

Planning Committee

Wednesday, 8 October 2025 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 12 November 2025 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.

[To join the meeting click here](#)

Meeting ID: 334 667 967 679

Passcode: Fh6Pb2aU

Membership

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

A G E N D A

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

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

- 2 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 3 **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.
- 4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 16)*
To consider whether to approve the minutes as a correct record of the meeting held on 20 August 2025.
- 5 **CHAIR'S ANNOUNCEMENTS**
To receive any announcements the Chair may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda.
- 7 **THE PLANS LIST** *(Pages 17 - 46)*
To consider the planning applications contained in the list.
- 8 **APPLICATION NO: 20/00876/MFUL - DISCHARGE OF CONDITION 22** *(Pages 47 - 58)*
To consider the discharge of Condition 22.
- 9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 59 - 60)*
To receive a list of major applications and potential site visits.
- 10 **APPEAL DECISIONS** *(Pages 61 - 62)*
To receive a list of recent appeal decisions.
- 11 **PERFORMANCE DASHBOARD QUARTER 1** *(Pages 63 - 64)*
To receive a report from the Corporate Performance and Improvement Manager on the Performance Dashboard for Quarter 1.

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

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 by no later than 4pm on the day before the meeting. You must provide copies of questions to be asked no later than 4pm on the day before the meeting. Please refer to the Planning Committee Procedure Planning Committee Procedure (middevon.gov.uk). This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

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 20 August 2025
at 2.15 pm

Present

Councillors: L J Cruwys (Chair)
S J Clist, G Cochran (Vice-Chair),
F J Colthorpe, G Czapiewski, C Harrower,
B Holdman, L G J Kennedy, L Knight,
M Jenkins and S Robinson

Apologies

Councillors: G Duchesne and N Letch

Also Present

Councillor: S Keable

Also Present

Officers: Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), John Hammond (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer), Milad Ghaderi (Planning Officer) and Angie Howell (Democratic Services Officer)

Councillor

Online: D Wulff

33 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:58)

Apologies were received from:

- Cllr G DuChesne who was substituted by Cllr L G J Kennedy.
- Cllr N Letch who was substituted by Cllr L Knight.

34 PUBLIC QUESTION TIME (00:04:34)

Councillor David Parker objecting to application 25/00356/FULL - Crediton Hamlets Parish Council spoke on behalf of Crediton Hamlets Parish Council as he was unable to address the Committee when the application was being considered under the "Plans List"

Marthe Gomer referred to Application No 25/00356/FULL.

The applicant, and their agent, ecologist, drainage experts, land surveyor, the St Francis Trust, the Parish Council and finally the people who live at Posbury all agree that the application site is a green field site, sometimes referred to by the applicant's team as: "a grass land field". This is the one thing we all agree on.

There are only four exceptions to building a house on a green field site. These are:

- 1* Re use of a heritage site.
- 2* Re use of a redundant farm building.
- 3* Construction of an agriculturally tied dwelling.
- 4* The design of the dwelling is so exceptional and unique as to be given consideration.

The application fails on all four counts.

Question 1: Why has this come before the Committee when it clearly should have been stopped in its tracks by the Planning Officer months ago?"

I appreciate there is always a presumption of approval for applications but this is not bending the rules to allow a house to be built in the middle of a field - it's disregarding them entirely. This field was used as a landfill site for two years by the applicant to dispose of builder's rubble including toxic and hazardous waste, in particular large quantities of asbestos are buried in huge pits all over the site.

Question 2: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Beverley Seal referred to Application No. 25/00356/FULL

My husband and I bought and converted the Old Chapel. We live immediately next to Nazareth and support its demolition.

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the local plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Chris Howard referred to Application Number 254/00752/FULL

I am objecting to 25/00752/FULL. I would really like the opportunity to object to the discharge of a condition of 19/00914/FULL that approved a plan to run sewage pipes across our gardens and along two elevations of our and our neighbour's houses. However, this opportunity was not forthcoming, which I believe is a staggeringly unreasonable omission in planning process. However, as the two developments are working collaboratively, I wonder if the financial viability of one development is dependent on the other.

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: 'Involving and engaging with our communities, ensuring everyone is treated with equity...'

'The organisation...is run for the benefit of the people of Mid Devon.'
Section 2.6 on page 9 of the officer's report states that '...the tank will be managed by a management company funded by the occupiers of the development.'

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Question 3: Condition 8 states that the development must be strictly in accordance with the requirements of the ecological survey dated 8th July 2022. However, Section 1.3 of this report states clearly that the results of the ecological survey only remain valid for 12 months.

Do members agree that a renewed ecological survey is needed if the 'strict accordance' of condition 8 is to be met?

Stephanie Howard referred to Application Number 24/00752/FULL

I have read the documents on the portal with technical explanations for why conditions may have been met. Two key issues remain

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Question 2: One is the destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing three hedges including one which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only yesterday. Do the Council believe this is justified?

The detrimental effect on local amenities and the mental health of local residents remains the same. In order for the developer to use a cheaper option of digging drains through our land, it will mean that an easement the length of approximately 60 meters long and three metres wide would need to be dug through the drives belonging to us and our neighbour. This is causing extreme anxiety to us and our 82 year old neighbour Mrs Disney. She is unable to be here today but has raised her objections via the planning portal. There will be the stress and disruption while pipes are being laid and concern re how our properties will be affected and support these long term. Our properties will be changed forever.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Chris and I have spent hours trying to work with authorities and trying to understand how two small developments at the back of our house may be allowed to lead to the destruction of parts of our home. South West Water have told us this is a planning issue, but Mid Devon District Council have told us that it is an issue to be taken up with South West Water. Although one development has been given permission through conditions not needing public consultation, it has been stated in reports that the two developers are working together on issues such a drainage. What we do now know is that by Mid Devon District Council passing this plan it allows developers to approach South West Water to requisition land to allow these works to take place.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy?

35 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:20:30)**

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

There were no declarations of interest.

36 **MINUTES OF THE PREVIOUS MEETING (00:20:49)**

The minutes of the previous meeting held on 30 July 2025 were agreed as a true record and **SIGNED** by the Chair. This included the agreed removal of the words "Conservation Officer" and addition of "Area Team Leader" in its place in minute 30.

37 **CHAIR'S ANNOUNCEMENTS (00:22:07)**

The Chair reminded Members of the Planning Committee that training would take place on Wednesday 10 September at 10.00am. The Planning Committee would follow at 2.15pm.

38 **WITHDRAWALS FROM THE AGENDA (00:22:24)**

There were no withdrawals from the Agenda.

39 **THE PLANS LIST (00:22:30)**

The Committee considered the applications in the *Plans List.

1. 25/00752/FULL - Variation of Condition 3 of planning permission 22/00432/FULL (Erection of 5 dwellings) to allow substitute plans relating drainage at Land at NGR 306758 113093, (South of Allotment Gardens), Clay Lane, Uffculme.

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

- The site had extant planning permission for 5 dwellings as did the adjacent site to the east. The sites were not in the same ownership but developers were working collaboratively on some matters which included drainage.
- An application to vary the drainage scheme had previously been refused by the Committee. This application sought to address the Committee's refusal reasons which related to a lack of information for the foul water scheme and insufficient infiltration testing.
- The applicant engaged a planning agent who had provided more information in relation to the proposals and additional infiltration testing had been carried out which included 5 additional trial pits.
- The previously approved drainage scheme was for infiltration however that approach was not feasible due to the clay-like surface with water levels not dropping sufficiently at testing stage.
- The next option was connection to a waterbody with the River Culm however this was not a suitable option.
- Connection to a surface water sewer was required and as this had been approved as part of the adjacent site application, it was logical for this development to use the same drain.
- Whilst it was unfortunate the scheme would result in some works on third party land, those works would be taking place as part of the adjacent development. In addition, South West Water (SWW) had requisition powers to undertake those works. Permitted development rights required SWW to restore the land to its previous condition as soon as was reasonably practicable.
- With regard to foul drainage, the previous refusal reason referred to a lack of information as to why the specific connection point was chosen. It had since been clarified that the previously approved connection at Clay Lane would result in significant road closures on a 90 metre stretch of road. The approach proposed for this application was designed by professional engineers and was considered safe and policy compliant with no objections from professional consultees. The lack of road closure was considered to be a betterment compared with the previously approved approach.

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

Chris Howard

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: Involving and engaging with our communities, ensuring everyone is treated with equity.

Answer 1: Consultation requirements are generally set nationally and there is no requirement to consult on discharge of condition applications.

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Answer 2: This is not something ordinarily secured at application stage, particularly for a variation of condition application.

Question 3: Re Condition 8 of the Ecology Survey dated 8/7/22 – as only valid for 12 months that expired in July 23 – is another ecology report required?

Answer 3: There is no requirement for an Ecology Survey for a variation of condition application and officers feel biodiversity and ecology is protected by existing conditions. It is not considered that the proposal for a revised drainage scheme will destroy nature as suggested.

Stephanie Howard

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Answer 1: Whilst it is unfortunate that the scheme will pass through third party land and I do have sympathy with this, Members are reminded that these works will be happening anyway as a result of the other application and SWW have a requirement to make good any works.

Question 2: The destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing 3 hedges including 1 which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only today. Do the Council believe this is justified?

Answer 2: As per answer 3 above.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Answer 3: As per answer 1 above.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy.

Answer 4: As per answer 1 above.

Discussion took place regarding:-

- The time it would take for South West Water (SWW) to restore the land to its previous condition. It was explained that SWW were obliged to ensure they met the permitted development rights within 6 months of the completion of survey works whereby they must remove machinery and restore the land back to its former condition. However, if SWW did not comply then this would be referred to Enforcement to investigate.

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

(Proposed by the Chair)

Notes:-

- (i) Chris Howard spoke as the objector
- (ii) Simon Collier, Collier Planning (online) spoke as the applicant
- (iii) Gemma Cole, Clerk Uffculme Parish Council
- (iv) Cllrs S Clist, C Harrower and L G J Kennedy voted against the application.
- (v) Cllr B Holdman abstained from voting.

2. 25/00825/HOUSE - Erection of replacement single storey extension to include external access ramps to improve accessibility at 50 Francis Crescent, Tiverton.

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

- The purpose of the scheme was to improve accessibility for the occupant.
- The applicant was a member of Mid Devon District Council's staff which was why the application was presented to Committee.
- The proposed plan showed the replacement of the conservatory with a larger single-story extension which provided a more open-plan living and dining area, a new bedroom and level access throughout the property.
- Ramps were also proposed to the front and rear entrances of the property.
- The new extension would be finished in brick to match the host dwelling with a dark fascia to the flat roof.
- The main issues raised were: design and scale; heritage; accessibility; highway and parking; ecology and neighbour impact.
- The Conservation Officer supported the amended materials and the scheme was considered to preserve the setting of the conservation area.
- The Highway Authority had no objections.
- A bat box would be installed as an enhancement.
- No objections had been received from neighbours.

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

(Proposed by Cllr S Clist and seconded by Cllr S Robinson)

Note: Cllr L G J Kennedy made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters stating that he lived just across the canal from the property but had no interest in the property and did not know the residents

3. 25/00356/FULL - Demolition of former accommodation block known as "Nazareth" and erection of 1 dwelling and detached garage at Land at NGR 281381 97496, Former Posbury St Francis, Posbury

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

- There had been a mistake made in Condition 8 on page 51 as it stated "within 9 months of commencement of development, a landscaping scheme including a detached planting specification for a hedge along the eastern boundary" – it should read as "detailed" rather than "detached".
- The application had been called in by the Ward Member for the Committee to consider the policy implications.
- There was access to the side of the application site which led to a private graveyard for the convent which was located to the rear in the wooded area.
- There was also a public right of way which led from the access road down to the side which was known as Crediton Hamlets Footpath 16.
- The main issues raised were: policy and principle of development; design and appearance of development and visual impact on landscape; impact on heritage assets; impact on the amenity of nearby residential properties; drainage/flood risk; ecology/biodiversity net gain; highway, access and parking.
- The Conservation Officer had noted a betterment for the removal of Nazareth House in regard to an improved setting for the non-designated heritage.
- Policies were in place for a landscaping plan to be agreed and there was also a requirement for biodiversity net gain as part of the proposal.
- The proposed plans were to secure removal of Nazareth House through a Section 106 agreement and to prevent any further development on the Nazareth House site.
- The fall-back position was considered to be realistic, with a proposed development representing betterment and would not result in significant harm to the character and appearance of the site.

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

Marthe Gomer

Question 1: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Answer 1: This matter of contamination has been discussed with the Council's Public Health Officer as there are no recorded contaminated land in this area and Public Health have raised no concerns relating to the prospect of contamination, being of the view that any waste deposited on site being inert builder's rubble. The response from the applicant's agent is that Nazareth was built out of blocks and concrete and does not contain any asbestos or similar materials.

Notwithstanding this, the Council's Public Health Officer has advised that if Members are concerned with potential contamination, there is a standard condition which can be imposed whereby any unidentified contamination discovered on site would result in development stopping and the requirement for further investigation and risk assessment undertaken.

The standard wording would be: Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Beverley Seal

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Answer 1: In this case, it would not set a precedent as the Court of Appeal decision [Mansell v Tonbridge and Malling BC] concluded that a fall-back position could be considered where there is permitted development for a dwelling and the fall-back position was "realistic". The requirement being that there should be a betterment to the permitted development.

This approach is commonly applied to alternatives to residential development approved through Class Q applications where instead of converting an agricultural building into a dwelling, an alternative scheme is put forward as a betterment such as improved relationship with neighbours, better design etc. This would be the case with betterment outlined in the officer's report. With regard to setting a precedent, reference has been made to this being a green field site, but as noted in the presentation, this land has permission to be the domestic garden for the dwelling created through Nazareth House and is set lower down, having a backdrop of existing vegetation, whereby the new property would be viewed in the context of the cluster of existing buildings.

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the Local Plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Answer 2: It is correct to say there is an existing policy in the Local Plan, Policy DM10 which allows replacement dwellings in rural areas. This policy states that 'the construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights' and the supporting statement outlines that 'The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot'.

In this case, we have not directly applied this policy as the building in question has not yet been fully converted into a dwelling so the situation is more akin to a Class Q application whereby the fall-back situation is that there is permission for a dwelling on the site and a case for betterment has been outlined. However, it would be correct to state that there is an existing policy which allows for a replacement dwelling in a countryside location subject to meeting certain criteria.

Discussion took place regarding:-

- Whether the graveyard was still in use and who it belonged to. It was explained that it belonged to the convent and it was a graveyard for the Sisters. It was understood that the last Sister that passed away may have been the last potential user of it.
- The distance between the buildings being approximately 45.718 metres.
- Class Q and the conditions of usage and whether it should be for agricultural use. It was explained that Class Qs were the most common type of application for fall-back developments when an applicant secured consent on a series of barns which might have been an intrusion on the landscape location. Therefore the application may be to remove that building and to have an alternative dwelling re-located to reduce the level of impact. This would also be considered as betterment being implemented.
- Though this was not a Class Q application, there is case law where the Court of Appeal had ruled on betterment and fall-back as a real prospect of a permitted development.
- Whether a condition could be considered with regard to contaminants. It was explained that the Committee could include a condition where standard wording could be applied to ensure that any contamination existing and exposed during the development was identified and removed.
- With regard to Condition 7 – whether an amendment could be included with regard to external lighting being installed prior to the development? It was explained that if Members were minded, the condition could be amended with regard to lighting being installed prior to any works above foundation.
- Concerns regarding the precedent and the moving of the building from one location to another.

It was **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure: the demolition of Nazareth House prior to occupation of the replacement dwelling and prevention of further development on this part of the site.

Plus an additional condition with regard to the removal of contamination if required for which standard condition wording would apply and an amendment to condition 7 with regard to lighting being installed prior to any works above foundation.

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

Notes:-

- (i) Charles Burnett-Hitchcock spoke as the applicant
- (ii) Cllr David Parker spoke on behalf of Crediton Hamlets Parish Council during Public Question Time on the agenda.
- (iii) Cllr Sandy Chenore submitted a statement as the Ward Member (which was read out by the Chair).
- (iv) Cllr B Holdman voted against the application.

*List and report previously circulated.

40 **MAJOR APPLICATIONS WITH NO DECISION (01:45:08)**

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

The Committee agreed the following:-

25/00996/MFUL - Variation of conditions 3, 5 and 6 of planning permission
20/00273/MFUL (Erection of 9 dwellings, conversion of barns to 5 dwellings, with associated works including access improvements and landscaping (Revised Scheme)) in relation to highways and drainage matters - to remain delegated as per the report.

Note: *List previously circulated.

41 **APPEAL DECISIONS (01:45:31)**

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

Note: *List previously circulated.

(The meeting ended at 4.01pm)

CHAIR

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PLANNING COMMITTEE AGENDA - 8th October 2025

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	23/00209/FULL - Erection of 2 dwellings and associated works at Land and Buildings at NGR 295663 122384, Frog Street, Bampton. RECOMMENDATION Grant permission subject to conditions.

Application No. 23/00209/FULL

Grid Ref: 295663 : 122384

Applicant: Mr R & Mrs D Seward

Location: Land and Buildings at NGR 295663 122384
Frog Street
Bampton
Devon

Proposal: Erection of 2 dwellings and associated works

Date Valid: 7th February 2023



APPLICATION NO: 23/00209/FULL

REASON FOR REFERRAL TO COMMITTEE

This application is required to be considered by the Planning Committee as it was called in by previous Ward Member, Rachel Gilmour, in order to consider the potential impact of the proposed development, in particular respect to impact on the living qualities of the neighbouring residents, highway safety, flood risk, impact on local ecology and visual impact.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of 2 dwellings and associated works

The site is located on land to the west of Frog Street and to the north and west of Newton Court, to the north of the centre of Bampton. The site comprises a largely grassed and vegetated former paddock with a group of dilapidated stable and storage buildings. There is a hard surfaced track linking a current access from Frog Street to a turning area within the south western corner of the site. This track previously accessed land to the south, to the rear of the Spar store, however this route has since been closed with the land to the south in third party ownership. There is also access to agricultural land to the north.

The site is within the defined settlement limits of Bampton, as well as being within the extended conservation area. The site itself is included within the Mid Devon Local Plan as part of a larger allocated site for residential development (BA1), for up to five houses. The site has neighbouring residential properties to the east and south, with undeveloped land to the north and west. The existing access from Frog Street is partially within Environment Agency designated Flood Risk Zones 2 and 3, however the remainder of the site to be developed is in Flood Zone 1, which is land at the lowest risk of flooding.

This proposal is made to erect two dwelling houses following the demolition of the existing buildings on site. The proposed dwellings are to be detached, one a two storey 4 bedroom property (Plot 1), and the other a single storey 3 bedroom property (Plot 2). It is proposed to construct these with a mix of locally sourced natural stone and render, with natural slate roofs. A single garage is proposed in connection with the house proposed on Plot 1, and two additional parking spaces are proposed per dwelling with the existing turning area retained for shared use area. It is proposed to dispose of foul drainage via existing mains sewer, with surface water to be stored on site in underground attenuation tanks for controlled release to the nearby Shuttern Brook.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning Statement, Technical Statement - Transport, Heritage Appraisal and Impact Assessment, Ecology Report, Percolation Tests, Surface Water Drainage Strategy.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

DEVELOPMENT PLAN POLICIES

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), decisions on the award of planning permission should be made in accordance with the development plan, unless material considerations indicate otherwise. The Mid Devon Local Plan 2013-2033, which was adopted on 29th July 2020, alongside any other relevant planning policy documents such as Neighbourhood Plans and Supplementary Planning Documents, form the Development Plan.

Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. In this case, however Mid Devon District Council has recently confirmed that it is no longer able to demonstrate a five year supply of housing sites, in which case the Development Plan policies relating to the supply of housing should be considered to be out of date. Furthermore, as of 29th July 2025, it was five years after adoption of the Mid Devon Local Plan, meaning that the Local Plan is now considered to be 'out of date' for the purposes of assessing local housing need, with the revised standard method calculation being used to assess housing land supply calculations. As identified in the 'Mid Devon Housing Delivery Test Action Plan 2025', the previously adopted housing requirement of 393 dwellings will increase to a figure of 572 dwellings to be used as the baseline of five year housing supply calculations. As a result of this change in the method of calculating housing land supply, there will be an inevitable significant increase in the level of housing land shortfall.

In situations where a Local Planning Authority has out of date housing supply policies, paragraph 11 d) of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption in favour of sustainable development, meaning the following:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S5 - Public open space
S9 - Environment
S13 - Villages
DM1 - High quality design
DM3 - Transport and air quality

DM4 - Pollution
DM5 - Parking
DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

BAMPTON TOWN COUNCIL

03/03/2023:

- The area of Frog Street is shown as a HIGH RISK for flooding.
- Access to the proposed development is considered to be inadequate based as it is on a sharp bend in a narrow street.
- Traffic levels: additional vehicles serving the proposed development would increase already over-crowded traffic issues on a narrow street with no pavements for pedestrians.
- The two proposed properties are jammed into one corner of the site and would then cause overlooking and a loss of privacy for those in Newton Court.
- Being so close to properties in Newton Court will also incur loss of light and overshadowing.
- Bats are known to roost in Newton Court and this area is also known as a fly zone for the protected species.

10/06/25:

Bampton Town Council has very strong objections to this application. This amended application does not address the objections the Council has put forward previously and there is no real revision.

The Council repeat the points made previously:

1. The area of Frog Street is shown as a HIGH RISK for flooding.
2. Access to the proposed development is considered to be inadequate based as it is on a sharp bend in a narrow street.
3. Traffic levels: additional vehicles serving the proposed development would increase already over-crowded traffic issues on a narrow street with no pavements for pedestrians. A passing bay has now been removed
4. The two proposed properties would cause overlooking and a loss of privacy for those in Newton Court.
5. Being so close to properties in Newton Court will also incur loss of light and overshadowing.
6. Bats are known to roost in Newton Court and this area is also known as a fly zone for the protected species.

DCC HIGHWAY AUTHORITY

13/02/2023:

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

16/11/2023:

My first response to this application was for Mid Devon to assess the highway impact.

I have since been asked for my recommendation, therefore I have visited the site now on a number of occasions.

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

The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none.

The Applicant has shown a visibility drawings in the Transport Statement which shows these to be below the guidance, but is acceptable as the speeds are very low.

The access is narrow and below guidance if they were to be building a new access, but this is an existing access and is already being used by vehicles today and therefore is wide enough. It is obviously not wide enough for two vehicles to pass in this access, but as this is off an unclassified road and the low speeds it is acceptable that vehicles can reverse on to the highway.

The number of trips this development could generate will not have a severe effect on the Highway network.

My main concern with this application is the distance from the access to the proposed new buildings which is further than 45 metres which is the maximum accepted distance for a fire engine and I believe this access would not be wide enough for a small appliance. I have spoken to the Transport Consultant regards this and they have said it is acceptable verbally, but have yet to confirm this in writing. Therefore this has not been resolved. This should be resolved for safety reasons.

DEVON COUNTY COUNCIL ECOLOGY

30/11/2023:

No objections subject to conditions to secure recommendations for preventative measures and ecological enhancements on site.

PUBLIC HEALTH

20/02/2023:

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

20/11/2023:

I have had another look at this application and the objection comments, which seem to be very well informed. It appears that because of the public sewer easement and other constraints there are difficulties in accommodating this proposal on the site in any case. I can see that a soakaway is proposed immediately adjacent to one of the new dwellings and adjoining an existing residence. As shown this would not meet the minimum distance requirements from either the new house or the adjacent property boundary. EHOs don't normally comment on soakaways but we feel this is necessary in this case because of the concern about potential flooding onto adjacent properties expressed by residents in the area. The site is also described as frequently waterlogged which suggests that percolation in this area is possibly limited, and it possibly takes excess water which would otherwise flood elsewhere. The applicant should provide more details regarding percolation tests and appropriately sited soakaways, because as shown both houses would drain into the one soakaway shown.

The adjacent oil tank would not be a concern.

In terms of potential contamination, this could be dealt with via the standard "unexpected contamination" condition because sub-stations should not be the source of contamination, and it is not clear where the high lead levels on the adjacent land have originated. This in itself would not be a barrier to development, although the applicant may need to ensure that 600mm of clean topsoil is incorporated into residential gardens if high levels are found.

The applicant suggests that ASHPs may be installed but there are no details and no commitment to this. They should be able to source noise compliant pumps, but if not then would need to submit a further planning application regarding these. If they are correctly selected and sited, i.e. not adjacent to existing residential boundaries, the modern pumps should not be a problem.

Incidentally, if this application is likely to be approved I would recommend that the standard CEMP condition is applied to any approval - I omitted this in my initial comments.

05/11/2023:

I have had a look at the percolation testing report and it appears to have been written by a company which mainly deals with air source heat pumps and ventilation systems, not a specialist drainage engineer. Furthermore the writer notes that 25litres of water took between 60 and 90 minutes to soak in - this would indicate a very poor infiltration rate. There is a responsibility on the applicant to satisfy the LPA, and in fact adjacent landowners, that the drainage system will actually work and in my view this has not been done. Proposing two large properties on this site does not actually leave sufficient room for compliant soakaway systems, even if the percolation rates are found to be acceptable. There is a clear note in previous comments that the underlying soil has a high proportion of clay and is therefore unlikely to be suitable for a soakaway.

I therefore recommend that the applicant appoints a qualified drainage consultant who can undertake proper percolation testing and recommend a workable surface water drainage system which could then form part of an approved document. To date the queries I raised have not been properly addressed and I do not think that this can be dealt with via a pre-commencement condition because a suitable and satisfactory system for dealing with surface water has not to date been offered.

05/06/2025:

We have considered the revised documents and see that a drainage engineer now recommends underground holding tanks for surface water with then a controlled discharge to the nearby stream via land in the ownership of the applicant. From an environmental health perspective this, if acceptable to the drainage officer and building control officer, should remove the potential for flooding of adjacent residences and thereby address concerns raised by residents regarding that.

The drainage investigation has revealed that much of the site comprises made ground, and our previously recommended contaminated land condition should be included on any approval. The condition is:

"Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated."

The applicant indicates that air source heat pumps may be included, and as no details are provided we would recommend the following condition regarding this:

"The air source heat pump(s) shall be selected, installed and operated such that the residual noise level from the pumps shall not exceed the background noise level (day or night, measured as La90dBa, 1hour) by any more than 5dBa measured as Laeq, 15 min at the boundary of the application site. Reason: to protect the amenity of existing and future residents from unacceptable noise levels."

The standard CEMP condition should be included on any approval.

BUILDING CONTROL

15/12/2023:

Where FB tender access falls outside the requirements of B5 Approved Document B - there is scope with fire service consultation to fit suppression as a compensating feature.

The fire service tend to treat these cases individually and it should not be taken for granted it would be accepted- so I would suggest that this is agreed with the Fire Authority at this stage.

23/07/2025:

Nothing to add. I would do exactly what you have done in consulting the FO.

EAST DEVON & SOMERSET FIRE AND RESCUE SERVICE

15/12/2023:

Thank you for getting in touch with regards to B5 access for the proposed development. It is not as straight forward as installing sprinklers as Alister indicates, hose distances although increased still need to be achieved. From the information provided these still appear excessive.

31st July 2025:

It is difficult to see from the drawing as access from the road, the important bit has been cut off. Access for a fire appliance must meet the requirements of table 13.1 of ADB Vol1 which from memory this cannot be achieved due to roadway width into the site.

If BS 9991 Fire safety in the design, management and use of residential buildings - Code of practice is used for the purposes of a building regulations application then there can be an increase in hose distances with the provision of sprinklers.

Houses not fitted with fire mains should allow access for a fire appliance to within 45 m of all points within the house, measured on a route suitable for laying hose.

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845 are fitted throughout a house or block of flats:

- a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90 m;
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).

One point to mention with regards to residential sprinklers are that they have a limited run time of approximately 10 minutes which may not be sufficient.

SOUTH WEST WATER

09/11/2023:

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

Asset Protection

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

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

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

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

It is noted from the plans that the applicant/agent are aware of the public sewer and have factored this into their plans.

Clean Potable Water

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

Foul Sewerage Services

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

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

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. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

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

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

DCC HISTORIC ENVIRONMENT TEAM

15/11/2023:

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/38912a

The proposed development site lies just to the north and adjacent to the historic core of Bampton and in an area where little in the way of formal archaeological investigations have been undertaken but where the presence of features, such as rubbish pits, small scale rural industrial activity like iron smithing, and former land divisions may be expected. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with any heritage assets with archaeological interest that may be present. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

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

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

Reason

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

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

REPRESENTATIONS

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

At the time of writing this report, letters of objection have been received from 19 local residents. The main concerns are summarised below:

- Frog Street is a busy narrow lane with tight bends that is well used by lots of residents/dog walkers but there is no footpath, increasing the risk to pedestrians.
- There is restricted visibility in and out of the site access, with cars parked either side. The access track is also narrow and would not allow cars to pass each other. An area indicated as a passing place is used as a car parking space for 5a Frog Street.
- Concerns about construction traffic accessing the site and potential for damage of neighbouring property.
- The traffic statement does not take into account parked cars and the traffic survey detailed within was undertaken during quieter times of the day.
- The proximity of the proposed dwellings to neighbouring properties will impact on residential amenity through overlooking, loss of light and overbearing impact.
- The increase in traffic will disturb neighbouring amenity.
- There is important wildlife nearby with bats present in a neighbouring property, owls, birds, foxes, toads and kingfisher present on nearby land, and otters in the nearby brook.
- It is considered that the wildlife survey undertaken was not satisfactory and does not include surveys for species such as crested newts, otter and toads. It also does not take into account the presence of bats within an adjoining property.
- The local area is affected by surface water flooding, as well as flooding from the nearby Shuttern Brook. The site is a water meadow and surface water accumulates in places near the boundary of nearby properties. The development will increase risk of flooding locally, as well as increasing the risk of the Shuttern Brook flooding. The Environment Agency has spent a lot of money to remedy flooding issues in the local area.
- The proposed use of soakaways to deal with surface water are not workable as the ground conditions would not allow for infiltration methods and the proposed soakaways are too close to adjoining properties. Infiltration testing undertaken in March 2024 was poorly done and the results are not believed as previous ground surveys and local knowledge, do not indicate that soakaways are feasible.

NOTE: Further detailed infiltration testing has been undertaken since these objections were received; clearly indicating that infiltration is not possible.

- Concerns about the revised drainage details indicating use of underground attenuation tanks with discharge into the Shuttern Brook. It is thought that the proposed drainage would discharge up slope of the site and point of discharge could be harmful to wildlife and existing vegetation.
- Drainage to arrangements could impact on residents of Frog Street who have previously been impacted by sewerage overflow.
- The site is a former orchard with the trees being gradually removed over the years. One tree on site was removed just before the application was submitted.
- Concerns over how an emergency vehicle would enter the site, especially a fire tender, due to the restricted width of the proposed access, and fence blocking access through the road passing to the rear of the Spar shop, to the south, which is identified as a right of access.
- A fire hydrant has been included within the site, on recent amended drawings, however this would still not be useable as a fire appliance would be unable to access the site.
- Concerns about positioning of Air Source Heat Pumps and proximity to neighbouring oil tank.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

1. Principle of development
2. Design and impact on the character and appearance of the surrounding area, including heritage context
3. Highways, parking and access
4. Flooding and drainage
5. Residential amenity
6. Ecology and Biodiversity Net Gain
7. Archaeology
8. Planning obligations
9. Planning balance

1. Principle of Development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The site is within the defined settlement boundary of Bampton, where residential development is permitted in principle by policies S1 and S13 of the Mid Devon Local Plan 2013-2033. The development would contribute to meeting the housing needs of the District as set out in policy S3 of the Local Plan. Furthermore, the site is specifically allocated for residential development under Local Plan policy BA1, which states as follows:

A site of 0.25 hectares to the rear of Newton Square, Bampton is allocated for residential development, subject to the following:

- a) 5 dwellings;*
- b) Provision is made on site for the parking of delivery vehicles serving the convenience store at 4-6 Newton Square;*
- c) Design which respects and enhances the character and appearance of the Conservation Area;*
- and*
- d) Archaeological investigation and appropriate mitigation measures.*

The supporting text of this policy notes the following:

3.190 The site comprises land to the rear of the existing convenience store. It is suitable being a brownfield site, lying partially within the existing settlement limit. The majority of the site lies within the Conservation Area where development should preserve or enhance the character and setting of the area. Access is likely to be obtainable only through the existing access off Newton Court which serves the convenience store and through which deliveries are made. Due to the width of the access, Newton Court is not suitable for the regular

parking of delivery vehicles and provision should be made within the development site for this activity.

3.191 The site lies in an area of archaeological potential within the historic core of Bampton, so a programme of archaeological investigation will be required, with mitigation measures if necessary.

1.3 Further to the site being allocated for residential development and within the defined settlement limits of Bampton, it is also important to be aware of the fact that the Local Planning Authority are now unable to demonstrate a five year supply of housing land, and that the adopted Local Plan is more than five years old, in which case the Local Plan is considered to be 'out of date' for the purposes of assessing local housing need.

1.4 Where a Local Planning Authority has out of date housing supply policies due to being unable to demonstrate five years of housing land, or by virtue of its age since adoption, paragraph 11 d) of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption in favour of sustainable development, meaning the following:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

1.5 On the basis of the site being allocated for residential development, and noting the status of the Local Plan and its housing policies, the principle of the proposed development of this site is considered to be acceptable.

1.6 It is noted that policy BA1 is allocated for five dwellings, in line with criterion a) of the policy, however the proposal is made is two dwellings only. The reasons for this is that the site is only part of the wider allocation and that the site is heavily constrained due to a mains sewer passing through the centre of the site, along with associated easement. Also due to the remainder of the allocation being in different ownership, access to the site is not available from Newton Court to the south, as originally intended in allocating the wider site. Access is therefore sought via an existing access from Frog Street to the east. This access is somewhat constrained due to its width and the nature of Frog Street itself, which is a narrow road, where parked vehicles further limits accessibility and visibility. A highway technical statement submitted in support of the application concludes that the access can safely serve an additional two dwellings, which is another reason why the scheme is limited to two dwellings only.

1.7 In addition to the reduced number of dwellings proposed, criterion b) of policy BA1 requires the provision of on-site parking for delivery vehicles to serve the nearby Spar convenience

store as 4-6 Newton Square. The proposal does not include such parking provision. Again this is due to the southern part of the land within the allocation not being part of the application site. There is currently a gated access to the southern part of the allocation, which is in separate ownership, to the rear of the Spar store, being the originally intended access to the whole site in the event at the whole allocation was developed together. Any delivery vehicle parking provision for the convenience store would need to be taken from this access, however that is not part of this proposed scheme and not within the applicant's control. The proposal put forward allows development of the northern part of the allocated site to a number of units that is considered to be acceptable in respect to increased usage of the only access into the site, that being via Frog Street. Furthermore, it would not be feasible to seek access and parking for the convenience store via the Frog Street access as this would lead to an unacceptable increase in amount and nature of traffic beyond that proposed by just two dwellings. While it is regrettable that the wider allocation is not able to come forward in its entirety, and that the provision of parking for the convenience store cannot be provided as part of this scheme, it is not considered that this presents reasonable grounds for refusal, particularly in light of the Council's lack of five year supply of housing land. Should the remainder of the land in separate ownership come forward, the opportunity to provide this part of the requirements of policy BA1 may be realistic.

1.8 The remaining criteria of policy BA1, c) and d), require the scheme to be of a design that respects and enhances the character and appearance of the conservation area, and that there is archaeological investigation and appropriate mitigation measures secured. These matters are to be addressed later in this report.

1.9 As such, subject to assessment of the proposal against other site specific considerations, the development of the site for residential purposes is considered to be acceptable in principle.

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

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

2.2 The site is not located within a designated landscape and is on level land, however is within the Bampton Conservation Area. Being located to the rear of Newton Court, and not being publicly accessible, the site is rather discretely located with reduced public visibility, although there are some views from public vantage points, where the site is visible through the other modern development of Newton Court, and from distance along the northern parts of Frog Street. Policy DM1 (High quality design) outlines:

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

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b) Efficient and effective use of the site, having regard to criterion (a);*
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:*
 - i) Architecture*
 - ii) Siting, layout, scale and massing*
 - iii) Orientation and fenestration*
 - iv) Materials, landscaping and green infrastructure*
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;*
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

2.3 As noted earlier, the site is within the Bampton Conservation Area. As such consideration will have to be given to the impact that the development will have on the significance of these heritage assets. Paragraph 210 of the NPPF advises that "in determining applications, local planning authorities should take account of:

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

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

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets

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

In coming to this decision the council must also be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

- 2.4 The proposed dwellings comprise two detached units, one a two storey 4 bedroom property (Plot 1), and the other a single storey 3 bedroom property (Plot 2).
- 2.5 The property proposed on Plot 1 is to be a large home with a floor area of approximately 246 square metres. It is proposed to construct these with a mix of locally sourced natural stone and render, with natural slate roofs and white timber windows.
- 2.6 The other property on Plot 2 is to have a floor area of approximately 119 square metres, being constructed with a mix of natural stone and render with slate roof and white timber windows. The design of this property has been amended during the course of the application, originally being proposed as a larger two storey property. Due to concerns raised by local residents, which were shared by the case officer, in regard to the size and scale of this property, and its impact on both visual and neighbouring amenity, the proposed dwelling has been reduced in scale, and is now proposed as a single storey bungalow.
- 2.7 Considering the aforementioned site constraints, which include a mains sewer and easement running through the centre of the site, it is considered that the proposed dwellings make the most efficient use of the site, and are of a design and appearance that compliments the adjoining development of Newton Court, and is considered to conserve and enhance the character and appearance of the conservation area.
- 2.8 The proposed houses will all have level access and all bedrooms are shown as having a floor area well in excess of the minimum of 11.5sqm for a double bedroom, as identified within the Nationally Described Space Standards. Each unit will have its own garden area and parking provision.
- 2.9 Policy DM1 advises that development should provide suitable external spaces for recycling and refuse. The plans do not show the location of outdoor bin storage, however there is sufficient space within the proposed curtilages to accommodate waste storage provision.
- 2.10 Consideration has been given to the inclusion of forms of renewable energy provision, however the inclusion of solar panels has been ruled out due to the potential negative impact

on the character and appearance of the conservation area. It is however proposed to include air source heat pumps (ASHPs), which will negate the need for gas or oil supplies.

- 2.11 Due to the existing nature of the site, and its position, with existing landscaped boundaries to the north, and residential development to the south and east, limited additional planting is proposed, however there are opportunities for some planting throughout the site, which is indicated on the proposed site plan. Should planning permission be granted, final landscaping details would be conditioned.
- 2.12 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping.

3. Highways, parking and access

- 3.1 Policy DM1 of the Local Plan states that new development should be safe and accessible and policy DM3 of the Local Plan requires development to ensure safe access to the transport network. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.
- 3.2 The proposed development seeks to make use of an existing access off Frog Street. The only other feasible access is to the south, via Newton Court, however this is not within the applicant's ownership and as such the use of this access is not possible. Notwithstanding the constraints on site that reduce the available space for development, this is also one of the reasons for limiting the development to just two dwellings, as this is the assessed level of development that could safely use the existing access without causing unacceptable harm to highway safety.
- 3.3 The existing access is narrow and visibility is reduced in comparison to the usual expected standard for Devon County Council Highway Authority's Standing Advice. Despite this, it is noted that the existing access provides both access to one existing property (5A Frog Street), the site itself, and agricultural land to the north. The current use includes equestrian purposes with a stable block and previous use of the access for the manoeuvring of a horse box in association with this use. The change of use of the site for residential purposes would lead to an increase in vehicle movements in association with two new dwellings, and a reduction in the type of movements that could be lawfully undertaken in connection with the current use. The application is supported by a highways technical statement and visibility drawings. Furthermore swept path analysis drawings have been provided and a traffic survey carried out along Frog Street, measuring speed and frequency of vehicle movements.
- 3.4 Objections have been received in respect to highway safety, with concerns raised about the existing width of Frog Street, the levels of visibility available from the site access, the width of the access, the presence of vehicles parked on-street close to the access, and the potential impact on existing users, both drivers and pedestrians. Additionally concerns have been raised that the width of the access is insufficient to allow access for emergency vehicles, in particular a fire tender.
- 3.5 The Highway Authority have commented on the application and raised no objections in principle. The Highways Officer did note that the width of the access and visibility were below the standard expected in the provision of a new access, however they also acknowledged that this was an existing access, already in use, and that vehicle speeds are low along Frog Street. They concluded that although the access was below standard for a new access, the number of additional trips that may be generated in relation to this existing access, would not

lead to a severe impact on highway safety. They agreed with the conclusions of the highway technical statement in that the proposed use of the existing access would be acceptable, and not affect the safety or integrity of the local road network.

- 3.6 Local Plan policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of four parking spaces, rounded up from 3.4 spaces. The proposed layout makes provision for two per dwelling, along with a turning area to the south western corner of the plot. Additionally there is a garage proposed in connection with the property on Plot 1, although this would be beyond the parking standards expected. Furthermore, it should be noted that the Council's *Parking Provision in New Development* SPD (Supplementary Planning Document) does not count garaging towards the required number of parking spaces. Notwithstanding this, there is sufficient off-street parking provided to comply with the requirements of policy DM5. No cycle parking provision has been specifically identified, however there is sufficient space within the site to provide cycle parking.
- 3.7 There was one area of concern that the Highway Officer did have, however that has now been resolved. This was in relation to fire safety and the ability for fire safety measures to be put in place. Due to the width of the existing access, which narrows to 2.4m in width at its narrowest, it is unlikely that a fire tender would be able to access the site. The Highway Authority also note that the proposed dwellings are at a distance greater than 45m, which would be the normal distance that a hose could be operated from the fire tender.
- 3.8 In order to address this point, the applicant advised that this could be resolved through the fitting of fire suppression measures in the form of sprinklers to the properties. This is largely a matter for Building Control after approval, however it was considered important to resolve this matter prior to determination of this application. As such, the case officer has carried out further discussions with Building Control. The Building Control Officer has confirmed that where fire tender access falls outside of the scope of Building Control Approved Document B (B5), there is scope for the fitting of sprinklers, however the fire service tend to consider proposals on a case by case basis. The Building Control Officer recommend that Devon and Somerset Fire and Rescue Service be consulted.
- 3.9 Following consultation with Devon and Somerset Fire and Rescue Service, the Fire Officer advised that it was not as straight forward as fitting sprinklers, however in further discussions it was noted that where sprinklers were fitted hose distance could be extended to 90m for properties of the type proposed. The distance from the site entrance to the furthest of the proposed dwellings is approximately 75m, which is within the allowable hose distance. On this basis, it is considered that even though a fire tender would be unable to access the site, the properties are of a sufficient distance from a position where a fire tender can be positioned, when sprinklers are fitted. As such, it is considered realistic that the development could comply with appropriate non-planning fire regulations.
- 3.10 Further concerns have been raised in respect to the impact of construction works, especially deliveries and contractor parking along Frog Street. In order to ensure that matters of impact on highway safety during construction are well considered and controlled, a construction management plan condition is suggested. This will be imposed as a pre-commencement condition, and has been agreed by the applicant. Whilst not confirmed at this stage, it has been indicated that it may be possible to negotiate access for construction traffic to the southern access via Newton Court, even though the provision of permanent access via this route is not realistic. This would reduce the impact on Frog Street, if possible, although the

required construction management plan would ensure that highway safety impacts are reduced in the event of construction traffic needing to use Frog Street.

- 3.11 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

4. Flooding and Drainage

- 4.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere.
- 4.2 Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Foul flows are proposed to discharge to the existing mains sewer that passes through the site, which would comply with the preferred method in the foul drainage hierarchy.
- 4.3 Objections have been received in relation to the development of the site and potential increases in risk of flooding locally. Due to its proximity to the Shuttern Brook, which passes under Frog Street close to the access. Frog Street has flooded in the past and comments received suggest that the site is a flood meadow, and that development would lead to an increase in surface water runoff that would increase the risk of flooding. Part of the access falls within Flood Risk Zones 2 and 3, however the majority of the site, including the developed areas, falls within Flood Zone 1, which is an area at the lowest risk of flooding. Notwithstanding this, it is important to ensure that the risk of flooding is not increased.
- 4.4 In initially submitting the application, it was indicated that the site would be drained via infiltration methods with disposal via a soakaway. Although this method would be at the higher end of the surface water drainage hierarchy, further information was sought in respect to the suitability of this drainage strategy, noting that objections had been received from local residents aware of the land characteristics in the immediate vicinity, and concerns of the Council's Environmental Health Officer.
- 4.5 As a result of the concerns raised, the applicant was asked to have infiltration testing carried out prior to determination to ensure that an appropriate drainage solution was identified early on. Initial infiltration testing was carried out concluding that soakaways were feasible, however a neighbour raised concerns about the manner of the testing and conclusions, concerns that were again shared by the Council's Environmental Health Officer. As a result further, more detailed testing was carried out, which then concluded that infiltration drainage was not possible. A surface water drainage strategy has since been formulated, proposing the introduction of underground attenuation tanks that would allow any surface water to be stored on site and then released at a controlled rate to the Shuttern Brook, lower than existing greenfield runoff rates, though the use of a hydrobrake. It is also recommended that smart water butts and rainwater harvesting are considered. Having ruled out disposal of surface water by on-site infiltration, the use of smart water butts, rainwater harvesting, and discharge to a local watercourse are the next favoured options. The route to the watercourse is over land within the applicant's control so no third party landowner need be affected.
- 4.6 There has been an objection to this latest proposed drainage scheme, with suggestions made that the route of the pipes is uphill, and that the proposal could lead to damage to trees and vegetation. The applicant has however confirmed that the route is not uphill and

the area of proposed discharge is unvegetated. There was also concern that the provision of a new headwall could cause damage to wildlife, however again it is noted that a headwall is not proposed at this stage. Should it become apparent that this is necessary, full consideration can be given to assessment of the risk to wildlife and ensuring that appropriate mitigation is put in place to prevent harm, however this is not something that needs to be considered at this point.

- 4.7 Notwithstanding the concerns raised, the development site is not within an area of high risk of flooding, in which case there are no concerns in respect to the risk of the site flooding. In regard to the risk of causing flooding beyond the site, it has been appropriately demonstrated that a suitable surface water drainage scheme is achievable to ensure that any surface water generated by the development is controlled and stored on site, being released to the nearby watercourse at a controlled rate. A pre-commencement condition is proposed to ensure that the final technical details of the proposed drainage scheme are agreed prior to works commencing on site.
- 4.8 A consultation response has also been received from South West Water (SWW) noting that the proposed surface water drainage method meets the run-off destination hierarchy and that connection is possible to the mains sewer. On this basis, it is considered that the site can be appropriately drained to ensure that there is no increase in the risk of flooding to future residents of the site, or to adjoining landowners.

5. Residential amenity

- 5.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. In this case objections have been received in respect to the property proposed on Plot 2, that being the unit to the south east of the site. This is close to neighbouring properties in Newton

Court, with objections being received in respect to the potential for overlooking, overshadowing and overbearing impact.

- 5.3 As originally proposed, the building on Plot 2 was to be a large two-storey dwelling, sited close to the boundary of site with Newton Court. In this location there are neighbouring properties to the south and east. The case officer has visited the site on several occasions, viewing the proposal from the application site and neighbouring land properties, following a meeting with local residents and the previous Ward Member. Following this visit, it was felt that the proposed dwelling would be of a scale that did raise concerns about impact on neighbours, particularly as a result of overbearing impact and overlooking, alongside the previous concerns about visual impact.
- 5.4 Following lengthy negotiations with the case officer, the scheme has been amended to propose a single storey bungalow on Plot 2 instead of the previously sought two-storey house. The amended design and associated reduction in height is welcomed and it is considered that the proposed bungalow would address the main concerns identified. Whilst the property would remain close to the boundary with these neighbouring properties, the reduced height and pitched roof would eliminate the risk of overshadowing and overlooking, as well as reducing any harmful overbearing impact. As a result, it is considered that the proposed development is now acceptable from a residential amenity perspective.
- 5.5 It is noted that there are three south facing windows in the bungalow, which has raised some concern with neighbours to the south, however these all serve bathrooms, and a utility room, where obscurely glazed windows are acceptable and would remove overlooking. In order to ensure that there is no risk of overlooking, a condition will be imposed requiring that these windows are obscurely glazed and fixed shut at a height below 1.7m. Furthermore, it is considered appropriate to remove permitted development rights for the installation of new windows and extensions to protect neighbouring amenity, in the long-term.
- 5.6 Due to the position of the property on Plot 1, further to the west of the site, further away from neighbouring properties, no concerns are raised in relation to this property.
- 5.7 In order to protect residential amenity during construction works, a pre-commencement Construction and Environmental Management Plan condition will be imposed, tying in both the highway related elements of a construction management plan and additional environmental protections.
- 5.8 The Council's Environmental Health Officer has also commented on concerns raised in respect to the provision of air source heat pumps and building close to a neighbouring oil tank. They have raised no issues with the oil tank but have suggested that a condition is imposed to ensure that the air source heat pumps chosen do not exceed an appropriate noise level. Furthermore, whilst the nature of the site is such that contamination is not expected, an unexpected contamination condition is recommended to ensure that any contamination discovered during construction is appropriately investigated and mitigation provided.
- 5.9 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.

6. Ecology and Biodiversity Net Gain

- 6.1 Policy S9 of the Local Plan relates to the environment and clause f) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species, populations and linking habitats. Policy DM1 Clause c) requires new development to demonstrate a positive contribution to local character including biodiversity assets.
- 6.2 The application includes the demolition of the existing stable buildings and sheds on site and the loss of a small area of improved grassland and mosaic of tall grass/ruderal and shrub. An ecology report was prepared by South West Ecology, in support of the application.
- 6.3 The findings of the Preliminary Bat Roost Assessment and Ecology Appraisal ecology report identified the buildings and habitat of a negligible likelihood of use by bats, with no evidence found within the existing buildings, and wider site either. As such, no further investigation is required, although precautionary measures are proposed to ensure that risk of harm to bats is reduced during demolition and construction, in the event that bats are found at a later date. Enhancements in the form of bat boxes are also proposed.
- 6.4 In respect to other wildlife, the buildings to be demolished, and associated vegetation, are considered to be suitable for nesting birds. Similarly it is assumed that there is the likelihood of slow worm being present on the site, as well as habitat suitable for hedgehogs. Otherwise no the habitat is not identified as being suitable habitat for other species. As such, it is recommended that precautionary pre-commencement checks take place prior to development, and no vegetation is removed during the bird nesting season, unless a qualified ecologist has first checked and confirmed lack of presence of nesting birds. In respect to reptiles (slow worms), progressive shortening of the grass is proposed to discourage use by slow worms, with final checks and installation of a reptile fence, once the site is confirmed as being clear. Final checks are also proposed for hedgehogs, with any found being safely removed from the site.
- 6.5 A number of local residents have raised concerns with the potential impact on wildlife, with other species, such as toads, otters, owls, foxes and crested newts, having been seen in the local area, particularly on land near to the Shuttern Brook. Furthermore, it has been advised that there are bats roosting in the roof of one of the neighbouring properties adjoining the site, with consideration into having been given to the impact on these protected species.
- 6.6 Due to the number of concerns raised, and to ensure that the scheme had been considered by an appropriately qualified professional, Devon County Council Ecology were consulted. In responding, the County Ecologist found that the submitted ecology report was appropriately carried out and concurred with the recommendations, suggesting conditions to ensure that the development is carried out in adherence with the proposed precautionary measures, mitigation and enhancements. In respect to commuting bats, such as those identified on adjoining land, the Ecologist is of the view that due to the size and scale of the proposed development, bat foraging and commuting would not be significantly impacted, however they do recommend that a condition is imposed to prevent the installation of any lighting on site without prior approval of the Local Planning Authority, which would ensure that any lighting is appropriately considered to limit impacts on bats outside of the site.

- 6.7 Due to the application being made prior to April 2024, the mandatory requirement to provide Biodiversity Net Gain (BNG) of at least 10% is not applicable. Nonetheless, it is proposed to provide some additional landscaping within the site, which would be welcomed from a visual perspective and to provide some level of biodiversity gains. A condition will be imposed for final landscaping details to be agreed.
- 6.8 An objection has been received, stating that a tree within the site was removed, without the correct consent, not long before that application was made. In considering this matter further, it is noted that an enforcement case was set up, with the Enforcement Officer at the time concluding that a breach of planning had not occurred.
- 6.9 Subject to the imposition of conditions it is considered that the proposed development seeks to protect, enhance and positively contribute to biodiversity in accordance with policies S9 and DM1 of the Local Plan and the provisions of the NPPF.
- 6.10 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

7. Archaeology

- 7.1 As noted earlier in the report, Local Plan policy BA1 identifies the need for appropriate archaeological investigation to take place, and appropriate mitigation measures to be undertaken, due to the site being within an area of high archaeological potential within the historic core of Bampton.
- 7.2 The Devon County Historic Environment Team have commented on the application, noting that the site lies adjacent to the historic core of Bampton, in an area where little formal archaeological investigations have been undertaken but where the presence of features, such as rubbish pits, small scale rural industrial activity like iron smithing, and former land divisions may be expected. As such, they conclude that groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with any heritage assets with archaeological interest that may be present. This is not a major constraint to development, however it is necessary to ensure that the impact on the archaeological resource is appropriately mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.
- 7.3 The Historic Environment Team therefore recommend the imposition of conditions to require the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. This does not need to be provided prior to determination of the application but would need to be a pre-commencement condition. A further condition is recommended to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe.
- 7.4 Subject to the imposition of the suggested conditions, it is considered that the development can be brought forward, whilst ensuring that any archaeology present is appropriately investigated, recorded and mitigated, in line with the requirements of policies BA1 and S9 and DM25.

8. Planning Obligations

- 8.1 Due to the scale of development, no planning obligations are sought in connection with any planning permission.

9. Planning balance

- 9.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the site. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety, flood risk or surface water management.
- 9.2 Despite the number of dwellings falling short of the site allocation, it is noted that only part of the site is being developed. The delivery of housing that will meet existing District needs also weighs in favour of approval of the application. Taking all the above into consideration, it is considered that the balance weighs in favour of approval of the application. The proposed development is considered to be acceptable in principle subject to the imposition of conditions under Local Plan policies S1, S3, S9, S13, BA1 DM1, DM2, DM3, DM4, DM5 and DM25.

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

REASON FOR RECOMMENDING APPROVAL

The proposed development comprising the erection two detached dwellings within this allocated site is considered to be acceptable. The proposal by virtue of its siting and design will appropriately respect and relate to the character and appearance of the surrounding area, will preserve the character and setting of the conservation area and would have no unacceptable impact on the private amenities of the occupiers of neighbouring properties. The properties created will be of a suitable size for its future occupants, and are not considered to cause demonstrable harm to highway safety, ecology or increase the risk of flooding. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development is in accordance with policies S1, S3, S9, S13, BA1, DM1, DM3, DM4, DM5 and DM25 of the Mid Devon Local Plan 2013-2033 and the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority. This may include the establishment of a 'wait away' system for all deliveries;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works;
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (k) details of wheel washing facilities and obligations;
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - (m) details of the amount and location of construction worker parking; and
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) A detailed drainage design based upon the submitted Surface Water Drainage Strategy (Report No. STG1533 – SWDS – 01, dated 11th April 2025);
 - (b) A detailed management plan for the ongoing management and maintenance of the approved surface water drainage scheme;
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

No development hereby permitted shall not be brought into use until the works have been approved and implemented in accordance with the details under (a) - (c) above. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
6. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
7. No work shall be carried out on in relation to the construction of any of the external surfaces of the development hereby permitted unless details of the materials, colour and finish (including the provision of samples) to be used for all external walls and roofs have been first submitted to and approved in writing by the Local Planning Authority. In addition to the provision of samples of the proposed materials, a sample panel of new natural stonework shall be provided on site for inspection. The development hereby permitted shall thereafter be constructed in accordance with the approved details.
8. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, providing details of all new trees and other planting, including details of all existing planting to be retained. All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. The development hereby permitted shall be carried out in accordance with the recommendations detailed in the submitted *Ecology Report* (prepared by South West Ecology - dated 19th November 2022) covering avoidance of harm to protected species and nesting birds, mitigation, compensation and biodiversity enhancement measures. The proposed bat and bird boxes shall be installed prior to the dwelling houses hereby permitted first being occupied.

10. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this is kept and submitted to the Local Planning Authority.
11. No external lighting shall be installed at any time at the application site unless details have first been submitted to and approved in writing by the Local Planning Authority.
12. Any air source heat pump(s) shall be selected, installed and operated such that the residual noise level from the pumps shall not exceed the background noise level (day or night, measured as La90dBa, 1hour) by any more than 5dBa measured as Laeq, 15 min at the boundary of the application site.
13. The window to be inserted into the south facing elevation of the bungalow hereby permitted (Plot 2), to serve the proposed ensuite, bathroom and utility room, as indicated on approved plans, 'P04 Rev P7' (Plot 2 Floor and Roof Plan) and 'P07 Rev P10' (Plot 2 Proposed Elevations) shall be fitted with obscure glass (minimum level 3) and fixed closed below a height of 1.7m above the floor level of the room to which each window relates, and shall be permanently retained and maintained in this fashion thereafter.
14. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.
15. The parking spaces identified on the submitted plans shall be provided prior to the dwellings hereby permitted being first occupied, and shall thereafter be maintained and retained in perpetuity, being kept clear of obstruction and only used for parking of vehicles in connection with the development hereby permitted.
16. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no new windows (including roof lights) shall be installed or extensions undertaken in respect to the dwelling houses hereby permitted without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.
3. In the interests of residential amenity and highway safety, in accordance with policies DM1 and DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
4. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in

accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is agreed and temporary drainage arrangements in place prior to construction works starting.

5. To ensure, in accordance with policy DM25 of the Mid Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.
6. To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.
7. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
8. To safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
9. For the conservation and protection of legally protected species, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
10. For the protection of nesting birds, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
11. For the conservation and protection of legally protected species (bats), in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
12. To protect the amenity of existing and future residents from unacceptable noise levels, in accordance with policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
13. In the interests of residential amenity, in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
14. To ensure that any contamination existing and exposed during the development is identified and remediated, in accordance with policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
15. In the interests of highway safety, in accordance with policy DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

16. In the interests of residential amenity, in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

INFORMATIVES

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. 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.

BNG – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for 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.

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

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

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

1. The application for planning permission was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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

Application No. 20/00876/MFUL

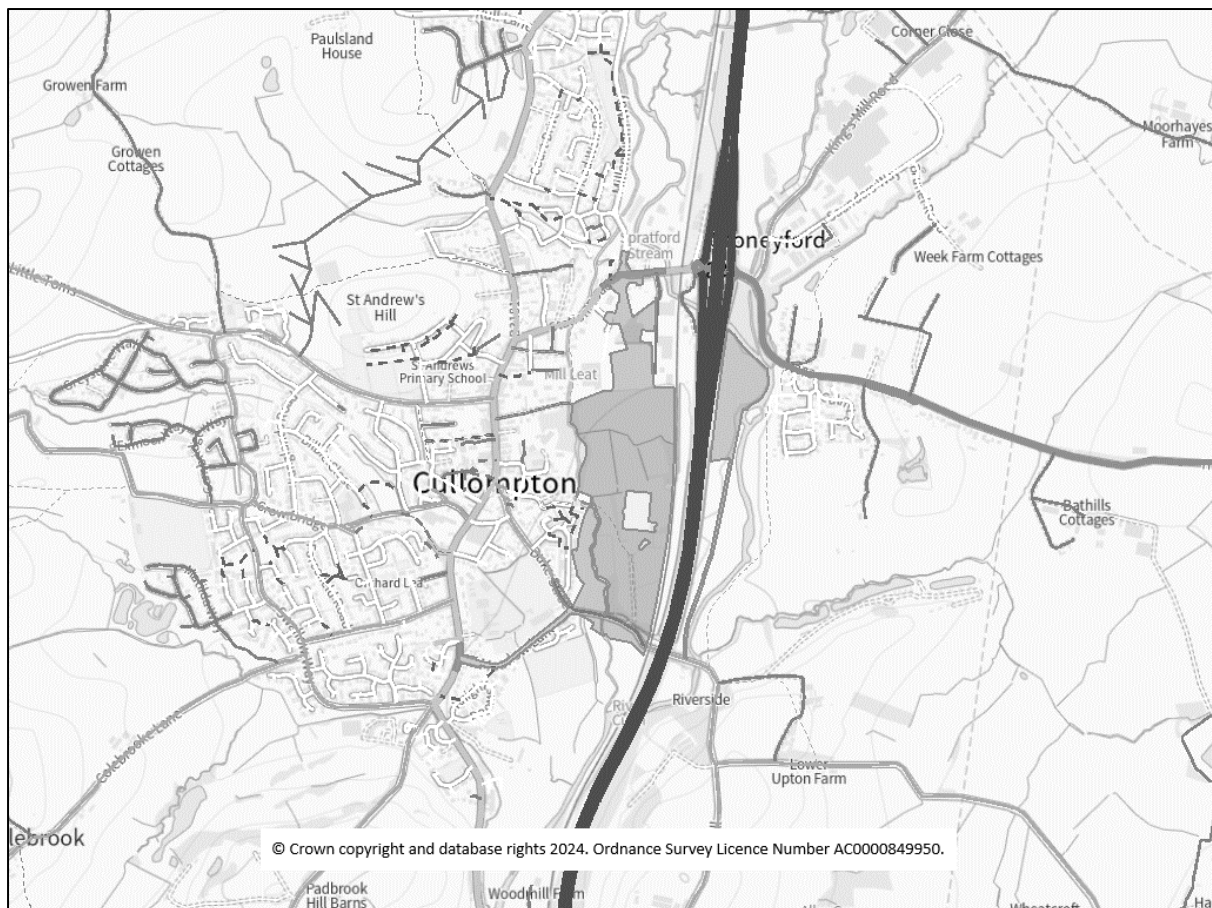
Grid Ref: 302456 : 107324

Applicant: Stuart Jarvis, Devon County Council

Location: Land at NGR 302456 107324
Cullompton
Devon

Proposal: Application for approval of details reserved by condition (discharge of condition 22), in relation to planning permission 20/00876/MFUL - The Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

Date Received: 11th August 2025



APPLICATION NO: 20/00876/MFUL - Discharge of Condition 22

REASON FOR REFERRAL TO COMMITTEE

The original planning application to which this application for approval of details reserved by condition relates to (20/00876/MFUL) was considered by the Planning Committee on the meeting of 13th January 2021. In resolving to grant planning permission, condition 22 was added at the request of the Members of the Planning Committee. Members further resolved that the application to discharge this condition should be brought before the Planning Committee for determination.

RECOMMENDATION

Approve the discharge of condition 22

PROPOSED DEVELOPMENT

This application is made to approve details submitted to discharge condition 22 of planning permission 20/0076/MFUL, which is worded as follows:

Prior to the commencement of the development, a scheme for

- a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road*
- b) Pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority.*

Thereafter the scheme shall be implemented and maintained.

Reason: In the interests of highway safety, traffic management and pedestrian safety.

APPLICANT'S SUPPORTING INFORMATION

Application Form, Covering Letter, Traffic Signs Layout Plan and Transport Technical Note

RELEVANT PLANNING HISTORY

19/00839/SCR - CLOSED date 13th August 2019

Request for Scoping Opinion relating to the Cullompton Eastern Relief Road scheme

20/00876/MFUL - PERCON date 22nd January 2021

Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-33

S1 - Sustainable development priorities

S7 - Town centres

S8 - Infrastructure

S9 - Environment

S11 - Cullompton

S14 - Countryside

CU19 - Town Centre Relief Road

CU20 - Cullompton infrastructure
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM24 - Protection of local green space and recreational land/buildings
DM25 - Development affecting heritage assets
DM26 - Green infrastructure in major development

Cullompton Neighbourhood Plan

National Planning Policy Framework

CONSULTATIONS

CULLOMPTON TOWN COUNCIL - Comments not received at time of writing this report

DCC HIGHWAY AUTHORITY - The proposal to discharge condition 22 for this application is supported by a technical note explaining the choice of junction and crossing type, and I have no objection to the discharge of this condition.

There are no planning reasons to refuse this discharge of condition for two reasons:

1. There are no technical reasons that the proposals should be refused, there is no evidence that the proposals would be unsafe or the impacts 'severe'.
2. The applicant, being the Highway Authority, has permitted development rights under Class A of Part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015) to carry out these works without planning permission as they are on/adjacent to the highway.

Traffic modelling of the junction at Meadow Lane with Exeter Road shows that the junction will operate at just over 50% of its capacity in the evening peak hour (in the projected year of 2032), at other times of the day the junction will still operate well within capacity, at below 50% of capacity.

The use of other junction types have been considered in the technical note supporting the application, however other junction types would not provide any improvement over a simple priority one.

- A normal/large roundabout can not be considered as this would require private land outside of the existing planning approval – therefore not relevant to consider as part of this discharge of condition.
- A mini roundabout would not be possible due to private land being required for visibility splays. A large tree would also need to be removed. This type of junction would also be less easy to use for cyclists.
- A signalised junction would operate with less capacity than a priority junction. At off peak times there would be unnecessary delay and queuing by drivers waiting for signals to change, which would not happen with a simple priority junction.

The pedestrian crossing on Meadow Lane is proposed to be a zebra crossing, not signalled. This is considered acceptable as it will be safe (and subject to road safety audit processes) as well as not causing unnecessary delay to drivers which can occur sometime with traffic signals.

The proposed crossing is a straight section of road with good visibility for all users. There will be at least 50m of high friction surfacing provided on the vehicle approaches to the crossing.

Based on the technical report submitted and considerations given above, I have no objection to the proposed discharge of condition 22.

REPRESENTATIONS

No further responses received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1. BACKGROUND OF THE APPROVED DEVELOPMENT

- 1.1 Application 20/00876/MFUL was approved on 21st January 2021 for the construction of the Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works. As referenced earlier in this report, the application was considered at Planning Committee on the 13th January 2021 where it was resolved to approve subject to conditions.
- 1.2 The application was made for the provision of a relief road to divert traffic currently passing through Cullompton town centre. It is primarily proposed to address existing traffic and transport problems within the town, and the associated impacts on air quality, environment and amenity.
- 1.3 As approved, the relief road would be 1350 metres long and would link into the existing Station Road/Millennium Road roundabout to the north and Meadow Lane/Duke Street to the south, with a priority junction, and associated improvements made to the Exeter Road and Meadow Lane junction. Its route runs to the east of Cullompton for the most part running alongside the railway and M5 corridor. It incorporates land currently within the ownership of Tesco, land that is part of the Cullompton Community Association (CCA) fields and sports facilities, includes those used by Cullompton football, cricket and bowls clubs, and agricultural land to the south.
- 1.4 The approved scheme is to be implemented in phases, allowing for as little interruption as possible to existing sports facilities, recreation and amenity land and to reduce the wider impacts on other local amenity, in particular as a result of the construction period.
- 1.5 The works approved along Meadow Lane include the widening of the footway on the northern side of Meadow Lane to 3 metres to enable use by pedestrians and cycling use, and provision of a pedestrian crossing linking Cullompton Community College to the recreation ground on the south side of Meadow Lane.
- 1.6 The works approved at the Exeter Road and Meadow Lane junction for the formation of a priority junction, include the widening of the road, widening of footways and provision of tactile crossing points within the junction along Meadow Lane, and on Exeter Road.
- 1.7 In commenting on the original application Cullompton Town Council raised some concerns with the junction arrangement, proposed crossing point along Meadow Lane. Firstly, it was the view of the Town Council that the priority of the junction should be changed so that traffic heading north along Exeter Road had the priority into Meadow

Lane, with traffic heading south giving way to traffic using Meadow Lane, and traffic coming south on the relief road, having the priority to turn south onto Exeter Road. The submitted plans have priority remaining to vehicles travelling north and south along Exeter Road.

- 1.8 In addition to the above points relating to the priority of the junction, the Town Council advised that they wished to see the provision of a pedestrian refuges with bollards at the junction crossings and the provision of a puffin crossing along Meadow Lane, rather than a zebra crossing. These concerns were also shared by one of the Ward Members for Cullompton.
- 1.9 In debating planning application 20/00876/MFUL, Members of the Planning Committee gave consideration to the views of the Ward Member and Town Council, as noted in the Planning Committee minutes (attached as Appendix A to this report). Due to Members concerns about the safety and priority of the Exeter Road/Meadow Lane junction, and provision of safe pedestrian crossing, they resolved to mitigate these concerns by the imposition of condition 22.

2 PROPOSED DETAILS OF THE DISCHARGE OF CONDITION 22

- 2.1 The application to discharge condition 22 is supported by a Transport Technical Note, which details the additional improvements suggested to address the concerns originally made at the time of the application being considered. This gives detailed consideration and justification to the proposed priority at the junction and selected pedestrian crossing types. A traffic sign layout plan is also submitted indicating the proposed signage at the junction.
- 2.2 The proposed changes to the originally submitted details includes the additional widening of the access to incorporate an improved pedestrian crossing place with central refuge. The pedestrian crossing point on Exeter Road is similarly redesigned to include pedestrian refuge.
- 2.3 Changes to the priority have been considered, however it is proposed to retain the priority originally applied for. Prior to applying to discharge condition 22 however, other layout options have been considered, including the provision of a mini roundabout and signalised junction. As detailed in the Transport Technical Note, a priority junction of the type originally proposed is considered to be the most appropriate type of junction, following modelling of projected traffic flows. This type would have the capacity required for the type of traffic movements expected, whilst ensuring improved, and safe, flow of traffic. As mentioned above, it is also noted that the arrangement has been improved with further widening of the highway and improved pedestrian crossing points.
- 2.4 In considering changing the priority for vehicles using Exeter Road it is also understood that further land would be required outside of the application site to achieve a layout that could work due to vehicles, especially lorries travelling at greater speeds than would occur where a right turn at 90 degrees is required. Such a layout would also likely prevent right turn access onto Exeter Road for vehicles still needing to access the Town Centre, and other local business just outside of the Town Centre,

it would likely require the felling of more trees, and would also worsen footway and pedestrian connections.

- 2.5 The use of a mini roundabout, and more traditional roundabout, have been considered but both option require the use of additional land, as well as the felling of an oak tree on private land. Such junction types would also be more difficult for pedestrians and cyclist to use.
- 2.6 A signalised junction has been discounted on the basis of cost and ongoing maintenance requirements, and that when operating within capacity will offer no betterment to traffic when compared to the existing priority option.
- 2.7 On the basis of the justification provided, and the support of the Highway Authority Officers, it is considered that the retention of the originally proposed priority option, with improved pedestrian crossing facilities and the proposed signage would be safe and reliable, ensuring a cost effective solution that will appropriately accommodate proposed flows, with significant spare capacity. The other options that have been considered would not provide benefit to traffic flows but would increase costs and the likelihood of vehicle delays.
- 2.8 In considering the proposed pedestrian crossing further along Meadow Lane, which is primarily intended to provide a safe crossing point between Cullompton Community College, and the recreation ground on the south side of Meadow Lane, further details are provided about the proposed option.
- 2.9 It is noted that Cullompton Town Council, and one of the Ward Members, previously raised concerns about the use of a zebra crossing at this point, with concerns about safety of users, especially children. At the time, it was advised that a zebra crossing was the most appropriate option in both maintaining traffic flows and pedestrian safety. On this point, the following section of the original committee report (page 107) is included:

“In respect to the concern about crossing points, it is confirmed that the final design has been designed with the school in mind and as required for a 30mph road, and is in line with the recommendations of the safety audit. To further clarify, the proposed zebra crossing would give priority to pedestrians wishing to cross, and obliges motorists to stop once pedestrians have indicated their intent to cross, while a puffin crossing is light controlled requiring motorist to stop once the lights turn red. With specific consideration to the comments about the playing field crossing point, a further pedestrian count and speed surveys were commissioned. The results of these, along with the predicted future growth of the Cullompton Community College were considered as part of further information submitted. In carrying out this further assessment, it was concluded that a zebra crossing was still the best solution in this location. The main identified reasons were that the priority for pedestrians is well observed, particularly in locations such as this where speeds are appropriate and visibility is good. When using a zebra crossing, pedestrians should only have to wait for a very short period of time to cross the road. Consequently, with signalled crossings, waiting pedestrians may ignore the signals and cross when the lights are green. In the site specific circumstances, there will also be occasions when large groups of pedestrians, such as a full class of children accessing the playing fields, will

need to cross the road. A zebra crossing will give ongoing priority to these pedestrians, while a signalised crossing could change back to green before all the pedestrians have been able to cross.”

- 2.10 Further information contained within the Transport Technical Note, submitted in support of this application for the discharge of condition 22, indicates that the relief road would increase traffic flows, thereby making crossing Meadow Lane harder for pedestrians, which is of particular concern near Cullompton Community College, where pupils need to cross the road to access the aforementioned recreation ground and sport fields. Count data indicates that over 150 daily crossings are made but a large proportion of these comprise classes crossing in one go.
- 2.11 Noting the above, a zebra crossing is still considered to be the best option as it would suit the semi-urban environment visual and also reduce pedestrian delay. This type of crossing is effectively used elsewhere in Cullompton, with the benefits including its better value for money, ability to allow everyone to cross at the same time when there is high pupil demand, and the delay to traffic being for only short periods of time, limiting the impact on the overall capacity of the relief road. It is also noted that the road is straight at the point the crossing is proposed, ensuring high levels of visibility for pedestrians and drivers.
- 2.12 A signalised crossing was considered, however this would be more expensive to construct and maintain, and would lead to greater levels of stoppages along the relief road. Crucially, such a crossing point is considered likely to lead to greater safety concerns as pupils will still be crossing when the traffic lights turn back to green for the traffic, a safety issue that has been observed outside Blundell’s School in Tiverton.
- 2.13 It has therefore been concluded that a signalised crossing would be less safe taking into account the nature of the crossings that are most prevalent along Meadow Lane, would lead to more disruption to traffic flow, and would be more costly.
- 2.14 For the above reasons, it is recommended that the submitted details for a zebra crossing are supported at this point. The submitted details further include the provision of at least 50 metres of high friction surfacing on road where vehicles will approach the crossing points.
- 2.15 The Highway Authority have commented on this aspect of the proposal too, advising that on the basis of the technical report submitted, and their considerations, there are no objections to the proposed details to discharge all elements of condition 22. The Highway Officer also highlights that these particular works all fall within highway land, where permitted development rights exist under Part 9 Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended), in which case the highway improvements along Meadow Lane and at the junction of Meadow Lane and Exeter Road, could be carried out without the benefit of planning permission. Notwithstanding this however, the proposed improvements are considered to be the most appropriate options when taking into account pedestrian and cyclist safety, safety of road users and the ongoing and future capacities of the relief road and wider Cullompton highway network.

2.16 The Officer recommendation is therefore to accept the proposed details submitted in respect to the discharge of condition 22 of planning permission 20/00876/MFUL.

Appendix A: Minutes of Planning Committee of 13th January 2021, in relation to Planning Application 20/00876/MFUL

20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works at Land at NGR 302456 107324, Cullompton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the site location plans, proposed key junctions, environmental master plans, construction compound and haulage route, land compensation scheme and photographs of the site.

In response to questions from Members with regard to the priority of the road network at Meadow Lane and Exeter Road the officer explained that the Highways Authority saw no need to change the priority and that traffic could be redirected to the relief road via signage.

Members discussed the representations received from current landowners and the Development Management Manager explained that Members would need to decide if the representations received were related to planning issues. She advised Members that they would need to decide what weight to give them when deciding the application but that representations about land ownership were not material considerations.

The Principal Planning officer explained to Members that the Bowling Club would relocate to part of the current Cricket Club site after the Cricket Club had moved to its new location and that land had been allocated within the development for a replacement site for the Bowling Club.

The Development Management Manager explained that any compulsory purchase orders would be dealt with by Devon County Council and that the relief road would be an asset of the County Council Highways Authority.

Consideration was given to:

- The views of the objector who stated that Tesco had wanted an adequate roundabout at the junction with the existing store but felt the junction proposed was inadequate
- The views of the agent who explained that it was a very complex scheme which had been designed with input from many stakeholders. That they would continue to consult with neighbours, including Tesco to resolve issues going forward
- The views of Cullompton Town Council who were fully in support of the scheme but had concerns with some of the junctions and felt that the CCA fields should be fenced off from the road
- The views of the Ward Member who had concerns with the Meadow Lane junction and requested a suitable surface for the footpaths within the CCA fields
- The views of the Ward Member who stated that the CCA fields were a massive asset for Cullompton and that the District Council were not providing any additional parks within Cullompton
- The views of the adjoining Ward Member who felt that the proposed junction at Meadow Lane was dangerous for children and that there would be a bad accident if this was not addressed

- Members concerns with regard to the safety and priority at the Exeter Road/Meadow Lane Junction and no provision provided for pedestrian crossings which they felt should be mitigated by a condition
- Members concerns with regard to the responsibility of the ongoing maintenance of the proposed footpaths
- Members concerns with regard to the access to and availability of compulsory open spaces and that a schedule of replacement land was required
- Members views that the applicant was willing to listen to concerns of local residents and make adjustments where required

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

1. Amendment to condition 1 to read:

The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.

2. Amendment to condition 14 to read:

Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:

- a. details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
- b. details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
- c. details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

3. Amendment to condition 21 to read:

No construction activities impacting on the existing Cullompton Cricket Club site and facilities shall take place until as a minimum a single replacement cricket pitch (consisting of 9 fine turf wickets and 1 non turf artificial wicket) and associated facilities as approved under planning permission 20/01452/MOUT dated 19/01/2021, have been implemented and made available for use.

Reason: To ensure delivery of a replacement cricket pitch and facilities of an adequate standard.

4. Introduction of condition 22 to read:

Prior to the commencement of the development, a scheme for

- a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road
- b) Pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained.

Reason: In the interests of highway safety, traffic management and pedestrian safety

It was resolved that the application to discharge this condition should be brought before the Planning Committee for determination

5. Introduction of condition 23 to read:

No construction activities impacting on existing open space, including CCA Land, sports pitches and facilities shall take place until a schedule of replacement land provision including open space provision, sports pitches and facilities, with access to that provision, phasing and a timetable for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed schedule and timetable.

Reason: To ensure delivery of replacement open space and sports provision.

It was resolved to seek the agreement of the Chairman and the Vice Chairman of the Planning Committee as to the acceptability of this condition.

(Proposed by Cllr B A Moore and seconded by Cllr G Barnell)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters and submissions from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she was also a Devon County Councillor
- iii.) Cllr R F Radford declared a personal as he was also a Devon County Councillor and owned industrial units adjacent to the site
- iv.) Cllrs S J Clist and J M Downes declared personal interests as they had family living in proximity of the site
- v.) Cllr Mrs N Woollatt declared a personal interest as she lived inside the relief road route
- vi.) Cllr A Wilce declared a personal interest as he used the CCA fields
- vii.) Cllr Mrs E M Andrews declared a personal interest as the Chairman of the CCA
- viii.) Mr J Berry (objector) spoke on behalf of Tesco
- ix.) Ms D Fitzsimmons (agent) spoke on behalf of the applicant
- x.) Cllr G Guest spoke on behalf of Cullompton Town Council
- xi.) Cllr Mrs N Woollatt and Cllr A Wilce spoke as Ward Members
- xii.) Cllr Mrs E M Andrews spoke as adjoining Ward Member
- xiii.) The following late information was reported:

Following review of the proposed conditions, revised wording is suggested to condition 1 and 14, should planning permission be granted. The amended conditions are as follows, with the revised wording underlined:

- a. Condition 1: The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.
- b. Condition 14: Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:
 - (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
 - (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
 - (c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

- c. Further correspondence has also been received and forwarded to Members from an objector, Mr Veysey, who owns land that is proposed to be used as part of the CCA Fields compensation package. Mr Veysey has highlighted the impact that the loss of this land would have on his sheep rearing enterprise.

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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.

Item								Expected Decision Level	
No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME		Delegated	Committee
1	0	17/12/2025	25/01282/MFUL	Variation of Conditions 7 and 12 of Planning Permission 24/00506/MFUL (Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works) to allow substitution of approved plans to reflect revised cycle and refuse storage locations, landscaping strategy, and improved vehicular access	Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road Tiverton Devon	Mr John Millar		COMM	
2	1	10/12/2025	25/01232/MFUL	Erection of building to provide cover for existing slurry pit (1,100 sq.m)	Land at NGR 279858 111658 Westcott Dairy Witheridge Devon	Mr Daniel Sims		DEL	

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LIST OF APPEAL DECISIONS FROM 7 AUGUST 2025 – 23 SEPTEMBER 2025

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
24/01638/PNCOU	Prior notification for the change of use of an agricultural building to 2 dwellings under Class Q	Land at NGR 277825 100602 (Wyllspring Farm) Penstone Colebrooke Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

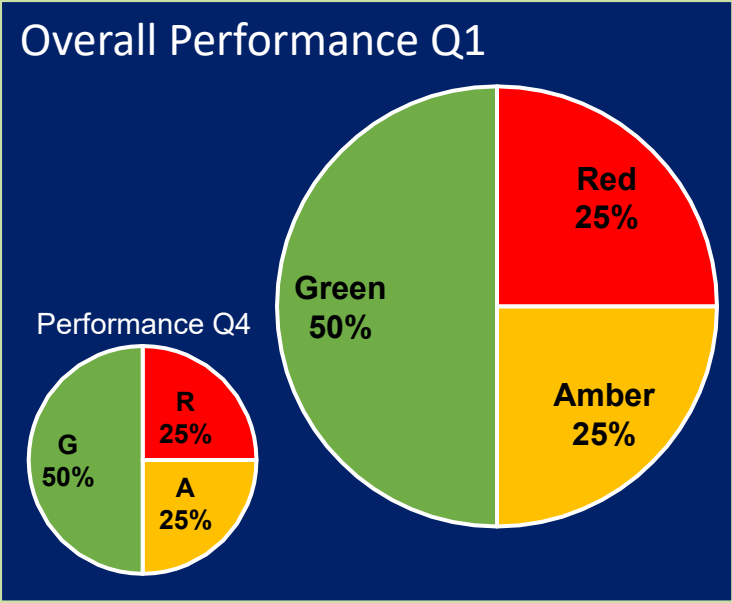
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Planning Dashboard – Quarter 1 2025/26

Performance Measures	Performance	Annual Target	RAG
Major applications overturned at appeal (Past 24 months)	1.8 %	10 %	G
Minor applications overturned at appeal (Past 24 months)	0.5 %	10 %	G
Major Planning applications determined within 26 weeks (Past 12 months)	91 %	95 %	A
Minor and other planning applications determined within 16 weeks (Past 12 months)	91 %	95 %	A
Householder planning applications determined within 8 weeks (Past 12 months)	100%	70 %	G
Planning applications over 13 weeks without a decision (Current)	63	N/A	
Planning Enforcement: Total Open Cases (Current)	431	N/A	
Planning Enforcement: New Cases received in quarter	72	N/A	
Planning Enforcement: Cases Closed in quarter	23	N/A	

Finance Measures	Performance	Annual Target	RAG
Cost of Planning Appeals (YTD)	£55k	£0	R
Planning fees income – Statutory (YTD)	(£167k)	(£835k)	R
Planning fees income – Discretionary (YTD)	(£48k)	(£172k)	G
S106 income (YTD)	£0	N/A	
S106 spend (YTD)	£37k	N/A	

Corporate Risk	Risk Rating (Trajectory)
Quality of Planning Committee Decisions	9 (Increasing)
Building Control Service Viability	12 (No Change)



In Focus

Additional Training sessions provided: Three sessions have been provided to the Planning Committee. Given the need to apply the "Tilted balance" to decision making, training on the wider context for decision making as well as a practical exercise in applying the tilted balance have been provided to the committee to assist their understanding of the new obligations upon them.

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