The applicant is aware of this, however an informative will be added to any decision notice.

4. Residential amenity

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 siting of the residential block and orientation of windows is such that it is considered that a residential development has been designed to be in accordance with these two policies, with adequate separation.
- 4.3 The proposals will ensure that the residential amenity for neighbours and future tenants will not be harmed. The siting of balconies outwards onto Sycamore Road follows the existing street pattern and given their position over the road and set back from other homes, looking towards the parking spaces to the west, would avoid overlooking. During pre-application discussions, some concern was raised about the potential of overlooking neighbouring gardens to the east, as a result of the positioning of the access walkway to the first floor properties. This concern has however been resolved by the inclusion of a privacy screen to the outside of this walkway, restricting views to the east. There is considered to be limited risk of harm from the ground floor properties with windows facing to the east due the degree of separation from the eastern boundary.
- 4.4 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.
5. Highways, parking and access
- 5.1 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. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.
- 5.2 No vehicular access is proposed to the site, with parking spaces to be provided to the west and south east, in the place of existing dilapidated garages, some of which have already been removed due to health and safety concerns. These spaces will be accessible directly off Sycamore Road.
- 5.3 The Highway Authority have commented on the application and raised no objections in principle. It is noted that the increase in trip generation would not have an unacceptable impact on the local highway network. Furthermore, the status of the public highway means that on-site turning provision for parked vehicles is not required, with the parking replicating the existing garage arrangements.
- 5.4 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 an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of 22 parking spaces. The proposed development accords with the requirements for parking provision by providing 28 parking spaces, which will meet the requirements for this development and make additional provision within the local area. Noting that ten of the dwellings will be 1 bed properties, and the location in close proximity to local services, it may be reasonable to assume that the demand for parking associated with this development may be less than that required under DM5, further enhancing the local parking provision.

- 5.5 The proposal also exceeds the DM5 requirement of 1 electric vehicle charging point per 10 dwellings, with 4 charging points proposed.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities (a local convenience store on Beech Road, Two Moors Primary School and Tiverton Adventure Playground). The site is surrounded by an established pedestrian network and is within the vicinity of the National Cycle Way (which adjoins Sycamore Road), the use of which will be encouraged through the provision of 2 cycle parking spaces per unit (which is parking standard compliant). The bus stops located along Sycamore Road connect to bus services 348 and 349 providing a connection into the centre of Tiverton and other residential areas. There are clearly opportunities to maximise sustainable travel movements to and from this site. Policy T16 (encouraging safe and sustainable movement) of the Tiverton Neighbourhood Plan states that Development proposals to improve cycling and walking opportunities will be supported.
- 5.7 Space within the site has been indicated for the provision for cycle storage, which is welcomed by the Highway Authority. Final details have not been provided of the design but that will be conditioned to ensure these facilities are provided prior to the occupation of any of the dwellings.
- 5.8 Due to the location within an existing residential area, and to ensure there is no adverse impact on highway safety during construction, both the Highway Authority and the Council's Public Health Team have recommended the inclusion of a condition requiring the submission of a Construction and Environmental Management Plan (CEMP), which is considered appropriate. This condition will need to be a pre-commencement condition.
- 5.9 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

6. Climate change

- 6.1 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 and sustainability statement. The statement considers that the proposed dwellings are constructed in line with the applicants zero carbon strategy including measures that incorporate renewable energy technology.
- 6.2 The siting and design of the proposed dwellings conducive to providing more energy efficient and sustainably constructed dwellings, with solar panels included 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.
- 6.3 The proposed construction follows a 'fabric first' approach to ensure that loads are reduced and residual energy demand is minimised. The units are fully fitted factory built modules, which contain energy efficiency measures such as super insulated wall build up, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps. With these and other identified measures, the development is estimated to save 9.7 tonnes of carbon per year over the building regulations baseline, providing a net offset of total emissions for the area, helping to reduce overall emissions by 192 tonnes over the next

30 years. On this basis, the development is considered to be an exemplary example of low carbon development.

- 6.4 The proposal also includes a landscape strategy which results in the provision of new native trees together with the provision of mixed native hedges as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 6.5 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”.
- 6.6 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a modest scale 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.

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 application includes the demolition of the existing properties on site, along with the garaging that has not already been removed. With regards to protected species and habitats a Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 28th November 2022 and a Bat Emergence Survey report produced by Western Ecology, dated 6th September 2023, for which emergence surveys were carried out on 26th June and 4th August 2024. In addition, a Biodiversity Net Gain Assessment was carried out by Arbtech, dated 4th October 2023, and findings submitted.
- 7.3 The findings of the Preliminary Ecology Appraisal identified a risk of potential destruction of bat roosts due to the required demolition of the existing houses, and the garages to the west, which are located adjacent to a wooded area that could also be used by roosting bats. As such, additional emergence surveys were required. The outcome of these however was that no bat activity was recorded and the buildings to be demolished were considered extremely unlikely to be used by roosting bats. As such, no further mitigation is required, although precautionary measures are proposed to ensure that risk of harm to bats is reduced during demolition and construction, in the event that bats are found at a later date.
- 7.4 In respect to other wildlife, the development will see the loss of amenity grassland, hardstanding and shrub vegetation on site. The ecologist noted that the loss of such habitats is likely to be inconsequential to local amphibian and hedgehog populations owing to their

low value and the presence of more extensive habitat locally. Similarly the development site itself has sub-optimal habitat for foraging badgers and negligible suitability for badger setts. It was however noted that the woodland to the west of the garages did have suitability for badger setts, although this was inaccessible so was unable to be surveyed. As such, 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 during construction. Furthermore, it is proposed to ensure that any site clearance takes place outside the hibernation season for badgers, hedgehogs and amphibians. Similarly, there is potential to disturb nesting birds during site clearance, in which case precautionary measures are proposed to limit clearance within the birds nesting season unless inspection has first taken place by a qualified ecologist, immediately prior to works.

- 7.5 On the basis of the above, there are no significant constraints to development identified. 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.
- 7.6 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation prepared by Arbtech Consulting Ltd. It is considered that a condition could be added to any grant of planning permission requiring the proposed development to be carried out in accordance with the recommendations of the PEA/PRA, Emergence Survey Report and Biodiversity Net Gain Assessment. It should be noted however that the application was also made valid before the Government imposed the statutory requirements of a 10% net Biodiversity net gain.
- 7.7 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.
- 7.8 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

8. Planning obligations

- 8.1 Policy S5 (Public Open Space) states that within Tiverton, public open space is required from residential development of 11 or more dwellings. In this case however, the development is for solely affordable housing, in which no financial contributions would be required.
- 8.2 Devon County Education have commented, however the development does not meet the threshold for contributions due to less than four family (2+ bed) houses being delivered.
- 8.3 Developments of 11 or more open market dwellings in Tiverton, Cullompton and Crediton are expected to provide a target of 28% affordable dwellings. In this case, the scheme is for 100% affordable housing, with the dwellings being incorporated into the Council's portfolio of social rented accommodation. A condition will be imposed on any decision to agree an affordable housing scheme to ensure the accommodation is used for affordable housing, to meet local need, and retained as such.

9. Other matters

- 9.1 As this is a major planning application, the scheme is supported by a Waste Audit Statement, which details the expected waste to be generated during demolition and construction, along with measures to ensure its safe disposal in line with appropriate environmental legislation.
- 9.2 The applicant has included a Statement of Community Involvement within the submitted Design and Access Statement, in which they have indicated that they have carried out a mailing exercise in the local area, followed by an online consultation, which was attended by representatives from Zed Pods, and the Mid Devon Housing Team.
- 9.3 The County Historic Environment Team have responded and indicated that they wish to make no comments on this proposal.

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 an overprovision in parking spaces, and that the site is within walking distance of public transport and other services and facilities.
- 10.2 The delivery of 9 additional affordable homes for social rent (taking into account the four existing properties to be demolished), weighs in favour of approval of the application. Taking all the above into consideration, it is considered 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 under Local Plan policies S1, S3, S9, S10 DM1, DM2, DM3 and DM5.

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

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

- (b) A detailed drainage design based upon the approved 6 Sycamore Road, Tiverton, EX16 6JL Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 2, dated 14th March 2024) and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

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

5. No development hereby permitted shall commence until an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to detail measures to protect any trees to be retained on the site, or adjoining land, which may be affected by the proposed development, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction.
6. The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site given the findings of Desk Study produced by Structa, report ref: 6472-GE002 Revision 2 dated 9th December 2022. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Development on the site shall not commence until the land contamination investigation report and any remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

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 NPPF (2023) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type and tenure of the affordable housing provision to be made;
 - ii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
8. Notwithstanding the landscape strategy submitted, prior to above 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 reprofiling 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 in accordance with Section 4.0 'Conclusions, Impacts and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 29th November 2022 and Section 5 'Recommendation and mitigation' of the Bat Emergence Survey report prepared by Western Ecology, dated 6th September 2023. The development shall also be carried out in accordance with the Biodiversity Net Gain Assessment carried out by Arbtech dated 4th October 2023.
 10. Details of 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.
 11. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z29-ZP-A1-XX-DR-A-010- S01- P07'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
 12. 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.
 13. Prior to occupation of the first floor units of the development hereby permitted, a privacy screen shall be installed along the access walkway on the east elevation, in accordance with details indicated on approved 'Proposed Site Elevations 02, drawing number 'Z29-ZP-A1-

XX-DR-A-021- S01- P07' and in the Design and Access Statement. The privacy screen shall be so retained and maintained thereafter.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt 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. 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 shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
5. To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies S9 and DM1 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 necessary tree protection measures are implemented prior to any commencement of preparatory and/or construction works.
6. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition as any issues found following the intrusive investigation and risk assessment would need to be addressed prior to construction of the development.
7. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, and in accordance with policy S3 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 Mid Devon Local Plan 2013-2033
9. 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.

10. 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.
11. 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 and the aims and objectives of the National Planning Policy Framework.
12. 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.
13. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.

INFORMATIVES

1. The applicant/agent is reminded of the comments received from South West Water (SWW), dated 28th December 2023, advising of the presence of a 100mm combined sewer, 225mm surface water sewer and 4 inch public main, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.
2. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 15th December 2023, in respect to compliance with Secured By Design principles.
3. 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Tiverton, therefore the principle of residential development on this site is accepted. 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. Whilst four existing homes would be replaced, the net delivery of 9 additional new homes, of which all would be affordable dwellings weighs in favour of approval of the application providing public benefits and 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, S10, DM1, DM2, DM3, DM4, DM5 and DM25 of the Mid Devon Local Plan 2013-2033, policies T1, T2, T3, T4, T5, T6, T9 and T16 of

Tiverton Neighbourhood Plan 2020-2033. and the aims and objectives of the National Planning Policy Framework.

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. 24/00039/FULL

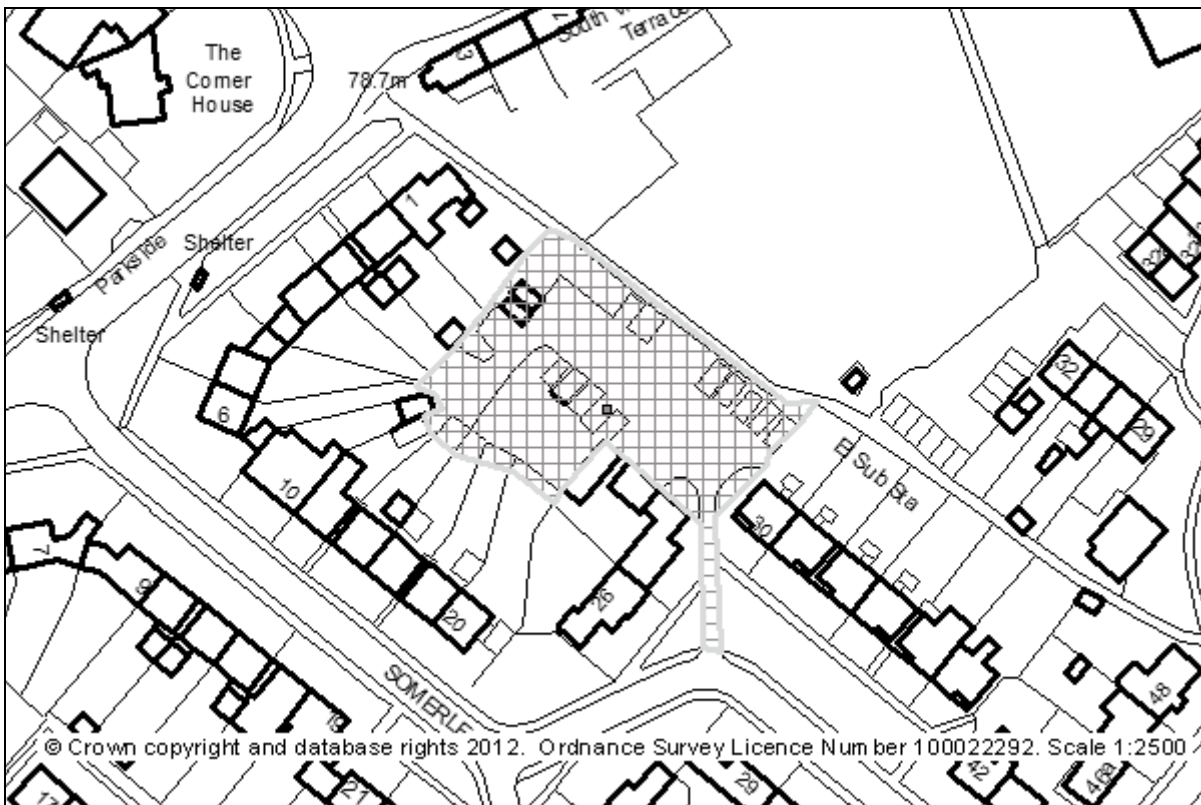
Grid Ref: 303611: 111116

Applicant: Ms E Lawrence

Location: Land at NGR 303611 111116
Somerlea
Willand
Devon

Proposal: Erection of 7 affordable dwellings with car parking, landscaping and other minor works following demolition of existing garages

Date Valid: 8th January 2024



APPLICATION NO: 24/00039/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:

(i) The prior completion of a Section 106 planning obligation (in a form acceptable to Devon County Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:

- a) Secure a contribution of £2,453.85 towards secondary school transport costs;

(ii) Conditions, as set out at the end of this report.

PROPOSED DEVELOPMENT

This application is for the erection of 7 affordable dwellings on disused, Council-owned land off Somerlea, Willand. The site is approximately 0.17ha and comprises a mix of hardstanding and poor quality grassed areas. There are also several shed and garage structures, in various states of disrepair. The site is known to be used by some local residents for parking, however there are no formal rights to do so. The site also provides access to private parking in the rear gardens of some adjoining properties. The proposal includes the demolition of existing garages and sheds with associated vehicular and pedestrian access, parking, landscaping and associated works.

The scheme forms part of the Council's wider regeneration of the local area, which is being delivered through their partnership with Zed Pods to improve the quality and sustainability of, and to increase the number of affordable homes in the area. As such, the dwellings are intended for social rent.

The site is within the defined settlement limit of Willand and is located on land between Somerlea and Somerville Road. There is a former commercial site to the north east, which is no used as car parking in association with a nearby commercial premises. A Public Right of Way (PROW), public footpath no. 4, Willand, runs along the north east boundary of the site, providing access between Somerlea/Fir Close and Somerville Road.

It is proposed to demolish the existing structures on site and erect a terrace of seven 3 bed/4 person houses. The proposed terrace of houses would run parallel with the north east boundary. All properties are to be provided with their own private gardens, while the site will also include some additional landscaped areas. A palette of materials is proposed comprising rendered to the walls and metal standing seam roof. Solar PV panels would be installed on the roof slopes of the building.

All of the units to be built are to be national space standard compliant, in respect to both overall floor area and bedroom sizes. Each property will include 2 double bedrooms with a floor area of 11.5 square metres and a third single bedroom measuring 8.9 square metres. The scheme also provides for the storage of waste and recycling through the provision of a secured communal refuse storage area. Provision is also made for secure cycle storage within the gardens of each property.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning and Affordable Housing Statement, Design and Access Statement, Tree Survey and Arboricultural Impact Assessment, Drainage Strategy, Ground Investigation Desk Study, Wildlife Trigger Table, Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal, Desktop Utility Survey, Air Quality Assessment, Biodiversity Net Gain Assessment, Biodiversity Metric, Climate Emergency Check List, Carbon Reduction Statement.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

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
S13 - Villages
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

WILLAND PARISH COUNCIL - 09.02.24

This site has long been a neglected area with some old garages and parking areas. Over time through failures in the past when houses were sold, rights of way were not clear and some have established vehicular right of way to the rear of the properties which cannot now be taken away.

In the past Parish Councillors and District Councillors have sought for this site to be utilised to better use and the suggestion was for it to be used to provide social housing. There has also been

concern and discussion to try and alleviate the on street parking problems on the whole estate where there are considerable parking problems during evenings and weekends. Suggestions had been put forward by councillors to utilise the areas of wide verges for parking but officers would not progress it.

This application is for a block of seven 3 bedroomed affordable houses of a design which are very well insulated and energy efficient. The parking criteria requires 1.7 spaces per house which gives a requirement for 12 spaces.

Willand Parish Council objects to this application for the following reasons:

- The proposal for the 7 houses and parking is overdevelopment of the site.
- Is the design and layout of the proposed build in keeping with the area and will they fit in with the surrounding buildings?
- As they are three bedroomed houses there should be a minimum of 14 designated parking spaces.
- Has any thought been given as to where all the displaced vehicles which currently park on the site are to relocate given the current on street parking problems on this estate?
- Is the access road into the site going to be wide enough and suitable?
- Accepting the need for more housing by putting this number on the site with the loss of parking will this be a recipe for future conflict between residents?

03.04.24

Willand Parish Council has noted the additional documents submitted since their original submission in regard to this application.

The additional comments and representations do nothing to allay the concerns and objections raised in the original submission.

It is very disappointing to note that nothing has been done to deal with the access suggestion made by DCC Highways and it is unbelievable that they have not raised any concerns with regard to the parking issue.

The Officer has raised a number of issues with the applicant, none of which appear to have been addressed.

Willand Parish Council repeat their objection to this application in its present form. It is over development of the site particularly with regard to the access needed to the rear of existing houses and gardens. The parking issue needs to be addressed. One cannot approve 7 new three bedroomed houses with only 12 parking spaces when there has been a similar, if not greater loss of parking spaces under existing use. This will create considerable difficulty to existing residents and road users.

DCC HIGHWAY AUTHORITY - 26.02.24

Observations:

I have visited the site and reviewed the planning documents.

The existing trip generation to this site and access consists of garages, I believe the trip generation for the affordable houses will be on a similar level. The existing access width is sufficient but the track before the site opens up could be helped with the removal of the green wedge on the internal side of the track, thereby giving somewhere for vehicles to wait/see for vehicles to enter the access track and help reduce the chances of any vehicle hold-ups on the highway network.

I would also recommend a comprehensive Construction and Environment Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network, particularly with this 'bottleneck' type site. This can include features such as 'just-in-time' deliveries, contractor/employee car sharing, wheel washing facilities and routeing plans.

I would also recommend the conditioning of secure cycle storage to help encourage sustainable travel and help reduce the vehicle trip generation from this site, particularly for shorter journeys.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

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

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

2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2023.

DCC Rights of Way Officer - 16.01.24

Please find enclosed the response from Devon County Council's Public Rights of Way Team in relation to the above application

The Public Rights of Way Team has a duty to assert and protect the rights of the public to the full and free enjoyment of public rights of way and to maintain the network. In addition it is also responsible for the maintenance of recreational trails and unsurfaced roads.

Government guidance considers that the effect of development on a public right of way is a material planning condition (Rights of Way Circular 1/09 - Defra October 2009, paragraph 7.2) and that public rights of way and access should be protected and enhanced with opportunities sought to provide better facilities for users by adding links to existing networks (National Planning Policy framework paragraph 98).

Devon County Council's Rights of Way Improvement Plan policy states that, working closely with LPAs, opportunities will be sought for improvements to the rights of way network through planning obligations where new developments are occurring.

It is also the County Council's policy that a holding objection will be made against any planning application which fails to take account of an existing public right of way until the matter is resolved.

Response

The Public Rights of Way Team has no objection to the proposal but the applicant should be aware that public footpath No.4, Willand runs adjacent to the proposed application site. Should planning permission be granted the applicant must ensure that the path remains open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order - see below - but please note that a temporary closure will not be granted to

enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.

Information

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

If a temporary closure is required during construction works, e.g. for safety reasons, the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order.

Further information about public rights of way and planning is available on our website [here](#).

If permission is granted, please include as footnotes in the decision notice:

- The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.
- Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed.

Please do not hesitate to contact me if you would like further clarification.

DCC EDUCATION - 12.02.24

Regarding the above planning application, Devon County Council has identified that the proposed increase of 7 family type dwellings would generate an additional 1.75 primary pupils and 1.05 secondary pupil which would have a direct impact on the local secondary schools.

It has been forecast that Willand Primary School and Cullompton College both have capacity for the pupils expected to be generated by this development and as such no contribution toward primary and secondary education provision is sought.

We will however require a contribution towards secondary transport costs due to the development being further than 2.25 miles from Cullompton College.

The cost will be worked out as follows.

$\text{£}2.46 \text{ day} \times 1.05 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£}2,453.85$

All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation

applied to these contributions should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.

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

PUBLIC HEALTH - 30.01.24

We have considered the application and also the air quality and ground investigation reports. The air quality report concludes that no detriment is likely. The ground investigation report recommends an intrusive investigation, mainly for geotechnical reasons but also to ensure that arrangements are made to deal with any contaminants which might impact the sub-surface elements of the building works. We therefore recommend that the standard CEMP and full contaminated land conditions are included on any approval.

SOUTH WEST WATER - 10.01.24

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

Asset Protection

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

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

Please click here to view the table of distances of buildings/structures from a public sewer.

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

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fsewer-services-connections%2Fdiversion-of-public-sewers&data=05%7C02%7Cdevcon%40middevon.gov.uk%7C8790d931390f46799de108dc11c8f2b8%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638404802982386376%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=fYCWV%2FOXkINEFxqn5GufnXP5mvFIfP3a4tGpCDq0bf0%3D&reserved=0>

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 (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

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

Clean Potable Water

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

Foul Sewerage Services

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

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

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fpre-development-services&data=05%7C02%7Cdevcon%40middevon.gov.uk%7C8790d931390f46799de108dc11c8f2b8%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638404802982386376%7CUnkn own%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6>

Mn0%3D%7C3000%7C%7C%7C&sdata=4qWIFEv1Hx%2BPz9VXR39qsq7ok9HKN66qw5pAHgE
qDHI%3D&reserved=0

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

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, letters of objection have been received from 2 local residents. The main concerns are summarised below:

- Two adjoining occupiers have advised that they have had parking spaces within the site for over 18 and 23 years respectively and would require replacement parking provision.
- If cars are unable to still park on the site, it is likely that there will be increased parking on Somerville Road, to the front of these properties, where they will obstruct the bus route.
- The end of the properties will be close to an existing house, having adverse impact on this property and its occupiers.
- Concerns as to whether access will remain for oil deliveries, with access currently gained through the site.

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. Flooding and drainage
4. Residential amenity
5. Highways, parking and access
6. Climate change
7. Ecology and Biodiversity Net Gain
8. Planning obligations
9. Other matters
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 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 (NPPF), (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, and a limited level of development in identified villages. Policy S13 (Villages) states that identified rural settlements, including Willand, are suitable for limited development, for small scale housing.

1.3 The 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 saved 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 7 dwellings proposed will be for social rent, a recognised form of affordable housing.

1.5 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 7 residential units would be achieved, which has been considered to be acceptable. The further relevant planning matters of the development are considered further below.

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

2.1 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.

2.2 The site is not located within a designated landscape and is on level land, but it 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'.*

- 2.3 Details of the appearance of the development have been provided which show a two storey terrace, comprising the 7 x three bed houses. All bedrooms are shown as matching or exceeding the minimum of 11.5sqm for a double bedroom, and 7.5 square metres for a single bedroom, as identified within the Nationally Described Space Standards. Each unit has access to private amenity space provided by a private garden. In terms of materials, the external walls are to be silicone rendered in a cream finish and the roofs will be Metal Standing Seam. The windows and door would be Anthracite Grey (RAL7016).
- 2.4 Notwithstanding the use of roof materials of a different finish to those used in primarily in the neighbouring properties, the rendered finish is similar to that of the surrounding properties. Furthermore, the design, form and massing of the proposed dwellings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity.
- 2.5 The Design and Access Statement includes details of measures to ensure that the proposed development includes measures to comply with Secured by Design guidelines.
- 2.6 Referring to the comments made by Willand Parish Council, in respect to potential overdevelopment, the proposals are informed by National Planning Policy which encourages the effective use of land to meet the identified affordable housing needs that will make better use of this neglected area to provide affordable homes on-site. The proposals will be restricted to two-storey in height (in line with the local character and immediate neighbouring properties) and will have a reduced ridge height in comparison to existing properties around the site. The spatial layout of the development is similar to that of the surrounding development, with the proposal considered to represent a natural continuation of the existing residential estate. The overall floor areas of the proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan.
- 2.7 It is considered that the proposed development adequately 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 and through the use of materials including cream render for the external walls.

- 2.8 Policy DM2 of the local plan relates to renewable energy development such as solar arrays and is supportive of such development subject to proposals demonstrating that impacts are or can be made acceptable in relation to: a) Landscape character and the character and setting of heritage assets; b) Environmental amenity of nearby properties and the wider locality; c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and d) Biodiversity (avoiding habitat fragmentation).
- 2.9 A summary assessment has been carried out as follows: a) The site lies within the Willand settlement boundary and does not lie within any protected landscape areas such as Conservation Areas. The site is not and does not lie within the boundary of a heritage asset. The panels are proposed on both roof slopes 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 the limited sensitivity of the location, and mix of property types in the immediate vicinity, the visual impact is considered to be acceptable. b) 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 do not result in the loss of any 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 currently occupied by some small-scale dilapidated sheds and garages, hardstanding and poor quality grassed areas. 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 be added requiring the proposed development to be carried out in accordance with the recommendations set out in the submitted ecology reports and biodiversity net gain report. It is considered that the impacts of the installation of the proposed solar panels are acceptable and therefore the proposal accords with policy DM2 of the Local Plan.
- 2.10 A detailed landscaping scheme has been provided. The case has been outlined within the application submission that the existing landscaping is of poor quality, comprising primarily amenity grassland and hard surface. Existing structures on site do not contain any biodiversity enhancement measures such as green roofs or bird boxes.
- 2.11 The proposed landscaping seeks to increase the biodiversity of the site by providing a mix of planting, including grasscrete parking areas, wildflower planting, native planting and trees.
- 2.12 The application is supported by a tree survey and arboricultural impact assessment, which identifies that there are no significant trees on-site that would be affected by the proposals. There are two category C, low quality trees on site, which will require removal, however this is not considered to be a constraint to development and it is noted the proposals include the planting of new trees, which contribute to Biodiversity Net Gain of 20.63% in habitat units.
- 2.13 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, with secure communal bin storage area being provided for residents.
- 2.14 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping.

3. Flooding and Drainage

- 3.1 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.
- 3.2 Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Foul flows are proposed to discharge to a 150 mm combined sewer that passes through the site.
- 3.3 The site lies wholly within Flood Zone 1 and within an area at very low risk of flooding from all sources. The applicant has submitted a Drainage Strategy in support of the proposal. The report also states that the proposed development will result in a reduction of hardstanding area from 1510 m² to 950 m², and an increase in soft/landscaped permeable areas from 170m² to 730m². This would lead to an overall reduction in hardstanding and increase in permeable areas, which will reduce surface water runoff rates on the site. Notwithstanding this however, a formalised drainage strategy has been proposed, with controlled discharge from the site. Surface water runoff generated by the development will be restricted to 2.3 l/s for all vents up to and including 1 in 100 year plus 45% climate change. This is a 75% betterment over the existing brownfield runoff rate for the Site. In order to achieve this restriction, the preferred drainage scheme includes attenuation in the form of geocellular crates under the parking area within the site. Recommendations set out in the report are to set finished floor levels a minimum of 300 mm above the surrounding ground levels, undertake BRE Digest 365 infiltration testing to determine the suitability of infiltration techniques; verify the attenuation volumes included in this report when undertaking detailed drainage design and undertake a survey of the nearby sewers to confirm the suitability of proposed discharge locations.
- 3.4 A consultation response has been received from South West Water (SWW) noting that discharging surface water to the public sewerage network meets the run-off destination hierarchy (albeit seeking further evidence to formally confirm this). The current drainage design includes on-site storage and require some controlled discharge to an existing public combined sewer within the proximity of the site.
- 3.5 SWW requests further evidence to ascertain opportunities for on-site infiltration (as dictated by the drainage hierarchy). This shall include the carrying out of infiltration testing to determine whether infiltration is feasible, before relying on a means of discharge lower down the hierarchy. As such a condition is recommended to secure infiltration testing on-site, the results of which will then inform whether infiltration is possible. The Drainage Condition can also then allow for any updated drainage proposals to be submitted in detail and to be agreed with the Council.
- 3.6 The Public Health Department has raised no objection on drainage grounds. 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.

3.7 SWW have also provided details of the locations of the nearby combined sewer which passes through the site. Whilst this is not a constraint to development, it is noted that the development must not encroach within a 3 metre easement, otherwise this asset may need to be diverted at the developer's expense. The applicant is aware of this, however an informative will be added to any decision notice.

4. Residential amenity

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 siting of the terraced block and orientation of windows is such that this should avoid unacceptable impact on residential amenity. Two contributors have objected, with one of the reasons for concern being the proximity to another property to the north west of the site. The properties will be sited to the rear of 1 Somerlea, the nearest property to the north west, however it is over 17 metres from the rear of this adjoining property, with no windows facing in the north westerly direction. Due to the lower profile nature of the proposed dwelling, and its orientation, it is not considered that there will be any unacceptable impact on the residential amenity of the occupiers of this, or other neighbouring properties. The view to the south east are more distant towards other neighbouring properties, across the proposed car parking area, and there are no residential units to the north east. As such, it is considered that the proposals will ensure that the residential amenity for neighbours and future tenants will not be harmed. Due to the residential setting however, the agreement of a Construction and Environmental Management Plan is recommended by the Council's Public Health Officer.

4.3 The site is identified as being within a 5 mile buffer of the Cullompton Air Quality Management Area (AQMA). In line with guidance within the Council's adopted Air Quality Supplementary Planning Document (SPD), the applicant has submitted an Air Quality

Assessment, which assesses the likely impact on air quality as a result of the development, including any demolition and construction phase, and operational phase. The findings of the Air Quality Assessment conclude that there will be limited impact on the AQMA as a result of the development once operational. It is concluded however that there may be a low risk of adverse impact on air quality in the vicinity, as a result of dust generation. As such, measures are required to prevent this harm. Measures are suggested within the recommendations of the Air Quality Assessment, however these can be built into the more detailed Construction and Environmental Management Plan, which has a wider scope than just dust management.

4.4 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.

5. Highways, parking and access

5.1 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. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

5.2 Vehicular access will be via the existing arrangements, which comprise a short, single width access off Somerlea. The Highway Authority have commented on the application and raised no objections in principle. It is noted that the increase in trip generation would not have an unacceptable impact on the local highway network. It is suggested that the removal of a green wedge at the entrance to the site could assist with traffic movements, allowing vehicles to wait for vehicles to enter the access track, reducing the risk of hold ups on the public highway. These suggestions have not been incorporated into the proposal, although it is noted that the Highway Authority were content with the application as submitted.

5.3 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 an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of 12 parking spaces. The proposed development accords with the requirements for parking provision by providing 12 parking spaces. Furthermore, the location is in close proximity to local services, reducing reliance on a motor vehicle for all day to day trips.

5.4 Objections have been raised, citing the loss of existing parking provision within the site, as well as concerns about accessibility for oil deliveries. It is noted that some of the residents adjoining the site do park within the site informally but the applicant has advised that there are no formal rights for this parking, although they do seem to have been going on for many years. The development as proposed would see the loss of the parking space to the rear of these neighbour's property, however there is parking space available to the front of these properties on Somerville Road. It has been suggested that this could obstruct the existing bus route along this road, however it is noted that the public highway is wide at this point, being at least 5.5 metres in width. 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). In respect to other concerns raised, the site layout would still allow access directly to the rear boundaries of the neighbouring properties, which would retain access for oil tankers.

Furthermore, it is noted that several neighbouring occupiers park within their rear gardens, with access through the site. This access would remain available too.

- 5.5 There are a number of vehicles parked within the site, which appear to relate to a business operating from an adjoining residential premises. Some concerns have been raised that these may end up on the public highway, along with cars that are for sale. This is noted, however many of the cars appear to not be in a roadworthy condition and as such, are unlikely to be able to be moved onto the public highway. In respect to car sales, should this become an issue, there are provision under the Clean Neighbourhoods and Environment Act 2005, preventing the sale of more than one car by a business, within 500 metres of each other, on the highway. It is not anticipated that this matter would lead to any unacceptable issues in relation to highway safety.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities (a local convenience store, village hall, health and community centre and Willand Primary School). There are also bus stops in the vicinity, with the nearest on Somerville Road, which can be accessed via Somerlea, or the public footpath to the rear of the site. On this basis, there are clearly opportunities to maximise sustainable travel movements to and from this site.
- 5.7 Space within the site has been indicated for the provision for cycle storage, which is welcomed by the Highway Authority. Final details have not been provided of the design but that will be conditioned to ensure these facilities are provided prior to the occupation of any of the dwellings.
- 5.8 Due to the location within an existing residential area, and to ensure there is no adverse impact on highway safety during construction, both the Highway Authority and the Council's Public Health Team have recommended the inclusion of a condition requiring the submission of a Construction and Environmental Management Plan (CEMP), which is considered appropriate. This condition will need to be a pre-commencement condition.
- 5.9 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

6. Climate change

- 6.1 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 and sustainability statement. The statement considers that the proposed dwellings are constructed in line with the applicants zero carbon strategy including measures that incorporate renewable energy technology.
- 6.2 The siting and design of the proposed dwellings conducive to providing more energy efficient and sustainably constructed dwellings, with solar panels included 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.
- 6.3 The proposed construction follows a 'fabric first' approach to ensure that loads are reduced and residual energy demand is minimised. The units are fully fitted factory built modules, which contain energy efficiency measures such as super insulated wall build up, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source

heat pumps. With these and other identified measures, the development is considered to be an exemplary example of low carbon development.

- 6.3 The proposal also includes a landscape strategy which results in the provision of new native trees together with the provision of mixed native hedges as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 6.4 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”.
- 6.5 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of small scale 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.

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 application includes the demolition of some existing sheds and garages on site, in addition to the removal of some poor quality grassed areas, shrubs and two small low quality trees. With regards to protected species and habitats, a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment has been carried out. In addition, a Biodiversity Net Gain Assessment was carried out and findings submitted.
- 7.3 The findings of the Preliminary Ecology Appraisal identified no constraints to development. The buildings on site were concluded to have negligible likelihood of providing for a bat roost, while the limited vegetation on site was of poor quality. No signs of bats, or other wildlife were identified on site and no further survey work was required, although precautionary measures are proposed to ensure that risk of harm to any wildlife later discovered on site was reduced during site clearance, demolition and construction works. Further enhancements are recommended in the form of the identified habitat gains as a result of the development.
- 7.4 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation. It is considered that a condition could be added to any grant of planning permission requiring the proposed development to be carried out in accordance with the recommendations of the Preliminary Bat Roost Assessment

/Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment. It should be noted that the application was received and validated before mandatory BNG came into force.

- 7.5 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.
- 7.6 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

8. Planning obligations

- 8.1 Policy S5 (Public Open Space) states that within Tiverton Cullompton and Crediton, public open space is required from residential development of 11 or more dwellings. Public Open Space is required for developments of 6 or more dwellings elsewhere. In this case however, the development is for solely affordable housing, in which no financial contributions would be required.
- 8.2 Devon County Education have commented, identifying that the proposed increase of 7 family type dwellings would generate an additional 1.75 primary pupils and 1.05 secondary pupil which would have a direct impact on the local secondary schools. They do however confirm that it has been forecast that Willand Primary School and Cullompton College both have capacity for the pupils expected to be generated by this development and as such no contribution toward primary and secondary education provision would be sought. A contribution will however be required towards secondary transport costs due to the development being further than 2.25 miles from Cullompton College. The cost will be worked out as £2.46 day x 1.05 pupils x 190 academic days x 5 years, equating to £2,453.85. The applicant has agreed to pay this obligation and as such, an appropriate legal mechanism to secure this contribution will be necessary prior to the issue of any decision notice, should it be resolved to grant planning permission.
- 8.3 Developments of 11 or more open market dwellings in Tiverton, Cullompton and Crediton are expected to provide a target of 28% affordable dwellings, and site of 6 or more open market homes elsewhere, have a target of 30%. In this case, the scheme is for 100% affordable housing, with the dwellings being incorporated into the Council's portfolio of social rented accommodation. A condition will be imposed on any decision to agree an affordable housing scheme to ensure the accommodation is used for affordable housing, to meet local need, and retained as such.

9. Other matters

- 9.1 The site adjoins a public right of way (Public Footpath no.4, Willand. The County Rights of Way Officer has commented, raising no objections in principle, as it is not anticipated that the PROW will be affected. Nonetheless, they have advised that the PROW is required to be kept open and unobstructed unless a temporary closure has first been agreed. An informative to this effect will be added to any planning permission.

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 an overprovision in parking spaces, and that the site is within walking distance of public transport and other services and facilities.

- 10.2 The delivery of 7 affordable homes for social rent 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 under Local Plan policies S1, S3, S9, S13, DM1, DM2, DM3 and DM5.

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 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:
 - (o) the timetable of the works;
 - (p) daily hours of construction;
 - (q) any road closure;
 - (r) 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;

- (s) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (t) 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;
- (u) 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;
- (v) hours during which no construction traffic will be present at the site;
- (w) 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;
- (y) details of wheel washing facilities and obligations;
- (z) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (aa) details of the amount and location of construction worker parking; and
- (bb) 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 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 demonstrate that the 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). BRE 365 infiltration testing shall be carried out to determine the suitability of infiltration techniques. Following its installation the approved drainage scheme shall be permanently retained and maintained thereafter.
5. The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site given the findings of Desk Study produced by Structa, report ref: 6472-GE009 Revision 02 dated 6th December 2023. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Development on the site shall not commence until the land contamination investigation report and any remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

6. The development, hereby approved, shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF (2023) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:
 - v. the numbers, type and tenure of the affordable housing provision to be made;
 - vi. 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);
 - vii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - viii. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
7. Notwithstanding the landscape strategy submitted, prior to above 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 reprofiling 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.
8. 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 and dated 29th November 2023. The development shall also be carried out in accordance with the Biodiversity Net Gain Assessment prepared by Aval Consulting Group dated 21st December 2023.
9. Details of 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.
10. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z49-ZED-AR-ST-DR-A-0010- P03'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.

11. 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.

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. 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 shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
5. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition as any issues found following the intrusive investigation and risk assessment would need to be addressed prior to construction of the development.
6. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, and in accordance with policy S3 of the Mid Devon Local Plan 2013 - 2033.
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033
8. 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.

9. 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.
10. 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 and the aims and objectives of the National Planning Policy Framework.
11. 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.

INFORMATIVES

1. The applicant/agent is reminded of the comments received from South West Water (SWW), dated 10th January 2024, advising of the presence of a public sewer, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.
2. The developer should note the comments of Devon County Council Rights of Way Officer, in their response of 16th January 2024, which notes the presence of public footpath No.4, Willand running adjacent to the application site. The applicant must ensure that the path remains open and available for the public to use during site preparation and construction. If a temporary closure is required the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order – see below – but please note that a temporary closure will not be granted to enable construction on the line of the right of way unless a permanent diversion order has been made and confirmed.
3. 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Willand, therefore the principle of residential development on this site is accepted. 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 proposal will lead to the delivery of seven new homes, of which all would be affordable dwellings weighs in favour of approval of the application providing public benefits and 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, S13, DM1, DM2, DM3, DM4 and DM5 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

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. 23/00118/MFUL

Grid Ref: 295442: 122165

Applicant: Zed Pods Limited

Location: School Close
Bampton
Tiverton
Devon

Proposal: Erection of 18 affordable dwellings following demolition of 10 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works

Date Valid: 21st December 2023



APPLICATION NO: 23/00118/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 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 erection of 18 affordable dwellings following demolition of 10 existing end of life dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works.

The scheme forms part of the Council's wider regeneration of the local area, which is being delivered through their partnership with Zed Pods to improve the quality and sustainability of, and to increase the number of affordable homes in the area. As such, the dwellings are intended for social rent.

The site is within the defined settlement limit of Bampton and is located on land between School Close and Market Close, off West Street. The site comprises 3 blocks of concrete construction houses with concrete tiles, along School Close and a semi-detached rendered bungalow, fronting West Street.

It is proposed to demolish these existing properties and replace with 18 new homes, made up of two pairs of semi-detached houses comprising four 4bed/8 person (four units), two terraced blocks, each comprising two 1 bed/2 person and one 3 bed/6 person houses (six units), and a terrace of eight units, of which two would be 2 bed/3 person houses, and the remainder being 1 bed/2 person houses (eight units). The proposed dwellings will be in a similar location to the existing dwellings, with the exception that there will be movement further to the North West to enable the large terrace to be located to the front of the site, fronting West Street. All properties are to be provided with their own private gardens, while the site will also include publically accessible landscaped areas. A palette of materials is proposed comprising rendered to the walls and metal standing seam roof. Solar PV panels would be installed on the roof slopes of the building.

All of the units are to be built to be national space standard compliant, in respect to both overall floor area and bedroom sizes. It had been noted that the second bedroom in the 2bed/3 person units were under the required minimum size of 7.5 square metres, however the internal layout has since been revised to ensure that these bedrooms are now larger, at 8.5 square metres. The scheme also provides for the storage of waste and recycling through the provision of private external storage space for each property. Provision is also made for secure cycle storage.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning and Affordable Housing Statement, Design and Access Statement, Arboricultural Survey, Flood Risk Assessment and Drainage Strategy, Ground Investigation Desk Study, Wildlife Trigger Table, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Bat Emergence Surveys, Reptile Surveys, Energy and Sustainability Statement, Site Waste Audit Statement, Groundwise Utility Report, Heritage Technical Note, Heritage Assessment, Transport Statement, Biodiversity Net Gain Assessment, Biodiversity Metric, Climate Emergency Check List.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

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
S13 - Villages
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

BAMPTON TOWN COUNCIL - 10.01.24

Council consider it is a good idea to replace these buildings, though Council would like to have been better informed and consulted and be further re-assured that the needs of local residents be taken into consideration. Mid Devon to consider local applicants for the completed housing as there is a big shortfall in affordable housing within the parish.

DCC HIGHWAY AUTHORITY - 27.02.2024

Observations:

The County Highway Authority (CHA) has visited this site and reviewed the planning application documents.

I am satisfied that the erection of 18 dwellings from the area which formerly held 10 existing dwellings will not create an unacceptable trip generation. The proposed layout allows for sufficient of-carriageway turning through a turning head, both on the School Close frontage and West Street frontage. The parking layout and geometry conforms to our best practice, Manual or Streets 1 and 2. The proposal allows for an internal footway/cycleway for efficient connection to the local services and facilities such as the primary school.

Should the application be approved, I recommend the conditioning of a comprehensive Construction and Environment Management to help mitigate the impact of construction upon the local highway network. Additionally, I recommend the conditioning of secure cycle storage to help encourage sustainable travel.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; 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.
2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local

Plan 2013-2023.

DCC EDUCATION - 13.02.24

DCC will not request a contribution toward education provision in relation to the above planning application because the site will deliver less than 4 family type dwellings (2+ bedrooms) in total. This is based on the understanding that the 10 dwellings which are to be demolished includes 8 or more family type dwellings (2+ bedrooms). Please let me know if this is not the case.

DEVON, CORNWALL & DORSET POLICE - 05.01.24

Thank you for this application, I have no objections in principle from a designing out crime and anti-social behaviour perspective, the overall design and layout proposed will on the whole provide both, active frontages and good overlooking to the new internal street, footpaths, parking and open spaces.

The reference within the design and Access Statement to Secured By Design and brief details of proposed crime and anti-social behaviour (ASB) reduction measures is welcomed. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures:-

- ' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security
- ' Structure: Places that are structured so that different uses do not cause conflict
- ' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling
- ' Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- ' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2023
- ' Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- ' Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and ASB.

The proposed parking provision for the above scheme is noted. It must be sufficient, when balanced against the overall schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles, practical and convenient to use as this will help to prevent unplanned parking elsewhere. It is the 'elsewhere' that can prove problematic for both residents and service providers and lead to upset and angst amongst residents due to inconsiderate and/or obstructive parking. It is recommended that spaces are formally allocated to residents as this allows ownership and greatly reduces potential for abuse which can often lead to community conflict between residents and visitors etc.

It is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2022 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

Whilst the inclusion of CCTV is welcomed, it should not be seen as a universal solution to crime and anti-social behaviour reduction. 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.

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. This site may not need that many cameras but would advise that any system has the capacity to install more cameras at a later stage if desired. Cameras, wiring and recording or monitoring equipment should be secured and any system installed should be designed in co-ordination with external lighting and landscaping.

The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution. Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications. CCTV systems may have to be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.

The proposed boundary and plot separation treatments are noted, any proposed new boundary treatment must not undermine the effectiveness of those of existing adjacent dwellings.

MDDC PUBLIC HEALTH - 22.01.24

We have considered the application and do not anticipate any environmental health concerns once completed. The site requires demolition and clearance and the recommendations in the Phase 1 geotechnical report should be followed in respect of this. As the site is surrounded by existing housing it will need to be well managed during demolition and construction, particularly with regards to traffic management in order to ensure that existing residents are not impacted upon. We therefore recommend the standard CMP and CEMP conditions are included on any approval.

The Phase 1 report summarises historical uses of the site and it is likely that any contaminated material or made ground is near surface which would be cleared during demolition and oversite works. We therefore recommend that the standard "unexpected contamination" condition is included on any approval.

DCC WASTE and TRANSPORT MANAGER - 24.01.24

It is noted that due to the size of the proposed development, this is a major application, and as such, the Waste Planning Authority provide the following comment.

The submitted Waste Audit Statement identifies the amount of demolition, excavation and construction waste set out by type of material and targets for the re-use, recycling and recovery for each type. It also sets out the details of disposal methods, including the names and locations of the waste disposal sites. The statement predicts the annual amount and type of waste that will be generated once the development is occupied, as well as measures to avoid all waste occurring. The statement overall demonstrates the management of waste in accordance with the waste hierarchy.

However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, the following information is requested:

- Identify a methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The name and location of the landfill waste disposal site.

MDDC TREE OFFICER - 19.02.24

Currently supporting the application is a Tree Constraints Plan that suitably set out the tree location, type, quality and root protection area. Where there is a layout design an arboricultural impact assessment (AIA), an arboricultural method statement (AMS), and tree protection plan (TPP) should be undertaken.

The majority of trees noted on site are view of moderate and low quality tree. Only one tree is noted as such condition where its removal should be undertaken.

The overall layout should retain all trees of moderate or low quality. Only low quality trees should be removed where it constrains the proposal.

Complementary tree planting should be undertaken as part of a landscape improvement scheme along the street scene in order to provide increased amenity value and biodiversity. Tree planting will provide further green buffering in what is a grey residential setting.

HISTORIC ENGLAND - 11.01.24

Thank you for your letter of 3 January 2024 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 - 14.02.24

The site is immediately adjacent to the conservation area, therefore any works should seek to provide an enhancement to the setting. It is recognised that this is not always achievable, though.

The existing properties are not of architectural significance, but they have a simple and discrete appearance, which is a positive element as they have a commanding presence due to the rise in the topography. Based purely on the elevation drawings submitted, the proposal would have no impact on the conservation area, as the proposed replacement dwellings have as little architectural merit in their appearance as the existing ones. However, their appearance would be harmed by the loss of the green space in front of the buildings. By siting cars nose-to-tail at the sides of the houses, this currently provides greater green space and less urbanisation. Grasscrete, or Grass Park, can only do so much, and the predominant visual appearance would be that of parking, followed by bin stores, which cannot be considered to be an improvement. It is

disappointing that the green space and size of the houses is being compromised in order to fit more housing on the site without any attempt being made to enhance the setting of the conservation area.

The embodied carbon within the existing properties does not seem to have been taken into account. It is not sustainable to replace functional buildings with new ones simply because the new ones may have lower operational energy expenditure. The embodied carbon on both the existing buildings and their replacements should be provided, because without this, it is impossible to claim that the proposed buildings are more sustainable than those they would be replacing. These buildings were constructed between 1976 and 1982, admittedly not the best time for energy efficiency in British house building, but there should at least be some consideration given to the energy savings that might be made and the embodied carbon saved, vs. the demolition and operational energy of the proposal.

Design-wise, the single bedrooms in the two-bed properties only have internal floor areas of 7.23m², and the requirement is for 7.5m². These need to be redesigned in order to comply with National Space Standards. It appears that either metal or plastic is to be used for the windows and doors; these are unsustainable materials and if the aim is to create energy efficiency sustainable houses, then these should be timber, which can be repaired and recycled while expending less carbon than their unsustainable counterparts.

DCC HISTORIC ENVIRONMENT TEAM - 09.01.24

Comments from Stephen Reed, Senior Historic Environment Officer

HET ref: ARCH/DM/MD/39039a

The proposed development area has been substantially disturbed by the construction of the post-war houses that currently occupy the site. As such, the archaeological potential of the site is low and the Historic Environment Team has no comments to make on this planning application.

SOUTH WEST WATER - 23.01.24

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

Asset Protection

Please find enclosed plans showing the approximate location of the public sewers and the public water mains in the vicinity.

South West Water will need to know about any building work over or within 3 metres of a public sewers or lateral drain.

Please note that no development will be permitted within 3 metres of the water mains or foul sewers, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewers and water mains will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

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

Surface Water Services

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

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

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

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

Clean Potable Water

South West Water is satisfied that the existing water distribution network will be able to supply this development without the need for further network reinforcement and therefore is able to provide clean potable water services from the existing public water main for the above proposal.

The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water are satisfied that the existing sewerage network downstream from this development will not need further network reinforcement therefore is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The site will be included in any future investigation into spill performance at storm overflows within the catchment so that the possible increase in flow can be accommodated without having a negative impact."

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

www.southwestwater.co.uk/building-and-development/services/pre-development-services

I trust this clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact me

Alternatively, you can contact the Pre Development Team.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 11.01.24

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 have submitted School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 1, dated 22nd December 2022) to support the planning application for the proposed 18 no. of residential development.

The applicant mentioned that the existing hardstanding areas on site is 0.09ha or 20% of the total site area. The current development proposal will comprise 0.20ha (33%) of impermeable area. The 10% urban creep shall only be applied to the residential dwelling only. The derivation of greenfield runoff rate shall exclude the 10% urban creep allowance also.

Where brownfield sites are being developed, peak flow control should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate. The current proposed 2.9l/s (50% betterment compared to the existing brownfield runoff rate) is not acceptable. The applicant currently consider to discharge the surface water runoff via infiltration means (soakaways and permeable surfaces). In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event. If the above tests demonstrate that infiltration is not viable, the applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water runoff generated up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in

order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

The applicant currently proposed to attenuate the surface water runoff via porous or permeable paving before discharging into the public sewer system. Underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

14.03.24

We are happy for them to carry out the infiltration at a later stage but the current attenuation option proposed is not meeting the criteria at all. We need to agree the greenfield runoff rate with them at this stage, the associated storage volume and location of the SuDS features before the layout is fixed. The current proposals are based on the brownfield runoff rate and the area used in one of the proposals is incorrect also.

In light of the above, I am reluctant to agree any pre-commencement conditions with them.

17.04.24

Recommendation:

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

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

- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- (b) A detailed drainage design based upon the approved School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 2024) and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.
- (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

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

The applicant have revised School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 2024) to support the planning application for the proposed 18 no. of residential development.

The applicant mentioned that the existing hardstanding areas on site is 0.09ha or 20% of the total site area. The current development proposal will comprise 0.20ha (33%) of impermeable area. The derived 1 in 2 year greenfield runoff rate is 1.4l/s.

It is proposed to attenuate the flow via permeable paving or grasscrete within the parking and pavement areas and geocellular crates before discharging into the surface water sewer within School Close via a HydroBrake or similar flow control device. The attenuation storage volume required is 171m³. A simplified model output results were submitted at this stage.

The applicant are yet to carry out any infiltration testing at this stage.

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, letters have been received from six local residents. Three of these neither support nor object, making comments, two are in support and one is a letter of objection. The points raised are summarised below:

- The terrace of 8 units will be built directly to the rear of a neighbouring property in Market Close, affecting the privacy and security of this property, as well as leading to increased noise disturbance. These properties will block out light and overlook the garden of this property.
- This inclusion of a footpath link between School Close and Market Close also raises concerns about security and increased noise.
- Concerns over the inclusion of a 'play area' adjoining neighbouring property, and questions over the use of land to the rear of properties in Market Close.
- Concerns over impact on local infrastructure, such as existing difficulty in getting a GP appointment.
- Concerned over lack of public consultation. Support the provision of additional affordable housing, which is required in the area.
- Some of the parking spaces along School Close would appear to block access to neighbouring drive.

- Would like to ensure that access is still available through the site for allowing access for oil tanker.
- Any damage caused to neighbouring property will need to be reinstated and compensated.
- Neighbours would like to be notified of when works will be carried out to enable them to prepare for the construction period.
- Hopefully the plan is to house local people first who need to be re-homed. It is preferred that locals are given priority.
- The site adjoins existing allotments that are fully occupied. The Bampton Allotment Association (BAA) have been seeking additional land for allotments provision in Bampton, and have missed out on land allocated for allotments when recent sites have been developed. The BAA would like to see land designated as woodland, within the site used as allotments, possibly raised beds. It is further noted that this area is more of an overgrown waste space that would be ideal for providing additional allotment space, which would then be maintained by local residents, negating the need for MDDC to maintain this land.

The Ward Members initially raised concerns over the level of public consultation that was carried out, however this matter has since been resolved. Furthermore, the Ward Members have expressed their support for the scheme.

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. Flooding and drainage
4. Residential amenity
5. Highways, parking and access
6. Climate change
7. Ecology and Biodiversity Net Gain
8. Planning obligations
9. Other matters
10. Planning balance

1. Principle of Development

- 1.7 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.
- 1.8 The National Planning Policy Framework (NPPF), (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, and a limited level of development in identified villages. Policy S13 (Villages) states that identified rural settlements, including Bampton, are suitable for limited development, for small scale housing. It is identified within

the submitted Design and Access Statement that there was a housing need in Bampton for thirteen 1 bed units, two 2 bed units, four 3 bed units and two 4 bed units.

- 1.9 The 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.
- 1.10 With respect to other relevant policies within the saved 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 18 dwellings proposed will be for social rent, a recognised form of affordable housing.
- 1.11 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 18 residential units would be achieved, which has been considered to be acceptable. The further relevant planning matters of the development are considered further below.

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

2.1 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.

2.2 The site is not located within a designated landscape and is on level land, but it 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'.*

- 2.3 Details of the appearance of the development have been provided including five residential blocks, comprising two pairs of semidetached houses, each being 4bed/8 person units, two comprising a mix of two 1 bed/2 person and one 3 bed/6 person units and final terrace of eight dwellings, of which two are to be 2 bed/3p person homes, with the remaining six being more 1 bed/2 person units. The properties will be located in a similar position to the existing houses to be demolished, although the development will push further to the north west and there will be an increase in density of development to the site frontage, with the terrace of eight units replacing the existing semi-detached bungalows. The proposed houses will all have level access. All bedrooms are shown as meeting the minimum required floor spaces, as identified within the nationally Described Space Standards. It had been noted that the single bedrooms included within the 2 bed units was below the minimum floor area of 7.5 square metres, however the plans have since been revised, with the internal layout amended slightly to provide further space for the single bedrooms, which now measure 8.5 square metres. Each unit has access to private amenity space provided by a private garden. There is also wider communal landscaped areas around the properties. In terms of materials, the external walls of the properties would have silicone render finish in Cream colour, and the properties would have metal standing seam roofs. The windows and door would be Anthracite Grey (RAL7016).
- 2.4 Notwithstanding the use of roof materials of a different finish to those used primarily in the neighbouring properties, the rendered finish is similar to that of the surrounding properties. Furthermore, the design, form and massing of the proposed dwellings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity.
- 2.5 The Design and Access Statement includes details of measures to ensure that the proposed development includes measures to comply with Secured by Design guidelines. 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, doors and windows required, 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.
- 2.6 The proposals are informed by National Planning Policy which encourages the effective use of land to meet the identified affordable housing needs that will make better use of the land replacing existing poor-quality housing and doubling the number of homes on-site. The

proposals will be restricted to two-storey in height (in line with the local character and immediate neighbouring properties) and will in fact result in a slight reduction in the ridge height, for the most part, albeit an increase in floor area and numbers. It is noted that there will be an increase in the height of the properties fronting West Street, as the bungalows will be replaced by a two-storey terrace, however these are to be set back from the road edge, with additional landscaping incorporated between these properties and the public highway.. The overall floor areas of the proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan.

2.7 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, through the use of materials including cream render for the external walls.

2.8 As noted earlier, the site adjoins the conservation area, which ends in West Street, to the east of the site frontage. As such consideration will have to be given to the impact that the development will have on the significance of these heritage assets. 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:

- 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)”

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.

- 2.9 In assessing the impact of the development, against the aforementioned local and national policy requirements, the proposal is considered to be acceptable. The Council’s Conservation Officer has assessed the proposal, and following consideration of the submitted heritage statement, has no objections to the proposal, noting that the proposal, particularly the provision of the terrace of eight properties, would have no impact on the conservation from a design point of view. They do however note that the existing properties are simple and discrete, which is a positive due to the commanding position of the site, above the road, at the conservation area edge. There would be some harm as a result of the loss of green space in front of the existing bungalows. The Conservation Officer has expressed some disappointment that greater opportunities aren’t taken to further enhance the setting of the heritage asset, and has suggested some improvements such as the use of timber windows rather than aluminium. While this is acknowledged, the proposed development is a factory fitted modular unit that offers limited opportunities for bespoke changes to features such as the window materials.
- 2.10 The Conservation Officer does also make further reference to the embodied carbon within the existing buildings and whether this has been taken into account. Again this is noted but it is accepted that the existing units have reached a point where they need replacing, with significant structural flaws identified.
- 2.11 Overall, the development as a whole is considered to be acceptable and have limited impact on the setting of the conservation area, and views in and out of it. While some low level harm is identified, this is considered to be less than substantial. Paragraph 208 of the National Planning Policy Framework (NPPF) states that *“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.”* Balancing any harm against the public benefits, it is noted that this will provide much-needed affordable housing, meeting both the needs of Bampton, and the wider District need. This benefit is given a significant weight and is considered to outweigh the low level of harm to the setting of the conservation area.
- 2.12 Policy DM2 of the local plan relates to renewable energy development such as solar arrays and is supportive of such development subject to proposals demonstrating that impacts are or can be made acceptable in relation to: a) Landscape character and the character and setting of heritage assets; b) Environmental amenity of nearby properties and the wider locality; c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and d) Biodiversity (avoiding habitat fragmentation).
- 2.13 A summary assessment has been carried out as follows: a) The site lies within the Bampton settlement boundary and does not lie within any protected landscape areas, although does

adjoin the Bampton Conservation Area. The panels are proposed on the south facing roof slope of the new dwellings, which fronts the Conservation Area, however 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 installation of solar panels is not considered to cause any unacceptable adverse harm to landscape character or heritage assets. Given the mix of property types in the immediate vicinity, the visual impact is considered to be acceptable. b) 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 do not result in the loss of any 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 currently occupied by existing properties, and their gardens. 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. It is considered that the impacts of the installation of the proposed solar panels are acceptable and therefore the proposal accords with policy DM2 of the Local Plan.

- 2.14 A detailed landscaping scheme has been provided. The case has been outlined within the application submission that the existing landscaping is of poor quality, comprising primarily low value grassland and hard surfaces of concrete and tarmac. Existing structures on site do not contain any biodiversity enhancement measures such as green roofs or bird boxes.
- 2.15 The proposed landscaping seeks to increase the biodiversity of the site by providing a mix of amenity grassland, including grasscrete parking areas, native meadow planting, hedges and trees. Bat and bird boxes can be attached to the proposed buildings providing roosting and nesting sites, and will be located on the advice of the ecological surveys and reports provided.
- 2.16 The application is supported by a tree survey, which identifies that there are no significant trees on-site that would be affected by the proposals. There are some category B, moderate quality trees, however the Council's Tree Officer, having considered the proposal, has no objections, The Tree Officer notes that there is one low quality tree that will require removal, otherwise the other existing trees can be retained. The tree survey recommends the provision of a further arboricultural impact assessment, arboricultural method statement and tree protection plan, details which can be conditioned to ensure that adequate tree protection measures are put in place during construction. Otherwise, it is noted the proposals include the planting of new trees, which contribute to significant Biodiversity Net Gain of 20.85% in habitat units and 295.11% in hedgerow units.
- 2.17 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, with some properties having individual storage space for recycling and refuse.
- 2.18 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping, and its impact on heritage assets.

3 Flooding and Drainage

- 3.1 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.
- 3.2 Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Foul flows are proposed to discharge to a combined public sewer that passes through the site.
- 3.3 The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy in support of the proposal. The report concludes that the proposed development site lies wholly within Flood Zone 1 and that the FRA demonstrates that the proposed development is at a negligible to low risk of flooding from all sources. The report states that the proposed development will result in an overall impermeable area of 0.20ha. Surface water runoff generated by the development will be restricted to 1.4l/s, which is equivalent to the 1 in 2 year greenfield run off rate, which comprises a 78% betterment over existing conditions. In order to achieve this restriction, the preferred drainage strategy is for attenuation to be provided within permeable paving, grasscrete and geocellular crates, which will then be restricted by Hydrobrake before being discharged at this controlled rate into the local surface water sewer. The Lead Local Flood Authority (LLFA) have considered the proposal and did initially object to the proposed drainage strategy. However this has since been amended to provide the above scheme, to which the LLFA now have no objections in principle. They do note however that the applicant must still demonstrate that on-site infiltration is no feasible initially, as required by the SuDS hierarchy for disposal of surface water. While the submitted scheme demonstrates that the site can be appropriately drained to avoid additional surface water flooding in the locality, a pre-commencement condition is requested to ensure that the final drainage scheme addresses the SuDS hierarchy, and allows for the disposal on site, if possible. This condition requires the applicant to, undertake BRE Digest 365 infiltration testing to determine the suitability of infiltration techniques; provide details of management during construction, proposals for the adoption of the permanent surface water drainage system, provide a plan indicating how exceedance flows will be safely managed on site, and evidence of agreement in principle that connection can be made to nearby systems.
- 3.4 A consultation response has also been received from South West Water (SWW) noting that discharging surface water to the public sewerage network meets the run-off destination hierarchy (albeit seeking further evidence to formally confirm this). As discussed above, the preferred drainage strategy includes on-site storage and controlled discharge to the public surface water sewer, however as required by the LLFA, a condition will be imposed to ensure that opportunities to discharge of surface water higher up hierarchy in the first instance.
- 3.5 SWW have also provided details of the locations of the nearby combined sewer, surface water sewer and water main, some of which pass through the site. Whilst this is not a constraint to development, it is noted that the development must not encroach within a 3 metre easement, otherwise these assets may need to be diverted at the developer's expense. The applicant is aware of this, however an informative will be added to any decision notice.

4 Residential amenity

4.5 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.

4.6 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential blocks and orientation of windows are such that it is considered that a residential development has been designed to be in accordance with these two policies, with adequate separation.

4.7 Objections have been received from the occupiers of a property in Market Close, which is the nearest property to the proposed terraced block of houses. The objectors raise concerns that they will have a loss of privacy as a result of overlooking, and raise security concerns as a result of the additional houses, and provision of a formal path to link School Close and Market Close. Questions are also asked about the status of some of the communal landscaped areas, with worries that these will provide a play area. In considering these issues, it is noted that the eastern gable end of the large terrace, which is proposed to replace the bungalows, will be within 12.64 metres of the edge of the neighbouring property, which is relatively close. Despite this, the property is oriented to limit harm as it is angled such that bulky elevations will not be level with the property and garden, and also that windows will not provide direct overlooking of the neighbouring garden area. The concerns about additional noise are noted, however this is a residential area, and development of a similar residential nature is proposed. While there are additional communal landscaped area being provided, these are not allocated to be used as play areas. The land to the west of the contributor's property will be amenity grassland, and the land to the south is to be native meadow. Otherwise, the other properties proposed, will have a good level of separation from any other neighbouring properties. As such, the proposals will ensure that the residential amenity for neighbours and future tenants will not be harmed. Due to the residential setting

however, the agreement of a Construction and Environmental Management Plan is recommended by the Council's Public Health Officer.

- 4.8 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.

5 Highways, parking and access

- 5.1 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. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.
- 5.2 The site will be accessed via the current arrangements at the junction of School Close and West Street, with parking provision being made directly off School Close. Further parking provision will be expanded in market Close to the north of the site, with existing parking areas being increased in size. The proposal also include the widening of the eastern side of School Close, near to the West Street junction, from 4.5 metres to 5.5 metres in width.
- 5.3 The Highway Authority have commented on the application and raised no objections in principle. It is noted that the increase in trip generation would not have an unacceptable impact on the local highway network. Furthermore, the parking layouts and geometry conforms to best practice. The inclusion of the internal footpath to Market Close is welcomed, as this will allow for efficient connection to local services.
- 5.4 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 an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of 31 parking spaces. The proposed development accords with the requirements for parking provision by providing 38 parking spaces, which will meet the requirements for this development and make additional provision within the local area. Noting that ten of the dwellings will be 1 bed properties, and the location in close proximity to local services, it may be reasonable to assume that the demand for parking associated with this development may be less than that required under DM5, further enhancing the local parking provision.
- 5.5 The proposal also exceeds the DM5 requirement of 1 electric vehicle charging point per 10 dwellings, with 4 charging points proposed.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities (several chemists/pharmacies, a doctor's surgery, convenience store, community centre, religious facilities and Bampton Primary School). The site is surrounded by an established pedestrian network and is within the vicinity of the National Cycle Way, which passes through Bampton, the use of which will be encouraged through the provision of 2 cycle parking spaces per unit (which is parking standard compliant). The site is in easy reach of bus stops served by bus services 25 and 398 providing a connection into Tiverton, Dulverton and Taunton, as well as other residential areas. There are clearly opportunities to maximise sustainable travel movements to and from this site.
- 5.7 Space within individual private gardens has been indicated for the provision for cycle storage, which is welcomed by the Highway Authority. Final details have not been provided

of the design but that will be conditioned to ensure these facilities are provided prior to the occupation of any of the dwellings.

- 5.8 Due to the location within an existing residential area, and to ensure there is no adverse impact on highway safety during construction, both the Highway Authority and the Council's Public Health Team have recommended the inclusion of a condition requiring the submission of a Construction and Environmental Management Plan (CEMP), which is considered appropriate. This condition will need to be a pre-commencement condition.
- 5.9 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

6 Climate change

- 6.1 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 and sustainability statement. The statement considers that the proposed dwellings are constructed in line with the applicants zero carbon strategy including measures that incorporate renewable energy technology.
- 6.2 The siting and design of the proposed dwellings conducive to providing more energy efficient and sustainably constructed dwellings, with solar panels included 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.
- 6.3 The proposed construction follows a 'fabric first' approach to ensure that loads are reduced and residual energy demand is minimised. The units are fully fitted factory built modules, which contain energy efficiency measures such as super insulated wall build up, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps. With these and other identified measures, the development is estimated to save 17.7 tonnes of carbon per year over the building regulations baseline, providing a net offset of total emissions for the area, helping to reduce overall emissions by 532 tonnes over the next 30 years. On this basis, the development is considered to be an exemplary example of low carbon development.
- 6.4 The proposal also includes a landscape strategy which results in the provision of new native trees together with the provision of mixed native hedges as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 6.5 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".
- 6.6 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a modest scale 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.

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 application includes the demolition of the existing properties on site, along with the garaging that has not already been removed. With regards to protected species and habitats a Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 12th December 2022, a Bat Emergence Survey report and Reptiles Survey report, produced by Western Ecology, dated 27th November and 28th November 2023, respectively. Bat emergence surveys were carried out on several days in July and August 2023 and reptile surveys were carried out on seven occasions between July and September 2023. In addition, a Biodiversity Net Gain Assessment was carried out by Arbtech, dated 4th October 2023, and findings submitted.
- 7.3 The findings of the Preliminary Ecology Appraisal identified a risk of potential destruction of bat roosts due to the required demolition of the existing houses. The existing low level grassland, also presented opportunities for basking, foraging and sheltering reptiles. As such, additional bat emergence surveys were required, as were reptile surveys. The bat surveys identified 3 common pipistrelle and 1 soprano pipistrelle bats emerging from building B2. No bat activity was recorded in the other buildings. Due to the activity in B2, it was concluded that bats were day roosting in this building. It was not considered that the other buildings were likely to contain bat roosts.
- 7.4 In respect to the identified bat roosts, it was concluded that the proposed development would lead to the destruction of these roosts, in which case a European Protected Species Licence (EPSL) would be required before carrying out any works to the building in question.

In addition, Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010 ("the Regulations") provides that, "*A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions*". In exercising their duty, the Local Planning Authority should assess the proposal against the three derogation tests of the Habitats Regulations 2010, these being:

- The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- 'There is no satisfactory alternative'
- The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

In assessing these the first two of these tests, it is considered that the proposal satisfies them in that the accommodation would facilitate the provision of local affordable housing, increased economic growth and rejuvenation of the local area. Additionally, there are no other satisfactory alternatives as the buildings are considered to have reached their end of life and are already starting to fall into disrepair. Against the third test, it is considered that the proposal will not be detrimental to the maintenance of the species as appropriate mitigation will be provided to compensate for the loss of the existing roosts, enabling the favourable conservation status of the species recorded to be maintained. This mitigation is in the form of temporary bat boxes during construction works, and permanent bat box being provide post-development.

- 7.5 In considering the findings of the reptile survey, it was found that there were slow worm present on site. It was concluded that the site is assessed as supporting a 'Good' population of slow worm but would not qualify as a 'Key Reptile Site'. In order to prevent harm to the slow worm populations, measures are proposed within the survey report for the capture and translocation of the population, prior to works commencing on site.
- 7.6 In respect to other wildlife, the development will see the loss of amenity grassland, hardstanding and shrub vegetation on site. The ecologist noted that the loss of such habitats is likely to be inconsequential to local amphibian, hedgehog and invertebrate populations owing to their low value and the presence of more extensive habitat locally. Similarly the development site itself has sub-optimal habitat for foraging badgers and negligible suitability for badger setts. It is proposed to ensure that any site clearance takes place outside the hibernation season for hedgehogs and amphibians. Similarly, there is potential to disturb nesting birds during site clearance, in which case precautionary measures are proposed to limit clearance within the birds nesting season unless inspection has first taken place by a qualified ecologist, immediately prior to works.
- 7.7 On the basis of the above, 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.
- 7.8 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation prepared by Arbtech Consulting Ltd. It is considered that a condition could be added to any grant of planning permission requiring the proposed development to be carried out in accordance with the recommendations of the PEA/PRA, Emergence Survey Report, Reptile Survey Report and Biodiversity Net Gain Assessment. It should be noted that the application was received and validated before the mandatory requirement of BNG came into force.
- 7.9 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.
- 7.10 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

8 Planning obligations

- 8.1 Policy S5 (Public Open Space) states that within Tiverton Cullompton and Crediton, public open space is required from residential development of 11 or more dwellings. Public Open Space is required for developments of 6 or more dwellings elsewhere. In this case however, the development is for solely affordable housing, in which no financial contributions would be required.
- 8.2 Devon County Education have commented, however the development does not meet the threshold for contributions due to less than four family (2+ bed) houses being delivered, on the basis of the ten dwellings being demolished including 8 or more family-type dwellings.
- 8.3 Developments of 11 or more open market dwellings in Tiverton, Cullompton and Crediton are expected to provide a target of 28% affordable dwellings, and site of 6 or more open market homes elsewhere, have a target of 30%. In this case, the scheme is for 100% affordable housing, with the dwellings being incorporated into the Council's portfolio of social rented accommodation. A condition will be imposed on any decision to agree an affordable housing scheme to ensure the accommodation is used for affordable housing, to meet local need, and retained as such.

9 Other matters

- 9.1 Comments have been received from the Bampton Allotment Association (BAA), noting that the organisation have been looking for new allotment sites. They have identified an area of scrubland to the North West corner of the site, adjacent to a path into the existing allotments that could provide additional allotment space, in the form of raised beds. It has been requested that this be included in the scheme. It is not considered appropriate to require this to be included within the scheme, as it is not something that is necessary for the scheme to be considered acceptable and therefore does not meet the CILL 122 Tests as set out in legislation. It is also noted that as this is a scheme for affordable housing, there is no public open space requirement. Nonetheless, the applicant has included raised beds indicatively within the site plans and has advised that they would be willing to discuss provision of additional allotment space in the future. Despite this, no formal requirement is to be included by condition or as a planning obligation.
- 9.2 As this is a major planning application, the scheme is supported by a Waste Audit Statement, which details the expected waste to be generated during demolition and construction, along with measures to ensure its safe disposal in line with appropriate environmental legislation. The County Waste and Transport Officer initially commented, requiring further information to be included in the statement. This has since been done, with the required information now included.
- 9.3 The applicant has included a Statement of Community Involvement within the submitted Design and Access Statement, in which they have indicated that they have carried out a mailing exercise in the local area, followed by an online consultation, which was attended by representatives from Zed Pods, and the Mid Devon Housing Team. Some concerns have been raised about the level of consultation carried out, with the Ward members initially requesting further consultation. This matter has since been resolved and no further concerns have been raised by the Ward Members.
- 9.4 The County Historic Environment Team have responded and indicated that they wish to make no comments on this proposal, as the development area has been substantially

disturbed by the construction of the existing post-war houses.

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 an overprovision in parking spaces, and that the site is within walking distance of public transport and other services and facilities.

10.2

The delivery of eight additional affordable homes for social rent (taking into account the ten existing properties to be demolished), weighs in favour of approval of the application. Taking all the above into consideration, it is considered 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 under Local Plan policies S1, S3, S9, S13, DM1, DM2, DM3, DM5 and DM25.

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 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:

- (cc) the timetable of the works;
- (dd) daily hours of construction;
- (ee) any road closure;
- (ff) 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;
- (gg) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (hh) 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;
- (ii) 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;
- (jj) hours during which no construction traffic will be present at the site;
- (kk) the means of enclosure of the site during construction works;
- (ll) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (mm) details of wheel washing facilities and obligations;
- (nn) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (oo) details of the amount and location of construction worker parking; and
- (pp) 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 No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) A detailed drainage design based upon the approved School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 2024) and the results of the information submitted in relation to (a) above.
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) Evidence there is agreement in principle from SWW/ landowner/DCC Highways to connect into their system.

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

- 5 No development hereby permitted shall commence until an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to detail measures to protect any trees to be retained on the site, or adjoining land, which may be affected by the proposed development, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction.
- 6 The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site given the findings of Desk Study produced by Structa, report ref: 6472-GE003 Revision 02 dated 8th January 2024. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Development on the site shall not commence until the land contamination investigation report and any remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

- 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 NPPF (2023) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:
 - ix. the numbers, type and tenure of the affordable housing provision to be made;
 - x. 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);
 - xi. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - xii. 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 Notwithstanding the landscape strategy submitted, prior to above 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 reprofiling 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 in accordance with Section 4.0 'Conclusions, Impacts and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 12th December 2022, Section 5 'Recommendation and mitigation' of the Bat Emergence Survey report prepared by Western Ecology, dated 27th November 2023 and Section 6 'Recommendations' of the Reptile Surveys report prepared by Western Ecology, dated 28th November 2023. As detailed in the recommendation sections of the Bat Emergence Survey and Reptiles Survey, no development shall be commenced (including any site clearance) until the LPA has received notification in writing from a competent ecologist that alternative temporary bat roosting boxes have been provided, and capture and translocation of reptiles has been carried out. The development shall also be carried out in accordance with the Biodiversity Net Gain File Note prepared by Arbtech dated 3rd January 2024.
- 10 Details of 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.
- 11 The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010- S01- P04'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
- 12 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.

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. 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 .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.
5. To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies S9 and DM1 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 necessary tree protection measures are implemented prior to any commencement of preparatory and/or construction works.
6. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition as any issues found following the intrusive investigation and risk assessment would need to be addressed prior to construction of the development.
7. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, and in accordance with policy S3 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 Mid Devon Local Plan 2013-2033
9. 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. Required prior to commencement to ensure safe relocation of reptiles and protect bat species.
10. 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.
11. 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 and the aims and objectives of the National Planning Policy Framework.

12. 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.

INFORMATIVES

1. The applicant/agent is reminded of the comments received from South West Water (SWW), dated 23rd January 2024, advising of the presence of public sewers and public water main, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.
2. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 5th January 2024, in respect to compliance with Secured By Design principles.
3. 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.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Bampton, therefore the principle of residential development on this site is accepted. 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. Any harm to identified heritage assets are considered to be appropriately justified when balanced against the public benefits of the scheme. Whilst ten existing homes would be replaced, the net delivery of eight additional new homes, of which all would be affordable dwellings weighs in favour of approval of the application providing public benefits and 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, S13, DM1, DM2, DM3, DM4, DM5 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

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. 23/01381/FULL

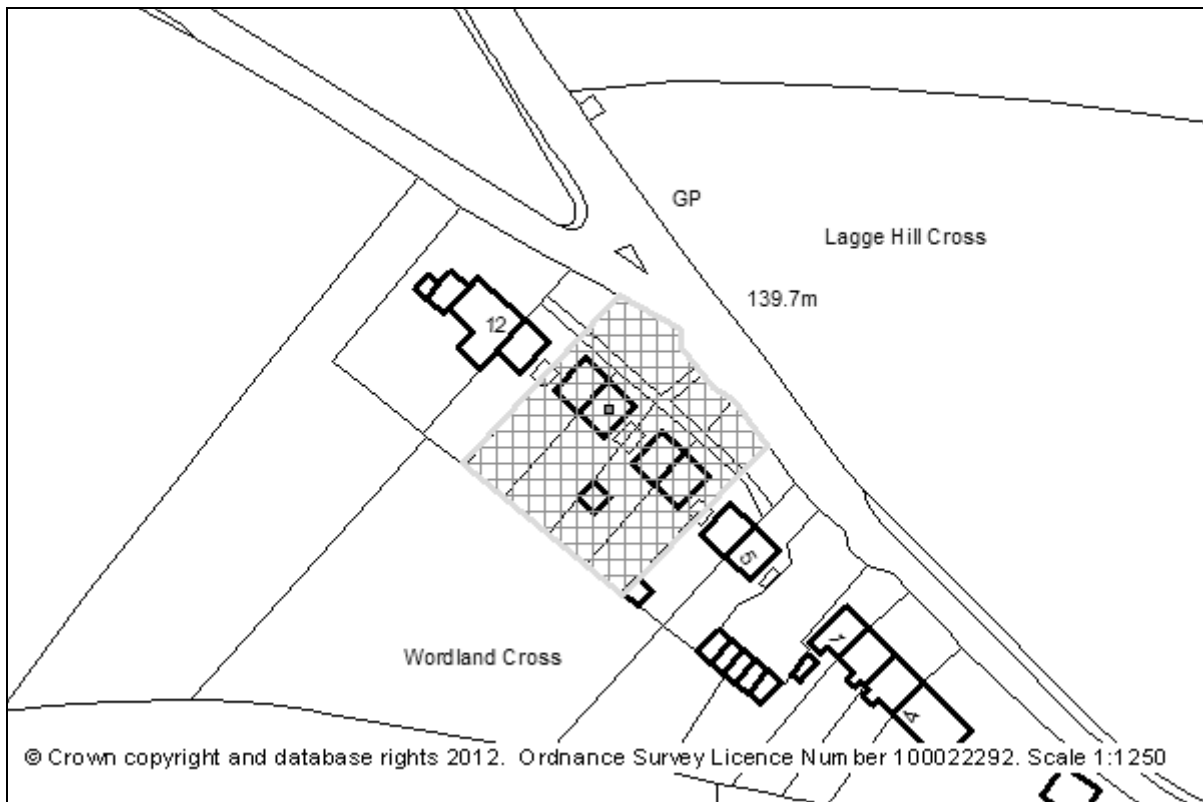
Grid Ref: 287245: 105776

Applicant: Mr M Frost

Location: 7-10 Wordland Cross
Cheriton Fitzpaine
CREDITON
Devon

Proposal: Erection of 6 dwellings following demolition of 4 existing dwellings

Date Valid: 14th November 2023



APPLICATION NO: 23/01381/FULL

MEMBER CALL-IN

The 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 applicant and landowner.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of 6 dwellings following demolition of 4 existing dwellings. The site is located in the countryside to the south of Cheriton Fitzpaine at Lagged Hill Cross. The site area extends to approximately 1200sqm and currently comprises two pairs of semi-detached, two storey dwellings. The dwellings are located next to the public highway with a footway, small gardens and a layby parking area to the front and larger private amenity areas extending to the rear. The site is situated between other residential properties to each side, beyond this the site is surrounded by agricultural land.

The application seeks permission for the erection of 6 dwellings following demolition of 4 existing dwellings. The application indicates that the dwellings will form part of the Council's housing stock providing social rented housing. The dwellings are proposed to be arranged as a terrace of 6, two storey dwellings. They are proposed to be sited slightly further back into the plots with a small amenity area immediately in front of the dwellings, including bin and bicycle stores, and beyond this an enlarged parking area immediately adjacent to the highway. The dwellings include solar panels to the north east and south west elevations. The material palette comprises a brick plinth, painted render walling, cladding, slate tile roof and uPVC windows and doors.

APPLICANT'S SUPPORTING INFORMATION

- Application form
- Planning statement
- Air quality assessment
- Preliminary Ecological Appraisal and Emergence Survey Report
- Climate emergency statement
- Site location plan
- Proposed block plan
- Proposed floor plans
- Proposed roof plan and elevations

Revised floor plans and a block plan were received on 18th April to include cycle storage and to ensure compliance with the national space standards. As these slightly increased the overall footprint of the dwellings, the relevant consultees and neighbours have been

re- consulted and any comments received will be reported to committee by way of an update.

RELEVANT PLANNING HISTORY

23/01381/FULL - PCO date Erection of 6 dwellings following demolition of 4 existing dwellings

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 Sustainable development priorities
S2 Amount and distribution of development
S3 Meeting housing needs
S5 Public open space
S9 Environment
S13 Villages
S14 Countryside
DM1 High quality design
DM2 Renewable and low carbon energy
DM3 Transport and air quality
DM5 Parking
DM6 Rural exceptions sites
DM10- Replacement dwellings

National Planning Policy Framework

National Planning Practice Guidance

Meeting Housing Needs SPD (November 2023)

Air Quality and Development SPD (April 2023)

The Provision of Parking in New Development (June 2013)

CONSULTATIONS

CHERITON FITZPAINE PARISH COUNCIL- 26th November- supported

SOUTH WEST WATER- 1st December-

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

Asset Protection

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

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

Please click here to view the table of distances of buildings/structures from a public sewer.

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

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fsewer-services-connections%2Fdiversion-of-public-sewers&data=05%7C01%7Ccustomerservices%40middevon.gov.uk%7Cac88d88ebb254b1eed5208dbf166380a%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638369193891008473%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=26XR06icLi g8BwdMAn8b0cT7vlnjyixival8ctrCA2k%3D&reserved=0>

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 applicants current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

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

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by

the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

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

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

25th Jan 2024

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

Asset Protection

From reviewing PP 07 Rev C Block plan please note the required 3m easement for the existing sewer needs to be maintained. Soakaways cannot be positioned within the 3m protective easement of the public sewer.

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

Please click here to view the table of distances of buildings/structures from a public sewer.

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

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

Surface Water Services

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

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

From reviewing PP 07 Rev C Block plan we note the proposal to discharge via infiltration, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Clean Potable Water

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

Foul Sewerage Services

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

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

www.southwestwater.co.uk/building-and-development/services/pre-development-services

HIGHWAY AUTHORITY- 4TH December-

Observations: The site is accessed off a C Classified County Route which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none. The number of dwellings proposed would not create a severe impact on the highway network.

The parking which has been proposed are on the opposite side of the road and they have not shown visibility splays for either the pedestrians crossing the road to access the parking area, or the visibility splays for the vehicles leaving the parking area.

These drawings need to be submitted as part of the application before the County Highway Authority can put forward a recommendation.

Information update

I had previously misread the drawings submitted by the applicant and the parking is to be provided on the same side of the C Road but opposite the footway. Therefore the drawings that have been submitted to show the visibility which is required for the speeds in this area and are safe and suitable.

Recommendation:

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

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;

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

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

PUBLIC HEALTH- 5th December-

We have considered the application and have the following comments:

1. Air Quality - a comprehensive air quality assessment has been carried out in accordance with the MDDC SPD which relates to the potential impact of new development on the Crediton air quality management area. The outcome of the assessment is that the replacement of 4 dwellings with 6 new ones would have a negligible impact on the AQMA and is fact would represent a gain locally by the installation of electric charging points and air source heat pumps at each property. We have no concerns regarding this conclusion.
2. Air Source Heat pumps - the applicant must ensure that the selected pumps are sufficiently quiet not to impact on either beneficial or neighbouring residents. They will be located close to windows and doors on every property. We therefore recommend that the

following condition is included on any approval because the background level used in the compliant heat pumps calculation is too high for a rural area:

"The air source heat pumps shall be selected, installed and operated to ensure that the residual noise level from the pumps shall not exceed the measured background noise level (day or night) by any more than 5dBA measured as Laeq, 15 min at the boundary of any residence. Reason: to protect the amenity of existing and future residents from unacceptable noise levels.

3. Construction management - we recommend that the standard CEMP condition is included on any approval to ensure that the demolition and building works do not impact unreasonably on neighbouring residents or the local community.

FORWARD PLANNING & HOUSING ENABLING OFFICER

The application site is located approximately 0.3 miles to the south of the nearest village of Cheriton Fitzpaine, outside of any defined settlement limit. In policy terms, the site is therefore located in the countryside. Accordingly, the provisions of Policy S14, DM6, and in this case, DM10 are applicable.

The proposal seeks planning permission for the demolition of four dwellings and the erection of six replacement dwellings. It is understood that the existing dwellings are existing Mid Devon District Council housing stock and are in significant need of renovation and repair and are at the end of their lifetime. Consequently, the applicant is seeking the most economically viable route forward to provide six replacement dwellings, which therefore provides two additional social rented units to add to the social rented housing stock, with all six dwellings to be tenanted by the Council.

The principal policy consideration is whether the proposal complies with clause a) of Policy DM6, that there is 'up-to-date evidence of housing need secured through a housing need survey, or in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme'. The applicant has submitted data from Devon Home Choice for Crediton (which falls within a five mile radius) which identifies significant demand. The latest data for Cheriton Fitzpaine suggest there is only demand for 2 x 1 bedroom accommodation in the village. The applicant has also highlighted significant needs for all forms of affordable housing across the district as a whole as evidenced via the Council's Local Housing Needs Assessment 2022. There is no up-to-date Housing Needs Survey for Cheriton Fitzpaine, nor has one been undertaken/submitted to support the application. This would normally be required to inform an accurate assessment of the proposal.

However, in these circumstances, the proposal is essentially for the redevelopment of a site that comprises existing social rented housing stock. The proposals seek to replace the existing end-of-life provision with modern, newly constructed affordable homes that provide a higher standard of residential living accommodation. Therefore it is not considered necessary to justify the need for the replacement affordable homes, provided that the proposals comply with Policy DM10, 'Replacement dwellings in rural areas'. With

respect for the two additional affordable homes, it is considered that these could be acceptable, provided that, when considered as a whole, the development represents a more efficient and effective use of the land, in accordance with paragraphs 123 to 127 of the National Planning Policy Framework and provided that the case officer is content with the design and layout of the proposal, does not result in overdevelopment of the site and in all other respects accords with the other provisions of Policy DM6 (clauses b-e). In any event, the DHC data for Cheriton Fitzpaine supports the addition of 2 affordable homes in the parish. Whilst the application proposals would not exactly equate to the DHC demand evidence in terms of bedroom numbers, the Mid Devon LHNA supports a greater proportion of 2 and 3 bedroom homes and therefore this is considered acceptable. The proposed dwelling sizes would also be more flexible to accommodate a broader range of housing needs should these change in the future.

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.

The following properties were written to:

7 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
5 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
2 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
1 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
8 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
6 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
11 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
10 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
4 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
3 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
12 Wordland Cross Cheriton Fitzpaine Crediton Devon EX17 4JR
Little Hayne Cottage Cheriton Fitzpaine Crediton Devon EX17 4HR

At the time of writing this report one letter of support has been received, the key points being:

- A sensible application to demolish old, thermally efficient houses with modern ones
- Brownfield development improving this site council housing stock by 50%

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principle of development
2. Highways impacts and parking
3. Design and amenity issues, impact on the character and appearance of the rural area
4. Ecology and biodiversity

5. Flood risk and drainage
6. Other issues- air quality, public open space, EIA screening,

1.0 Policy and 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 NPPF is noted as one such material consideration. The NPPF sets out the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways, these are an economic objective, social objective and environmental objective.
- 1.2 In relation to rural housing the NPPF requires planning policies and decisions to be responsive to local circumstances and support housing development that reflect local needs. Paragraph 84 seeks to avoid new dwellings in the countryside unless there are special circumstances. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 1.3 In 2020 the Council adopted the Mid Devon Local Plan 2013- 2033 and this takes priority in decision making.
- 1.4 Policy S1 sets a number of strategic priorities to support the creation of sustainable communities including through delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community. In relation to residential development policy S1 and S2 sets a development focus at Tiverton, Cullompton and Crediton with a limited level of development in identified villages. Policy S13 designates a number of villages as suitable for limited development by virtue of the level of services available, Cheriton Fitzpaine is designated as a 'village' for the purposes of S13.
- 1.5 The site is located in the countryside approximately 400m south of Cheriton Fitzpaine at Lag Hill. Policy S14 states that development outside settlements will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It states that detailed development management policies will permit agricultural and other appropriate rural uses subject to the following criteria;

a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings,

replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;

b) Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings);

c) Appropriately scaled and designed extensions and other physical alterations to existing buildings;

d) Agricultural and equestrian development;

e) Community facilities, such as educational facilities, buildings associated with public open space, transportation and infrastructure proposals (including green infrastructure); and

f) Renewable energy and telecommunications.

1.6 The proposal is for the erection of 6 dwellings to replace 4 existing Council owned dwellings. The dwellings are proposed to be occupied as affordable housing (social rent).

Policy DM6 relates to rural exception sites and stipulates that *the development of a site for predominantly affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:*

a) There is up-to-date evidence of housing need secured through a housing need survey or, in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme;

b) Each house will be occupied by at least one person with a strong local connection to the parish;

c) The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;

d) The type and scale of affordable or low-cost housing is appropriate to the proven need;

e) The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

1.7 An assessment against each of these criteria is set out below;

a) The applicant's case for the development sets out that the existing dwellings are at the end of their lifetime and the applicant is seeking to take the most economically viable route by demolishing them and maximising the plot in this location to provide six replacement dwellings, which will provide an additional 2 units to add to the social rented housing stock numbers to meet local housing needs. The application is not supported by an up to date housing needs survey. The supporting statement relies upon a general housing need across the district (as set out in the East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment: Report of Findings for Mid Devon, dated September 2022). Housing needs data from Devon Home Choice (DHC) has been submitted for Crediton which demonstrates a significant demand, it is noted that this does not relate specifically to the Parish of Cheriton Fitzpaine but is within a 5 mile radius of the site. The latest DHC data for Cheriton Fitzpaine identifies a need for 2 x 1

bedroom accommodation. In the absence of an up to date housing need survey for the parish the proposal is not considered to demonstrate compliance strictly in accordance with part a of the policy, this is considered further below.

- b) This can be secured by condition (see condition number six).
- c) As set out above, the site is not located within or adjoining a settlement and is located in the countryside. The site is previously developed land, currently occupied by four dwellings which are in need of significant renovation and repair. The site is located within a collection of 12 dwellings located at Lagge Hill Cross, of which six are Council owned. Whilst the site does not adjoin a settlement, the services and facilities within Cheriton Fitzpaine are not within an unreasonable distance for walking or cycling. Lag Hill is a rural road but falls within the 30mph speed limit zone which may help to promote sustainable modes of travel. However it is noted that there are no footways or lighting and given the topography it is likely travel by private car would be more appealing and therefore from an environmental perspective the sustainability of the site is questionable.

Whilst the development is located in the countryside, the visual impact of the development is considered to be limited having regard to the existing site conditions and the siting between other residential dwellings. The design/ impact to the character and appearance of the area is discussed further in the relevant section below.

- d) The scheme proposes four two bedroom dwellings and two three bedroom dwellings. The applicant set out that the dwellings are designed to meet the need for 2 and 3 bedroom houses for which the greatest proportion of need was identified in the the East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment: Report of Findings for Mid Devon, dated September 2022. This is also reflected in Principle 2 of the Council's adopted Meeting Housing Needs SPD which highlights 2 and 3 bedroom units as the highest target percentages. In the absence of an up to date housing needs survey for the Parish this is considered to be a reasonable basis to consider the type and scale of housing to be appropriate.
- e) It is the intention that the dwellings would be occupied as social rented accommodation. The retention of the units as affordable dwellings can be secured by condition (see condition number six).

1.8 The proposal is essentially for the redevelopment of a site that comprises existing social rented housing stock. The proposals seek to replace the existing poor quality housing stock with modern, newly constructed affordable homes that provide a higher standard of residential living accommodation. Policy DM10 makes provision for replacement dwellings in rural areas. The direct replacement of four dwellings with four new affordable dwellings is considered to be supportable under DM10, however it is not considered to allow for an increase in the overall quantity of dwellings on the site.

1.9 In terms of the net increase of 2 affordable dwellings, it is noted that the DHC data for Cheriton Fitzpaine supports the addition of 2 affordable homes in the Parish. Whilst the application proposal would not exactly equate to the DHC demand evidence in terms of bedroom numbers, the Mid Devon Local Housing Needs Assessment supports a greater proportion of 2 and 3 bedroom homes which this proposal would provide. Furthermore, the NPPF at paragraph 123, sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

1.10 The proposal makes efficient use of the existing site area to deliver an increase in affordable dwellings to enhance the Council's existing housing stock. Whilst a housing needs survey has not been carried out, it is considered that there is sufficient evidence that there is an identified need for affordable housing within the Parish and across the wider district that this proposal would help to meet. Furthermore the proposal is considered to make efficient use of the land to contribute towards the corporate objectives of MDDC to increase the delivery of social rented homes. Overall it is considered that the provision of 6 affordable dwellings in this location can be supported in principle in accordance with policies S14, DM6 and government guidance in the NPPF.

2.0 Highways impacts and parking

2.1 Policy DM3 sets out that development must ensure safe access to the transport network. Policy DM5 requires that development provides 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 the development. For dwellings a minimum of 1.7 parking spaces are required as well as 2 cycle spaces per dwelling (2 beds) or 4 per dwelling (3+ beds).

2.2 The site is located immediately adjacent to the public highway. It is proposed that the area immediately adjacent to the highway would provide a parking area, with 12 spaces proposed including 1 accessible bay. Appropriate visibility splays from the parking spaces can be achieved to allow safe access/ egress to the public highway.

2.3 The proposal has been amended to include provision of cycle storage at the front of each dwelling. In principle this is considered to accord with the requirements of DM5, however at this stage limited details have been provided and full details will be required by condition.

2.4 The Highway Authority have commented on the application and are satisfied that the proposed development would not create a severe impact on the highway network.

2.5 On this basis it is considered that the proposal is not likely to result in any significant adverse impacts to the local highway network and the parking provision is considered to be supportable in accordance with policy DM5.

3.0 Design and amenity issues, impact on the character and appearance of the rural area

3.1 Policy S14 requires development outside settlements to preserve the character, appearance and biodiversity of the countryside.

3.2 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 through the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas.

3.3 Policy DM1 requires that 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 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 unacceptable 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) 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'.*

3.4 The dwellings are proposed as a terrace of properties with a parking area across the frontage and private garden areas to the rear. The dwellings meet with the

Nationally Described Space Standards and furthermore each dwelling would benefit from a modest garden area to the front and a larger private garden area to the rear which are considered to provide a good level of amenity for future occupiers. Dwelling 1 is proposed to be an adaptive dwelling. The remaining dwellings are proposed to be “visitable dwellings”, a requirement of M4(1) of Building Regulations Approved Document that reasonable provision should be made for people (including wheel chair users) to gain access to, and use, the dwelling and its facilities.

- 3.5 Whilst the arrangement is of a more dense form of development than the existing arrangement, given the uplift in dwelling numbers proposed, it is considered that generally the proposal is in keeping with the character and appearance of the surrounding development. The material palette is considered to be suitable in principle, details can be secured by condition.
- 3.6 It is noted that the arrangement of the parking provision of the dwellings across the frontage are such that this is a visually dominant feature of the proposal when approached along the public highway. However it is accepted that the site constraints provides limited other opportunities for incorporating the parking and the benefits of off street parking are supported in this location, having regard to the requirements of DM5 and the improvement this provides to the currently substandard arrangements for the existing properties.
- 3.7 The provision of bin stores to the front of the properties also has potential to detract from the appearance of the development, However given the terraced nature of the dwellings and in accordance with the Council's adopted SPD on Refuse Storage for New Residential Properties, this is considered to be a suitable arrangement in this circumstance. The scheme incorporates some modest landscaping within the front curtilage areas and in addition to suitable design (to be secured by condition) it is considered that these amenities can be incorporated without undue harm to the character and appearance of the area.
- 3.8 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 is supported by a Climate Change and Environmental Impact Statement which sets out that the design of the dwellings utilises the existing position, location and orientation of the existing and adjacent dwellings whilst providing more energy efficient and sustainably constructed dwellings. The scheme incorporates solar panels on the dwellings and air source heat pumps. Windows are proposed to be double or triple glazed. Cycle storage is provided within the curtilages of the dwellings to encourage reduction in the number of vehicle movements generated. The provision of low carbon and renewable technology to offset reliance on less environmentally friendly energy sources is supported.
- 3.9 The existing dwellings have reached the end of their serviceable life span and overall the application scheme is considered to present a suitable design response to the constraints of the site.

4. Ecology and biodiversity

- 4.1. The application was validated prior to 2nd April 2024 and therefore is not required to deliver mandatory biodiversity net gain requirements, however there are still policy requirements in respect of biodiversity, discussed below.
- 4.2. Policy S1 states that development will be expected to support the creation of sustainable communities including by minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites;
- 4.3. Policy S14 requires that development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside.
- 4.4. The application is supported by a Preliminary Ecological Appraisal (PEA) which found that the site contains a variety of different habitats including amenity grassland (lawn), ornamental hedging, outbuildings, shrubs, a vegetated bank and areas of hardstanding. The existing dwellings had moderate suitability for crevice dwelling bats and evidence of bats was found within their roof voids. The habitats within and bounding the site have low seasonal potential for foraging and commuting bats. Evidence of nesting birds was also found in the roof of number 7 and there is potential for nesting birds associated with the ornamental hedgerows and areas of shrub/ scattered tree planting. The site also has limited potential for hedgehogs. Invasive non-native plants (Montebria and horizontal cotoneaster) were both present on site.
- 4.5. In terms of bats, the PEA found the buildings to have moderate suitability to support roosting bats. Further survey work was recommended to enable the potential impacts to bats to be properly considered. The results of the additional survey work is set out in the second report submitted with the application. During the emergence survey work no bats emerged from the buildings and therefore it is considered extremely unlikely that bats are roosting in the buildings, works can therefore proceed with negligible risk to bats. No specific mitigation is required for bats however precautionary recommendations are made.
- 4.6. Recommendations are also made for further mitigation measures including the provision of a sparrow nest box, gaps in fencing for hedgehogs and management of invasive non-native species. Suggestions for biodiversity enhancement are set out including through the provision bird nesting boxes/blocks and use of invertebrae bricks. The details are limited and submitted as non-specific site

suggestions, therefore it is considered necessary to condition exact details to be submitted to ensure appropriate provision is made.

4.7. Overall, it is considered unlikely that the proposal would result in harm to protected species and enhancements to biodiversity can be secured by condition. On this basis it is considered to comply with policies S1 and S14.

5. Flood risk and drainage

5.1. The site is within flood zone 1 and therefore at low risk of flooding.

5.2. The application originally set out to discharge surface water drainage to the public sewer, however following concerns raised by South West Water the block plan has been revised to include the provision of soakaways. Foul drainage will be connect to the mains drainage system. These arrangements are considered to comply with policy DM1.

5.3. South West Water have commented on the application and support the proposed use of infiltration drainage for surface water (soakaways) and are able to provide foul drainage connection for the development.

5.4. It is considered that the above approach is acceptable in accordance with policy DM1 and the proposal is not likely to result in any increased risk of flooding elsewhere.

6. Other issues- air quality, public open space, EIA screening,

6.1. Air quality: The site is located within the 5 mile buffer zone of the Crediton Air Quality Management Area, therefore in accordance with the Council's adopted SPD an air quality assessment has been submitted with the application. The assessment considers that the risk of new exposure to pollutants is negligible due to the site location and low concentrations of pollutants. The traffic during the operational phase will contribute to air quality as a result of vehicle emissions, however mitigation is proposed through provision of EV infrastructure and installation of air source heat pumps for heating and hot water. The Council's Public Health team accepts the findings of the report and have not raised any concerns in respect of air quality impacts.

6.2. Public open space: Policy S5 sets out that developments of 11 or more dwellings within the parishes of Tiverton, Cullompton and Crediton, and 6 or more dwellings elsewhere, will provide open space onsite or through offsite contributions. In respect of developments of this scale, the provision is expected to be via an off-

site contribution. However in accordance with the Council's Open Space and Play Area Strategy (table 18) as the dwellings are affordable they are not considered eligible for making contributions and therefore no financial contribution is sought for this application.

6.3. EIA screening: Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

6.4. Pre-commencement conditions: The agent has confirmed their agreement to the pre-commencement condition (condition 3 below) in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

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 Local 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.

4. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway
5. The air source heat pumps shall be selected, installed and operated to ensure that the residual noise level from the pumps shall not exceed the measured background noise level (day or night) by any more than 5dBA measured as Laeq, 15 min at the boundary of any residence.
6. The development hereby approved shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework 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, local connection and the means by which such occupancy criteria shall be enforced.
7. The development hereby permitted shall be implemented in accordance with the recommendations and mitigations as set out in the submitted Western Ecology Preliminary Ecological Appraisal (dated November 2021) and the Western Ecology Bat emergence survey report (dated May/ June 2023).
8. Prior to first occupation of any of the dwellings hereby approved, there shall be submitted to, and approved in writing by, the Local Planning Authority, a plan detailing the biodiversity enhancement measures in accordance with the details as set out in the submitted Western Ecology Preliminary Ecological Appraisal. The approved measures shall be provided within 6 months of the substantial completion of the development hereby approved and retained thereafter.
9. Prior to their use on site, details / samples of the materials proposed to be used on the external surfaces of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be so used and retained thereafter.

10. A landscaping plan with full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the local planning authority. Details shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant, hedgerow and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, boundary treatments and hard surfacing details. All works shall be carried out in accordance with the approved details within nine months of the substantial completion of the first dwelling and 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.
11. Prior to occupation of any of the dwellings hereby approved, the proposed bin and recycling stores and cycle stores, shall be provided in accordance with details that shall have been submitted to, and approved in writing by the Local Planning Authority.
12. Prior to occupation, the access, parking and turning areas shall be drained, consolidated, surfaced and laid out in accordance with the approved plans. Following their provision, these facilities shall be so retained in perpetuity.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.
3. In the interest of public safety and to prevent damage to the highway
Reason for being pre-commencement: To ensure an appropriate CMP is secured prior to any works that may adversely impact the local highway network and the general amenities of the area.
4. In the interest of public safety and to prevent damage to the highway
5. To protect the amenity of existing and future residents from unacceptable noise levels.
6. To retain the use of these residential units for affordable housing as the site is located in the countryside where the provision of new residential dwellings is strictly controlled. The scheme is supported on the basis of the special circumstances outlined as affordable housing units in accordance with policy S14 of the Mid Devon Local Plan 2013- 2033.
7. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) and in

accordance with policies S1 and DM1 of the Mid Devon Local Plan 2013-2033.

8. In the interests of clarity and to ensure appropriate provision is made for biodiversity enhancement in accordance with policies S1 and S14 of the Mid Devon Local Plan 2013- 2033.
9. To ensure the materials used are of a high quality and appropriate to the rural context in accordance with Policy DM1 of the Mid Devon Local Plan 2013 – 2033.
10. To secure a landscape scheme that will complement the development in the interests of visual amenity and the character and appearance of the countryside in accordance with policies S9, S14 and DM1 of the Mid Devon Local Plan 2013- 2033.
11. In the interests of the character, appearance and general amenities of the area in accordance with policies S14 and DM1 of the Mid Devon Local Plan 2013- 2033.
12. In the interests 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.

INFORMATIVES

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.

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

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

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

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

The application for erection of 6 dwellings following demolition of 4 existing dwellings is considered to be supportable in policy terms. The proposal makes efficient use of the existing site area to deliver an increase in affordable dwellings to enhance the Council's existing housing stock. Whilst a housing needs survey has not been carried out, it is considered that there is sufficient evidence that there is an identified need for affordable housing within the Parish that this proposal would help to meet. The proposal provides an acceptable level of parking in accordance with DM5 and is not considered to result in any unacceptable highway impacts. The proposal is considered to offer a suitable design response and would not result in unacceptable harm to the character and appearance of the rural area. The uplift in dwelling numbers and increased density is considered to be achievable without resulting in undue impacts to the amenities of neighbouring occupiers. Furthermore it is considered that the proposal would achieve a good level of amenity for future occupiers. It is considered unlikely that the proposal would result in harm to protected species and enhancements to biodiversity can be secured by condition. The proposal is considered to be acceptable in terms of flood risk and drainage implications and the likely impacts to air quality. Overall it is considered that the proposal is supportable in accordance with policies S1, S3, S9, S14, DM1, DM2, DM3, DM5, DM6, DM10 and government advice in the NPPF.

Application No. 24/00250/MFUL

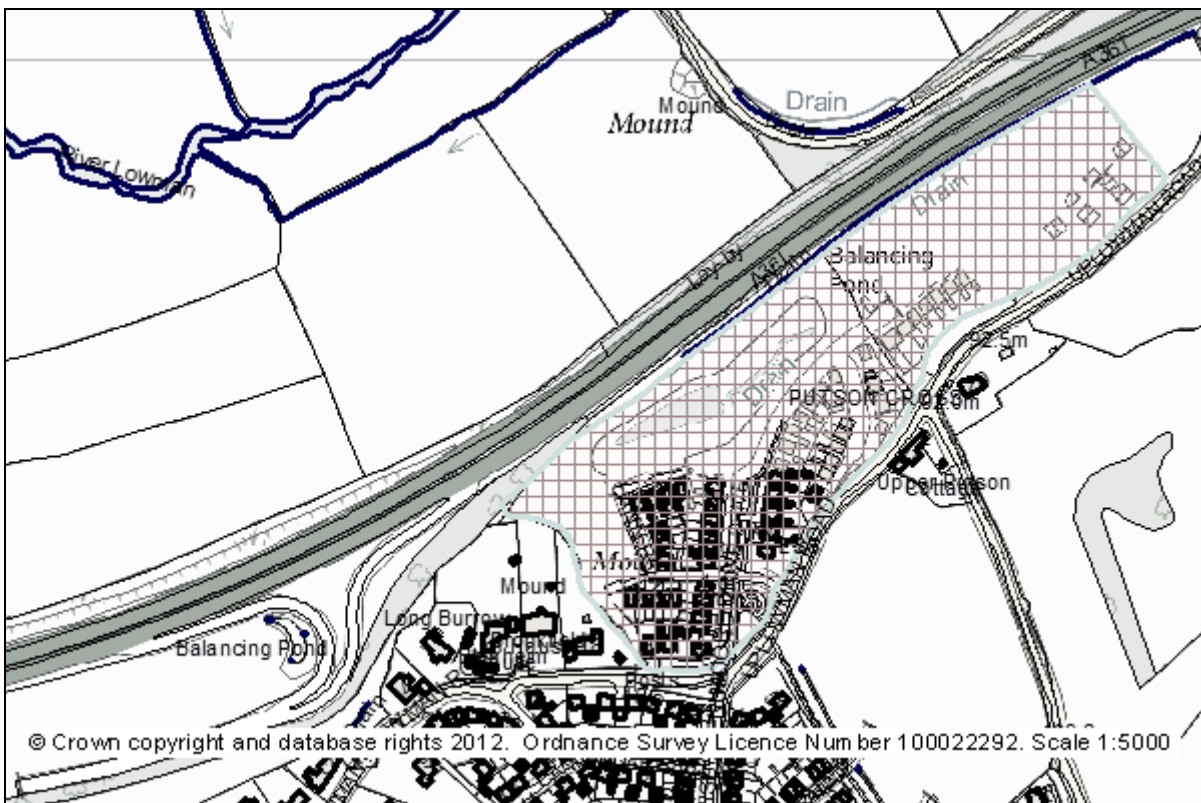
Grid Ref: 298634 : 113714

Applicant: Mr Christopher Trollope, BDW Homes Exeter

Location: Land at NGR 298634 113714 (Braid Park)
Uplowman Road
Tiverton
Devon

Proposal: 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

Date Valid: 21st February 2024



APPLICATION NO: 24/00250/MFUL

Site Visit: Yes Date of Site Visit: 27 February 2024

Advertisement of Application:

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

RECOMMENDATION

Grant permission subject to conditions and a Deed of Variation to the signed S106 agreement (Application 21/00128/MFUL).

PROPOSED DEVELOPMENT

This application seeks to vary Condition 2 of application 21/00128/MFUL and remove Conditions 24 and 25.

Application 21/00128/MFUL gave planning permission for 86 dwellings on land north of Uplowman Road. Five of the plots were identified as custom and self-build units (plots 195-199). The construction of the self-build plots was secured through a S106 agreement, dated 18th October 2021. Schedule 1, para 6B.7 confirms that following an unsuccessful 12 month period of marketing Plots 195-199 as custom and self-build plots, the owners may dispose of them as open market plots.

On this basis an application has now been submitted to vary Condition 2 of application 21/00128/MFUL and remove Conditions 24 and 25.

Condition 24 sets out that:

Prior to the occupation of the first open market dwelling within the phase that contains the custom and self-build plots a marketing strategy for the custom and self-build plots shall be submitted to and approved in writing by the Local Planning Authority.

Condition 25 sets out further that:

No more than 50% of the open market dwellings within the phase that contains the custom and self build plots may be occupied until the 5 custom and self-build plots have been fully serviced and made available for sale.

Condition 2 attached to application 21/00128/MFUL confirmed that:

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

The application now submitted seeks to amend the drawings listed in the schedule to allow the construction of 5 units (1x Haddeo: Plot 195; 3x Dart Plots 196, 197 & 198; 1x Umber Plot 199) and 5 single garages on the site of the proposed custom and self-build plots.

Site description and layout

Application 21/00128/MFUL made provision for 5 custom and self-build plots within a broader application for 86 dwellings, two attenuation ponds, on-site green infrastructure with walking and cycling routes integrated into a wider network of provision. The broader application area is now largely built out with a mix of 2, 3 and 4 bedroom homes; all two storeys in height. All dwellings have private gardens and parking and are accessed from a single point of access from Uplowman Road.

In accordance with Condition 25 and para 6B.4 of the S106 agreement (Application 21/00128/MFUL) plots 195-199 have been fully serviced with the surface water drainage for the 5 custom and self-build plots being managed within the surface water management system associated with the broader 86 unit application.

Foul drainage will discharge into the mains sewer. The principle source of heating is proposed via mains gas in accordance with the approved application 21/00128/MFULL.

As required by the requirements of the Environmental Impact Assessment Regulations 2017 (as amended), application 21/00128/MFUL was accompanied by a Planning Statement (May 2021) detailing compliance with the Environmental Statement pursuant to Application 13/01616/MOUT. On the basis, that this application for 5 units formed part of Applications 13/01616/MOUT and 21/00128/MFUL an Environmental Impact Assessment is not required.

This application for 5 open market units does not reach the threshold to make contributions in the form of affordable housing, public open space, education or other.

APPLICANT'S SUPPORTING INFORMATION

House types: Dwg No. 2220 Umber; Dwg No. 2210 Dart; Dwg No. 2200 Haddeo; Dwg No. Dwg No.s 2600 & 1600 Rev C single garage.

Also Dwg No. 2150 Street scene; Dwg No. 2117 External Works; Dwg No. 2115 Land Ownership Plan; Dwg No. 2114 Enclosures Plan; Dwg No. 2112 Storey Heights Plan; Dwg No. 2111 Materials Plan; Dwg No. 2100 and 2101 Planning Layout; Dwg No. 2538 Rev A Drainage Layout; Dwg No. 2415 Rev A External Levels and Dwg No. 2100 Planning layout;

Completed application form.

RELEVANT PLANNING HISTORY

81/00865/FULL - DEMCON date 23rd July 1981 DEEMED CONSENT for the erection of high voltage overhead lines

13/00053/SCR - CLOSED date 1st March 2013 Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 1)

13/00054/SCR - CLOSED date 1st March 2013 Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2b)

13/00055/SCR - CLOSED date 1st March 2013 Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2a)

13/00056/SCR - CLOSED date 1st March 2013 Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 3)

13/01199/SCR - CLOSED date 7th October 2013 Request for scoping opinion in respect of half clover leaf junction at A361 Tiverton

13/01616/MOUT - PERMIT date 18th September 2015 Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

14/01168/MFUL - PERMIT date 31st October 2014 Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping. 23/00088/NMA - Non Material Amendment Granted 31st March 2023

16/01757/FULL - PERMIT date 14th February 2017 Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence

16/01759/FULL - PERMIT date 14th February 2017 Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - Non Material Amendment - 20/00806/NMA GRANTED 4.11.20

17/00098/FULL - PERCON date 12th April 2017 Removal of vegetation, reprofiling existing garden to embankment to assist with construction of the A361 road junction, implementation of new landscaping design and acoustic boundary fence

18/00133/MARM - PERCON date 29th August 2018 Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - Non Material Amendment 19/00607/NMA - Granted 13/05/2019, Non Material Amendment - granted 26.09.19, 19/01731/NMA - Non Material Amendment Granted 01.11.19, 19/01903/NMA - Granted 18.11.19, 19/02011/NMA - Non-Material Amendment Granted 08/01/20. 20/02024/NMA - Non-Material Amendment - Granted 08/01/2021. 21/00110/NMA - Non-Material Amendment - Granted 27/04/2021 - Non-Material Amendment 22/02357/NMA - Granted 09.02.2023. 23/00703/NMA - Non Material Amendment Granted 16th June 2023.

18/00133/MARM to allow changes to the design of the swales

18/00133/MARM for the revised orientation of the electricity substation

18/00133/MARM to allow raising the levels of plot 11

19/01002/NMA - PERMIT date 26th September 2019 Non Material Amendment for 18/00133/MARM to allow changes to the design of swales.

19/01903/NMA - PERMIT date 18th November 2019 Non Material Amendment 18/00133/MARM for the revised orientation of the electricity substation.

19/02011/NMA - PERMIT date 8th January 2020 Non Material Amendment for 18/00133/MARM to allow raising the levels of plot 11.

21/00110/NMA - PERMIT date 27th April 2021 Non-Material Amendment for 18/00133/MARM to allow amendment to construction traffic routes to and from the site, along with entrance points to the site, for each area (North & South)

21/00128/MFUL - PERCON date 11th November 2021 Erection of 86 dwellings to include public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure. Non-Material Amendment - 22/00397/NMA - Granted 08.04.22. Non Material

Amendment - 21/02407/NMA - Granted 6th May 2022 - Non-Material Amendment - 23/01421/NMA
Granted 24th November 2023 - Non-Material Amendment 23/01659/NMA - Granted 24th
November 2023.

21/02407/NMA - PERMIT date 6th May 2022 Non-Material Amendment for compound relocation,
construction traffic rerouting and piling foundation activities - Non Material Amendment -
21/00128/MFUL

22/00397/NMA - PERMIT date 8th April 2022 Non Material Amendment for 21/00128/MFUL to
move plot 212 by 1m to south east

23/00703/NMA - PERMIT date 16th June 2023 Non-Material Amendment for 18/00133/MARM to
allow changes to finished floor levels of garages, gardens and driveways of plots 153-156

23/01421/NMA - PERMIT date 24th November 2023

Non-Material Amendment for 21/00128/MFUL to change type of roof tiles for plots 240 to 266

23/01659/NMA - PERMIT date 24th November 2023

Non-Material Amendment for 21/00128/MFUL to allow the relocation of proposed northern play
area.

OTHER HISTORY

17/01007/PREAPP - CLO date 10th July 2017

PROTECT: Proposed Reserved Matters advice for the erection of 259 dwellings, public open
space and associated infrastructure following Outline 13/01616/MOUT

20/01349/PREAPP - CLO date 16th October 2020

PROTECT - Replan of residential development and relocation of Gypsy and Traveller Pitch

INFORMATIVES

Site allocation under the Adopted Local Plan 2013-2030

Masterplanned under the Tiverton Eastern Urban Extension Masterplan Supplementary Planning
Document (2018)

Tiverton EUE Design Guide (2016)

Refuse Storage for New Residential Properties SPD (2017)

The Provision of Parking in New Development SPD (2013)

Meeting Housing Needs SPD

Open Space SPD

National Planning Policy Framework 2021

Non-Statutory Interim Planning Policy Statement: Climate Emergency

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable Development Priorities

S2 Amount and Distribution of Development

S3 Meeting Housing Needs

S4 Ensuring Housing delivery

S5 Public Open Space

S8 Infrastructure

S9 Environment

S10 Tiverton

TIV1 Eastern Urban Extension

TIV2 Eastern Urban Extension transport provision

TIV3 Eastern Urban Extension environmental protection and green infrastructure
TIV4 Eastern Urban Extension community facilities
TIV5 Eastern Urban Extension phasing

DM1 High quality design
DM2 Renewable and low carbon energy
DM3 Transport and air quality
DM4 Pollution
DM5 Parking
DM23 Community facilities
DM25 Development affecting heritage assets
DM26 Green infrastructure in major development

Tiverton Neighbourhood Plan 2020 to 2033

T1 Location and scale of development in Tiverton
T2 Meeting local housing needs
T3 Providing lifetime affordable housing
T4 Character of development
T5 Design of development
T6 Energy efficiency and design
T7 Minimising the risk of flooding
T8 Local Buildings and Structures of Merit and Heritage assets at risk
T9 Network of green and blue infrastructure
T10 Local Green Spaces
T11 Locally significant views
T13 Sports and leisure provision
T16 Encouraging safe and sustainable movement

National Planning Policy Framework
National Planning Policy Guidance

CONSULTATIONS

Devon, Cornwall and Dorset Police: 23 February 2024

I have no objections to the proposed variation (con 2) or removal of conditions (24 & 25).

Historic Environment Team: 26 February 2024

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

Tiverton Town Council: 5 March 2024

Whilst supporting the principle of this application we would seek for these dwellings to be affordable.

Flood Risk and Coastal Management Team: 8 March 2024

Is this application seeking the detailed design of the self-build plots? If not, then a condition might be needed. Some parameters might also be needed to confirm the maximum impermeable each plot can construct. Are they intending on submitting 'plot passports' to define the parameters and encourage sustainable materials type stuff?

South West Water: 19 April 2024

Condition 25: SWW has no comment to make as not related to a SWW asset or service.

South West Water: 12 March 2024

The consultation states variation of condition 2 and discharge of conditions 24 and 25. When looking at the application form it only mentions condition 24. With regard to condition 24 as not linked to a South West Water asset South West Water has no comments to make. Please can you advice on what condition 2 and 25 is please?

DCC Highway Authority: 14 March 2024

The County Highway Authority have no comments to make on this application.

Public Health: 15 March 2024

We have considered the application and do not anticipate any environmental health concerns.

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1.1 Planning permission for 86 units was approved through Application 21/00128/MFUL. Approval of that application confirmed that when taking into account the policies of the Local Plan and the material consideration of the NPPF, that development on this application site is acceptable in principle. This application is required to be read in association with the Committee Report attached to Application 21/00128/MFUL.

1.2 The application now submitted seeks full planning permission. In acknowledging that the principle of development has been established through application 21/00128/MFUL and that there is an approved scheme including an indicative layout for the plots, this report will focus on the changes proposed rather than the principles of development.

1.3 The District Council has a clear policy commitment to deliver a diverse mix of housing as set out in Policies S1 and S3 of the Adopted Local Plan. It was therefore in accordance with Policy S1g and S3d that the provision of 5% custom and self-build plots was secured through application 21/00128/MFUL. In accordance with Policy S3d, the S106 agreement attached to application 21/00128/MFUL required the custom and self-build plots to be marketed (para 6B.5.3) for a marketing period of at least 12 calendar months (para 6B.1). In accordance with para 6B.3 a Marketing Strategy and Design Code for the custom and self-build units was submitted and approved in writing by the Council. The Marketing period formally commenced from the 13th April 2023. However, Officers can confirm that the marketing period commenced prior to that; from June 2022 and was listed with Green Slade Taylor Hunt, Rightmove and On the Market. During the period June 2022 to July 2023 seven enquiries were made.

1.4 Paragraph 6B.7 goes on to say that should the plots not be sold as custom and self-build plots, following every endeavour by the owner to sell them, the Owner may dispose of the plots as they see fit, free from the restrictions and obligations for them to be custom and self-build units. Officers can confirm that following detailed discussions during December 2023, including with the MDDC Housing and Enabling Officer, that BDW were informed that they had met the requirements of paragraph 6 of the signed S106 agreement, and that an application would be required to formalise the change from custom and self-build units to open market units. The application now submitted seeks to formalise that change.

1.5 Condition 24 required a marketing strategy for the custom and self-build plots to be submitted to and approved in writing by the Local Planning Authority. The requirements of this condition were met as confirmed by the formal discharge of condition 24 in April 2023.

1.6 Condition 25 sets out that no more than 50% of the open market dwellings within the phase that contains the custom and self-build plots may be occupied, until the 5 custom and self-build plots have been fully serviced and made available for sale. This application seeks to remove this condition on the understanding that no custom and self-build units will be constructed subject to the provisions of para. 6B.7 of the S106 agreement. However, Officers can confirm that the services have been laid on the eastern boundary of each plot.

1.7 On the understanding that the provisions of para 6B.7 of the S106 agreement have been met and that Conditions 24 and 25 are removed, this application seeks to vary Condition 2 of application 21/00128/MFUL to delete 9 plans from the former application and insert 16 new or revised plans:

Drawing deleted	Drawing Inserted	Drawing Title
1117F	2117	External Works
1115D	2115	Land Ownership Plan
1114H	2114	Enclosures Plan
1112D	2112	Storey Heights Plan
1111J	2111	Materials Plan
1100I	2100	Planning Layout
1101D	2101	Planning Layout (1 of 2)
1102C	2102	Planning Layout (2 of 2)
1103 (NMA)	2102	Planning Layout
N/A: new drawing	2538 Rev A	Drainage Layout
N/A: new drawing	2415 Rev A	External Levels
N/A: new drawing	2220	House Type: Umber
N/A: new drawing	2210	House Type: Dart
N/A: new drawing	2200	House Type: Haddeo
N/A: new drawing	2600 & 1600 Rev C	Garage: single
N/A: new drawing	2150	Street scene

Table 1

1.8 As an application registered as a 'full planning' application seeking to vary and remove conditions to application 21/00128/MFUL, the conditions still extant through application 21/00128/MFUL will need to be attached to any planning approval associated with this application. On this basis, the revised drawings need to be considered in the context of approved application 21/00128/MFUL.

1.9 The proposed planning layout (Dwg No.s 2100, 2101 & 2102) for Plots 195-199 reflect those approved through application 21/00128/MFUL. In accordance with the NPPF (para 123), Policies S1 (Sustainable Development Priorities), S9 (Environment) and DM1 (High Quality Design) and the Tiverton Eastern Urban Extension Masterplan SPD and Design Guide, the proposed layout for units 195-199 will ensure that all the dwellings sit well within the context of the existing development, will provide informal surveillance over public areas and will retain of the proposed landscape buffer to the rear of the plots. Plots 196-198 are proposed to front the highway meeting established urban design principles. Each plot will provide 1 private garage with 2x on-plot parking spaces meeting the criteria of Policy DM5 and the Parking SPD.

1.10 Plots 196 – 198 are proposed as the 'Dart' house type, Plot 199 as the 'Umber' and Plot 195 as the Haddeo. Plots 195 and 199 are proposed as render and red brick to reflect neighbouring corner plots 212 and 200. Plots 196- 198 are proposed as red brick. The house

types reflect those within the existing street scene and are not out of keeping in their context in terms of design or material.

1.11 Levels are such that no retaining walls are required. A 300mm gravel board only is required on the fence line of Plot 198 with both neighbouring Plots (197 and 199). Boundary treatments away from the public areas include close board fence. The boundary fronting the woodland (Plot 199) and the private drive (Plot 195) will be close board fencing fronted by instant hedge planting. Private gardens fronting public areas will be planted with hedge.

1.12 Those drawings submitted as new drawings (Table 1 above) are specific to this application and provide the required detail to ensure levels, drainage and the proposed house types are acceptable. Statutory consultees have no objection.

1.13 For these reasons, set out above, your officers consider the proposed scheme complies with the requirements of the S106 attached to application 21/00128/MFUL and to policies S1, S9, DM1 and TIV1 of the Adopted Mid Devon Local Plan 2013-2033 and the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

2.0 OTHER MATTERS

2.1 The consultee response from Tiverton Town Council, confirms that whilst supporting the principle of this application, the Town Council would seek that the dwellings are affordable. As set out in the 'site description and layout' (above) this application for 5 open market units does not reach the threshold to make contributions in the form of affordable housing, public open space, education or other, on its own. Nonetheless, application 13/01616/MOUT, to which this application is related, made provision for 70 affordable housing units (application 22/01255/MFUL) with contributions for an additional 2 affordable units (application 21/00128/MFUL) on the basis of the uplift in housing numbers associated with that application. Further, the provisions of the S106 agreement give opportunity for the custom and self-build units to convert to open market units should there be no interest in them.

3.0 PLANNING BALANCE

3.1 On the basis, that the provisions of Schedule 1 of the S106 agreement (October 2021) are met and that Conditions 24 and 25 can be removed and that the revised drawings are not contrary to the principles of the approved scheme (Application 21/00128/MFUL) such that the variation of Condition 2 is considered acceptable, this application is considered on balance acceptable, subject to conditions and a Deed of Variation to the signed S106 legal agreement attached to application 21/00128/MFUL.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The recommendations contained in the report prepared by Inacoustics and dated April 2021 shall be implemented throughout the site in order to secure a noise environment which meets at least the good standard in both internal and external amenity spaces as set out in the Noise Policy Statement for England as referenced in the report.

4. The recommendations contained in the Construction Management Plan (April, Rev H) prepared by Barrett David Wilson Homes shall be adhered to and implemented during the construction of the development in order to secure the safe and good management of site construction.
5. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road Maintenance / vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the approved details.
6. No part of Plots 195-199, hereby approved, shall begin until:
 - A. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway;
 - B. The ironwork has been set to base course level and the visibility splays required by this permission laid out;
 - C. The footway on the public highway frontage required by this permission has been constructed up to base course level; and
 - D. A site compound and car park have been constructed in accordance with a Construction Environmental Management Plan to be approved under Condition 4.
7. All development hereby approved shall be carried out in accordance with the measures set out in the Drainage Layout Plan (Dwg No. 2538 Rev1), the Drainage Statement (Dec 2020) and the Impermeable Areas Plan (1251 Rev PL02).
8. No development shall take place on the site except in accordance with the details set out within the submitted Landscape & Ecological Management Plan (LEMP) by FPCR Environment and Design Ltd dated April 2021. The recommendations in the LEFP shall be adhered to throughout the construction period and the development shall be operated thereafter only in accordance with the management provisions set out within the LEMP.
9. Finished floor levels shall be those specified on drawing numbers 2415 A, 1201PL04; 1202PL04; 1203PL04 and 1204PL03 unless otherwise agreed in writing by the Local Planning Authority.
10. Materials for all external surfaces of buildings, window and door details shall be those specified on drawing numbers 2111, 2200, 2210, 2220. Only such approved materials shall be so used.
11. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
12. First occupation of any dwelling shall not take place until the following works have been approved in writing by the Local Planning Authority and constructed and made available for use:
 - A. The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

- B. The spine road and cul-de-sac footways and footpaths which provide direct pedestrian routes to an existing highway maintainable at public expense in any phase have been constructed up to and including base course level;
 - C. The cul-de-sac visibility splays have been laid out in accordance with current approved standards;
 - D. The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E. The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F. The verge and service margins and vehicle crossings on the road frontage of the dwelling have been completed with the highway boundary properly defined; and
 - G. The street nameplates for the spine road and cul-de-sacs have been provided and erected.
13. When constructed and provided in accordance with the approved details, the carriageway, vehicular turning head, footways and footpaths within that phase shall be maintained free of obstruction to the free movement of vehicular traffic pedestrians and street lighting and nameplates maintained.
 14. First occupation of any dwelling shall not take place until the boundary treatments for that dwelling have been installed in accordance with drawing numbers 1114 Rev D and 2114. Only such approved boundary treatments shall be installed.
 15. The first occupation of any dwelling shall not take place until bin stores have been provided in accordance with the approved details.
 16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of remediation measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
 17. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 18. All surface water run-offs shall be kept separate from foul drainage and foul drainage shall be appropriately connected to the public sewerage system.
 19. The applicant will implement suitable working procedures to prevent any damage to the attenuation basins and to prevent sediment from flowing towards the outfall. If any damage does occur, the applicant will repair/reinstate it.

20. First occupation of Plots 195-199 shall not take place until the dog and waste bins have been installed in accordance with drawing numbers 0735 18G; 0735 19G; 0735 20E and 0735 21E.

REASONS FOR CONDITIONS

1. In accordance with the provisions of the National Planning Policy Framework 2019 and Planning Practice Guidance, to help ensure the housing proposal is implemented in a timely manner.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the amenity of future occupiers from road noise.
4. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
5. To ensure that adequate information is available for the proper consideration of the detailed proposal and in the interest of public safety.
6. To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period. Required prior to construction as in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
7. To ensure that the criteria for the site wide surface water drainage system are met and that impermeable areas do not exceed those accounted for.
8. To ensure landscape features and habitats are protected and enhanced to provide net gains in biodiversity on the site and to ensure the development assimilates well into the surrounding landscape, in accordance with the provisions of the National Planning Policy Framework and the guiding principles in the Tiverton Eastern Urban Extension Masterplan SPD.
9. To ensure the development makes a positive contribution to the area in terms of its character and visual amenity in accordance with the guiding principles in the Tiverton Eastern Urban Extension Masterplan SPD.
10. To ensure the proper development of the site.
11. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
12. To ensure that the highway provisions remain available.
13. To ensure a good standard of residential amenity and security for residents.
14. To ensure adequate facilities for waste management are provided on site to protect the residential amenity and visual qualities of the area.
15. In order to protect wildlife habitats from light pollution in accordance with the provisions of the National Planning Policy Framework.

16. In the interest of public health and safety.
17. 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.
18. To protect water quality and minimise flood risk.
19. To ensure that the management system operates effectively to reduce the risk of flooding elsewhere.
20. To ensure a good standard of residential amenity, health and safety.

BNG – Biodiversity Net Gain

This is an application to vary Condition 2 and remove Conditions 24 and 25. Biodiversity net gain is therefore not relevant to this application.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

This application seeks to vary Condition 2 of application 21/00128/MFUL and remove Conditions 24 and 25.

On this basis, that the provisions of Schedule 1 of the S106 agreement (October 2021) are met it is considered acceptable that Conditions 24 and 25 are removed from application 21/00128/MFUL.

Comprehensive consideration has been given to the overall design, scale and layout of the proposal including house types. The proposed scheme is considered acceptable providing continuity with development south of Uplowman Road whilst meeting nationally described Space Standards. The development can be accommodated without an unacceptable impact on the highway network with the necessary infrastructure to be ensure it is delivered in a predictable, timely and effective manner. On the basis that the revised drawings are not contrary to the principles of the approved scheme (Application 21/00128/MFUL), the variation of Condition 2 is considered acceptable. On balance this application is considered acceptable, subject to conditions.

For these reasons the proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033, Policies S1, S3, S5, S8, S9, DM1, DM3, DM25, DM26, TIV1, TIV2 and TIV3 of the Adopted Mid Devon Local Plan 2013-2033 and with the principles set out in the Adopted Masterplan SPD and Tiverton EUE Design Guide.

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

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Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
1	0	16/07/2024	24/00506/MFUL	Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works	Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road Tiverton Devon	Mr John Millar	COMM	COMM

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LIST OF APPEAL DECISIONS FROM 26.03.24 – 22.04.24

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
22/02264/FULL	Erection of a dwelling with associated works	Land at Holes and Petronella Cottage Bary Close Cheriton Fitzpaine Crediton Devon EX17 4JH	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
23/00277/FULL	Conversion of agricultural building to holiday let	Land and Building at NGR 273983 110608 (Tall Trees) Lapford Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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