

PLANNING COMMITTEE AGENDA - 24th August 2022

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>22/00040/MARM - Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with the access having already been approved) following outline approval 17/01359/MOUT at Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>21/01420/FULL - Erection of an agricultural building, glass house, polytunnels and raised beds, septic tank and provision of new vehicular access at Land at NGR 289870 116865, Stoodleigh Cross, Stoodleigh.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 22/00040/MARM

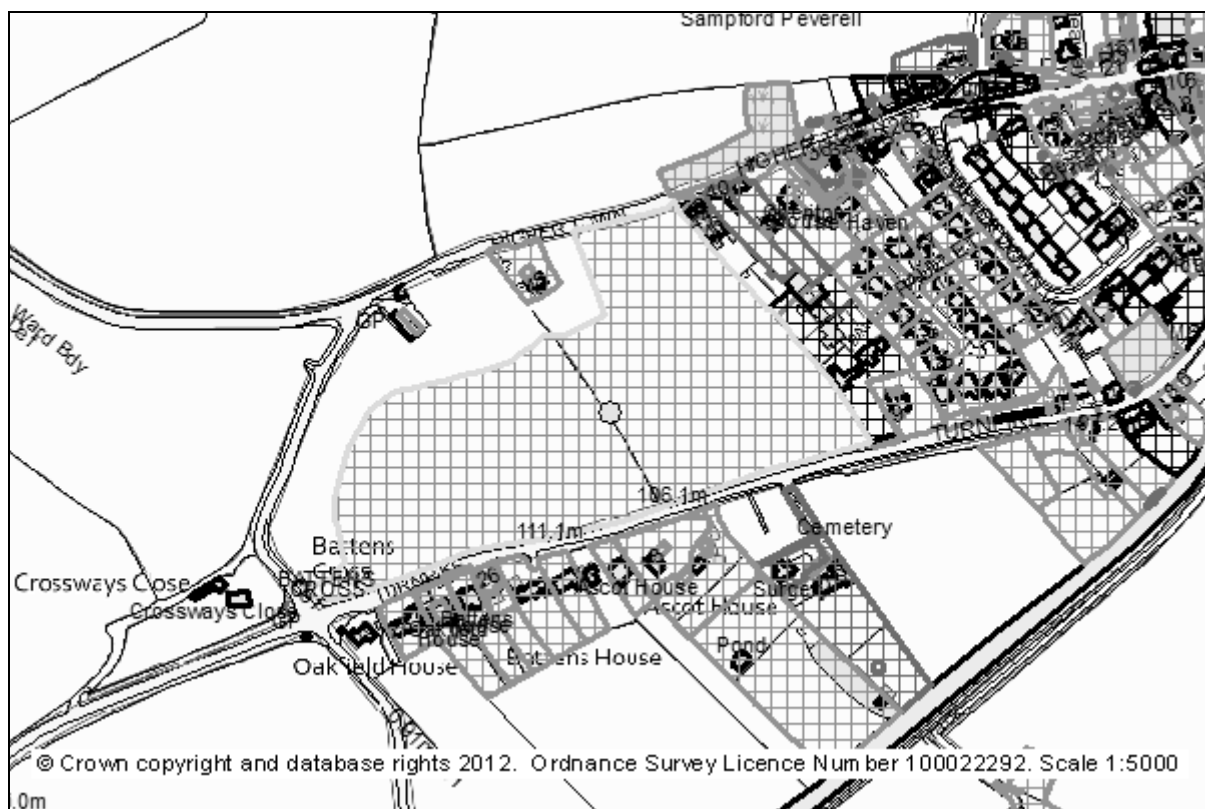
Grid Ref: 302469 : 114078

Applicant: Edenstone Homes

Location: Land and Buildings at NGR 302469 114078
Higher Town
Sampford Peverell
Devon

Proposal: Reserved Matters for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site (with the access having already been approved) following outline approval 17/01359/MOUT

Date Valid: 24th December 2021



APPLICATION NO: 22/00040/MARM

MEMBER CALL-IN

At Planning Committee on the 2nd February 2021 Members resolved that 22/00040/MARM be determined by committee and full committee site visit was required.

Cllr Collis has also called this application to be considered by Members of the Planning Committee in order to consider the impact of the development on the amenity of neighbouring occupiers.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The application seeks permission for Reserved Matters for the erection of 60 dwellings following outline approval 17/01359/MOUT on Land and Buildings at NGR 302469 114078, Higher Town, Sampford Peverell. Outline planning permission 17/01359/MOUT was granted by the Planning Inspectorate on the 7th April 2021.

The proposal for 60 dwellings would be a mix of single storey and two storey properties with 39 being open market dwellings, 7 of which are to be 3 bed bungalows with the other two storey properties being a mix of 2, 3 and 4 bed units. There would be 18 affordable units, a mix of 1 bed, 2 bed, 3 bed and 4 bed units and 3 plots for self-build units which would be limited to 2 storey.

The application site comprises approximately 4.3 hectares of land to the west of Sampford Peverell. The site is currently agricultural and is consequently undeveloped. It lies to the north of Turnpike and to the south of Higher Town. It is bounded to the west by an un-named lane which links between Turnpike and Higher Town. The site is now within the development boundary following the adoption of the Local Plan. The site occupies an elevated position in relation to Sampford Peverell with land levels falling to the south and east. There exists a ribbon development of dwellings on the southern side of Turnpike (opposite the site) and a dwelling to the north of the site (on the southern side of Higher Town). Agricultural buildings are located to the north west of the site. Existing residential dwellings lie to the east of the site, and residential properties to the north east of the site (on the southern side of Higher Town) adjoin the site.

The site is not within a Conservation Area but the north eastern part of the application site lies adjacent to the designated Sampford Peverell Conservation Area although there will be views to the Grand Western Canal Conservation Area. No. 42 Higher Town which itself is Grade II Listed. This building lies adjacent to the site to the north east of it. The site itself falls within Flood Zone 1; land with the lowest probability of flooding and of the least risk of being susceptible to flooding.

Within the Local Plan the site is allocated for development under Policy SP2. The Policy outlines the following:

Policy SP2 - Higher Town, Sampford Peverell

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, subject to the following:

a) No more than 60 dwellings with 30% affordable housing;

- b) Landscaping and design which respect the setting and character of the area, conservation area and listed building;
- c) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- d) Mitigation of any wildlife impact including protection of hedgerows;
- e) Archaeological investigation and appropriate mitigation
- f) 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and
- g) Improved access to the village for pedestrians and cyclists.

Members will recall that this application was considered at Planning Committee on the 29th July where Members resolved to defer a decision on the Reserved Matters application 22/00040/MARM so that further information set out within the Minutes of the meeting could be provided. As a result, the applicant has submitted information which seeks to address the information requests in the following ways:

- Public availability of The Design Review Panel Report – The response has now been made public.
- Gradients of pathways and the removal of steps to the South East of the development to enhance disabled access to the site – Revised plans have been received reducing the gradient of the cycleway on site and steps have now been removed and pathway link at a gradient of 5% has been provided.
- Move the LEAP (Play Area) from the Green Infrastructure and reduce in size – Revised plans have been received which remove the formal LEAP area outside of the Green Infrastructure with an area of play provided on the village green area and Trim Trail play equipment integrated into the landscape running adjacent the cycleway which includes inclusive play equipment.
- Confirmation of the classification of public and private roads leading into and from the site – This has been addressed and details provide on the submitted plans which now show the footpath will run across public highway land. The Highways Maintenance Plan identifies which areas are maintained by the management company;
- Consideration of a reduction of height of plots 57 & 58 – Revised plans have been provided where the plots have been lowered by 400mm and extra trees added along boundary of site.
- Lighting Plan – This would be dealt with through the discharge of the outline condition (Condition 20 of planning permission 17/01359/MOUT) as such, this further detail remains within the MDDC's control;
- Open Spaces Specification – A revised open space specification has been submitted. However it should be noted that this is to be assessed and determined separately by MDDC in accordance with the relevant s106 obligation secured under the outline planning permission;
- Waste Management Plan – The refuse management plan formed part of the application submission and shows exactly where communal bin collection points are provided, where kerb side collection is planned and the route and turning areas for refuse vehicle. Public waste bins have now been added to this plan;

- 10 Year Landscaping Plan with semi mature trees conditioned –. The management plan (terms and length) will also be covered in the Open Space Specification. A revised open space specification has been submitted. However, it should be noted this is to be assessed and determined separately by MDDC in accordance with the relevant s106 obligation;
- Phasing Plan – The applicant accepts a phasing plan condition attached to any Reserved Matters Approval granted (there is a condition recommended where this is required in order to outline timeframe for self-build plots);
- Construction Management Plan – A Construction Management Plan has already been submitted pursuant to Condition 12 of planning permission 17/01359/MOUT and is pending determination with MDDC. As this is controlled by a condition attached to the outline planning permission, there is no requirement for it to be resubmitted as part of the Reserved Matters Application, which focuses on the appearance, landscaping, layout and scale of the development;
- Condition to remove permitted development rights to all properties on site – The applicant accepts a condition removing permitted development rights attached to any Reserved Matters Approval granted, but the applicant refers Members to national Planning Practice Guidance (paragraph: 017 Reference ID: 21a-017-20190723) as to whether such a condition is appropriate, it is your officers view that it would not be;
- Consideration that greener alternatives be installed than the gas boilers proposed – The applicant has outlined that the power company have advised that there is not sufficient power available to service the site as an ‘electricity-only’ development and they have no programme at the moment to upgrade the system. It is not, therefore, possible to propose an alternative system to that currently put forward.

The key changes to the plans therefore include:

- Realigned cycleway link further away from north east neighbours and gradients have been reduced to 7%. The levels of the cycleway adjacent to the listed buildings have also been reduced;
- Stepped link from South East corner removed. The plans now show a 2m 1:20 path link between attenuation area and allotments that completes the east to west link along the southern boundary of the site;
- Landscaping updated to open space areas to move new oak trees away from neighbouring properties in the north east;
- Trees added to provide additional screening between No. 48 Higher Town road and Plots 56-58 which have also been lowered by 400mm;
- Waste bins added to communal areas;
- The previously proposed LEAP has been reduced in size and relocated, with play equipment for younger children now proposed within the central open space along with seating and tables, to form a picnic area. A trim trail including inclusive play has been added as part of the cycle link;
- Updates to the Materials plan so that it now shows the external details to avoid the need for a condition;
- Updates have been made to the Road Hierarchy plan to explain maintenance and public access;
- A drawing has been included providing timber store detail for allotments as this was also raised during Member discussion/questions.

To confirm no plots or roads have been repositioned as part of this update, it is predominantly the cycleway, play space/LEAPs and landscaping areas that have been updated.

APPLICANT'S SUPPORTING INFORMATION

Completed application Form, Plans, Design and Access Statement, Ecological Appraisal, Ecological Statement, Arboricultural Impact Assessment, Arboricultural Impact Assessment and Arboricultural Method Statement, Tree Constraints Plan, Tree Protection Plan, Carbon Reduction Statement, Heritage Statement, Reserved Matters Compliance Statement, Statement of Community Involvement, Waste Audit Statement, Flood Risk Assessment and Drainage Strategy, SUDS Management Regime, Construction Drainage Details, Open Space Specification, Longitudinal Sections, Cycleway Design, Footpath Link to S278 drawings, Site Sections and Street Scene Plans.

RELEVANT PLANNING HISTORY

03/01243/FULL - PERMIT date 23rd June 2003 Erection of timber framed storage building

17/01359/MOUT - REFUSE date 1st August 2019 Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site APPEAL ALLOWED - PLANNING PERMISSION GRANTED 07/04/21

19/01836/MOUT - WDN date 9th December 2019 Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013-2033

Policy S1 - Sustainable development priorities
Policy S2 - Amount and distribution of development
Policy S3 - Meeting housing needs
Policy S4 - Ensuring housing delivery
Policy S5 - Public open space
Policy S8 – Infrastructure
Policy S9 – Environment
Policy S13 – Villages
Policy S14 – Countryside
Policy DM1 - High quality design
Policy DM2 - Renewable and low carbon energy
Policy DM3 - Transport and air quality
Policy DM4 – Pollution
Policy DM5 – Parking
Policy DM25 – Development Affecting Heritage Assets
Policy DM26 - Green infrastructure in major development
Policy SP2 - Higher Town, Sampford Peverell

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Sampford Peverell Parish Council - 27th July 2022

I have submitted the Parish Council's response to the above application online today.

The Parish Council have noted a development in North Wales where houses have been built in an appropriate local style with solar panels on the roofs. (New houses to the right/older houses to the left.)

A combination of architectural style with green infrastructure would be welcomed.

Sampford Peverell Parish Council – 26th May 2022

A further objection from Sampford Peverell Parish Council 26 May 2022 to 22/00040/MARM

1. Firstly we are concerned that some of the 26 planning decisions from the Inspector's Appeal Decision have not yet been addressed, such as the lighting arrangements which we cited in our last objection (decision 20), and the plans for the road work near the canal bridge (decision 7).
2. The documents added recently, such as '100 Rev D Site Layout', still show the play area (LEAP) in the green infrastructure area and very separate from the housing. We still feel that for safety reasons and to preserve the green area it should be further south, nearer the houses. It does not need to be large as there is already a very good play park in the village, so it could be sited in the area marked as community gardens, or in the open space area near the planned notice board. Its proposed site could also create a litter problem – see item 4 below.
3. Document '103 Rev D Storey Heights Layout' is mostly acceptable, but local residents would, understandably, prefer the houses along Turnpike to be single storey only, and we support them in this.
4. In document '108 Rev D Refuge and cycle strategy' we welcome the provision of cycle storage, but the document still gives no mention of public waste bins and how they are to be emptied. To avoid litter there must be waste bins near public areas like the allotments and especially the LEAP, wherever it may be sited. With the LEAP in its current proposed position in the north-east of the plot it is hard to see how refuse collection vehicles could get to it. If the LEAP were sited near the allotments or near the notice board the bins would be on the road route used by refuse collection vehicles.
5. The document 'Open Space Specification' has been added to the original application 17/01359/MOUT but should be part of the 22/00044/MARM list. We are extremely disappointed by most of what it contains, such as extensive use of herbicides, pesticides, and hedge trimming during the nesting season. We fully endorse all the points made by Peter Bowers in his assessment of it. The green area would become a desert for wildlife when it could be a haven.
6. Similarly we support the objections raised by Peter Bowers to the 'Soft Landscape General Arrangement Plan (Trees Only)', specifically his items 6 and 7 regarding the unsuitable location of the orchard, the choice of trees for it, and the fact that it is not needed as the village already has a community orchard and other trees such as those suggested by him would be better suited for that location. Peter Bowers leads the village tree wardens who are supported

by and report in to the Parish Council, and we have complete trust in their judgment.

Sampford Peverell Parish Council - 22nd March 2022

The documents concerning this Reserved Matters application which have been added since our first response to it at the end of January 2022 have been studied by all Members of Sampford Peverell Parish Council. We appreciate the efforts that have been made to improve and clarify the application, but we still feel further changes and clarifications are required before the Parish Council can support it.

- 1) We previously said that we are disappointed that gas boilers are being installed, and no solar panels are used. The government is encouraging councils to decarbonize their social housing for climate change reasons. Additionally, fuel costs, especially gas, are currently soaring and are only expected to climb further. With gas boilers installed the occupants of the affordable houses on this plot will struggle to pay their fuel bills, and the occupants of the other houses will also be looking to reduce their fuel costs as much as possible. The developers have not commented at all on the requests from us and individual local residents that other heating sources should be provided.
- 2) The Parish Council previously said that it is not happy with the revised position of the LEAP (Play Area): there continues to be a lot of trouble with anti-social behaviour in the village. The proposed play area is away from houses, and we feel that it should be near to, and clearly overlooked by, housing, so as to make it as safe for children as possible and to discourage anti-social behaviour. Furthermore, it is in an area marked as Green Infrastructure in the current Local Plan, and being on high ground it would, as other residents have pointed out, show up all too clearly from lower areas. The 'covering letter' dated 24th Feb says the LEAP has been moved further south, but this is not apparent from the plans. The Parish Council believes that a play area should not be situated in this area, and it does not need to be as large as shown on the plan – a small play area further to the south, perhaps near the allotments, would be perfectly adequate. There is already a small play area in Cornlands and a large and well-maintained play area in the centre of the village.
- 3) We are still concerned about the loss of light and privacy to 42-46 Higher Town. Drawing 112-2 Rev A is an improvement on the previous plan, but we don't believe the residents, especially of number 44, are happy with it yet, and we support their concerns.
- 4) The Parish Council said that we would like the positioning of public waste bins near to the public spaces such as the allotments, play area and seating areas to be clear. They are still not mentioned in drawing 108-Rev A, the revised Refuse and Cycle Strategy.
- 5) Last time we pointed out that there is no information on the positioning of streetlights and that information on them should surely be included. This is an area where dark skies are enjoyed. Item 20 in the list of planning conditions from the Appeal Inspector said that "no street and/or external lighting of public areas shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority". We have not yet seen such a plan.
- 6) In our previous response we queried the impact of the extra homes on the drainage systems, the canal, and the local sewage treatment plant (which frequently overflows into the River Culm making it currently one of the eight worst rivers for sewage pollution in the whole country). We note that a number of documents concerning drainage, sewage and water management have been added to the database but we are not sure these adequately cover all

the issues of potential run-off and sewage capacity. We would like to see answers to the questions raised on this subject in Mr Byrom's response of 9th March.

- 7) It is still the case that the plan is not clear about the positioning of paths along, or crossings over, Turnpike. Until a document appears that details all the highway and footpath plans for Turnpike, the Parish Council is unable to comment on highway safety issues.
- 8) We suggested that the planter in the south west corner could be replaced in the style of a "village gateway". This relates to drawing 103 rev PL01 SW Corner Gateway detail. We welcome the statement in the covering letter' from Avison Young dated 24th Feb that the developers would like to engage with the Parish Council about the design and layout, and would be happy to discuss ideas.
- 9) We welcome the additional landscaping and tree planting proposed for the southern boundary but note that the Turnpike residents in that area still have concerns about being overlooked, and about the views of the site from their houses and from the Grand Western Canal conservation area. We would like to see agreement reached with the residents on this matter.
- 10) A number of residents queried the original proposal that a cross be erected in central open space. We note that in the 24th Feb Covering Letter it is stated that a Notice Board will be placed there instead. We are pleased that the cross idea has been dropped in the letter, but note that it is still included in drawing 2182401-SBC-00-XX-DR-L-401 rev PL06, the Strategic Soft Landscape Plan, added on 14th March. We hope the cross will be removed from this plan. We also support the views of those residents who have mentioned that a sculpture or wood carving would be preferable to a notice board. Page 38 of the revised 'Design and Access Statement' dated 25th Feb still refers to a 'cross / stone monument'. This needs to be clarified.

Sampford Peverell Parish Council – 1st February 2022

The Reserved Matters application has been studied by all Members of Sampford Peverell and was the subject of extended discussions at the recent meeting of the Parish Council.

Sampford Peverell Parish Council wishes to record its objection to the application in its current state: although it has many good features, there are several changes and clarifications required before the Parish Council can support it.

The Parish Council is disappointed that gas boilers are being installed, and no solar panels are used, however it welcomes the energy-saving building fabric use and EV charging points. Whilst west-facing gardens are nice in the evenings, they are not so useful if the residents wish to install solar panels themselves, so the Parish Council would like to see more of the houses having roof slopes facing south.

Also, and very importantly, the Parish Council is not happy with the revised position of the LEAP (Play Area): there has been, and still is, a lot of trouble with anti-social behaviour in the play area opposite the village hall. The proposed play area is away from houses and in a green area surrounded by hedges and trees. It is felt, and the comments from the police would seem to agree with this, that the play area should be near to, and clearly overlooked by, housing so as to make it as safe for children as possible and to discourage anti-social behaviour. Furthermore, it is in an area marked as Green Infrastructure in the current Local Plan. The Parish Council believes that a play area should not be situated in this area.

Another matter of major concern is the proposed privacy hedge near 44 Higher Town. It will result in a loss of light to that house. The Parish Council would like to see some other solution proposed

which would maintain their privacy while not blocking their light. One Member has suggested that the land at that corner of the development could be lowered to allow more light to reach the cottage with the hedge still giving the same level of privacy.

The Waste Audit Plan does not mention public refuse bins. The Parish Council would like the positioning of these near to the public spaces such as the allotments, play area and seating areas. Will there be separate general and recycling bins in those places?

There is no information on the positioning of street- lights. Information on them should surely be included.

Doubts have been expressed to the Parish Council about the drainage system calculations. The Parish Council urges that these are checked. It is strongly recommended that The Grand Western Canal Country Park management team should be consulted on this issue. Also, has the impact of the additional 60 dwellings on the sewage system been taken into account? Frequent overflows of the local treatment plant into the River Culm make this river the eight worst for sewerage pollution in the whole country.

The site plan is not clear about the positioning of paths along, or crossings over, Turnpike. Until a document appears that details the highway and footpath plans for Turnpike, the Parish Council is unable to comment on highway safety issues. The pedestrian access to the site at the south-west corner may affect the existing large planter placed at the village entrance on the northern verge of Turnpike. If this planter is to be removed it must be replaced in the style of a "village gateway", with planters to replace that removed.

Historic Environment Team – 14th March 2022

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/31627h

I refer to the above application and your recent re-consultation. The Historic Environment Team have no additional comments to make to those made already, namely:

The consent granted for the outline approval (17/01359/MOUT) is conditional upon a programme of archaeological work being undertaken - Condition 6. To date the Historic Environment Team is unaware that the required archaeological work has been undertaken. As such, I would be grateful if you could make the applicant aware of the outstanding requirement to undertake the archaeological works in advance of any development commencing here.

Historic Environment Team – 24th January 2022

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/31627g

I refer to the above application and your recent consultation. The consent granted for the outline approval (17/01359/MOUT) is conditional upon a programme of archaeological work being undertaken - Condition 6. To date the Historic Environment Team is unaware that the required archaeological work has been undertaken. As such, I would be grateful if you could make the applicant aware of the outstanding requirement to undertake the archaeological works in advance of any development commencing here.

Devon, Cornwall & Dorset Police – 15th July 2022

Thank you for this application. Having reviewed the relevant information, I have no additional comments from a designing out crime and ASB perspective.

Devon, Cornwall & Dorset Police – 13th May 2022

Thank you for this application, having reviewed the relevant revisions, I have no additional comments at this time.

Devon, Cornwall & Dorset Police – 4th March 2022

Thank you for this application. The revised boundary treatment for the proposed LEAP is noted and supported.

Devon, Cornwall & Dorset Police – 24th January 2022

Thank you for this application, I have no objections in principle to the overall design and layout proposed, which will on the whole provide both, active frontages and good overlooking to the new internal streets and open space. The predominate use of back to back rear gardens is also noted and supported.

However, as there appears to be no mention within either the Design & Access or Compliance Statements of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where they have been 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 site wide boundary and plot separation treatments are noted and I welcome the intention to define private front gardens with for example, railings or planting.

If existing hedgerow and banking is likely to comprise new rear or side garden boundaries then it must be fit for purpose. They should be of both, sufficient height and depth to provide a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Rear access must also be secured with a lockable gate, fitted as flush to the building line as possible.

With regard to the indicated LEAP boundary treatment, from a crime and ASB prevention perspective, it would be preferable if this was replaced with open type fencing/railings and gates to a minimum height of 1200mm. This would allow for both, natural and casual surveillance from nearby dwellings and pathways and can help discourage casual entry, provide a safe clean play area and reduce damage to the equipment.

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, including any proposed future residential and community facility phases (school) and designed that it is convenient and practical to use thus reducing the level of any unplanned parking elsewhere throughout the development. 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.

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

Flood and Coastal Risk Management Team - 19th April 2022

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/00040/2022; dated 23rd March 2022), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. The applicant has defined which bodies shall be responsible for maintaining specific parts of the surface water drainage system.

Flood and Coastal Risk Management Team – 1st February 2022

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has proposed to manage surface water within a mixture of above-ground and below-ground storage. The applicant should assess further above-ground features to form a SuDS Management Train across the site. Above-ground features offer opportunities for treatment as well as interception losses. Rain gardens, swales and tree pits can be designed with various widths and depths as well as various planting types. The applicant should submit correspondence from South West Water to confirm that they will accept surface water discharge from the development at the proposed rates. It is not known whether previous discussions with South West Water were for the full site with attenuation strategy (the western area of the site was previously designed for infiltration). The applicant must submit maintenance details. The applicant should confirm the products proposed to form inlets from the proposed basins/swales into the attenuation tanks. The applicant should confirm how the northern footpath link shall be drained.

Highway Authority response – 28th April 2022 (with respect to latest revisions)

This proposal to not remove the bank does deal with concern regards the reptiles and is in line what was agreed at the Appeal. We had a meeting with the Developer yesterday, who has agreed to show this drawing with more detail for the S278 Agreement. They have also confirmed the pedestrian access in the South is no longer going to be moved and they are reverting back to approved location. The speed survey produced for the Outline Application does show the whole area of the main access and this proves the 85 percentile of speeds are in the region of 30 MPH therefore the access they have approval for is acceptable without the 30 MPH TRO in place.

Highway Authority – 31st January 2022

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

Natural England – 1st August 2022

Thank you for your consultation. Natural England has previously commented on this proposal and made comments to the authority in our email dated 25 January 2022, reference 380475.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England – 25th May 2022

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/localplanning-authorities-get-environmental-advice>

Natural England – April 2022

Natural England has been contacted by a member of the public who has raised concerns that some of the highways revisions may compromise the conditioned reptile mitigation, namely by the resurrected proposal to reprofile the embankment to the north of the barrier in the revised engineering layout.

Condition 22 at appeal stated – ‘The recommendations in the reptile mitigation strategy report undertaken by Ecological Surveys Ltd dated May 2018 are to be fully implemented and maintained during the course of development associated with the relevant area of the site as set out within the report’.

In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued [Standing Advice](#) to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development.

Specific advice for reptiles can be found at <https://www.gov.uk/guidance/reptiles-advice-for-making-planning-decisions>.

Further advice on protected species, over and above that covered by standing advice, will only be provided in limited circumstances such as where specifically requested. [Standing Advice](#) is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

Natural England – 15th March 2022

Natural England has previously commented on this proposal and made comments to the authority in our email dated 25 January 2022, reference 380475.

The advice provided in our previous response applies equally to these revisions/amendments, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Natural England – 28th January 2022

Natural England has no comments to make on this application.

Public Health – 25th July 2022

We have considered the revised documents and have no additional comments to make.

Public Health – 28th January 2022

Contaminated Land - No concerns - 26.01.22

Air Quality - No concerns - 26.01.22

Environmental Permitting - Not applicable - 26.01.22

Drainage - No concerns relating to foul drainage provision - 26.01.22

Noise & other nuisances - No concerns anticipated - 26.01.22

Housing Standards - House Type Teign - the stairs from the first floor do not provide a protected route to final exit, all bedrooms will need to have escape windows which provide escape to a place of safety. House Type Frome - the escape route from the bedrooms is via the kitchen/dining/living area and so are inner rooms which do not have a protected route to final exit all bedrooms will need to have escape windows which provide escape to a place of safety - 14.01.22

Licensing - No comments - 12.1.22

Food Hygiene - Not applicable - 13.01.22

Private Water Supplies - Not applicable - 13.01.22

Health and Safety - Not applicable - 13.01.22

MDDC Tree Officer – 25th July 2022

Following previous comments made 27/1/22. The arboriculture impact plan and tree protection plan still inform hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is now an increase of tree size standards to be planted on

site. This will provide greater instant amenity landscape in the short term. However, previous specification was still viewed as adequate.

The STANDARD OF OPEN SPACE LANDSCAPE MAINTENANCE & MANAGEMENT for first 5 Year informs there will be adequate after care of the new tree planting and opportunity to identify potential issue and resolve either by pruning or replacing.

As previous the proposal informs there will be a significant net benefit from an arboriculture standpoint.

MDDC Tree Officer – 12th May 2022

Information Provided/Reviewed: (REVISED 09/05/22) Soft Landscape General Arrangement Plan (Trees Only). Additional to prev. comments made on the 27-1-2022. Comments are only made to additional information following prev. comments.

In reviewing the Soft Landscape General Arrangement Plan (Trees Only) in addition to the Ecology Statement as previously reviewed. This further supports there will be significant tree planting proposed. There's a mix of woodland tree, shrubs along with specimen trees and orchard. Its felt the proposed tree planting will be of benefit not only to the proposed development but also the wider landscape too.

The proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Following tree planting that should be carried out in accordance with best practice. Each specimen and orchard tree should be prided with a hydration bag. For a period of three years all young trees should be watered, filling of hydration bags where fitted, by applying a minimum of 60 litres of water per visit with 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Prior to the a expiry of 5 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

Reason:

To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

The following British Standards should be referred to:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3998:2010 Tree work Recommendations
- c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations

- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
- i. BS: 8601:2013 Specification for subsoil and requirements for use

MDDC Tree Officer - 17th March 2022

Information Provided/Reviewed: Arboriculture Impact Assessment, Design and Access Statement, Ecology Statement, Heritage Statement, Tree Constraints and Protection Plan, Drainage Addendum and Site Location Plan.

The proposed development is located on agriculture land that's located to the west of Sampford Peverell and to the south of Higher Town. The site is genially void to tree cover. Long linear hedging are present along the external boundaries. The hedging is viewed as not significant feature in the wider landscape. Part of the hedging noted as H3 and H4 will require removal. This is viewed as not significant. The supporting Arboriculture Report does note to trees on the northern boundary. However, T1, an Ash tree is noted with Ash Die Back are requires removal for Arboriculture reasons only. In viewing Google Street View Image dated Dec. 2021 it is evident the tree is in terminal decline. T2, a Common oak tree is a significant distance from the proposal and will not be directly affected.

A Tree Protection Plan has been provided and show adequate protecting facing to trees/hedging being retained.

The Ecology Statement provided informs there is significant tree planting proposed. There's a mix of woodland tree, shrubs along with specimen trees. Its felt the proposal will be of benefit not only to the proposed development but also the wider landscape.

In summary the hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable subject to suitable replacement planting. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is a good level of tree planning proposed that is viewed as a net benefit.

MDDC Tree Officer – 27th January 2022

Relevant Tree Preservation Order/Conservation Area: N/A

Information Provided/Reviewed: Arboriculture Impact Assessment, Design and Access Statement, Ecology Statement, Heritage Statement, Tree Constraints and Protection Plan, Drainage Addendum and Site Location Plan.

The proposed development is located on agriculture land that's located to the west of Sampford Peverell and to the south of Higher Town. The site is genially void to tree cover. Long linear hedging are present along the external boundaries. The hedging is viewed as not significant feature in the wider landscape. Part of the hedging noted as H3 and H4 will require removal. This is viewed as not significant. The supporting Arboriculture Report does note to trees on the northern boundary. However, T1, an Ash tree is noted with Ash Die Back are requires removal for Arboriculture reasons only. In viewing Google Street View Image dated Dec. 2021 it is evident the tree is in terminal decline. T2, a Common oak tree is a significant distance from the proposal and will not be directly affected.

A Tree Protection Plan has been provided and show adequate protecting facing to trees/hedging being retained. The Ecology Statement provided informs there is significant tree planting

proposed. There's a mix of woodland tree, shrubs along with specimen trees. It's felt the proposal will be of benefit not only to the proposed development but also the wider landscape.

In summary the hedging/trees highlighted for removal to facilitate the proposal are deemed acceptable subject to suitable replacement planting. Adequate tree protective fencing has been identified informing the risk to retained vegetation is suitable mitigated. There is a good level of tree planning proposed that is viewed as a net benefit.

Conservation Officer – 15th March 2022

Thank you for consulting me on the above application. You will be aware of the two nearby conservation areas and the listed building and their relationship to the application site. There has been an appeal on this site which was allowed where the Inspector considered the heritage aspects of the proposal. I have read the heritage statement which accompanies this application, and looked through the proposal. I have no reason to disagree with the conclusions within the heritage statement which are found in section 6.

REPRESENTATIONS

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

Following consultation on the revised plans following the resolution of Members at Planning Committee on the 29th July to defer the application for further amendments/information, 4 letters of objection have been received objections summarised as following:

- Object to DCC's decision not to extend the speed limits around the Higher Town site.
- A section shows the relationship between 13D Paullet and plot 36, but not plot 37 which is even nearer.
- Plan Section B - B shows the elevation of the proposed footpath and vehicular access road to plot 36/37 which is such that pedestrian and drivers' eye level would be above the 1.8 m. boundary fence, therefore overlooking.
- The Soft Landscaping General Arrangement plan shows a proposed potentially large oak tree just metres from the property boundaries of 13D and 13C Paullet. This would block views and reduce light.
- The plans show a 'seating and community garden' area in close proximity to existing residents of 13D and 13C Paullet. The positioning of this 'gathering area' which brings people closer to the boundary, impacting on amenity.
- The applicant's agent says that the power company has said that the capacity is not available to allow this site to be an electricity only development. Evidence is required on which the agent's assertion is based and no evidence-based determination can be made until this has happened.

Prior to consideration by Members at Planning Committee, letters of representation from 20 objectors had been received with the objections summarised as follows:

- The applicant has engaged contractors to do a number of works to hedgerows around the site which is within the bird breeding season which is of great concern.
- The relationship between the approved highway works and what is now proposed needs to be assessed such as the SE access position.

- Significant additional planting, including trees, is required on the bank opposite the cemetery and along the southern boundary of the site.
- Whilst tree planting is proposed this is not structural tree planting as envisaged in the LVIA or tree screening as envisaged in paragraph 5.20 of the Heritage Statement.
- There is a clear gap between the proposed trees in front of the bungalow on plot 28, the consequence being that it's mass and scale will define the skyline and not be ameliorated in views from the Grand Western Canal Conservation Area.
- The list of constraints has failed to identify the revised location of the badger sett that the new survey has identified.
- The revised Design and Access Statement claims that the Grand Western Canal Conservation Area "has been considered in the design process". However that is untrue because it was not identified at all in the original Design and Access Statement and the addition of 7 trees is not integral to the design process.
- No material revisions to the built form, specifically on plots 28 and 29, have been proposed.
- Photographs submitted with original representation in January 2022 have still not been uploaded to the Council's website.
- Object to any proposal to create a visibility splay on the inside of the bend along the 'link road' between Higher Town and Battens Cross. This was not shown on the original engineering drawing submitted at reserved matters stage and would impact on reptiles.
- The plans show an 'attenuation area' (water-holding area) about half way along the south of the site. Reassurance is required that the developer has submitted all the necessary evidence to show that this will not overflow onto Turnpike or allow water to break through the banks nearby and spill over Turnpike.
- The play area has been placed at the top of very steep access routes, which may make it hard for children to access. Please could this be repositioned in the centre of the new site with better access?
- Condition 7 on the outline permission said that the footway into the village along Turnpike from the cemetery to the new crossing near canal bridge should be widened to 2m. Is this still the case?
- The development is positioned too close to neighbouring gardens and there is scope to increase the distance as the slope on the field also affects privacy.
- The developers have agreed to put a fence between the site and existing neighbours. It is unclear who will be responsible for the maintenance of the fence and boundary hedge.
- Neighbouring residents not wish to lose light due to erection of high fences/hedges along the boundary.
- Plot 37 is just 20 metres away from 13D Pullet. The floor level of this nearest building is 1.5 metres above 13D and the roof line will be some 8 metres above. It shows that there is still a serious privacy issue.
- Plot 36 on the plan is even nearer but not shown in cross section, why?
- The pedestrian access onto Higher Town looks too close to the building on the highway edge making visibility difficult.
- There is a drain easement allowing the high volume of water travelling down Higher Town to be removed from the highway and prevent flooding of properties lower down. It is not clear that the new arrangement for access on to the road will not affect this.
- The new access seems to be built out to enable visibility so reducing the road width which is already narrow at this point and removing parking.
- There will be no passing place along Higher Town and neighbours driveways should not be relied upon.
- The hedge suggested as affording privacy for 42-44 Higher Town is too close to the properties which are lower than the site and will remove the natural light.
- The path and play area result in a reduction of privacy to neighbouring properties.

- Question whether the play area is needed as there is a recently well developed play park in the village.
- The play park would give scope for anti-social behaviour due to its distance away from properties.
- The play park location appears to be in the green infrastructure which would not be an appropriate use of this part of green infrastructure in this rural development.
- The arrangements for street lighting are not clear. The area is very rural and benefits from almost no light pollution with dark skies which benefit local wildlife.
- Arrangements for the practicalities of building site access and hours etc. should be agreed as part of the application.
- Walking and cycling routes are not effectively laid out to encourage best use and optimise safety for pedestrians and cyclists.
- Installation of a cross in a new development at the upper outer edge of a ribbon village is probably not good practice.
- There doesn't seem to be much regard for utilising sustainable development practices e.g. solar heating. Installation of solar panels on roofs
- Impact on the living conditions of residents at 44 Higher Town from proposed trees likely to block views and result in blocking afternoon light.
- The applicant has gone to significant efforts to ameliorate the impact on the Eastern edge of the development, with bungalows, however this is not replicated on the southern boundary where the development would be overbearing due to the difference in elevation of the land. Bungalows should be considered along the southern boundary.
- The two-storey buildings at the north-east of the site (ie the two 'Lyne' dwellings and the Monmouth corner house) will be prominent features in views up the new north-east access from Higher Town. Their rooftops will dominate the skyline in ways that will change the character of the roadside setting of the Listed Building and other heritage assets.
- The Waste Audit Plan does not mention public refuse bins. I would like the positioning of these, near the public spaces such as the allotments, play area and seating areas.
- The map is not clear about the positioning of paths along or crossings over Turnpike
- The LEAP position will not be in line with the Inspector's comments addressing the character of the area from the access point in the North East corner as the play equipment will certainly make this access very different from residential driveways on Higher Town.
- The size of the LEAP seems excessive given the amount of houses it would serve from the development and if it is to serve the entire village there are concerns to the parking available for visitors and where they are positioned on site in respect to the play area.
- Plans show regrading work to the South-east access on land outside of the red edge.
- Outline Planning Condition 21 requires a re-survey for the presence of badgers at the site.
- The ecology survey provided to support the outline application is out of date.
- Concerns raised over Drainage into the Grand Western Canal.
- New large trees to be planted on the east side of the development would in time overshadow the nearby properties.
- Concerns over the types of trees to be planted, especially in the Community Orchard as trees are not local varieties and may not cope well with the climate and would not be bought from local nurseries. Please change the varieties for Devon ones.
- The positioning of the Community Orchard puts it in the shadow (from the south and west) from the new Woodland at WM2, in the south west corner.
- Why is the Green Infrastructure area to the north of the site not used more imaginatively? It would benefit from the Community Orchard being sited here, and the meadow grass used elsewhere on the site which would be more beneficial to wildlife than the 'Meadow Grass Rye Mixture'.

- The native hedge mix would benefit from the addition of Alder Buckthorn, to benefit wildlife (specifically, the brimstone butterfly).
- The Open Space Specification (OSS) should be placed on the reserved matters application and not the outline application.
- The use of herbicides as referenced in the OSS should be avoided and used only in extremis.
- At the inquiry it was mentioned that it would be safer for residents near Batterns cross to cross the road and walk along the south side of the new estate and not walk down the Turnpike. The current plans do not allow that given the position of private driveways.
- The gradients for pedestrian footpaths are all very challenging and the only path that is a cycleway is the one at the far east of the site.
- There are inconsistencies between the plans submitted.
- In relation to the Linked Canopy between the Severns, plots 48-51, what purpose does it serve and who would be responsible for maintaining it?
- In relation to plot 40, this creates a flying freehold which can be awkward to manage. Is this necessary?
- The S106 definition shows that the GI on the site is 'informal green space'. It cannot therefore include the 'formal' play area.
- A sign is required on gate accessing the wildflower meadow in the NE corner of the site to state land behind is not open for the public.
- Hope the plans will allow for the planter at Batten's Cross to be kept more or less in place, and perhaps signage and street furniture on both sides of Turnpike could mark the start of the village clearer, encouraging drivers to slow down.
- The soft landscaping detail as they are seriously deficient.
- The plans opposite number 26 Turnpike there appears to be a bin collection point instead of hedging. This increases the visibility from the development into the house and rear garden of No 26, the property opposite.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy and Procedure

The acceptability of the proposal, in principle, was established by the granting of outline planning permission. The main issues for consideration now concern the proposal's layout, scale, appearance and landscaping with the access arrangements into the site having already been approved as part of the outline planning permission and the site being within the settlement limit and allocated under policy SP2.

Outline Planning Permission 17/01359/MOUT was approved subject to the signing of a S106 agreement which secured the following:

1. 30% affordable housing (18 dwellings);
2. 5% self-build housing (3 plots)
3. Financial contributions towards early years and secondary education and secondary school transport
4. Public open space/LEAP to be provided in accordance on site and for maintenance to be undertaken by an appropriate management company
5. Retention of Green infrastructure located to the North of the site and the Green buffer area shown on the Indicative plan to the east of the site. A management plan to protect the future of the GI space and the Green Buffer zone from future development.
6. Submission and implementation of a travel plan to reduce the reliance on private motor vehicles.

7. Provision of off site highway works

A number of comments received throughout the planning process relate to matters covered through conditions of the outline planning permission. Those which relate to agreed off site highway works require submission of further information and these works do not form part of the reserved matters submission although commentary has been received from the applicant on certain highway matters in response to some concerns raised and these points are addressed later in the report.

It should be noted that the submitted plans, landscaping details and engineering plans, Tree Protection Plan and Arboricultural Method Statement cover the additional information sought pursuant to Condition 4 of the outline permission. With respect to compliance of other outline conditions, plans have been submitted as part of the reserved matters which address condition 5 (20% of dwellings to meet Part M4 (2) Category 2): Accessible and Adaptable Dwellings) and condition 26 (60 dwellings to be restricted to within the residential area identified on the Sampford Peverell Adopted Policies Map). The Lead Local Flood Authority are content with drainage information submitted which were conditioned at outline stage.

Whilst a number of conditions have been complied with through the submission of the reserved matters application, the following conditions have been discharged by the local authority through discharge of condition application:

Condition 6 - The implementation of a programme of archaeological work for the entire site to be secured in accordance with a written scheme of investigation and timetable for implementation. The Historic Environment Team has confirmed that the WSI is acceptable and the approach to be taken.

Condition 16 - A programme of percolation tests for the whole site to be submitted and approved. Groundwater monitoring results have been supplied to the Local Planning Authority to address this matter and the Lead Local Flood Authority confirmed that they had no objections to the discharge of condition 16 as a result of this information provided.

Condition 17 – Approval of full results of a groundwater monitoring programme across the site for a period of 12 months. Again the Lead Local Flood Authority considered the details associated with condition 17 and raised no objections.

Condition 23 – Submission of a site investigation and risk assessment to determine the nature and extent of any land contamination. A report prepared by Hydrock was submitted which the Councils Environmental health officer considered and concluded that the site was largely undeveloped prior to this approval and the report findings are that there are no contaminants of concern that would not be removed during oversite works. This condition was discharged and as a result, conditions 24 and 25 of the outline permission would not apply.

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

Conditions 7 – 11 relates to various highway works and the requirement for details to be submitted and approved.

Condition 12 - No commencement until a Construction Management Plan has been approved.

Condition 13 - Details to be approved for estate road and other highway works and carried out prior to commencement on site.

Condition 15 - No commencement until a temporary surface water drainage management system to serve the development has been implemented and is operational.

Condition 20 - No street and/or external lighting of public areas shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Condition 21 - No commencement until the site has been re-surveyed by an appropriate person for evidence of badgers. An updated report shall be submitted to and approved in writing by the Local Planning Authority.

The site is allocated within the adopted Local Plan 2013 – 2033 under Policy SP2. 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 no more than 60 dwellings with 30% affordable housing, landscaping and design which respect the setting and character of the area, conservation area and listed building, provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance, mitigation of any wildlife impact including protection of hedgerows, archaeological investigation and appropriate mitigation, 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and improved access to the village for pedestrians and cyclists. 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
- Impact on amenity, the character of the area and the setting of heritage assets
- Affordable Housing Provision (Tenure mix, Layout and Design)
- Access, 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. 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.

Sampford Peverell is identified as having a 'Linear' settlement typology within the adopted Mid Devon Design Guide Supplementary Planning Document. This is one of the most common settlement forms across Mid Devon although it exists in a variety of topographical situations which require a variety of design approaches in order that the settlement form maintains its integrity. A

primary objective of design is to maintain the continuity of built form along the main route. Towards the centre, buildings are positioned immediately against the back of the pavement, or at the edge of the carriageway if no pavements, to increase the sense of enclosure and linear form; routes leading off of the linear form should be overtly secondary with discrete junctions. The site access is from the west boundary of the site (as established via the outline planning permission) with footpath connections to Turnpike and Higher Town which helps connectivity throughout the development. The proposed layout is consistent with the principles enshrined within the Design Guide SPD.

As an Authority, we actively encourage applicants to pursue review of their schemes (pre-application) with the Design Review Panel. This is a panel of multi-disciplinary professionals (architects, urban designers, landscape architects etc) who offer design critique together with guidance and suggestions with a view to raising the standard of design in the South West. With regards to this application, the proposal has undergone pre-application discussions and have been reviewed by a Design Review Panel. As part of this process Panel members visited the site and surrounding area before reviewing the design proposal and discussing them with the design team and the local authority. The Design Review Panel is an independent panel of experts which provide impartial design advice on design proposals.

A draft site layout was built on the analysis work undertaken as part of this application and the original plans submitted with the Outline Planning Application. The Design Review Panel and officers at MDDC made a number of suggestions in relation to the design of the scheme covering points such as road widths, planting structure and the straightness of the main street having had a more suburban character, which could benefit from referencing more of the existing informal urban grain of the village. The Panel was concerned that the main street lead to nowhere, and would ideally connect to the east back to the village. Therefore a connection to the north east corner could be looked at as desire line link to the village. Also to reduce the amount of highways infrastructure around the village green and to look at swapping the LEAP for the community orchard, as the play area would be on route to the village school.

As outlined within the Design and Access Statement, the final layout aims to address the comments made at the Design Review Meeting with the following key changes being made:

- More variety and informality has been introduced into the street and planting structure referencing the character of the village.
- Terraces have been added along the main street to vary the roofscape and add density to the central character area.
- The proposal for the removal buffer of planting along the southern boundary has been looked at, and more visual breaks have been introduced to allow views into and out of the development.
- The route of the main street has been altered to follow the desire line to the north east corner of the site leading back into the village centre. Additionally, along the main street key buildings have been added to terminate key views.
- The village green has been relocated further to the east along the main street linking back to the village centre to the north east.
- The community orchards and LEAP have been moved.
- Leftover green space in the north west corner has been included within the gardens.
- New woodland planting has been added on the sites western boundary.
- The parking provision has been reviewed and designed to meet MDDC parking requirements.

In addition to the guidance given from the Design Review Panel, pre-application feedback was given by officers which also highlighted a number of points to be addressed. These included to

review elevations treatments and size of affordable housing to see if they can be enhanced, to consider the location of the 3 self-build units and the impact of construction on neighbouring properties, to consider the impact on long distance views from the proposed boundary treatments due to the sloping nature of the site and to consider the provision of inclusive play equipment within the LEAP. As a result the affordable housing has been designed to comply with National Described Space Standards, the elevation treatments used on narrow fronted dwellings have been selected to reference the character of similar dwellings in the village, a separate construction access will be provided to the three self-build dwellings to ensure surrounding neighbours are not disturbed by construction traffic. Inclusive play equipment is also to be included in the area of play to be provide on site.

The area for the 60 dwellings has been restricted to within the residential area identified on the Sampford Peverell Adopted Policies Map in the Mid Devon Local Plan 2013-2033. With respect to the layout and scale, it is considered that there would be strong desire lines through the scheme, helping to link with existing local facilities and open spaces. There will be a legible perimeter block form that responds positively to the site's topography and the built form has been arranged in a manner respectful to the existing neighbouring properties with residential development having been pulled away from the conservation area to protect its rural setting. Revisions have been made throughout the planning process to address concerns of neighbouring residents to improve the relationship of the development with neighbours. This includes those recently made as a result of the last committee meeting, including reduction further in heights of properties, relocation of the play area and further planting.

The application site comprises approximately 4.3 hectares of land to the west of Sampford Peverell although over 2 hectares is allocated for green infrastructure. The proposed development of 60 dwellings comprises a mix of single and two stories, with density across the site being approximately 30 dwellings per hectare. 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.

In terms of the sustainability credentials of the properties, the strategy follows a 'fabric first' approach to constructing energy efficient buildings with insulation standards, thermal bridging and air leakage all improved beyond the levels required for Building Regulation Compliance. Electric charging points are also proposed to be installed within garages of the dwellings. With respect to requests to consider electric rather than gas boilers, unfortunately the applicant was informed by the power companies that there wouldn't be capacity to achieve this and there is no adopted policy within the Local Plan to require this.

Finally there is a requirement for 20% of all the dwellings approved to be constructed to meet the requirements of Part M4 (2) Category 2: Accessible and Adaptable Dwellings of the Building Regulations 2010 (as amended 2016). The submitted plans 'Part M Category 2 Layout' and 'M4 (Category 2) Compliance House Types Severn, Avon and Budleigh Floor Plans' demonstrate the proposals comply with this requirement. 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.

As far as Green Infrastructure and Biodiversity are concerned, there would be a significant amount of new tree and hedge planting which would ensure a green leafy residential environment achieving softer transformation into open landscape. A tree lined primary street with drainage rill will be created forming a green spine to the development and a green gateway is to be created into the development, with stone dressed Devon Hedgebanks, public green space and a community orchard. The green space located around the edge of the built environment has been designed so it creates a joined up network of on and off site green infrastructure and wildlife habitats. Areas of new open spaces are carefully integrated with sustainable drainage proposals and informal play spaces. A landscape green wedge has been provided along the existing urban edge of the village, which acts as buffer between the development and the adjoining properties and conservation area. The setting of the nearby listed buildings will be protected through the adjacent green corridor created.

Visual mitigation of the site will be achieved by utilising a series of west to east tree and hedge belts. The Council's Arboricultural Officer has commented that the Ecology Statement provided informs there is significant tree planting proposed. There is a mix of woodland tree, shrubs along with specimen trees. It is felt the proposal will be of benefit not only to the proposed development but also the wider landscape. Conditions to secure landscaping and maintenance of the planting have been recommended as discussed in detail above.

A new village green and shared space square has been created to form the focal point of the development with a proposal for a village cross as a focal point changed to a notice board following complaints received. The village green will be linked to the wider green network via a series of green corridors and following the resolution by Members now include an area of play. As commented upon earlier, taking the advice from Design West Design Review Panel (October 2021), the proposed LEAP was relocated to the north east of the site, nearer the proposed north eastern pedestrian link and better integrated with the pedestrian desire lines to the local school. However, following concerns of Members and nearby residents the formal LEAP has been moved and altered to less formal play equipment integrated into the landscape alongside the cycleway proposed. The position of the LEAP, village green, allotments, wildflower meadows and woodland planting all relate to the application site context and would add to the visual amenity of the area and the sense of space within and around the development.

The LEAP now proposed would be approx. 250 square metres, reduced down from the previous formal play space proposed and is split between the village green area and alongside the cycleway in the form of a Trim Trail. It is considered that play spaces are to be an adequate distance from neighbouring properties with no objections from Devon, Cornwall and Dorset Police with the position of play equipment meeting appropriate standards. The play spaces will also include inclusive play equipment so that it is accessible to all.

On the matter of ecology, the Ecology Statement details relevant ecological avoidance, mitigation and enhancement measures proposed for the development. These measures are considered suitable to ensure the proposals comply with Policy DM26 of the Mid Devon Local Plan (2020) and Paragraph 180 of the National Planning Policy Framework (2021). The Ecology Statement has been made with reference to the 2018 ecology report that was submitted with the outline planning application¹; the appeal decision planning conditions; and feedback on initial design iterations from the Design Review Panel and Mid Devon District Council.

Conditions to secure bat and bird boxes, in addition to a scheme of soft landscaping, can be imposed at this stage and would help to mitigate against the loss of an undeveloped site. As the final details for the dwellings has been provided through this reserved matters submission, a

further condition has been imposed on this reserved matters application to require final details for the scheme for bat and bird boxes to be provided on site.

It is considered that the provision for open space and green infrastructure has been designed in appropriately to maximise the attractiveness, safety and overall quality of the development. Planning obligations were secured as part of the S106 agreement completed at outline stage to control the ongoing maintenance of onsite open space with an Open Space Specification (OSS) to be agreed upon. An OSS has been submitted which has been linked to the outline application given that it is a requirement of the S106 agreement. Concerns raised by objectors to this document have been noted with final sign off of this document still to occur at the time of writing this report. For the reasons outlined above, it is considered that the proposal complies with policies S5, S9, DM1 and DM26 of the adopted Local Plan 2013 – 2033 ensuring an appropriate delivery of wildlife mitigation, landscaping, green infrastructure and public open space.

Impact on amenity, the character of the area and the setting of heritage assets

With respect to the living conditions of the occupiers of nearby residential properties, Paragraph 130 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.

This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential dwellings and orientation of windows and separation distances involved to existing neighbouring properties is such that it is considered that the residential development has been designed to be in accordance with these two policies. The plans have been revised to address the outlook from properties 40-46 Turnpike, with an area of wildflower meadow to be positioned adjacent these properties with a post and rail fence to allow for a more open skyline.

Another original concern raised by residents along Higher Town related to the position of the LEAP and proximity to neighbours but the Locally Equipped Area for Play (LEAP). As noted earlier in the report, the plans have been revised to reduce the amount of play space and to move an area to the village green and for Trim Trail adjacent cycleway further away from existing residential properties. Details of the LEAP design have also been included within the updated Design and Access Statement. A condition has been recommended to agree the final details of play equipment in the LEAP.

A concern was raised to the heights of dwellings along the southern part of the site given the difference in land levels to the road and properties along Turnpike. Revisions were made to the

built form along the southern boundary to incorporate a bungalow within Plot 13 reducing massing facing the neighbouring properties on the immediate opposite (southern) side of Turnpike with Plot 54 located further into the site which previously incorporated a bungalow now incorporating a two-storey dwelling. Further landscaping has been proposed along the southern boundary of the site, to the south of Plots 19, 28 and 29.

Whilst there would still be two storey properties proposed along the southern part of the site which would be at a higher level than neighbouring properties on Turnpike, it is considered that the distances would be such (over 30m in all cases) that there would not be significant overlooking and additional planting will help with screening and softening any impact. Therefore a condition to remove permitted development rights from properties has not been considered necessary but Members have the ability to impose one if they feel differently.

Consideration of a reduction of height of plots 57 and 58 was considered in light of comments made at Planning Committee. Revised plans have been provided where the plots have been lowered by 400mm. It is considered that the installation of bungalows instead of 2 storey houses on these plots would not fit in the street scene. The dwellings on these two plots would be some 47m away from the neighbouring property it is considered that there is sufficient separation. Nonetheless, to improve the visual separation between the existing and proposed built form, extra trees have been proposed.

Turning to the wider character of the area and potential impact on the setting of heritage assets, in coming to a decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. With respect to conservation areas, in coming to a decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

The boundary of Sampford Peverell Conservation Area immediately abuts the site to the east. The Grand Western Canal Conservation Area is located in close proximity to the site to the south of Turnpike. No. 42 Higher Town, a Grade II listed building, is located to immediately to the north east of the site. The relevant policy within the Mid Devon Local Plan 2013-2033 would be that of DM25 (Development affecting heritage assets).

Policy DM25 - Development affecting heritage assets states that '*Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:*

- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;*
- b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;*
- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;*
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and*

e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).'

At pre-application stage the lowering of the pedestrian link to the north east was noted and reference to pedestrian/cycle paths having a gradient of 1:12 with the Conservation Officer advising that section plans would be required with the main submission which have occurred. A Heritage Statement has been submitted as part of the application with the conclusions agreed upon by the Conservation Officer, raising no objections to the development, confirming that he agrees with the conclusions of the submitted heritage statement, in that there would be no change to the significance of the nearby Conservation Areas, and negligible change to the significance of the grade II listed 42 Higher Town.

A matter for consideration given the sloping nature of the site relates to boundary treatment. The types of boundary and materials shown are considered acceptable in principle and have been conditioned. Policy DM1 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. In addition to this new housing should be designed to deliver high quality, taking account of context, local character, density, and land use mix.

Subject to the use of the aforementioned conditions, overall, it is considered that the proposed development would not result in significant harm to the character of the area. In terms of its visual impact, the proposal is considered to be in accordance with Policies S1, DM1 and DM25 of the Local Plan.

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.

The Section 106 obligations have been factored into the proposals submitted as part of this Reserved Matters application. As such 30% (18 no.) of the dwellings are proposed as Affordable dwellings and 5% (3 no.) are proposed as Self Build Land/Plots. These dwellings are shown most clearly on the Site Layout Plan and the Affordable Housing Layout Plan. The tenure and mix of the Affordable Dwellings has been established following engagement with MDDC's Principal Housing Enabling and Forward Planning Officer. With respect to the proposed siting of the Self Build Plots, the Construction Management Plan (CMP) required by Condition 12 of the outline planning permission would provide detail of the access and compound area for the construction of the 57 dwellings delivered by Edenstone Homes and would also cover the construction arrangements for the three Self Build Plots to demonstrate that the proposed location for these Plots is deliverable, feasible and appropriate.

Having regard to the demand data available for Sampford Peverell, 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. It should also be noted that 6 no. of the Part M4 (2) Category 2: Accessible and Adaptable Dwellings are affordable units and across the mix of affordable rented and intermediate housing

The proposed dwellings would provide an adequate standard of living accommodation and private amenity space for the enjoyment of future occupiers. Given the relationship between the proposed dwellings and existing neighbouring properties, it is considered that there would not be

unacceptable harm to the amenities of neighbours, or the proposal's future occupiers, in terms of outlook, privacy, or access to natural light. The proposal is considered to be in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

Access, Parking and EV charging provision

Policy DM1 of the Local Plan states that new development should be safe and accessible and Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided. The access points into the site are in the same positions agreed at outline stage. In terms of access across the site, in light of concerns raised at Planning Committee to the use of 8% gradients for the pedestrian/cycleway, the scheme has been amended to be no more than 7% and a 5% pedestrian link has now been provided in place of the stepped access originally proposed. Whilst it is noted that the gradient of the cycleway is above 5% as outlined in guidance for cycleway, the original 8% gradients were previously accepted by the Local Highway Authority. A 5% gradient would represent a 1m rise across a length of 20m whereas the 7% gradient would represent a 1m rise across a length of 15m. In order to comply with a 5% gradient cycleway across the site from the southern to northern access point would require a series of ramps and platforms which would zig zag across the site which in the view of officers would be detrimental to the landscape and views from the conservation area and therefore the pedestrian/cycleway links need to be balanced against the benefits of the scheme.

Clarification was requested from the Local Highway Authority on the matter of gradients early in the planning process when 8% sections were proposed. They responded that they were aware of the gradients of the internal footway/cycleways and that the highway officer and his Agreement Officer had agreed these gradients subject to there being landing points along these footway/cycleways. The Senior Agreements Officer is ensuring these landing areas are included in the S278 Agreement drawing to ensure this is carried out. Therefore no objection was received from the Local Highway Authority on the matter. The Consultants for this development have confirmed that this development will not put forward to be adopted by Devon County Council and therefore this site will be subject to Advance Payments Code (APC) to ensure it built to an acceptable standard rather than an adoptable standard. APC forms part of the Highways Act 1980 (Sections 219-225). The Code secures payment of the costs of street works in private streets adjacent to new buildings. This ensures the street works authority (Highway Authority) can complete the roadworks if the builder is unable to complete them. A highways maintenance plan has been submitted outlining which sections would be maintained by a management company.

Drawings have been submitted to demonstrate how the proposed paths and routes through and across the site will connect with the off-site highway improvements approved as part of the outline planning permission 17/01359/MOUT and the proposals incorporate Devon hedge banks as requested by MDDC's Conservation Officer.

Amended plans detail that the existing planter to the south west of the application site is proposed to be relocated to facilitate the off-site highway improvements in this area. The applicant has advised that they are keen to engage with Sampford Peverell Parish Council in respect of the final design and layout of the planter and would accept a condition attached to any Reserved Matters Approval granted requiring further details in relation to this element of the proposals to be submitted for further discussion and approval should Members feel this is necessary.

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. Car parking provision follows the guidelines established in the Provision of Parking in New Development SPD, June 2013 and Policy DM5 whereby there is a requirement

for 1.7 parking spaces per dwelling, 1 or 2 bed dwelling storage for two bikes, and for 3+ bed dwellings storage for four bikes, 1 EV charging point per 10 units and 1 visitor space for every ten dwellings.

Car parking provision has been catered for in a variety of ways, including on plot via driveways, limited on-street and small rear parking courts. Where small parking courts have been used they have been designed to ensure they are overlooked with active edges, and enclosed with brick screen walls to protect residents' amenity. Visitor parking is incorporated into the scheme. Visitor bays have been provided on-street adjacent to the allotments/community garden so that residents of the development and the village can easily access these community assets. It has also been stated in the Design and Access Statement that a number of the visitor parking spaces will be equipped with EV charging points along with most of the dwellings with electric charging for in curtilage parking provided to all garages. In terms of EV charging points the total of units being provided is 39 (to private sale garages) plus an additional 3 which are the self-build plots number 55, 56 & 57. A condition is recommended to provide the final details for electric charging points across the development for both occupiers of the new housing with the EV requirements under Policy DM5 would be met.

Within the development 20% of the dwellings have been designed to comply with Building Regulations M4 Part 2, as required by planning policy. For these units, 3.3m wide parking spaces have been provided or space allocated to enable spaces to be made 3.3m wide. 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 (LLFA) has confirmed that they have no in-principle objections to this application. The LLFA were satisfied with the details submitted, subject to confirmation regarding who will maintain the surface water pipework, attenuation tanks and filter drains and a request that the filter drains serving the footpaths were detailed on a plan. The requested filter drain detail was added to the Engineering Layout and Drainage Maintenance plans and the submitted Maintenance plan also states who will be responsible for maintaining the sustainable drainage features, pipework and cellular attenuation.

In addition to the above, to address comments received from the LLFA through the planning process, swales have been designed and incorporated along the frontages of Plots 5 – 10 to increase sustainable drainage green infrastructure within the scheme design. An updated Drainage Strategy Addendum has been included to include South West Water correspondence as requested by the LLFA and to reference how surface runoff from the footpaths to the wider highway network will be avoided through the incorporation of a filter drain along one edge of the relevant routes. A Sustainable Drainage SUDS Management Regime document also accompanies the planning submission as requested by the LLFA.

Refuse Storage

Policy DM1 is clear that development should provide suitable external spaces for recycling and refuse. The Parish Council has identified that they would wish to see bins serving the public open space areas. 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). A condition has however been recommended to deal with bin storage and maintenance in the long term due to concerns raised by the members of planning committee.

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. As commented on earlier in this report, the applicant has investigated whether the homes could be electric rather than gas boilers but the power companies has advised that the capacity is not there to achieve this.

Consultation on Health and Safety

In response to comments received from MDDC's Public Health team it is relevant to note that all two storey units proposed have been designed to incorporate appropriate means of escape at first floor level.

Planning Balance

This is a Reserved Matters planning application for the construction of 60 dwellings (including 30% affordable housing (18 dwellings) and 5% self-build housing (3 plots)), with public open spaces, landscaping and associated infrastructure. The application has previously been the subject of an outline planning application (Application No. 17/01359/MOUT).

The proposed development provides a net density of approximately 30 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.

Revisions have been made following consideration by Members such as through a realigned cycleway link sited further away from north east neighbours and gradients have been reduced to 7%. The levels of the cycleway adjacent to the listed buildings have also been reduced. The previously proposed LEAP has been reduced in size and relocated, with play equipment for younger children now proposed within the central open space along with seating and tables, to form a picnic area. A trim trail including inclusive play has been added as part of the cycle link and waste bins added to communal areas. 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.

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

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on this decision notice.
2. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, drawings numbers 2182401-SBC-00-XX-DR-L-404 Rev PL10, 2182401-SBC-00-XX-DR-L-405 Rev PL08 and 2182401-SBC-00-XX-DR-L-406 Rev PL11, 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 10 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 proposed tree planting will need to be afforded suitable aftercare to ensure successful establishment. Tree planting that should be carried out in accordance with best practice following British Standards:
 - a. BS: 3882:2015 Specification for topsoil
 - b. BS: 3998:2010 Tree work Recommendations
 - c. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f. BS: 5837 (2012) Trees in relation to demolition, design and construction Recommendations
 - g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h. BS: 8545:2014 Trees: from nursery to independence in the landscape Recommendations
 - i. BS: 8601:2013 Specification for subsoil and requirements for use

Each specimen and orchard tree should be provided with a hydration bag. For a period of three years all young trees should be watered, filling of hydration bags where fitted, by applying a minimum of 60 litres of water per visit with 14 visits per season during the spring and summer. Stake and ties should be reviewed at every second visit and adjusted appropriately and combined weeding carried out. After three years where a tree have been staked and tied these should be removed. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Prior to the a expiry of 10 years where dead, dying, severely damaged or diseased trees are to be replaced a review of the tree stock should be carried out by the council with a view to a Tree Preservation Order being placed to ensure long-term protection.

4. The development hereby approved shall not be occupied until refuse/bin storage facilities have been provided in accordance with the refuse and cycle strategy plan, drawing no. 108 Rev. D. Details shall be submitted to and approved by the Local Planning Authority to include

proposals for maintenance and management of the refuse storage areas and provision of bins to serve the public open spaces on site. Once provided the approved facilities shall thereafter be retained.

5. The materials to be used for all the external surfaces of the buildings and external ground finishes shall be those as agreed and shown in the materials layout detailed on the submitted plan Drg. No. 102 Rev. D. The work shall proceed in accordance with the approved materials.
6. The development shall not be occupied until the Locally Equipped Play Area has been provided in accordance with the details which have first 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. Once provided the approved facilities shall thereafter be retained.
7. The proposed new residential development shall include electric charging points for electric vehicles, accessible to residences and visitors, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policies S1 and DM5. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed.
8. Prior to the first occupation of the dwellings hereby approved, bat and bird boxes shall be installed in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved measures shall be retained indefinitely. This scheme shall be in accordance with the recommendations and opportunities for enhancement recommendations outlined within the Ecology Statement dated 23rd February 2022 prepared by EAD Ecology which outlines that bird boxes/bat tubes need to be integrated into some of the new residential dwellings. The ecology summary within this document outlines the mitigation and enhancement measures which need to be carried out as part of the development.
9. A phasing plan for the construction of the development shall be submitted to the Local Planning Authority prior to above ground works associated with the house building in the first phase being undertaken. Prior to the occupation of the first open market dwelling within the phase that contains the self-build plots, a marketing strategy for the self-build plots shall be submitted to and approved in writing by the Local Planning Authority. No more than 50% of the open market dwellings within the phase that contains the self-build plots may be occupied until the self-build plots have been fully serviced and made available for sale.

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, and DM1 of the Adopted Mid Devon Local Plan 2013 - 2033.
3. To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

4. In the interests of local amenity in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
5. 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.
6. In the interest of creating a safe and inclusive play area for residents and visitors.
7. To ensure that the development is resilient and sustainable in accordance with Policies S1 and DM5 of the Mid Devon Local Plan 2013-2033 and the provisions of the National Planning Policy Framework.
8. In the interests of ecology in accordance with Policy S9 of the Mid Devon Local Plan 2013-2033.
9. For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

You are advised that, unless expressly indicated, nothing within this approval effects or varies the conditions imposed on outline planning permission no.17/01359/MOUT.

If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required.

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of development for 60 dwellings on site is already established by the granting of outline planning permission 17/01359/MOUT. 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. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, heritage assets, the environment including flood risk and protected species and/or the amenities of local residents within the locality. The proposal is therefore in accordance with Policies S1, S9, SP2, DM1, DM5, DM25 and DM26 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.

Application No. 21/01420/FULL

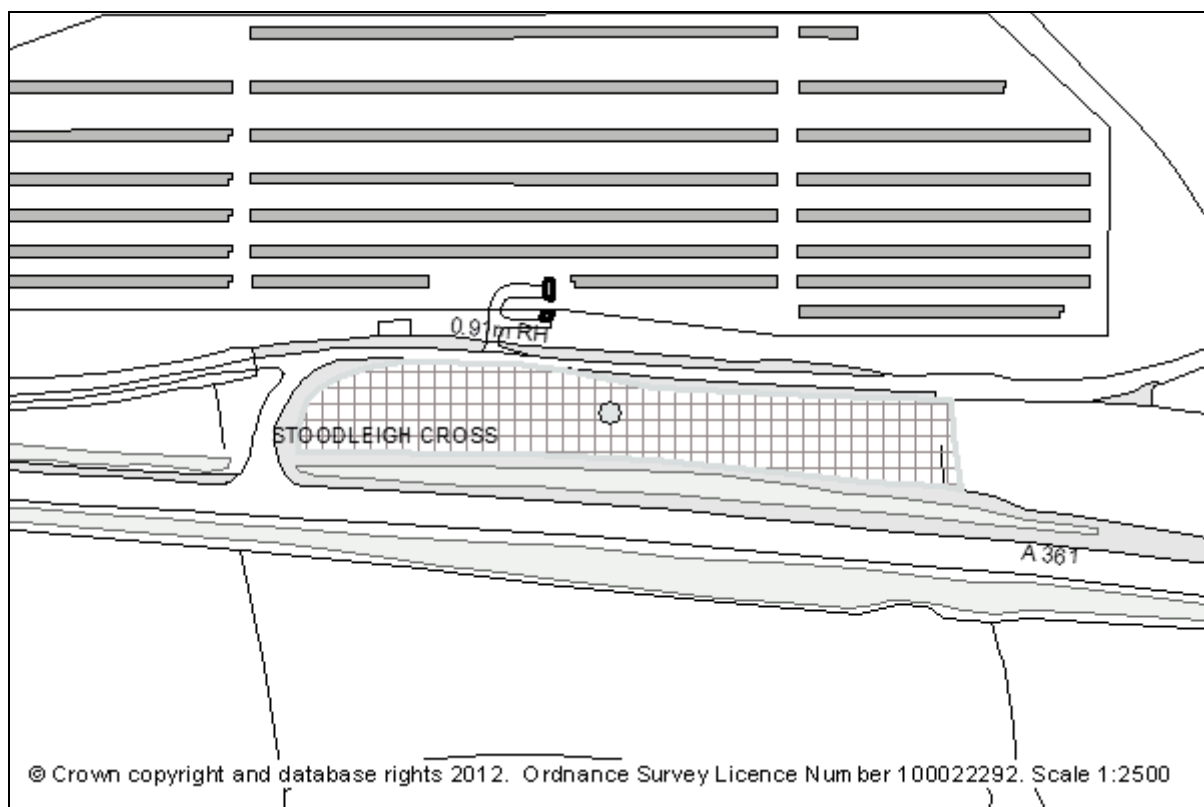
Grid Ref: 289870 : 116865

Applicant: Mr C Kefford

Location: Land at NGR 289870 116865
Stoodleigh Cross
Stoodleigh
Devon

Proposal: Erection of an agricultural building, polytunnels and raised beds, septic tank and provision of new vehicular access

Date Valid: 11th October 2021



APPLICATION NO: 21/01420/FULL

Update

This application was considered at the Planning Committee meeting of 13th July 2022, where it was resolved that the application be deferred for a full committee site visit to determine compliance with Local Plan policies S14 and DM20, specifically:

- If the application preserved and enhanced the character, appearance and biodiversity whilst promoting sustainable diversification of the rural economy.
- If the application was sensitively located to limit any adverse effects on the living conditions of local residents, was well designed and respected the character and appearance of the area.

The full committee site visit took place on Wednesday 3rd August 2022.

MEMBER CALL-IN

Called in by Cllr Andrew Moore, in order to consider the potential impact of the proposed development on the character and amenities of the area.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of an agricultural building, polytunnels and raised beds, septic tank and provision of new vehicular access.

The applicant seeks planning permission for the erection of a range of agricultural buildings in relation to the proposed development of an agricultural smallholding on the site. The proposal comprises the provision of an agricultural building with space inside for storage, washing and boxing, as well as a WC, two polytunnels, a small tool shed, chicken coop with run, goat shed with run, heated greenhouse and raised beds. The proposal also includes the provision of a septic tank to service the toilet facilities and creation of a new central access with hard surfaced parking and service area.

The site comprises a long field of approximately 1.5 acres (0.6 hectares), at Stoodleigh Cross. It is sited between the A361 and a classified 'C' road, which provides access from the A361 towards the village of Stoodleigh, which is a little over 2km to the north east. Blatchworthy Solar Farm, a 1.5MW solar farm, covering an area of just over 5hectares is located on the field immediately to the north, on the opposite side of the public highway. The site is bounded by native species hedgerow to the south, east and west boundaries, and a bank to the north.

Some unauthorised development has taken place on site, with an unauthorised access made to the western end of the field, associated compacted stone surface, the erection of associated fencing and gates, and the provision of storage containers, which are currently being used for the storage of materials to be used in relation to the proposed development. This application does not seek to retain those unauthorised works. Furthermore, during the course of the application, the scheme has been amended to omit a proposed mobile home and kennels building, and reduce the size of the proposed storage building.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan, block plan, proposed floor plans and elevational drawings, planning statement, wildlife trigger list, preliminary ecological appraisal, soakaway report, foul drainage assessment form

RELEVANT PLANNING HISTORY

No relevant history

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 DM3 - Transport and air quality

Policy DM20 - Agricultural development

National Planning Policy Framework

CONSULTATIONS

STOODLEIGH PARISH COUNCIL - 01/11/21

Stoodleigh Parish Council strongly opposes this application. We consider it to be undesirable and unjustified development in open countryside. We consider the site wholly unsuitable for the intended operation with no mains water, electricity or drainage. The applicant has not provided any information to support the viability of the proposed business operation. We believe that the Application is misleading in stating that the boundary fence will use "existing fencing in the form of fencing 2 metres high clad in 22m treated wood with 4 inch posts". This is only existing fencing as such, as we understand as the result of fencing carried out earlier this year when a new entrance to the site was formed when development was carried out. The proposed two metre high fence will be totally out of character with the surrounding countryside. We believe that if this application is approved it will set a precedent leading to sporadic development in open countryside and we urge you to refuse it.

29.03.2022

Stoodleigh Parish Council unanimously object to the revised plans. The apparent removal of the breeding kennels from the amended application has failed to alter the council's opinion that the site is a detriment to the countryside at present, with the accumulation of waste material and other equipment. The surrounding roadside hedge has been removed in places to provide vehicular access and replaced with high wooden fencing. Work has commenced without approval.

The points raised in our first objection still stand.

25.05.2022

At the meeting of Stoodleigh Parish Council 23rd May, it was resolved that, the Local Planning Authority be advised that the latest objection is based on the following grounds:
the revised plans show that the proposed agricultural building is to contain a WC, but there is no information about arrangements for foul drainage as the septic tank is now omitted from the latest plan; the revised plans refer to vegetable washing in the agricultural building but again no arrangements for drainage; an unauthorised access and road has been constructed at the western edge of the field, along with the positing of various units nearest the A361 junction but no information is given about returning this area to its original field use, reinstatement of the bulldozed bank and removal of unauthorised fencing and units; the revised plans propose a new access halfway along the field; this should involve reinstatement of the hedgebank for the two entrances which are no longer required.

HIGHWAY AUTHORITY - 25/10/21

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

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

This proposal will create more trips through this access and the applicant will need to show this access has safe visibility splays, therefore a drawing will be required to show the visibility splays from this access.

I cannot put forward recommendation until the above information has been provided

28/04/22

The Applicant has submitted Drawing number 964-02C which is acceptable. Therefore the County Highway Authority has no objections.

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

PUBLIC HEALTH

Contaminated Land: No concerns. (29.10.21).

Air Quality: No concerns. (29.10.21).

Environmental Permitting: Not applicable. (29.10.21).

Drainage: The applicant proposes a septic tank system discharging to a soakaway on their own land. However the permeability test concludes that the deeper sub-soils are practically impermeable. The writer recommends that a shallow 'herring bone' system may work but appears to be doubtful. The location and size of the herringbone system is not indicated on the plan. The land is intended to be used for a range of uses such as chickens, goats, veg and dog breeding. All the buildings and facilities for this will require water to be used and managed, as well as the temporary dwelling. There is no design and access statement on the planning portal and we would require further information about how cleaned foul water, kennels washings (also regarded as contaminated water) and other surface water is going to be dealt with without causing flooding either on or off site. (29.10.21).

Noise & other nuisances: No concerns anticipated. (29.10.21).

Housing Standards: No comments. (12.10.21).

Licensing: They must contact licensing to obtain a licence for breeding on a commercial basis.

The siting of a mobile home may require a licence, please contact the licensing dept.

01884 255 255 or licensing@middevon.gov.uk. (11.10.21).

Food Hygiene: Not applicable. (11.10.21).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal.

IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (11.10.21).

Health and Safety: No comment. (11.10.21).

REPRESENTATIONS

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

Over the course of the application, letters of objection have been received from 27 contributors. The main points raised in objection are as follows:

- Works have already taken place on the land without planning permission.
- A new access has been provided without planning permission, which has resulted in a section of hedgerow being removed, leading to water flooding the road.
- The access should be closed and hedge reinstated.
- The additional traffic associated with the smallholding and proposed kennels will lead to increased risk of an accident occurring on the highway and will also lead to increased mud on the road.
- The proposed fence to the length of the site will not be in keeping with the surrounding countryside.
- There are a number of inaccuracies in the application form.
- The proposed kennels are not fit for purposes, being too small.
- No details have been provided as to how trade effluent from the proposed kennels will be disposed of.
- Dog kennels are very noisy. The proposed use would be heard across the valley, disturbing amenity.
- No justification has been provided for the provision of a mobile home, in line with Local Plan policy DM8.
- The proposal will set a precedent for further development.
- There is no mains water or electricity on the site.
- The soil on site is dense red clay, which would be unsuitable for a soakaway to serve the septic tank.
- The number and size of buildings proposed are disproportionate to the proposed use and would have an adverse impact on local character.
- The proposal would adversely impact on local ecology.
- There is no need for more than one access into the site.
- Several shipping containers are now sited on the land. These and other waste on the site are an eyesore.
- It is noted that the proposal has been amended to include just one access, however plans showing appropriate visibility have not been provided.

NOTE: The scheme has been amended since it was first submitted, removing the proposed mobile home, kennels, one of the accesses and fencing. As such, some of the above points have been addressed.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is located just off the A361, at Stoodleigh Cross. It is in a countryside location, where policy S14 seeks to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Development is restricted to agricultural and other appropriate rural uses.

Policy DM20 states that agricultural development will be permitted where:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;
- c) The development will not have an unacceptable adverse impact on the environment; and
- d) The development will not have an unacceptable traffic impact on the local road network.

A summary assessment of the scheme against these criteria is set out below:

- a) The proposal relates to a previously undeveloped parcel of land comprising approximately 1.5 acres of grassland. There is no existing agricultural enterprise operating from the site, however the applicants have purchased the land with the intention of operating a smallholding. The proposed business will include the growing of a variety of fruit and vegetable crops, in the proposed polytunnels, greenhouse and raised beds. The main crop identified by the applicant is the growing of a large crop of elephant garlic, which provides the main justification for the larger agricultural building (referred to as '4 – Fruit & Veg Shed'), which would measure approximately 13.7m by 6.1m in floor area, and the larger polytunnel ('9 – Polytunnel'), which would be approximately 45.7m by 4.3m. The applicant has advised that the garlic crop would be grown on a two year cycle with approximately 240 garlic cloves planted in the spring of year 1. This will yield approximately 1920 cloves of garlic, which would be harvested from the 240 bulbs with those being planted in in the autumn of year 1. This would in turn provide a spring harvest of around 1920 bulbs of garlic, which would produce a yield of 15,360 cloves of garlic, which would be planted in the same spring of year 2. This crop should then produce 15,360 bulbs, of which 1920 would be replanted as in the previous crop, with the remaining bulbs being sold. These steps would be repeated in the following years, with an anticipated two harvest a year. The proposed larger agricultural building is required to process and box the garlic, as well as provide on-site storage as the amount of garlic anticipated to be produced cannot be left in the ground.

During negotiations, officers have recommended that the scheme be reduced in scale to the minimum possible to enable the applicant to start up their business, with the potential then for expansion, as appropriate should the business be successful, and subject to gaining the necessary planning consents. Ultimately, the site is agricultural land, which can be farmed in a variety of ways, including for the growing of fruit and vegetables, without needing to apply for planning permission. It is however necessary to apply for permission for the buildings proposed. Noting that this is agricultural land, it is considered that the provision of some

buildings to facilitate the agricultural use proposed would be acceptable in principle, subject to appropriate justification. It is now considered that the proposed level of development is appropriate to reasonably meet the needs of the operation proposed. Following the planning officer's request for a reduction in scale of development, no changes have been made to the larger polytunnel, with the above information provided to justify its size, however the storage building has been considerably reduced in size by about half, with the footprint reduced from approximately 167 square metres to the currently proposed 83 square metres. In addition, a proposed mobile home, which was proposed to provide rest and toilet facilities on site has been omitted, with a toilet proposed within the larger building too. The other buildings proposed include a glasshouse for growing fruit and tropical plants, a smaller polytunnel, small tool shed, a chicken shed and goat shed, proposed to accommodate around six to eight chickens and two goats respectively. Otherwise, a number of low profile raised beds are also proposed.

Overall, it is considered that the proposed buildings and temporary structures are necessary to support farming activity on the site.

In addition a new enlarged access is proposed, which would be located centrally within the site. There is one original access to the north east corner of the site, which is small and substandard, with restricted width and visibility. As such, the provision of a new access is considered reasonable too, subject to consideration of the impact of this access on highway safety and amenities of the area. It is noted that another unauthorised access has been provided to the western end of the site. Planning officers had reservations about the need for more than one access, therefore following discussions, the applicant has agreed to omit this additional access from the proposal. Furthermore, the applicant has agreed to the reinstatement of this access and roadside bank.

- b) The site is located over 500 metres from the nearest residential property. Noting the scale and nature of the development proposed, it is not considered that the proposal would lead to any adverse impact on the living conditions of local residents. Concerns had originally been received in respect to noise and waste generated by the kennels, originally applied for, however since that element of the scheme is no longer included, this is not an issue anymore.

In assessing the impact on the character and appearance of the locality, it is considered that the proposed group of buildings are satisfactorily sited to limit their impact on the visual amenities of the area. The site is very well screened from the A361 due to existing dense hedge on the southern boundary, which means the site is not readily visible from this direction. Due to the topography of the site, and the location of the public highway to the north of the site, views are also limited to the immediate vicinity. It is acknowledged that the development will be visible from the adjoining highway, as a result of the size and shape of the site, however the buildings and structures are now proposed to be grouped together, limiting their spread throughout the site. The proposed larger agricultural building is to be constructed with metal cladding in a dark green finish, with black roof, while the remaining smaller sheds will be timber clad, materials that are typical of rural development of an agricultural nature. Otherwise, it is noted that rather than being completely undeveloped, the site is seen in the context of the large solar farm to the north, and the A361, although the latter is well screened from the site.

The proposed access will lead to removal of part of the northern boundary, however rather than the removal of a large section of native species hedgerow, this part of site boundary is formed by an earthen bank which was vegetated by unmanaged species including bracken, and some great willow herb, hogweed, nettles and bindweed. This section of the site is also located in a position where visibility splays are able to be provided without the need for largescale removal or realignment of the roadside boundary. The applicant has agreed to

install a traditional five bar timber field gate rather than a solid high fence as is currently seen on site.

Overall, while the introduction of the access, buildings and temporary structures would lead to some minor harm to local character, this is considered to be appropriately justified as a small-scale rural enterprise, which will promote sustainable diversification of the rural economy, in line with the requirements of Local Plan policy S14.

In order to further protect the amenities and character of the area, it is considered reasonable to require the details of any lighting to be provided and agreed prior to installation. It is also considered appropriate to remove permitted development rights for the provision of any fences, walls, gates or other means of enclosure, other than those proposed in the submitted details. In this case that is restricted to the provision of the gate at the new access.

The applicant has advised that they would be willing to accept a temporary condition, requiring the removal of the buildings should they be unsuccessful in establishing their business within the anticipated three years. While this is noted, it is not considered reasonable in this case to impose a time restricted condition such as this. Temporary conditions are not encouraged except in very special circumstances. It is however considered reasonable to restrict the use of the building to agricultural purposes only, as this would prevent future changes in use that may otherwise be allowed under permitted development rights, but may lead to intensification of the use of the site in a manner that may adversely impact on the areas character.

It is acknowledged that there are additional unauthorised works that have taken place within the western part of the site, which are currently having a harmful impact on visual amenity, specifically the provision of the unauthorised access, provision of associated fencing and gate, storage of materials and provision of containers. It should however be noted that the applicant is not seeking to retain these works as part of this proposal and has confirmed that it is their intention to put these right. As they do not form part of the proposal, the imposition of conditions to rectify the situation would not be reasonable as they would not meet the test for conditions included within the Government's Planning Practice Guidance. One exception would be the closure of the access, for which it is considered reasonable for highway safety grounds. A condition will be imposed for the closure of the original access following the proposed access being brought into use, in which case it is considered reasonable to include the closure of the unauthorised access as part of this condition. Otherwise, the removal of any non-agricultural waste and paraphernalia, and temporary storage buildings will need to be subject to formal enforcement action, if not carried out promptly by the applicant. It is however also relevant to note that permitted development rights do exist for the use of land on a temporary basis for the storage of construction materials and siting temporary buildings in connection with permitted works. The applicant has advised that the materials originally brought onto site were a mix of agricultural equipment, such as a trailer, and timber which was intended to be used in the construction of the wooden buildings, and boundary fencing, which has since been omitted from the proposal. Should permission be granted, it remains the applicant's intention to use the timber currently on site for the construction of the buildings and raised beds. As such, they have advised that the containers have been brought onto site to store the materials securely, and away from view. Should planning permission be granted, it is advised that the containers would be removed following construction of the buildings on site.

- c) In considering the impact on the environment, the proposed development relates to a relatively low-key agricultural use, which is not considered to lead to any unacceptable impact. Concerns had initially been raised about the impact of the kennels that had originally been proposed, however these are now largely irrelevant. Particular concern was raised about how surface water run-off would be disposed of, with specific reference to the disposal of foul water with

there being a need to wash down the kennels, and dispose of solid foul waste, matters which no longer require consideration.

The proposal does still include the provision of a septic tank to provide a connection to the toilet proposed on site, with some comments still received in respect to the ability for a soakaway to function, as it is suggested that the ground is largely clay and impermeable. This is noted, however the applicant did carry out permeability testing prior to submitting the application. While the tests did identify areas of clay, which were classed as being practically impermeable, tests did also identify several areas of gravelly sand, which provided good permeability, albeit not to a great depth. The report did however indicate that a shallow herringbone/grid drainage design would be suitable in the area of more permeable ground. The proposed details incorporate this arrangement for the septic tank output, which is considered to be acceptable.

Concerns were originally raised about the provision of the unauthorised access causing surface water flooding of the adjoining road. The applicant had indicated that the runoff was not actually from their site but from adjoining higher land. Notwithstanding this, a drainage channel running around the north eastern corner of the site, in the area where the flooding occurred was found to have been blocked and has since been cleared. Following this occurring, it is noted that the surface water flooding has ceased.

The remainder of the development will not introduce too much in the way of additional impermeable surfaces, with the track into the site proposed to be finished with permeable compacted stone rather than tarmac or other impermeable solid surface. It is proposed to harvest water from the roofs to the proposed buildings and store in tanks on site. This is also part of a solution to provide a supply of water on site. Some of the contributors had noted that there was no water supply on site. The applicant has advised that subject to permission from an adjoining landowner, they may be able to gain a connection, however have provided details of a water filtration system that they intend to use on site, which will allow rain water from the main agricultural building, greenhouse and polytunnels to be filtered and used for watering crops and providing drinking water for the few animals proposed. This solution would address any additional runoff from the buildings and offer an additional water supply for use on site.

The application is supported by a preliminary ecology appraisal, which has not identified any significant constraints to development. The Ecologist has visited the site and assessed the habitats on site, identifying the boundary vegetation as being generally species poor and being for the most part of negligible potential for presence of protected species. There was low potential for light –averse bat species to use the boundary habitats, with most likelihood of the southern boundary hedge being used. There is some potential for birds to nest in the hedgerows and shrubs of the site. It is also identified that there are dormice present in the wider landscape, however the nature of the site and lack of fruiting hazel, provide limited potential for dormice to be present however. With the exception of the new access being provided, which will impact on a poorly vegetated earth bank rather than species rich hedgerow, the proposed development does not include any works to the remainder of the boundaries, where any species may have some potential to be present. The submitted ecological appraisal therefore includes precautionary measures to avoid committing an offence, should protected species or nesting birds be found, the introduction of a 2 metre construction buffer to avoid disturbing the site boundaries, and limitations on light close to the boundaries. There are also proposed biodiversity enhancements, which include the provision of a bat box and nesting box to the proposed larger building. With these recommendations adopted, the proposal is considered to appropriately take into account the protection and conservation of local ecology. A condition will be imposed to ensure that these measures are

adhered to. Additionally the proposed condition, requiring any details of lighting to be agreed prior to use will offer further protection to light sensitive species.

- d) The proposal includes the provision of a new access to the land, which is considered to be acceptable. As discussed above, the land is serviced by an existing original lawful access to the north east corner of the field, however this is sub-standard with restricted width and visibility. The applicant could reasonably continue using this, however the proposed new access would be sited on a stretch of the public highway where there is greater visibility in each direction. It is also sited at a good distance from the A361 so as to avoid conflicting movements in close proximity to this. Following the provision of plans indicating the ability to provide visibility splays of 71 metres to the west and 150 metres to the east, the County Highway Authority have raised no objections, considering the proposed visibility to be appropriate to serve the road network at this point. As the proposed access would replace a sub-standard access, a condition is imposed to require that access to be stopped up. There is an unauthorised access that was created recently, and initially included in the proposals. This has since been omitted from the plans, and as discussed earlier, the condition proposed to require the lawful access to be stopped up shall include the same requirement for this access too. In addition, the proposed use will be limited to agricultural purposes, with are not considered to generate any additional movements that would have a significant impact on highway safety. Overall, it is not considered that the proposed development would have an unacceptable traffic impact on the local road network.

Taking the above considerations into account, the proposal is deemed to be acceptable and to comply with policies S14 and DM20 of the Mid Devon Local Plan 2013-2033.

SUMMARY

The proposed development comprising the erection agricultural buildings, polytunnels, raised beds, creation of new access and septic tanks are considered acceptable. They are deemed to be reasonably necessary to support the proposed agricultural activities on the land and are not considered to have an unacceptable impact on the environment, landscape or highway safety. The proposal is considered to be acceptable and in accordance with Policies S1, S9, S14 and DM20 of the Mid Devon Local Plan 2013-2033.

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. Notwithstanding the details indicated on the approved plans, the external walls of the agricultural building referred to as '4 - Fruit & Veg Shed', shall be finished with dark green colour cladding, in accordance with details indicated in correspondence dated 29th June 2022 (email from Charles Kefford to John Millar).
4. The design and finish of the proposed gate to the new vehicular access shall be in accordance with details indicated within correspondence dated 6th April 2022 (email from Charles Kefford to John Millar).
5. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of the visibility splays shown on approved plans '964-02D', for the new access hereby

approved. Such visibility shall be fully provided before the new access is first brought into use and shall thereafter be maintained at all times.

6. The existing accesses serving the site, which are located in the positions referred to as 'G/A (Gate Access) to be closed' on the submitted 'Existing Access Plan', received 30th June 2022, shall be effectively and permanently closed within one month of the new access hereby permitted being brought into use, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.
7. No means of external lighting or other external illumination shall be installed on the building hereby approved or operated on any part of the subject land, unless details of such additional new lighting has first been submitted to and approved in writing by the Local Planning Authority. Such approved details, once implemented shall not thereafter be altered without the prior written agreement of the Local Planning Authority.
8. The development hereby permitted shall be carried out in accordance with the recommendations detailed in the submitted *Preliminary Ecological Appraisal* (prepared by Western Ecology - dated August 2021) covering avoidance of harm to protected species and nesting birds, and mitigation measures, unless otherwise approved in writing by the Local Planning Authority.
9. The buildings hereby approved shall at all times be used for agricultural purposes only and shall not be used for any other commercial or non-agricultural activity.
10. No retail sales shall be carried out directly from the land or buildings hereby permitted.
11. 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 gates, fences, walls or other means of enclosure shall be erected or installed within the application site, other than that expressly permitted by this planning permission, 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 in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and amenities of the area in accordance with Policies S9, DM1 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
4. To safeguard the character and amenities of the area in accordance with Policies S9, DM1 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
5. 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.

6. 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.
7. To safeguard the character and amenities of the area and for the conservation and protection of ecology in accordance with Policies S9, DM1 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
8. 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).
9. To control future use of the buildings, in order to safeguard the character and amenities of the area and in the interests of highway safety, in accordance with Policies S9 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
10. To safeguard the character and amenities of the area and in the interests of highway safety in accordance with Policies S9, DM1, DM3 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
11. To safeguard the character and amenities of the area in accordance with Policies S9, DM1 and DM20 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

INFORMATIVES

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

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

APPENDIX 1

EMAIL CORRESPONDENCE DATED 29TH JUNE 2022, REFERRED TO IN CONDITION 3

From: Charles Kefford
Sent: 29 June 2022 12:16
To: John Millar
Subject: Building colour

Hi John

As you requested and previously stated agricultural building is to be a dark green.

Many thanks
Charles kefford

APPENDIX 2

EMAIL CORRESPONDENCE DATED 6TH APRIL 2022, REFERRED TO IN CONDITION 4

From: Charles Kefford
Sent: 06 April 2022 16:07
To: John Millar
Subject: RE: Planning 21/01420/FULL - Stoodleigh Cross

Hi John

Happy to have a reduced size gate.

Please see attached photo of the type we would like.

1 metre high, but made from wood, in a natural finished as in the picture. Would that be suitable?

Many thanks
Charles



