

PLANNING COMMITTEE AGENDA - 5th January 2022

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	21/02289/CLP - Certificate of lawfulness for the proposed erection of single storey rear extension at 79 Queensway, Tiverton, Devon. RECOMMENDATION Issue Certificate
02.	21/01879/FULL - Change of use of storage area to outdoor seating area for host visitors for tastings and similar activities and erection of bar/shed at Exe Valley Brewery, Land Farm, Silverton. RECOMMENDATION Grant permission subject to conditions.
03.	21/01754/MARM - Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT at Land at NGR 303288 110467, Adj Meadow Park, Silver Street. RECOMMENDATION Approve Reserved Matters subject to conditions

Application No. 21/02289/CLP

Grid Ref: 296692: 113280

Applicant: Mr Mitchell Frost, Mid Devon District Council

Location: 79 Queensway
Tiverton
Devon
EX16 6HX

Proposal: Certificate of lawfulness for the proposed erection of single storey rear extension

Date Valid: 15th November 2021



APPLICATION NO: 21/02289/CLP**REASON FOR REFERRAL TO COMMITTEE**

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as Mid Devon District Council is the applicant.

RECOMMENDATION

No objection – issue certificate.

PROPOSED DEVELOPMENT

Certificate of lawfulness for the proposed erection of single storey rear extension at 79 Queensway, Tiverton.

APPLICANT'S SUPPORTING INFORMATION

Historic decision notice, planning statement, site location plan, block plan, existing plans and proposed plans.

RELEVANT PLANNING HISTORY

88/00212/FULL - DEMCON date 3rd November 1988

DEEMED CONSENT for the erection of 58 houses and 12 flats and construction of vehicular access

06/01572/FULL - PERMIT date 15th August 2006

Variation of condition (G) of planning permission 88/00212 to allow erection of 1 metre high fence and gates around nos. 33-117 (odd nos. only)

DEVELOPMENT PLAN POLICIES

N/A

CONSULTATIONS

N/A

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This is an application for a Lawful Development Certificate (proposed) for the erection of a single storey extension to the northern (rear) elevation of the property. The house is an unlisted terraced property, constructed with brick and concrete tiles. It is not on article 2(3) land.

The development is proposed to provide WC facilities at ground floor level and would comprise an extension measuring 1.5m in depth, approximately 3.25m in width and have a maximum height of just under 3.4m, and eaves to about 2.3m. The proposal, which would be constructed with brick

walls, a concrete tiled roof and uPVC windows and doors, which would match the materials of the existing house.

This application seeks confirmation as to whether the proposal requires an application for planning permission or can be undertaken as permitted development. The proposal has been considered against the relevant section of the Town and Country Planning (General Permitted Development) (England) Order 2015, specifically Schedule 2, Part 1, Class A.

The original planning permission for the property, and wider estate (88/00212/FULL), has been checked and there are no restrictive conditions present that remove permitted development rights in respect to extending the property. The proposal has therefore been assessed against Class A of the General Permitted Development Order 2015 (as amended) and is considered development that does not require planning permission. The property is not listed nor is it in a conservation area. The specified materials are considered to be of a similar appearance to those used in the construction of the existing roof. Accordingly the proposed works are considered to be permitted development and the certificate should be granted.

REASON FOR APPROVAL

The proposed erection of single storey rear extension at 79 Queensway, Tiverton is considered to be permitted development. The proposal accords with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

First Schedule

The proposed erection of a rear extension at 79 Queensway, Tiverton under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Second Schedule

79 Queensway, Tiverton
Land edged red on site location plan reference 01 Rev A

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

Application No. 21/01879/FULL

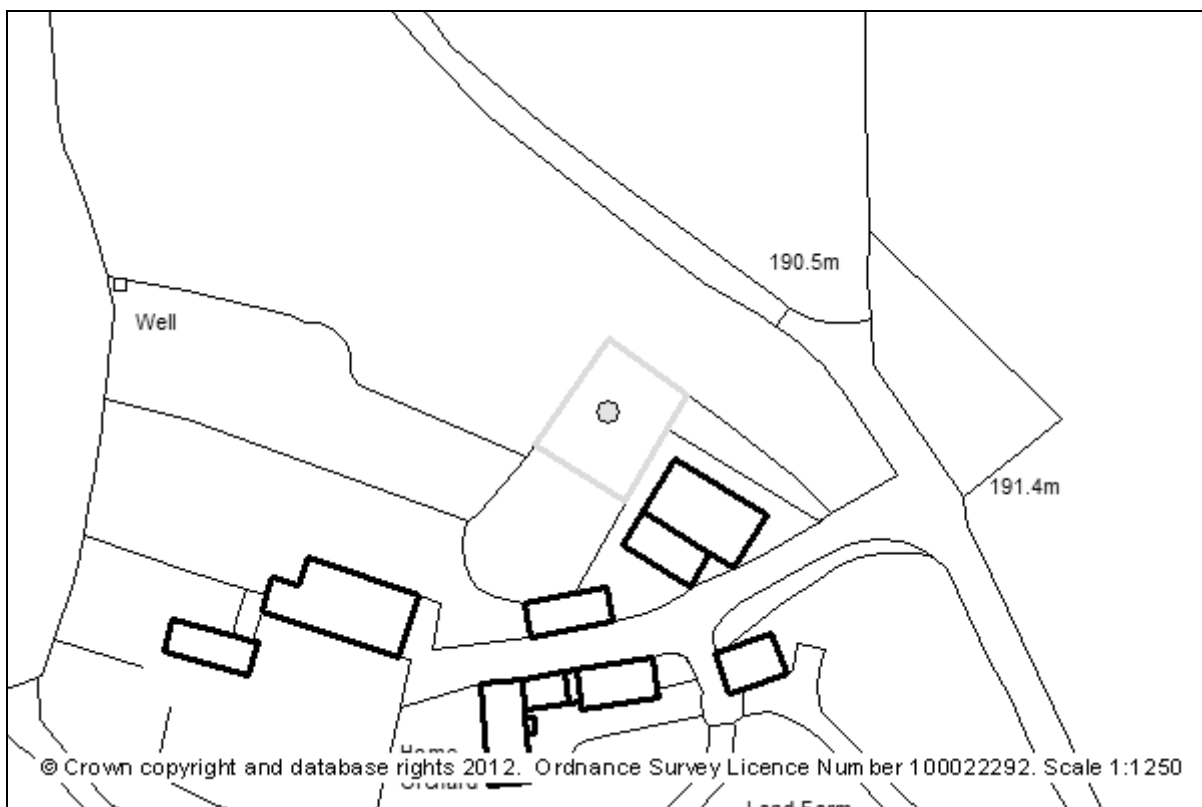
Grid Ref: 296140: 104901

Applicant: Elizabeth Wright

Location: Exe Valley Brewery
Land Farm
Silverton
EX5 4HF

Proposal: Change of use of storage area to outdoor seating area for host visitors for tastings and similar activities and erection of bar/shed

Date Valid: 11th October 2021



APPLICATION NO: 21/01879/FULL

RECOMMENDATION

Grant temporary permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the change of use of a storage area to an outdoor seating area to host visitors and tastings at the existing brewery and the erection of a bar/shed. This will operate from 12.30hrs to 19.30hrs on Fridays, Saturdays and Sundays.

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan;
Block Plan
Proposed Plan
Elevations of shed/bar
Parking Layout Plan.

RELEVANT PLANNING HISTORY

83/01481/FULL - Change of use of redundant farm building for small commercial brewery and installation of septic tank – Approved 8th December 1983

17/00338/FULL - Removal of condition (B) of planning permission 89/02393/FULL to allow retailing to the general public – Approved 13th April 2017

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

Policy S1 - Sustainable development priorities
Policy S9 – Environment
Policy S14 – Countryside
Policy DM1 - High quality design
Policy DM4 - Pollution
Policy DM5 - Parking
Policy DM18 – Rural employment development
Policy DM22 – Tourism and leisure development

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Silverton Parish Council – No response received
County Highway Authority – 11.10.2021
Recommends the use of standing advice is used to assess the impacts on the highway.

Public Health - 29.10.2021

Contaminated Land: No concerns. (29.10.21).

Air Quality: No concerns. (29.10.21).

Environmental Permitting: Not applicable. (29.10.21).

Drainage: No concerns. (29.10.21).

Noise & other nuisances: No concerns anticipated as property is remote from residents and also applicant proposes that this activity will take place during normal working hours. (29.10.21).

Housing Standards: No comments. (12.10.21).

Licensing: The applicant must contact licensing as there is an impact on the licence. 01884 255 255 licensing@middevon.gov.uk. (11.10.21).

Food Hygiene: No comment. (11.10.21).

Private Water Supplies: Not applicable. (11.10.21).

Health and Safety: Not applicable. (11.10.21)

REPRESENTATIONS

4 letters of objection were received which identifies the following material planning considerations:

- Unsuitable building and facilities;
- Insufficient space for storage;
- Noise and disturbance;
- Parking;
- Needs a license;
- Appropriate land use;
- Concerns about water supply.

4 letters of support were received identifying:

- There is a need and supports community need;
- Supports local business

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- Principle of the development
- Design and character and appearance
- Highways and parking
- Other issues

Principle of the development

The following Mid Devon Local Plan Policies are relevant to this proposal:

Policy S1 Sustainable development priorities, under section d) of the Mid Devon Local Plan recognises the importance of supporting the rural economy, which needs to be balanced against promoting sustainable transport e) and ensuring the vitality and viability of town centres.

Policy S14 – Countryside of the Mid Devon Local Plan identifies that in locations outside of settlements, such as this, development will need to preserve and where possible enhance the

character, appearance, and bio-diversity of the countryside while promoting sustainable diversification of the rural economy. Part b) of Policy S14 identifies that: Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings) will be supported.

Turning to the key development management policy considerations Policy DM4 identifies that development that will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

Policy DM5 identifies that the development must provide an appropriate level of parking taking into account: a) the accessibility of the site; and b) the type and mix and use of the development. The Policy identifies that for this land use 1 space should be provided per 3 sq.m of drinking area.

Policy DM18 identifies that in countryside locations expansion of existing businesses will be supported provided that the development is of an appropriate use and scale for its location. Development must demonstrate that a) the development would not result in an unacceptable impact on the local road network; b) there would not be an unacceptable adverse impact to the character and appearance of the countryside; c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

Policy DM22 supports the proposals for new or expanded tourism, visitor or leisure facilities in the countryside where the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoid unacceptable traffic impact on the local road network. Development proposals must; a) respect the character and appearance of the location; b) Where appropriate, involve conversion or replacement of existing buildings; and c) Demonstrate that the need is not met by existing provision within nearby settlements.

This application is located in a countryside location and is the expansion of an existing business. The existing brewery was granted planning permission in the early 1980s under application 83/01481/FULL. The business has developed over time and in 2017 permission 17/00338/FULL was granted to allow direct sales to the public.

This application is the further expansion of this business and will allow for ancillary functions to continue in the form of allowing small scale tasting and brewery tours and community led events at the facility. In planning policy terms the Policy DM18 does allow for the expansion of existing businesses provided that it is of an appropriate use and scale for its location.

The applicant has detailed that the scale will be an appointment only system and this will be restricted by licensing controls. In terms of numbers of visitors for the tours it is expected to be between 12 and 15 people at a time. This is similar to activities that currently take place. The expanded facilities outside and to the rear of the existing building will allow this to take place without constraining the activities inside the building.

There has also been larger community 'open days' which take place annually and allow people to see the activities and facilitate community engagement, typically around 100 people.

In terms of scale it is considered that this scale of activities is commensurate with the nature of the brewery and could be considered to be of an appropriate scale for the countryside location. The primary function would be to facilitate pre booked tours and tastings and this scale is supported through planning policy DM18. It is not considered that this scale of

activities would lead to an unacceptable impact on the local road network or result in an unacceptable adverse impact on the character and appearance of the countryside. As this is an existing business there would be no suitable premises in the immediate area as it is required to be on the site of the brewery given the nature of the use.

Furthermore Policy DM22 identifies that leisure facilities such as this in countryside locations must be able to justify a countryside location. In relation to this requirement clearly the location of the existing business and the ancillary functions proposed are able to demonstrate that this location is required. This is because the use would not be able to operate without the existing brewery business.

In addition and in relation to Policy DM22 the scale of the activity is within the existing site area of the brewery and well related to the physical operations on site. The use will be accommodated in an area to the rear of the building and as such it is considered that it will respect the character and appearance of the location. The proposed structures are of an appropriate design and construction. There are no appropriate buildings that can accommodate this use on the site and given the characteristics of the use would not be able to be accommodated in a nearby settlement.

As a result it is considered to provide an expansion of an existing business of an appropriate use and scale for the countryside location. The development is therefore in accordance with Policy S14, DM18 and DM22 of the Mid Devon Local Plan.

Impact on amenity

Turning to amenity and the impact of this development a letter of objection has been received from the neighbouring resident who has several concerns regarding the impact on amenity from increased noise and disturbance.

Policy DM4 – Pollution – identifies that development will only be permitted where it does not result in an unacceptable impact on health, the natural environment and general amenity.

The area to be used for the entertainment space is located directly behind the brewery building. It is enclosed by the topography to the west. Land farm is located to the south and is a residential property.

This is a small scale use and with the exception with the annual event the area will be used for small groups of visitors in a supervised environment. Whilst this will lead to an increase in comings and goings and give rise to some localised noise and disturbance it needs to be accepted that this is an existing brewery business and this has been in situ from the 1980s.

There is already an existing brewery operating on the site and the neighbour would have been aware of this constraint when the property was purchased. It is therefore an established feature within the local environment but it is nonetheless important that the noise and disturbance associated with the use of the outside area for entertainment is considered.

The scale of the entertainment space and the numbers of people using it is relatively small and it is on a pre book appointment system. Furthermore the hours of operation are limited to 19.30 and not late into the evening when noise levels are generally lower and only at

weekends. These characteristics combine to ensure that the impacts on amenity are considered to be acceptable.

Furthermore the Council's Public Protection Officer has been consulted and the proposal discussed, with no objection raised. It is considered that the scale of the activity proposed, which would be restricted via condition would allow small scale tasting events to take place between the hours of 12:00 to 19.30hrs and this would ensure that no significant loss of amenity would occur.

It is considered justified to use a temporary planning permission in order for the impacts on amenity to be fully assessed. A period of 18 months would allow for 2 spring/summer periods to be assessed and the applicant would then need to reapply for permission. This is a useful mechanism as it would allow the Local Planning Authority to review any concerns from the neighbour and reconsider whether the use can continue permanently.

The site would also need to be subject to a license and would need to abide by conditions set by the licensing authority.

Design and character and appearance

Policy DM1 – High quality design, identifies that new development must be of a high quality.

The development will use a piece of land to the rear of the existing brewery that was previously used for storage. This part of the brewery is not prominent within the landscape and is well screened from neighbouring sites.

Furthermore the small ancillary structures are of an appropriate scale and will not appear prominently within the local area.

The development will therefore comply with Policy DM1 of the Mid Devon Local Plan.

Highways and parking

In terms of impact on the highway this is a small scale use and the lane leading from the highway is not public highway. As a result there has been no objection to this development from the Local Highway Authority.

In terms of parking a layout plan has been submitted which details parking for up to 3 vehicles can be provided. Policy DM5 identifies that developments must provide appropriate levels of parking taking into account:

- a) The accessibility of the site, including the availability of public transport; and
- b) The type mix and use of the development.

The table to support Policy DM5 identifies that for public houses 1 space per 3 sq.m of drinking area should be provided. Whilst a public house is a similar use class it is not the same as a tasting function attached to a brewery. This is because the scale and function is different and visitors will be on a pre booked basis. Furthermore the nature of the tasting would result in a limiting effect on the visitors travelling by car and it is likely that journeys will be shared.

The area provided will provide 315 sq.m of external space. So based on this standard over 100 spaces would be required. This would not appear as a reasonable amount for the nature of this use but there is nonetheless a shortfall in available parking.

Whilst there is justification for deviating away from this standard of Policy DM5 it is important that the site is able to accommodate parking generated by its demand. This is particularly important given the position of neighbouring residents.

Given the shortfall in parking the 18 month temporary permission, as discussed above is also a useful tool, to allow the impacts to be considered. As this is sufficient time to understand the operational requirements in regards to parking. Should this result in an unacceptable impact than the applicant will need to consider bringing further land forward to the north east for car parking. The temporary nature of the consent has been discussed with the applicant and has been agreed.

It can therefore be concluded that whilst there is a conflict with Policy DM5 in terms of parking that a temporary consent will enable the parking requirements to be tested and reconsidered whilst the use has been operating.

Other issues

A number of local concerns have been submitted about the local water supply. This application is for the outside seating area for tasting and has no relation to the supply of water.

A further concern has been submitted about the compatibility of land uses with the neighbouring site providing for a shoot. Again this is for an area of land that will be used to complement the existing brewery and it would not prejudice neighbouring uses. The operator of the shoot would need to meet their safety obligations as they do now.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The planning permission hereby granted shall be limited to a period of 18 months starting from the date in which the use is first occupied. After which the use of the land shall cease and be reinstated to an area used for storage for the brewery only.
4. The development hereby approved shall operate on a pre booked appointment system only and a record shall be kept of visitors to the premises that shall be made available to the Local Planning Authority on request.
5. The development hereby approved shall only be open the public between 12.00hrs and 19.30hrs on Fridays to Sundays.
6. Prior to the occupation of the development hereby approved the parking area shall be laid out in accordance with the Car Parking layout drawing dated September 2021. The development shall be carried out in accordance with the plan and retained in whilst the use in operation.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. The site is located close to a residential use and this will enable the impact to be assessed and reviewed after it has been in operation.
4. To safeguard amenity in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
5. To safeguard amenity in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
6. To provide adequate car parking in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the expansion and improvement of the brewery is supported in policy terms. The facilities are considered to respect the character, scale, setting and design of the existing brewery and has been designed to minimise its impact upon the external appearance of the area. It is not considered that the proposal will result in an overdevelopment of the site or have any significant adverse impact upon the living conditions of occupiers of the neighbouring property, subject to conditions. In the absence of any identified harm, it is considered reasonable to grant a temporary planning permission for the development in accordance with policies DM1 and DM18 and DM22 of the Mid Devon Local Plan 2013-2033.

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

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

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

Application No. 21/01754/MARM

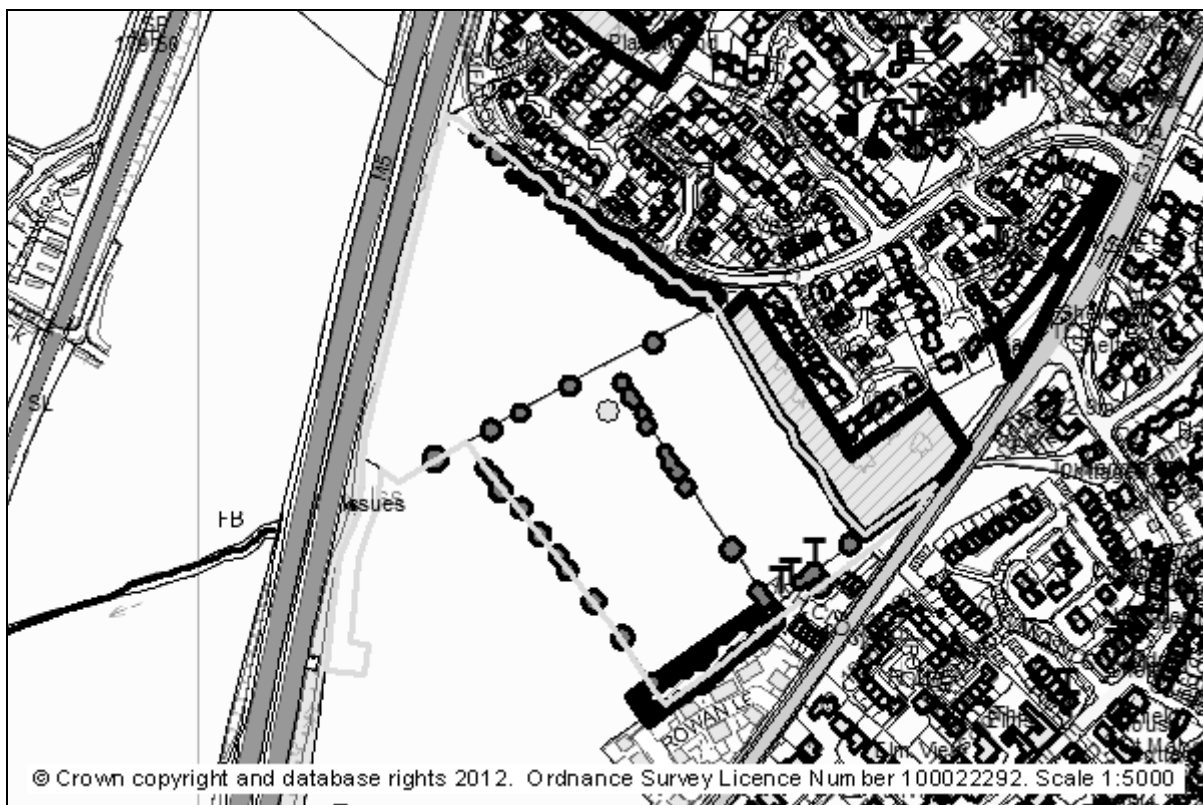
Grid Ref: 303288: 110467

Applicant: Naomi Taylor

Location: Land at NGR 303288 110467
Adj Meadow Park
Silver Street
Willand

Proposal: Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT

Date Valid: 13th September 2021



APPLICATION NO: 21/01754/MARM

Site Visit: No Date of Site Visit: N/A

MEMBER CALL-IN

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT, granted at appeal (August 2019). The application site is situated off Meadow Park, Willand, Devon (NGR 303288 110467).

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan (drawing ref: GALA3002_1101)
Access Drawing - Proposed Site Access at Meadow Park (ref: W15279)
Site Location Plan (drawing ref: GALA30021001)
Concept Masterplan (drawing ref: GALA3002_3207)
Design and Access Statement (Turley, January 2018)
Planning Statement (Turley, January 2018)
Flood Risk Assessment & Drainage Strategy (Jubb, January 2018)
Transport Assessment (Jubb, January 2018)
Framework Travel Plan (Jubb, January 2018)
Utilities Assessment (Jubb, October 2016)
Phase 1 Geo-Environmental Assessment (Jubb, October 2016)
Assessment of Environmental Noise (Ian Sharland Ltd, January 2018)
Ecological Assessment (Tyler Grange, January 2018)
Landscape & Visual Appraisal (Tyler Grange, January 2018)
Preliminary Arboricultural Impact Assessment (Tyler Grange, January 2018)
Economic Benefit Info graphic (Turley, January 2018)
Archaeological Desk-bases Assessment (CgMs, October 2016)
Built Heritage Statement (CgMs, October 2016)
Statement of Community Engagement (Turley, November 2016)
Waste Audit Statement (Turley, October 2016)
Carbon Reduction Statement (Turley, October 2016)
Air Quality Assessment (Wardell Armstrong, October 2016)
Agricultural Land Classification Technical Report (Wardell Armstrong, October 2016)
Longitudinal Sections, Sheet 2 of 2(3867-111-2 Rev B)
Adoptable Highway Details (3867-112)
Adoptable Drainage Details (3867-113)
Manhole Schedules (3867-115B)
Section 38 Layout, Sheet 1 of 2(3867-S38-1 Rev C)
Section 38 Layout, Sheet 2 of 2(3867-S38-2 Rev D)
Section 104 Layout, Sheet 1 of 2 (3867-S104-1 Rev C)

Section 104 Layout, Sheet 2 of 2 (3867-S104-2 Rev D)
LANDSCAPE DRAWINGS
Detailed Soft Landscape Proposals (10238/P16)
Play Area Plan and Brief (10238/P18)
LIGHTING STRATEGY
S38 Road Lighting (Lighting Strategy), prepared by Highway Lighting Solutions (HLS-814)

RELEVANT PLANNING HISTORY

The site has an extensive planning history including TPOs. A summary of the key applications is provided below:

21/01754/MARM - PCO date Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT
17/01179/MFUL - PERCON date 9th February 2018Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure
NMA Decision - 18/00442/NMA Granted / Refused
18/00175/MOUT - REFUSE date 9th October 2018Outline for the erection of up to 125 dwellings with public open space and associated infrastructure - APPEAL ALLOWED -PLANNING PERMISSION GRANTED 29/08/19
16/01811/MOUT - REFUSE date 17th March 2017Outline for the erection of up to 259 dwellings, with public open space, landscaping and associated infrastructure (APPEAL DISMISSED 03.11.17)

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 – Sustainable Development Priorities
S2 – Amount and Distribution of Housing
S3 – Meeting Housing Needs
S5 – Public Open Space
S9 – Environment
S13 – Rural Areas
WI1 – Land east of M5, Willand
DM1 – High Quality Design
DM4 – Pollution
DM5 – Parking
DM26 – Green Infrastructure in Major Development

CONSULTATIONS

MDDC Tree Officer - 04.10.2021

In summary there will be a loss of some principle trees. High level of new tree planting will mitigate these losses in the long-term. To ensure successful tree planting and establishment a suitable aftercare regime will need to be established that includes regular watering and adjustment of tree ties. Conflict between proposed dwelling and some of the principle trees is possible. Adequate protection of the trees being retained has been identified.

04.11.2021

The site comprises four agricultural fields, one under pasture and three under crop cultivation use, and located to the east of the M5 towards the southern reaches of Willand village. The site's existing tree cover is predominantly located on the site perimeter and within internal field boundary tree belts. The site's principal tree cover comprises an offsite woodland edge along the north and north eastern boundary of mainly English oak. Also, established linear tree belts dividing the more southern field parcels. The trees in general provide a high level of amenity and ecological value informing their retention is prioritised. As a result many of the trees have been afforded protection.

The application will require seven trees to be removed. All of these are A or B category features that would normally be considered for retention. Four English oak trees require removal on the northeaster aspect of the site to facilitate access to the proposed development. Due to this reason the three oak trees were omitted from the W1 and W2 of the tree preservation order ref: 20/00003/TPO. A further three oak trees covered by the tree preservation order ref: 20/00003/TPO have also been highlighted for removal that are positioned along a north-western field boundary. The trees have been highlighted for removal to facilitate pedestrian access and access road. Much of the tree loss can be compensated for by new planting as proposed in the soft landscape scheme produced by Tyler Grange.

The application has identified pruning works required to facilitate the development on the south-eastern aspect of the site. The pruning works are viewed as minor and necessary to allow pedestrian access.

Suitable tree protection fencing has been identified and outlined within the Arboricultural Method Statement. The tree protection fencing proposed will need to be in place prior to any development commencing to ensure compaction of soil and damage to roots is avoided.

Where excavation works are required within the identified root protection area. These shall need to be carried out under the direct supervision of the appointed arboriculturalist. Construction of footpaths within the root protection area should be carried out under the direct supervision of the appointed arboriculturalist. Removal of existing vegetation will need to be done with hand tools only. Use of herbicide should be avoided to ensure trees and vegetation being retained are not poisoned. Resulting in a loss of amenity value.

The construction of boundary walling and fencing has the potential to cause damage to tree roots, stems and branches. Wall and permanent fencing within the root protection area should generally be avoided. Boundary walling and fencing within the boundary treatment plan when comparing with the Tree Protection Plan does not appear to fall within any root protection areas. It's viewed that the construction of these will not have an impact. Any works to the boundary walling and fencing within the root protection area will require an arboriculture method statement first that's approved by the councils arboriculture officer. As roots grow, this may lead to conflict between boundary wall and fencing. Walls should be constructed with this in mind. Fencing can generally be altered and necessary to allow for root, stem and buttress growth.

It's noted there is potential conflict between the G10 (TPO G2), G13 (TPO G4) and G14 (TPO T5). The crown spread of G4 and G5 may impact on the plots 37, 38 and 50 along with shading impacting on the gardens as they positioned south-westerly of the proposed plots.

The soft landscaping plan appears to be acceptable and adequate. There is a high level of tree planting proposed that will contribute the overall landscape and mitigate the identified tree removal. The majority off tree selected are native and will provide wildlife benefits. Root barriers are to be installed to ensure there is reduced likelihood between roots and surrounding structures/utilities.

To ensure successful planting adequate after care will need to be established along with provisions for replacement for trees and shrubs that fail to establish. Tree and shrubs that fail

within a period of 10 years after the completion of development should be replaced. Provisions should be identified to ensure regular watering during the spring and summer months along with site visits to adjust stake ties. Removing stakes after a period of two years.

In summary there will be a loss of some principle trees. High level of new tree planting will mitigate these losses in the long-term. To ensure successful tree planting and establishment a suitable aftercare regime will need to be established that includes regular watering and adjustment of tree ties. Conflict between proposed dwelling and some of the principle trees is possible. Adequate protection of the trees being retained has been identified.

WILLAND PARISH COUNCIL - 18th October 21

Willand Parish Council objected to the outline planning application for this development as it was considered too large for the area and triple the amount of housing provided for in the Local Plan. The subsequent appeal allowed the development in outline with access and therefore the Parish Council is concerned to ensure that the current application for reserved matters is compliant with the outline permission and the conditions set by it. They would also like to see a development which has some distinctive housing features and not be what appears to be an "off the shelf development of little boxes".

The Parish Council object to the application at this stage as various aspects are not compliant with the outline approved conditions. There are also areas of concern which need to be addressed to make the development acceptable to aspects of policy and guidance. If these are met then the objection can be amended or removed as it is appreciated that the application is at an early stage of consideration.

The conditions felt to be applicable as set at appeal are listed with comment below:

Appeal Ref: APP/Y1138/W/18/3214685

18/00175/MOUT

Conditions from Outline Approval

5. No development shall commence until a Sustainable Urban Drainage Scheme and long term management and maintenance plan have been submitted to and approved in writing by the local planning authority. The Scheme shall be informed by a programme of percolation tests, which shall be carried out in accordance with BRE Digest 365 Soakaway Design (2016), and be in accordance with the principles set out in the Flood Risk Assessment (Report Ref. B15279-FRA-01 v8 dated Jan 2018). The methodology for the percolation tests shall be first agreed in writing by the local planning authority, in consultation with Devon County Council as the Lead Local Flood Authority.

The Sustainable Urban Drainage Scheme shall include a full drainage masterplan and associated drainage calculations together with a timetable for implementation of the scheme. No additional flows shall be accepted into the highways drainage associated with the strategic road network in line with DfT Circular 02/2013 (paragraph 50).

The development shall be constructed, and the Sustainable Urban Drainage Scheme provided, maintained and managed in accordance with the approved details.

Comment: The Parish Council could not see such a document on file. This condition is very relevant for public consultation as the land is very low lying and holds surface water and there are current drainage problems in the area.

It is noted that the Devon County Council Flood and Coastal Risk Management Team object to the application at this stage and require additional information as set out in their recommendation.

7. No development shall commence until an Arboricultural Method Statement and Tree Protection Plan, to include engineering details for any areas of no-dig construction, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Comment: The Parish Council are of the view that this condition has not been complied with as no Statement or Plan can be found on the public facing portal. It is noted that there is a report and view put forward by the MDDC Arboricultural Officer but he does not appear to have visited the site and it is not known to which document or plan he is referring to present his report.

If the applicant is relying on their Arboriculture document dated 23/01/2018, attached to the outline application, this does not meet the condition. All of the trees which are on this site, which were not originally the subject of a TPO, were made the subject of a TPO by MDDC dated 22/04/2020. Paragraph 5.21 of the document of 23/01/2018 requires the submission of an Arboricultural Impact Assessment & Arboricultural Method Statement. Such a document cannot be seen on portal to date. This is particularly relevant for Members to be able to be assured that the Root Protection Areas of up to 10.8m are protected during construction. This is particularly relevant in relation to the construction of the public footpath to the north/northeast and also roads and hard standing. Roads to west of entrance appear to encroach on required root protection areas.

Who will be responsible for the future wellbeing and maintenance of the TPO trees and boundary hedges? The comments of DCC Highways department in relation to trees on verges are also relevant as their stance could be in conflict with current Government design principles.

11 No development shall commence until a scheme for Electric Vehicle Charging Points ("EVCP") has been submitted to and approved in writing by the local planning authority, such scheme to include provision of at least a single EVCP for each dwelling comprised in the development which has a private driveway or garage within its curtilage ("Relevant Dwelling"). The installation of the EVCPs shall be completed in accordance with the approved scheme prior to first occupation of each Relevant Dwelling.

Comment: The Design Compliance Statement on page 16 advises that properties with parking at the front will have shared charging points. Drawing 20387/5014 shows the parking and EVCP layout. The houses with parking at the front have no shared EVCP shown. It is noted that houses in this position appear to be all Affordable Dwellings. This is not compliant with Design Compliance Statement although it appears to be condition compliant. It could be argued to be discriminatory. No detail of the EVCP is given so members are not sure if they will be compatible with the differing car manufacturers' requirements.

Parking spaces all look to be too narrow/short and only seem to be 2.5m wide and only about 5m long. This may meet minimum DCC Highways guidance but as MDDC policy requires internal garage measurements to be 3m by 6m then surely parking spaces for dwellings should be the same taking into account the size of modern-day cars.

12. No development shall commence until an access scheme has been submitted to and approved in writing by the planning authority, in liaison with the Devon County Council Public Rights of Way Team. Such scheme shall include provision for the design of public rights of way routes and their surfacing, widths, gradients, landscaping and road crossing points. Development shall be carried out in accordance with the approved details.

Comment: This does not appear to be in the documents and is needed for consultation as residents will want to be able to comment on plans for the use of the public footpath during the construction phase. They will seek to have access to this throughout the construction of the development. The Public Rights of Way Team were very strong on maintaining public access in their submission with the outline application. The actual construction and location may also be relevant to the tree root protection areas.

20. The first Reserved Matters application to be submitted shall include a strategy for the management and maintenance of all green infrastructure across the application site (including, for the avoidance of doubt, all areas Public Open Space). The Strategy document shall set out the management, maintenance, access and use arrangements for each area of the site, and a delivery plan identifying a trigger date for the completion of each of the relevant land parcels. Reserved matters applications for the site shall incorporate the approved details.

Comment: Is there such a document on file for public consultation in compliance with this condition? There is considerable local feeling that there should be access around the site for dog walking etc.

Who will be responsible for the future wellbeing and maintenance of the TPO trees and boundary hedges? There are to be "adoptable verges". Who is going to look after these by cutting grass as DCC Highways will not unless they are part of visibility splays? Further Areas of Concern.

It is noted that there are a number of Bin Collection areas which are about 20m from end of adopted roads. Has MDDC Waste Team been consulted? This will break the policy of kerbside collection and involve crews in collecting and returning bins to these areas or else the areas will be untidy with bins/boxes left around. The road layout looks as if it will also involve lorries in quite a bit of reversing. Are the actual roads wide enough to accommodate any 'on street' parking? Minimal guidance set by DCC Highways is no longer practical as is being proven on a number of recent developments in the District.

Is the development contributing to the intention to be carbon neutral by 2030? Are there to be solar panels on roofs? Are houses to be fitted with air or ground source heat pumps? Willand Parish Council may wish to submit further representations as further information appears in the public domain or if changes are made to the application detail/plans as the result of negotiation to deal with some of the objections or concerns.

Highway Authority - Observations:

This is a Reserved Matters Application for 125 Dwellings.

The Applicant has submitted Section 38 Layout Drawings 3867-S38-1 Rev C 3867-S38-2 Rev D. These drawings show there to be trees planted in what is a Highway Adoptable Verge. Unfortunately Devon County Council do not take on the responsibility of trees and therefore they will need to be removed or the verge will need to be removed from the S38 Plan. This change could interfere with some of the visibility splays shown on Drawing 3867-102.

The Highway Authority has no objection to the proposed development, if it is the applicant's intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

Recommendation:

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

Officer authorised to
Sign on behalf of the County Council 7 October 2021

FLOOD and COASTAL RISK MANAGEMENT TEAM -

15.12.2021

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response FRM/MD/01754/2021, dated 15.12.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Bellway Homes, Meadow Park, Willand, Surface Water Calculations, Micro Drainage Output dated 7.12.21

Proposed Residential Development at Meadow Park, Willand, Engineering Layout Sheet 1 of 23867-110-1-G

The applicant has re-run the Micro Drainage model and the outputs now show no flooding for the design event.

The applicant has produced a feasible surface water drainage strategy which will restrict flows to greenfield rates by using an attenuation basin.

05.10.2021

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

RSPB - 28.09.2021

Thank you for asking the RSPB to comment on the above.

We note that the Decision Notice for the Outline Planning consent stipulates that:

"Condition 40. To ensure that the development has a satisfactory appearance and makes adequate provision for open space and ecological mitigation and enhancement, conditions are needed to stipulate what should be included in the reserved matters submissions. This includes details of boundary treatments, existing and proposed site levels, finished floor levels and materials, details of all areas of public open space (including a strategy for the management and maintenance thereof) and an ecological management plan."

The Ecological Assessment submitted with the Outline Application states that an LEMP would be submitted with details of how the above would be achieved, the following was recommended in section "4.51. A variety of ten nest bricks could also be installed on new buildings, such as 1SP Schwegler Sparrow terraces and 16S Schwegler Swift boxes to provide a further enhancement for birds post development."

We are concerned that the above is totally inadequate to meet current criteria of good practice.

Recently Taylor Wimpey set out the following proposals for inclusion in all their new Developments

Hedgehog highways from 2021.

Bug hotels (at least 20% of homes) from 2021.

Bat boxes (at least 5% of homes) from 2022.

Bird boxes (at least 80% of homes) from 2023.

Wildlife ponds from 2024.

Reptile and amphibian hibernation sites from 2025.

All new sites have planting that provides food for local species

throughout the seasons.

New sites will have a wildlife enhancement plan to encourage wildlife to make a home on our developments. see:<https://www.taylorwimpey.co.uk/corporate/sustainability/environment-strategy> They have started putting them into practice in Exeter.

The National House Builders Council has recently added this

<https://www.nhbcfoundation.org/publication/biodiversity-in-new-housing-developments-creating-wildlife-friendly-communities/> Biodiversity in new housing developments: creating wildlife-friendly communities - NHBC Foundation Free webinar. For an introduction to the principles and practicalities of creating wildlife-friendly communities, to their Library of Guides created for members, it was sponsored by Barratts and co-authored by ourselves. We are confident that both the above support the Government's vision for major planning applications

<https://www.gov.uk/government/news/vision-for-building-beautiful-places-set-out-at-landmark-design-event> and achieving Biodiversity Net Gain.

We strongly recommend that that the LEMP referred to by the Applicants' ecologists should be submitted and with the provisions set out above, these should include an average of one integral "universal bird box", see attached per residential unit.

Regards,

Stephen Fitt

RSPB England, Exeter Office.

PUBLIC HEALTH –

Contaminated Land: No concerns, reserved matters only JHW 29.09.21

Air Quality: No concerns, reserved matters only JHW 29.09.21

Environmental Permitting: Not applicable JHW 29.09.21

Drainage: No concerns, site will be served by mains drainage JHW 29.09.21

Noise & other nuisances: No concerns anticipated with the suggested layouts JHW 29.09.21

Housing Standards: No comment TW 20.9.21

Licensing: No comments VL 15.9.21

Food Hygiene: No further comments AK 20.09.21

Private Water Supplies: No further comments AK 20.09.21

Health and Safety: No further comments AK 20.09.21

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 15.09.2021

Information available to view is documents tab.

DEVON, CORNWALL & DORSET POLICE

Re Reserved matters for residential development of 125 dwellings with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT at land adjacent Meadow Park Silver Street Willand - 27th September 2021

Thank you for this application, police have no objections in principle to the overall design and layout of the proposed scheme. However, as there appears to be no mention within the Design & Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where/how it is proposed they be implemented.

Therefore, to assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following information is to inform the applicant:-

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouses or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2016.

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2016 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places to live and visit. The above should be considered in conjunction with the following attributes of Crime Prevention through Environmental Design (CPTED):-

Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security

Structure: Places that are structured so that different uses do not cause conflict

Surveillance: Places where all publicly accessible spaces are overlooked; have a purpose and are well managed to prevent creating areas which could attract criminal activity, the antisocial to gather or for unacceptable behaviour such as dumping, littering and dog fouling etc. to go unnoticed

Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019 and ADQ

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind to discourage crime, fear of crime and ASB

The proposed boundary treatments are noted. A number of rear sub divisional garden boundaries are shown as a 1.8 privacy panel and post and rail. I cannot support this boundary treatment, post and rail has few if any security merits and will only act as a demarcation. It does not fully address possible issues of privacy and keeping young children and dogs safe and secure and will therefore likely result in residents erecting further treatments as they see fit to address these concerns. I would recommend that all plot separation fencing is a minimum of 1.5m close boarded fencing topped with 300mm trellis. This combination would provide both the required security and privacy for residents but still allow neighbour interaction.

To help prevent unwanted vehicular access and inappropriate parking, I would also recommend that the indicated areas of public open space and LEAP are further defined from the highway and parking areas with for example a knee rail or railings.

Where dwelling elevations and back and side garden boundary treatments, for example plots 56 & 57 abut public paths, amenity space or public open space they should be protected by some form of planted/landscaped buffer zone (without creating climbing aids) to clearly define the difference between public and private space and also to deter and prevent potential noise and nuisance from ball games etc. Where windows will feature to prevent blank walls these should be non-obscured glass for obvious reasons, particularly so if parking is designed to sit at the side of a dwelling. Ground floor windows that abut public paths or public open space should be avoided.

From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both enough when balanced against the schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles, and designed that it is convenient and practical to use, for example, side by side parking as oppose to tandem style parking, as this will encourage its use and reduce the level of unplanned parking elsewhere. It is the 'elsewhere parking' that can introduce a source of conflict and rancour amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

All gates that lead to rear gardens must match the same height and robust construction as the adjoining boundary treatment (1.8m as a minimum height requirement) and must be capable of being locked from both sides so that rear gardens are secure regardless of access or egress.

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

NATURAL ENGLAND - 01.10.2021

Natural England has no comments to make on this application.

SOUTH WEST WATER - 5th October 21

I refer to the above application and would advise that South West Water has no objection to the proposed foul- and surface water drainage strategy. Should the drainage strategy change upon review of new survey information for instance, then we will be happy to review any such revised detailed drainage plans. South west Water's previous comment dated 26th February 2018 with respect to asset protection still stands (attached for reference, along with the sewer plan entitled "MPP260218 EX15 2SH Land adj Meadow Park").

I further comment as follows:

Sewerage networks and SuDS features should be designed in accordance with the Sewerage Sector Guidance Design and Construction Guidance (DCG) Appendix C, and Ciria SuDS manual.

Conditions 6 (Construction Management Plan with respect to disposal of site surface water): the CEMP should ensure adequately sized storage for temporary construction site surface water flows. Due to the level of pollutants during construction, it is not permitted to discharge the site surface water to a public sewer, which should be used for domestic flows only.

HISTORIC ENVIRONMENT TEAM - 21.09.2021

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team

HET ref: ARCH/DM/MD/36890a

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

REPRESENTATIONS

The application has been advertised by means of a site notice and direct consultation to the nearest neighbouring properties in accordance with the Council's adopted Statement of Community Involvement and the legal requirements for publicity on planning applications, as set out in the Town and Country Planning (Development) (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

The Council has received a number of representations in relation to the proposal. These are summarised below:

- Too much traffic along our roads as it is. Risk of accidents and fatalities.
- School classes are now full. No parking for the schools, with parents parking on Silver Street by the zebra crossing.
- Doctor's surgeries can't cope with the extra patients.
- Original application for 450 houses refused by the Secretary of State on the grounds that it would destroy the character of the village and overwhelm the infrastructure. Fear that once this application has been approved it will be followed by at least another two applications for a similar amount of housing.
- Massive increase in traffic on the B3181 through Willand. The Cullompton junction is now completely jammed at certain times of the day with tail backs onto the motorway and through Cullompton itself. This development will dramatically increase congestion through Willand and various junctions through the village will be overwhelmed.
- Concern over loss of Greenfield land.
- Infrastructure of Willand already pushed to the limits.
- Object to trees needing to be felled for the site with no open places left just bricks.
- Nothing sensitive or compatible about the disruption this development will cause to the village.
- Decision date should be delayed whilst more effort is made to notify local residents.
- Concern about loss of open space which has been used by local residents in recent years.

A petition has also been submitted in objection to the proposed development.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy and Procedure

The application area currently has outline planning permission (application ref. 18/00175/MOUT, Appeal Ref: APP/Y1138/W/18/3214685) and has a signed Unilateral Undertaking. The planning conditions and financial contributions secured through the outline application are retained.

Planning permission has also already been granted for the primary vehicular access off Meadow Park (18/00177/FULL). A number of objections have been received in respect of traffic generating, queuing at nearby motorway junctions and impacts on road safety. These issues were dealt with as part of the determination of that application and are therefore not reassessed as part of this reserved matters application. Similarly, this report does not reassess other matters in relation to the principle of development. Education capacity was also considered as part of the outline application and the Education Authority confirmed that there is currently capacity at the nearest primary school and secondary schools for the number of pupils likely to be generated by the proposed development. In the case of this Reserved Matters application, approval is being sought in respect of appearance, landscaping, layout and scale.

In addition, a number of comments received relate to the separate discharge of conditions application, which are in the process of being discharged. At the time of writing, the following conditions have been discharged by the local authority:

- Condition 7 – Arboriculture Method Statement
- Condition 8 – Construction Management Plan
- Condition 9 – Access Road
- Condition 11 – EVCP
- Condition 16 – Phasing
- Condition 19 – Boundary Treatment
- Condition 20 – Green Infrastructure
- Condition 21 – Waste Audit

The following conditions are therefore still outstanding subject to further information required or stakeholder comments:

- Condition 5 – SUDs scheme
- Condition 6 – Surface Water Drainage
- Condition 10 – Noise Mitigation
- Condition 12 PROW
- Condition 22 Foul Drainage

Part of the site is allocated within the adopted Local Plan 2013 – 2033. Aside from the principle of development and access requirements which have been established by virtue of the outline and access permissions, the policy makes provision for a buffer zone and appropriate planting to mitigate noise from the adjacent motorway, mitigation of any wildlife impact including protection of trees and retention and enhancement of the public right of way. These matters are considered in detail throughout the report.

The main issues in the determination of this application are:

Urban Design, Density, Scale and Layout of the Development
Ecology, Landscaping, Green Infrastructure and Public Open Space
Noise Mitigation
Affordable Housing Provision (Tenure mix, Layout and Design)

Parking and EV provision
Other matters
Planning balance

Urban Design, Density, Scale and Layout of the Development

The NPPF is clear that the creation of high quality places is fundamental to what the planning and development process should achieve (NPPF, para 124). Policy DM1 of the Mid Devon Local Plan 2013 – 2033 requires the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area, and making efficient and effective use of the site. Development proposals should make a positive contribution to local character and create safe and accessible places that encourage sustainable modes of travel such as walking and cycling. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impacts on privacy or amenity for proposed or existing properties. Policy DM1 also requires suitably sized rooms and overall floor space to Nationally Described Space Standards, which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage as well as adequate levels of daylight to amenity spaces and principal windows.

Willand is identified as having a ‘patchwork’ settlement typology within the adopted Mid Devon Design Guide Supplementary Planning Document which is characterised by ‘a series of blocks of development...organised around an often gridded or permeable and interconnected street network but with no clear sense of a single centre to the settlement’. Key considerations for this application are to maintain an interconnected street network and avoid any cul-de-sacs and maintain the integrity of development blocks with buildings which face the street and enclose private space to the rear. The site access is from Meadow Park to the north east boundary of the site (as established via the outline planning permission and separate access permission) with footpath connections to Silver Street and Meadow Park which helps connectivity throughout the development. The proposed layout organises the dwellings as a block structure creating back to back perimeter blocks with buildings which face the street and enclose private space to the rear. This is consistent with the principles enshrined within the Design Guide SPD.

In respect of scale, the proposed development comprises a mix of two and two and half stories, with densities ranging across the site between 30-38 dwellings per hectare. The higher densities are located within the lower area of the site towards the western boundary, consistent with the illustrative masterplan at outline stage, and more generally ensuring the proposed development is well integrated with surrounding buildings, streets and landscapes.

A limited materials palette has been proposed which is comprised of either weathered red brick, cheddar red brick or rough cast render in white. Smooth red brick detailing to headers, cills and gables to dwellings are proposed to add interest. Rendered units will be located at key points of the layout (i.e. corners and vistas) to create local landmarks. A combination of highland slate grey and pennine burnt orange tile roofs was originally proposed which sought to provide some variety across the site. However, following negotiation with the applicant, it was agreed that all roof materials will utilise highland slate grey. This is since consistency in roof finish is fairly characteristic of the district and provides the benefit of adding greater contrast and variation at the individual dwelling level. On the whole it is considered that the development achieves a good balance between continuity and contrast which will integrate well with surrounding buildings, streets and landscapes, consistent with Policy DM1 of the Local Plan.

Finally 27 of the 125 dwellings meet Level 2 Part M of Building Regulations ‘access to and use of dwellings terms of dwelling size therefore according with Policy DM1(i). The applicants have also

confirmed that all dwellings are compliant with Nationally Described Space Standards.

Ecology, landscaping, green infrastructure and public open space

Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environment. Criterion e) requires the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. In addition, criterion f) requires that development supports opportunities for protecting and enhancing species populations and linking habitats. Policy DM26 requires that major development proposals must demonstrate that green infrastructure will be incorporated within the site.

The proposed landscape strategy seeks to retain existing boundary vegetation which is proposed to be enhanced through management and new planting to provide both habitat and biodiversity enhancement. The development makes provision for the following components:

- An attenuation area comprising water tolerant planting intended to help encourage a range of wildlife
- Green corridors acting as dedicated wildlife corridors and provide a mature landscape structure which also forms part of an informal network of accessible routes.
- Wood Meadow creating an informal recreational space of various planting, which is also intended to provide natural screening.
- Central green providing an area of recreational space which forms a central focus of the development. A Locally Equipped Area for Play is also proposed.

Additionally, a Soft Landscape Strategy and Landscape Management Plan (echoing the above provisions) was submitted as part of the separate discharge of conditions application. This has been considered in conjunction with the plans submitted as part of this reserved matters application. This was deemed to be acceptable and condition 20 'Green Infrastructure' attached to the outline application has been discharged.

There will be some loss of principle trees although the Council's Tree Officer has confirmed that a high level of new tree planting will mitigate these losses in the long-term. To ensure successful tree planting and establishment a suitable aftercare regime will need to be established that includes regular watering and adjustment of tree ties. Conflict between proposed dwellings is possible although adequate protection of the trees being retained has been identified. This matter has also been considered in detail as part of the separate discharge of conditions application associated with the outline permission. The Council's Tree Officer is content with both the information submitted with both the Outline and Reserved Matters. Accordingly, condition 7 'Arboricultural Method Statement' was formally discharged on 26th November 2021. The proposed approach towards tree planting therefore accords with Criterion c) of Policy WI1 in the Local Plan 2013 – 2033.

Similarly, an Ecological Management Plan was submitted as part of the discharge of conditions application. Again, this information in respect of boundary treatment details was considered acceptable and therefore condition 19 attached to the outline permission was discharged. Whilst representations have been received to state that the development does not meet best practice in regards to ecological mitigation and enhancement it is considered that on the whole the proposed approach accords with national and local planning policy. Accordingly, it is considered that the proposed development complies with Local Plan Policies S9 and criterion c) of Policy WI1.

In respect of green infrastructure and public open spaces, the NPPF (Para 127 states that planning decisions should take maximum opportunity to accommodate and sustain an appropriate

amount and mix of development including green and other open space and create places that are safe, inclusive, accessible and which promote health and wellbeing. Policy S5 of the Local Plan 2013 – 2033 requires new housing developments to provide at least 23.5 square metres of amenity green space per dwelling along with children's play areas, parks, sports and recreation grounds, allotments and teenager youth space with safe and convenient access on foot and cycle.

The development proposes a Local Equipped Area of Play (LEAP) with a range of equipment together with associated infrastructure. The play area is proposed to be accessed from the development by amenity grass that crosses the central green. It is considered that the provision has been designed in appropriately to maximise the attractiveness, safety and overall quality of the development. Planning obligations were secured as part of the Unilateral Undertaking completed at outline stage to control the ongoing maintenance of onsite open space.

For the reasons outlined above, it is considered that the proposal complies with policies S5, S9, W11, DM1 and DM26 of the adopted Local Plan 2013 – 2033 ensuring an appropriate delivery of wildlife mitigation, landscaping, green infrastructure and public open space.

Noise Mitigation

Policy DM4 of the Local Plan 2013 – 2033 stipulates that development will be permitted where the direct, indirect and cumulative effects of pollution (including noise) will not have an unacceptable negative impact on health, the natural environment and general amenity. Policy W11 which covers part of the proposed development site requires the provision of a buffer zone and appropriate planting to mitigate noise from the adjacent motorway. The block plan proposes an acoustic bund adjacent to the M5. The impact of motorway noise was previously considered as part of the outline application with the Appeal Inspector concluding that 'an acceptable living environment for future residents on the scheme can be created using appropriate noise mitigation measures which can be secured by condition'. This was subsequently secured via condition 10 attached to the outline permission. At the time of writing, there is an application to discharge this condition, although this currently remains outstanding. An acoustic bund, together with acoustic fencing is proposed adjacent to the M5 motorway on the western boundary of the site. An assessment of Environmental Noise was submitted to accompany the discharge of condition application concluded that noise levels in a number of gardens, particularly to the west sides of the site would fall above the usual criteria of acceptability. Although a 2m high acoustic fence to the most exposed boundaries and some individual gardens should ameliorate the situation to a certain degree. In some of these situations, it may be necessary to accept a level of noise which is marginally above the usual design guidance. However, for the majority of gardens across the site, the predicted noise levels will be below these criteria. Notwithstanding this, the position remains that with mitigation an acceptable living environment for future residents can be achieved. At the time of writing, Condition 10) in respect to noise is retained subject to further discussions with the Council's Environmental Health Officers.

Affordable Housing Tenure Mix, Layout and Design

Policy S1 of the Local Plan expects that development will support the creation of sustainable communities by delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community. In accordance with the outline grant of planning permission, the development will provide 35% affordable housing (44 homes), comprising a mix of affordable rented and affordable shared ownership. The tenure mix comprises 18 shared ownership and 22 affordable rent, resulting in a 41% 59% split. A mix of dwelling sizes are proposed as follows:

- 6 x 1 Bedroom
- 16 x 2 Bedroom
- 19 x 3 Bedroom
- 3 x 4 Bedroom

Having regard to the demand data available for Willand, this is considered to be an appropriate mix of tenures and dwelling sizes. The affordable housing tenure mix therefore accords with Policy S1 and S3 of the Local Plan 2013 – 2033.

Additionally, affordable housing should adopt a ‘tenure blind’ approach to layout and design and it should not be possible to distinguish the tenure of a dwelling from its external appearance. The choice of materials for the affordable housing is identical to that of the open market provision. Having regard to the materials palette and layout of the development, it is considered that there is sufficient intermixing of tenures within the scheme to ensure that the affordable and market housing on a site is visually indistinguishable from each other.

Parking and EV charging provision

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. The proposed scheme typically provides two parking spaces for all properties, with the exception of the six 1-bedroom properties, whereby one parking space is provided. Garages are also provided across the 3-bedroom, 3-bedroom and 5-bedroom housing, although in accordance with the Council’s parking policy guidance, this is additional provision and not counted within the overall parking standard.

The submitted Parking Strategy confirms that electric vehicle charging points have been provided across the development as a whole in an inclusive manner including the affordable housing. In addition 4 visitor parking spaces have been provided with charging points. Whilst subject to capacity from the electricity provider, provision is proposed as follows:

- Properties with garages – the electrical supply will be provided via the garage to each dwelling
- Properties with parking to the side of dwellings – the electrical supply will be provided via the wall of the dwelling to which the side car parking adjoins
- Properties with parking to the front of dwellings will have or either share an electric charging point.

Indeed, in respect of EVCPs, condition 11 ‘EVCP’ has been discharged concluding that the proposed provision is acceptable in policy terms however it may be prudent to re-consider the sharing of EVCP for the front parking spaces considering the impending Government requirement for all new units to have their own. This echoes similar comments submitted by the Parish Council, particularly in respect of EV provision across the affordable housing. Following discussions with the applicant, additional EV provision has been incorporated across the affordable housing element, and whilst there remains some sharing of EVCPs, the provision is nevertheless significantly in excess of policy requirements.

In addition, cycle storage has been provided in designated secure cycle stores located in rear gardens.

Overall, by virtue of the provision for cyclists and electric vehicles, it is considered that the

development is appropriate in enabling and encouraging the maximum use of sustainable modes of transport. Provision exceeds the standards established by Policy DM5 and therefore, the development accords with this policy.

Other matters

Drainage and Flood Risk

In respect of drainage and flood risk, the Lead Local Flood Authority has confirmed that they have no in-principle objections to this application on the basis that the applicant has produced a feasible surface water drainage strategy which will restrict flows to Greenfield rates by using an attenuation basin.

In addition, South West Water and other utility companies have not raised an objection to the proposed foul and surface water drainage strategy.

Refuse Storage

Policy DM1 is clear that development should provide suitable external spaces for recycling and refuse. The Parish Council has identified that a number of bin collection areas are located 20m from the end of adopted roads. However, on the whole it is considered that sufficient consideration has been given to refuse storage and appropriate storage areas both within homes and externally has been provided to store bins. The provision is consistent with the general principles set out in adopted Refuse Storage for New Residential Properties SPD and therefore accords with Policy DM1 criterion h).

Climate Change

The Government has enshrined in law, a commitment to achieving net-zero carbon emissions by 2050. Achieving sustainable development is also a clear priority of national planning policy. Policy S1 requires development to meet the challenge of climate change by supporting a low carbon future, energy efficiency and including the use and supply of renewable and low carbon energy. The principle of development has already been established by reference to the outline planning permission detailed above, which considered whether the development would contribute towards achieving sustainable communities. Together with the extensive EV provision proposed across the development, as well as the requirement for dwellings to be constructed in accordance with Building Regulations Part L, it is considered that the application accords with sustainable development priorities and in particular Policy S1 of the Local Plan.

Consultation

A number of representations have been received indicating a need for delay for further public consultation with local residents. Whilst this is noted, the application has been consulted on in accordance with the statutory requirements and the Councils Statement of Community Involvement. Consultation has therefore taken place in an inclusive manner and all representations received as a result of the consultation have been considered and addressed within this report.

Planning Balance

This is a Reserved Matters planning application for the construction of 125 dwellings (including 35% affordable housing), with public open spaces, landscaping and associated infrastructure. The application has previously been the subject of an outline planning application (Application No. 18/00175/MOUT).

The proposed development provides a net density of 30-38 dwellings per hectare and accords with the Local Plan 2013 – 2033 and the NPPF which requires effective use of land. On the whole, it is considered the development is well integrated with surrounding buildings, streets and landscape and is consistent with the principles enshrined within the adopted Mid Devon Design Guide SPD. The proposal meets Nationally Described Space Standards, Building Regulations Part M (4) and parking and EV standards. The public open space and associated landscape details form a key feature of the development. Drainage and flood risk have been fully considered. Affordable housing provision meets identified local needs and visually integrates well with the market provision.

The proposed scheme, on balance, is considered to accord with relevant Local Plan policies as set out in this report and therefore, is recommended for approval.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on this decision notice.
2. All planting, seeding, surfacing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development (or phase thereof) whichever is the sooner; and any trees or plants which within a period of 5 years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
3. The development shall not be occupied until refuse/bin storage facilities have been provided in accordance with the details, to include proposals for maintenance and management of the storage area, which have been submitted to and approved in writing by the local planning authority prior to the commencement of the development.
4. Prior to their use within the development samples or details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.
5. The development shall not be occupied until the Locally Equipped Play Area has been provided in accordance with the details which have been submitted to and approved in writing by the local planning authority. Relevant details shall include the specifications of play area equipment to be used including at least one item of play equipment suitable for children with disabilities as well as the use of locally sourced and sustainable materials.

REASONS FOR CONDITIONS

1. In order to ensure compliance with the approved drawings
2. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, WI1 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.
3. In the interests of local amenity.

4. In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.
5. In the interest of creating a safe and inclusive play area for residents and visitors.

INFORMATIVES

The Highway Authority has advised that the extent of the highway at Meadow View, Willand, has been incorrectly shown on the County Council's land charges maps and as a result the highway map for this area has been corrected. The correction of the maps reveals a mistake and Devon County Council will be unable to agree to any Section 38 Agreement as the land in this application does not connect to the Public Highway without the consent of a Third Party Landowner. The County Highway Authority does not want to change the recommendation on the Application but wished to bring this to the attention of the Council and the applicant. The applicant has subsequently confirmed that whilst they are not constructing the current approved Access (as per the Access Permission) they do have private rights to cross the third-party land in question, so should the adoption matter investigation continue, the site remains deliverable from their perspective. Notwithstanding this, in order to achieve access to the field with a S38 Agreement the third party landowner will be required to enter into the S38 Agreement. This matter is ongoing, although it is considered that as this application relates solely to reserved matters, the application can still be determined by Planning Committee.

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

Comprehensive consideration has been given to the overall design, scale and layout of the proposal. The scheme proposes a well-integrated landscaping, green infrastructure and public open space with appropriate wildlife mitigation. The design and layout including house types are acceptable meeting the requirements of Policy DM1 High Quality Design including compliance with Nationally Described Space Standards. Affordable housing tenure and dwelling size provision is consistent with demonstrable local needs. For these reasons the proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033 Policies S1, S3, S5, S9, WI1, DM1, DM4, DM5, DM26 and with the principles set out in Supplementary Planning Documents namely, the Mid Devon Design Guide.

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

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