

## PLANNING COMMITTEE AGENDA - 14th February 2024

### Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>23/01875/FULL - Temporary siting of 12 swan sculptures as part of the sculpture trail along the Grand Western Canal and the Town Centre between 1st March 2024 to 30th November 2024 at Grand Western Canal Basin, Lowman Green, Fore Street, Phoenix Lane, Beck's Square, Angel Hill, Westexe North, Westexe Recreation Ground, Park Hill, Peoples Park, Market Walk, Bampton Street, , .</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>23/01513/FULL - Erection of a dwelling at 5 Exon Buildings, Exeter Road, Cullompton.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
03.	<p>23/01615/FULL - Construction and operation of micro energy storage facility at Car Park, Fernworthy Park, Copplesstone.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
04.	<p>23/01923/FULL - Construction and operation of a micro energy storage facility at Land at NGR 282446 100921 (Playing Field), Avranches Avenue, Crediton.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
05.	<p>23/01251/MFUL - Variation of conditions 3, 16, 22 and 23 and removal of condition 18 of planning permission 19/01679/MFUL (Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure) to allow amendments to internal roads, access to southern parcel, battery stations, layout of solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry and replacement with point of contact mast and addition of 4 (temporary) construction compounds at Land at NGR 303437 103555, East of Langford Mill &amp; Tye Farm, Langford.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>

Application No. 23/01875/FULL

Grid Ref: 295588: 112560

Applicant: Mrs Zoe Lentell, Mid Devon District Council

Locations: Grand Western Canal Basin, Lowman Green, Fore Street, Phoenix Lane, Beck's Square, Angel Hill, Westexe North, Westexe Recreation Ground, Park Hill, Peoples Park, Market Walk, Bampton Street

Proposal: Temporary siting of 12 swan sculptures as part of the sculpture trail along the Grand Western Canal and the Town Centre between 1st March 2024 to 30th November 2024

Date Valid: 8th December 2023



## **APPLICATION NO: 23/01875/FULL**

**Site Visit: Yes      Date of Site Visit: 13.12.2023**

**Decision Delayed Reason:** The overall expiry of the public consultation was on the 12<sup>th</sup> of January, therefore the first available Planning Committee is on the 14<sup>th</sup> of February.

### **EXECUTIVE SUMMARY**

The application is before Members as the applicant is Mid Devon District Council. In accordance with the Mid Devon Local Planning Authority Scheme of Delegation, the application needs to be referred to the Planning Committee for determination.

The application seeks a temporary permission for the siting of 12No. Swan sculptures and associated plinths, in various locations along the Grand Western Canal Basin and Tiverton town centre, to promote the historic, cultural and natural environment of the town of Tiverton. The scheme has been designed to limit any visual impact upon the character and appearance of the affected areas and heritage assets, whilst promoting the town centre and tourism attractions.

The application is considered acceptable in policy terms. The scheme will provide a public benefit, which will positively contribute to tourism and the regeneration of the town. Subject to a planning condition to secure the removal of sculptures and any associated equipment, as per the dates applied for, the application is recommended for approval.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application seeks consent for the temporary siting of 12No. Swan sculptures, as part of the sculpture trail along the Grand Western Canal Basin and throughout the town centre. The sculpture project will take place from the 1<sup>st</sup> of March 2024 to the 30<sup>th</sup> of November 2024.

The scheme is part of a project by the Councils Economic Development Team to provide a new visitor attraction for Mid Devon and to promote the Town of Tiverton, its history, cultural heritage, attractions and wildlife. The launch event links with the Tiverton Canal Company 50<sup>th</sup> anniversary.

The sculptures are made of fibreglass cast in a white paint primer, which will be then decorated by local artists with acrylic paints and finished with a clear lacquer. The sculptures will be placed on a concrete plinth with a smooth finish.

All sculptures and plinths are identical in size, shape, structure and materials. Each sculpture measures 62cm in height, 48cm in width and 90cm in length, and each plinth measures 30cm in height, 68cm in width and 123cm in length.

Some of the proposed sculptures will be situated within the Tiverton Conservation Area, the Grand Western Canal Conservation Area (a site designated as the Grand Western Canal Scheduled Monument and the Grand Western Canal Country Park and Local Nature Reserve). Some of the sculptures will also be situated within the settings of listed buildings, including the grounds of the

Tiverton Castle, which is a Grade I Listed Building, and the Flood Zone 2&3, as defined by the Environment Agency. The proposed 12No. Sites are as follows:

1. The Grand Western Canal – immediately to the south of the Tiverton Sea Cadets
2. Lowman Green – next to the Clock Tower
3. Fore Street – at junction to Gold Street
4. Phoenix Lane – in the front of Phoenix House
5. Beck’s Square – at the front entrance to Tiverton Museum of Mid Devon Life
6. Angel Hill
7. Outside Heathcoat Fabric Retail Shop – Westexe North
8. Westexe Recreational Ground
9. Tiverton Castle Grounds
10. People’s Park – next to the water fountain
11. Market Walk
12. Bampton Street – outside Tiverton Print Centre

In the event that the Planning Committee would vote not approve all proposed 12No. Locations, 3No. Of alternative locations are also being proposed with the application, as stated below:

- Phoenix Lane – in pedestrian area next to the wishing well
- Bampton Street – outside the Constitutional Club
- Exe Valley Leisure Centre – outside the entrance to the Centre

## **APPLICANT’S SUPPORTING INFORMATION**

The following documents have been submitted in the support of the application:

- Location Plan, (outlining all proposed locations for the proposed swan sculptures).
- Location plans, (showing the specific location of each individual swan sculpture).
- Supporting Statement.

## **RELEVANT PLANNING HISTORY**

Across the various locations, there is an extensive planning history, however not directly relevant to this proposal. The full planning history can be made available upon the request.

## **DEVELOPMENT PLAN POLICIES**

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

Policy S1 Sustainable development priorities  
Policy S7 Town Centres  
Policy S9 Environment  
Policy S10 Tiverton  
Policy DM1 High quality design  
Policy DM22 Tourism and leisure development  
Policy DM25 Development affecting heritage assets

### **Tiverton Neighbourhood Plan 2020 to 2033**

Policy T4 Character of Development  
Policy T5 Design of Development

Policy T8 Local Buildings and Structures of Merit and Heritage assets at risk  
Policy T10 Local Green Spaces  
Policy T18 Supporting a Sustainable Visitor Economy

### **National Planning Documents**

National Planning Policy Framework  
National Planning Practice Guidance

### **Other**

Tiverton Conservation Area Appraisal and Management Plan

## **CONSULTATIONS**

### **Tiverton Town Council**

Support.

### **Highway Authority**

There are a number of sites for these sculptures, which some are on the Public Highway. These sites will require a separate Licence under the Highways Act from Devon County Council.

The County Highway Authority has no objections.

### **Environment Agency**

No EA consultation required.

## **REPRESENTATIONS**

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

No comments have been received from any interested third parties to date.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

1.0 The sculptures to which this application relates would form part of the Council's project called 'Celebrating Tiverton and the things to see and do in the area', which ties in with the Tiverton Canal Company's 50<sup>th</sup> anniversary. They would be positioned within public open spaces across Tiverton. It is acknowledged that Tiverton previously had a Tivvy Bumper sculpture trail in 2016, with many of the same locations chosen for the swan trail.

2.0 Taking into account the site locations, the principal issues to be considered during the determination of the application are:

- Visual impact upon the Conservation Area and the town centre;

- Impact upon the significance of listed buildings and buildings of historic and architectural significance;
- Public and highway safety
- Flood Risk/Environment

Taking each of these points in turn;

### **3.0 Visual Amenity and Heritage Impacts**

3.1 The proposed sculptures have been designed to provide some visual interest relevant to the town's historic and cultural heritage with reference to the natural environment, in particular to the Grand Western Canal. Inevitably, where art and sculpture work is proposed a degree of subjective judgement is involved in terms of personal likes and dislikes. However, as explained in the submitted supporting statement, the scheme forms part of the wider regeneration project for the town and ties in with the Tiverton Canal Company 50<sup>th</sup> anniversary. Therefore, it is considered that chosen theme relates well to the wider context of the town.

3.2 The locations of the proposed sculptures were chosen with intention of linking the Grand Western Canal with the town's retail quarters. Consequently, increasing the pedestrian flow across Tiverton to promote the vibrancy and vitality of the town centre.

3.3 It is noted that the sculptures would be located in a highly visible locations, however it is considered that they would be read in conjunction with the proposed project of promoting the town to which they would relate. However, in terms of the impact on the character of the area, the sculptures are a moderate profile models and would not be visually prominent when viewed in conjunction with the buildings and street furniture in chosen locations. Therefore, the proposal would have relatively small visual impact on the Conservation Area. Furthermore, given a temporary nature of the scheme, any harm to listed buildings would be less than substantial and outweighed by wider public benefits.

3.4 Furthermore, paragraph 98 of the National Planning Policy Framework (NPPF) advises that local planning authorities should use their planning powers to promote regeneration. The proposed scheme would encourage local residents and visitors to the town centre, which in turn would support local businesses and promote tourism in the long term, contributing positively to supporting local history and heritage in the area. Moreover, the project is considered to be a memorable demonstration that Tiverton is a forward thinking market town.

3.5 Therefore, the application is supported by Policy DM22 of the Mid Devon Local Plan and Policy T18 of the Tiverton Neighbourhood Plan.

### **4.0 Public and Highway Safety**

4.1 The sculptures would be sufficiently set back from public highways and where positioned on squares or public footpaths, they would not cause a significant obstruction to public spaces' users. The Highway Authority has no objections to the application on grounds of highway safety issues.

### **5.0 Flood Risk/Environment**

5.1 Some sites would be located in Environment Agency designated flood zones. However, it is considered that the scale and temporary nature of the proposal is such that there would be no increase in flood risk as result of the proposal. Furthermore, the proposal would not result in any

detrimental impact upon the wildlife and biodiversity. The Environment Agency was consulted and did not raise any concerns regarding risk of flooding.

## **6. Conclusion, reason for recommendation of approval.**

The proposed temporary sitting of 12No. Swan sculptures and supporting plinths is, by virtue of its design, nature and location, considered to have a limited impact upon the visual amenity of the Tiverton and the Grand Western Canal Conservation Areas or the character and appearance of the Town of Tiverton. Any identified harm to the settings of heritage assets is considered to be less than substantial and outweighed by wider public benefits. There would be no environmental or highway safety issues arising from the proposal. Any potential residential amenity impacts are considered to be offset by the wider public benefits of promoting the viability and vibrancy of the town and the wider area of the District. As such, the application is deemed to comply with the provisions of Policies S1, S7, S9, S10, DM1, DM22 and DM25 of the Mid Devon Local Plan (2013-2033), Policies T4, T5, T8, T10 and T18 of the Tiverton Neighbourhood Plan 92020-2033), and the guidance set out in the National Planning Policy Framework (2023).

## **CONDITIONS**

1. The permission hereby granted shall be for a limited period only beginning on the 1<sup>st</sup> of March 2024 and expiring, on or before the 30<sup>th</sup> of November 2024, at which point the use hereby permitted shall cease and all equipment and materials brought onto the land for the purpose of such use shall be removed within 28 days, and the land shall be restored to its former condition on or before the 1<sup>st</sup> of March 2024.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in the schedule on the decision notice.

## **REASONS FOR CONDITIONS**

1. The permission is only justified for a limited period to protect the character and appearance of the area, the settings of the heritage assets and amenity in accordance with Policies DM1 and DM25 of the Mid Devon Local Plan (2013-2033), Policies T4, T5 and T8 of the Tiverton Neighbourhood Plan (2020-2033), and the guidance set out in the National Planning Policy Framework (2023).
2. For the avoidance of doubt in the interests of proper planning.

## **INFORMATIVES**

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has utilised planning conditions to enable the grant of planning permission.
2. The applicant is advised that no sculptures and plinths shall be sited or displayed so as to endanger persons using any highway, waterway, dock or harbour; obscure, or hinder the ready interpretation of, any traffic sign or aid to navigation by water; and that any site used for the display of the sculptures shall be maintained in a condition that does not impair the visual amenity of the site or does not endanger the public.
3. 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.

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



Application No. 23/01513/FULL

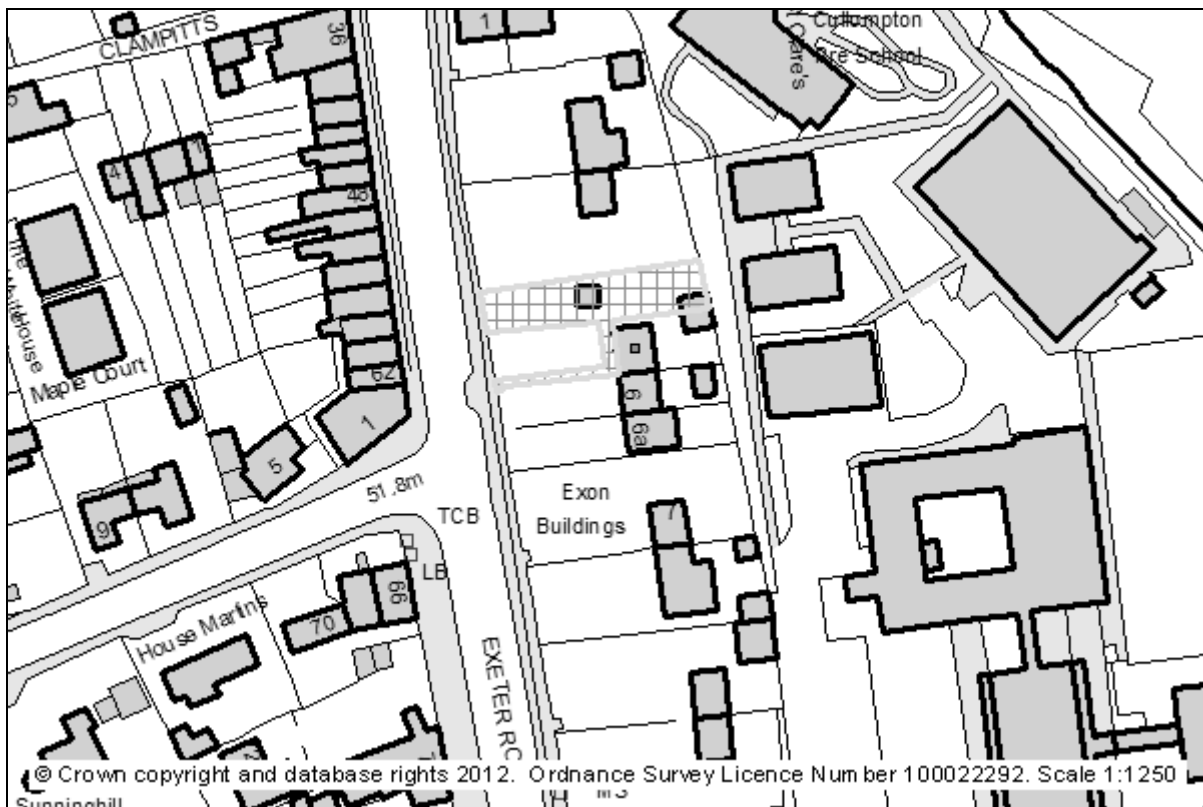
Grid Ref: Easting 301969: Northing 106789

Applicant: Mr Mitchell Frost

Location: 5 Exon Buildings  
Exeter Road  
Cullompton  
Devon

Proposal: Erection of a dwelling

Date Valid: 14<sup>th</sup> November 2023



## **Application No. 23/01513/FULL**

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

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

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

The application relates to the proposed erection of a dwelling at Land adjacent to No 5 Exon Buildings, Exeter Road, Cullompton. The site is within the Cullompton settlement limit but outside of the Conservation Area. It is not within a flood risk area, it is partially within the critical drainage area and there are no listed buildings nearby.

The submitted documents indicate that the new dwelling will form part of the Council's house stock providing social rented housing.

No 5 Exon Buildings is a two storey, end terrace house, forming one of three terraced houses that sit at a higher level than the adjacent highway. The property has a painted render exterior, concrete tile roof and white upvc windows and doors.

No 5 has residential curtilage to the front, rear and side. There is no dedicated parking area. No 5 has a large area of land to the side (north) and it is in this area that the proposal seeks to construct a new, detached, two storey dwelling.

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

- Application Form
- Design and Access/Heritage Statement
- Climate Change and Environmental Impact Statement
- Air Quality Assessment
- Site location plan
- Proposed block plan
- Proposed floor plans
- Proposed elevations

-

### **RELEVANT PLANNING HISTORY**

None Applicable

### **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 S9 – Environment

Policy S11 - Cullompton  
Policy DM1 - High quality design  
Policy DM2 – Renewable and Low Carbon Energy  
Policy DM3 - Transport and air quality  
Policy DM4 – Pollution  
Policy DM5 – Parking

SPD on Air Quality and Development

### **Cullompton Neighbourhood Plan 2020-2033**

Policy TC02 – Character of the Built Environment  
Policy HS03 - Creating smaller housing units  
Policy HS04 – Parking on housing schemes  
Policy SD04 Solar Design in Housing Schemes

### **National Planning Policy Framework**

### **National Planning Practice Guidance**

### **CONSULTATIONS**

#### South West Water

SOUTH WEST WATER - 30.11.2023

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

#### Asset Protection

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

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

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

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

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fsewer-services-connections%2Fdiversion-of-public-sewers&data=05%7C01%7Ccustomerservices%40middevon.gov.uk%7Ccb52956b99484f0d2d0508dbf165aeb3%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638369191414349515%7CUnknown%7CTWfPbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=Det8A%2FfKKBm7IQxO2F7km9NzR5XUIUd7VOns17gHFs%3D&reserved=0>

#### Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-

off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

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

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

#### Clean Potable Water

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

#### Foul Sewerage Services

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

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

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuilding-and-development%2Fservices%2Fpre-development-services&data=05%7C01%7Ccustomerservices%40middevon.gov.uk%7Ccb52956b99484f0d2d0508dbf165aeb3%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638369191414349515%7CUnknown%7CTWFPbGZsb3d8eyJWljoimc4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=kXqRqq0Zc3Q024OyS3BDuiKvZvXjyW%2BAM4Ha7retozE%3D&reserved=0>

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

#### Highway Authority

The site is accessed off the B3181 County Route which is restricted to 30 MPH

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

The proposals do not include any car parking, although considering the location, which is close to the town centre, this is considered to be acceptable.

Therefore the County Highway Authority has no objection to this proposal.

Recommendation:

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Officer authorised to sign on behalf of the County Council 4 December 2023

### Public Health

We have considered the application and do not anticipate any environmental health concerns. The applicant has submitted an air quality assessment because the site is within the zone of consideration for the Cullompton air quality management area. The assessment concludes that the impact of this development will be negligible and we have no concerns regarding this.

### **REPRESENTATIONS**

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

No letters of representation have been received at the time of writing this report.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Design and amenity**
- 3. Impact on protected species and habitats/biodiversity**
- 4. Highways and parking**
- 5. Air quality**
- 6. Critical Drainage Area**
- 7. Climate Change**
- 8. Conclusion**

### **1. Principle of development**

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [the Framework], is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 In 2020 the Council adopted the Mid Devon Local Plan 2013-2033 and this takes priority in decision making.
- 1.3 Policies S1 and S2 of the Mid Devon Local Plan 2013-2033 seeks to deliver sustainable development including through meeting the housing needs of all sectors of the community and delivering development of an appropriate density for the location.
- 1.4 Policy S11 Cullompton states that Cullompton will develop as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. The town will become the strategic focus of new development reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period.
- 1.5 Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.
- 1.6 The proposed development seeks to erect a detached, two storey affordable dwelling on land adjacent to No 5 Exon Buildings, Exeter Road, Cullompton and is therefore acceptable in principle subject to other material planning considerations.

## **2. Design and Amenity.**

- 2.1 The proposed development is sited approximately 1.4m north of No 5. The proposed dwelling would be two storey and would have a matching ridge height to the existing adjacent dwelling (No 5).
- 2.2 The proposed dwelling would measure approximately 6.1m by 9.2m, totalling 56.1m<sup>2</sup> on each floor. The dwelling would provide a total floor area of 112.2m<sup>2</sup>. The ground floor provides a kitchen, a lounge/diner, an entrance lobby and W.C. The first floor provides three bedrooms and a separate bathroom.
- 2.3 The proposed west elevation (front) mirrors No 5 with two windows at first floor and a single door and window and ground floor. The west elevation also proposes the installation of six (6) solar panels on the roof slope. The proposed east elevation (rear) provides a slightly different fenestration layout to that provided at No 5. The east elevation provides a set of double full length doors and a single pane window at ground floor together with a triple pane and a single pane window at first floor. The proposed south and north elevations are blank with the exception of an air source heat pump (ASHP) sited on the northern elevation.
- 2.4 The proposal also includes the erection of a 1.8m high timber fence between No 5 and the proposed site. The existing timber fencing already in place on the eastern and northern site boundaries will be retained.
- 2.5 Policy DM1 of the Mid Devon Local Plan 2013-2033 requires designs of new development to be of high quality, demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area. Development should make a positive contribution to local character, creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes.
- 2.6 The proposed materials for the new dwelling will match those of No 5 with the use of painted render with a brick plinth on the elevations, concrete tiles on the roof and upvc windows and doors.
- 2.7 It is considered that the proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area in accordance with policy DM1 of the Local Plan.
- 2.8 Policy DM2 of the local plan relates to renewable energy development such as solar arrays and is supportive of such development subject to proposals demonstrating that impacts are or can be made acceptable in relation to:
- a) Landscape character and the character and setting of heritage assets;
  - b) Environmental amenity of nearby properties and the wider locality;
  - c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and
  - d) Biodiversity (avoiding habitat fragmentation).
- 2.9 A summary assessment has been carried out below:
- a) The site is lies within the Cullompton settlement boundary and does not lie within any protected landscape areas such as Conservation Areas. The site is not and does not lie within the boundary of a heritage asset. The panels are proposed on the front facing roof

slope of the new dwelling and would be seen in context with the urban nature of the surrounding area.

The impacts on landscape character and heritage assets have been carefully considered. The proposed works would not cause any unacceptable adverse harm to landscape character or heritage assets. Given its relatively small scale, the visual impact is considered to be acceptable.

- b) Given the small scale nature of the development, there are no concerns in terms of impact on the environmental amenity of the wider locality or on the amenity of nearby properties. The panels are considered to result in a positive impact in terms of renewable energy.
- c) The solar panels will be sited on the roof of a dwelling and as such does not result in the loss of agricultural land.
- d) The panels are sited on the roof of the dwelling and it not considered that there would be any loss of biodiversity. The new dwelling would be erected on an area of grassland. The area of land lost is minor and it is considered that any biodiversity loss would be minimal. To ensure policy compliancy in terms of an overall net gain a condition will added requiring the installation of a bird box on a nearby tree at least 3m above ground level.

2.10 It is considered that the impacts of the installation of the proposed solar panels are acceptable and therefore the proposal accords with policy DM2 of the Local Plan.

2.11. Clause (e) of Policy DM1 of the Local Plan states that new development should not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

2.12 The proposed site forms part of the residential curtilage of No 5 Exon Buildings. No 5 forms part of a terrace of 3 properties. The site has neighbouring properties on all sides. The proposed front elevation of the dwelling matches the building line of the three terraced properties as well as in its fenestration design.

2.13 The north and south elevations remain blank to match that of No 5. There are windows on the east and west elevations at both ground and first floor, however, the existing surrounding properties have windows at ground and first floor and it is not considered that the addition of one dwelling would have an adverse effect on the privacy and amenity of neighbouring properties above that as existing. The proposal therefore accords with policy DM1 of the Local Plan.

2.14 Overall, it is considered that the provision of an affordable dwelling within Cullompton is acceptable in principle. The proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area, would have an acceptable impact on landscape character, environmental amenity, the setting of heritage assets and would not include the loss of an agricultural land. Additionally, the proposed development would not have an unacceptably adverse effect on the privacy and amenity of neighbouring properties. The proposal therefore accords with policies S1, S2, S3, S11, DM1 and DM2 of the Local Plan.



## 2.15 Cullompton Neighbourhood Plan

- 2.16 Policy TC02 of the Cullompton Neighbourhood Plan relates to character of the built environment and states that development should contribute positively to the character of the built environment in its locality by:
- i. Demonstrating an understanding of the diverse qualities that contribute to this character; and
  - ii. Reinforcing local distinctiveness and a strong sense of place.
- 2.17 The proposal includes the provision of a new dwelling adjacent to existing Council housing stock. The proposed dwelling uses external materials that will match the existing adjacent dwellings. It is considered that the proposal would contribute positively to the overall character of the built environment in its locality especially given the use of matching materials and would accord with policy TC02 of the Cullompton Neighbourhood Plan.
- 2.18 Policy HS03 of the Cullompton Neighbourhood Plan relates to creating smaller housing units. The preamble to the policy (paragraph 8.11) states that “a current deficiency in the local housing market, relative to the composition of households and population in the parish area, appears to be the number of small units available. We anticipate that the need for small, one- and two-bedroom, dwelling units is likely to continue well into future. The last Strategic Housing Market Assessment 2014 concluded that the “future need for all authorities is concluded to be largely dominated by a need for smaller properties, mostly in the 1 and 2 bedroom size categories.” The NPPF (para. 118) says planning policies and decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained”. Paragraph 8.12 states that there should be the provision of good quality, small dwelling units around the town suitable for young people, as well as for an aging population and the growing need for housing suitable for older people.
- 2.19 Policy HS03 states that the creation of smaller dwellings through the subdivision of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) will be supported where the development:
- i. Meets an identifiable need for smaller properties across all tenures;
  - ii. Respects the character, scale, setting and design of the existing building;
  - iii. Will not result in over-development of the building’s curtilage; and
  - iv. Will protect the residential amenity of adjoining occupiers
- 2.20 The proposed development site appears to lie within the boundary as identified on Map 2 as the town area of Cullompton.
- 2.21 It is considered that the proposed dwelling would contribute positively to the character and vitality of the local area. The dwelling would be well integrated on site and would complement the nature of the residential area. The dwelling would not have an adverse impact on residential amenity and would not adversely impact on road safety. It is considered that the proposed development would therefore accord with policy HS03 of the Cullompton Neighbourhood Plan.
- 2.22 Policy SD04 of the Cullompton Neighbourhood Plan relates to Solar Design in Housing Schemes and states that the use of passive solar design, renewable energy technologies and low energy systems in all new housing and developments will be supported. Wherever possible dwellings should be orientated so that principal habitable rooms can benefit from

passive solar gain, maximising energy efficiency whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

- 2.23 The proposed development seeks to include 5 solar panels on the western roof slope. The orientation of the building is dictated by the surrounding development and continues the existing building line of the street scene. It is considered that the proposed development accords with policy SD04 of the Cullompton Neighbourhood Plan.

### **3. Impact on protected species and habitats/biodiversity**

- 3.1 The Policy S9 of the Local Plan relates to the environment and clause f) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species, populations and linking habitats. Policy DM1 Clause c) requires new development to demonstrate a positive contribution to local character including biodiversity assets.
- 3.2 The submitted documents indicate that the remaining land will remain open and wildflower meadow plantings will be provided as net biodiversity gain and ecological enhancement.
- 3.3 It is considered that a condition could be added to any grant of planning permission requiring the installation of a bird box to provide biodiversity net gain in addition to the wildflower planting.
- 3.4 Subject to the imposition of this condition it is considered that the proposed development seeks to protect, enhance and positively contribute to biodiversity in accordance with policies S9 and DM1 of the Local Plan.

### **4. Highway Safety**

- 4.1 The proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with PolicyDM5 of the Local Plan 2013-2033 which sets out that new development should provide a minimum of 1.7 car parking spaces per dwelling but allows for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and use of a site.
- 4.2 Policy DM3 of the Local Plan relates to transport and air quality and states that development must ensure safe access to the transport network.
- 4.3 The County Highway Authority have commented on the application and state "The site is accessed off the B3181 County Route which is restricted to 30 MPH. The number of personal injury collisions which have been reported to the Police in this area between 01/01/2018 and 31/12/2022 is none. The proposals do not include any car parking, although considering the location, which is close to the town centre, this is considered to be acceptable. Therefore the County Highway Authority has no objection to this proposal".
- 4.4 Policy HS04 of the Cullompton Neighbourhood Plan relates to parking on housing schemes. Paragraph 8.16 of the preamble to the policy states that the Town Council want to ensure that on new development there is sufficient space provided within the curtilage of individual family dwellings or nearby, for occupants and their visitors and callers, which allows adequately for current car ownership levels and usage. Paragraph 8.18 states that the Town Council are concerned that residential streets with insufficient off-road parking space can lead to more on-

street parking and consequently, emergency service vehicles facing difficulties getting to houses in the case of emergencies.

4.5 Policy HS04 states that “new residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

*The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles. Parking schemes and layouts should not impair access required by the emergency services. Adequate provision should be made for the charging of electric vehicles.*

*Wherever practical, permeable materials should be used for surface parking areas”.*

4.6 The proposed development does not include the provision of any parking spaces or vehicular access to the highway. The proposed dwelling is not accessible by vehicle as it is set back from the adjacent highway. The existing terraced properties to the south also have no parking provision.

4.7 The development as proposed wouldn't appear to accord with policy HS04 in terms of parking provision, however, the policy does state that residential development should accord with the requirements in the development plan. The Highways Authority have no objections to the proposed development as submitted but have recommended the imposition of a prior to commencement condition for the submission of a construction management plan. This will be added to any grant of planning permission.

4.8 The proposed dwelling is sited in a sustainable location with access to public transport options, it is within walking distance of a range of facilities, amenities and services. It is considered that the proposed development accords with policies DM3 and DM5 of the local plan.

## **5. Air Quality Management Area**

5.1 Policy DM3 of the Local Plan relates to transport and air quality and states that development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated transport assessment, travel plan, traffic pollution assessment and low emission assessment. The traffic pollution assessment must consider the impact of traffic-generated nitrogen oxides on environmental assets including protected sites listed in Policy DM28, and propose mitigation measures where appropriate. The Low Emission Assessment shall include the following:

- a) *Assessment of the impact on existing Air Quality Management Areas, or an impact likely to result in the declaration of an additional Air Quality Management Area, in cases where a demonstrable negative impact on ambient concentrations of air pollutants is considered likely;*
- b) *Modelling of local residual road transport emissions from the development without mitigation measures; and*
- c) *Onsite mitigation measures to reduce negative impacts on local air quality.*

- 5.2 The SPD considers large potential impact can include smaller development in planning terms, particularly where they are within or adjoining an Air Quality Management Area (AQMA). Within the SPD, significant levels of vehicular movement in relation to air quality is defined by its potential impact, as per Figure 2.2 and as such, development that has a 'large potential impact' as indicated by this SPD will be considered to be significant for the purposes of the policy.
- 5.3 In April 2023 the Council adopted the Air Quality Supplementary Planning Document (SPD). The Air Quality SPD has a number of purposes which aim to:
- Support relevant policies in the adopted Local Plan in relation to air quality
  - Engage with developers earlier on in the planning process and assist in determining when an air quality assessment is required for a new development
  - Set out a clear methods for developers to provide air quality information as part of their applications
  - Identify suitable mitigation measures to be included at the planning stage
- 5.4 Using the SPD Stage 1 is to classify the development and using Figure 2.2 of the SPD to classify the development size of the proposal, the development lies within the Cullompton AQMA and is therefore classified as large potential impact.
- 5.5 An Air Quality Assessment has been submitted alongside the application and concludes that the site is considered suitable for residential development and impacts in terms of new exposure would be negligible and that the proposed development would meet current national and local planning policy and that air quality does not pose a constraint to development of the site for residential purposes.
- 5.6 Public Health have commented on the application and state that they have considered the application and do not anticipate any environmental health concerns.
- 5.7 It is considered that the proposed development would not amount to a significant levels of vehicular movements or emissions and the effects on air quality are negligible and would not lead to a large potential impact on the AQMA. A condition will be added to any grant of planning permission requiring the development to be carried out in accordance with the air quality assessment submitted. It is considered that the application accords with policies DM3, DM4 and the Air Quality SPD.

## **6. Critical Drainage Area**

- 6.1 Part of the red line area lies within the Cullompton Critical Drainage Area (CCDA). The western edge of the red line boundary (adjacent to the public highway) lies within the CCDA.
- 6.2 Policy S9 relates to the environment and clause (b) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through the efficient use and conservation of natural resources of land, water and energy and minimising pollution. Clause(c) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through the provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems.

- 6.3 Policy DM1 relates to high quality design and clause (f) states that new development must have appropriate drainage including sustainable urban drainage systems (SUDs).
- 6.4 Policy DM4 relates to pollution and states that applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment.
- 6.5 Policy DM4 also states that development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.
- 6.6 A surface water statement has been submitted alongside the application which indicates that the proposed development includes the provision of a new surface water soakaway within the site. Guttering and downpipes will be provided around the roofline of the dwelling to channel any water to the drainage system.
- 6.7 It is considered that given the nature of the proposed development which seeks to erect a new dwelling that the proposed surface water management system would be acceptable and that the Cullompton Critical Drainage Area would not be adversely affected by the proposed development and the proposal would, therefore, accord with policies S9, DM1 and DM4 of the Local Plan.

## **7. Climate Change**

- 7.1 Policy S9 requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.
- 7.2 The application submission includes a climate change and environmental impact statement. The statement considers that the siting of the proposed dwelling is conducive to providing a more energy efficient and sustainably constructed dwelling, the proposal includes solar panels to maximise solar gain and the dwelling will be served by an air source heat pump to sustainably heat the dwelling and reduce the carbon emissions alongside triple glazed windows for heat efficiency.
- 7.3 The development is car-free in a sustainable town centre location with no off-road parking spaces to encourage the use of public transport to reduce emissions from vehicle movements. The proposal also includes cycle storage space to encourage the reduction in the number of vehicle movements generated.
- 7.4 The construction principles will comply with current building regulation standards and the timber frame designs provide a superefficient form of construction.
- 7.5 The proposal also includes additional wildflower planting as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 7.6 The statement concludes that the proposed construction methods, design and materials for the dwelling ensure the impacts in relation to climate change and the environment have been mitigated against to provide low carbon and sustainable dwellings for the lifetime of the development.

7.7 Paragraph 157 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

7.8 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a relatively small scale nature and would provide a new dwelling with a high level of thermal efficiency. The proposal also includes the provision of solar panels and an air source heat pump to off-set reliance on less environmentally friendly energy sources.

## **8. Conclusion**

8.1 The proposal is acceptable in principle as the site is considered to be a sustainable location and will be within the defined settlement limit of Cullompton, where residential development is supported in accordance with policies S1, S2, S3 and S11 of the Local Plan. Whilst the site sits within a relatively close residential context, it is considered that a dwelling could be accommodated on the site.

8.2 The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the curtilage. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety interests, or the Cullompton Critical Drainage Area. The proposed development is acceptable in principle under Local Plan policies S1, S3, S9, S11 DM1, DM3, DM4 and DM5 and policies TC02, SD03, SD04, HS03 and HS04 of the Cullompton Neighbourhood Plan 2020 – 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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

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

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

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

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

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

4. The development, hereby approved. Shall be carried out in accordance with Section 9 Mitigation Statement and Appendix C (Construction Mitigation Measures) of the Air Quality Assessment carried out by Kairus Ltd for 5 Exon Buildings, Exeter Road, Cullompton dated November 2023
5. Within three (3) months of the substantial completion of the development hereby approved, at least one bat box and/or one bird nest box, shall be installed on the building or on a tree within the applicants' ownership at least 3m above ground level.

## **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 and to safeguard the character of the listed building in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
3. To ensure that the proposed development does not adversely affect highway safety or its users in accordance with policies DM3 and DM5 of the Local Plan. This is required to be agreed prior to commencement of development to ensure that appropriate measures are in place to avoid adverse impacts on highway safety or its users, during demolition and construction.
4. To ensure the impacts of the proposed development are adequately mitigated in accordance with policies DM3 and DM4 of the Mid Devon Local Plan 2013-2033 and the Air Quality SPD
5. To enable biodiversity net gain within development in accordance with MDDC Local Plan: Policy S9 Environment and national policy.

## **INFORMATIVES**

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).

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report

has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

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

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



Application No. 23/01615/FULL

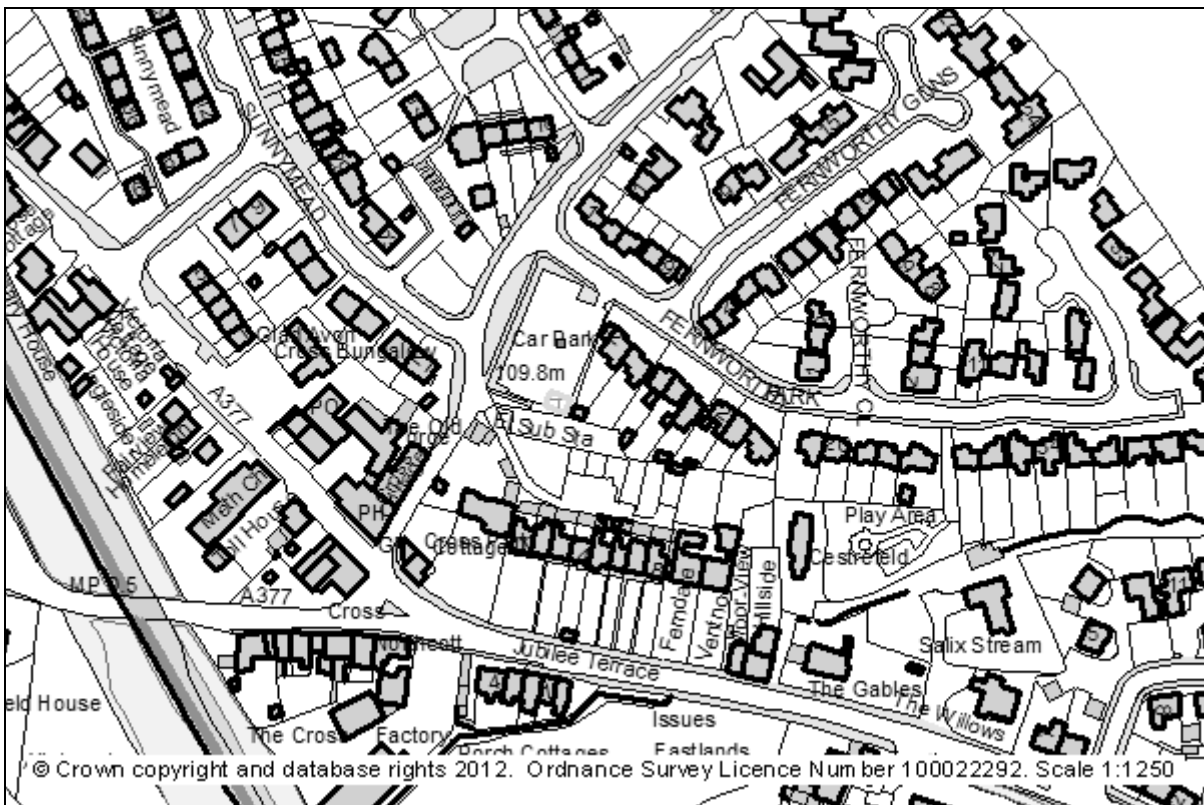
Grid Ref: 277126: 102693

Applicant: Miss A Fairman

Location: Car Park  
Fernworthy Park  
Coppelstone  
Devon

Proposal: Construction and operation of micro energy storage facility

Date Valid: 9th October 2023



## **APPLICATION NO: 23/01615/FULL**

**Site Visit: Yes**     **Date of Site Visit:** 19<sup>th</sup> October 2023

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

The application is located on MDDC land.

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Construction and operation of micro energy storage facility

The site is located centrally in Copplestone within a public car park, which can be accessed via Fernworthy Park to the north. The site is bordered by public highways to the north and west, with a substation located to the south. Residential properties can be found directly to the east of the site.

The application seeks planning permission for the construction and operation of a micro energy storage facility. This application now proposes a slightly amended location, with the development re-orientated 90 degrees to ensure that existing parking spaces within the site are not impacted upon. The development comprises two battery units and a Power Conversion System (PCS) (in total approximately 3.38m long by 1.2385m wide, 2.69m high) and an electrical cabinet (1.2m by 0.6m by 2.0m high) set on a concrete plinth (6m by 4.29m) and enclosed by a 2.4m high paladin fence. The planning statement sets out that;

*This application seeks permission for a 200kW (800kWhr) Energy Storage System (ESS)('Battery Box') [...]. AMP Clean Energy is developing Battery Boxes across the UK to provide a low carbon, flexible and de-centralised source of electricity that benefits local communities, businesses, and homes. Battery boxes are micro energy storage assets, ~24sqm, equivalent to roughly 2 car parking spaces in size. AMP Clean Energy build, fund, own and operate renewable and local carbon energy facilities and flexible power assets across the UK. We have over 160 assets and provide service and maintenance to over 1000 customer sites and have 175 staff nationwide.*

*A Battery Box is an ESS that imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required in periods of high demand. This provides a solution to the growing need for flexibility and helps address concerns regarding grid reliability prompted by an increase reliance on intermittent generation of the electricity system.*

*Battery boxes connect into the low voltage (LV) network, this is the lowest and most local point in the system where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed in the locality of the box (when it is required).*

## **APPLICANT'S SUPPORTING INFORMATION**

- Application form
- Site location plan (revised)
- Block plans (revised)
- Proposed plans
- Planning statement
- Battery box info
- Additional information
- Photographs

## **RELEVANT PLANNING HISTORY**

23/01615/FULL - PCO date Construction and operation of micro energy storage facility

## **DEVELOPMENT PLAN POLICIES**

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

S1 Sustainable development priorities

S9 Environment

S13 Villages

DM1 High quality design

DM2 Renewable and low carbon energy

DM4 Pollution

DM5 Parking

### **National Planning Policy Framework**

### **National Planning Practise Guidance**

## **CONSULTATIONS**

### Copplestone Parish Council

09.11.23

Dear Sirs.

Copplestone Parish Council met on the 7th November 2023 to discuss the above planning application.

Members voted to object to the planning application on the following grounds.

#### Impact on the Community

We believe that there is a significant risk of an accident that would impact the surrounding houses. The proposed location is within a corner of a well-used car park. Having cars parked near this facility would pose difficulties for emergency services to access the location if an accident would occur.

When considering the batteries at the facility are lithium-ion batteries, if a fire within the facility occurred, poisonous fumes / gasses would be discharged into the local atmosphere. Considering the proximity of the facility to houses and the centre of the village, this risk is unacceptable. For the size of the facility, we would consider that that the applicant has replied incorrectly as to storage of

hazardous materials within the application form.

It is also our understanding that the facility has cooling fans. No information has been provided by the applicant on the dB range of the fans and the duration they will be running. Are nearby residential areas impacted by this noise? The applicant states that 'noise arising from equipment will be minimal and indistinguishable from background levels. Further information from the applicant is required providing the basis and method for this comment.

Despite the alleged size of the fencing surrounding the facility, why should residents be required to manage fewer parking spaces in the centre of the village when dedicated parking areas are scarce.

With the reduction in spaces, it is felt that cars will spill out to other areas of the village that are unsuitable. Difficulties will occur during school drop off and pick times. The applicant states that the facility will be situated in an unused area of the Car Park. This is incorrect.

Resident of surrounding properties should not be expected to deal with such issues, and it is felt that for this risk to be mitigated, the facility should be housed within an industrial environment as stated within the applicants planning statement - 'Impacts on landscape and visual amenity are not considered to be significant due to the overall industrial nature of the surrounding area and the small-scale nature of the development. (Planning Statement October 2023, s.4.1 Environmental Review, Impacts on Landscape). Fernworthy Car Park and the surrounding area is not industrial.

Comments regarding MDDC / Application.

The applicant states that the landowner would benefit with an income of £1000 per year or a £10,000 lump sum payment. No details of what MDDC will gain have been given.

No application for Change of Use has been received for consultation relating to this application. The Site notice that MDDC placed at Fernworthy Car Park is not clear. It appears to have been hidden in the corner and not clear to residents nearby.

The Parish Council object to the application on the above reasons. The matter benefits MDDC financially and as a matter of right, we request that the application is considered at Full Planning Committee level, not delegated authority.

*No additional comments have been received in regards to the amended plans and additional information received.*

#### Highway Authority

County Highway Authority has no objections to this proposal

#### Public Health

02.11.23.

We have considered the application and have no concerns in principle. However we do have the following queries which might reassure local residents:

1. This is a small scale proposal and the supporting information contains brief information relating to noise which suggests that the noise output is minimal. However we would wish to see more information regarding this, for example are there any low frequency noise issues and are there fans for cooling purposes. In addition have noise readings been taken near existing units elsewhere which could be provided.
2. How are the batteries and any other equipment mounted on the floor of the cabinet? Does the mounting include anti-vibration pads or similar?
3. Although not strictly a planning issue, a concern has been raised by a resident regarding fire

safety. For reassurance please could the applicant confirm the arrangements for preventing overheating and for dealing with fire should there be an incident?

28.11.23.

Thanks very much for asking those questions, that is really helpful, particularly the information about safety and fire safety. With regard to noise, the applicant mentioned that they attached a condition from another approval. Would you be able to send it to me? 60dB is high (and in fact even 45dB would exceed background by 15dB or so at night) so noise mitigation might be needed if it does turn out to be a problem.

18.01.2024

The daytime noise level in that area is likely to be between 45 and 50dB, and the applicant states that noise output tends to be between 40 and 60dB at 1m. The boundary fence will remove 15dB and the structure of the timber cabin will remove a further 15dB at least. Therefore it is not likely that noise from these units will exceed the daytime background noise levels in the garden or cabin, or the night time background noise levels in the house. I have looked at the two conditions on previous approvals and neither are ideal; our wording is more robust so I recommend that the following condition is included on any approval:

"The specific noise level from the equipment installed shall not exceed the background noise level (measured as La90dBa, 1 hour), at the facade of the nearest residential premises at any time. Measurements and assessment shall be in accordance with BS4142:2014 or later amendments. Daytime and night time background noise levels in this area can be taken as 45dBa, L90, 1 hour and 25dBa, L90, 1 hour respectively. Compliance shall be determined before the equipment is first commissioned and shall be maintained for as long as the equipment is in use. Reason: To protect the amenity of local residents from excessive noise."

This will address the concerns of the resident

## **REPRESENTATIONS**

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

2 properties were written to as part of this notification. At the time of writing this report, 2 objection comments have been received:

Wed 18 Oct 2023

There are a number of objections regarding this planning request that are highlighted below:

The application states that this is to be situated in an unused corner of the car park. During peak times (school morning and afternoon drop off and pick up) this car park becomes very busy and this area is used for vehicles to pass and also to turn around. If this area is used for another purpose then the safety of people and vehicles is increased. This area has also been used in the past for larger work and car recovery vehicles to safely turn.

During adverse weather conditions this area has regularly been known to flood from water run-off and lack of adequate drainage (partly due to leaves from trees surrounding car park).

Trees that surround the car park also overhang the proposed area. This development would impact wildlife and the surround trees in the corner that this is proposed.

There is no mention to the proposed impact to the adjacent properties - for example, noise impact for residents for the installation of the proposal or noise once this proposal is fully installed.

What is the proposed health, safety and fire risk to the adjacent properties. Mainly the property of number 2 Fernworthy Park? As the proposal plans suggest that this is close to the boundary of our property.

Fri 05 Jan 2024

With the revised plans and additional information, especially regarding noise my family and I still object to this project.

The facility is within 2 metres of our boundary fence and located towards the bottom of the garden. We have a garden office which will be located less than 5 metres from this facility which is used by our children for college/University studies and also where I can work from home if necessary. A number of other gardens back onto this area (or in close proximity), this is not an industrial estate but a residential area where this facility does not fit in with the nature of the surroundings.

The block plan also makes it look as if it will not effect the car park but the reality is that it will and will also increase parking on the surrounding roads.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Policy and principle of development**
- 2. Design and amenity issues**
- 3. Highway impacts and parking**
- 4. Impact to ecology and biodiversity**
- 5. Drainage and flood risk**
- 6. Other issues**

### **1. Policy and principle of development**

- 1.1. The NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 158 sets out that when determining planning applications for renewable and low carbon energy development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 1.2. The Government's Planning Practice Guidance sets out that electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost- effectively by helping to balance the system at a lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind) and deferring or avoiding the need for costly network upgrades and new generation capacity.
- 1.3. Policy S1 sets out that all development will be expected to support the creation of sustainable communities through a number of priorities including through meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk

and conserving natural resources. The site is located within the settlement boundary of Coplestone, one of 22 settlements identified within policy S13 – Villages. S13 does not make specific reference to development such as this.

1.4. Policy DM1 requires development to be of a high quality design and in part states that proposals must have a clear understanding of the characteristics of the site, its wider context and the surrounding area, and also make efficient and effective use of the site. DM1 also states that development must not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

1.5. Policy DM2 relates to renewable and low carbon energy. It sets out that;

The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate that impacts are or can be made acceptable in relation to:

- a) Landscape character and the character and setting of heritage assets;
- b) Environmental amenity of nearby properties and the wider locality;
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and
- d) Biodiversity (avoiding habitat fragmentation).

1.5 The proposal is not for a renewable energy installation, albeit the supporting information suggests that the facility would enable surplus energy to be stored for example when renewable energy generation exceeds demand within the grid. The definition of low carbon technologies set out by the local plan includes technologies that can help reduce emissions (compared to conventional use of fossil fuels). The proposal would enable the benefits of renewable energy generation to be maximised and therefore reduce reliance on non-renewable sources.

1.6 The application sets out that the development is expected to save approximately 80 tonnes of carbon each year, and 2400 tonnes over the project lifecycle. On this basis, the proposal is considered to be in line with the Council's climate emergency pledge. Appeal decisions have held that tackling climate change is a material consideration to which significant weight should be attached.

1.7 Policy DM5 relates to parking and states that development must provide an appropriate level of parking. Whilst this proposal is not relevant to this policy itself, in that it does not require parking, initial concerns were raised that the proposal may have impacted upon existing parking spaces within the car park. The submitted plans have since been amended, with the compound re-orientated 90 degrees to ensure acceptable distance is left between the boundary fencing and nearest parking spaces, and therefore maintaining flow around the car park. An amended block plan shows the developments relationship to existing parking provision on site.

## **2. Design and amenity issues**

2.1. The Battery Energy Storage Systems (BESS) would be located in a corner which is well bordered by existing fencing and boundary trees and whilst visible would therefore sit relatively comfortably within this corner of the site. It is noted that suitable

sites must be within 50m of an existing substation to be viable. The development is not considered to be excessive in scale or massing, measuring 6m x 4.29m and not exceeding 2.4m in height. It will have a utilitarian appearance, however given its scale and siting it is considered that it would have limited impacts to the character and appearance of the wider area and is considered to be acceptable.

- 2.2. The development site is located to the south-east corner of the car park away from designated parking spaces. The site is located against a fence line to the east, which directly borders a neighbouring residential property. A garden office building is noted adjacent to the proposed development. The boundary fencing of the BESS will be located approximately 1.9m from the neighbouring garden office, with the nearest unit within the fencing located approximately 2.9m away. The development is located approximately 18m from the main dwelling at 2 Fernworthy Park.
- 2.3. Policy DM1 also states that development must not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. Policy DM4 relates to impacts on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution. Taking into account the concerns raised in the received objections in regards to noise and public safety, Public Health have been consulted on this application. Whilst Public Health had no initial concerns in principle to the development, they did request additional information relating to noise, fire safety and how the cabinets are mounted to the floor. This information was provided by the applicant and no concerns were raised to this by Public Health. The noise levels stated were noted, and it was advised that the daytime noise level in this area is likely to be between 45 and 50dB, and the applicant states that noise output tends to be between 40 and 60dB at 1m. The boundary fence will remove 15dB and the structure of the timber cabin will remove a further 15dB at least. Therefore it is not likely that noise from these units will exceed the daytime background noise levels in the garden or cabin, or the night time background noise levels in the house.
- 2.4. Whilst no objections were raised within the comments from Public Health, it was recommended that a condition related to noise be imposed to ensure that neighbouring amenity is protected. This condition states that the specific noise level from the equipment installed shall not exceed the background noise level (measured as La90dBa, 1 hour), at the facade of the nearest residential premises at any time.
- 2.5. Taking into account the comments received from Public Health and the conditions to be imposed, it is considered that the proposal is not likely to result in a significant adverse impacts to the amenities of neighbouring occupiers in accordance with Policies DM1 and DM4.

### **3. Highway impacts and parking**

- 3.1. The development proposes to utilise the south-east corner of the existing car park. The site is accessible within the car park which can be accessed via Fernworthy Park. During the 2 week construction period a total of 6 HGV movements are expected to the site. The BESS is operated remotely and therefore during the operational phase traffic movements to the site are only anticipated in relation to a fault or maintenance activities. On this basis, it is considered that the proposal is unlikely to result in any significant impacts to the local highway network. Furthermore, it is noted that the Highway Authority have not raised any objections to the proposal.



3.2. Concerns regarding a loss of car parking spaces within the car park have been noted and discussed with the applicant. The application now proposes a slightly amended location, with the development re-orientated 90 degrees to ensure that existing parking spaces within the site are not impacted upon. An amended block plan provided shows the developments relation to existing official parking provision on site, with a gap of 4.61m between the palisade fencing and the nearest car parking space demonstrating acceptable distance is now left between the boundary fencing and nearest parking spaces, therefore maintaining flow around the car park.

#### **4. Impact to ecology and biodiversity**

4.1. Policy S1 states that development will be expected to support the creation of sustainable communities including by minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites.

4.2. Having regard to the nature and location of the proposed works it is considered unlikely that the proposal would result in harm to protected species. Concerns regarding boundary trees have been noted, however taking into account the overall 2.4m height of the development it is not considered that the development will have significant impacts upon these trees. The LPA's Arboricultural Officer has been verbally consulted on the proposal, due to the presence of established trees to this corner of the car park. Taking into account the existing surfacing to the car park which the development will be located upon, it is not considered to impact upon the roots of nearby trees. A pre-commencement condition has been recommended requesting a tree protection plan, to ensure prior to work starting that the LPA are aware if any remedial works are required to the trees to allow for the installation of the equipment, and to ensure that during the construction of the facility that existing trees and roots will not be negatively impacted upon.

#### **5. Drainage and flood risk**

5.1. The site is located in flood zone 1 (lowest flood risk). Having regard to the nature and scale of the development it is considered that the proposal does not raise any flood risk or drainage concerns.

#### **6. Other issues**

6.1. Fire risk - The systems include battery management system that monitors the BESS 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provide early warning of a malfunction and permit automatic shutdown. The system includes inbuilt heat sensors that measure the temperature of the battery units that automatically shuts down in the unlikely event that thermal runaway is detected. The equipment also automatically shuts down once it reaches the limits of its safe operating parameters. This equipment is designed to operate at altitude and in more extreme weather conditions, the UK climate is well within its safe operational envelope. The units are also equipment with fire suppression, specifically a hot aerosol spray. The Battery Box also has an internal short circuit detection system, built in current and voltage sensors all which provide early warning of a malfunction and permit automatic switch off. No comments have been received from the Fire and Rescue Service.

6.2. Maintenance - The site will be monitored 24/7 by AMP's Asset Management team. The site will be visited twice a year by the applicant's operational and maintenance teams as

part of the standard preventative maintenance schedule and more frequently in the unlikely event of faults. For sites close to vegetation this will also include the removal of any leaves and vegetation that have accumulated.

- 6.3. Hazardous material – The comments from the Parish Council regarding the application form and the storage of hazardous materials have been noted, however it is considered that this proposal does not propose the storage of raw hazardous material. Full details of the equipment proposed has been provided, and the batteries and equipment are brought onto site as complete units. No concerns have been raised by Public Health.
- 6.4. Application type – The comments from the Parish Council highlighting that a change of use application have been noted. It is considered that the proposal relates to a small parcel of development to the corner of the public car park, and the overall main use of the site will not change.
- 6.5. Site Notice – Concerns have been raised by the Parish Council regarding the siting of the site notice. It is considered that the site notice has been displayed within the public car park near to the proposed development site. This application has also been advertised in The Gazette and through neighbour notifications.
- 6.6. Committee Process – Whilst it is noted that this application was initially set to be dealt with under delegated authority, once the application was reviewed and the land owner was noted as MDDC, this was subsequently amended to be dealt with by the Planning Committee.
- 6.7. Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to commencement of development a Method Statement and Management Plan for the protection of trees and hedgerow (both prior to and during construction works) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The specific noise level from the equipment installed shall not exceed the background noise level (measured as La90dBa, 1 hour), at the facade of the nearest residential premises at any time. Measurements and assessment shall be in accordance with BS4142:2014 or later amendments. Daytime and night time background noise levels in this area can be taken as 45dBa, L90, 1 hour and 25dBa, L90, 1 hour respectively. Compliance shall be determined before the equipment is first commissioned and shall be maintained for as long as the equipment is in use.

## 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 protect trees in the interests of visual amenity in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.

Reason for being pre-commencement: To ensure appropriate protection measures are secured prior to any works which may result in harm to the trees.

4. To protect the amenity of local residents from excessive noise in accordance with Policy DM1 and DM4 of the Mid Devon Local Plan 2013 – 2033.

## INFORMATIVES

1. This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc.) other than Section 57 of the Town and Country Planning Act 1990.
2. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.
3. Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

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

The construction and operation of micro energy storage facility at Car Park, Fernworthy Park, Copplestone, Devon is considered to be supportable in policy terms. The proposal is for a form of low carbon technology which can help to reduce greenhouse emissions and, by enabling the benefits of renewable energy generation to be maximised, would reduce reliance on non-renewable sources of energy. The development is not considered to have a significant impact on the character and appearance of the area given its scale. On this basis it is considered that the proposal is supportable in accordance with policy DM2 and is considered to align with the Council's climate emergency pledge. Whilst the development is sited to the corner of the existing car park, having regard to its scale and siting, it is considered to have very limited impact on the continued function of the car park and therefore is not considered to result in a loss of parking on site. It is considered that the proposal is unlikely to result in any significant adverse impacts to the

amenities of neighbouring occupiers taking into account the noise condition recommended by Public Health. The proposal is also unlikely to result in any significant adverse impacts in regards to drainage, flood risk, highways or ecology. Overall the proposal is considered to be supportable in accordance with policies S1, DM1, DM2 and DM4 of the Mid Devon Local Plan 2013- 2033, and government advice in the NPPF.

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

Application No. 23/01923/FULL

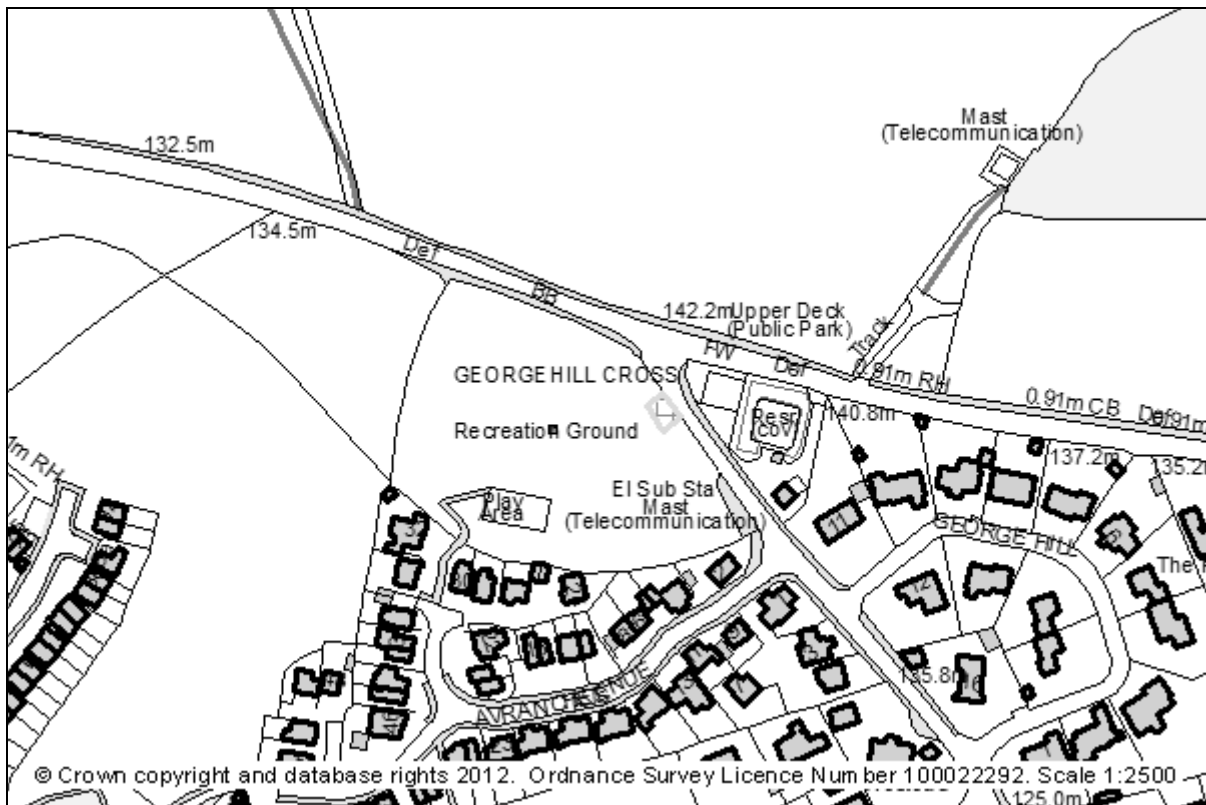
Grid Ref: 282410: 100915

Applicant: Miss Amanda Fairman

Location: Land at NGR 282446 100921 (Playing Field)  
Avranches Avenue  
Crediton  
Devon

Proposal: Construction and operation of a micro energy storage facility (Amended Location)

Date Valid: 15th December 2023



## **APPLICATION NO: 23/01923/FULL**

### **Decision Delayed Reason**

Committee item

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

The application is located on MDDC land.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Construction and operation of a micro energy storage facility.

The site is located at the northern edge of Crediton, at the eastern edge of the recreation ground at George Hill Cross. The site is bordered by George Hill to the east. Access is achieved via an existing gate from George Hill to the east, there is also a pedestrian gate to the south of the site. The application seeks planning permission for the construction and operation of a micro energy storage facility. This application proposes a revised location to that previously submitted under 23/01592/FULL (now withdrawn), following discussions with Crediton Town Council.

The development comprises two battery units and PCS (in total approximately 3.38m long by 1.2385m wide, 2.69m high) and an electrical cabinet (1.2m by 0.6m by 2.0m high) set on a concrete plinth (6m by 4.29m) and enclosed by a 2.4m high paladin fence. The PCS unit is a power conversion system, also known as an inverter, which changes the direct current of electricity into an alternating current in order to export or import to/from the grid. It is proposed to plant three new trees on the western side of the development. The planning statement sets out that;

*This application seeks permission for a 200kW (800kWhr) Energy Storage System (ESS) ('Battery Box') [...]. AMP Clean Energy is developing Battery Boxes across the UK to provide a low carbon, flexible and de-centralised source of electricity that benefits local communities, businesses, and homes. Battery boxes are micro energy storage assets, ~24sqm, equivalent to roughly 2 car parking spaces in size. AMP Clean Energy build, fund, own and operate renewable and local carbon energy facilities and flexible power assets across the UK. We have over 160 assets and provide service and maintenance to over 1000 customer sites and have 175 staff nationwide.*

*A Battery Box is an ESS that imports electricity from the local electricity network when demand for electricity is low or when there are high levels of renewable energy available. It then exports that electricity back to the grid when required in periods of high demand. This provides a solution to the growing need for flexibility and helps address concerns regarding grid reliability prompted by an increase reliance on intermittent generation of the electricity system.*

*Battery boxes connect into the low voltage (LV) network, this is the lowest and most local point in the system where there is an increasing demand for electricity with the electrification of transport and heating systems. Stored electricity from the Battery Box will be exported and consumed in the locality of the box (when it is required).*

## **APPLICANT'S SUPPORTING INFORMATION**

Application form  
Site location plan, block plan  
Palisade fence elevations  
Electrical cabinet plan and elevations  
Battery equipment plan and elevations  
Planning statement  
Battery box briefing paper  
Battery box infographic

NB: a revised layout/ block plan was received on 19<sup>th</sup> January 2024, no further consultations were considered necessary as there are no amendments to the application proposal, the revised plan provides clarity on the siting of the development in relation to an existing tree.

## **RELEVANT PLANNING HISTORY**

80/01684/OUT - REFUSE date 31st December 1980 Outline for residential development  
23/01592/FULL - WITHDRAWN date Construction and operation of a micro energy storage facility  
23/01923/FULL - PCO date Construction and operation of a micro energy storage facility  
(Amended Location)

Officer comment; application 23/01592/FULL proposed to site the development at the northern edge of the recreation ground, the development has been re-sited to the current proposed location following concerns raised by Crediton Town Council.

## **DEVELOPMENT PLAN POLICIES**

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

S1 Sustainable development priorities  
S9 Environment  
S12 Crediton  
DM1 High quality design  
DM2 Renewable and low carbon energy  
DM24 Protection of Local Green Space and recreational land/buildings  
DM25 Development affecting heritage assets

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

D1 Development Principles  
En1 Open Spaces

## **CONSULTATIONS**

CREDITON TOWN COUNCIL- Resolved to recommend no objection.

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

DCC HISTORIC ENVIRONMENT TEAM- As per the original location as set out in application 23/01592/FULL, the proposed development lies in an area where 13th and 14th century documents, as well as a 16th century estate map, indicate the presence of a chapel on St George's Hill. However, the exact location of the chapel has been lost and, as such, there is the potential for any groundworks associated with the construction of the proposed energy storage facility to expose and destroy archaeological or artefactual material associated with this lost chapel. The potential impact of development upon the archaeological resource here should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

### Reason

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

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

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



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

#### Reason

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

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

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

#### **REPRESENTATIONS**

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

The following properties were written to:

8 Avranches Avenue Crediton Devon EX17 2HB  
6 Avranches Avenue Crediton Devon EX17 2HB  
28 Avranches Avenue Crediton Devon EX17 2HB  
30 Avranches Avenue Crediton Devon EX17 2HB  
26 Avranches Avenue Crediton Devon EX17 2HB  
24 Avranches Avenue Crediton Devon EX17 2HB  
4 Avranches Avenue Crediton Devon EX17 2HB  
2 Avranches Avenue Crediton Devon EX17 2HB  
34 Avranches Avenue Crediton Devon EX17 2HB  
32 Avranches Avenue Crediton Devon EX17 2HB  
65 High Street Crediton Devon EX17 3JX

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

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 7. Policy and principle of development**
- 8. Design and amenity issues**
- 9. Impact to heritage assets**
- 10. Highway impacts**
- 11. Impact to ecology and biodiversity**
- 12. Drainage and flood risk**
- 13. Other issues- EIA screening**

### **1. Policy and principle of development**

- 1.1. The NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 158 sets out that when determining planning applications for renewable and low carbon energy development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 1.2. The Government's Planning Practice Guidance sets out that electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively by helping to balance the system at a lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind) and deferring or avoiding the need for costly network upgrades and new generation capacity.
- 1.3. Policy S1 sets out that all development will be expected to support the creation of sustainable communities through a number of priorities including through meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. The site is located within the settlement boundary of Crediton, policy S12 sets out that Crediton will continue to develop its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. S12 does not make specific reference to development such as this.
- 1.4. Policy DM2 relates to renewable and low carbon energy. It sets out that;

*The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including*

*cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate that impacts are or can be made acceptable in relation to:*

- a) Landscape character and the character and setting of heritage assets;*
- b) Environmental amenity of nearby properties and the wider locality;*
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and*
- d) Biodiversity (avoiding habitat fragmentation).*

1.5. The proposal is not for a renewable energy installation, albeit the supporting information suggests that the facility would enable surplus energy to be stored for example when renewable energy generation exceeds demand within the grid. The definition of low carbon technologies set out by the local plan includes technologies that can help reduce emissions (compared to conventional use of fossil fuels). The proposal would enable the benefits of renewable energy generation to be maximised and therefore reduce reliance on non-renewable sources and therefore can be considered as low carbon technology.

1.6. The application sets out that the development is expected to save approximately 80 tonnes of carbon each year, and 2400 tonnes over the project lifecycle. On this basis, the proposal is considered to be in line with the Council's climate emergency pledge. Appeal decisions have held that tackling climate change is a material consideration to which significant weight should be attached.

1.7. Policy DM24 sets out that;

*Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:*

- a) An assessment has been undertaken which demonstrates that the site is surplus to requirements, including requirements within the parish for alternative forms of open space, sports or recreational use; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or*
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

1.8. Georgehill Cross is identified within the Crediton Neighbourhood Plan as an open space that policy EN1 identifies as making a significant contribution to public amenity by virtue of their landscape character, biodiversity, appearance and or function. Policy DN1 sets out that development proposals for building within these open spaces or affecting sports and recreational buildings will not be supported unless:

- An assessment shows the affected land or facility is surplus to requirements
- The land or facility is being replaced elsewhere at equivalent or superior quality
- The development provides alternative sport or recreation on the site, delivering benefits that outweigh the loss of the existing facilities and uses

1.9. It is the applicant's view that the given the siting of the development on the perimeter of the recreation area, the development should have no adverse impact on the use of the land for recreation.

1.10. The site has been selected due to its proximity to the existing substation on George Hill. In this case, having regard to the limited scale of the development and the siting at the edge of the recreation area, it is considered that it would have very limited impact to the function of the recreation area for public use.

## **2. Design and amenity issues**

2.1. The site is located at the edge of the existing recreational ground area which is mainly formed of an open field with football goals and a small play area to the south. The recreation ground is enclosed by hedgerows to the north, east and west and close board timber fences to the south where it abuts the rear boundary of the residential dwellings within Avranches Avenue. The BESS would be located inside the hedgerow and would therefore be relatively well screened in views from outside the playing field. The development would be visible within views from the Upper Deck viewing area to the north east of the site. There is an existing tree located at the northern end of the red line area, the applicant states that they would seek to retain it if possible but it may be necessary to remove it. The tree is not mature and by virtue of its scale and siting is considered to provide a limited contribution to the character and appearance of the wider area therefore there are no significant objections to its loss.

2.2. The proposed tree planting will also help to soften the impact of the development over time and offset the loss of the existing tree in the event that it cannot be retained. The development is set in from the boundary by 2m to protect the existing hedgerow. The Tree Officer has not raised any objections but suggests that a condition requiring details of a method statement and maintenance plan is required. Details of the proposed tree planting can also be secured by condition.

2.3. The development is located approximately 45m from the nearest residential dwellings within Avranches Avenue to the south, who's rear elevations outlook northwards to the site. The dwellings are set at a lower level and it is considered that given the separation distance, the proposal is not likely to result in a significant adverse impacts to the amenities of neighbouring occupiers. It is noted that no representations have been received from neighbouring occupiers and Public Health have not raised any concerns in this regard.

## **3. Impact to heritage assets**

3.1. Policy DM25 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).*

3.2. By virtue of the siting of the development it is not considered likely to affect any above ground designated heritage assets.

3.3. The consultation response from DCC Historic Environment Team highlights that the site is in an area where groundworks have potential to expose and destroy archaeological or artefactual material associated with a historic chapel structure. In accordance with paragraphs 200 and 211 of the NPPF it is recommended that a programme of archaeological recording to mitigate the loss of the heritage assets with archaeological interest is conditioned. Please see conditions 3 and 4 of this report which has taken on board these comments.

3.4. The Viewpoint on George Hill, known as Upper Deck, to the north east of the site is included on the Council's Register of Heritage Assets: Local List. It is a viewpoint owned by the Town Council, 'form on top of the reservoir' in 1915. The NPPF sets out that;

*3.5. 209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

3.6. As discussed above, the proposed development will be visible within views from Upper Deck. Whilst the development would introduce an incongruous feature within the views from, and within the setting of, Upper Deck the level of harm arising is not considered to be significant. Furthermore the public benefits associated with the provision of the low carbon technology is considered to outweigh the harm to the non-designated heritage asset in this case.

3.7. On this basis the proposal is considered to be supportable in accordance with policy DM25 and guidance within the NPPF.

#### **4. Highway impacts**

- 4.1. The development proposes to utilise the existing field access from George Hill. During the construction period a total of 6 HGV movements are expected to the site. The BESS is operated remotely and therefore during the operational phase traffic movements to the site are only anticipated in relation to a fault or maintenance activities. On this basis, it is considered that the proposal is unlikely to result in any significant impacts to the local highway network. Furthermore, it is noted that the Highway Authority have not raised any objections to the proposal.

#### **5. Impact to ecology and biodiversity**

- 5.1. Policy S1 states that development will be expected to support the creation of sustainable communities including by minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites.
- 5.2. Having regard to the nature and location of the proposed works it is considered unlikely that the proposal would result in harm to protected species. The proposed tree planting is likely to offer biodiversity benefits.

#### **6. Drainage and flood risk**

- 6.1. The site is located in flood zone 1 (lowest flood risk). Having regard to the nature and scale of the development it is considered that the proposal does not raise any flood risk or drainage concerns.

#### **7. Other issues- Fire risk, EIA development, conditions**

- 7.1. Fire risk: The systems include battery management system that monitors the BESS 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provide early warning of a malfunction and permit automatic shutdown. No comments have been received from the Fire and Rescue Service.
- 7.2. Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.
- 7.3. Pre-commencement conditions: In accordance with the Town and Country Planning (Pre- Commencement Conditions) Regulations 2018, the applicants have been advised of the pre-commencement conditions set out below (number 3 and 5) and have confirmed they have no objection to these.

## **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. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.
4. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
5. Prior to commencement of development a Method Statement and Management Plan for the protection of trees and hedgerow (both prior to and during construction works) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.
6. Before the development hereby approved is brought into its intended use, details of the proposed tree planting shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the size, species and timescale for their planting. Thereafter the proposed trees must be replaced within the same growing season and in accordance with the agreed specification should they be damaged, uprooted, destroyed or die.

## **REASONS FOR CONDITIONS**

1. RD1 in accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. RD7A for the avoidance of doubt in the interests of proper planning.
3. To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development. Reason for being pre-commencement: To ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

4. To comply with Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible
5. To protect trees in the interests of visual amenity in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.  
Reason for being pre-commencement: To ensure appropriate protection measures are secured prior to any works which may result in harm to the trees and hedgerow.
6. In accordance with the submitted details and in the interests of the character and appearance of the area in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.

## **INFORMATIVES**

1. This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc.) other than Section 57 of the Town and Country Planning Act 1990.
2. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.
3. Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

## **REASON FOR APPROVAL OF PERMISSION**

The application for construction and operation of micro energy storage facility is considered to be supportable in policy terms. The proposal is for a form of low carbon technology which can help to reduce greenhouse emissions and, by enabling the benefits of renewable energy generation to be maximised, would reduce reliance on non-renewable sources of energy. The development would have an incongruous appearance but is not considered to have a significantly harmful impact on the character and appearance of the area. On this basis it is considered that the proposal is supportable in accordance with policy DM2 and is considered to align with the Council's climate emergency pledge. Whilst the development is sited at the edge of the recreation ground, having regard to its scale and siting, it is considered to have limited impact on the continued function of the recreation area for public use and therefore is not considered to conflict with the aims of policy DM23. It is considered that the proposal is unlikely to result



in any significant adverse impacts in terms of drainage, flood risk, highways, heritage, ecology or impacts to the amenities of neighbouring occupiers. Overall the proposal is considered to be supportable in accordance with policies S1 and DM2 of the Mid Devon Local Plan 2013- 2033, policy D1 of the Crediton Neighbourhood Plan and government advice in the NPPF.

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

Application No. 23/01251/MFUL

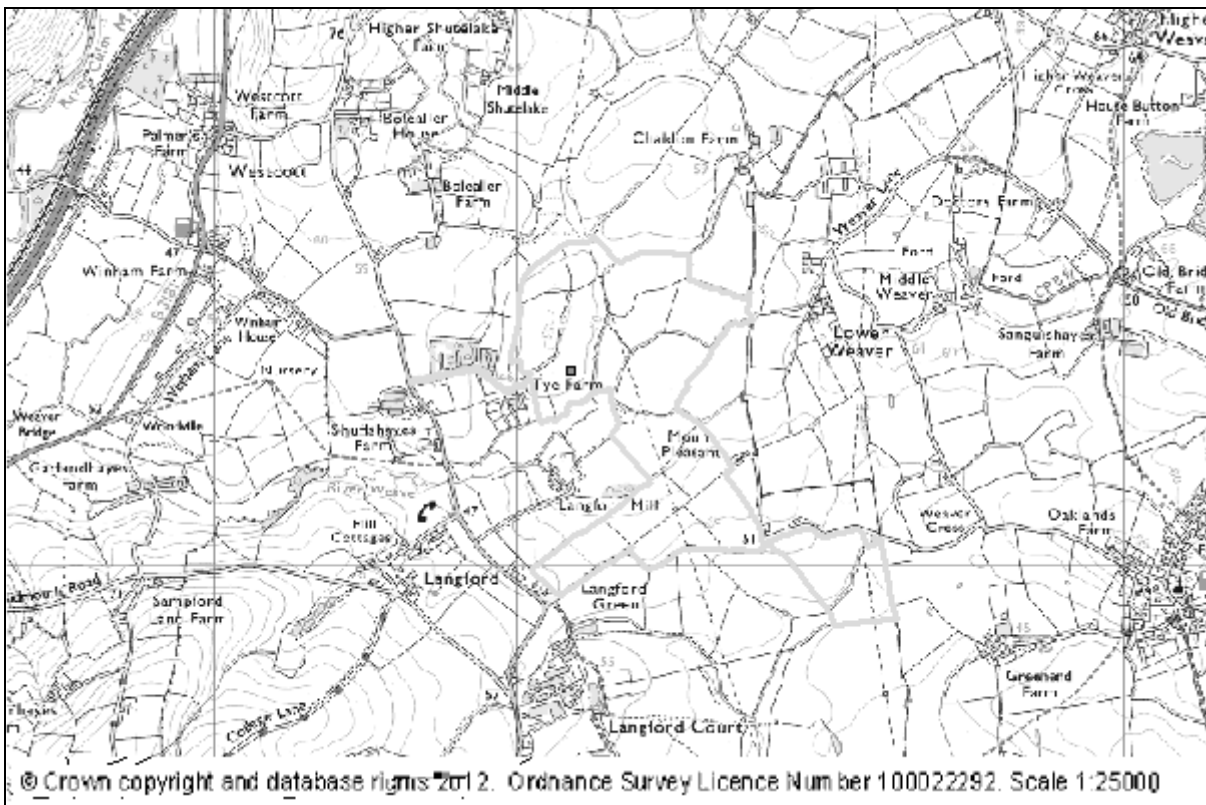
Grid Ref: 303174: 103644

Applicant: Mr McAllister, JBM Solar Projects 2 Ltd

Location: Land at NGR 303437 103555  
 East of Langford Mill & Tye Farm  
 Langford  
 Devon

Proposal: Variation of conditions 3, 16, 22 and 23 and removal of condition 18 of planning permission 19/01679/MFUL (Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure) to allow amendments to internal roads, access to southern parcel, battery stations, layout of solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry and replacement with point of contact mast and addition of 4 (temporary) construction compounds

Date Valid: 14th August 2023



## **APPLICATION NO: 23/01251/MFUL**

### **Site Visit:**

The case officer has not carried out a 'walk-over' site visit. The officer has instead considered the application using maps, photographs and other information and considers that to determine the application without walking the site would not prejudice any interested party.

### **Advertisement of Application:**

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

**Decision Delayed Reason:** An Extension of time was agreed to allow for further assessment of highway and other issues as well as the application being required to go to the Planning Committee.

## **RECOMMENDATION**

Grant permission subject to conditions.

## **PROPOSED DEVELOPMENT**

This application seeks to vary Conditions 3, 16, 22 and 23 and remove Condition 18 of existing planning permission 19/01679/MFUL to allow amendments to:

- internal roads;
- access to the southern parcel;
- battery stations;
- layout of solar PV arrays and fence lines;
- redesign of the substation area; and
- the removal of the proposed gantry with replacement with point of contact mast and addition of 4 (temporary) construction compounds.

Application 19/01679/MFUL gave planning consent for the installation of a 49.9MW solar farm comprising ground-mounted solar PV panels, battery storage facility and associated plant, infrastructure and other works at appeal, with costs awarded against the Council (APP/Y1138/W/22/3293104). Conditions 12, 13, 14, 15, 16, 18, 19, 22 & 23 of application 19/01679/MFUL have been discharged (August & September 2023).

Condition 3 attached to application 19/01679/MFUL was as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

- *Site Location Plan, drawing number P18- 1820\_18, Rev B, prepared by Pegasus Group.*
- *Gantry Site Elevations, drawing number P2763-150-03, Rev O, prepared by G2 Energy.*
- *DNO Substation Elevations, drawing number P2763-(01)-25-01-0, Rev 0, prepared by G2 Energy.*
- *DNO Substation Plan, drawing number P2763(01)-25-01-0, Rev 0, prepared by G2 Energy.*
- *Client Substation Elevations, drawing number P2763-(02)-25-01-0, Rev 0, prepared by G2 Energy.*
- *Side Elevation Layout, drawing number JBM1035-201, Rev A, prepared by JBM Solar*
- *Central Inverter Elevations, drawing number JBM1035-203, prepared by JBM Solar.*
- *Control Room Elevations, drawing number JBM1035-209, prepared by JBM Solar.*

- *Customer Cabin Elevations, drawing number JBM1035-210, prepared by JBM Solar.*
- *Spare Parts Building Details, drawing number JBM1035-212, prepared by JBM Solar.*
- *Client Substation (in 132kVa Compound and Site), drawing number JBM1035-222, prepared by JBM Solar.*
- *132kVa Compound, drawing number JBM1035-220, Rev A, prepared by JBM Solar.*
- *Road Cross Section, drawing number JBM1035-216, prepared by JBM Solar.*
- *Cable Trench Cross Section, drawing number JBM1035-215, prepared by JBM Solar.*
- *Deer Fence Details, drawing number JBM1035-214, Rev A, prepared by JBM Solar.*
- *CCTV Pole Details, drawing number JBM1035-213, prepared by JBM Solar.*
- *Switchgear Elevations, drawing number JBM1035-204, prepared by JBM Solar.*
- *PCS Inverter Elevations, drawing number P2763-(04)-25-01-0, Rev 0, prepared by G2 Energy.*
- *Battery Container Elevations, drawing number P2763-(03)-25-01-0, Rev 0, prepared by G2 Energy.*
- *Proposed Layout Plan, drawing number P18- 1820\_14, Rev K, prepared by Pegasus Group.*
- *P18-1820 Figure 2 Primary Site Access Visibility Splay (CTMP), prepared by Pegasus Group.*
- *P18-1820 Figure 4 Swept Path Analysis B3181 to Main Site Access 15.4m Articulated HGV (CTMP), prepared by Pegasus Group.*
- *P18-1820 Figure 5 Swept Path Analysis Area A to Areas B & C 10m Rigid Vehicle (CTMP), prepared by Pegasus Group.*
- *P18-1820 Figure 7 Swept Path Analysis Area A to Area C 15.4m Artic HGV (CTMP), prepared by Pegasus Group.*
- *In general accordance with P18-1820 Figure 6 Area B Indicative Access Design (CTMP) and P18-1820 Figure 8 Area C Access Indicative Improvements Including Swept Path Analysis 15.4m Artic HGV (CTMP).*
- *Additional Planting Inset Plan, drawing number P18-1820\_24, dated 2nd February 2022.*

Condition 16 of application 19/01679/MFUL was as follows:

*The Solar PV Panels hereby permitted shall not be erected until details, on a suitably scaled plan, of the soft landscape works have been submitted to, and approved in writing by, the local planning authority. The details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved details.*

Condition 22 of application 19/01679/MFUL was as follows:

*Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise; vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development; manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.*

*The following specific details should also be included in respect to highway safety:*

- (a) The timetable of the works;*
- (b) Daily hours of construction;*
- (c) Any road closure;*
- (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays; 9.00am to 1.00pm Saturdays, and no such vehicular movements shall take place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;*

- (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;*
- (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;*
- (g) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;*
- (h) The means of enclosure of the site during construction works;*
- (i) Details of wheel washing facilities and road sweeping measures with the respective obligations;*
- (j) The proposed route of all construction traffic exceeding 7.5 tonnes;*
- (k) Details of the amount and location of construction worker parking;*
- (l) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.*

Condition 23 of application 19/01679/MFUL was as follows:

*No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted and approved in writing by the Local Planning Authority. The LEMP shall provide details of the following:*

- a) Retained Ecological and Landscape features;*
- b) Proposed Habitat Ecological and Landscape Features;*
- c) Habitats and Landscape Management Measures;*
- d) Monitoring and Review of Plan.*

Condition 18 of application 19/01679/MFUL was as follows:

*The Solar PV Panels hereby permitted shall not be erected until the full details of the works to the hedges including species adjacent to the residential properties, as shown on Figures 11 and 12 of the Glint and Glare Study Page Power Ltd v 4 dated 16th August 2019, have been submitted and approved in writing by the Local Planning Authority. The works shall then be carried out in the first planting season after the written approval is received and thereafter retained and maintained.*

This application now submitted seeks to vary the above conditions as follows:

Condition 3 to be varied as follows:

- Site Location Plan, drawing number P18- 1820\_18, Rev B, prepared by Pegasus Group
- DNO Substation Elevations, drawing number P2763-(01)-25-01-0, Rev 0, prepared by G2 Energy.
- DNO Substation Plan, drawing number P2763 (01)-25-01-0, Rev 0, prepared by G2 Energy.
- Client Substation Elevations, drawing number P2763-(02)-25-01-0, Rev 0, prepared by G2 Energy.
- Side Elevation Layout, drawing number JBM1035-201, Rev A, prepared by JBM Solar
- Central Inverter Elevations, drawing number JBM1035-203, prepared by JBM Solar.
- Control Room Elevations, drawing number JBM1035-209, prepared by JBM Solar.
- Customer Cabin Elevations, drawing number JBM1035-210, prepared by JBM Solar.
- Spare Parts Building Details, drawing number JBM1035-212, prepared by JBM Solar.
- Client Substation (in 132kVa Compound and Site), drawing number JBM1035-222, prepared by JBM Solar.
- Compound Details Plan, Rev C, dated 12<sup>th</sup> December 2023, prepared by JBM Solar.
- Road Cross Section, drawing number JBM1035-216, prepared by JBM Solar.
- Cable Trench Cross Section, drawing number JBM1035-215, prepared by JBM Solar.

- Deer Fence Details, drawing number JBM1035-214, Rev A, prepared by JBM Solar.
- CCTV Pole Details, drawing number JBM1035-213, prepared by JBM Solar.
- Switchgear Elevations, drawing number JBM1035-204, prepared by JBM Solar.
- PCS Inverter Elevations, drawing number P2763-(04)-25-01-0, Rev 0, prepared by G2 Energy.
- Typical Battery-Inverter Station, Drawing Rev A, dated July 2023
- Site Layout and Planting Proposals, drawing number P18-1820\_29 Rev C, prepared by Pegasus Group
- P18-1820 Figure 2 Primary Site Access Visibility Splay (CTMP), prepared by Pegasus Group.
- P18-1820 Figure 3.1 Proposed Access Arrangement (CTMP) – Secondary Access Area A
- P18-1820 Figure 3.2 Proposed Access Arrangement (CTMP) – Proposed Site Access Area B
- P18-1820 Figure 3.3 Revision A Proposed Access Arrangement (CTMP) – Proposed Site Access Area C

The changes proposed delete 9 plans from the former Condition (The Gantry Site Plans; 132kVa compound; battery container elevation; proposed layout plan; Figures 4, 5 & 7 swept path analysis; Figure 6 Indicative Access Design and Additional Planting Inset Plan) and the insertion of 6 revised plans (compound details plan; typical battery inverter station; site layout and planting proposals; Figures 3.1, 3.2 & 3.3 proposed access arrangement).

Condition 16 to be varied as follows:

The development will be implemented in accordance with the Detailed Soft Landscape Plan P18-1820\_30 Rev C.

Condition 22 of application 19/01679/MFUL to be varied as follows:

The development will be implemented in accordance with the Construction Traffic Management Plan P18-1820 TR03 Rev C (December 2023).

Condition 23 of application 19/01679/MFUL to be varied as follows:

The development will be implemented in accordance with the LEMP P18-1820\_31D.

Condition 18 is to be deleted as the Detailed Soft Landscape Plan submitted for Condition 16 also satisfies the requirements of Condition 18.

### **Site description and layout**

Application 19/01679/MFUL gives planning consent for the construction, operation, maintenance and decommissioning of a solar farm. Application 19/01679/MFUL confirms that the site comprises approximately 61ha of farmland located in open countryside. The Site Layout and Planting Proposals plan (Dwg No. P18-1820\_29 RevC) submitted with this application (23/01251/MFUL) shows the proposed layout and development zones (F1-F17) which splits the solar arrays into two distinct land parcels: a larger north western parcel and a smaller south-eastern parcel.

As with the former application, the infrastructure necessary for the proposed development would be set within the existing field pattern, with all margins and boundary vegetation retained. The security fencing around the site would be situated inside the boundary vegetation ensuring the fencing is not outwardly visible and the hedge can be accessed for management.

The solar arrays would be laid out horizontally, in rows on an east–west axis, facing south with a 15 degree orientation from the horizontal to maximise efficiency. The maximum height of the panels will not exceed 3m. Plant with other equipment and access tracks will be located within the site.

The plant apparatus will be set out in five groupings to include inverter containers, a storage container and a hybrid inverter container. All are located centrally within the site, with the exception of one that is proposed on the northern hedge boundary of the site. Locating the apparatus in the centre of the solar panels ensures that any noise and visual impacts on surrounding receptors is minimised.

The substation and point of connection to the grid are located towards the south eastern corner of the site (Site layout & Planting Plan, P18-1820\_29 Rev C). Compound drawing (A008\_2600\_C; dated 12 December 2023) provides detail of the substation and point of connection. The 29m point of connection (POC) and communications mast submitted with the early drawings (Compound Details, rev A; dated 14 June 2023) has been removed as no longer required (Compound Details, A008\_2600\_C; dated 12 Dec 2023)

### **Access**

An unnamed road runs in a north – south direction in close proximity to the western boundary of the site. Four access points are proposed into the site from the public highway; an increase in one point of access from the original 19/01679/MFUL application. Three will be to the south of the site and one to the north west of the site.

The construction access will be to the south of the site (adjacent to development zones F14-F15).

### **Setting**

The site is located to the north east of the village of Langford, North West of Plymtree and north of Clyst Hydon. The landscape of the site is undulating to the flood plain, though there are some steep slopes within the site, (approximately 11%).

The River Weaver flows through the site in an east west direction. Parts of the site are located in Flood Zones 2 and 3, including the floodplain.

### **Operation**

Application 19/01679/MFUL gave temporary planning consent for 40 years with the site being retained in agricultural use for the life time of the development; land between and underneath the panels being used for grazing.

## **APPLICANT'S SUPPORTING INFORMATION**

A completed application form; covering letter x2; Noise Assessment; Biodiversity Metric 3.0 Calculation and Report; Construction Traffic Management Plan (Rev B); Heritage Note; Landscape Visual Note; Drainage Technical Note; Landscape and Ecological Management Plan; Proposed Access Arrangement – Secondary Access Area A; Proposed Access Arrangement – Area B; Proposed Access Arrangement – Area C; Typical battery Inverter Station; Compound Details; Site Layout & Planting Proposals; Detailed Soft Landscape Plan; SLP; Heritage Note.

## **RELEVANT PLANNING HISTORY**

89/00647/FULL - PERMIT date 18th May 1989 Construction of vehicular access

89/01092/OUT - PERMIT date 1st December 1989 Outline for the erection of an agricultural dwelling

92/00599/FULL - PERMIT date 1st July 1992 Erection of agricultural dwelling and alteration to vehicular access

97/00430/FULL - PERMIT date 5th September 1997 Erection of a poultry unit building

98/00268/FULL - PERMIT date 20th July 1998 Erection of a poultry unit

98/00269/FULL - PERMIT date 17th July 1998Erection of a poultry unit  
 02/02479/FULL - PERMIT date 14th January 2003Change of use of farm building to stabling for DIY livery and provision of riding trail  
 18/01950/SCR - CLOSED date 25th January 2019Request for Screening Opinion in respect of a proposed solar farm and battery storage facility  
 18/01797/FULL - PERMIT date 18th December 2018Erection of an agricultural storage building  
 19/01658/PPA - CLOSED date 15th July 2021Construction of the Langford Solar Farm, comprising ground-mounted solar PV panels and battery storage facility together with all associated works, equipment and necessary infrastructure  
 19/01679/MFUL - REFUSE date 23rd September 2021Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure - APPEAL ALLOWED WITH CONDITIONS 05.12.2022 - COSTS AWARDED 05.12.22  
 20/01946/OUT - WDN date 12th August 2021Outline for the erection 5 dwellings following demolition of existing dwelling  
 21/01659/FULL - REFUSE date 25th March 2022Retention of 2 buildings for use as bbq school and formation of additional parking  
 22/00155/LBC - PERMIT date 17th June 2022Listed Building Consent for the erection of rear extension following removal of conservatory  
 22/00545/PE - CLOSED date 16th March 2022PROTECT - Replacement roof - material check  
 22/01050/PE - CLOSED date 15th June 2022Regulation 1 of The Electronic Communications Code (Conditions and restrictions) (Amendment) Regulations 2017 - installation of 19 poles (new 17 (13 x 9m light, 4 x 10m light) and replacement 2 (1x 9m medium, 1 x 10m medium)  
 22/01621/NMA - PERMIT date 15th September 2022Non Material Amendment for 19/01808/MARM to amend doors on Block C (formerly Block E) and update site plan with renamed blocks  
 23/01251/MFUL - PCO date Variation of conditions 3, 16, 22 and 23 and removal of condition 18 of planning permission 19/01679/MFUL (Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure) to allow amendments to internal roads, access to southern parcel, battery stations, layout of solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry and replacement with point of contact mast and addition of 4 (temporary) construction compounds

## **OTHER HISTORY**

18/01922/PREAPP - CLO date 31st January 2019

## **INFORMATIVES**

Non-Statutory Interim Planning Policy Statement: Climate Emergency  
 Solar PV development in the landscape (2016) (MDDC SPD)  
 Conservation Principles  
 Historic Environment Good Practice Advice: GPA3 (Setting of Heritage Assets)  
 Devon Waste Plan 2011-2031: W4 – Waste Prevention

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan 2013-2033**

S1 Sustainable development priorities  
 S9 Environment  
 S14 Countryside  
 DM1 High quality design  
 DM2 Renewable and low carbon energy  
 DM25 Development affecting heritage assets



**National Planning Policy Framework  
National Planning Practice Guidance**

**Cullompton Neighbourhood Plan 2020 – 2033**

SD01 Traffic Impact of Major Development  
SD03 Flood Attenuation  
EN01 Protecting and Enhancing the Natural Environment  
TC01 Designated and Non-designated Heritage Assets

**CONSULTATIONS**

Twenty six (26) statutory consultees were consulted. The following comments have been received:

**Exeter International Airport: 20 August 2023**

This proposal and the variations have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.

**Environment Agency: 30 August 2023**

We have no objection to the proposed variation and removal of conditions.

**Reason –** The proposed variation of condition 3 (approved plans) results in alterations to the layout of the solar panels and equipment. However, the changes do not conflict with the formal final position on the original application 19/01679/MFUL and also do not alter the proposed scrapes for floodplain enhancement and proposed area of lower ground for drainage compensation (as shown on plan ref.: P18-1820\_30). We also do not consider that the variations would conflict with the condition 20 (floodplain compensation) which we recommended on application 19/01679/MFUL. If you are minded to approve this variation/removal of condition, please ensure that condition 20 of 19/01679/MFUL is placed on the decision notice.

**Natural England: 31 August 2023**

Natural England currently has no comment to make on the variation of conditions 3, 16, 22 and 23, or the removal of condition 18.

If any of the conditions relate to protected species, please note the following: We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced [standing advice](https://www.gov.uk/protected-species-and-sites-how-to-review-planningproposals1) <sup>[[1]</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planningproposals1>] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. 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.

**Highway Authority: 7 December 2023**

The routing plan has been changed removing the unacceptable light blue route. Therefore no objection from the County Highway Authority 7th December 2023

**Highway Authority: 27 September 2023**

It has recently be brought to my attention the additional routing for the large vehicles in the Construction Management Plan which I had previously missed. I have since looked into this proposal and the routing shown in light blue which uses the A373 and then on through narrow lanes to the site would be unacceptable and this route completely should

be removed from the CMP.

If the Applicant is unwilling to remove this, then the County Highway Authority would like to be re consulted.

#### **Highway Authority: 4 September 2023**

The County Highway Authority has no objections to these amendments.

#### **DCC Flood Risk Management: 10 January 2024**

We have no in-principle objections to the above planning application, from a surface water drainage perspective.

##### **Observations:**

The proposed amendments related to drainage strategy are:

- (a) additional of four temporary construction compounds
- (b) amendment to the substation compound including addition of concrete bases
- (c) battery containers amended to hybrid battery and inverted hybrid containers
- (d) removal of battery stations from the substation area (southeast corner) and redistribute across the site
- (e) minor adjustments to the solar array layouts and fence lines

The hardstanding in the substation area in the southeast corner will now comprises a space parts container, the DNO substation, a control room, client substation and customer cabin. The containerised batteries and inverters are to be redistributed and dispersed across the site. The impermeable area for the Eastern Infrastructure is changed from 181m<sup>2</sup> to 140m<sup>2</sup> and the Western Infrastructure from 140m<sup>2</sup> to 118m<sup>2</sup>.

The temporary construction compound area will be formed from permeable material, similar to the access tracks. They will be grassed post construction. The applicant shall confirm the type of material used during the detailed design and Type 2 aggregate is not permeable material. Due to the above changes, it is proposed that the filter drain length for the Eastern Infrastructure will change from 95m to 90m. For the Western Infrastructure, it was mentioned in the report that the swale will maintain the length of 100m.

#### **DCC Flood Risk Management: 14<sup>th</sup> December 2023**

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 proposed amendments related to drainage strategy are:

- (a) additional of four temporary construction compounds
- (b) amendment to the substation compound including addition of concrete bases
- (c) battery containers amended to hybrid battery and inverted hybrid containers
- (d) removal of battery stations from the substation area (southeast corner) and redistribute across the site
- (e) minor adjustments to the solar array layouts and fence lines

The hardstanding in the substation area in the southeast corner will now comprises a space parts container, the DNO substation, a control room, client substation and customer cabin. The containerised batteries and inverters are to be redistributed and dispersed across the site. The impermeable area for the Eastern Infrastructure is changed from 181m<sup>2</sup> to 140m<sup>2</sup> and the Western Infrastructure from 140m<sup>2</sup> to 118m<sup>2</sup>.

The temporary construction compound area will be formed from permeable material, similar to the access tracks. They will be grassed post construction. The applicant shall confirm the location of this compound area and the type of material used during the detailed design.

Due to the above changes, it is proposed that the filter drain length for the Eastern Infrastructure will change from 95m to 90m. For the Western Infrastructure, it was mentioned in the report that the swale will maintain the length of 100m. However, looking at the submitted Drainage Layout Drawing (Drawing No. 70-105, Rev. 01, dated 16th November 2023), the swale is shorter than the one shown in the previous submission. The applicant shall clarify this.

### **DCC Flood Risk Management: 8 September 2023**

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

- (a) Redesign of substation area so that it occupies a smaller footprint within the site
- (b) Removal of proposed gantry and replacement with Point of Connection mast
- (c) Battery stations now reflecting to more up to date technology, combined with the use of hybrid inverters
- (d) Minor micro-siting adjustments to the layout of the solar PV arrays
- (e) Additional 4 no. (temporary) construction compounds

It is unable to identify where the 4 no. (temporary) construction compounds are and therefore the material and areas covered by these construction compounds. The applicant shall provide this information to enable us to review as to whether they will impact on surface water runoff. The duration that these temporary construction compounds will be in placed shall also be provided for our review.

### **Historic England: 6 October 2023**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

### **Public Health: 14 September 2023**

We have considered the noise report submitted which concludes that noise from the inverters and other noise sources will be localised and mitigated such that it will not impact unreasonably on the closest residential properties. However some of these are in East Devon district and therefore their own planning team and environmental health officers should be consulted.

This solar farm is a large 60 hectare development which will involve many large vehicle movements during a long construction phase. Notwithstanding the original consent approved on appeal, the potential impacts on local residents are still relevant and have become more so in this variation application which proposes additional transport routes. Two of these routes would be along several miles of narrow lanes and through part of the village of Plymtree. This village, and most of route C, is in East Devon and therefore the EDDC should be consulted. The writer suggests mitigation including temporary parking prohibition, banksmen on narrow lanes and bends, hours control, wait away arrangements and various other measures, all of which suggest that these routes are not entirely practical and movements of these large vehicles are likely to impact on the health and well-being of residents. The highways officer offered no comment to this but perhaps did not consider the impacts on the residents affected. There is one corner on route B which seems to be extremely acute, if not impossible, and use of this route is likely to impact negatively on residents in the Poundapitt area. It is clear from the comments of residents that this change has caused a great deal of anxiety and concern, and the information provided does not actually justify why two additional or alternative routes are needed. The improvements proposed to internal trackways in the main area should give suitable access to areas B and C as always proposed. Even route A is going to result in considerable disruption during construction as all

traffic will need to go through the main town of Cullompton but there is more likelihood that one route will be properly managed rather than three.

We recommend that East Devon DC planning and environmental health teams are consulted regarding these proposals. We also consider that the addition of the two alternative transport routes has been proposed without due consideration for the potential impact on the health and well-being of residents along the routes and in the village of Plymtree.

We note that the Construction Environment Management Plan is still awaited.

### **CPRE: 22 November 2023**

Devon CPRE objects to planning application 23/01251/MFUL for the reasons set out below.

1. The site layout has changed from that approved at Public Inquiry ref APP/Y1138/W/22/3293104.

The changes are briefly described in the Pegasus covering letter dated 27 July 2023. Revised "*Battery Stations*" are proposed but no details are given. The details should be provided.

2. Condition 24 imposed by the Planning Inspector is "*Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved*". Why has the applicant failed to provide a BSMP associated with the revised batteries?

3. The Construction Traffic Management Plan (CTMP) contains several errors/contradictions as follows:

- Paragraph 4.12 states that Area C "*comprises the substation only*". This is wrong, it also contains the battery storage facility. It will thus account for 74 deliveries, i.e. 6.7% of the deliveries (see Table 5.1), not 5%.
- This error is repeated at paragraph 5.3 which claims "*up to 50 deliveries*" of battery units, rather than the 54 deliveries given in table 5.1.
- Paragraph 5.10 is also wrong, stating "*5% - 55 deliveries (110 movements)*" rather than the correct figures of 6.7% - 74 deliveries (114 movements).

4. The CTMP makes no mention of HGV movements associated with replacement of the battery storage units, possibly three times during the life of the facility.

5. The CTMP makes no mention of HGV movements associated with decommissioning of the facility.

6. The CTMP should be corrected and re-issued before a decision is made.

7. The use of the proposed route to Area C through Plymtree is unacceptable. The lane is too narrow, with sharp bends, no kerbs and high banks. It passes through Plymtree and is not constructed to carry HGVs.

### **Willand Parish Council: 29 August 2023**

Willand Parish Council is not directly affected by this development, however we would like to raise concerns about the potential loss of wildlife habitat as it is proposed that one of the fields, which was to be for Biodiversity, is instead to be used for growing biofuels.

### **Blackdown Hills AONB (Natural Landscape): 5 September 2023.**

Thank you for informing us of this application to vary conditions. We have no observations to make on this proposal.

### **Plymtree Parish Council: 6 September 2023.**

Plymtree Parish Council OBJECTS to this application

Reasoning:

1. The original application for the Langford Solar Farm Traffic Management Plan (19\_01679\_MFUL) stated that:

1.1. #5.6 The components which are required to construct the solar farm will arrive in 40ft containers by 15.4m long articulated vehicles. Around 140 15.4m articulated vehicles are required for every 10MWp at the site, split equally between the modules and mounting structures. The site is proposed to generate 49.9MWp and as such this will equate to approximately 686 deliveries by 15.4m articulated delivery vehicles.

1.2. #5.7 The largest items expected to be transported to the site are the battery storage containers. They will be 13.72m long, 2.69m high and 2.5m wide. The proposed solar farm could have a total of up to 14 battery storage containers and it is assumed that each will be transported by a vehicle no longer than a 15.4m articulated HGV. The battery storage containers will be transported individually to divide their weight and as such this would equate to a total of up to 14 deliveries. The delivery of the battery storage containers will be routed via the main access to area A, they will then be transported via 15.4m articulated HGV to area C via the area A secondary access.

1.3. #5.8 In addition, the Distribution Network Operator (DNO) will install a 132kV substation, which connects the underground grid connection cable of the solar farm to the distribution network. It is typically no larger than 6m long, 2.55m wide and 2.6m high, the cabinet will arrive at the site by the smallest possible vehicles, which could be a 10m rigid lorry.

1.4. #5.15 Table 5.1 therefore confirms that 767 deliveries (1534 movements) could be made by HGVs associated with the construction of the solar farm, at an average of around 6 deliveries, or 12 movements per day.

2. The new application for the Langford Solar Farm Traffic Management Plan (23\_01251\_MFUL) states that:

2.1. #1.4 Access to the site during the construction and operational phases will be provided via the access locations agreed under planning permission 19/01679/MFUL. However, these access junctions will be widened as part of this Section 73 application in order to accommodate larger construction vehicles. The scheme also proposes two additional construction traffic routes to access the secondary access to Area A, and Areas B and C for 16.5 metre articulated vehicles, avoiding the 26t weight restricted bridge.

2.2. #3.1 The access locations serving the site were agreed as part of planning permission 19/01679/MFUL. However, the largest size of vehicle anticipated to serve the site during the construction phase has increased to a 16.5 metre long articulated HGVs. Therefore, the proposed access points have been revised to accommodate these larger vehicles.

2.3. #4.2 The PV panels and frames will be shipped in 12.2 metre containers which are typically carried to the site on a 16.5 metre long articulated vehicles. This is the largest vehicle which will access the site.

2.4. #4.15 There are no signed weight or height restrictions on the proposed construction routes, and all avoid the 26 tonne weight limit on the bridge to the west of the site. No road closures will be required. However, temporary parking restrictions will be put in place through the village of Plymtree for pre-arranged periods to accommodate the largest HGVs.

2.5. #5.2 The components which are required to construct the solar farm will arrive in 40ft containers by 16.5m long articulated vehicles. Around 140 articulated vehicles are required for every 10MWp at the site, split equally between the modules and mounting structures. The site is proposed to generate 49.9MWp and as such this will equate to approximately 699 deliveries by 16.5m articulated delivery vehicles.

2.6. #5.4 The Distribution Network Operator (DNO) will install a 132kv sub-station, which connects the underground grid connection cable of the solar farm to the distribution network. This will be located in Area C. The applicant has advised that a total of 20 deliveries by 16.5m articulated HGVs will be required including a customer cabin and control room.

2.7. #5.9 Table 5.1 confirms that a total of up to 1,102 deliveries (2,204 movements) could be made by HGVs associated with the construction of the solar farm. This is based on the original

numbers of movements assuming a 15.4m articulated vehicle. In reality, the number of movements may reduce if slightly larger vehicles are used. Based on a six day working week over a six month construction period (144 days), this equates to an average of around eight deliveries, or 16 two-way movements per day.

3. The contradictions between the two applications are stark:

3.1. Originally 686 x 15.4m lorries and 1,534 movements, now 699 x 16.5m lorries and 2,202 movements for the same construction. This is not a reduction in the number of movements because larger vehicles are used.

3.2. Originally the substation construction needed deliveries by “the smallest possible vehicles, which could be a 10m rigid lorry” but now “20 deliveries by 16.5m articulated HGVs will be required including a customer cabin and control room.”

4. No justification is given for the use of larger lorries to transport the same 40 foot (12.2m) containers, nor for why so many, much larger lorries are now needed to construct “Area C”.

5. Key concerns expressed by councillors and residents are:

5.1. During the construction, access to and from Plymtree from the west will be very difficult given the number of very large vehicles going to and from the construction sites. This will necessitate most journeys using alternative routes, increasing the traffic on those routes.

5.2. “Route 3” through the village of Plymtree:

5.2.1. There are many pedestrians, children walking to school, horse riders and cyclists in and around the village. Encounters with regular agricultural vehicles are already difficult, posing serious safety concerns. To have any, but especially 16.5m articulated lorries on these roads will be very substantially more dangerous.

5.2.2. The road is only 2.5m wide in some parts and mostly narrow with traditional Devon banks on both sides.

5.2.3. The road is often most narrow as it passes houses, many of which are ancient and have limited or no foundations, making them vulnerable to the effects of heavy traffic passing.

5.2.4. Vehicle encounters are a problem with very few passing places and those often only sufficient for a car. Encounters between HGVs and the regular farm traffic, including milk tankers, are likely to cause additional damage to the road edges, verges, trees and ditches, irrespective of the safety concerns of having such vehicles attempting to reverse on the narrow lanes.

5.2.5. There is already a significant amount of road subsidence caused by the heavy farm vehicles, despite their broad tyres. Sections of the route are prone to flooding across the road in wet weather and this often turns to ice in winter.

5.2.6. The likelihood of articulated HGVs straying off the hard surface when rounding any of the many tight bends risks them damaging the road surface at the edges, underground infrastructure (water supply, power, drainage) and telegraph poles.

5.2.7. The likelihood that HGVs will stray off the hard surface road, coupled with the current level of deterioration of the road margins and the presence of banks, ditches and soft areas, notably at passing points, will result in a significant risk of vehicles becoming stuck, resulting in further damage and the possibility of a need for rescue both of the loads and the vehicles, and significant disruption to agricultural and domestic traffic.

5.2.8. For many properties in Plymtree, especially along “Route 3”, there is no offstreet parking and nowhere for all the vehicles that would be displaced by “temporary parking restrictions” to be parked. Furthermore, some residents along the route require carer access.

6. Councillors suggest that the obvious solution is to use the original traffic plan for access to “Area C” that was approved in application 19\_01679\_MFUL.

### **Halberton Parish Council: 14 September 2023**

At its meeting on 12 September 2023, Halberton Parish Council RESOVLED to strongly object to the variation and removal of any conditions associated with the Planning Inspectorates decision to approve 19/01679/MFUL at Appeal.

The Inspectorate would have had good reason to apply the conditions listed above and, therefore, The Parish Council believes that the conditions cannot just be varied or removed as they are still

'necessary' for the planning permission to have been granted, and an approval of the current application is actually the grant of a new planning permission (under s. 73 TCPA).

#### **Uffculme Parish Council: 14 September 2023**

It is the view of the Parish Council that the original conditions were imposed for specific reasons and should therefore remain.

#### **Clayhidon Parish Council: 19 September 2023**

At its meeting on 18 September 2023, Clayhidon Parish Council RESOLVED to strongly object to this application.

The conditions were set at the Appeal and were put into the decision notice for good reason as part of the planning approval process.

The Parish Council considers that such conditions should be adhered to without variation and/or requests for removal.

### **REPRESENTATIONS**

One hundred and eighty seven (187) neighbours were consulted. Thirteen letters of objection have been received. The main points including:

- Construction traffic Route 3. Safety and suitability on this road for construction traffic including road surface, width, lack of passing places. And for all other road users
- Potential damage to properties (some with listed building status) and culverts on Route 3.
- Due to school pick-ups / drop-offs route 3 should not operate between 8am – 9.45am & 3pm – 6pm week days.
- More detail is required on temporary parking restrictions. Some properties have no off-street parking.
- Conflict with agricultural vehicles that also use Route 3.
- Conflict with pedestrians (no pavements available), cyclists and horse riders.
- Roads are prone to flooding and icing.
- Damage to vehicles and associated expense as roads deteriorate due to construction traffic use.
- Ambiguity on the number of actual construction deliveries.
- Weak bridge on Langford green route.
- Suggested use of a banksman throughout Route C would prove a challenge.
- The original application did not route traffic through Plymtree. This application does not represent a simple variation to that application.
- 95% of the traffic will use Routes 1 & 2. Why is Route 3 needed?
- Why can't smaller construction vehicles be used?
- Why haven't EDDC been consulted re the Paytherden Solar Park?
- The level of traffic through the temporary construction phase (Covering Letter) is a material consideration.
- A comprehensive traffic management plan is needed.
- Congestion to Cullompton and Honiton.
- Use primary access point A only keeping construction traffic within the site.

Enquiries within objection letters include:

- Traffic route 3 is to serve Site C only. The full construction period for traffic using route 3 should therefore not be needed?
- Historic England should be consulted.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

### 1.0 Principle of the development/sustainability

1.1 Planning permission for a ground-mounted solar PV panel solar farm over a site area 60.78ha with battery storage facility, associated works, equipment and necessary infrastructure was approved through appeal with costs awarded to the Council (Application 19/01679/MFUL). The Committee Report attached to 19/01679/MFUL provides detail of the principle of development; confirming that when taking into account the policies of the Local Plan and the material consideration of the NPPF, that the development is acceptable in principle.

1.2 Whilst there may have been more recent planning consents both within the district of Mid Devon (23/02374/MFUL) and East Devon (22/0990/MFUL) for solar arrays the cumulative effect of them in association with approved application (19/01679/MFUL) will have been fully considered. The application now submitted would grant full planning permission consent. However, the principle of development set out in application (19/01679/MFUL) and the associated documentation remains; with the principle of development accepted. On this basis, a review of each condition will now be undertaken:

### 1.3 Condition 3:

The changes proposed to Condition 3 include the deletion of 9 plans from the former Condition and the insertion of 6 revised plans.

Detailed Element	Proposed Change
Gantry side elevations	No longer required following comments from the LLFA and revised means of contact to the national grid.
Compound details	Drawings resubmitted to reflect updates and floor plan. The compound details no longer include the 29m communications mast; now no longer required. A number of smaller temporary compounds are proposed towards the perimeter of the site to aid construction.
Battery Container Elevations	Drawings resubmitted to reflect updates. Batteries to be redistributed from a centralised AC compound more evenly throughout the site.
Layout Plan	Drawings resubmitted to reflect various updates including points of vehicular entry, number and location of construction compounds, substation area, minor revised changes to security fencing, minor amendments to siting of panels and realignment of internal trackways.
Swept Path Analysis	Drawings deleted and new submitted to reflect revised construction traffic route.
Planting Inset Plan	Deleted and replaced by layout plan

1.4 The revised drawings provide and confirm the battery storage details requested through the consultee comments. As means of clarity, condition 24 associated with the submission of a Battery Safety Management Plan (BSMP) is a pre-commencement condition. Details as yet have not been submitted and are not a requirement of the submission details associated with this application.



1.5 On the basis of the revised drawings, that are not contrary to the principles of the approved scheme (Application 19/01679/MFUL), revised Condition 3 is considered acceptable.

1.6 Condition 16 to be varied as follows:

The development will be implemented in accordance with the Detailed Soft Landscape Plan (P18-1820\_30 Rev C) and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

1.7 In accordance with Application 19/01679/MFUL drawing no. P18-1820\_30 Rev C includes specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing. Revised Condition 16 is considered acceptable.

1.8 Condition 22 to be varied as follows:

The development will be implemented in accordance with the Construction Traffic Management Plan Rev C (CTMP, December 2023).

1.9 In accordance with Application 19/01679/MFUL the CTMP Rev C provides details of the steps and procedures that will be implemented to minimise the creation and impact of noise; vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development; size, routing and management of construction and worker traffic to the site. It also includes details of the hours of operation and compound / welfare facilities.

1.10 Construction is expected to take place over approximately 18 months, of which a vast majority of the construction vehicle deliveries will occur during the first 6 month period. During the construction period, initial site setup works would take place followed by construction of the internal access route(s), ground works, and the installation of the solar panels and other infrastructure.

1.11 Facilities would be provided on site for construction workers, including provision of a site office and welfare facilities (toilets, changing and drying facilities and a canteen). Fencing would be installed around the perimeter of the site and temporary parking would be provided for the construction workers. The proposed hours of construction would be as follows:

08:00 – 20:00 Monday to Friday; and

09:00 – 13:00 Saturday.

Deliveries would be restricted to:

08:00 – 18:00 Monday to Friday; and

09:00 – 13:00 Saturday.

Should work be required outside of these times, this would be agreed in advance and in writing with the Local Planning Authority.

1.12 The CTMP has been amended during the course of this application to address Parish Council and resident concerns associated with the routing of traffic and its impact on local residents and other users. Also provided is greater clarity and on the size and number of delivery vehicles. Traffic will no longer be routed through Plymtree and parking restrictions will no longer be required. Highway Authority and Public Health concerns in this respect have now been removed. Provision is made to ensure road deterioration is minimised. The CTMP does not make reference to traffic movements associated with the decommissioning of the site as Condition 6 makes provision. As means of confirmation, the neighbouring Local Authority has been consulted on this application.

1.13 On the basis of the above details, revised Condition 22 is considered acceptable.

1.14 Condition 23 to be varied as follows:

The development will be implemented in accordance with the LEMP P18-1820\_31D.

In accordance with Application 19/01679/MFUL the LEMP provides details of the retained ecological and landscape features, the proposed habitat ecological and landscape features, habitat and landscape management measures and monitoring and review proposals. The condition as varied ensures that development shall be carried out in accordance with the LEMP. On this basis, revised Condition 23 is considered acceptable.

1.15 Condition 18 is proposed for deletion as Condition 16 satisfies the requirements for the detailed soft landscape works. Condition 16 requires planting plans including species, sizes, planting centres, number and percentage mix and details of seeding or turfing which Detailed Soft Landscape Plan (P18-1820\_30 Rev C) provides. On this basis, the deletion of Condition 18 is considered acceptable.

## **2.0 Other Matters**

2.1 The impact of the development upon the character and visual amenity of the area/open countryside was given full consideration through application 19/01679/MFUL. The proposed 15m communications mast that was included in the early submission has now been removed as it is no longer required. The re-siting / redistribution of the storage batteries ensures less harm on sensitive receptors and residential health and safety. The planting of biofuel in the south eastern land parcel is a continuation of the existing land use. Its introduction to the scheme is unlikely to result in a loss or reduction in biodiversity. All drainage and highway concerns have been addressed such that all objections from statutory consultees in this respect have been withdrawn.

## **3.0 Planning Balance**

3.1 The principle of development for this solar farm has been agreed through the Appeal decision to Application 19/01679/MFUL. The scheme now proposed seeks changes to that planning consent; proposed through a variation to Conditions 3, 16, 22 and 23 and removal of Condition 18.

3.2 The Appeal decision confirmed that Application 19/01679/MFUL was in accordance with the development plan (Mid Devon Local Plan 2020), that the production of electricity should be afforded significant weight, that the economic benefits of the proposal should be afforded moderate weight and the additional planting and Biodiversity Net Gain, together, afforded significant weight. The Appeal decision also confirmed that the landscape and visual impact of the scheme had very limited weight.

3.3 The scheme now submitted seeks changes to the roads within the development site, point of access to the southern land parcel, battery stations, changes to the layout of the solar PV arrays and fence lines, redesign of substation area, removal of proposed gantry, replacement with point of contact mast and additional 4 (temporary) construction compounds.

3.4 On the basis that the application now submitted remains largely similar to that approved under application 19/01679/MFUL and for the reasons set out within the report the application is granted approval, subject to conditions.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the 5 December 2022, (being the decision date of original planning permission 19/01679/MFUL).
2. The permission hereby granted shall be limited to a period of 40 years (with the exception of the DNO Substation which is to be retained on the site in perpetuity) from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written

notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan, drawing number P18- 1820\_18, Rev B, prepared by Pegasus Group
  - DNO Substation Elevations, drawing number P2763-(01)-25-01-0, Rev 0, prepared by G2 Energy.
  - DNO Substation Plan, drawing number P2763 (01)-25-01-0, Rev 0, prepared by G2 Energy.
  - Client Substation Elevations, drawing number P2763-(02)-25-01-0, Rev 0, prepared by G2 Energy.
  - Side Elevation Layout, drawing number JBM1035-201, Rev A, prepared by JBM Solar
  - Central Inverter Elevations, drawing number JBM1035-203, prepared by JBM Solar.
  - Control Room Elevations, drawing number JBM1035-209, prepared by JBM Solar.
  - Customer Cabin Elevations, drawing number JBM1035-210, prepared by JBM Solar.
  - Spare Parts Building Details, drawing number JBM1035-212, prepared by JBM Solar.
  - Client Substation (in 132kVa Compound and Site), drawing number JBM1035-222, prepared by JBM Solar.
  - Compound Details Plan, Rev C, dated 12<sup>th</sup> December 2023, prepared by JBM Solar.
  - Road Cross Section, drawing number JBM1035-216, prepared by JBM Solar.
  - Cable Trench Cross Section, drawing number JBM1035-215, prepared by JBM Solar.
  - Deer Fence Details, drawing number JBM1035-214, Rev A, prepared by JBM Solar.
  - CCTV Pole Details, drawing number JBM1035-213, prepared by JBM Solar.
  - Switchgear Elevations, drawing number JBM1035-204, prepared by JBM Solar.
  - PCS Inverter Elevations, drawing number P2763-(04)-25-01-0, Rev 0, prepared by G2 Energy.
  - Typical Battery-Inverter Station, Drawing Rev A, dated July 2023
  - Site Layout and Planting Proposals, drawing number P18-1820\_29 Rev C, prepared by Pegasus Group
  - P18-1820 Figure 2 Primary Site Access Visibility Splay (CTMP), prepared by Pegasus Group.
  - P18-1820 Figure 3.1 Proposed Access Arrangement (CTMP) – Secondary Access Area A
  - P18-1820 Figure 3.2 Proposed Access Arrangement (CTMP) – Proposed Site Access Area B
  - P18-1820 Figure 3.3 Revision A Proposed Access Arrangement (CTMP) – Proposed Site Access Area C
4. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the DNO Substation, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.
5. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the DNO substation, and how the land is to be restored, to include a programme for the completion of the

decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

6. The solar farm and its ancillary equipment, except for the DNO substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.
7. The Solar PV Panels hereby permitted shall not be erected until samples of the materials to be used in the construction of the solar panel array have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved materials and retained as such thereafter.
8. Prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.
9. Prior to the commencement of the proposed development, the site access roads shall be formed in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent no surface water onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained thereafter hardened, surfaced, drained and maintained.
10. Prior to the commencement of the proposed development, visibility splays shall be provided, laid out and maintained for that purpose at the primary site access where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in a southern direction and as identified on the access plan in the other direction.
11. Visibility splays shall be provided, laid out and maintained for that purpose at the other site accesses in accordance where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 33.00 metres in on coming direction and 33.00 metres to the centre line in the offside direction.
12. The development will be implemented in accordance with the Detailed Soft Landscape Plan P18-1820\_30 Rev C.
13. All approved landscaping shall be carried out in the first planting and seeding season following the erection of the panels, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014 or any subsequent re-enactment.
14. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report v5 prepared by Calibro, and issued on 30th November 2020,

including the level for floodplain compensation outlined in paragraph 7.6.6 of the FRA. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements detailed within the Flood Risk Assessment. The approved measures shall thereafter be retained for the life of the development.

15. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.
16. The development will be implemented in accordance with the Construction Traffic Management Plan Rev C (December 2023).
17. The development will be implemented in accordance with the LEMP P18-1820\_31D.
18. Development of the battery storage compound shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP must prescribe for measures to facility safety during the construction, operation and decommissioning of the battery storage facility, including the transport of new, used and replacement battery cells both to and from the authorised development. The Local Planning Authority must consult with the Health and Safety Executive and the Devon Fire and Rescue Service before approving the BSMP. The BSMP must be implemented as approved.

## **REASONS FOR CONDITIONS**

1. As required by statute.
2. As sought by the application.
3. In the interests of clarity.
4. To ensure the removal of the equipment and decommissioning in the interests of the character of the area.
5. To ensure the removal of the equipment and decommissioning in the interests of the character of the area.
6. To ensure the removal of the equipment and decommissioning in the interests of the character of the area.
7. To control the appearance of the development in the interests of the character of the area.
8. To control the appearance of the development in the interests of the character of the area.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. In the interests of highway safety.
12. In the interests of the character of the area and to ensure that the planting which forms part of the scheme is carried out.
13. In the interests of the character of the area and to ensure that the planting which forms part of the scheme is carried out and maintained.
14. To avoid flood risk.
15. To avoid excessive lighting in the interests of the rural character of the area.
16. To minimise all forms of pollution in the surrounding area.
17. In the interests of the appearance and ecology of the area.
18. To ensure that the battery storage compound is constructed and operated in a safe manner.

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

4.1 The proposed works are able to be supported by Local Plan Policy. The scale and layout of the development has previously been agreed through application 19/01679/MFUL and it is considered that the site will be visually unobtrusive in its setting; screened further as areas of proposed planting mature. The proposal is also considered to result in a less than substantial impact on the setting of heritage assets. Whilst a number of representations have been received relating to the construction traffic route(s) and its management; potential damage to properties; conflict with road users, school pick-ups and drop-offs; temporary parking restrictions; road deterioration; ambiguous construction delivery numbers and size and number of construction vehicles, the applicant has sought to remove these objections, as far as possible, through amendments to the application.

4.2 Responses have been received from statutory consultees and where concerns have been raised including from the Highway and Flood Authorities and Public Health amendments to the scheme have removed those concerns. The proposal is therefore considered to accord with policies S1, S9, S14, DM1, DM2, DM3, DM4, DM25 & DM26 of the Adopted Local Plan (2013-2033) and with Government advice in the National Planning Policy Framework (NPPF).

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