

## Planning Committee

**Wednesday, 28 August 2024 at 2.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting**  
**Wednesday, 11 September 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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## Membership

S J Clist  
G Cochran  
F J Colthorpe  
L J Cruwys (Chair)  
G Czapiewski  
G Duchesne  
C Harrower  
B Holdman  
M Jenkins  
N Letch  
S Robinson

# AGENDA

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

- 1      **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 31<sup>st</sup> July 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To report any items withdrawn from the agenda.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 - 44)*  
To consider the planning applications contained in the list.
  
- 8      **TREE PRESERVATION ORDER - 24/0001/TPO WYLLSPRING FARM, CREDITON** *(Pages 45 - 50)*  
To receive a report of the Arboriculture Officer regarding a Tree Preservation Order for group of 4 Oak within hedge line.
  
- 9      **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 51 - 52)*  
To receive a list of major applications and potential site visits.

**Stephen Walford**  
Chief Executive  
Monday, 19 August 2024

## **Guidance notes for meetings of Mid Devon District Council**

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 the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

### **1. Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk)

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

### **2. Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

### **3. Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

### **4. Public Question Time**

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. You must provide copies of questions to be asked no later than 4pm on the day before the meeting. Please refer to the Planning Committee Procedure ([middevon.gov.uk](http://middevon.gov.uk)). This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible

### **5. Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called “turn on live captions” which provides subtitles on the screen.

## **6. Exclusion of Press & Public**

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

## **7. Recording of meetings**

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

## **8. Fire Drill Procedure**

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

## **9. WIFI**

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 31 July 2024 at 2.15 pm

**Present**

**Councillors**

L J Cruwys (Chairman)  
S J Clist, G Cochran (Vice-Chair),  
F J Colthorpe, G Czapiewski, G Duchesne,  
C Harrower, B Holdman, M Jenkins, J Lock  
and S Robinson

**Apologies**

**Councillor(s)**

F W Letch and N Letch

**Also Present**

**Councillor(s)**

C Adcock, D Broom, B Fish, R Gilmour, S Keable, L G J  
Kennedy and G Westcott

**Also Present**

**Officer(s):**

Maria De Leburne (Director of Legal, People, &  
Governance (Monitoring Officer), Angharad Williams  
(Development Management Manager), John Millar (Area  
Team Leader), Adrian Devereaux (Area Team Leader),  
Helen Govier (Principal Planning Officer), Zoë Lentell  
(Economic Development Team Leader), Tina Maryan  
(Area Planning Officer) and Magdalena Halls (Principal  
Planning Officer) and Angie Howell (Democratic Services  
Officer)

Brian Hensley (Devon County Council Highway Authority),

**Councillors**

**Online**

E Buczkowski, J Buczkowski and D Wulff

**Officers Online**

**23 APOLOGIES AND SUBSTITUTE MEMBERS (00:05:07)**

Apologies were received from Cllr F Letch with Cllr G Czapiewski substituting and Cllr N Letch with Cllr J Lock substituting.

24 **PUBLIC QUESTION TIME (00:05:35)**

Barbara Downs – Application No. 24/00045/MOUT

Are the committee aware that some of the gardens in Chilcott Close flood when we have heavy rain fall. How much worse will this become if 100 properties are built with the rain absorption rate being less.

Vicky Pugh - Application No. 24/00045/MOUT

Firstly, I'd like to applaud Mid Devon on commissioning an independent Landscape Review of the site. That report details how the developer has significantly underestimated the negative effects on the landscape character in a number of key areas, in several cases assessing impacts as minor when in fact they are major ones.

My question today relates to the proposed closure of Tidcombe Bridge to most vehicles.

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There are specific instructions for councils considering such traffic restrictions as they have a huge effect on local people's lives. I'm sure you know Tidcombe Lane is the main artery connecting the Tidcombe community and Tidcombe Bridge is at the heart of it. To prevent residents from driving along the lane is to effectively sever the community.

Such was the shock and strong feelings when local people learned of the proposal to restrict access, I contacted Brian Hensley, Development Manager at DCC Highways as to why we had not been consulted. In his email dated May 3rd 2024, he confirmed that, and I'm quoting,

"It would be my expectation that an appropriate level of consultation would be required using developer funding". Helen Govier has a copy of this email.

It has long been good practice for councils considering traffic restrictions to carry out leaflet drops, run online surveys and hold in-person meetings and the draft statutory document states that failure to be confident of local support could affect future transport funding. This is why Brian Hensley has confirmed this should have been done prior to an application coming before Mid Devon.

A full independent public consultation is clearly required and I ask the Planning Committee to include the absence of one as a reason for refusal.

As a school inspector for 15 years, I'm aware that there is a statutory obligation for councils to go to all practicable lengths to minimise potential dangers to children in the immediate vicinity of their schools. Again, this is a County Council responsibility and no such assessment has been carried out into the likely impact of the closure of Tidcombe Bridge on the safety of the school children.

The closure of Tidcombe Bridge would in my view increase the risk to Tidcombe Primary School children. A significant proportion arrive and leave by car, many approaching from Blundells Road. There are no safe turning spaces (the reversing of cars outside schools must always be avoided because it is the highest risk of all to small children) and there would inevitably be a resultant increase in traffic through

the narrow residential roads leading into the Wilcombe Estate.

If it is the decision of this committee to accept the Planning Officers' recommendation to refuse the application, we ask if you will consider including as an *additional* reason for refusal, the following, referring specially to the proposed traffic restriction on Tidcombe Bridge.

- 1) An appropriate public consultation has not taken place
- 2) DCC has not yet carried out an impact assessment on child safety at Tidcombe Primary School as part of their statutory duty.

David Randell (Ray Rice speaking on his behalf) - Application No. 24/00045/MOUT

I have been asked by Mr Randell to read the following as he has been delayed returning from Coventry.

He says, "Are the Committee aware that I have carefully reviewed the applicant's various documents and the Consultees responses and made 16 specific statements relating to the various documents, some forensically. In my professional life I always judged a report on its Honesty, Accuracy and Relevance. In all of those I have considered, all lack at least one of those judgements. As a registered and qualified Architect having run an Architect's practice here in Tiverton with projects throughout the West Country for over 40 years, these are the principals under which I practiced.

However, today I only wish to emphasise 2 that in my opinion show the errors that have been published, in these cases, by the Consultees to the council. If you refer to the Education authorities statement (Para 2.1) and the financial contribution requested, there appears to be a substantial mathematical error that the Officer dealing with this application has had to repeat. The Authority states that the development will generate an additional 13.2 pupils for the Highschool at a cost of £23,540 per pupil. This equates to £310,728 not the £77,682 in their report. If this application was to be passed, then this error urgently needs correcting, or the High School will lack those essential funds.

The other comment relates to the proposal to close Tidcombe Bridge where all three judgements fail. In the Officer's report, para. 9.1, the officer has to repeat the comment made in the Devon County Highways report that by 2032, 2000 additional vehicles will be using Tidcombe Lane to access the A361 dual carriageway. Now it is my and many others understanding that the A361 is North of Blundell's Road with a new access at Post Hill off Blundell's Road due to become a full access in time. It is certainly not South of Tidcombe Lane where it meets Canal Hill. So why would the vehicles from the EUE Post Hill development want to make a 3 mile detour down country lanes to access the A361 when it is on their doorstep? The obvious and shortest route is to continue down Blundell's Road.

Because the Highway's comment was so bizarre, I sought, through the Freedom of Information Act, for copies of minutes of meetings with the applicants. The reply was that there were none. I then requested, copies of any calls, discussions etc. To date none have been forthcoming, so the question is, did any meetings take place at all, because if they didn't, Highways are certainly not doing their job, and this leads to the serious question of who is trying to fool who and for what purpose because it certainly doesn't support the closure of Tidcombe Bridge?

I leave it to you, members of the planning committee, to make your own minds up as to the reliability of the reports that some consultees are providing you and your officers as they are supposed to help you and the Officers of the Council in making the correct decisions for our community because they certainly do not support this application”.

Sally Elworthy - Application No. 24/00045/MOUT

We are expected to be environmentally friendly in these modern times.

Has anyone really inspected Tidcombe Hall recently? It is in a frightful mess.

Am I being cynical in suspecting that it would be very convenient for the developers if it fell down?

While waiting for the building of 100 houses, they could have proceeded with the conversion of the Hall into flats and the outbuildings would have made lovely cottages.

The magnificent trees are being assaulted by uncontrolled ivy. The massive cedar and the holm oaks are in a particularly pitiful state and are likely to die very soon if not given some attention. To lose the trees might also suit LVA's purposes.

Developers is the wrong word for them – they are killers of the natural environment. Shame on them.

The trees are living things and important to us all. Is it not possible for the Council to persuade LVA to provide proper care for them as well as preventing the possible loss of a listed building?

Dermot Elworthy - Application No. 24/00045/MOUT

Tidcombe Lane originally was established to provide access to the 18th century house. Being narrow, having several pinch points and blind corners, the Lane is not an ideal passage for motor vehicles.

However, any considerations of vehicular activity based solely on the supposed numbers of vehicles are bound to generate misleading results. The long-winded and jargon-esque opinion given by the Devon Highways Authority, much of which is not germane to this subject, is riddled with errors in projections as well as an obvious lack of awareness of the consequences of proposals made in ignorance of local conditions.



As an example of this last point, the suggestion of diverting what currently is Tidcombe Lane through-traffic to Marina Way, past the primary school, the narrow, congested and largely blind passage through the dense Wilcombe housing estate, eventually to Ford Road and the Great Western Way, is nonsensical and would prove wholly impracticable. Yet the report claims that “*These increases will amount to one vehicle per minute during the peak times, therefore not creating a trip generation intensification impact that is severe upon the local highway network*”.

Well, the reality is that the anticipated increase in traffic volume would indeed create a major “*trip generation intensification impact*” and dangerously exacerbate the already poor conditions in this area. I imagine this anomaly arises from the Mid Devon Council not having been included in DCC discussions, nor has local opinion been sought. The involvement of either local body would have avoided such an obvious blunder.

The author of the DCC paper claims that in addition to the calculated existing vehicular traffic, only seven further movements per day will be generated by the proposed development. Patently, this is further nonsense. The national average pertaining to the ownership of cars per household is 1,2:1 but in rural and semi-rural areas, this ratio is substantially higher. Coupled with the occupation of the Hall itself, the conversion of outbuildings and with the building of the 100 houses proposed by the developer, traffic in Tidcombe Lane could, in theory, amount to more than an additional 300 vehicle movements daily – not the paltry 7 movements suggested by the Devon County Council. If one assumes the probability of some occupants comprising Exeter overspill, this additional traffic will be concentrated around the twice-daily rush hours, thus adding vehicles to the existing Canal Hill-Blundell’s Road morning/evening rat-run.

The reference made to “*2000 houses from the EUE accessing Tidcombe Lane onroute [sic] to the A361*”, clearly is a mistake (one of many in a sloppily prepared and poorly constructed report). In any event, the Eastern Urban Development is irrelevant to this issue since the Post Hill traffic in seeking A361 access will have no reason to go anywhere near Tidcombe Lane. Similarly, the projection of more than 2,000 daily trips over the canal bridge - the supposed volume evidently being increased by EUE traffic – is equally fanciful.

The Highways Authority has stated that its acceptance of the application is contingent upon the MDDC enacting a bridge closure order. No substantive case for such closure has been made, nor need it be. In any event, to close the bridge and so egregiously effect the removal of an ancient right of passage for no reason other than to accommodate the convenience of a financially speculative and unpopular venture cannot possibly be allowed. It follows, therefore, that the Tidcombe Hall LVA/Grassroots Planning application in this and all other respects should be refused; I respectfully request that the Committee makes this refusal.

The protection of our natural environment is a clear priority in Devon's future development plans: such as policies S9, DM26,27, 28 and of course the Devon Climate Emergency Plan 2019 which I am aware that many councillors here have attended meetings on recently.

Dobson '95 states structural roots providing stability for trees are 2-3m radius of the trunk, cutting a tree's root system will reduce the tree's water absorbing capacity & severance of major roots weaken the tree's resistance to pathogens.

BSA5837 states to protect tree roots the RPA (Root Protection Area) should be plotted for Cat A, B and C trees. This distance is a radius 12 times the stem diameter for single stem trees & 10 times diameter for trees with more than one stem.

Those that visited the site in July saw the Devon bank on the northern boundary dropping away at heights of up to 1.5m and proximity of buildings to trees. The majority of the roots stabilising & giving life point south where the buildings' concrete footings will be. The suggested distance of buildings from the trees is currently 0.5m-1m risking their death & their habitats, which in this case is predominantly bats.

We also have grave concerns over multiple material inaccuracies on Applicant's Arboricultural Report:

1. Image shows no trees between trees T013 and T014 which is incorrect. G015 tree cluster is in between T013 and T014.
2. Applicant's Arboriculture report does not state the radius of the tree trunks of G015 G016 G010 rendering their RPA calculations unfounded.
3. G015 tree cluster states bat habitat low – however our report cites 250 fly bys.
4. BNG for this 2 acre TPO (Tree Preservation Order) woodland is currently ornamental planting and planting of 6-8cm saplings where trees have been damaged during construction.
5. Page 6 on applicant's report, states no TPO's nor conservation area which is incorrect.
6. Page 14 states Northern boundary is an outgrown hedge with multi-stemmed "trees" of low quality. However contradicting themselves later where a tree cluster G015 on Northern Boundary condition is "good".
7. No mention of hedge line being "protected" by the hedgerow's act as per the Symonds and Sampson report on the portal as well as being co-owned with neighbour.
8. Only Class A trees are to be preserved, when BSA states classes B & C are of importance for preservation (particularly if under TPO) and RPA's must also be calculated for these classes.

We need evidence-based answers to these inaccuracies and evidence as to why the buildings cannot be positioned at least 3m from the trees on the northern boundary to protect them and their habitats. Also a BNG report that demonstrates a genuine commitment to the long term welfare of this 2 acre established, protected site.

These inaccuracies are of grave concern at this late stage of application process particularly when these mistakes could result in the destruction of an established and protected ecosystem that could have been mitigated.

Matt Butcher - Application No. 24/00285/FULL

The proposed Graff waste water systems for 32 people work by cleaning the water before releasing it to the water table.

The application shows, seven workshops supporting up to 18 individuals.

The first floor of Unit 7 supports 17 people on site.

The applicants family of four live onsite using 142 litres per head on average.

Excluding the coffee shop this totals 39 potential daily users.

Also to consider Page 9 of the applicants Opportunities and Constraints document showing the vision for the site, with over forty individuals at an event.

The Senior Advisor to the Environment Agency Caroline Sutton and her colleague Sarah Squire recently noted material inaccuracies in the applicant's suggestion of 50 litres of water consumption per person per day, correcting it to 100 litres.

If we match Mid Devons Chief Ecologist officer Tom Whitlock's rational of worst case scenario (as used in his light pollution comments) the additional water to the land will be:

Not including the coffee shop and future events held onsite.

3500 litres from the 7 workshops and the first floor of unit 7.

568 litres from the applicants family.

This far exceeds the applicants estimation of 1000 litres per day by factor of four.

For those who are less familiar with Stoodleigh, the land is a mix of yellow and grey marl clay and does not drain well. SW water recently confirmed connection to the mains sewer is possible. Their 'Site Proximity' document states applications must "*Make provisions for sustainable development proposals which avoid adverse impacts from polluting emissions*".

How can a craft hub not introduce oils, solvents and paints plus the required chemical cleaning products to the waste water?

Graff themselves state: "*Any solvents, paint thinners, and oil-based products should never be disposed of down drains or toilets*"

And from the plants, release "*Into the environment usually into a flowing water course i.e. river, brook or stream*"

There are no such outlets on the site. Therefore 3500 litres of water will be added daily to the immediate area. I have concerns over the potential flooding of the site and the surrounding land used for grazing of sheep and horses and houses a domestic bore hole. If contaminants do enter the treatment plants, the water released will spread and contaminate the surrounding land.

To mitigate this can the councillors seriously consider the absolute requirement to connect to mains drainage or vastly reduce the scale and ambition of the application to limit the potential number of people onsite. Despite the cost of mains connection being high, in the words of Friends of the Earth: "*Planet over profit*".

Alyson Murray - Application No. 24/00285/FULL

We are concerned that this proposed commercial development breaches Policy DM18, where it states that the development should be of appropriate use and scale for its location. The size may relate to the footprint of the existing usage, however the proposal for up to 9 businesses and a café open to the public, versus the original single business use, represents vastly expanded commercial use, not in scale within this rural location and conservation area.

Also contrary to Policy DM18, this development in a countryside setting, given its size and scale, would have an adverse impact on the local road network.

The Mid Devon Local Plan 2013-2033 clearly sets out the location priorities for development activity, listing market towns and some smaller towns and villages. Stoodleigh is not on this list. We understand a site not in the target development zones can come forward according to market demand, however, demand has not been established and based on the number of objections from the local community nor is the local benefit. We believe this breaches Policy S14. The current Mid Devon Plan states in the spatial survey that there are no unallocated commercial development sites in rural Mid Devon, so we struggle to understand the logic in adding further capacity in an unsuitable, unsustainable location when it is not required by the region, let alone the village, also breaching Policy DM18.

Residents appreciate the need to revive this disused brownfield site, but scale and appropriateness are crucial so as not to harm the intrinsic character and beauty of the countryside. Even the Conservation Officer has expressed concern and disappointment over the 'stark and industrial appearance within the rural setting' of the main cladding material of black painted timber (adjusted from dark grey metal). Doors and windows in the Northern elevation will have a particular impact on light pollution and an adverse impact on the valley beyond. We ask the Councillors that these openings are removed. The spaces already have windows and doors to the Southern Elevation. Earlier this year, permission for an application overlooking the same valley (23/01446/MFUL) for a riding arena to replace an equestrian barn was granted subject to the removal of all window openings on the West elevation and roof lights to the Southern elevation to 'avoid light pollution and light spill'. There are evident inconsistencies in approach when it comes to the proposal under discussion.

In summary, despite planning policy in place to protect the countryside from inappropriate commercial development, we are dismayed to see that this proposal is recommended for approval. We ask that the disproportionate scale, design and economic demand are reconsidered.

#### Amanda Baggott - Application No. 24/00285/FULL

I would like to draw attention to the bat habitat within the Shadowponds plot, particularly to the Devon Bank hedgerow and trees, adjacent to the existing sheds. It forms the boundary of Shadowponds and the neighbouring property to the North elevation. A member of The Bat Conservation Trust and Devon Bat Group, took readings via an echo sonic meter, over a number of evenings in June 2024 around 10pm. The results are shown in your pack. These readings demonstrate the flight paths and foraging patterns within the Shadowponds site, most notably over the existing sheds, hedgerow and trees. Four species of bat were identified.

The bats predominantly follow the line of the trees and hedgerow of the Northern boundary. Including over one hundred recordings at the existing shed which has an open rear access with a 2ft opening below the roof. The report sited the concentration of bats being in the building adjacent to building 2 in the applicant's Lakeway bat survey. This building was not included in any of the images provided in the Lakeway survey. The Government's website talks of the Wildlife and Countryside act 1981 which states: "it is an offence to disturb bats while they occupy a structure or place used for shelter or protection".

The report concludes by saying: "a proposed application is likely to negatively affect bats or their roosting, foraging or commuting habits".

Our bat representative said it was one of the biggest concentrations of bat activity he had ever seen. He informed us that bats roost both in structures, trees and underground. Please can you also consider the two huge soil mounds to the east and west of the site(created over 30 years ago ). These mounds are within an established woodland and are so big they could keep 'stable temperature environments' in the Winter (as specified by the Governments website), these could be the actual nesting sites that have not been investigated and should be looked at.

I'm astonished that the applicant's own bat survey did not include night time flight recordings, but only included visual observations during day time and 2 automated bat detectors. Nonetheless the applicants report still identified 9 species of bat in total. This is huge!

As this is a material planning consideration, has the applicant applied for a Bat Mitigation License (A13)? The village is not against revitalisation of this site per se, there are alterations that could be made to ensure that the significant bat population is not affected. Adding conditions that would ensure careful expert monitoring during the demolition and build. In addition to the bat boxes specified, a bat loft could easily be incorporated within the roof space of one or more of the buildings.

As a compromise, perhaps the Councillors could consider not allowing windows on the northern boundary?

#### Matt Parker - Application No. 24/00285/FULL

Comments of Objection, carefully citing planning policy, now stand at 33 and yet the Officer's Report condenses these into a half page summary, whilst the 7 Comments of Support are afforded a full page and a half summary. This does not suggest an equitable analysis of local opinion. The proposed development would contradict Policy DM9 in that it would not positively contribute to the area's rural character, but would irrevocably damage both rural character and amenity.

The impact of light pollution should be considered with particular regard to the Dark Sky Reserve status of Exmoor National Park. Stoodleigh is a conservation area, and an area of environmental quality, this site in particular is in the conservation area and

established woodland with a TPO. As with Policy DM28, the lack of need for this development has clearly been expressed by the village, as well as there being no unallocated commercial development sites in rural areas of Mid Devon as per the 2013-2033 plan, confirming that there is no need for this type of general industrial development. Therefore approving this would be a subsequent breach of Policy DM27 as well as Policy DM28.

Policy DM27 also suggests if an alternative, less harmful location can be found it must be considered, and there are plenty of empty commercial units and spaces in more suitable locations. You will be aware of the Tiverton Work Hub co-working space, complete with meeting rooms, which is due to open in February 2025. In the Planning Officers report, point 9.2, the applicant seems to have omitted Bampton and Tiverton. This area is already amply provided for.

Is there an economic viability report submitted by the applicant, as we have struggled to locate this? Using our own informed estimates, based on market values, a development of this scale would cost in the region of £1,243,000, against potential rental income of £41,000 pa. This would suggest that to breakeven it would take the applicant a minimum of 30 years. Policy DM19 suggests that if a site can demonstrate lack of financial success over the course of 18 months, the council will re-consider alternative uses. Could an Article 4 Direction be placed on this site?

Stoodleigh residents are largely peace-loving with a constructive attitude to appropriate development within their community. However the strength of opposition to this plan is unusual and should not be overlooked. We have been open to constructive dialogue with the applicant, but none has been forthcoming.

Cllr Steve Keable, Cabinet Member for Planning and Economic Regeneration – Application No. 24/00814/FULL

The proposal is considered to be acceptable in that the change of use of the building would not harm the ability of Tiverton to provide for its community use needs.

The building has been vacant since 2022 and no alternative community use has been secured.

The lead-up and public consultation in February of this year provided the opportunity for alternative proposition but no viable option was received.

The provision of flexible workspace in the form of offices within a work hub is considered to be a suitable alternative use for the building and demand for this use within the community has been demonstrated, it will also increase town centre footfall that will support retail and other services.

The Council has long held aspirations to develop flexible workspace in the District and has been an aim in the Corporate Plan and Economic Strategy, supported by our Economy (now Economy and Assets) PDG. Knowing that in other towns, town-centre based work hubs support regeneration of their towns and wider businesses by bringing in footfall, using local café facilities, services and shops, as well as supporting business start-ups and growth, we see this building as an ideal opportunity to provide this for Tiverton.

This proposal will complement, not compete, with existing offer elsewhere in the District, for instance the Business Innovation Hub at Petroc, also funded by Shared Prosperity Funding from Mid Devon, offers access to innovative digital technology and equipment as well as conference facilities and meeting rooms. This hub will address a gap for home-workers and self-employed seeking business space from which to network, collaborate and work, providing hot-desking, studio offices, confidential booths as well as services such as a business postal address.

The Market Centre building is a unique asset of the Council's in that it has low market value. Therefore, unlike our retail units, it is ideally placed for a low-income opportunity that will support multiple businesses. The benefits are for the town's wider economy. We could not provide this opportunity from any of our other buildings.

## 25 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:42:17)**

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

- Cllr M Jenkins made a declaration in accordance with the Protocol of Good Practice for Councillors Dealing with Planning Matters with regard to Application No. 24/00285/FULL as he had received correspondence and had been contacted by people objecting to the application.
- Cllr S Clist made a declaration in accordance with the Protocol of Good Practice for Councillors Dealing with Planning Matters with regard to Application No. 24/00285/FULL and Application No. 24/00045/MOUT as he had received correspondence. He also referred to Application No. 24/00506/MFUL and Application No. 24/00814/FULL as they sat within his portfolio area and declared that he had an Other Registerable Interest. He had not had any discussions or participated with officers and had not pre-determined the applications.
- Cllr B Holdman made a declaration in accordance with the Protocol of Good Practice for Councillors Dealing with Planning Matters with regard to Application No. 24/00285/FULL and Application No. 24/00045/MOUT as he had received correspondence. He also declared a protocol interest with regard to Application No. 24/00814/FULL as Ward Member.
- Cllr G DuChesne made a declaration in accordance with the Protocol of Good Practice for Councillors Dealing with Planning Matters with regard to Application No. 24/00285/FULL and Application No. 24/00045/MOUT as she had received correspondence.
- Cllr F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors Dealing with Planning Matters with regard to Application No. 24/00285/FULL as she had been contacted and had received correspondence. She also knew one of the objectors as part of her role as District Councillor and from when she was a County Councillor and previously had dealings with them and their family.

## 26 MINUTES OF THE PREVIOUS MEETING (00:45:43)

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

## 27 CHAIR'S ANNOUNCEMENTS (00:46.10)

The Chair had no announcements to make.

## 28 WITHDRAWALS FROM THE AGENDA (00:46:50)

There were no withdrawals from the Plans List.

## 29 THE PLANS LIST (00:47:00)

The Committee considered the applications on the \*Plans List

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

### **1) 24/00285/FULL - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings at Stag and Squire, Shadow Pond, Stoodleigh.**

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

- The application proposed to demolish a group of existing buildings and clear the site and replace them with new 7 units, associated parking and landscaping. The application had been called in by Cllr R Gilmour and Cllr C Adcock for the Planning Committee to consider the following issues:
  - Highway safety
  - Economic viability
  - Light pollution
  - Ecology Impacts
  - Proposed commercial use of the site
  - Conflict with Policy DM18
- The application site was within the western edge of Stoodleigh, which was not defined as a village with a settlement boundary in the Mid Devon Local Plan. The site lay at the edge, but also within, the Stoodleigh Conservation Area. The Parish Hall and a number of listed buildings were situated approximately 100 metres to the south of the site. The site was surrounded by woodland and therefore any views of the site from wider landscape were very limited.
- The layout of the site was shown on the existing site plan as well as the shape and design of the buildings on the elevations plan. The current lawful use of the land was Use Class B2 – General Industrial with some uses falling under Use Class B8 – Distribution and Storage as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Historically, the site was used as a timber mill saw, however the site had been vacant since the business closure and the land being purchased by the applicant in 2020.
- The site consisted of 10 buildings of which 7 buildings were connected together which covered an area of 777sq. m. The buildings were mainly of



timber construction with a pent metal roof. The site was accessed via an existing vehicular access directly from an unclassified road situated at the southern boundary of the site.

- The site was currently in a very dilapidated state with buildings being in a poor condition. The southern part of the boundary, which consisted of defunct hedgerow similarly to the north-east part of the site with a large amount of piled soil which affected the health of existing trees.
- The application proposed to regenerate the site through the demolition of existing structures and clearance of the site, and erection of 7 new units, a small café, permeable hardstanding and some soft landscaping. The proposed site plan showed the layout of the site. The building on the most eastern edge, annotated as unit 7, would be L-shape and would provide 3 workshops spaces at the ground floor level and an office and administration space within the first floor above the part of the unit running parallel to the northern boundary. The overall footprint of the building would be 206sq.m.
- Units 1, 2 and 3, which would be seen as one structure also of an L-shape. Unit 1 would be used as a workshop space and reception at the ground floor level whilst the attic space would serve as an office, showroom and store. Unit 1 would be used by the applicant. Unit 2 & 3 would be single storey and each unit would provide a floor space measuring 29.5sq.m. The overall footprint of the building would be 186 sq.m.
- The next building to the west would be single storey in height and consisted of 2 workshops of each would measure 29.5sq.m. Unit 6 would provide 1 workshop space and cover an area of 76.4sq.m. Unit 6 would be connected via a pitched roof with the proposed café. The café would measure 25sq.m of which 18.5sq.m would be designated for the public.
- Alongside the western elevation of the café and Unit 6 would be a modest outdoor sitting area. The western part of the site which was currently overgrown with vegetation, bramble and ivy would be cleared and grassed area, including soft landscaping that would be introduced of which details can be secured by a condition.
- The overall footprint of all units would be 553.5sq.m. and floor space, including the attic space and first floor, and café would measure 625sq.m. The application also proposed 21 parking spaces of which 1 would be designated for disabled parking and 1 would have an EV charging point. There would also be a cycle store to lock up to 15 bikes to promote sustainable transport.
- The proposal would utilise the existing access. The site plan also showed the location of 2 package treatment tanks. The surface water run-off would be dealt by directing water to 2 soakaways and attenuation tanks.
- The buildings would be of timber construction with a charred stained timber elevations and black standing seam metal roof, natural timber openings and black aluminium gutter and down pipes. Each building would have solar panels installed on the south roof slope. The materials were consistent across all units. All openings would have 40% light transmission glazing to reduce light spill.
- Unit 7 would be partially 2 storey and partially single storey. First floor level windows on the northern elevation would have vertical timber louvres to reduce light spill. Part of the front elevation would be pushed back to create covered entrance to the building.

- Unit 1 would utilise the floor space within the roof whilst units 2 & 3 would be single storey. The front elevation of units 2 & 3 would be pushed back to provide a covered access to the buildings and vertical timber louvres would be installed on the first floor window on the north elevation.
- Unit 4 & 5 were single storey and their design was consistent with other buildings and the floor plan.
- Both Unit 6 and the café would be single storey in height.
- The main issues raised by the Parish Council, 2 Ward Members and local residents were as follows:
  - Proposed Commercial use of the site within a residential area of the village;
  - Conflict with Policy DM18 and economic viability;
  - Arboriculture impacts;
  - Ecology;
  - Drainage;
  - Highway Safety Implications;
  - Residential Amenity;
  - Visual amenity upon the Stoodleigh Conservation area.
- The application proposed to regenerate previously developed commercial site. The existing industrial use of the site would be retained with the introduction of commercial use. Despite the proposed demolition of existing buildings and erection of new units, the lawful use of the site was industrial/commercial as the use related to the land and not buildings in planning terms. The application did not propose a new commercial use of the site.
- Policy DM18 permitted new employment development within countryside location, providing that development would not have any significant adverse impact upon the local road network or character and appearance of the countryside, and there were no other suitable sites or premises in the immediate area which would meet the needs of the business. Although it proposed to introduce a different type of business(s), it proposed to regenerate the established industrial and employment site. It would re-use the previously developed and derelict brownfield site. The design was considered to be in keeping with the industrial nature of the site, surrounding woodland and the countryside landscape. Considering that the existing lawful use of the site, it could accommodate up to 8 smaller or 1 to 2 larger heavy industrial businesses without any restrictions in terms of operational hours, noise level, traffic/deliveries, or light spill. It was considered that there would be no increased traffic generated by the development when compared to what could currently operate on the site without planning permission. It was considered that development complied with the requirements of Policy DM18 of the Local Plan as well as other policies such as Policy S6 which supported commercial and employment premises which met the community needs and recognised that there was an identified shortage of small-scale employment sites and Policy S1 which supported prosperous rural economy through provision of new buildings.
- The applicant had also provided information to the Council which showed that the nearest premises which could provide the required floor space for the applicant's business were 8 units in Wellington – 21 miles away; 6 Units in Taunton, 2 in Bishop and 2 in Exeter – all situated between 21-31 miles away from the site.

- In addition, 1 of the units would be used by the applicant's wife. Two members of the public had already expressed their interest in units, and some residents supported the office/hot desk part of the proposal. Therefore, the development would not only provide employment space for the applicant but other businesses and rural working groups and as such contributed to the diversification of rural economy.
- The submitted Tree Survey report set out the constraints posed by trees to development on the site and the measures required to preserve the trees deemed worthy of retention. The report confirmed that subject to compliance with the survey's recommendations the development would be delivered on site without any harm to trees.
- This plan showed the crown spread of different group of trees and their arboricultural value. The survey included the application site as well as trees situated adjacent to the site. The site contained 20 trees in category B, 142 trees in category C and 2 in category U. There was a mix of young and mature trees, with the largest percentage being Sycamore trees. No tree of considerable age or veteran quality are present. Trees on the south boundary were in category B, C and U. Tree group identified as T003, T004, T005 were Sycamore, T007 and T009 – English Oak, T008 – Common Beech. T020, T021, T022, T024 and T026 – Sycamore Trees, T023 – English Oak, T025 – Common Ash. A pocket of woodland at the western end of the site would not be impacted by the development. T011 – Common Ash.
- The northern boundary was largely an outgrown hedge with many multi-stemmed trees of low quality. It could be enhanced through laying and replanting with a native hedgerow mix to add diversity and cover for wildlife. The benefit of lower thicker hedgerow should be considered more beneficial, rather than a maturing treeline that would thin out due to competition.
- To the northeast corner earthworks were burying the roots of several trees in group G016 and T019 which could be detrimental to their health. A screening hedge H018 on the eastern boundary had previously been planted but now lacked ecological and screening value. Extensive earthworks had been carried out to create a private enclosed area (before the applicant purchased the site). The piling of soil in the Root Protection Area and against stems did not support good tree health. Therefore, the survey recommended that the removal of some soil around trees should be carried out. Overall, it was proposed to remove 1 Ash tree and crown lift 2 trees to 5.2 metres to enable access and vehicular movement
- Whilst these works to trees not being affected by the development had been recommended to improve or enhance the ecological value of the woodland, these could be applied for and assessed via an application for a consent to tree works with TPO. The tree survey also recommended some works to trees on the northern boundary.
- An Ecological Impact Assessment report was prepared and submitted in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct. Its contents were compliant with British Standards and Biodiversity Code of Practice for Planning and Development. A Desk Study involved a search of relevant sources to provide geographical context and to assess whether the development had potential to impact protected species or sites.
- A site walkover was undertaken in accordance with the Joint Nature Conservation Committee's Phase 1 Habitat Survey methodology and Bat specific survey were carried out. A Baseline Evaluation and Impact

Assessment was undertaken to determine the geographical importance of ecological features.

- The Survey results confirmed that 1 record of an EPS (Baths) Licence was granted within 2km of the site since 2008. There were no statutory designated sites within 1km of the site. The site did not lie within any consultation zones for protected species.
- In terms of legally protected species within the site there were no confirmed or suspected badger sets and no evidence of badger foraging activity was seen. The geographical significance was negligible. It showed some potential shelter for hedgehogs within the woodland and that they may traverse the site occasionally. There were no suitable habitats within the site for reptiles or amphibians. For hazel dormice no records were returned during the data search, however the woodland and southern boundary were suitable for this species including hibernation opportunities at ground level. The woodland was expected to be used for nesting and roosting birds. Birds nests were recorded from the within the buildings. Hardstanding was not suitable for ground nesting birds.
- There was high value for bats roosting within the trees around the edge of the site and opportunities for foraging. The site boundaries also provided good linear features for commuting bats. No bats were roosting within the buildings and there was limited opportunities for foraging bats within the yard. The plan showed the location of trees with bat roosts potential within and outside application site. It also showed the group of buildings which were assessed for suitability for bats. Overall the survey of the building confirmed that the buildings were not suitable for roosting bats.
- In accordance with British Standards 2 bat detectors were placed on site. Bats present on site were either roosting in trees or using the site for foraging. The site was used by migrating bats. Trees to be affected by the development or though tree works would have little or negligible impact on bats confirming that the development could be delivered without significant impact.
- The foul and surface water drainage was proposed to be managed on site by means of two package treatment plants. The two package treatment plants would be located at either end of the site would discharge treated waste into ground percolation tunnels. Details of the proposed foul drainage strategy were recommended to and would be secured by a planning condition.
- The proposal would retain the existing access noting the existing permitted use of the site that had potential to generate high level of vehicular movements, it was considered that the development would not lead to any adverse impact on highway safety. The Highway Authority Officer visited the site and confirmed that the “vehicular numbers from this application would not create a trip generation intensification, including the Class E proposed café use.” There was also adequate turning area. On this basis, it was considered that the development would not lead to any adverse impact upon the highway safety.
- In terms of noise pollution, the nature of the proposed business and addition of a small café (Use Class E) would likely result in lower levels of noise pollution, which would be more appropriate in this location. The Public Health Officer had been consulted on the proposal and raised no objections on residential amenity grounds, subject to appropriate conditions.

- The nearest residential property lied approximately 46 metres to the south-east of the site. Further properties excluding a residential dwelling in the applicant's ownership, were situation approximately 95 metres to the south-east and 100 metres to the south. The site was very well screened and was considered that there would be no overlooking or loss of privacy arising from the development.
- Conservation officers had confirmed that there were no heritage grounds for refusal.
- Based on the report it was recommended that the application was approved, subject to conditions.

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

Louise Butcher

- a) Q: Image shows no trees between trees T013 and T014 which is incorrect. G015 tree cluster is in between T013 and T014  
A: Trees between tree T013 and T014 are shown on the Tree Constraints Plan, outlined in grey and this was covered in my presentation.
- b) Q Applicant's Arboriculture report does not state the radius of the tree trunks of G015 G016, G010 rendering their RPA calculations unfounded.  
A: It was covered in the presentation (overall none of these tree groups would be affected by the development).
- c) Q: G015 tree cluster states bat habitat low – however our report cites 250 fly byes.  
A Covered in the presentation (ecology survey and County Ecologist confirmed that G015 tree group are of bat habitat low and a plan showing which trees and their habitat value for bats was presented to the Committee)
- d) Q: BNG for this 2 acre TPO woodland is currently ornamental planting and planting of 6-8cm saplings where trees have been damaged during construction.  
A: It was covered in the presentation where any ecological enhancement was considered acceptable and BNG is not required given the application was submitted before 2<sup>nd</sup> April.
- e) Q: Page 6 on applicant's report, states no TPO's nor conservation area which is incorrect.  
A: Unclear which applicant's report as none of the submitted documents talks about TPO on page 6.
- f) Q: Page 14 states Northern boundary is an outgrown hedge with multi-stemmed "trees" of low quality. However contradicting themselves later where a tree cluster G015 on Northern Boundary condition is "good".  
A: Covered in my presentation.
- g) Q: No mention of hedge line being "protected" by the hedgerow's act as per the Symonds and Sampson report on the portal as well as being co-owned with neighbour.  
A: The matter of hedgerow was covered in my presentation. Issue concerned with the ownership of the site's boundary is a civil matter and out of the Local Planning Control, as such not material planning consideration.
- h) Q: Only Class A trees are to be preserved, when BSA states classes B & C are of importance for preservation (particularly if under TPO) and RPA's must also be calculated for these classes.

- A: Covered in my presentation.
- i) Q: Why the buildings cannot be positioned at least 3 metres from the trees on the northern boundary to protect them and their habitats.
- A: The site layout and position of buildings has been designed to allow for sufficient parking provision and manoeuvring area.

Matt Butcher

A statement was read out – no questions to answer.

Alyson Murray

A statement was read out –no questions to answer.

Amanda Baggott

- a) Q: As this is a material planning consideration, has the applicant applied for a Bat Mitigation Licence (A13)?
- A: The submitted Ecology Impact Assessment report confirmed that the development would not have direct or indirect impact upon bats, or indirect impact upon bats' flight lines and as such, the aforementioned licence is not required.
- b) Q: As a compromise, perhaps the Councillors could consider not allowing windows on the Northern Boundary?
- A: I apologised to Members as I did not consider to be in a position to answer to this question.

Matt Parker

- a) Could an Article 4 Direction be placed on this site? – As Mr Parker referred to Policy DM19 I have answered that Policy DM19 relates to the protection of employment land. As the development does not propose any non-employment use this policy is irrelevant so is the Article 4 and, which is not considered to be material planning consideration. It was also mentioned that the proposed use of the site and buildings has been conditioned and therefore, any permitted development rights allowing a change of use have been automatically withdrawn.
- b) Is there economic viability report submitted by the applicant, as we have struggled to locate this? – No and this has been covered in my presentation and report.

Consideration was given to:

- Whether a condition should be placed upon the application for the foul drainage to be connected to the public sewer to avoid pollution.
- Whether everything had been done to ensure the protection of bats.
- The coppicing of trees and the impact this could have on the landscape and screening.
- The protection of tree roots.
- Reducing the risk of hedgehogs falling into trenches and the protection of dormice.
- The viability of the cafe.

- Highway issues and the possible additional transport on the roads.
- Flooding and whether this would be an area of concern

The Development Management Manager summarised the following:-

- Members need to be mindful to look at the application from a planning point of view.
- That policies were compliant.
- The relevant consultations had been carried out.
- The Application looked at facts and figures of planning matters.
- All consultees had raised no objections.

**RESOLVED** that the application be granted subject to conditions and for delegated authority to be given to the Development Management Manager to finalise the conditions relating to the following in conjunction with the Chair, Vice-Chair, Cllr G DuChesne and Cllr S Robinson.

- (i) Foul drainage to be connected to the public sewer and kept separate from clean water. No paints/solvents/chemicals or any other hazardous waste to be disposed of to the public sewer.
- (ii) To include the wording “or coppiced” in Condition 10c.
- (iii) To ensure that adequate visibility splays are maintained at all times in the interest of public safety.

(Proposed by Cllr M Jenkins and seconded by Cllr S Clist).

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

Notes:-

- i) Jon Pearson, a Transport and Highways Consultant spoke as the objector.
- ii) Chris Evans, Kost Architects spoke as the applicant.
- iii) Cllr W Knowles, spoke on behalf of Stoodleigh Parish Council
- iv) Cllr C Adcock and Cllr R Gilmour spoke as Ward Members.
- v) A proposal to refuse the application due to amenity and viability proposed by Cllr G DuChesne and seconded by Cllr L Cruwys was lost.
- vi) Cllr F J Colthorpe, Cllr L Cruwys, Cllr G Duchesne and Cllr B Holdman voted against the application.

**2) 24/00506/MFUL - Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works at Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road, Tiverton, Devon.**

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

- The Application was for the demolition of existing buildings and the erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works.

- The site was situated on the corner of Elmore Way and Sunnybrook Road and comprised of 9 terraced bungalows with parking.
- The demolished bungalows would be replaced with 10 units which were wheelchair accessible, although all properties would have single level access.
- The main issues raised were principles of development; design and impact on surroundings; residential amenity; highways and parking, flood risk and drainage, impact on protected species and habitats/biodiversity; and climate change.
- The proposed dwellings would be single storey modular units and would allow for 19 off-street parking spaces which would include 4 disabled parking spaces to the front of the site and 2 EV charges.
- The former parking would be incorporated into the site and used as a landscaped area.
- The palette of materials proposed comprised of rendered finish to the external walls, metal standing seam roofs and solar panels installed on the roof slopes of the building.
- All of the units would be national space standard compliant and 2 would be fully wheelchair user accessible.
- The proposed landscaping would increase the biodiversity of the site by providing a mixture of grasses, planting, hedges and trees.

Consideration was given to:

- The reason why the existing bungalows were to be demolished. It was explained that they would be replaced with higher quality properties built to higher specifications and would be insulated. The landscape area would be improved with off street parking and would also be compliant for wheel chair users.
- Whether all units were wheelchair compliant? It was explained that all properties would be built to standards which were higher standards for accessible adaptable dwellings. The 2 bungalows in question would have larger bedrooms for additional space around the bed to manoeuvre a wheelchair.
- Whether there would be provision for the storage of mobility scooters? The Area Team Leader advised that both of the properties would have provision for a mobility scooter and 4 disabled spaces.
- If the land was contaminated? It was explained that a stage 1 desktop study showed that there was potential impacts but nothing that could not be mitigated. There was a pre-commencement condition that required an investigation. If there was contamination then the topsoil may need to be removed and replaced. The Planning Authority would require a verification certificate.

**RESOLVED** that the application be granted subject to conditions.

(Proposed by Cllr S Robinson and seconded by Cllr G DuChesne).

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



Notes:-

- i) Elizabeth Lawrence, Turley spoke as the applicant
- ii) Cllr G Czapiewski spoke as the Ward Member.

**3) 24/00045/MOUT - Outline for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved at Tidcombe Hall, Tidcombe Lane, Tiverton.**

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

- The outline planning application was for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved.
- The site area extended to just over 7 hectares.
- To the north the site borders the Grand Western Canal and tow path.
- The illustrative masterplan indicated how the development would be accommodated on the site, including reconfiguring the access points, dwellings, the conversion of Tidcombe Hall and its outbuildings to 9 dwellings, erection of 8 dwellings within the grounds to the east of Tidcombe Hall and the erection of 83 dwellings in the wider site area. The northern field was shown as a new parkland/open space area.
- The main issues raised were policy and principle of development; highway and access issues; flood risk and drainage; impact on heritage assets, landscape and visual impacts.
- The applicant's case was that the Council were not able to demonstrate a 5 year housing land supply and completions had fallen below the action levels set out by Policy S4. The Council did not accept this position. The difference between the proposed site area and the TIV13 allocation were also highlighted.
- Highways and access issues – the proposal to reconfigure the secondary access to the site. The existing main access to the site would become pedestrian access. Highways had raised no objections.
- The application proposed a Traffic Regulation Order to manage the traffic in the area. This would effectively prevent through traffic across Tidcombe Bridge except buses and emergency services.
- A number of concerns were raised through the public consultation with regard to flooding as a result of the development. The site was located in flood zone 1 which was the lowest flood zone risk. The applicants had carried out ground testing and established that the infiltration was not viable on the site due to ground conditions. The Lead Flood Authority had raised no objections to the principle of development based on the outline information.
- In terms of heritage assets the nearest ones likely to be affected by the proposal were outlined within the plan.
- There was the risk of potential harm to Tidcombe Bridge due to the highways work however the Conservations Officer was content that this would be managed by conditions.

- Tidcombe Hall was not listed although it was considered to be a non-designated heritage asset.
- The site was visible from some views from Knightshayes park and gardens. Historic England were satisfied that although it is visible due to the extensive tree cover the impacts could be appropriately managed with suitable materials and would be considered under a reserved matters application.
- Some tree removals were proposed across the site particularly around the site entrance and garden area of Tidcombe Hall. The Council had received and accepted a Section 211 notice for the removal of the trees due to their deteriorating condition. Appropriate mitigations had been secured due to replacement planting.
- Photographs of the site were shown and some viewpoints from the Landscape Visual Impact Assessment review.
- Officer recommendation was to refuse the application as set out in the report. Main reasons being the principal of development, being located in the countryside. It would result in harm to the character, appearance and setting and significance of the Grand Western Canal Conservation Area and Grade II Listed Tidcombe Farm and Tidcombe Hall as a non-designated heritage asset. It was likely to result in harm to the character and appearance of the area. The lack of a legal agreement to secure planning obligations, however Members were advised that this reason for refusal could be overcome through the agreement and completion of a suitable legal agreement.

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

David Randell

- a) Q: Makes comment in respect of the error in Education Authority request for contribution in terms of the amount requested.  
A: Whilst it is noted that the education authority anticipates the development to generate an additional 13.2 secondary pupils, it confirms that Tiverton high School is expected to have capacity for 75% of this additional demand. Therefore the contribution sought is £23,540 per pupil for the remaining 25% (3.3), hence the amount requested being less than suggested by Mr Randell.
- b) Q: Query over Highway Authority comments in terms of the prediction of DCC Highways that by 2032 an additional 2000 vehicles will be using Tidcombe Lane to access the new A361 junction via the Tiverton EUE instead of via Heathcoat Way.  
A: My understanding is that this relates to traffic coming from Canal Hill which, if the Traffic Regulation Order (TRO) is implemented, would continue along Canal Hill rather than being able to cut through Tidcombe Lane and therefore increase traffic across the bridge.
- c) Q: In terms of the question as to whether the any meetings have taken place between the Highway Authority and the applicant.
- d) A: It is my understanding that this is the case however clearly we would not in a position to be able to evidence this as expected by the commenter.

### Dermot Elworthy

A statement was read out – no questions to answer.

### Sandy Elworthy

a) Q: The Council notes the deteriorating condition. Whether it were to fall down is not considered to be relevant to determination of this application which seeks to convert the existing building.

A: It should be noted that Tidcombe Hall itself is not a listed building.

### Victoria Pugh

a) Q: An appropriate public consultation has not taken place.

A: The proposed TRO would be subject to a separate procedure which would include public consultation before it could be implemented therefore this is not considered to be a relevant reason for refusal and members are advised not to include this as an additional reason.

b) Q: DCC has not yet carried out an impact assessment on child safety at Tidcombe Primary School as part of their statutory duty.

A: In terms of the impact assessment on child safety at Tidcombe Primary School, the Highway Authority have considered the impacts of the development in terms of the increased traffic generation and the proposed management via the TRO. It is their view that the development does not result in an unacceptable impact in terms of highway safety or capacity issues, the proposed TRO would reduce traffic movements along Tidcombe Lane and seek to improve pedestrian safety in the area. On this basis this is not considered to provide reasonable or robust grounds for refusal.

Consideration was given to:

- Cumulative impact of traffic around the area and the safety of school children.
- The closure of Tidcombe Bridge and how this would affect traffic.

**RESOLVED** that the application be refused.

(Proposed by Cllr B Holdman and seconded by Cllr C Harrower)

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

### Notes:-

I) Goff Welchman spoke as the objector.

II) Olly Ansell, Grassroots Planning spoke as the applicant.

III) Cllr L Kennedy and Cllr B Fish spoke as Ward Members. (Cllr B Fish statement read out by the Chair)

**4) 24/00814/FULL - Change of use from F2 (community use) to Eg(i) Offices to include creation of outside seating area at Former Drop In Centre, Newport Street, Tiverton.**

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

- The application proposed the change of use from community use offices to include the creation of outside seating.
- A total of 4 car parking spaces would be lost in the Market Car Park.
- Additional bike storage would be provided.
- Due to the town centre location the offices would be easily accessible by walking or cycling.
- The application had the potential to affect the visual amenity of the area although there were suggested conditions to cover that.
- There was a public consultation underway at the moment seeking design ideas although the application was for the change of use rather than design.
- Any change to the building would be a separate application.

Consideration was given to:

- Parking and access past the front of the building.

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

(Proposed by Cllr G Cochran and seconded by Cllr G DuChesne)

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

Notes:-

- I) Cllr B Holman abstained from voting as he had been lobbied by a number of people in his ward and he felt he could not be objective on this application.
- II) Zoë Lentell, Growth and Regeneration Officer spoke as the applicant.

30 **HABITAT BANK - HOLLYFORD FARM, STOCKLEIGH ENGLISH, CREDITON, DEVON (04:45:05)**

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

- This was a proposal to create a Biodiversity Net Gain (BNG) Habitat Bank of 2.56ha at Hollyford Farm, Hollyford Lane, Stockleigh English.
- Habitat Banks were one-off solutions that unlocked more sustainable development locally and met wider nature recovery objectives.
- The site comprised of 3 agricultural fields and a small part of woodland area to the south of Hollyford Lane.
- Habitats present within the site included small rural trees, line of trees, species-rich and native hedgerow with trees and scrubland.
- The watercourse within the site did not form part of this habitat bank.
- The management period was defined by net gain principles and planning objectives associated with the proposed development and so must cover a minimum 30 year period.

- The Plan was designed to be adaptive and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30 year management period.
- Third party oversight of the Habitat Management and Monitoring Plan would be carried out by Mid Devon District Council as the Local Planning Authority.
- The results of the BNG assessment showed that the site had the potential to generate 9.86 habitat units and 3.10 hedgerow units.

**RESOLVED** to approve the signing of the S106 agreement to secure a Biodiversity Net Gain Habitat Bank of 2.56ha.

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

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

### 31 **MAJOR APPLICATIONS WITH NO DECISION (04:56:26)**

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

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

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

### 32 **APPEAL DECISIONS (04:57:06)**

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

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

(The meeting ended at 7.50 pm)

**CHAIR**

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## PLANNING COMMITTEE AGENDA - 28th August 2024

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	24/00533/FULL - Siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road. <b>RECOMMENDATION</b> Grant permission subject to conditions.

Application No. 24/00533/FULL

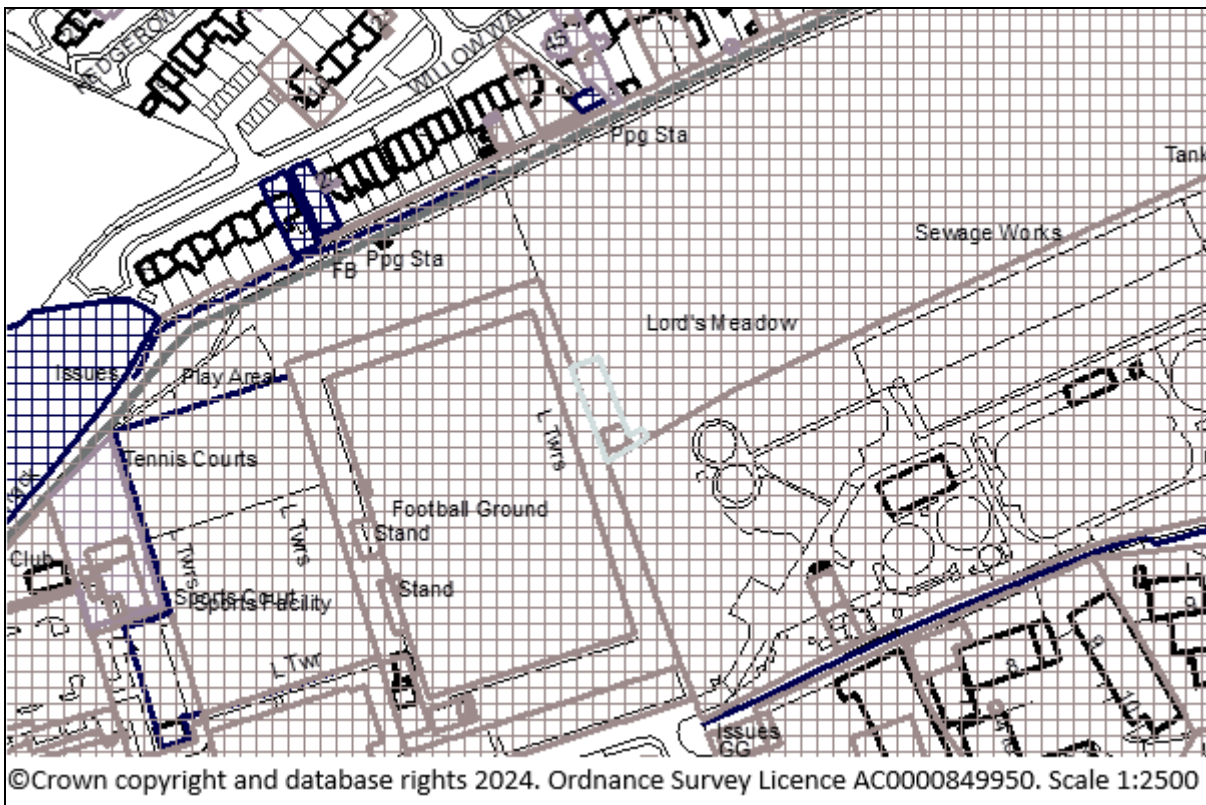
Grid Ref: 284562: 100598

Applicant: CREDITON YOUTH FC

Location: Land at NGR 284406 100511  
Lords Meadow Leisure Centre  
Commercial Road  
Lords Meadow Industrial Estate

Proposal: Siting of containers to provide equipment storage, cooking, washing and changing facilities

Date Valid: 17th May 2024





## **APPLICATION NO: 24/00533/FULL**

**Site Visit: Yes**    **Date of Site Visit:** 2<sup>nd</sup> August 2024

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

The application is located on MDDC land.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the siting of containers to provide equipment storage, cooking, washing and changing facilities.

The site is located at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road, Lords Meadow Industrial Estate. The site is located towards the eastern edge of the defined settlement limit of Crediton, on land to the east of Lords Meadow Leisure Centre and the Crediton United AFC football ground. The site is level being located outside of any landscape designations and is within flood zone 1 which is the lowest probability of flooding.

The submitted information outlines that the site is used for the community youth football teams.

The ages are from under 7 to under 16 boys and Under 11 to under 15 girl's teams.

There are also training times for disabled teams too. The pitches are a vital part of the community for all these years and do not currently benefit from any facilities. The club has finally decided now is the time to make the club more up to date and try to install some simple facilities to the viewing public.

The proposed development which seeks to site containers on the land would have a maximum height of 3.465m which is a similar height to the building approved under 23/00326/FULL for the erection of a replacement clubhouse at Crediton United AFC on adjacent land. Two storage sheds with a central tractor shed will form the main cluster of containers on site, which will cover an area of approximately 53.77sqm with an overall height of 3.465m to the ridge of the central tractor shed. The kitchen block measures 9.76m x 4m and will be 2.74m in overall height. The proposed WC and changing room blocks measure approximately 2.4m x 6m individually, each covering an area of approximately 14.4sqm. The exterior of the storage and tractor sheds will be timber clad with timber clad fencing fixed to posts also proposed to aid in screening the development from certain vantages.

The exterior surfacing will be a TrueGrid porous gravel stabilisation system, with gravel laid over and raised edging for ease of mowing. Existing fencing and access gate to the west will be retained. 4 trees will be planted around the site to provide additional screening, and to achieve Biodiversity Net Gain requirements.

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

- Application form
- Site location and block plan
- Proposed plans

- Proposed elevations
- Wildlife trigger list
- Devon BNG statement for validation
- BNG metric
- Preliminary ecological appraisal
- Foul drainage assessment
- Air quality assessment checklist

## **RELEVANT PLANNING HISTORY**

77/01196/FULL - PERMIT date 14th October 1977  
Erection of a cafe

79/01645/FULL - PERMIT date 29th November 1979  
Erection of a building for Girl Guides Headquarters

80/01965/FULL - DEMCON date 2nd February 1981  
DEEMED CONSENT for the change of use of car park during summer months for the provision of sites for touring caravans

81/01752/FULL - PERMIT date 15th December 1981  
Change of use from sports and car park use to temporary touring caravan and tent site

82/01198/FULL - PERMIT date 29th September 1982  
Erection of wooden shed

83/00466/FULL - DEMCON date 12th May 1983  
DEEMED CONSENT for the erection of sports hall with squash courts, social facilities and construction of car park

83/01910/ADVERT - PERMIT date 31st January 1984  
Consent to display non-illuminated information board (40" x 30")

84/00137/FULL - REFUSE date 30th May 1984  
Use of part of car park for lorry parking

88/02756/FULL - DEMCON date 28th February 1989  
DEEMED CONSENT for the erection of sports centre

90/00342/OUT - PERMIT date 27th April 1990  
Erection of changing accommodation

94/02143/OUT - PERMIT date 17th February 1995  
Outline for the erection of a six lane swimming pool with ancillary facilities and parking

95/01275/ADVERT - PERMIT date 10th October 1995  
Consent to display non illuminated advertisement board

96/00605/ARM - PERMIT date 11th June 1996  
Reserved matters for the erection of a four lane swimming pool with ancillary facilities and parking

00/01439/FULL - PERMIT date 16th November 2000

Removal of tiles and rendering rear elevation adjacent to inline skating area

02/02074/ADVERT - PERMIT date 31st October 2002

Advertisement Consent to display non illuminated display board and non-illuminated direction sign

11/01720/FULL - PERMIT date 20th January 2012

Installation of 291 solar photovoltaic panels on part roof

13/00133/FULL - PERMIT date 22nd March 2013

Installation of a biomass boiler to include the erection of a plant room, flue and wood chip store

13/00527/FULL - PERMIT date 30th May 2013

Construction of car park and associated works following demolition of major part of existing redundant building, retained part of building to be altered to provide training facilities, and minor alterations to main and overflow car parks to provide additional parking spaces

22/01554/MFUL - PERCON date 10th November 2022

Erection of external heat pump systems and solar car port, installation of photovoltaic panels to existing roofs and erection of shelter over skate park

22/00326/FULL – PERCON date 15<sup>th</sup> June 2023

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

## **DEVELOPMENT PLAN POLICIES**

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

S1 Sustainable development priorities

S9 Environment

S12 Crediton

DM1 High quality design

DM3 Transport and air quality

DM5 Parking

DM22 Tourism and leisure development

DM23 Community facilities

DM24 Protection of Local Green Space and recreational land/buildings

National Planning Policy Framework

National Planning Practice Guidance

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

D1 Development Principles

D5 Design

En1 Open Spaces

En2 Trees

## **CONSULTATIONS**

Crediton Town Council

(06.06.2024)

Recommend no objection.

(22.07.2024)

Regarding the four trees to be planted; it is recommended for these to be species that flower during spring and would provide some shade during the summer. It was requested for the town council to be informed about what species is chosen and why in order to make suggestions for future applications.

#### Highway Authority

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

#### Environment Agency

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

#### South West Water

##### Asset Protection

Please find attached a plan showing the approximate location of a public 100mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuildover&data=05%7C02%7Cdevcon%40middevon.gov.uk%7Cdae9335a83384d0af9bb08dc7a489a7c%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638519699459936878%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ivo52nxiCL7YgeftK%2FHtJ3nAptM3st1PF68m9hVAvoM%3D&reserved=0>

Should you require any further information, please contact our Asset Protection Team via email: [DeveloperServicesAssetProtection@southwestwater.co.uk](mailto:DeveloperServicesAssetProtection@southwestwater.co.uk).

##### Surface Water Services

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

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,

4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

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

### Devon County Council - Ecology

(05.07.2024)

The principles set out in the BNG metric and accompanying report are suitable, however the tree planting shown in the BNG report appears to lie just outside of the redline boundary on the Site Location Plan submitted. As per national BNG legislation, habitat creation/enhancement outside of the redline boundary is classified as offsite, and LPAs must secure all offsite BNG delivery through a legal agreement as we must monitor this habitat creation and it must be included on the national BNG register.

This is likely to be very onerous and expensive for the landowner, as it would require the submission of monitoring reports to the LPA over a 30 year period and the payment of monitoring fees. This could be avoided by extending the red line boundary to include the area of proposed enhancements - I would recommend that the applicant is told of this and potentially considers incorporated the BNG provision land into their redline boundary.

Happy to discuss further if required.

(05.08.2024)

Thank you for the reconsult on this application - I am content with the BNG information and we can now secure this via the statutory pre-commencement condition.

The BNG information as provided by this application will be secured via the statutory pre-commencement BNG condition. An informative must be placed on the condition decision notice. The statutory condition requires the applicant to submit a Biodiversity Gain Plan to the LPA prior to commencement of development.

Happy to discuss further if required.

### Public Health

We have considered the application and do not anticipate any environmental health concerns. There is no nearby mains sewer connection and the applicant proposes a package treatment plant which will be used sporadically. The applicant has submitted an air quality statement and we agree that this proposal would have a low potential impact on air quality and no action is required.

## REPRESENTATIONS

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

At the time of writing this report, no comments have been received.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

1.1 This application seeks planning permission for the siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road, Lords Meadow Industrial Estate.

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

- **Policy and principle of development**
- **Impact of the proposed development on the appearance of the site and the street scene**
- **Impact to the amenities of neighbouring occupiers**
- **Highway impacts and parking**
- **Impact to ecology and Biodiversity Net Gain**
- **Impact on open space**
- **Drainage and flood risk**
- **Other matters**

## 2. Policy and principle of development

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

2.2 In 2020 the Council adopted the Mid Devon Local Plan 2013-2033 and this takes priority in decision making. As outlined earlier on in this report, the intent of the proposals is to provide improved clubhouse and changing room facilities for Crediton United AFC. The key relevant Local Plan Policies in respect to the proposed development are considered to be those of policies S1, S9, S12, DM1, DM22, DM23 and DM24.

2.3 Policy S1 (Sustainable development priorities) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S9 (Environment) identifies that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change. Policy S12 (Crediton) outlines that Crediton will continue to develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. This policy states in criterion (e) that community and education facilities and other infrastructure will be supported. Policy DM1 considers high

quality design based on a number of principles which are set out in the policy and considered in this application.

2.4 In terms of the provision of additional facilities for Crediton Youth FC, Policy DM22 (Tourism and leisure development) identifies leisure facilities will be supported within defined settlements, subject to respecting the character and appearance of the location. Policy DM23 (Community facilities) identifies that the development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

2.5 The Crediton Neighbourhood Plan 2018-2033 went through a referendum in September 2022 with the result being that it has been adopted. Therefore there are a number of policies which would be relevant to the proposed developments. These are considered to be Policy D1 (Development Principles) which states that development that takes into account the effects of climate change will be supported and Policy D5 (Design) requires the use materials which reflect and complement the development. Policy En1 relates to Open Spaces and Policy En2 requires development in part to provide enhancements relating to trees, outlining that proposals should include additional amenity tree and hedgerow planting wherever possible.

2.6 It is considered that the proposals to provide facilities for the storage equipment, cooking, washing and changing facilities on site is acceptable in principle complying to the policies referred to above, subject to the development not resulting in a detrimental impact on the appearance of site setting and wider landscape. This assessment on impact on the appearance of the site and surrounding area is considered further below. The works will also provide facilities for the club and allow form part of the expansion of the club as it looks to try to install some simple facilities to the viewing public. It is noted that the club is an important community facility.

### **3. Impact of the proposed development on the appearance of the site and the street scene**

3.1 In terms of the design, scale and appearance of the proposals, and the impact on the surrounding area, Policy DM1 (High quality design) is relevant. This policy focuses on the design of new development outlining it must be of a high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area; and the efficient and effective use of the site.

3.2 Policies D1 (Development Principles) and D5 (Design) of the Crediton Neighbourhood Plan 2018-2033 are also relevant. Policy D1 supports sustainable development well connected to the town centre by sustainable transport means, contributes to protecting and enhancing the natural, built and historic environment and where the development makes effective use of land, delivers biodiversity net gain and wherever possible. In respect to the site of Crediton Youth FC, this is an established community facility located adjacent Lords Meadow Leisure Centre and Crediton United AFC being within walking distance to the Town Centre and public transport facilities.

3.3 Policy D5 (Design) states proposals for new development should have regard to the Crediton Design Guide and, subject to the scale and size of the proposal should use materials which reflect and complement existing development. With regard to the materials, the external walling of the containers and structures within the site will be timber clad to soften their visual appearance. The height of the structures will not exceed 3.4m ensuring a single storey and low level appearance to the development. The development will be located to the corner of

the open space, against established boundary screening to the south and west of the site which will screen the site from certain vantages and soften the development against the taller backdrop.

- 3.4 It is considered that the general design and layout of the new buildings will be acceptable, not resulting in a detrimental impact on the surrounding landscape, making best use of the land available. The development would be of a modest scale and provides what appears to be essential facilities to serve the associated football club which it currently does not benefit from. The proposal would result in a new purpose built equipment store, cooking, washing and changing facilities and the development would, in any case, be well screened from its surroundings by existing vegetation and being located lower down than the existing car park area.
- 3.5 Policy DM22 supports the provision of new or expanded leisure facilities; the proposed equipment storage, cooking, washing and changing facilities are required to ensure the proper functioning of this leisure facility, improving on the existing with no facilities currently available on site for the club. It is not considered that the works will have an unacceptable adverse impact on the appearance of the site, the adjacent leisure centre building or on the wider street scene. The development is therefore considered to be in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

#### **4. Impact to the amenities of neighbouring occupiers**

- 4.1 Policy DM1 requires that development is of a high quality and does not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. Having regard to the design, scale and siting of the development and the separation distance to the nearest residential properties, it is considered unlikely that it would result in any significant adverse impacts on amenities of a neighbouring occupier. The site is adjacent to Lords Meadow Leisure Centre and Crediton United AFC and surrounded to the west and south by commercial units with playing fields to the north and east. Therefore it is not considered that the development would result in an unacceptable overshadowing, overlooking impact or loss of privacy to neighbouring properties. No objections have been received in respect to the application.

#### **5. Highway Impacts and Parking**

- 5.1 Policy DM3 requires that development must ensure safe access to the transport network. The site would utilise the existing access from Commercial Road to the leisure centre. The access has good visibility and it is considered suitable to serve the proposed use having regard to the likely number of traffic movements associated with the proposed use. It is noted that the Highway Authority have raised no objections to the scheme.
- 5.2 Policy DM5 requires that development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport. With respect to the development proposed, noting that the development seeks to provide new facilities for Crediton Youth FC which is currently based on the site, the existing parking arrangements adjacent to the site at the Lords Meadow Leisure Centre and adjacent on street parking would be sufficient, with accessibility to public transport within walking distance. The site is located in a sustainable location within the defined settlement limit of Crediton. As such, it is considered that this level of parking is acceptable for the proposed development.

#### **6. Impact to ecology and Biodiversity Net Gain**



- 6.1 Policy S1 requires development to minimise impacts on biodiversity and provide a net gain in biodiversity. 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.
- 6.2 A 'Preliminary Ecological Appraisal' was produced by South West Ecology in May 2024 in support of this application. The Site consists of a rectangular area of modified grassland and the proposed development will consist of a gravelled area impacting on 280sqm of this grassland. The report outlines that the statutory Biodiversity Metric classifies the Site habitat as being in 'poor' condition, as it does not pass essential criterion A and passes less than 4 other criteria). The grassland is part of a playing field and as such is mown to a short even sward. Species diversity is poor. The Site has negligible potential for notable or protected species and the loss of a small area of such habitat would not be ecologically significant.
- 6.3 Given that the Site is a football field there are limited opportunities for realistic biodiversity enhancement. It is therefore proposed to plant trees to the periphery of the development area. The Statutory Biodiversity Metric headline results are shown in within the BNG Metric and figure 4 of the ecology report. The loss of 0.028 ha of poor condition modified grassland and the planting of native trees provides a net gain of 0.01 Habitat Units (11.37% biodiversity net gain).
- 6.4 Following amendments to the plans to include the proposed enhancements within the red edge of the development, the Devon County Council Ecologist has been re-consulted and has confirmed that they are content with this information subject to the standard Statutory BNG net gain pre commencement condition being added to the decision notice via an informative as per the legislation requires.
- 6.5 Policy En2 of the Crediton Neighbourhood Plan requires development in part to provide enhancements relating to trees, outlining that proposals should include additional amenity tree and hedgerow planting wherever possible, and the development seeks to provide the addition of new tree planting surrounding the development as outlined above.
- 6.6 Overall, the proposal is considered to comply with Policy S1 and S9 of the Local Plan and En2 of the Crediton Neighbourhood Plan.

## **7. Impact on open space**

- 7.1 Policy DM24 of the local plan relates to the protection of local green space and recreational land/buildings and states that open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development. Policy En1 is the corresponding plan within the Crediton Neighbourhood plan.
- 7.2 It is considered that the proposed development relates to the improvement and provision of sporting and recreational facilities for the existing youth football club which uses the open playing fields adjacent to the Lords Meadow Leisure Centre, and alternative development is not proposed which would require an assessment against criterion a) to c).
- 7.3 The works will also provide facilities for the club and allow form part of the expansion of the club as it looks to try to install some simple facilities to the viewing public. It is noted that the club is an important community facility. The development will result in a minor loss of green space to the south-west corner of the site and taking into account its modest scale it is not considered to significantly impact upon the open space or its continued function. In any event,

the provision of recreational facilities for the youth football club to provide facilities for the club and the viewing public in relation to the adjacent playing fields is considered to outweigh this minor loss of greenspace.

## **8. Drainage and flood risk**

- 8.1 The site is located in flood zone 1 (lowest flood risk). Having regard to the nature and scale of the development it is considered that the proposal does not raise any flood risk or drainage concerns. No concerns have been raised by South West Water regarding the method of surface water disposal.

## **9. Other matters**

- 9.1 The comments from the Town Council requesting for the town council to be informed about what species is chosen and why in order to make suggestions for future applications are noted. As will be noted within the informatives, a Biodiversity Gain Plan must be provided and approved by the Local Planning Authority prior to the commencement of the development during which the final species of the trees will be confirmed and agreed.
- 9.2 In conclusion the proposed development in its present format is considered to be an acceptable approach for the need to provide up to date facilities for the football club to allow it to continue to flourish and provide suitable facilities for the modern game and to promote the inclusivity of all to the game. There are no other material considerations that need to be taken into account in the determination of this application and it is recommended that planning permission is granted.

## **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 erection of external materials (namely timber cladding, roof covering, windows and doors), details of the colour and finish of the materials to be used shall be submitted to and approved by the Local Planning Authority. Such approved details shall be so retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the character and appearance of the area in accordance with DM1 of the Mid Devon Local plan (2013-2033) and D5 of the Crediton Neighbourhood Plan 2018-2033.

## **INFORMATIVES**

1. The applicant is advised that a Biodiversity Gain Plan must be provided and approved by the Local Planning Authority prior to the commencement of the development. The contents of the Biodiversity Gain Plan required to discharge the statutory BNG condition are set out in the Defra template Biodiversity gain plan - GOV.UK ([www.gov.uk](http://www.gov.uk)). Please see the Devon Planning Guidance on BNG for more advice. It should include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.
2. Please be aware of the consultee comments provided by South West Water. Attached to the planning file is a plan showing the approximate location of a public 100mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

They 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. Further information regarding South West Water's build over of sewers process can be found on their website.

Should you require any further information, please contact our Asset Protection Team via email: [DeveloperServicesAssetProtection@southwestwater.co.uk](mailto:DeveloperServicesAssetProtection@southwestwater.co.uk).

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

## **BNG – Biodiversity Net Gain**

**Is BNG Required?** Yes

**Is BNG Offsite only** No

**Onsite only** Yes

**Offsite and Onsite** No

**Is a S106 agreement required?** No

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

*[the following is suggested text for inclusion in the decision notice where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990.]*

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

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

The siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road, Lords Meadow Industrial Estate. is considered acceptable in policy terms. It is not considered that the proposals would have any significant detrimental impacts on the appearance of the existing site or in the wider street scene. The development supports a community use and is not considered to have an unacceptable impact on highway safety, open space, the environment including flood risk and protected species and/or the amenities of local residents within the locality. The development is therefore in accordance with the requirements of Policies S1, S9, S12, DM1, DM22, DM23 and DM24 of the Mid Devon Local Plan 2013-2033 and Policies D1, D5, En1 and En2 of the Crediton Neighbourhood Plan 2018-2033, and Government advice in the National Planning Policy Framework (NPPF).

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

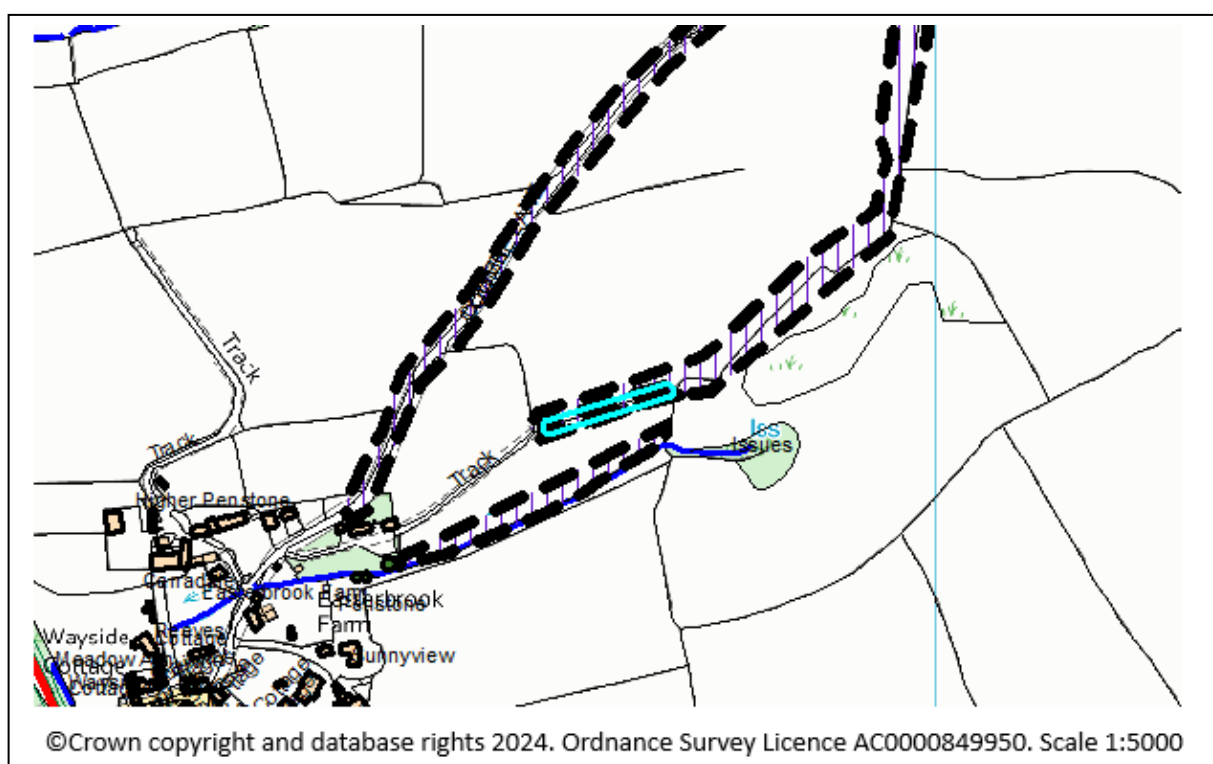
*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share 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.*

## Tree Preservation Order: 24/00001/TPO

Grid Ref: 277623 : 100492

Location: Wylspring Farm  
Penstone  
Colebrooke  
Crediton

Proposal: Tree Preservation Order for group of 4 Oak within hedge line



## TREE PRESERVATION ORDER: 24/00001/TPO

### Reason for Report:

Due to objection received from Mr Hann

### RECOMMENDATION

That the Tree Preservation Order 24/00001/TPO is confirmed.

### Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

### Financial Implications:

None

### Legal Implications:

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

### Risk Assessment:

None

### Consultation carried out with:

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

### PROPOSAL:

Tree Preservation Order for group of 4 Oak within hedge line

### RELEVANT SITE HISTORY/DESCRIPTION:

**20/01967/PNCOU** - APA date 25th January 2021

Prior notification for the change of use of agricultural building to a dwelling under Class Q

**23/01320/MTREE** - CLOSED date 21st August 2023

Misc tree enquiry - correspondence with Tim Jarratt

### AMENITY EVALUATION:

1. Size	Score	Notes
1 Very small 2-5m <sup>2</sup>	6	The trees are est. to be 12-14m in height with an est. crown spread of 10-12m. The tree are still growing and has the potential to become larger.
2 Small 5-10m <sup>2</sup>		
3 Small 10-25 <sup>2</sup>		
4 Medium 25-50m <sup>2</sup>		
5 Medium 50-100m <sup>2</sup>		
6 Large 100-200m <sup>2</sup>		
7 Very large 200m <sup>2</sup> +		

2. Life expectancy	Score	Notes
1 5-15 yrs	4	Though the trees are viewed as mature. Oak trees are potentially long lived. It would not be viewed as unreasonable to anticipate that trees could live for at least a further 100 years
2 15-40 yrs		
3 40-100yrs		
4 100yrs +		

3. Form	score	Notes
-1 Trees which are of poor form	2	No obvious visual defects observed. Tree viewed to be of good form.
0 Trees of not very good form		
1 Trees of average form		
2 Trees of good form		
3 Trees of especially good Form		

4. Visibility	Score	Notes
0 Trees not visible to public	1	Trees are growing within a field boundary hedge line on private land with no public access.
1 Trees only seen with difficulty or by a very small number of people		
2 Back garden trees, or trees slightly blocked by other features		
3 Prominent trees in well frequented places		
4 Principal features in a public area.		

5. Other trees in the area	Score	Notes
0.5 Wooded (70% = 100+ trees)	0.5	Area viewed as rural with significant number of trees within surrounding hedgerows and woodlands.
1 Many (30% = 10+ trees)		
2 Some (10% = 4+trees)		
3 Few (<10% = 1+trees)		
4 None		

6. Suitability to area	Score	Notes
-1 Unsuitable	4	Trees are a distinctive feature within native hedgerow within the countryside
1 Just suitable		
2 Fairly suitable		
3 Particularly suitable		
4 Very suitable		

7. Future amenity value	Score	Notes
0 Potential already recognised	0	Though the trees have potential for further growth. This would not increase their visibility in the local and wider landscape.
1 Some potential		
2 Medium potential		
3 High potential		

8. Tree influence On Structures	Score	Notes
-1 Significant	0	Large barn constructed within close proximity to the trees. Potential for future crown conflict that can be resolved through target pruning of branches.
0 Slight		
1 Insignificant		

9. Added factors	Score	Notes
1 Rare	1	

1 Screening unpleasant view		Screen a newly constructed barn from a prominent visual point at the rear of Colebrook church.
1 Relevant to the Local Plan		
1 Historical association		
1 Considerable wildlife value		
1 Veteran tree status		

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

10. Notes and total score	Score	Notes
Not / Reasonable for inclusion within the TPO (>15 Merits consideration)	18.5	The trees provides a level of amenity value that merits a TPO. Tree is outside of a conservation area informing there are no constraints restricting tree pruning.

## REPRESENTATIONS:

Mr Hann who owns the land where the trees are situated has objected to the TPO and have raised the following objection that has been bullet pointed and summarised in this report.

1. The council has accepted hedgerows are under a Defra management plan and accepts this is to improve the structure of the trees within the hedgerow. The management plan cover the entire holding including the area marked G1 (TPO in question), why then, has this not been applied other area saves this one?
2. The council have made various Tree preservation Orders. The council have been provided with the information to show why most have not been proportionate or necessary.
3. Since the order was proposed, neighbours have successfully applied for and been granted permission for a livestock barn (ref: 23/01652/FULL). The screening proposed for the barn is entirely on the western side to protect the village of Coleford, but nothing is proposed for the northern elevation, effectively protection my property. So, screening is demonstrable not an issues for the council.
4. The council justification for not confirming the original order (ref: 23/0004/TPO) should also apply here, the oaks are in a hedgerow under a management plan. In addition, those trees are protected as per the application ref: 22/01693/FULL in which I commit to maintaining the BS5837 standard.

## MAIN ISSUES:

In response to Mr Hann comments and objection to the Tree Preservation Order.

1. It is accepted the hedgerows are under a Defra management plan and accept this is to improve the overall structure of the hedges and trees over time. For this reason the previous Tree Preservation Order (ref: 23/0004/TPO) was not confirmed. Not withstanding this, it was observed and communicated with Mr Hann that the four oak trees are viewed to be of increased importance in terms of screening the newly agriculture storage barn (22/01693/FULL). Furthermore the proximity of the barn to the oak trees is likely to require crown pruning periodically to resolve conflict that could impact the screening of the storage barn in the wider landscape. For this reason a Tree Preservation Order was viewed as reasonable to ensure appropriate pruning in the future, if and when required.
2. The council has made two previous Tree Preservation Orders in relation to Wyllspring Farm. The first being confirmed with modification, the second not being confirmed due to Defra management plan. However, it was made clear the



new Tree Preservation Order was to made that would protected the four oak trees due to the screening value at the time of the previous Tree Preservation Order (ref: 23/0004/TPO) not being confirmed.

3. In response to the neighbour application (ref: 23/01652/FULL) permission was granted for a livestock barn. Proposed planting will provide screening in the wider landscape, notable in relation from Coleford. The four oak trees provide significant screening of Mr Hann storage barn, also from Coleford and was an influencing factor in making Tree Preservation Order. Screening between immediate neighbouring lands was not a consideration when considering a Tree Preservation Order.
4. Much of Mr Hann points raised in bullet point 4 are addressed above. BS5837 is the standard for Trees in relation to design, demolition and construction– Recommendations, namely to protect trees during construction and is not a long-term protection of trees and not a substitute for a Tree Preservation Order in any form.

**SUMMARY:**

The four oak trees provide good amenity value to the local landscape in terms of screening the newly constructed storage barn and are likely to continue contributing to the landscape in the long-term. The issue raised by Mr Hanns who owns the trees who has objected to the Tree Preservation Order being confirmed have been reviewed. It is considered that the points raised are not sufficient to inform that it is not expedient to confirm the Tree Preservation Order. It is recommended that the TPO be made.

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	08/11/2024	24/01142/MFUL	Erection of extension to main building, extension of hard standing, repositioning and extension of machinery shed and store and provision of a car wash building	Homeleigh Garden Centre Barnstaple Cross Crediton Devon EX17 2ER	Mr Adrian Devereaux	DEL	

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