

PLANNING COMMITTEE AGENDA - 31st July 2024

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>24/00285/FULL - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings at Stag and Squire, Shadow Pond, Stoodleigh.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>24/00506/MFUL - Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works at Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road, Tiverton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>24/00045/MOUT - Outline for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved at Tidcombe Hall, Tidcombe Lane, Tiverton.</p> <p>RECOMMENDATION Refuse permission.</p>
04.	<p>24/00814/FULL - Change of use from F2 (community use) to Eg(i) Offices to include creation of outside seating area at Former Drop In Centre, Newport Street, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>

Application No. 24/00285/FULL

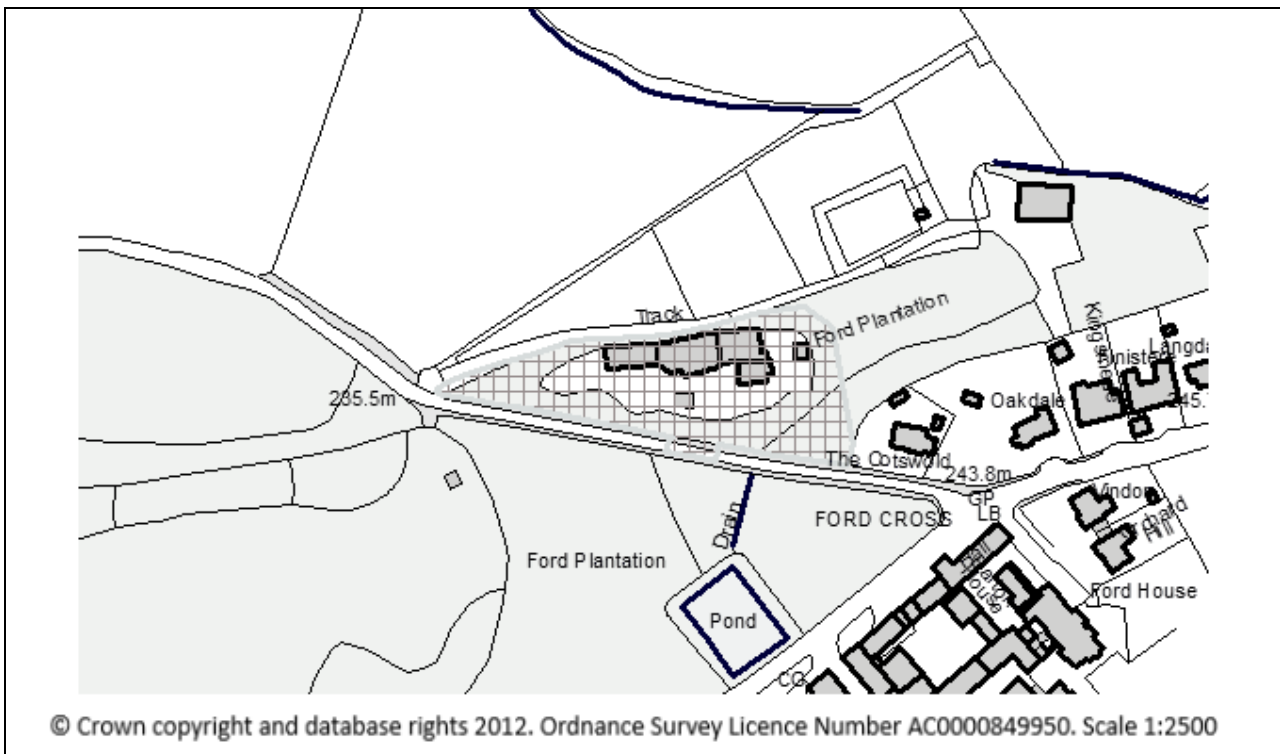
Grid Ref: 291216: 118854

Applicant: Mr Dave Harris

Location: Stag and Squire
Shadow Pond
Stoodleigh
Tiverton
Devon
EX16 9PW

Proposal: Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial buildings

Date Valid: 1st March 2024



APPLICATION NO: 24/00285/FULL

Site visit: Yes

Date of Site Visit:

The case officer visited the site on 28th March 2024 and 29th April 2024.

The Council's Arboricultural Officer visited the site on 29th April 2024.

The Planning Committee Members and two planning officers visited the site on 19th of July 2024.

REASON FOR REFERRAL TO COMMITTEE

This application was called in by Cllr Rachel Gilmour and Cllr Chris Adcock to consider the following issues:

- Highway safety impacts
- Economic viability
- Light pollution
- Ecology impacts
- Proposed commercial use of the site
- Conflict with Policy DM18

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The application is for the redevelopment of the timber mill at Ford Plantation. The application proposes to demolish a range of dilapidated timber buildings and erect 7 units and café to serve the development with associated parking and landscaping.

The site lies at the western edge of Stoodleigh, which is a small settlement spread out in a ribbon fashion along the main road. Stoodleigh is not defined as a village with a settlement limit within the Mid Devon Local Plan, in which case the site is considered to be in the open countryside for planning purposes. Development is dispersed throughout the village, which comprises several pockets of development, all of which are contained within the Stoodleigh Conservation Area. The application site is at the edge of, but also within, the conservation area. The Parish Hall, Ford Barton and Barton House, and several adjacent historic farm buildings, are grade II listed buildings, and are located to the south of the site, just over 100 metres away.

The current lawful use of the site is Use Class B2 (General Industrial). The site is accessed via an existing vehicular and pedestrian entrance. The site is surrounded by woodland, which limits greatly any views of the site. The site itself is currently in a very dilapidated state, with the existing buildings in very poor condition.

It is proposed to demolish the existing buildings, which cover a total area of 777 square metres and replace with seven units of a total floor space, including the space in the attic within units 1 and 7, of 602 square metres and a small café of a total floor space measuring 25 square metres.

Therefore, the proposed use of the site is Use Class B2 (General Industrial) and E (b) (Commercial, business and service).

The proposed units are split into varying sizes, as follows;

- Unit 1 – it would consist of a workshop area (43m²) and reception/showroom at the ground floor level and office, storage and display of antiques area within the attic space, which would be used by the applicant to continue with his established antique business.
- Unit 2-5 – each unit would be single storey and provide a workshop space measuring 29.5m² and could accommodate 1-2 people.
- Unit 6 – it would be single storey, it would provide a workshop space measuring 76.4m² and could accommodate up to 4 people.
- Unit 7 – it is of an L-shape layout and would provide three workshop spaces at the ground floor level. One workshop would measure 60m² and could potentially accommodate 3 people, the second workshop space would measure 36m² and could accommodate 1-2 people and the third workshop space would measure 38m² and could also accommodate 1-2 people. The attic space above the part of Unit 7 situated parallel to the northern boundary of the site would provide a space for administration and office use. The overall design and layout of Unit 7 is to allow the business to adapt to potential changing market demands.

The café would be situated at the western part of the development site and would be connected via pitched roof with unit 6 which would provide a covered passage between the café and unit 6 to the proposed outdoor sitting area. The café is being proposed to enable different businesses to collaborate and share experiences, however, it would also be opened to the general public.

The proposed workshops and cafe will be in a similar location to the existing buildings, with the exception that the replacement buildings would cover a smaller area and there would be a gap between units, which would increase the permeability of the site and therefore, serve as a wildlife corridor.

The palette of materials would comprise a charred stained timber elevations, black standing seam metal roof, timber frame windows and doors, and black aluminium gutter and down pipes. Solar PV panels would be installed on the roof slope of each unit.

It is also proposed to provide 21 parking spaces with 2 spaces being reserved as a disabled parking space and 1 parking space for electric vehicle charges. Provision would also be made for refuse store and secure cycle storage for up to 15 bikes to promote a sustainable modes of transport.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Existing Site Plan, Existing Elevations Plan, Proposed Site Plan, Proposed site Sections, Proposed Site Elevations, Proposed Floor Plans, Proposed Elevations Plans, Climate Emergency Check List, Wildlife trigger Table, Foul Drainage Assessment Form, Ecological Impact Assessment, Arboricultural Survey, Design, Access and Heritage Statement, Supporting Information.

RELEVANT PLANNING HISTORY

82/01802/OUT - REFUSE date 21st December 1982 Outline for the erection of a dwelling.

00/00888/FULL - PERMIT date 11th August 2000 Installation of a 2720 litre septic tank.

02/01143/FULL - PERMIT date 24th July 2002 Retention of storage building (Revised Scheme).

99/02083/FULL - PERMIT date 21st May 1999 Erection of extension to existing building to provide an open-fronted storage building.

99/02084/FULL - PERMIT date 21st May 1999 Retention of open storage building.

79/00611/OUT - REFUSE date 6th July 1979 Outline for three dwellings.

80/01649/OUT - REFUSE date 19th November 1980 Outline for the erection of bungalow and garage.

DEVELOPMENT PLAN POLICIES

National Policy Documents

National Planning Policy Framework
National Planning Practice Guidance

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S6 – Employment
S8 – Infrastructure
S9 - Environment
S14 – Countryside
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 – Parking
DM 18 – Rural employment development
DM25 - Development affecting heritage assets

Other

The Planning (Listed Buildings and Conservation Areas) Act 1990.

CONSULTATIONS

Stoodleigh Parish Council

18.03.2024

Please could someone amend the last comment. It should read Stoodleigh Inn not Stoodleigh Club. Apologies I only uploaded the comment last night.

17.03.2024

Following a site meeting on the 15th March a planning meeting was held in the evening.

The applicant was present and was given opportunity to answer questions and concerns from the 30 members of the public present. The Chairman had also received a number of written questions from other residents.

The Parish Council unanimously voted to object to the proposal their main reasons as follows -:

- 1) Creation of additional traffic leaving the A361 on a narrow road for in excess of a mile with very limited passing places.
- 2) Light pollution within a conservation and dark sky area as there is a requirement for 24 hour security lighting.
- 3) General interference with wildlife and existing trees with structural works and surface run off.
- 4) There has been no identified need for additional light industrial units within the parish and the viability of the project is unproven. The development does not meet the current Mid Devon Plan which supersedes the 2005 Parish Plan.
- 5) A cafe possibly would attract off site customers at the detriment of the Stoodleigh Club and the village shop which is soon to reopen.
- 6) The councillors were elected to represent the community and from the representation tonight and the written correspondence sent previously the idea has not been well received.

Highway Authority

15.07.2024

I have also now read the village's traffic consultant's report. It is particularly interesting that he has not come up with firm reasons for rejection around traffic movements. This is the difficulty with a site such as this. An Inspector, had we gone down the route of refusal, would be looking for empirical evidence as to why it should be refused. It is notable therefore that even an experienced transport planner/highway engineer paid by objectors hasn't been able to do so.

The previous draft of the committee report covered the issues well in section 4. I agree with those conclusions, so do not agree with the consultants request for deferral.

09.04.2024

I have visited the site and reviewed the planning documents.

The existing barns have a footprint area of 777m² however the proposed area contains a floor area of 602m². The additional Cafe space adds an additional 25m² giving a total of 627m². Therefore the proposed floor area of the proposed layout is 150m² less, as such I do not believe

the vehicular numbers from this application will create a trip generation intensification, including the Class E proposed cafe use.

The access to be utilised is existing and the turning area is to be kept sufficiently to allow vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion. Therefore in summary the County Highway Authority (CHA) has no objection.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Public Health

03.04.2024

We have considered the application and do not anticipate any environmental health concerns. Residents are concerned that there would be additional light pollution but this can be controlled by condition. In addition the working/operating hours should be conditioned to standard working hours for all units. There is potential for B2 units to be occupied by noisy uses and this should also be conditioned so that noisy activities are contained with the buildings, with a boundary noise level set for the whole site.

Suitable conditions would be:

1. The premises shall not be open for business except between the hours of 7.30am to 6pm Monday to Friday, or 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

2. The specific noise level of any plant installed and operated on the site must not exceed the background noise level at the boundary of the site at any time. Background noise level to be measured as La90dBa (1 hour).

Reason: To protect the amenity of local residents and the tranquillity of the local environment.

3. No work activities or storage shall be carried on outside the buildings.

Reason: To protect the amenity of local residents from noise and/or dust.

4. A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with planning policy for the avoidance of light pollution.

Devon and Cornwall Police

11.03.24

Customer made comments neither objecting to nor supporting the Planning Application

Re Erection of 7 workshops (Use Class B2) and cafe to serve development at Stag and Squire Shadow Pond Stoodleigh Tiverton Devon EX16 9PW - 11th March 2024

The proposed units follow a simple design where recesses and concealed areas are minimised, a good design feature in increasing surveillance opportunities.

It is recommended any roller shutter doors be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. It is also recommended all external doors providing pedestrian access and ground floor windows are, as a minimum standard, PAS 24: 2022.

To prevent casual intrusion beyond public areas, enhanced access control measures to any offices, meeting and staff rooms are recommended.

Whilst it is recommended CCTV be included as part of the initial build, it should not be seen as a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

It is therefore recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package, with any lighting for the sites compatible with the CCTV system.

Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.

Any proposed lighting plan should include the service yards, external storage, pedestrian/cycle access and staff/visitor parking. It must be ensured that any landscaping/planting does not obstruct any lighting columns or provide concealment opportunities.

External illumination of entrance doors and observable building elevations when the building is unoccupied is recommended, lighting must be compatible with any CCTV system installed.

If enclosed, the cycle store should have a door locking system that is easily operable from the inner face by use of a thumb turn and include some form of internal lighting to provide safe use during hours of darkness.

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

Rick Napier

Designing Out Crime Officer
North Devon, Torridge & Mid Devon

Tree Officer

On the **10th June**, the Council Arboricultural Officer submitted further comments in response to the concerns raised by the neighbour:

The information/guidance referred to in the comments below was produced in 1995. Though much of the guidance is still valid and useful, though the information/guidance must be used within the correct context. When reviewing trees in relation to development the guidance/document that should be followed is the BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations.

In regards to the trees rooting environment of the trees in relation to proposed units 1 to 5. As guided by BS5837: 2012, the theoretical Root Protection Area is equivalent to a circle with a radius 12 times the estimated stem diameter at 1.5m AGL. RPA's are capped at 707m², which is equivalent to a circle with a radius of 15m. Where appropriate the RPA may also be later modified in shape or 'offset', after taking into account the likely tolerance of the tree to root disturbance, likely morphology of the roots, soil type and site topography, and other factors. Due to the Devon bank dropping off toward the northern aspect towards a driveway this would likely mean that the majority of the supporting roots of these trees will run southwards toward the proposed development. This was a concern previously raised and subsequently discussed the applicants agent and Arboriculture representative.

The proposed development has always been outside the theoretical Root Protection Area, However due to concerns raised with the rooting environment this has been adjusted to allow an improved clearance. However, the adjusted clearance is unlikely to allow for a Construction Zones i.e. erection of scaffolding or space for work equipment required for construction. Discussing this issue on site with the applicant's agent and Arboriculture representative they have informed that construction can take place by working within the proposed new development rather than along the northern outside next to the tree line. In the event where working along the northern aspect of the proposed development is required temporary ground protection must be used to effectively protect the retained trees from the development. Detailed advice must be sort from the Arboriculture representative and communicated to the LPA's Arboricultural Officer.

In addition, due to the sensitive nature of the site, notable along the northern aspect by the tree line boundary, ground excavation works must be done on the watchful eye of the Arboriculture representative along with informing LPA's Arboricultural Officer. As discussed with the applicant's agent and Arboriculture representative engineering solution normally adopted when undertaking construction within the Root Protection Required may be required such as the use of screw piles, floating rafts and cellular confinement systems.

Though it is noted that the current open fronted barns does not have footings and are constructed using a steel frame which penetrates the ground at concentrated points. Due to the nature of the usage within the barns the ground is very heavily compacted resulting in an anaerobic rooting

environment. As a result there would be a low likelihood roots growth within this poor soil environment. Therefore the likely impact of the new proposal in comparison to the current structure is neutral. Notwithstanding this, caution must still be taken and the measures noted above adopted, where required.

A clearance of 3m between the trees and a building is too ambiguous. It is unclear what this aspect relates to. In the first instance BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations is to be followed to gauge adequate clearances. Where the clearance relates to crown spread, as long as branches are not touching the building, this would be sufficient along with regular maintenance of gutters etc. to remove build-up of leaf and twig litter.

As previously noted due to the nature of the proposal and the tree line there will likely be continued conflict that will require tree pruning management on a regular basis. The applicants Arboriculture representative has proposed a plan of pruning, coppicing, laying along with additional planting in order to improve the tree line boundary along the northern aspect that borders the proposed units 1 to 5 that would be beneficial. Where boundary ownership is unclear this would need to be resolved.

16.05.2024

Further comments concentrate solely on the northern boundary trees (mainly G10) of the site in relation to the new proposed building and concerns raised in previous comments dated 22/03/2024.

Revised site plans show an increased buffer between the proposed units 1 to 5 of some 0.5 to 1m in order to reduce levels of conflict between the trees crown spread and the new units. It is envisaged there will still be some level of conflict that will require remedial pruning from time to time. Tree works is already required in this section of tree group G10 and it is noted in the report tree works should be performed before the installation of the CEZ barrier fence. This should especially include crown raising of T013 to 5m AGL and coppicing (or where possible laying) of stems under 100mm diameter DBH close the ground of G10 and T14 to create vigorous basal growth. Stems also leaning to the south may be treated in the same way. Full details in Appendix A Figure 2. Where the application is permitted such works should be conditioned and completed before construction begins in order to ensure risk of damage to trees is avoided and new planting is in place in order to facilitate betterment of the boundary hedge and tree line. Planting of gaps along northern boundary, especially in G10 with a native hedgerow mix of 'whip' trees containing such species as Hazel, Common Hawthorn, and Spindle.

Further, where the application is permitted 7 days' notice must be given to the Arboricultural Supervisor as worded in the report to attend and provide on-site observation and guidance during the demolition of the buildings along the North boundary. Reason to ensure that root disturbance is kept to a minimum in order to ensure the vitality and viability of the trees along the North boundary. No construction works are to be permitted within Tree Protection Area as indicated the Tree Protection Plan without prior notice to the LA along with detailed method statements

All supply and drainage trenches to be used as part of the development are understood to be outside RPA's or using existing cables and pipework.

22.03.2024

The tree cover is predominantly around the edge of the site and together with the banks this does much to screen the site.

There is a range of species is of mostly native self-set trees with native ecological value. A number of trees are noted with good bat habitat features.

The survey inspected a total of 25 trees tree groups and hedges, majority being viewed of 'C' quality, trees viewed to be of low quality. This appears to be based on the individual tree or tree group's arboriculture quality. However, the trees collectively provide moderate to High landscape quality and are integral to the local landscape character and remain worthy of the Tree Preservation Order.

A number of tree have been highlighted form removal. Firstly, T001 (Western Red Cedar) and T002 (Cypress) are requested for removal. The trees do lack amenity and suitability to the rural location and are not native. Informing their removal is reasonable. The removal of "U" class tree is further viewed as reasonable due to their condition. T11 and T12 (Ash) are noted for removal, these are recorded with Ash Dieback (ADB). Due to the time of year it is difficult to quantify this. Where tree removal is not required to aid proposed new layout, there removal should not be permitted under the application 24/00285/FULL. Tree Works application should be submitted to the Planning Authority with further evidence and justification provided. Similar is noted with T24 (Sycamore).

Approximately 30m length of tree canopy representation along the northern aspect, an old hedgerow embankment bordering a neighbouring access lane has been omitted from all site plans. There is some note of it in the Arboriculture report and a basic outline is indicated in the Constraints Plan and Tree Protection Plan. It is unclear, but the trees are assumed to form part of G010, a group of 45 stems. These trees would be a constraint to the proposal. In reviewing north elevation plans the units 1, 2 and 3 is noted with large windows and glass doors. Removal of tree will likely required in order to provide adequate access and light through the widows. Removal of trees along this section would be detrimental to the old embankment and potentially result in erosion of the embankment. It is also noted there are attractive views along the valley in a north-westerly direction, which the window opening would benefit where trees are removed.

Trees along the north-western boundary an old hedgerow bordering the neighbouring access lane appear not to have been plotted with an appropriate Root Protection Area (RPA). A consequence of the lane directly northwest of these trees has likely restricted root growth along this aspect. The RPA for each tree should initially be plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution". It would be anticipated the access lane that borders the northwest aspect of these trees would impede root growth, which has not been demonstrated in the plans. It would be anticipated as a result of the constraints along the northwest aspect of these trees there would be greater rooting expansion extending in a

southerly direction. Informing the impact of the new proposed layout could have a more negative impact than what is anticipated.

It is noted there is already hardstanding within the site. It is unclear if excavation will be required for the new proposed layout or if the current hardstanding is sufficient to construct upon. There is high risk, where excavation is required, notable along the northern boundary there would be a high likelihood of significant root damage that would impact on the trees' longevity along this boundary. Where an existing hard surface is scheduled for removal, care should be taken not to disturb tree roots that might be present beneath it. Hand-held tools or appropriate machinery should be used (under arboricultural supervision) to remove the existing surface, working backwards over the area, so that the machine is not moving over the exposed ground. If a new hard surface is to be laid, it might be preferable to leave any existing sub-base in situ, augmenting it where required.

The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread. Conflict between the trees along the northwest aspect and the current structure is apparent. Trees have historically been pruned back, most likely to resolve previous branch conflict. It would be envisaged the new proposed layout will result in significantly more increased conflict along the northwest boundary, resulting in increased pruning pressure on the trees due to direct conflict and perceived threat from the trees to the new structure. Given that a Tree Preservation Order is present the removal of trees in this instance would not be justified and would impact the collective amenity value the woodland provides.

The soil structure including the area beneath the proposed new hard surface should be protected from compaction during installation. The precautionary zone. This may be achieved by the use of temporary ground protection. The location of the new proposed layout informs this cannot be achieved due to the close nature of the building in relation to the trees' stems, notable along the northwest boundary.

Increased level of parking will be required. The site layout informs parking will be situated within the current hardstanding, informing there will be no impact to the trees' RPA. Trees are naturally growing and shedding organisms. Leaves of some species can cause problems, particularly in the autumn, it would be anticipated there would be increased pruning pressures on the trees to reduce the issue. Buildings, footpaths and hard-standing areas should be designed with due consideration to the proximity of retained trees, especially in terms of their foliage, flowering and fruiting habits. It is unclear if this has been a material consideration. Consideration should be given to provide an increased buffer between the new proposal and the trees.

There are large soil mounds, notable in relation to G016, T007 and T009 that have been recommended for removal in the supporting arboriculture report. These soil mounds have been in place for some 30 years. It is likely there is significant rooting within these soil mounds. Significant caution must be taken when removing this soil, deploying a hand-dig method only. A full detailed methodology must be submitted to the Planning Authority for approval if these works are to be undertaken.

In summary the propose layout will require a low number of tree removal, however, further trees highlighted for removal that are not required to permit the new layout should not be permitted within this application due to limited supporting evidence. Concerning, there is a large group of trees omitted from the majority of plans. It clear there is already conflict between these trees and the current structure that could be resolved through pruning and some thinning. The proposed new layout would result in significant increased conflict that would likely require removal of a high number of boundary trees along the north-western aspect that would be detrimental to the old embankment. It is unclear if the now proposal will require excavation works that could impact the RPA of a high number of trees or will construction be on the current hard-standing. The RPA of trees along the northwest boundary is not realistically plotted due to the constraints of an access lane. There is also insufficient precautionary construction zone due to the close proximity to the new structure to the tree stems.

Economic Development

14.03.2024

Stag and Squire, Shadow Pond, Stoodleigh

Proposal - Erection of 7 workshops (Use Class B2) and cafe to serve development (Use Class E) following demolition of general industrial building

Summary of proposal

This proposal is the redevelopment of a site, formerly a Timber Mill, to create a number of small workshop units together with a café area; described in the Design, access and heritage statement as 'modern workshops that could form the basis of a craft business hub'.

This is a speculative development i.e. apart from the applicant, who intends to have a presence on the site, the end users/ occupants are yet to be identified.

The proposed development is outside of defined settlement limits.

The community of Stoodleigh and the site is within a Conservation Area; the site sits within (but is itself not designated) a Priority Habitat.

Mid Devon Local Plan Policy DM18 - Rural employment development in countryside locations states that: 'planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

Comments

This site has an existing employment use: former Timber Mill business.

The proposal is to create a number of small workshop units described in the Design, access and heritage statement as 'modern workshops that could form the basis of a craft business hub'.

Whilst the proposal is for the creation of workshops, it seems that there is likely to be an element of public access to the site. There needs to be consideration of issues such as adequate on-site parking; potential conflicts between the public and vehicle movements and to ensure that there is a containment of activity within the site so as not to create any overspill issues i.e. parking within the wider Stoodleigh community.

Economic Development support the principle of the proposed development of 'modern workshops that could form the basis of a craft business hub'.

Natural England

11.03.2024

SUMMARY OF NATURAL ENGLAND'S ADVICE
NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

20.02.2024

Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

South West Water

06.03.2024

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.

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 propose 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.

For Highway run off please contact the Highway Authority to agree disposal method.

Further consultation on received documents from the neighbours has been carried out on 28th of June 2024. South West Water did not provide any further comments or objected to the proposal on the day of writing this report.

Conservation Officer

16.05.2024

The main cladding material has now been changed from dark grey metal to black painted timber. While it is disappointing that the applicant still wants such a stark and industrial appearance within the rural setting, the change to timber would improve this as the timber will inevitably age and the paint will fade, which will improve the appearance as the black fades.

Devon County Ecologist

12.07.2024

Thank you for the re-consultation on the below application and for the updated ecological impact assessment from Lakeway Ecology.

The new design will lead to a reduced impact from internal light spill from the originally designed scheme. The provision of timber louvres are welcomed and will act to reduce potential light spill onto the northern boundary.

I would strongly recommend that a condition is added onto any decision which requires the use of 40% light transmission glazing across the site, along with a condition restricting the erection of external lighting (or at the very least a condition requiring external lighting to be agreed with the LPA prior to installation).

05.06.2024

As discussed, the main ecological concern is the introduction of artificial lighting into what is a currently dark site. I understand that the buildings are unlikely to be used at night-time, however

given we have no control over times of usage as a planning authority, we must therefore take a worst case scenario which is usage of the buildings throughout the night.

The elevations, especially facing the northern boundary, do show an increase in glazing when compared with the current site as well as the introduction of glazing onto second stories, which again differs from the current usage of the site.

Having discuss with you this morning, I am content that a suitable design of the buildings can be provided as a pre-commencement condition which will ensure that internal light spill is kept to a minimum. I am also happy to include a condition restricting the use of external lighting unless also agreed with the LPA.

30.05.2024

The ecology report mentions only two trees being removed - even so, the site is within an Unconfirmed Wildlife Site for broadleaved woodland and I believe we do need to know whether the site is of County Wildlife Site standard. Whilst I do agree this is unlikely due to the existing buildings onsite, given the policy protection afforded to locally designated sites, I think we do need to be sure whether the site is of CWS standard.

I fully understand with regards to lighting - there is a concern with leaving lights on overnight (both external and internal) but I appreciate we may not be able to have much control over that other than through the conditions. I note that the elevations for the units have been resubmitted after the ecology report, so I do believe again that we should have an indication from the consultant ecologist that the new elevations have been reviewed and assessed with regards to internal light spill onto retained habitats. We as an LPA have to take a worst case scenario with regards to internal light spill (i.e. on all night with no blinds etc.), so again I do believe this is important.

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.

At the time of writing this report, letters have been received from forty residents. Seven are in support and thirty - three are letters of objection. The points raised are summarised below:

Comments of Support:

- A communal office space in the area would be very useful and allow for a professional space within walking distance for in-person meetings with colleagues across the area instead of travelling to Exeter;
- Meeting rooms and shared employment hub would connect working age people in the area;
- The proposed café would continue a sense of connection and build on the sense of community in Stoodleigh;
- The prospect of having space for local artisan and crafts people would be great addition to the Stoodleigh community;

- The proposed commercial spaces would benefit the village by addressing shortfall of commercial premises;
- The proposed development is an excellent vision for rural working;
- The proposed commercial spaces would benefit the village by addressing the very limited current amenities available within Stoodleigh;
- The design of the scheme has been well-considered, it is aesthetically pleasant and provides a mix of units to fit different needs;
- One neighbour expressed that the smaller units are ideal for their upholstery business. If the Planning Committee was minded to approve the application, they would be delighted to be able to rent out one of the units;
- Some residents expressed their disappointment that more local people do not support the application. Passing this application is a positive message to all that live and work in rural communities;
- The regeneration of commercial/employment site to provide opportunities for rural businesses is supported by the Local Plan;
- Rural business have had to adopt to different ways of working after the Covid-19 Pandemic, especially the need for 'hot desk' working;
- The opportunity for rural working and access to a reliable and fast data communications would further promote rural economy;
- The development reflects well how rural working has changed over the years and delivers sustainable solution for continually changing working habits, which is especially important in rural places;
- The proposal would redevelop a derelict brownfield site and meet the needs of people working and living in rural places instead of encroaching the countryside and delivering employment land on the green fields;
- The site of the development is not excessive and would not have a significant impact upon the neighbouring properties;
- The site is in a state of dilapidation and the proposal would replace a run-down industrial site into a location for skilled craft and artisan, which is a very positive aspect for the village;
- The proposed design and palette of materials reflect the rural setting of the site;
- The scheme incorporates the high environmental standards, including a high quality thermal performance and use of low carbon and net zero technologies minimising impacts of the development upon the natural environment and climate change;
- Permeable paving for the parking area and soakaways have been well-considered to manage the surface water run-off;
- The roads around the village are very quiet and can accommodate the potential traffic generated by the development, especially that the previous use on the site generated a lot of traffic involving large lorries;
- The application promotes cycling and therefore, any potential impact upon the local network might as well be lower than anticipated;
- The site has always been used for industrial purposes and generated significant light pollution. The regeneration of the site is an improvement of already established industrial site;
- Most of residential properties have security lights sense on so no different to what could be present on the site;
- If the site can develop into a craft hub this would benefit the village shop and pub in the long terms;
- There are no rural workshops available in the locality and as such, the proposal would meet the demand for rural business of this type whilst respecting the natural environment;
- The proposal would provide the applicant with the opportunity to work and live within walking distance and therefore, promote sustainable way of rural living;

- The proposal would generate some traffic through deliveries of good, however this also applies to all other business, including those situated within rural settlements;
- The business would operate during commercial hours/day time, as any other commercial or industrial business do and therefore, there would be no light pollution affecting any wildlife outside of operational hours or dark skies;
- The applicant not only considered the design of the development carefully to mitigate any impacts of the development upon the natural environment but also purchased 10 acres of land to be left undeveloped/wild to provide shelter for wildlife habitats;
- The proposed waste and foul drainage system have been informed by South West Water and as such, it is expected to be fit for purpose;
- The proposed café would provide different services to the local pub or the village shop;
- The village shop does not have any café approved.

Comments of Objections:

- Concerns over impact on local road infrastructure, such as existing road network, safety of its users due to significantly increased traffic;
- The existing roads are in a very poor condition and development should not be allowed until comprehensive measures are taken to address the inadequacies of highways infrastructure, including immediate plans for pothole repair, the creation of additional passing places and the implementation of effective drainage solution;
- The windows introduced to the northern elevations of the workshops would overlook the valley and together with the recommended external illumination, it would have a negative impact upon 'dark skies';
- The village already has a coffee shop and as such, a new café would impact the viability of reopening the other coffee shop to be included within the village shop;
- The proposal has some potential to be converted to residential dwellings under permitted development rights;
- Noise pollution arising from the use of the site and increased traffic;
- Impact on trees and wildlife including bats;
- Light pollution;
- Industrial/commercial development is inappropriate to a small residential/agricultural area;
- There is no need for the proposed workshops/commercial space and the development would not be financially viable;
- Pollution to watercourse;
- Flooding risks;
- Overlooking neighbouring properties;
- It is unclear why 21 parking spaces are being proposed;
- Overdevelopment of the site – two storey buildings and hardstanding are not compatible with rural landscape;
- Negative visual impact upon the surrounding countryside landscape;
- Increased number of visitors to the site raises concerns about security of the local residents and increased noise.

Following the re-consultation of the amended plans, further comments have been received from interested third parties:

- The addition of hedging and trees to the northern boundary of the development for the neighbours privacy of their back garden is appreciated;

- The development is adjacent to the only access to the neighbouring property, known as Kingsmede Farm, and the land to the north of the dwelling is utilised as a domestic garden, with BBQ area and therefore, the windows on the northern elevation would affect the privacy of the neighbours;
- Concerns regarding the surface water run-off and foul drainage strategy remain;
- The proposed buildings would be two storey in height which would require much deeper and larger foundations and therefore, concerns regarding the integrity of the Devon Bank on the northern boundary remain;
- The proposed hedge on the northern boundary should be planted at least two metres away from the trees;
- All windows from the northern elevations of the proposed units have not been removed;
- Opening hours should be restricted to 9am-4.30pm and no weekends;
- The submitted ecology survey is incomplete;
- Highway safety issues arising from the introduction of commercial use of the site;
- Construction, noise pollution and increased human activity and light pollution from security lighting and increased windows would disturb the existing dark skies that are crucial for local wildlife and reduce biodiversity;
- The development would not preserve or enhance the conservation area;
- The development is considered to be overdevelopment in a rural and conserved woodland setting contrary to local policies;
- The development will impact the viability of the village pub and the Parish Hall, and would undermine the services of the new village shop which has approved café;
- The development, despite it received local support, it also received a number of objections which indicates that the proposal does not meet the community needs;
- Commercial development outside of designated villages in the Local Plan is contrary to Policy S13;
- Previous commercial use of the site ended several years ago and therefore, the application proposes a new use of the site which is significantly different;
- Allowing this application could set a precedence for future commercial development leading to gradual but significant change in the village's character;
- Google Map image of the site has been altered;
- The provided Foul Drainage Assessment is incorrect in question 6c as it asks if any of the land is prone to flooding, marshy, waterlogged to which the applicant said no;
- The application is contrary to Policy DM9;
- One of the proposed treatment plants would be situated within close proximity to the location of an existing land water drain and as such, treated clean water could potentially drain into land drain and then into the pond on the neighbouring land;
- The application proposes 23 parking spaces and 15 bicycle spaces;
- The daily water consumption would be 4544 litres to the local water system given that up to 32 employees could reside on site and each would consume 142 litres a day. The new 9 if within 270 metres distance to the nearest manhole, be considered for mains sewerage.

Procedural Note:

During the course of the application amended plans, together with a revised Arboricultural Report, including Tree Protection Measures, and Ecological Impact Assessment, have been received which moved the buildings away from the northern boundary to address the Council's Arboricultural Officer concerns. The proposed metal cladding to be used on the elevations of the

units has been replaced with a charred painted timber to reduce the visual impact of the development. Furthermore, in response to the concerns raised by the Devon County Ecologist the amended plans have been received which introduced changes to the northern elevations of units 1, 2, 3 and 7 through the reduction in glazing, the insertion of vertical louvres panels over fixed panes and the inclusion of 40% transmission glazing to reduce light spill. These amended plans shall form the basis of the following analysis.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1. Principle of development**
- 2. Design and impact on the character and appearance of the surrounding area, including heritage impact**
- 3. Impact on neighbouring amenity**
- 4. Highway and access issues**
- 5. Ecology**
- 6. Trees**
- 7. Flooding and drainage**
- 8. Climate change and sustainability**
- 9. Economic impacts**
- 10. Other matters**
- 11. Planning balance**

1. Principle of Development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework 2023 (NPPF) is noted as one such material consideration, which outlines three dependant objectives of sustainable development: economic, social and environmental.
- 1.2 The NPPF outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 of the Local Plan permits development which supports a prosperous rural economy through either the conversion of existing buildings or provision of new well-designed buildings, promotes sustainable transport, and meets the challenge of climate change through provision of a low carbon future, energy efficiency, and increases the use of low carbon and renewable energy sources. Furthermore, a good sustainable design that respects surroundings, materials, safe environments, design out crime and establishes a strong sense of place is also required.
- 1.3 The delivery of employment sites and commercial premises is supported by Policy S6 which states that "*the employment needs of the community will be met through the development of 147,000 square metres of commercial floor space comprising a range of employment-generating uses, including:*
 - a) *Offices, industry, storage and distribution;*
 - b) *Retail, tourism and leisure;*

- c) *Development for healthcare, education and public facilities; and*
- d) *Other forms of sustainable employment-generating uses.*

Supporting text to Policy S6 (para 2.44) states that *“there is an identified shortage of small-scale employment sites. Development Management policies allow for small-scale employment and other commercial development in suitable locations. These sites can come forward according to market demand and a land allocation will not always be necessary.”* Furthermore, para 2.41 of the supporting text of Policy S6 states that *“the Council’s employment strategy is inclusive, seeking to provide the jobs the market can deliver by promoting a range of employment-generating uses. While the majority of commercial land allocations comprise B1, B2 and B8 uses, the plan has a positive approach to other uses that provide jobs in a sustainable manner.”*

- 1.4 Policy DM18 also permits new-build employment development within a countryside location, providing that the development would not result in an unacceptable adverse impact upon the character of the area, highway safety, and there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.
- 1.5 The application proposes to develop a group of modern workshops that could form the basis of a craft business hub. This would provide workshop spaces for the skills associated with antique restoration to create a shared work culture around the industry. However, the applicant is also open for other crafts to use the proposed spaces as long as they are associated with creative and traditional skills and meet the relevant use class.
- 1.6 Paragraph 123 of the NPPF seeks to make the most efficient use of land with the emphasis on using as much as possible of previously-developed ‘brownfield land’ and substantial weight to the value of using suitable brownfield land to support appropriate opportunities to remediate despoiled, degraded and derelict land.
- 1.7 Paragraph 88 of the NPPF states that *“planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed, beautiful new buildings.”* In addition, paragraph 89 of the NPPF advises that *“planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be founded adjacent to or beyond existing settlements, and in locations that are not well served by public transport. [...] The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*
- 1.8 The site has been previously developed and the existing lawful use of the site falls within Use Class B2 (General Industrial), possibly with some Use Class B8 (Storage and Distribution). The site is currently in a very dilapidated state. The existing buildings are in a poor state and their structural condition would not enable their conversion without significant works and associated cost of any conversion would threaten the viability of such a project. The existing use of the site (B2- General Industry) would be retained, however the use of the workshops proposed by the applicant, i.e. antique restoration and other similar craft businesses are considered more likely to fall under Use Class E (g) (iii) – Light Industry, which is more compatible with the residential setting surrounding the site. In addition, the application proposes a new commercial use on the site in a form of a café (Use Class E (b) - Commercial, business and service). Appropriate conditions have therefore been recommended.

- 1.9 In light of the above, there is considered to be an established industrial use at the site despite the demolition of the existing building. This is because the use relates to the land rather than any specific structure or building. Furthermore, the development would regenerate the previously developed industrial site and provide opportunities to diversify rural economy and provide commercial floor space to meet the needs of a diverse group of the community.
- 1.10 The NPPF, at paragraph 85, encourages planning policies and decisions to help create conditions on which business can invest, expand and adapt and states that significant weight should be placed on the need to support economic growth. The Council recognises the importance of retaining and providing rural employment opportunities outside recognised settlements limits as a means of ensuring a diverse and healthy rural economy. It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment. It is also important that development outside settlement limits only occurs where there are insufficient alternatives available otherwise such development would not be sustainable.
- 1.11 The proposed café would be operating in association with the proposed business to enable the further diversification of the crafts business, support economic growth and help business to adapt to changing market demands. The café would also be available to the general public. Currently, there is no such services within the village and therefore, the café would also serve a local community whilst competing for a different market than the existing village shop or pub in Stoodleigh. The café would be served by sufficient parking and manoeuvring area, any lighting would be secured by a planning condition and the café would be served by storage or refuse facilities and security measures already proposed by the development for the replacement buildings of which details would be secured by a planning condition to ensure that the development would be sympathetic to the character and appearance of the area.
- 1.12 With the respect to the other aspects of Policy DM18, it is not considered that the development would lead to an unacceptable impact on the local network or impact detrimentally on the character of the area. The proposed café is modest in scale and its design is compatible with the design of other buildings on the site. In fact, it has been designed to form a natural extension to unit 6. It is acknowledged that the café would be opened to general public, however given its modest scale and primary use ancillary to the proposed business on site, it is not considered that the café would lead to an unacceptable impact on the local highway network.
- 1.13 As such, the principle of the proposed development is considered to be acceptable in policy terms, subject to further considerations listed below.

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

- 2.1 Policy S14 of the Mid Devon Local Plan seeks to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. As well as consideration against the aforementioned policy, the proposal needs to be assessed against Policy DM1 of the Local Plan, which requires design 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. The above requirements in respect to heritage assets are echoed in Policy S9 (g) of the Mid Devon Local Plan, which includes the requirement that *“development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.”*

2.2 The site lies within the Stoodleigh Conservation Area, and also within the setting of a number of listed buildings. In considering applications affecting designated heritage assets, the council has a duty set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 relates to having special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. Section 72 requires the decision to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

2.3 Policy DM25 of the Local Plan also states that *“heritage assets and their setting which are irreplaceable resources accordingly the Council will:*

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

2.4 In considering the impact on the significance of local heritage assets, paragraph 203 of the NPPF advises that *“in determining applications, local planning authorities should take account of:*

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

2.5 The site is currently in a very dilapidated state and it is not considered that it currently contributes to the character or appearance of the conservation area, in fact the existing buildings would likely to be considered to detract from the conservation area’s qualities,

even though it is very well screened by boundary planting, which reduces the adverse impact. The development proposes five workshops (units 2-6) to be single storey with a pitched roof. Unit 1 would be larger in terms of its footprint and massing. It would integrate additional space within the roof space, created by dropping the eaves. Unit 7 would incorporate an increased height of the eaves to maximise the usable space within the attic space.

- 2.6 The site is not located within a protected landscape and is on reasonably level land with a gentle slope from East to West. The buildings would follow the natural gradient of the site with the lowest buildings being positioned in the narrowest part of the site whilst the larger buildings would be sited where the site is widest. The buildings would be located in a similar position to the existing structures to be demolished, although the development will be moved away from the northern boundary and there will be a decrease in a number of individual structures. Each workshop has access to a communal landscaped areas.
- 2.7 In terms of materials, the external walls of the workshops would have charred painted timber cladding, timber framed openings and doors and black standing seam metal roof. The façade has been pushed back to allow a covered access across all units. The colonnade is supported by a timber frame.
- 2.8 The proposed use of timber provides a strong reference to the surrounding woodland whilst the shape of the buildings and pitched metal roofs allude to the agricultural character of the surrounding countryside landscape. A simple but also utilitarian shape and style of the buildings provides a further reference to the industrial use of the site whilst the glazed openings would add a contemporary accent to the traditional aspect of the proposal. It is therefore considered that the use of traditional materials in a modern shape would be well integrated with the site context giving reference to its industrial use, the woodland and countryside location and therefore create uniquely regional buildings.
- 2.9 The comments of objection related to the visual impact of the development upon the surrounding landscape are duly noted. The site is very well screened by surrounding woodland. It is noted that some views of the development would be allowed from the wider landscape to the north, however any visual impact of the development would be lessened by boundary treatment. Although some trees on the northern boundary would be pruned with one tree being recommended for removal due to the extent of Ash Dieback, there would still be reasonable screening of the site retained. Furthermore, the development would be seen within the industrial context of the site. It is therefore considered that the increase in height of the replacement buildings compared to its predecessors is not considered to significantly increase the prominence of the buildings within the wider landscape.
- 2.10 Some comments received from the neighbouring residents have stated that the proposed development would result in an overdevelopment of the site in a rural and conserved woodland and the introduction of a commercial use of the site would disturb the tranquil, rural character of the village. These comments are acknowledged. However, the proposed replacement units would cover a smaller area than the existing industrial buildings, including the proposed cafe and as such, it is not considered that the development would result in the overdevelopment of the site. The development does not introduce a completely new commercial or industrial use of the land but rather a regeneration of the existing established industrial site. It should be noted that the current use of the site is B2 (General Industrial) as defined in the Town and County Planning (Use Classes) Order 1987 (as amended).

- 2.11 Some residents stated that the previous commercial use of the site as a timber mill saw ceased several years ago and the site is no longer a commercial site. Therefore, the development proposes a new commercial use on the site, which would be significantly different to the current use. These comments are duly acknowledged. Despite that the previous business no longer operates from the site, the lawful use of the site, as defined in the Town and County Planning (Use Classes) Order 1987 (as amended) remains as B2 (General Industrial), allows for a number of industrial uses to be carried out on the site without planning permission.
- 2.12 Some comments have also been received from local residents stating that the proposed development would not preserve or enhance the designated conservation area. It is however unclear whether the contributor refers to the conservation area in terms of the ecological value of the site or the conservation area as a heritage asset as the comments refer to several different aspects without explicit reference to a particular issue. Nonetheless, it is considered that the proposed regeneration of the site would be a planning betterment. The site is currently in a very poor condition and the proposed regeneration would bring the site back into its viable use and it would enhance the visual aspect of the site. Therefore, it is considered that the proposed development would preserve and enhance the character and appearance of the Stoodleigh Conservation Area. The Council's Conservation Officer has been consulted on the proposal and raised no objections to the application on heritage grounds.
- 2.13 The application proposes to introduce a permeable hardstanding within the yard and some soft landscaping to enhance visual amenity of the site. Details of landscaping will be secured by a pre-commencement condition to ensure that it would be considered at early stages to mitigate any visual impact of the development.
- 2.14 Policy DM1 advises that development should provide suitable external spaces for recycling and refuse. Details of storage provision has been indicated on the submitted plans, and as such there are no objections to the proposal on these grounds.
- 2.15 Overall, it is considered that the design, form and massing of the proposed buildings, are acceptable and adequately respect and relate well to the character of the industrial nature of the site and the development in the immediate vicinity. Redevelopment of this site would lead to the visual enhancement of the site, improving the site's appearance within a designated conservation area and the setting of listed buildings. Therefore, the proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area in accordance with Policies S9, S14, DM1, DM18 and DM25 of the Mid Devon Local Plan 92013-2033), the context of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance set out in the National Planning Policy Framework 2023.

3 Impact on neighbouring amenity

- 3.1 The nearest residential property lies approximately 46 metres to the south-east of the site. Further properties, excluding a residential dwelling in the applicant's ownership, is situated approximately 95 metres to the south-east and 100 metres to the south. It is however noted that the timber saw mill had been operating from the site without any restrictions until the site was purchased by the applicant in 2020.

- 3.2 Concerns have been raised by a third party, the Parish Council and Ward Members highlighting the issue of noise emitted from the site and overlooking the neighbouring properties. Although it is acknowledged that the current use of the site as an industrial site would remain, it is considered that the nature of the proposed business and addition of a small café (Use Class E) would likely result in lower levels of noise pollution, which would be more appropriate in this location given the distance to the neighbouring residential areas. Furthermore, there would be a degree of relief between the workshops and the residential units to the south-east and the south of the site. The Public Health Officer has been consulted on the proposal and raised no objections on residential amenity grounds, subject to appropriate conditions to restrict the operational hours of the site, control the specific noise level of any plant operated on the site and level of lighting, and to restrict any storage or industrial activities taking place outside of the buildings. These requirements will be secured by planning conditions.
- 3.3 It should also be noted that any business falling under Use Class B2 could currently operate from the site without any restrictions in terms of operational hours, level of lighting, noise pollution, and number of different types of industrial business, employees or level of traffic generated by industrial uses. Considering that the existing industrial use of the site was established over thirty years ago, there are no currently any planning conditions restricting the use of the site to mitigate any impacts upon the wildlife, woodland, highway safety, surface water run-off or residential amenity of the neighbouring residents. However, the proposed development could be conditioned to ensure that the aforementioned issues are mitigated by appropriate planning conditions imposed on any planning permission.
- 3.4 With regards to the overlooking and loss of privacy, the site is very well screened by a rich vegetation on and around the site. Furthermore, the relationship between the proposed buildings and existing residential properties to the south-east is such that there would be no windows directly overlooking any of the neighbouring dwellings or their outdoor amenity space. It is acknowledged that the neighbour residing in one of the dwellings to the south-east of the site expressed some concerns with regards to the site being adjacent to their only access to their property. The site visit carried out by the case officer confirmed that the neighbour also has access to the front of their property directly from the main road, as per original planning permission for the construction of the dwelling whilst the track running parallel to the northern boundary of the development, was approved in 1985 to gain access to the agricultural holding.
- 3.5 The neighbour has also stated that the land situated to the north of the application site is utilised as a garden, with BBQ area. Upon the neighbour request, the case officer met with the neighbour at their property and surrounding land on 28th of March 2024, and some domestic paraphernalia were present on the land, including lighting. This has also been confirmed on the photographs provided by the neighbour to the Local Planning Authority on 9th of July 2024. However, the lawful use of the land is agricultural with an area previously approved by the Local Planning Authority to be used as a paddock (equine use). Therefore, it is not considered that the proposed development would overlook any outdoor residential amenity of the neighbour resulting in the neighbour's loss of privacy as the land, in lawful terms, is not considered to be a domestic garden or should not be used for domestic purposes.
- 3.6 The windows on the northern elevation of the proposed units would be facing the open countryside and land in agricultural and equine use. There are no residential properties to the north of the site. As such, it is not considered that the development would result in any

detrimental impact upon the living conditions of nearby residents through overlooking or loss of privacy in accordance with Policy DM1 of the Local Plan.

- 3.7 The proposed demolition and construction phase of the development is likely to give rise to some amenity impacts but these could be controlled to an acceptable level through a condition requiring submission of a Construction and Environmental Management Plan (CEMP). Outside the construction phase noise activity associated with the development would be limited and as mentioned above, it is likely to be less than that associated with the historic use of the site. The Public Health raised no objections to construction activities to be undertaken on the site, subject to CEMP condition.

4 Highway and Access Issues

- 4.1 The proposal would retain the existing access situated on the southern boundary of the site, which has reasonable visibility leaving the site. The access leads directly onto an unclassified road. The lane connects the site to the main road running through the village, West End Lane, to the south-east of the site and to Hull Lane situated to the west of the site. On this basis, and also noting the extant permitted use of the site that has potential to generate high level of vehicular movements, it is considered that the development would not lead to any adverse impact on highway safety. The Highway Authority Officer visited the site and reviewed the documents submitted with the application and confirmed that the “vehicular numbers from this application will not create a trip generation intensification, including the Class E proposed café use.” Furthermore, the Highway Authority considers that an adequate manoeuvring area would be provided, which would allow vehicles to access and leave the site onto the road in a forward facing motion. Taking the above considerations into account, and the lack of objections from the County Highway Authority, it is considered that the development would not lead to any adverse impact upon the highway safety and as such, the development complies with the requirements of Policy DM3 of the Local Plan.
- 4.2 Comments of objections related to the poor condition of nearby roads and that the development should not be permitted until comprehensive measures are taken to address the inadequacies of highways infrastructure, including immediate plans for pothole repair, the creation of additional passing places and the implementation of effective drainage solution are noted. Nonetheless, the Mid Devon District Council has no control over the public highways and cannot request such works. Given the minor scale of the development, it is also considered that any works to the public highway could not be secured by planning obligations.
- 4.3 An objector submitted a Technical Note which examines the highway concerns with regard to the proposed development. At paragraph 1.3 the document refers to three planning permissions granted for two buildings on the site. Planning permission reference 99/02083/FULL (erection of extension to existing building to provide an open-fronted storage building), the revised scheme submitted under planning application reference 02/01143/FULL (retention of storage building) and planning permission reference 99/02084/FULL (retention of open storage building). The documents states that all three planning permission included the planning condition relating to the buildings being solely utilised for storage and that a copy of conditions is included in Appendix A.
- 4.4 Nonetheless, it appears that the document does not include the aforementioned Appendix A. Therefore, to provide some clarity, the wording of these conditions is as follows:

Condition 4 of planning permission 99/02083/FULL

“The premises hereby approved shall at all times be used for storage in connection with, and ancillary to, the existing use of the site as a timber preparation yard.

Reason – The Local Planning Authority does not wish to see the expansion of the existing business in this location in order to control any adverse effects on both local amenity and the local highway network.”

Condition 3 of planning permission 02/01143/FULL (revised scheme to previously approved building under 99/02083/FULL:

“The premises hereby approved shall be at all times used for storage in connection with, and ancillary to, existing use of the site as a timber preparation yard.

Reason – To ensure there is no adverse effect on the amenities of the locality on the local highway network.”

Condition 1 of planning permission 99/02084/FULL:

“The premises hereby approved shall at all times be used for storage in connection with, and ancillary to, the existing use of the site as a timber preparation yard.

Reason – The Local Planning Authority does not wish to see the expansion of the existing business in this location in order to control any adverse effects on both local amenity and the local highway network.”

- 4.5 The objector states that the above conditions were imposed to prevent additional, standalone, businesses to set up and generate additional traffic movement. Nonetheless, it appears that the conditions restricted the use of those two buildings to be used for storage purposes ancillary to timber preparation yard and were imposed to prevent the expansion of that particular business. The objector did not provide any traffic movement survey or any other evidence to demonstrate the level of traffic generated by the former business at the time of all three planning permissions being granted to ascertain that the traffic movement and impact upon the local highway network was lower to that potentially generated by the proposed development. It is appreciated that local residents state that the extent of the former business decreased in recent years before its closure, mentioned conditions were imposed when the business operated in its full capacity.
- 4.6 The objector also states that the two approved storage buildings should not be considered as standalone B2 units as the historic single business generates lower traffic than 7 independent businesses and café. However, no evidence has been submitted in support of this statement to show that the former timber sawmill generated a far lower traffic throughout the years than the proposed business on the site. Furthermore, the site currently comprises of 10 units of which 8 can be used for any industrial processes and use other two buildings for storage purposes. The buildings can also be utilised by several independent businesses. It is also acknowledged that one large business can require more employees, more frequent deliveries and therefore generate a far higher traffic movement to and from the site than several smaller businesses as this is likely to depend on the nature and scale of different businesses.
- 4.7 The current application does not propose a completely new use of the site in planning terms. Although it is acknowledged that the proposed business would differ in its nature in that it would not introduce a heavy industrial use of the site as opposed to the previously operating sawmill, the new business would still fall within the current lawful use of the site, Use Class

B2 (General Industrial). In addition, the development would result in a smaller commercial floor space, including the café, and any operational hours can be controlled by a planning condition to reduce the traffic movement whilst currently, the Local Planning Authority has no control over working hours and consequently, the level of traffic.

4.8 The Technical Note also refers to paragraph 109 of the NPPF which advises that:

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”

The proposed development proposes to regenerate the existing well-established industrial site rather than to propose a completely new commercial use of an undeveloped land within countryside location. Diversification of the rural economy, even if there is limited access to public transport, and redevelopment of previously developed land is supported by paragraphs 88, 89 and 123 of the NPPF, as outlined in paragraphs 1.6 and 1.7 of this report.

4.9 Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires a minimum of 1 parking space per 30 square metres, 1 cycle parking per 300 square metres and 1 electric vehicle infrastructure per 200 square metres of gross commercial floor area. Based on the development’s floor area of 627 square metres, the proposal is required to provide 21 car parking spaces, however there is no requirement for the provision of a cycle storage or electric charging points. The application proposes 21 parking spaces with 2 of those spaces being allocated for disabled users and 1 providing an electric car charging point. There will also be a covered bike store that will provide space to lock up to 15 bikes to promote sustainable travel. Therefore, the development accords to the requirements of Policy DM5 of the Local Plan.

4.10 The Devon County Highway Authority has been consulted on the application and provided Technical Note and has no objections to the development on highway safety grounds.

5 Ecology

5.1 The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy S9 of the Mid Devon Local Plan 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.

5.2 A desk study, extended Phase 1 habitat survey and buildings inspections for bats and nesting birds were undertaken in March 2023. Additionally, Bat Activity surveys were carried

out in May and June 2023. The survey was extended to highlight the potential presence of protected and priority species, which involved a search to identify the presence or potential presence of notable and protected species, such as breeding birds, badger, hazel dormouse, bats, reptiles and amphibians. Where access allowed, adjacent habitats were also considered in order to assess possible impacts of the proposal in a wider context.

5.3 The majority of the site comprises bare ground with a mix of concrete hardstanding close to the buildings, an area of gravel to the east of the buildings and bare ground towards the western end of the site. The Ecology Survey confirmed that these habitats are of negligible ecological value. The majority of the northern and southern boundary comprises a defunct grown out hedgerow of sycamore, oak and beech with an earth stone bank. The western corner of the site has been used for composting waste, and bramble and ivy have colonised.

5.4 In terms of species, the following was identified:

- (a) Bats – the site is of high value for bats affording potential roosting sites within trees and opportunities for foraging. The site boundaries also provide good linear features for commuting bats. Although the yard is unlikely to provide good foraging habitat, the woodland is suitable for a range of bat species. At least 8 species were recorded within 4km of the site and 9 species were recorded during the period of remote monitoring.
- (b) Badger – no confirmed or suspected badger setts were located during the survey and no evidence of badger foraging activity was seen. Badgers are considered to be in the wider landscape. Considering the presence of higher quality foraging habitat within the surrounding wider landscape, the survey concluded that it is unlikely that the site provides an important foraging resource for local badger populations.
- (c) Breeding birds – the woodland is expected to be used by birds for nesting and roosting. Birds were recorded from within the buildings on site.
- (d) Hazel dormouse – the woodland and southern boundary hedge are suitable for this species, however no records were returned during the data search.
- (e) Hedgehog – there is some potential shelter for hedgehogs within the woodland, and they may traverse the site occasionally.
- (f) Otter, Reptiles and amphibians – there are no suitable habitats within the site.

5.5 The Ecology Survey states that the survey effort is sufficient to provide an assessment of the likely significant effects of the development proposals on ecological features and to inform the mitigation strategy. No further ecological survey work is considered necessary in order to determine the application and the results are considered valid for 18 months.

5.6 The survey findings confirmed that the redevelopment of the hardstanding and existing buildings is not considered to cause any significant harm to the wildlife habitats, given these are of a low ecological value, and no specific mitigation is considered necessary, subject to compliance with the recommendations of the submitted Arboricultural Report to avoid any adverse impacts upon the trees. Although no evidence of use of the buildings by bats was found, a precautionary approach to demolition must be employed. The survey's recommendations for the demolition works can be secured by a condition.

- 5.7 The site presents some potential for roosting bats within trees along the woodland edge, however the survey confirmed that no direct adverse impacts are predicated to arise from the development. If any works to trees would be required to accommodate the development, the survey's recommendation is that re-start checks must be undertaken to ensure that no bats roosts are present. However, the survey confirmed that there is potential for bats to be impacted indirectly by light spill from the new buildings. Nonetheless, given that the site is for commercial use, which would operate during the day time hours, any night light spill from windows would be negligible. Any exterior or security lighting must be carefully placed to avoid illumination boundary vegetation in accordance with the recommendations set out in the Bats and Artificial Lighting in the UK. Details of any external lighting, including security lighting, and its lux levels will be secured by a planning condition to ensure that no light barriers would be introduced to foraging and commuting bats.
- 5.8 The Ecology Survey also confirmed that subject to compliance with the survey's recommendations for the mitigation of the impact of the development upon nesting birds, the development can be delivered without significant adverse impact upon birds. Furthermore, the survey advises that considering that the woodland and the southern boundary are to be retained, there will be no adverse impacts upon hazel dormice or other species discussed above.
- 5.9 Some residents raised concerns that no sufficient ecology survey has been carried out to determine whether bats are present on the site, that no survey has been carried out during the evening/night hours and some comments have also been received questioning as to whether the Ecology Impact Assessment provided by the applicant has been prepared by a qualified ecologist. These comments are acknowledged, however detailed assessment of the site, suitability of the site for bats, including inspection of the buildings and surrounded woodland, has been carried out by two Chartered Principal Ecologist, who are Members of the Chartered Institute of Ecology and Environmental Management, with 12 and 15 years of experience. One of the Ecologists is a Registered consultant on Natural England's earned recognition class licence scheme for bats and has acted as named ecologist on Mitigation Licences for bats and badgers since 2013 and the second ecologist has an extensive experience in carrying out quantitative and qualitative ecological surveys who also is registered to use a Level 1 class licence to survey bats. The provided ecology report sets out all aspects of the ecology survey of the site and methodology. With regard to the survey not being carried out during the night hours, the report confirms that two automated bat detectors were deployed at key points around the site for a minimum of five nights over two recording periods: 4th May to 12th May 2023, and 29th June to 4th July 2023.
- 5.10 The following enhancement measures have been recommended by the survey with the aim of providing a net biodiversity gain, as follows:
- (a) Infill planting of boundaries with native hedgerows, as per Arboricultural Report recommendations;
 - (b) 2 x in-built bat boxes on the west elevations of units 3, 5, 6 and 7 (8 in total);
 - (c) 2 x in-built bat boxes on the east elevation of units 1 and 7 (4 in total);
 - (d) 2 x sparrow terraces on the north elevations of units 2, 6 and 7 (6 in total);
 - (e) 2 x in-built bird boxes on the east elevations of units 6 and 4 (4 in total);
 - (f) Soft landscaping/lawns to include a species-rich flowering lawn mixture; and
 - (g) Ornamental borders around the site, if required, to be planted with plants selected from the RHS Plants for Pollinators list 4.

- 5.11 In conclusion, there are no significant constraints to development identified provided appropriate conditions are imposed. In addition to the proposed precautionary measures to avoid committing any offence in relation to protected species, should any be found during construction, and also in relation to breeding birds, mitigation and enhancement measures are proposed. A condition is recommended requiring that the recommended precautionary measures, mitigation and biodiversity enhancement measures comply with the recommendations of the submitted reports. As such, the development is deemed to comply with Policy S9 of the Mid Devon Local Plan and the aims and objectives of the NPPF.
- 5.12 The Devon County Principal Ecologist has been consulted on the proposal on a number of occasions and agrees with the Ecology Survey report's findings and recommendations, however some concerns were raised with regard to the extent of glazing to be introduced on the north elevation of Units 1-3 and 7 and light pollution affecting the countryside and its habitats to the north of the application site. Amended plans have been received to address these concerns which have been re-consulted with Devon County Council. The Devon County Ecologist confirmed that the amendments would reduce the light spill to an acceptable level and no objections have been raised on ecology grounds. However, it has been recommended to impose a condition on any planning permission requiring the use of 40% light transmission glazing across the site and secure any details of external lighting to be submitted to and approved by the Local Planning Authority prior to its installation. This has been added below.

6 Trees

- 6.1 The tree cover is predominantly around the edge of the site. There is a range of species of mostly native self-set trees with native ecological value. The majority of the trees have been identified in the submitted Arboricultural Report being viewed of 'C' quality, trees viewed to be of low quality. Whilst this appears to be based on the individual tree or tree group's Arboricultural quality, the Council's Arboricultural Officer confirmed that the trees collectively provide moderate to high landscape quality. The site is within a conservation area and as such, each tree which form part of a group of trees and measure the diameter of the tree at 1.5 metres above the ground of 10cm or more, holds the same level of protection against unauthorised works as trees subject to a Tree Protection Order.
- 6.2 In response to the concerns raised by the Council Arboricultural Officer with regards to the potential impact of the development upon the trees and the lack of details related to approximately 30 metres length of tree canopy representation along the northern boundary, and old hedgerow embankment bordering a neighbouring access lane, the applicant entered discussions with the Council. An amended Arboricultural Survey, including an Arboricultural Implications Assessment, a Tree Constraints Plan, a Tree Protection Plan and Arboricultural Method Statement have been provided to the Local Planning Authority.
- 6.3 The revised plans show that units 1-5 have been moved away from the northern boundary of approximately 0.5-1 metre to provide an increased buffer between these units and the tree line. The Council's Arboricultural Officer considers that there would still be some level of conflict between the trees crown spread and the proposed units. Nonetheless, the Arboricultural Officer has also confirmed that tree works is already required in this section of tree group. It should also be noted that any woodland requires a regular management otherwise they become dark, over-shaded and dominated by big mature trees without any variation in structure, age or cover. As such, regular pruning and even removal of some trees allows more light to enter the forest floor, represents a critical endeavour in maintaining

ecological equilibrium, and safeguarding biodiversity.

- 6.4 Having reviewed the amended Arboricultural Survey report, the Arboricultural Officer has no objections to this aspect of the proposal, including a plan of pruning, coppicing and laying to improve the tree boundary along the northern aspect, subject to imposing a condition on any planning permission requiring these works to be carried out before the installation of the Construction Exclusion Zone (CEZ) barrier fence and completed before construction begins to avoid any risk of damage to trees. Furthermore, new planting with a native hedgerow mix of 'whip' trees containing such species as Hazel, Common Hawthorne and Spindle is required within planting gaps along northern boundary, which would facilitate a betterment of the boundary hedge and tree line.
- 6.5 The application proposes to remove two trees (T001 – Western Red Cedar and T025 - Cypress) situated by the entrance to the site to enable development. These trees are not native and considered to be unsuitable to the rural location. The survey report also recommends the removal of T012 – Common Ash situated at the north-western part of the site's boundary due to Ash Dieback extent and T022 – Sycamore located at the south-eastern corner of the site, if concerned for safety. Figure 2 in Appendix A of the Arboricultural Report also sets out the recommended pruning of other trees on the site.
- 6.6 The provided Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan set out adequate tree protection measures to be implemented during the demolition and construction phase. These details have been reviewed by the Council's Arboricultural Officer and are considered to be acceptable to ensure the protection of remaining trees on the site and improve the long term quality of the woodland, promoting trees growth and regeneration.
- 6.7 On this basis, it is considered that the development can be delivered on site without a significant adverse impact upon existing and retaining trees.

7 Flooding and Drainage

- 7.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer, where available.
- 7.2 The application site lies within Flood Zone 1 and therefore, the proposed development is at a negligible to low risk of flooding from all sources. The Environment Agency has been consulted on the application and raised no objections.
- 7.3 There is no foul or surface water mains within a reasonable distance, therefore all drainage is proposed to be managed on site. The Design and Access Statement states that the existing impermeable hardstanding will be replaced with porous gravel surface. Percolation tests have been carried out at 3 points under the proposed car parking area. The results of the tests demonstrate that the ground drains well and the surface water can be distributed to three major soakaways positioned alongside the length of the site. The South West Water confirmed that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

- 7.4 The foul drainage is proposed to be dealt by a Package Treatment Plant which is considered to be an efficient and effective method of treating wastewater on site and any release of harmful pollutants into watercourses is significantly reduced. The two main package treatment plants at either end of the site will discharge treated waste into ground percolation tunnels. Details of the proposed foul drainage strategy are recommended to be secured by a planning condition.
- 7.5 Some comments have been received from the neighbouring residents that the development should be connected to the public sewer. This is because the site can accommodate up to 32 people at one time and the water usage would be 4640 litres a day which has been calculated using an average water consumption of 142 litres per day per person (although other resident quoted 147 litres per day per person). Therefore, in accordance with the Government Guidance on when development should connect to a public sewer, the neighbours stated that the development site is within the required distance.
- 7.6 These comments are duly noted, however the contributors used an average daily water consumption per person for residential dwellings development rather than commercial use, where an average water consumption is 50 litres per day per employee as well as different equation is used to calculate the distance between the application site and public sewer. In this instance, the maximum daily water consumption based on 32 employees would be 1600 litres per day (or 1.6 cubic metres) in accordance to Ofwat, which means that the development must connect to the public sewer if the site is within 64 metres from the nearest sewer.
- 7.7 The nearest manhole that could be utilised is situated approximately 100 metres away from the application site boundary and therefore, there is no requirement for the applicant to connect the development to the public sewer. Furthermore, the cost of connection is estimated to be approximately £100,000 and as such, it undermines the viability of the project. The neighbouring resident contacted the Council and requested that the Local Planning Authority require the developer to make a connection to the public sewer. Whilst this request is acknowledged, any condition requiring the development to be connected to the sewer would be unreasonable as it is not considered necessary in this instance to make the development acceptable. Consequently, such condition would not pass the 6 test of condition and advice contained in paragraph 55 and 56 of the NPPF.

8 Climate change and sustainability

- 8.1 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. The application submission includes a climate emergency checklist and energy strategy included in the Design and Access Statement. The siting and design of the proposed buildings are conducive to providing more energy efficient and sustainably constructed buildings. The proposal includes secure cycle storage space to encourage the reduction in the number of vehicle movements generated.
- 8.2 The proposed construction approach to use a timber frame and timber elevations ensures that the embodied carbon that is present in concrete based primary structures is reduced. The units will contain energy efficiency measures such as being highly insulated, high air

tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps. A concrete slab floor will help provide mass to the buildings to reduce the peaks and trough in the daily heating and cooling cycle.

- 8.3 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a moderate scale and would provide employment premises with a high level of thermal efficiency. As such, it is considered that on balance, the proposal has been designed to address climate change impacts.

9 Economic Impacts

- 9.1 Comments of objections have been received with regards to the viability of the proposed business and that its need could be met by other commercial premises available within proximity to the site and as such, there is no requirement for commercial buildings within the residential area of Stoodleigh.

- 9.2 Whilst comments of concern regarding the viability of the proposed business are acknowledged, the applicant has provided further information which indicates that there is no available rural working premises within the village or in close distance to the site which would meet the needs of the proposal. Based on the information provided by the applicant, the nearest available commercial spaces of a similar floor space are as follows:

- 8 units in Wellington (21 miles away); and
- 6 units in Taunton, 2 in Bishops Lydeard and 2 in Exeter (21-31 miles away).

Additionally, should the Planning Committee be minded to approve the application, the applicant confirmed that unit 1 will be used by the applicant to serve his successful antique restoration business with further three workshops being already reserved by residents of Stoodleigh. The identified interest in the proposed employment space by the applicant has been confirmed by written representation received in support of the application from local residents.

- 9.3 Some comments have been received stating that any need for a conference room could be met through the use of the village hall. Nonetheless, it has not been demonstrated that the village hall is currently used for such purposes by a broader group of residents or general public, or that there is any interest in using this space for such purposes by local residents living within close distance to the village of Stoodleigh or working in crafts sector. Letters of support suggest that a new, contemporary and well equipped commercial space is needed and welcomed within the area. Furthermore, supporting text to Policy S6 (para 2.44) states that there is an identified shortage of small-scale employment sites.
- 9.4 Comments of objections have also been received with regards to the proposed café and its potential impact upon the viability of the Stoodleigh Inn and recently approved village shop to be reopened soon. The proposed café would operate during working hours only, which can be secured by planning condition, and it would provide a different service to the existing pub and shop. Having checked the Stoodleigh Inn page on Yell, the pub is opened between 17.00 – 23.00 Wednesday to Friday inclusive, 19.00 – 23.00 on Saturday and 12.00 – 14.00 & 19.00 – 23.00 on Sunday with the pub being closed on Monday and Tuesday. However, the pub's Facebook page indicates that opening hours may vary to suits the business' needs and the pub opens on some days as early as 2pm, however it also closes on some Fridays and Saturdays. Given the opening hours of the pub and different nature of services provided within the pub, it is not considered that a modest café would result in a significant adverse

impact on the local pub. No comments of objection has been received from the owner of the Stoodleigh Inn.

- 9.5 Some comments have been received stating that the village shop approved under application ref. 23/00928/FULL, has also been granted planning permission to include a coffee shop/café. It is acknowledged that the supporting statement submitted with the application for the re-opening of the shop stated that the shop might include a Costa coffee machine. Nonetheless, this does not grant any permission for the shop to be used as a café or coffee shop. The Economic Development Team has been consulted on the application and supports the proposed development, including the provision of a small café. Furthermore, no objections have been received from the owner of the shop.
- 9.6 On this basis, it is considered that the needs of the proposal cannot be met by other premises or sites within the area and the proposed café would not impact the viability of the existing village shop or the pub. Moreover, given the identified need for small commercial units in the Mid Devon Local Plan and the interest in premises supporting rural working received from local residents, it is considered that the application meets the requirements of Policies S6 and DM18 of the Local Plan.

10 Other matters

- 10.1 The Police Designing Out Crime Officer has commented on the proposal, raising no objections in principle. They have commented on some of the measures proposed, clarifying some of the standards required for compliance with Secured By Design, such as the types of lock, roller shutters, doors and windows required, external lighting, external illumination of entrance doors and observable building elevations, and in relation to the siting and operation of CCTV. The applicant is aware of these comments and will be able to ensure that they incorporate any recommendations into the finished scheme. However, it should be noted that external illumination is not recommended by the Ecology Report to mitigate any impacts upon the wildlife habitats and dark skies. As such, details of any external and security lighting is recommended to be secured by a planning condition to ensure that the lighting meets the Ecology Survey and the Public Health Officer's recommendations, and security standards.
- 10.2 Comments of objections have been received stating that the windows introduced to the northern elevation of the proposed workshops would result in a light pollution to the detriment of a wildlife and it would have a negative impact upon 'dark skies', in particular when combined with external illumination recommended by the Police Designing Out Crime Officer. These comments are duly noted. Amended plans have been received which reduced the glazing on the north elevation of unit 7 and units 1-3 and introduced some vertical louvres panels over fixed panes and 40% transmission glazing to reduce light spill. The Devon County Principal Ecologist confirmed that the amended design of the northern elevations addressed the issues of light pollution and its impact upon the wildlife habitats on and around the site.
- 10.3 It is also noted that some objectors stated that there is no justified need for any windows to be introduced to the northern elevation of the proposed workshops as these would provide a working environment. Therefore, there is no need for more day light to be provided than would be already introduced by the windows in the southern elevation of the buildings or any views towards the surrounding countryside landscape.

- 10.4 The above comments are noted, however multiple studies conducted in the UK and worldwide indicate that daylight and views provided by windows access are two factors important to office and commercial buildings occupants. Beyond the benefits of daylighting, there is growing evidence of the importance of providing working spaces occupants view outside. The most common benefits arising from the provision of access to natural daylight and outside view are: improved cognitive performance and satisfaction, reduced stress levels and eyestrain, reduced risks of anxiety and depression, and overall well-being of occupants. Therefore, whilst these comments are acknowledged, and the extent to which they represent material planning considerations, the site is shaded by the surrounding trees and the proposed windows would provide a sufficient amount of daylight to ensure the well-being of future tenants.
- 10.5 Some objectors also stated that the development has been designed to enable future conversion of the workshops into a residential dwellings using permitted development rights. Nonetheless, there are no permitted development rights to convert any buildings in Use Class B2 to residential accommodation. Therefore, any proposal to convert the workshops to dwellings would require an application for planning permission. There are some permitted development rights allowing conversion of Use Class E premises to residential property only under Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, any such conversion would be subject to the submission of an application for prior approval of the Local Planning Authority to consider, amongst other criteria, the living conditions of future occupiers. The café is modest in scale with a footprint of 25 square metres only and therefore, any potential conversion would not meet a minimum requirements of national space standards. It should also be acknowledged that every application must be determined on its own merits as it currently stands and cannot be subject to any speculations of any potential uses to be introduced on site without robust evidence.
- 10.6 Some residents have also stated that the proposal is contrary to Policies S13 and DM9 of the Mid Devon Local Plan. However, it should be noted that Policy S13 relates to the villages with the defined settlement boundary and Stoodleigh is not defined as a village with settlement limits in policy terms. Policy DM9 relates to the conversion of rural buildings. The application does not propose any conversion of any of the existing buildings.
- 10.7 Some comments also stated that despite the fact that the application received local support, it has also received some objections which indicates that the development does not meet the community needs. However, no justification has been provided to demonstrate why the received objections would have more weight than support given by local residents. In particular that 33 residents who objected to the application form 10.5% of the total population of Stoodleigh (based on the Census Data 2021 advising that the Stoodleigh population is 312 residents). Given that for population under 1,000 a minimum ratio of 30% is advisable to ensure representativeness of the sample, it would need to be a minimum of 93 residents.

11 Planning balance

- 11.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation via condition set out in this report. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted. The proposal respects the character and appearance of the Stoodleigh

Conservation Area and wider landscape and there is no harm to the setting of the nearby listed buildings. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety, flood risk or surface water management. The proposal delivers sufficient number of car parking spaces and generous cycle store. It is designed to adapt to the climate change with the use of energy efficiency measures such as being highly insulated, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps.

- 11.2 The redevelopment of the site and provision of modern, energy efficient employment buildings would enhance the character and appearance of the conservation area, enhance the ecological value of the site and contribute to the reinvigorating local economy. Provision of employment opportunities within rural areas adds to the sustainability of such remote places and improves economic competitiveness and prosperity. Taking all the above consideration and identified social, environmental and economic benefits, it is considered that the balance weighs in favour of approval of the application. The proposed development is acceptable in policy terms, subject to the imposition of conditions under Local Plan Policies S1, S2, S6, S8, S9, S14, DM1, DM2, DM3, DM4, DM5, DM18 and DM25.

CONDITIONS

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

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

4. Prior to the commencement of the development hereby permitted details of the surface water drainage management system which will serve the development site for the full period of construction phase will be submitted to and approved in writing by the Local Planning Authority. This temporary surface water drainage management shall satisfactory address both the rates and volumes, and quality, of the surface water runoff from the construction site. The construction works shall be carried out in accordance with the approved details.
5. No development above the foundation level shall be commenced until full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage management shall be implemented in full in accordance with the approved details before any of the buildings will be occupied, and shall thereafter be managed and maintained in perpetuity.
6. Foul drainage shall be dealt with by a package sewage treatment plant, which shall be sited so as not to cause pollution of any watercourse or water sources. Details of this treatment plant and its siting and of the necessary percolation system shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The development shall be carried out in accordance with the approved details.
7. Prior to the installation of any external lighting, including security lighting, on the outside of the buildings or elsewhere on the site, a light strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not be limited to design, siting, illumination-type and hours of use to take account of biodiversity, residential amenity and light pollution. Any security lighting shall be compatible with the CCTV system. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. The development shall be carried out in accordance with the approved details. Only lighting that has been approved by the Local Planning Authority shall be installed.

8. Notwithstanding the landscape strategy submitted with the application, prior to any ground works of the development hereby approved being implemented, a final scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on tree species type, planting design and aftercare. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
9. The development hereby permitted shall be carried out strictly in accordance with the recommendations detailed in the submitted Ecological Impact Assessment, dated 5th July 2024 and prepared by Lakeway Ecological Consultancy, covering avoidance of harm to protected species and nesting birds, mitigation, compensation and ecological enhancement. In any event, the following precautionary measures shall be strictly adhered to:
 - a) During the demolition of the existing buildings roof panels must be carefully hand dismantled, with operatives lifting panels, especially over wall-tops and checking beneath for the presence of bats or bat droppings;
 - b) In the event that a bat is discovered or suspected, all work to buildings must cease, and the project ecologist must be contacted for advice;
 - c) Any trees to be removed or trees requiring pruning, laying or coppicing, a pre-start checks must be undertaken to ensure that no bat roots are present. In the event that bat roost are discovered or suspected, all works to trees must cease and the project ecologist must be contacted for advice;
 - d) No works to trees of any kind should occur while birds are nesting which may be at any time between the months of March to September inclusive. If this cannot be achieved, a check for active birds' nests must be undertaken immediately prior to commencement of works. Any active nests will need to be retained and buffered (under guidance of an ecologist) until all chicks have fledged;
 - e) The woodland surrounding the application site, including part of the woodland edged in blue on the Site Location Plan (drawing 2227_P_01) shall be protected from encroachment of machinery during enabling and construction and no woody vegetation shall be removed to ensure the protection of Hazel Dormice;
 - f) Any pipe work should be capped overnight and any pits/trenches covered or a means of escape provided to maintain the continuity around the site such that wildlife, including invertebrates, hedgehogs and badgers, will be able to traverse the site during operation and construction;

The following enhancement measures shall have been provided in full and approved by a qualified ecologist prior to the development hereby permitted being brought into first use:

- a) Infill planting of boundaries with native hedgerows, as per Arboricultural Report recommendations;
- b) 2 x in-built bat boxes on the west elevations of units 3, 5, 6 and 7 (8 in total);
- c) 2 x in-built bat boxes on the east elevation of units 1 and 7 (4 in total);

- d) 2 x sparrow terraces on the north elevations of units 2, 6 and 7 (6 in total);
- e) 2 x in-built bird boxes on the east elevations of units 6 and 4 (4 in total);
- f) Soft landscaping/lawns to include a species-rich flowering lawn mixture; and
- g) Ornamental borders around the site, if required, to be planted with plants selected from the RHS Plants for Pollinators list 4.

These biodiversity enhancement measures shall thereafter be retained and maintained in perpetuity.

10. The development hereby approved shall be carried out strictly in accordance with all measures for the protection of ground and trees prior to and during the course of the demolition and construction phase as set out in the Arboricultural Survey report dated 30th April 2024 and prepared by Arbmark Ltd, and as shown on the accompanying Tree Protection Measures and Arboricultural Method Statement and related plans, as well as the monitoring of these measures. The approved measures shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until works are completed, and no changes shall be made. The approved works to trees shall be carried out before the installation of the CEZ barrier fence and 7 days' notice must be given to the Arboricultural Supervisor to attend and provide on-site observation and guidance during the demolition of the buildings along the North boundary of the development site to ensure that root disturbance is kept to a minimum in order to ensure the vitality and viability of the trees along the North boundary. No construction works are to be permitted within Tree Protection Area as indicated on the Tree Protection Plan without prior notice to the Local Planning Authority along with detailed method statement.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5 metres of any part of any tree to be retained;
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Volume 4, Issue 2, 2007);
- (c) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which dies or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs and hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

11. Details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved cycle storage has been provided in accordance with the approved details. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
12. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number '2227_P_05 Rev J'. Following their provision these facilities shall be maintained and retained for the lifetime of the development
13. Notwithstanding the details indicated on the approved plans, details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place in relation to the construction of each element of the proposal respectively:
 - Details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;
 - Details of materials (including samples where appropriate) for the hardstanding and parking area;
 - Details of the recessing, materials and finish to be used for all new windows and doors;
 - Details of materials (including samples where appropriate) of the boundary treatments; and
 - Details of position and colour finish of meter cupboards, gas boxes and rainwater goods.
14. Prior to the occupation of the development hereby permitted, at least 1No. EV charging point shall be provided in full and shall thereafter be retained in perpetuity.
15. The premises hereby approved shall not be opened for business except between the hours of 7.30am to 6pm Monday to Friday inclusive, 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
16. The specific noise level of any plant installed and operated on the site must not exceed the background noise level at the boundary of the site at any time. Background noise level to be measured as La90dBa (1 hour).
17. No manufacturing or other industrial processes shall take place outside the confines of the approved buildings.
18. No goods, plant or machinery shall be stored in the open outside the confines of the approved buildings without written consent of the Local Planning Authority.
19. Loading and unloading of goods vehicles shall take place only within the curtilage of the site to which this application relates.
20. Prior to the first use of the kitchen associated with the café hereby permitted, details of the ventilation and extraction equipment shall have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be used whenever hot food is prepared at

the premises and shall be cleaned and maintained in accordance with the approved details and the manufacturer's recommendations.

21. Prior to the first use of the kitchen associated with the development hereby permitted the extraction system serving the kitchen must be fully tested by an acoustic engineer and a validation report shall have been submitted to and approved in writing by the Local Planning Authority. The extraction system shall be thereafter cleaned and maintained in accordance with the approved details and the manufacturer's recommendations.
22. Before the development hereby approved is first brought in to use, details of a scheme for the provision of noise insulation shall be submitted to the Local Planning Authority for their written approval. Any details so agreed shall be implemented in full prior to the commencement of the use hereby permitted and shall thereafter be retained in perpetuity.
23. The workshops hereby approved shall only be used for a use falling within Use Class B2 (general industry) and E (g) (iii) (industrial processes which can be carried out in a residential area without detriment to its amenity), and shall be used for no other purpose (including for any other use falling within Use Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.
24. The café hereby approved shall only be used for a use falling within Use Class E (b) being a use for the sale of food and drink for consumption (mostly) on the premises and shall be used for no other purpose (including for any other use falling within Use Class E of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.
25. Notwithstanding the details indicated on the approved plans, details of 40% light transmission glazing to be installed in all windows and doors of the premises hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority, and the premises shall not be occupied until glazing in accordance with the approved scheme has been installed and thereafter retained in perpetuity.
26. The café hereby permitted shall be used in conjunction with the approved industrial use of the site and shall at no time be let, sold or otherwise be disposed of a separate business unit.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.
3. In the interests of public health and highway safety, in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
4. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area to accord to policies S9 and DM1 of the Mid Devon Local Plan 2013-2033. A pre-commencement condition is required to ensure that surface water can be managed suitably without increasing flood risk and negatively impacting on surrounding areas and infrastructure.
5. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site or elsewhere in line with national policies, including NPPF and PPG, and policies S9 and DM1 of the Mid Devon Local Plan 2013-2033. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
6. To avoid pollution of the environment in accordance with the requirements of Policies S9 and DM4 of the Mid Devon Local Plan 2013-2033. The condition should be pre-commencement since it is essential that the proposed foul drainage system is shown to be feasible before works begin to avoid redesign/ unnecessary delays during construction when site layout is fixed.
7. To protect adjoining occupiers from excessive light pollution, in the interests of the wildlife habitats and to ensure that dark skies in the locality, which contribute to the character of the open countryside, are preserved in accordance with policies S9, S14, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
9. To ensure the protection of wildlife habitats on the site during and after construction in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.
10. To ensure protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.
11. To promote sustainable travel and in the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

12. In the interests of highway safety and to ensure adequate on-site parking facilities are available for traffic attracted to the site, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033.
13. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies S14, DM1 and DM25 of the Mid Devon Local Plan 2013-2033.
14. To avoid the pollution of the environment and reduce the impact of the development upon the air quality in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033.
15. To protect adjoining occupiers from excessive noise in accordance with policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
16. To protect the amenity of local residents and the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
17. To protect the amenity of local residents from noise and/or dust in accordance the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
18. To protect the amenity of local residents from noise and/or dust in accordance the tranquillity of the local environment in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
19. To ensure that adequate provision for loading and unloading is available and to prevent congestion on the highway in accordance with policies S8 and DM3 of the Mid Devon Local Plan 2013-2033.
20. To prevent adverse impact on residential amenity in relation to odours and in accordance with Policies DM4 and DM1 of the Mid Devon Local Plan 2013-2033.
21. To prevent adverse impact on residential amenity in relation to noise and in accordance with Policies DM4 and DM1 of the Mid Devon Local Plan 2013-2033.
22. To protect the amenity of local residents in accordance with policies DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
23. To ensure that the industrial use proposed (B – General Industry and E (g) (iii) - Light Industrial Processes) is compatible with the surrounding uses, in the interest of the residential amenity and to enable the Local Planning Authority to retain control over future uses in the interests of amenity and sustainable development in accordance with policies S1, S14 and DM18 of the Mid Devon Local Plan 2013-2033.
24. To ensure that the use is compatible with the surrounding uses, in the interest of the residential amenity and to enable the Local Planning Authority to retain control over future uses in the interests of amenity and sustainable development in accordance with policies S1, S14 and DM18 of the Mid Devon Local Plan 2013-2033.

25. To protect adjoining occupiers from excessive light pollution, in the interests of the wildlife habitats and to ensure that dark skies in the locality, which contribute to the character of the open countryside, are preserved in accordance with policies S9, S14, DM1 and DM4 of the Mid Devon Local Plan 2013-2033.
26. In accordance with the applicant's submission and having regard to the site location in accordance with Policies S14 and DM18 of the Mid Devon District Council 2013-2033.

INFORMATIVES

1. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 11th March 2024, in respect to compliance with Secured By Design principles.
2. 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.
3. 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.
4. 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.

Biodiversity Net Gain Informative

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

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

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

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

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

The permission which has been granted is for development which is exempt being:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed regeneration of the previously developed employment site for industrial use (Use Class B2 – General Industrial), which is currently in a very dilapidated state, is considered to be supported by the relevant national and local policy. The provision of energy efficient and well-designed development of this nature will enhance the character and appearance of the designated conservation area whilst contributing to the prosperous rural economy and the enhancement of the ecological value of the site. As such, it would meet the three overarching social, economic and environmental objectives of the National Planning Policy Framework and in turn, contribute to addressing issues of climate change, unsustainability of rural settlements and promote a competitive rural economy. The overall design, scale and layout of the development is acceptable in this location not resulting in a significant detrimental impact on the landscape, wildlife habitats, ecology, highway safety, residential amenity or any of the designated heritage assets.

The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation secured through conditions, whereby drainage measures, biodiversity, ecology, landscape and heritage can be adequately mitigated and enhanced. Taking all the above into consideration, the application is deemed to comply with Policies S1, S2, S6, S8, S9, S14, DM1, DM2, DM3, DM4, DM5, DM18 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework 2023.

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. 24/00506/MFUL

Grid Ref: 296420 : 113111

Applicant: ZedPods Limited

Location: Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road
Tiverton
Devon

Proposal: Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works

Date Valid: 16th April 2024



APPLICATION NO: 24/00506/MFUL

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 land owner and the houses will form part of the Council's affordable rented housing stock.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

This application is for the erection of 10 affordable dwellings to be occupied as rented social housing following demolition of 9 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works.

The scheme forms part of the Council's wider regeneration of the local area, which is being delivered through their partnership with ZedPods to improve the quality and sustainability of, and to increase the number of social rented affordable homes in the area. As such, the dwellings are intended for social rent.

The site is within the defined settlement limit of Tiverton and is located on Elmore Way and Sunningbrook Road, to the north east of Watery Road, and comprises 9 terraced bungalows. The site also includes an existing landscaped area to the north side of Sunningbrook Road, which is not to be developed, other than to include landscape enhancements and improved surface water drainage provision, and a hard surfaced area to the south of the existing bungalows, which formerly housed 37 garages. These garages have previously been demolished and this part of the site is gated off, with no access for parking or other use of this part of the site available.

The proposed dwellings are to be single storey modular units of a similar size and scale to the bungalows that they would replace. Of these, 8 would front onto Sunningbrook Road, and 2 would front onto Elmore Way. All properties would be provided with their own private gardens, in addition to communal landscaped areas on the former garage site to the south. The proposed properties would be set further to the south of the site to allow for 19 off-street parking spaces, where there are currently none. These parking space would include 4 disabled parking spaces and 2 EV chargers. A palette of materials is proposed comprising rendered finish at to the external walls and metal standing seam roofs. Solar PV panels would be installed on the roof slopes of the building.

All of the units are to be built to be national space standard compliant. 8 of the properties would be built to M4(2) standards (accessible and adaptable dwellings) and the other 2 would be fully M4(3) wheelchair user accessible. The scheme would incorporate a step free approach throughout the development with level access proposed to all properties. The 8 units would be 1 bed 1 person properties with a floor area of 38 square metres and the 2 wheelchair accessible units would be 1 bed 2 person units with a floor area of 51.5.5 square metres. The bedrooms in the 1 bed 1 person units are proposed have a floor area of 7.7 square metres and those in the 1 bed 2 person units would have a floor area of 16.3 square metres. All properties would have dedicated storage space. The scheme also provides for the storage of waste and recycling through the provision of external storage space for all properties. The wheelchair accessible properties would also have secure wheelchair stores. Provision is also made for secure cycle storage for each property.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning Statement, Design and Access Statement, Arboricultural Survey, Flood Risk Assessment and Drainage Strategy, Ground Investigation Desk Study, Desktop Utility Survey, Wildlife Trigger Table, Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal, Transport Statement, Travel Plan Statement, Biodiversity Net Gain Assessment, Biodiversity Metric, BNG Statement for Validation, Climate Emergency Check List.

RELEVANT PLANNING HISTORY

18/00415/PNDEM - PD date 5th April 2018
Prior notification for the proposed demolition of 37 garages

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S5 - Public open space
S9 - Environment
S10 - Tiverton
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM26 - Green infrastructure in major development

Tiverton Neighbourhood Plan 2020 to 2033

T1 - Location and scale of development in Tiverton
T2 - Meeting local housing needs
T3 - Providing lifetime affordable housing
T4 - Character of development
T5 - Design of development
T6 - Energy efficiency and design
T7 - Minimising the risk of flooding
T9 - Network of green and blue infrastructure
T16 - Encouraging safe and sustainable movement

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

TIVERTON TOWN COUNCIL

Tiverton Town Council is unable to support this application because it only meets minimum floor space standards and there are possible disability access problems. Concerns over inadequate bathroom standards. Design not in keeping with the area. Insufficient electric charging points.

DCC HIGHWAY AUTHORITY

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

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

The Applicant has provided a Transport Statement which shows this proposal will not make a severe impact on the Highway Network. In this statement it does mention the existing disabled parking space which will be lost as part of this proposal. There looks to be no displacement of this space on the public highway. Therefore I would suggest this is looked into to ensure other road users can still have the same number of disabled parking spaces.

The County Highway has no objections to this application.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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;

HISTORIC ENVIRONMENT TEAM

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

DCC EDUCATION

My apologies, I thought the application form stated 2+ bedrooms. Please disregard this education response. No contribution will be required.

DEVON, CORNWALL & DORSET POLICE

Re 10 affordable dwellings with associated parking, landscaping and other minor associated works at Watery Lane, Elmore Way & Sunningbrook Rd Tiverton - 22nd April 2024

Thank you for this application, I have no objections in principle to the proposal, the reference to Secured by Design within the Design & Access Statement is noted. To assist further from a designing out crime, fear of crime and anti-social behaviour (ASB) perspective, please find the following information, advice and recommendations:-

The proposed site wide boundary and plot separation treatments are noted. The proposed Site Plan indicates 'Residents Only Access' to the rear, please could it be confirmed how will this be controlled?

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24 2022.

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 2022 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing the provenance of non SBD approved products.

The indicated parking strategy would appear adequate. From a designing out crime and disorder perspective it is vital that the parking provision for the proposed development is both sufficient, when balanced against the schedule of accommodation, as even a one bedroom dwelling could attract 2 vehicles and designed so it is convenient and practical to use, as this will encourage its use by residents and reduce the level of unplanned/inappropriate parking elsewhere. It is the 'elsewhere' that can introduce a source of conflict and animosity amongst residents, generally due to inconsiderate or obstructive parking and chaotic and vehicle dominated streets.

PUBLIC HEALTH

We have considered the application and have the following comments:

1. Potentially contaminated land. The desk study report provided by Structa dated January 2024 describes a number of uses for both pieces of land over the last 100 years. They recommend an intrusive survey for both geotechnical and potentially contaminated land reasons. We would agree with this recommendation and suggest that the full contaminated land condition is included on any approval.

2. The site is located within an existing residential area and development is likely to impact on those residents at times. Therefore we recommend that the standard CEMP condition is included on any approval.

DCC Ecologist - 02.06.24

Comments: Thank you for consulting Devon County Council ecology on this application. The following comments relate to the ecological report Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal Revision C, dated 15 January 2024, the Biodiversity Net Gain Assessment Revision C, dated 17th January 2024, Statutory Biodiversity Metric calculation and BNG Statement proforma all completed by Aval Consulting Group.

The survey effort and design is consistent with industry best practice and considered sufficient for the site context and proposals. However, it would have been desirable to see the results of a Local Environment Records Centre data search in addition to data obtained from MAGIC. This could have indicated the presence of protected / priority species often associated with urban environments such as hedgehogs.

The ecological report is not explicit about any noted Potential Roost Features (PRFs) on trees for bats or nor does it discuss the site and its surrounds potential usage by foraging/commuting bats. Given that the report highlights the grant of EPSM licences for bats in the vicinity (within 800 metres), the surrounding environment may well be used by bats that roost in nearby buildings. This isn't discussed in the report although it does state that this is an aim of the survey. It seems probable that bat activity is most likely to be associated with Area A which will be retained under the current proposals, and it would have been desirable to see this confirmed in the report.

The report also fails to consider the potential for any lighting proposed under the scheme to impact upon bats. Whilst a degree of lighting will already be present at the site and its immediate surrounds, no increase in existing light levels is recommended to ensure that impacts on bat activity from any additional lighting it avoided.

The report does not consider the potential for hedgehogs. Although precautionary mitigation measures in Section 6.2.2 should be sufficient to avoid harm to this species, it would have been desirable to consider permeable fencing (if to be installed between properties) to mitigate potential post development impacts on the movement of hedgehogs.

The report falls short of including enhancement features on built structures. Integrated bird and bat features are standard in new developments. As such, it is recommended that a minimum of ten features (one per building) are positioned in appropriate locations as advised by a qualified, competent ecologist.

The Biodiversity Net Gain (BNG) Statement appears to have been incorrectly completed. The proposals are subject to mandatory Biodiversity Net Gain and the accompanying Metric calculation indicates that the proposed development will exceed the minimum 10% threshold as such the General BNG planning condition will apply. Current Planning Policy Guidance states:

Planning conditions are normally imposed on the grant of planning permission under section 70 (1) and section 72 of the Town and Country Planning Act 1990.

By contrast, the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

To ensure applicants are clear about this distinction, the local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission.

There is a separate requirement to provide information about the biodiversity gain condition. This information must be separate to the list of conditions on the decision notice.

In addition to the implicit General BNG condition, planning conditions are also recommended for a Construction Environment Management Plan (CEMP) to cover the pre- and construction phases and a Landscape & Ecological Management Plan (LEMP) to cover the management of BNG and landscaping areas during the operation phase. Both should be in accord with BS42020: 2013 Biodiversity: Code of Practice for Planning and Development and include all measures in the ecological report and additional enhancement features (recommended above) and additional mitigation for hedgehogs to include ensuring that any netting / litter to be contained in a designated area to avoid animals becoming trapped and the provision of gaps under gates, between walls and in gravel boards measuring 13cm x 13cm. A condition requiring a lighting scheme is also recommended.

All documents to be submitted to the LPA for approval prior to works commencing/ first occupation as appropriate.

08.07.24

I have read the responses from the applicant (06.06.24 and 17.06.24) which appear to commit to addressing all of our comments. The updated BNG Statement corrects the completion error. Looking online I could not see an updated PEA report but providing this captures the commitments which are carried through to the conditioned documentation (CEMP, LEMP and lighting regime), this addresses our concerns and there are no further comments from DCC ecology.

MDDC TREE OFFICER

The application has provided an Arboriculture Impact Assessment and informs that 3 trees requires removal to facilitate the proposal. These trees are of low quality and have been maintained as shrubs. The loss of the trees will have a limited impact on amenity value and biodiversity. Despite the limited impact there would need to be adequate biodiversity net gain through appropriate tree replacement. The Proposed landscape plans informs there will be 33 new tree planted, however, limited information is provided on tree species selection and planting design. Further details shall be required on this aspect to ensure tree planting is successful in order to ensure trees reach full maturity.

The Arboriculture Impact Assessment informs there will be no impact to retained trees. However, drainage report informs new drainage infrastructure along with hydrobrake within the root protection area of T1 maple and T2 Cotoneaster a high and moderate quality tree along with new porous paving within T1 too. Drainage through the root protection area should be avoided, such works are highly likely to result in sever impact on tree roots that would likely be detrimental to the

tree in the longer term. As such re-design of the new drainage would be required that is outside the trees root protection area. The proposed new porous paving within T1 will likely to follow the route of the current concrete paving that's within T1 root protection area. Due care will be required during this process in order to avoid damage to tree roots. As such an Arboriculture Method Statement would be required for this aspect in order to satisfy the LA that tree T1 will not be damaged.

The applicant shall also need to provide a Tree Protection Plan (TPP) that can be fully enacted on site to ensure adequate protection of the retained trees. Specific issues to be dealt with in the TPP and AMS:

1. Methods of works within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
2. Details of construction within the RPA or that may impact on the retained trees.
3. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
4. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
5. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

SOUTH WEST WATER

Asset Protection

Please find enclosed a plan showing the approximate location of a public 225mm 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.

Please also see the approximate location of the 450mm surface water sewer. Please note no development will be permitted within 3.5 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the required easement, the sewers 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://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-public-sewers>

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 current information contained in the applicants FRA for the proposed surface water disposal for this development (domestic roof and driveway run off only). Please note that discharging to the public surface water sewerage network meets with the Run-off Destination Hierarchy. However before South West Water can approve this method of discharge we will require clear evidence to demonstrate why the other higher methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

South West Water has no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and this is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and our comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority, where the highway water connects to.

If the applicant wishes to connect this to South West Water network, then they should engage with us separately to see if we can accommodate this. No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to get their sewers adopted (surface and foul), then they should design and construction the sewers to the current version of the Design and Construction Guidance. The process for doing this can be found on South West Water's website at [Adoption of new sewers | Building & Development | South West Water](#)

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. If existing levels of service are impacted, we will undertake any required work. The site will also be included in any assessment of storm overflows in the catchment to ensure that the impact is captured and mitigated.

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:

www.southwestwater.co.uk/building-and-development/services/pre-development-services

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

FLOOD and COASTAL RISK MANAGEMENT TEAM - 08.05.24

Recommendation:

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

Observations:

The applicant has submitted the Flood Risk Assessment and Drainage Strategy (Report No. 100867.589409, Rev.1 dated 11th Jan. 2023) to demonstrate the surface water management for the site.

The applicant has proposed to manage surface water via attenuation tanks before discharging it into South West Water (SWW) system, should further infiltration test fail.

Written confirmation must then be obtained by the applicant from South West Water Ltd. to confirm that this method of surface water disposal is acceptable.

The applicant should clarify the proposed development in parcel A and assess the above ground features in the site.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

05.07.24

Recommendation:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Watery Lane, Tiverton EX16 6DS Flood Risk Assessment and Drainage Strategy (Report Ref. 100867.589409, Rev. 1, dated 11th January 2024) and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

(f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

(g) Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

In accordance with the hierarchy of drainage solutions, infiltration must first be explored as a means of surface water drainage management.

The applicant should clarify the proposed development in parcel A and assess the above ground features in the site.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

REPRESENTATIONS

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

At the time of writing this report, no comments have been received in respect to this planning application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1. Principle of development**
- 2. Design and impact on the character and appearance of the surrounding area**
- 3. Flooding and drainage**
- 4. Residential amenity**
- 5. Highways, parking and access**
- 6. Climate change**
- 7. Ecology and Biodiversity Net Gain**
- 8. Planning obligations**
- 9. Other matters**
- 10. Planning balance**

1. Principle of Development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The National Planning Policy Framework (2023) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S10 (Tiverton) which recognises proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable.
- 1.3 The National Planning Policy Framework (NPPF) seeks to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area.
- 1.4 With respect to other relevant policies within the saved Development Plan, Policy S1 (Sustainable development priorities) of the Mid Devon Local Plan 2013-2033 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S3 (Meeting housing needs) seeks to meet the diverse housing needs of the community, including the provision of affordable dwellings across the District. It is noted that the 10 dwellings proposed will be for social rent, a recognised form of affordable housing.
- 1.5 Policy T1 (location and scale of development) of the Tiverton Neighbourhood Plan states that development in the neighbourhood area will be focused within the settlement boundary, established through Local Plan policy and shown on the Policies Map. Policy T2 (meeting local housing need) outlines that other than in development designed to meet an

identified specialist housing need, the mix of housing sizes, types and tenures in proposed development should, in so far as is reasonably practicable and subject to viability considerations, assist in meeting needs identified in the most recently available Strategic Housing Market Assessment and/or the Tiverton Local Housing Needs Assessment.

- 1.6 Policy S9 of the Mid Devon Local Plan 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. The layout plan submitted shows how the layout for the residential development of 10 residential units would be achieved, which has been considered to be acceptable. The further relevant planning matters of the development are considered further below.

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

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

- 2.2 The site is not located within a designated landscape and is on level land, but it will be viewed from a number of public vantage points. Policy DM1 (High quality design) outlines:

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

a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;

b) Efficient and effective use of the site, having regard to criterion (a);

c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;

d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;

e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:

i) Architecture

ii) Siting, layout, scale and massing

iii) Orientation and fenestration

iv) Materials, landscaping and green infrastructure

f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;

g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;

h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and

i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.

- 2.3 Details of the appearance of the development have been provided which includes 10 single storey dwellings, 8 of which will form a terrace of 1 bed 1 person properties, facing onto Sunningbrook Road. The other 2 properties will be 1 bed 2 person, wheelchair accessible properties, fronting onto Elmore Way. The properties will be located in a similar arrangement to the existing bungalows to be demolished, although will be set further southwards, partially into the former parking and garaging area, to accommodate off street parking to the north, onto Sunningbrook Road. The proposed houses will all have level access. All bedrooms in the 1 bed 1 person units are shown as having a floor area of 7.7 square metres, and the 1 bed 2 person units have a floor area of 16.3 square metres, both of which exceeds the minimum of 7.5 square metres for a single bedroom and 11.5 square metres for a double bedroom, as identified within the nationally Described Space Standards. The Town Council have raised concerns about the size of the properties, accessibility problems for disabled people and standards of the bathrooms. These comments are noted but have not been substantiated, with the proposed development meeting the necessary standards. Each unit has access to private amenity space provided by a private garden, as well as access to the wider communal landscaped areas around the properties. In terms of materials, the external walls silicone render finish 1.5mm in Marble White colour. The roof will be Metal Standing Seam, with the colour being Oxidised (RAL 0502010), which is a dark brown colour. The windows and door would be Anthracite Grey (RAL7016).
- 2.4 Notwithstanding the use of some materials of a different finish to those used in primarily in the neighbouring properties, the design, form and massing of the proposed dwellings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity.
- 2.5 The Design and Access Statement includes details of measures to ensure that the proposed development includes measures to comply with Secured by Design guidelines. The Police Designing Out Crime Officer has commented on the proposal, raising no objections in principle. They have commented on some of the measures proposed, clarifying some of the standards required for compliance with Secured By Design, such as the types of lock, doors and windows required, and means of ensuring access to the rear of the properties are by residents only. The applicant is aware of these comments and has responded accordingly, in which case they will be able to ensure that they the recommendations are incorporated into the finished scheme.
- 2.6 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. The proposals have responded directly to the character of the site as set out above and through the use of materials including rendered finish to the walls and the use of darker roof finishes.
- 2.7 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).

- 2.8 A summary assessment has been carried out as follows: a) The site lies within the Tiverton 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 south facing roof slope of the new dwellings and would be seen in context with the urban nature of the surrounding area. The impacts on landscape character have been carefully considered. The proposed works would not cause any unacceptable adverse harm to landscape character or heritage assets. Given the limited sensitivity of the location, and mix of property types in the immediate vicinity, the visual impact is considered to be acceptable. b) 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 the dwellings and do not result in the loss of any agricultural land. d) The panels are sited on the roof of the dwellings and it is not considered that there would be any loss of biodiversity. The new dwellings would be erected on an area of land currently occupied by existing properties, and their gardens, and a hard surfaced area formerly housing garages. 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 be added requiring the proposed development to be carried out in accordance with the recommendations set out in the submitted ecology reports and biodiversity net gain report. 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.
- 2.9 A detailed landscaping scheme has been provided. The case has been outlined within the application submission that the existing landscaping is of poor quality, comprising primarily amenity grassland and hard surfaces. Existing structures on site do not contain any biodiversity enhancement measures such as green roofs or bird boxes.
- 2.10 The proposed landscaping seeks to increase the biodiversity of the site by providing a mix of amenity grassland, including grasscrete parking areas, wildflower planting, hedges and trees. Bat and bird boxes can be attached to trees, providing roosting and nesting sites, and will be located on the advice of the applicant's ecologist.
- 2.11 The application is supported by a tree survey, which identifies that there are no significant trees on-site that would be affected by the proposals. Despite this however, it is noted from the drainage strategy that there is the potential for the indicative drainage routes to effect the root protection areas of better quality trees, which are proposed to be retained. This is not considered to be a constraint however, as the final drainage scheme, is to be supplied prior to commencement, and could be adjusted to avoid harm to these trees. As part of a Construction and Environmental Management Plan (CEMP), an arboricultural method statement and tree protection plan, will be requested, details which can be conditioned to ensure that adequate tree protection measures are put in place during construction. Otherwise, it is noted the proposals include the removal of 3 low quality trees but also include the planting of 33 new trees, which contribute to Biodiversity Net Gain of 37.60% in habitat units.
- 2.12 Policy DM1 advises that development should provide suitable external spaces for recycling and refuse. Details of storage provision has been indicated on the submitted plans, with all properties having individual storage space for recycling and refuse.
- 2.13 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping.

3. Flooding and Drainage

- 3.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere.
- 3.2 Policy DM1 requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Foul flows are proposed to discharge to a 100 mm combined sewer that passes through the site.
- 3.3 The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy in support of the proposal. The report concludes that the proposed development site lies wholly within Flood Zone 1 and that the FRA demonstrates that the proposed development is at a low risk of flooding from all sources. The adjoining road, Sunningbrook Road, is at medium to low risk of flooding, however the report demonstrates that in the event of a flooding event, the site levels would be below 300mm, meaning that cars would still be able to access the site. The buildings are not anticipated to be at risk of flooding however.
- 3.4 The report states that the proposed development will result in an overall impermeable area of 1,162m², which would be reduced from the existing hard surfaced areas of 2,033m². Surface water runoff generated by the development will be restricted to 0.7 l/s, which comprises a 95.9% betterment over the 1 in 1 year return brownfield runoff rate for the site. In order to achieve this restriction, the preferred drainage strategy is for attenuation to be provided within permeable paving and grasscrete, with storage of water in underground attenuation tanks or oversized pipes, which will then be restricted by Hydrobrake before being discharged at this controlled rate into the local surface water sewer. The Lead Local Flood Authority (LLFA) have considered the proposal and did initially object to the proposed drainage strategy, requiring further clarification on some of the details. This clarification has since been provided, in which case the LLFA now have no objections in principle. They do note however that the applicant must still demonstrate that on-site infiltration is no feasible initially, as required by the SuDS hierarchy for disposal of surface water. While the submitted scheme demonstrates that the site can be appropriately drained to avoid additional surface water flooding in the locality, this does represent the worst case scenario and a pre-commencement condition is requested to ensure that the final drainage scheme addresses the SuDS hierarchy, and allows for the disposal on site, if possible. This condition requires the applicant to, undertake BRE Digest 365 infiltration testing to determine the suitability of infiltration techniques; provide details of management during construction, proposals for the adoption of the permanent surface water drainage system, provide a plan indicating how exceedance flows will be safely managed on site, provide a detailed assessment of condition and capacity of the existing drainage system, including identification and commitment to repair and improvement if required, and evidence of agreement in principle that connection can be made to nearby systems.
- 3.5 A consultation response has also been received from South West Water (SWW) noting that discharging surface water to the public sewerage network meets the run-off destination hierarchy (albeit seeking further evidence to formally confirm this). As discussed above, the preferred drainage strategy includes on-site storage and controlled discharge to the public surface water sewer, however as required by the LLFA, a condition will be imposed to ensure that opportunities to discharge of surface water higher up hierarchy in the first instance.

3.6 SWW have also provided details of the locations of the nearby combined sewer and surface water sewer, some of which may be affected by the development. Whilst this is not a constraint to development, it is noted that the development must not encroach within a 3 metre easement, otherwise these assets may need to be diverted at the developer's expense. The applicant is aware of this, however an informative will be added to any decision notice.

4. Residential amenity

4.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the development and orientation of windows is such that it is considered that a residential development has been designed to be in accordance with these two policies, with adequate separation. The layout is similar to existing, albeit closer to the properties to the south east. Nonetheless, there would still be considerable separation from these properties.

4.3 Overall, it is considered that the proposed development is appropriately scaled and sited to avoid unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.

5. Highways, parking and access

5.1 Policy DM1 of the Local Plan states that new development should be safe and accessible and policy DM3 of the Local Plan requires development to ensure safe access to the

transport network. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

- 5.2 At present none of the properties have off street parking. The scheme will provide for off street parking to the north west of the site, fronting onto Sunningbrook Road. The disused parking area to the south east will be removed and replaced with landscaping, although the existing access to this part of the site will be retained to allow neighbouring residents access to the rear of their properties, as existing.
- 5.3 The Highway Authority have commented on the application and raised no objections in principle. It is noted that the increase in trip generation would not have an unacceptable impact on the local highway network. The Highways Authority did note that there would be a loss of two disabled spaces on the road, however these are to be replaced with four on site. Of these, two will be allocated to the wheelchair accessible homes (one each), and the remaining two will be left unallocated to be used by local residents.
- 5.4 Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of 17 parking spaces. The proposed development accords with the requirements for parking provision by providing 19 parking spaces, which will exceed the requirements for this development. Noting that the dwellings will be 1 bed properties, and the location in close proximity to local services, it may be reasonable to assume that the demand for parking associated with this development may be less than that required under DM5, however this is not an issue as the Local Plan parking standards are met.
- 5.5 The proposal also exceeds the DM5 requirement of 1 electric vehicle charging point per 10 dwellings, with 2 charging points proposed. The Town Council have suggested that the number of EV points is not sufficient, however this is again Local Plan policy compliant. Should provision of a greater number be necessary as a result of building regulations requirements, it will be necessary for the applicant to comply, as necessary, however this is not strictly a planning consideration.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities is surrounded by an established pedestrian network and is within the vicinity of the National Cycle Way, the use of which will be encouraged through the provision of 2 cycle parking spaces per unit (which is parking standard compliant). The bus stops located along Elmore Way connect to bus services 348 and 349 providing a connection into the centre of Tiverton and other residential areas. There are clearly opportunities to maximise sustainable travel movements to and from this site. Policy T16 (encouraging safe and sustainable movement) of the Tiverton Neighbourhood Plan states that Development proposals to improve cycling and walking opportunities will be supported. A Travel Plan has been submitted, which details measures and initiatives to encourage alternative means of transport. The measures identified will be secured by means of an appropriately worded condition.
- 5.7 Space within the site has been indicated for the provision for cycle storage, and for wheelchair storage, in the case of the 2 wheelchair accessible properties. Final details have not been provided of the design but that will be conditioned to ensure these facilities are provided prior to the occupation of any of the dwellings.

- 5.8 Due to the location within an existing residential area, and to ensure there is no adverse impact on highway safety during construction, both the Highway Authority and the Council's Public Health Team have recommended the inclusion of a condition requiring the submission of a Construction and Environmental Management Plan (CEMP), which is considered appropriate. This condition will need to be a pre-commencement condition.
- 5.9 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policies DM3 and DM5 of the Mid Devon Local Plan. It also complies with the accessibility requirements of policy DM1.

6. Climate change

- 6.1 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. The application submission includes a climate emergency checklist and energy and sustainability statement. The statement considers that the proposed dwellings are constructed in line with the applicants zero carbon strategy including measures that incorporate renewable energy technology.
- 6.2 The siting and design of the proposed dwellings conducive to providing more energy efficient and sustainably constructed dwellings, with solar panels included to maximise solar gain alongside triple glazed windows for heat efficiency. The proposal includes secure cycle storage space to encourage the reduction in the number of vehicle movements generated.
- 6.3 The proposed construction follows a 'fabric first' approach to ensure that loads are reduced and residual energy demand is minimised. The units are fully fitted factory built modules, which contain energy efficiency measures such as super insulated wall build up, high air tightness, mechanical ventilation and heat recovery, inclusion of solar panels and air source heat pumps. With these and other identified measures, the development is estimated to save 9.9 tonnes of carbon per year over the building regulations baseline, providing a net offset of total emissions for the area, helping to reduce overall emissions by 296 tonnes over the next 30 years. On this basis, the development is considered to be an exemplary example of low carbon development.
- 6.4 The proposal also includes a landscape strategy which results in the provision of new native trees together with the provision of wildflower planting and mixed native hedges as a biodiversity net gain to ensure there is no adverse environmental impact created.
- 6.5 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".
- 6.6 There would be an impact on the climate from the construction process and sourcing of construction materials. However, the proposal is of a modest scale and would provide new dwellings with a high level of thermal efficiency. The proposal also includes the provision of solar panels to off-set reliance on less environmentally friendly energy sources. This would be supported by policy DM2 (Renewable and low carbon energy) of the Mid Devon Local Plan 2013-2033.

7. Ecology and Biodiversity Net Gain

- 7.1 Policy S9 of the Local Plan relates to the environment and clause f) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species, populations and linking habitats. Policy DM1 Clause c) requires new development to demonstrate a positive contribution to local character including biodiversity assets.
- 7.2 The application includes the demolition of the existing properties on site. With regards to protected species and habitats a Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal was carried out by Aval Consulting Group This was updated in July 2024 to take into account comments made by the County Ecologist, after their review of the document. In addition, a Biodiversity Net Gain Assessment was carried out by Aval Consulting Group, dated January 2024, and findings submitted.
- 7.3 The findings of the Preliminary Bat Roost Assessment and Ecology Appraisal identified habitat of a negligible likelihood of use by bats, with no evidence found within the existing buildings, and wider site either. As such, no further investigation is required, although precautionary measures are proposed to ensure that risk of harm to bats is reduced during demolition and construction, in the event that bats are found at a later date. Biodiversity enhancements in the form of bat and bird boxes are proposed. The County Ecologist has suggested that these would be best placed on the proposed dwellings, however due to their size and method of construction, it is not anticipated that the buildings themselves could accommodate these boxes. It is however proposed to install on trees within the site, details of which can be confirmed within a Landscape and Ecological Management Plan (LEMP), as requested by the County Ecologist, and agreed by the applicant.
- 7.4 In respect to other wildlife, the development will see the development of residential gardens and hardstanding mainly, is identified as providing no suitable habitat for other species such as badgers, reptiles and amphibians. The County Ecologist has identified the potential for hedgehog populations to be impacted during construction works and the operational phase. As such, it is recommended that precautionary pre-commencement checks take place prior to development, with protective fencing being installed around the work areas to prevent encroachment during construction. Similarly, there is potential to disturb nesting birds during site clearance, in which case precautionary measures are proposed to limit clearance within the birds nesting season unless inspection has first taken place by a qualified ecologist, immediately prior to works. The final scheme also includes the provision of permeable fencing to allow hedgehogs to continue to move through the site, and for a sensitive lighting scheme to limit the levels of artificial lighting to protect bat populations outside of the site. These measures will also be incorporated into the LEMP.
- 7.5 On the basis of the above, there are no significant constraints to development identified. In addition to the proposed precautionary measures to avoid committing any offence in relation to protected species, should any be found during construction, and also in relation to breeding birds, mitigation and enhancement measures are proposed. A condition will be imposed requiring that the recommended precautionary measures, mitigation and biodiversity enhancement measures comply with the recommendations of the submitted reports, and as recommended by the County Ecologist, who otherwise has no objections to

the proposal. These measures shall be detailed within the Construction and Environmental Management Plan (CEMP) and the Landscape and Ecological Management Plan (LEMP).

- 7.6 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation prepared by Aval Consulting Group, and the submitted Biodiversity Net Gain Metric. It should be noted that this application was submitted after the mandatory BNG of 10% came into force, as such the development will need to provide at least 10% biodiversity net gain over existing baseline habitat conditions. The proposal does show the ability to provide Biodiversity Net Gain of 36.70% in habitat units through the inclusion of additional tree, wildflower and hedge planting.
- 7.7 As the application has been submitted after BNG legislation came into force, it is not necessary to impose any conditions relating to the provision of a biodiversity gain plan to ensure the delivery and monitoring of BNG, as this is a legal requirement of all planning permission, unless otherwise exempt. Details of this requirement will however be noted as an informative to ensure that the applicant is aware of their legal obligations in respect to Biodiversity Net Gain. Details of the general ongoing management of the proposed landscaping and biodiversity enhancements will also be included within the LEMP.
- 7.8 Subject to the imposition of conditions it is considered that the proposed development seeks to protect, enhance and positively contribute to biodiversity in accordance with policies S9 and DM1 of the Local Plan and the provisions of the NPPF.
- 7.9 As such, there is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

8. Planning obligations

- 8.1 Policy S5 (Public Open Space) states that within Tiverton, public open space is required from residential development of 11 or more dwellings. In this case the development is for 10 dwellings, which falls below this threshold, and as such no financial contributions would be required.
- 8.2 Devon County Education have commented, however the development does not meet the threshold for contributions due to less than four family (2+ bed) houses being delivered.
- 8.3 Developments of 11 or more open market dwellings in Tiverton, Cullompton and Crediton are expected to provide a target of 28% affordable dwellings. In this case, the proposal is again for only 10 units. Notwithstanding this, the scheme is for 100% affordable housing, with the dwellings being incorporated into the Council's portfolio of social rented accommodation. A condition will be imposed on any decision to agree an affordable housing scheme to ensure the accommodation is used for socially rented affordable housing, to meet local need, and retained as such.

9. Other matters

- 9.1 As this is a major planning application, the scheme is supported by a Waste Audit Statement, which details the expected waste to be generated during demolition and construction, along with measures to ensure its safe disposal in line with appropriate environmental legislation.
- 9.2 The applicant has included a Statement of Community Involvement within the submitted

Design and Access Statement, in which they have indicated that they have carried out a public consultation in December 2023, following a mailing exercise in the local area, which took place in November 2023. These were followed by an online consultation, which was attended by representatives from ZedPods, and the Mid Devon Housing Team.

- 9.3 The County Historic Environment Team have responded and indicated that they wish to make no comments on this proposal.

10. Planning balance

10.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted. The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the site. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety interests, flood risk or surface water management. It is noted that there is an overprovision in parking spaces, and that the site is within walking distance of public transport and other services and facilities.

10.2 The delivery of 1 additional affordable homes for social rent (taking into account the 9 existing properties to be demolished), weighs in favour of approval of the application, particularly noting that the new properties will all be of significantly improved quality than existing. Taking all the above into consideration, it is considered that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited. The proposed development is acceptable in principle subject to the imposition of conditions under Local Plan policies S1, S3, S9, S10 DM1, DM2, DM3 and DM5.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the commencement of development, a final Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

- A) In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
- B) The following specific details should also be included in respect to highway safety:
- (i) the timetable of the works;
 - (ii) daily hours of construction;
 - (iii) any road closure;
 - (iv) 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;
 - (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (vi) 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;
 - (vii) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority. This may include the establishment of a 'wait away' system for all deliveries;
 - (viii) hours during which no construction traffic will be present at the site;
 - (ix) the means of enclosure of the site during construction works;
 - (x) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (xi) details of wheel washing facilities and obligations;
 - (xii) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - (xiii) details of the amount and location of construction worker parking; and
 - (xiv) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
- C) In respect to ecology and biodiversity, details to be provided shall be consistent with the avoidance measures outlined in *Preliminary Bat Roost and Preliminary Ecological Appraisal: Chapter 6 Mitigation and Recommendations* (Aval Consulting Group, July 2024). Such details shall include the following:
- (i) Risk assessment of potentially damaging construction activities.
 - (ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - (iii) The location and timings of sensitive works to avoid harm to biodiversity features.
 - (iv) The times during which construction when specialist ecologists need to be present on site to oversee works, where necessary.
 - (v) Responsible persons and lines of communication.
 - (vi) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

(vii) Use of protective fences, exclusion barriers and warning signs if applicable.

D) In respect to the protection of on-site trees, the CEMP shall include a Tree Protection Plan and Arboriculture Method Statement. Specific issues to be dealt with in the TPP and AMS, should be as follows:

- (i) Methods of works within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- (ii) Details of construction within the RPA or that may impact on the retained trees.
- (iii) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- (iv) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- (v) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

Once installed, tree protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled following completion of the development hereby permitted, or with the prior written agreement of the Local Planning Authority.

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

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - b. A detailed drainage design based upon the approved Watery Lane, Tiverton EX16 6DS Flood Risk Assessment and Drainage Strategy (Report Ref. 100867.589409, Rev. 1, dated 11th January 2024) and the results of the information submitted in relation to (a) above.
 - c. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - d. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - e. A plan indicating how exceedance flows will be safely managed at the site.
 - f. A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment

should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

- g. Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

- 5. The proposed development may be on land affected by land contamination resulting from previous or current land use(s) on or adjacent to the development site given the findings of Desk Study produced by Structa, report ref: 6472-GE011 Revision 3 dated 3rd January 2024. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Development on the site shall not commence until the land contamination investigation report and any remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been approved in writing.

- 6. The development, hereby approved, shall be for affordable housing and retained as such. The development shall not be occupied until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF (2023) as set out in Annex 2 or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type and tenure of the affordable housing provision to be made;
 - ii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

- 7. The dwellings hereby permitted shall not be occupied until a final Landscape and Ecological Management Plan (LEMP), based on the submitted *Proposed Landscaping Strategy* (drawing no. Z47-ZP-A1-XX-DR-A-050-S01-P01), *Preliminary Bat Roost*

Assessment and Preliminary Ecological Appraisal, dated July 2024, and *Biodiversity Net Gain Assessment*, dated January 2024, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of the final scheme of landscaping, planting, including details on tree species type, planting design and aftercare, and ecology, biodiversity and habitat mitigation and enhancements. It shall also include a timescale for delivery of each element of landscaping and ecology, biodiversity and habitat mitigation and enhancement measures, and ongoing management and monitoring for the lifetime of the development. The development shall be carried out, monitored and maintained in accordance with the approved details. On completion of the provision of the landscaping, ecological, biodiversity and habitat enhancements in accordance with the approved LEMP, written confirmation of completion shall be submitted to the Local Planning Authority for approval.

8. No dwellings hereby permitted shall not be occupied, and no external lighting shall be installed within the application site, until a Sensitive Lighting Scheme, detailing proposed artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and occupied in accordance with the approved sensitive lighting scheme and be so retained.
9. The development hereby permitted shall be operated in accordance with the submitted *Travel Plan Statement*, produced by PJA, dated January 2024, and the measures identified within Chapter 4 (Travel Plan Statement Measures). The measures should continue to be implemented as long as any part of the development is in operation.
10. Notwithstanding the approved drawings, prior to their installation within the development hereby permitted details of the treatment of the boundaries (including height, design and materials) of the dwellinghouses hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments shall be provided in accordance with the agreed details, prior to occupation of the dwellinghouse to which they relate, and shall be so retained.
11. Details of secure cycle and wheelchair storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved cycle and wheelchair storage has been provided in accordance with the approved details. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
12. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z47-ZP-A1-XX-DR-A-010-S01-P01'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
13. The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within the Design and Access Statement. Details for any proposed changes to the materials outlined would need to be submitted to and approved in writing by

the Local Planning Authority, with the development carried out in accordance with the approved materials and shall be so retained.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.
3. In the interests of public health and highway safety, for the conservation and protection of legally protected species and to preserve the health, structure and amenity value of existing landscape features (trees) in accordance with policies S9, DM1, DM3 and DM4 of the Mid Devon Local Plan 2013-2033, the aims and objectives of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended). This pre-commencement condition is required to ensure that the Construction and Environmental Management Plan is agreed prior to any construction works.
4. In order to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), national policies, including NPPF and PPG, and policies S9 and DM1 of the Mid Devon Local Plan 2013-2033. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
5. In the interests of building integrity and public safety to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This is a pre-commencement condition as any issues found following the intrusive investigation and risk assessment would need to be addressed prior to construction of the development.
6. To retain the use of these residential units for affordable housing in accordance with guidance in the National Planning Policy Framework, and in accordance with policy S3 of the Mid Devon Local Plan 2013 - 2033.
7. To ensure landscaping and habitat enhancements are appropriately managed for the lifetime of the development and to secure biodiversity net gain in accordance with policies S1, S9, DM2 and DM26 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
8. For the conservation and protection of legally protected species, in accordance with policy S9 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
9. In the interests of highway safety and to ensure that the development is resilient and sustainable in accordance with policies S1, DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

10. To safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
11. To promote sustainable travel and in the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
12. In the interests of highway safety and to ensure adequate on-site parking facilities are available for traffic attracted to the site, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
13. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.

INFORMATIVES

1. The applicant/agent is reminded of the comments received from South West Water (SWW), dated 8th May 2024, advising of the presence of a public 225mm combined sewer, and 450mm surface water sewer, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.
2. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 22nd April 2024, in respect to compliance with Secured By Design principles.
3. 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.

BNG – Biodiversity Net Gain

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

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - iv) the application for planning permission was made before 2 April 2024;
 - v) planning permission is granted which has effect before 2 April 2024; or
 - vi) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;

- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

REASON FOR APPROVAL OF PERMISSION

The site is located within the defined settlement limit of Tiverton, therefore the principle of residential development on this site is accepted. The overall design, scale and layout of the

residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. There are no technical reasons why the application should not be approved subject to appropriate mitigation secured through condition, whereby drainage measures, biodiversity and landscape can be adequately mitigated and enhanced. Whilst 9 existing homes would be replaced, the overall delivery of 10 new and improved homes, of which all would be affordable dwellings for social rent, weighs in favour of approval of the application providing public benefits and the site is considered to be a sustainable location within walking distance of service and facilities. Taking all the above into consideration, the application is considered to be acceptable meeting the requirements of policies S1, S2, S3, S4, S9, S10, DM1, DM2, DM3, DM4, DM5 and DM26 of the Mid Devon Local Plan 2013-2033, policies T1, T2, T3, T4, T5, T6, T9 and T16 of Tiverton Neighbourhood Plan 2020-2033 and the aims and objectives of the National Planning Policy Framework.

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. 24/00045/MOUT

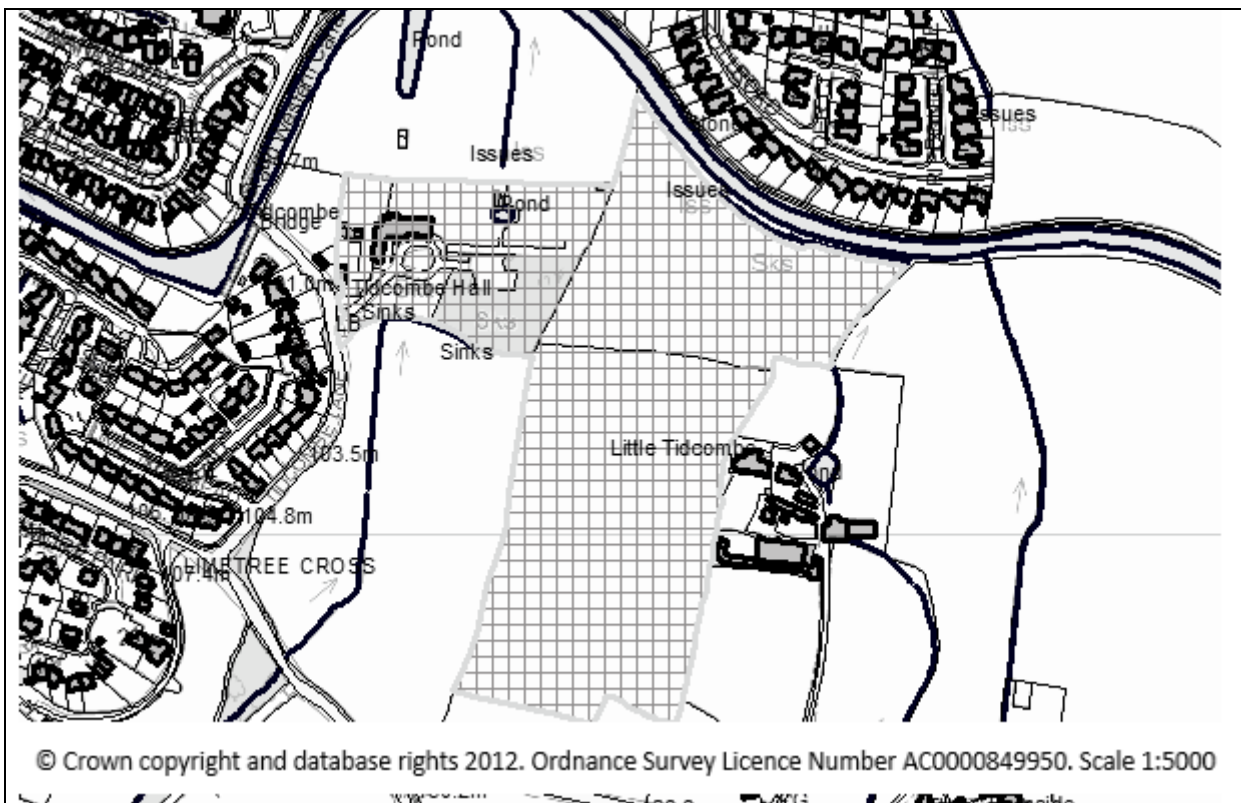
Grid Ref: 297452 : 112203

Applicant: Tidcombe Holdings LLP

Location: Tidcombe Hall
Tidcombe Lane
Tiverton
Devon

Proposal: Outline for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved

Date Valid: 8th January 2024



APPLICATION NO: 24/00045/MOUT

Site Visit: Yes

Date of Site Visit: 17th January 2024

Decision Delayed Reason: Awaited additional information from the applicant

REASON FOR REFERRAL TO COMMITTEE

The application is advertised as a departure application.

RECOMMENDATION

Refuse planning permission

PROPOSED DEVELOPMENT

Outline for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access with all other matters reserved.

The site is located to the east of Tiverton and is formed of the Tidcombe Hall building, associated outbuildings, access, parking and garden areas as well as agricultural land to the east. The site area extends to approximately 7.09hectares. The agricultural land included in the red line area is generally comprised of two fields, the southern most of which forms part of the TIV13 policy allocation which was allocated as a contingency site. To the north the site borders the Grand Western Canal and tow path, on the other side of which is the residential areas leading off Glebelands Road. To the east the site adjoins agricultural land and there is an existing farm stead at Little Tidcombe/ Tidcombe Farm, to the south there are a number of residential properties located off Warnicombe Lane. To the west the site borders agricultural land (the remainder of the TIV13 allocation) and Tidcombe Lane. The site is accessed via an existing access from Tidcombe Lane, there is a secondary access approximately 12m north of this.

The application seeks outline planning permission with access for approval. The layout, scale, appearance and landscaping are reserved matters and not for approval as part of this application. In terms of the access, it is proposed to widen the existing secondary access from Tidcombe Lane to a width of 5.5m to allow for two way traffic. Visibility splays of 2.4 x 43m are proposed, with a footway proposed across the site frontage and an additional uncontrolled pedestrian crossing to the south on Tidcombe Lane. The application is supported by an indicative masterplan which indicates the provision of;

- 100 dwellings in total, including conversion of Tidcombe Hall and outbuildings (to 9 dwellings), erection of 8 dwellings within the grounds to the east of Tidcombe Hall and erection of 83 dwellings in the wider site area.
- 28% affordable dwellings
- Provision of community growing areas
- A total of 3.75ha of public open space including provision of a parkland area adjacent to the canal (approximately 1.91 hectares) designed to provide a buffer to the canal and also incorporating the SUDs scheme

Whilst the scale, appearance, layout and landscaping are reserved matters the application sets out that the dwellings could be a mix of 1- 4 bed properties, of detached, semi-detached and terrace form, limited to two storey in height. The indicative plans indicate that the development would provide 143 car parking spaces with a further 40 spaces in garages/car ports. It is set out that the masterplan has been designed so that individual houses can be designed to maximise their solar efficiency and ensure a good foundation for achieving low energy use, with this to be explored further at detailed design stage subject to overall scheme viability.

APPLICANT'S SUPPORTING INFORMATION

Application form
Planning statement
Design and access statement
Air quality assessment
Flood risk assessment
Historic environment assessment
Land supply assessment
Climate emergency checklist
Statement of community involvement
Sustainability statement
Travel assessment
Tree survey
Waste statement
Wildlife survey
Landscape and visual impact assessment (LVIA)
Arboricultural impact assessment report
Tree removal/ retention plans
Site location plan
Illustrative layout plan

Revised information received 15th July 2024

Agent response to consultee comments
Viewpoint 12 (LVIA) with red line site boundary
Arboricultural impact assessment report (revised)
Tree removal plan revised sheets 1, 2 and 3
Illustrative masterplan (revised)

RELEVANT PLANNING HISTORY

There is an extensive list of applications relating to the site however most is not generally considered to be of significant relevance to determination of this application and therefore have not been listed in this report. However, the previous relatively recent application for was refused for the reasons set out below. NB: the site area subject to this applications is reduced from this previous submission but includes some of the same site area.

20/01174/MOUT - REFUSE date 28th June 2021 Outline for the erection of up to 179 dwellings, including the conversion of Tidcombe Hall and outbuildings to 12 dwellings, a shop, a cafe, an open sided shelter, community allotments, community orchards, public open space, associated infrastructure and access with all other matters reserved. Refused for the following reasons:

1. The application site is located outside the settlement boundary of Tiverton and within the countryside. Policy S14 of the Mid Devon Local Plan 2013-2033 requires development outside settlement limits to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The scale and nature of the proposed residential development would not be permitted in accordance with criteria a of policy S14. The site partly falls within the area of land identified as a contingency site by policy TIV13. The Council considers it is able to demonstrate a five year housing land supply. The delivery of housing across the district is considered to be in excess of the action levels identified by policy S4 such that the release of the contingency site and the additional site area outside the allocation for the proposed residential development is considered to conflict with the adopted development plan strategy. It is not considered that there are any material considerations that could be offered sufficient weight to overcome the adopted local plan position, the proposal is considered to conflict with policies S1, S4, S10, S14 and TIV13 of the Mid Devon Local Plan 2013- 2033.
2. In the opinion of the Local Planning Authority, the proposed development would result in harm to the character, appearance, setting and significance of the following designated heritage assets; the Grand Western Canal Conservation Area, Knightshayes Registered Park and Gardens, Tidcombe Farm and Tidcombe Bridge. The proposal would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset. The less than substantial harm that has been identified is not considered to be outweighed by public benefits of the scheme. On this basis it is considered that the proposal conflicts with the statutory duty to have special regard to preserving or enhancing conservation areas and to the desirability of preserving listed buildings and their settings. The proposal does not accord with policies S1, S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 in respect of heritage assets or government advice in the National Planning Policy Framework.
3. In the opinion of the local planning authority the proposed development, including the provision of the proposed access, is likely to result in harm to the character and appearance of the area. The proposed development would appear as a visually intrusive feature within the rural area and would fail to preserve or enhance the character and appearance of the countryside. In particular it is considered that the proposed access to the site would be harmful to the character and appearance of the street scene of this part of Tidcombe Lane. The level of harm would be further amplified by potential adverse impacts to the root protection area of the category A Lucombe Oak tree, for which insufficient information has been provided to demonstrate that the works would not cause damage and disturbance to its root system which would be detrimental to its longevity. On this basis it is considered that the proposal would fail to preserve the character and appearance of the countryside or to preserve Mid Devon's cultural and historic environment contrary to the requirements of policies S1, S9 and S14 of the Mid Devon Local Plan 2013-2033.
4. The provision of 179 dwellings on the site would result in requirements for 30% affordable housing, 5% self-build dwellings, a financial contribution to education infrastructure, health care services and a financial contribution to off-site public open space (where not provided on site). There is no section 106 agreement to secure the provision of these matters and therefore the development is considered to be contrary to policies S3, S5, S8 and TIV15 of the Mid Devon Local Plan 2013- 2033 and the National Planning Policy Framework.

DEVELOPMENT PLAN POLICIES

S1 Sustainable development priorities
S2 Amount and distribution of development
S3 Meeting housing needs
S4 Ensuring housing delivery
S5 Public open space
S8 Infrastructure
S9 Environment
S10 Tiverton
S14 Countryside
TIV13 Tidcombe Hall CONTINGENCY SITE
TIV15 Tiverton Infrastructure
DM1 High quality design
DM2 Renewable and low carbon energy
DM3 Transport and air quality
DM4 Pollution
DM5 Parking
DM9 Conversion of rural buildings
DM25 Development affecting heritage assets
DM26 Green infrastructure in major development
DM28 Other protected sites

National Planning Policy Framework

National Planning Practice Guidance

Tiverton Neighbourhood Plan 2020 to 2033

T1 Location and scale of development in Tiverton
T2 Meeting local housing needs
T3 Providing lifetime affordable housing
T4 Character of development
T5 Design of development
T6 Energy efficiency and design
T7 Minimising the risk of flooding
T9 Network of green and blue infrastructure
T11 Locally significant views
T15 Allotments and community growing spaces
T16 Encouraging safe and sustainable movement

As members will be aware the Council are currently in the process of drafting a conservation area appraisal and management plan for the Grand Western Canal Conservation Area. This is expected to be subject to public consultation by the time the application is considered by Planning Committee. However at this stage it is not considered to have any material impact to how this application is assessed.

CONSULTATIONS

DEVON, CORNWALL & DORSET POLICE- 12th January 2024

Having reviewed both, the Illustrative Layout and the Design & Access Statement, (the brief reference to the basic principles and practices within Secured By Design is noted), I have no objections in principle. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. Secured By Design aims to reduce crime, the fear of crime and opportunities for ASB and conflict within developments by applying the attributes of Environmental Design CPTED, detailed below, in conjunction with appropriate physical security measures). SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Whilst it is not possible to comment in depth on specifics at this time, with a proposal of this size areas of concern tend to relate to defensible space, clear ownership of property, including parking spaces, (location, type & amount), defensible planting, (preventing conflict with youths and ball games etc), unwarranted/unnecessary permeability (including facilitation of desire lines) allowing potential offenders to wonder unseen and unchallenged through a development.

Public and private space should be clearly defined and areas of ambiguity avoided with appropriate boundary treatments provided, the inclusion of back to back rear gardens would be supported.

Whilst the need for Public Open Space (POS) is fully appreciated, how dwellings address these spaces is important. They should provide frontage to such space and not have rear gardens backing onto these areas. Similarly, they should also address new streets and other public realm areas positively to ensure good natural surveillance. POS, including play areas, would preferably be positioned centrally to a development or be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or users of the space. Mere residual space or land that cannot or is awkward to develop should not be considered as being suitable or appropriate as public open space.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.

Pedestrian links require careful consideration, as from an offenders perspective, these will provide a legitimate excuse for being in the area without fear of being challenged or noticed. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence. With this in mind, I note and have concerns with the proposed pedestrian path which provides access from the south via land to the rear of the adjacent site. It is preferable that routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, a proven deterrent to crime and anti-social behaviour. Best practice recommends that public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

Where a segregated footpath is considered unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- ' as straight as possible; If a footpath is to be used 24 hours a day it should have all the required attributes

- ' wide;

- ' well lit;

- ' devoid of potential hiding places;

- ' overlooked by surrounding buildings and activities;

- ' well maintained so as to enable natural surveillance along the path and its borders.

If a footpath is to be used 24 hours a day it should have all the attributes above and be lit in accordance with BS 5489-1:2020. If the footpath does/will not have these attributes, then its use should be deterred during the hours of darkness by not installing lighting.

Whilst residential vehicle parking may be considered as a matter for later discussion, how it will be implemented must be fully considered as early as possible as disconnected parking will likely lead to residents ignoring their allotted space to park closer to their dwelling for convenience and where they have sight of their vehicle.

Whilst the above can really only be fully addressed once more detail is known, even at this early stage, given the mix of proposed facilities and uses, the principles of and attributes of Crime Prevention Through Environmental Design (CPTED) should be considered and incorporated as and where appropriate as they play a key role to ensuring a safe and sustainable community.

CPTED principles:-

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

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

- ' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

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

- ' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2023

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

- ' Management and maintenance: Places that are designed with management and maintenance

DCC HISTORIC ENVIRONMENT TEAM- 15TH January 2024

Previous archaeological investigations undertaken across the application area have demonstrated the localised presence of prehistoric and Romano-British archaeological features in the form of ditches and pits. The Historic Environment Team does not consider that the significance of these heritage assets is such to preclude development in those areas. However, the impact of the proposed development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

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

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

Reason

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

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation of the areas shown by the archaeological field evaluation to contain archaeological features that will be affected by the proposed development to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. 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.

MDDC FORWARD PLANNING- 16th January 2024

This Forward Planning and Housing Enabling Response deals solely with housing land supply matters. All other matters associated with the application have not been addressed but will be considered by the case officer in the process of determining the application.

The applicant's planning statement contends that the Council is unable to demonstrate a robust five year housing land supply. A review conducted by Intelligent Land (December 2023) has been submitted to support the application.

The Council's housing land supply position was comprehensively assessed as part of the planning inquiry at Hartnoll Farm, Tiverton. The inquiry took place in September 2023 with the Inspector's Decision Letter issued on the 20th October, just three months ago. Inspector Stephen Wilkinson, who conducted the inquiry, concluded that:

"I am satisfied that the evidence provided by the Council is robust being drawn from a range of sources"

And

"I anticipate that the overall 5YHLS would be around 2,603 (a reduction of 90 dwellings from the Council's anticipated supply) which equates to a supply of just over five years".

The issues identified by the applicant in challenging the Council's current position were equally as prevalent just three months ago when the appeal Inspector reached his conclusions. There are therefore unlikely to be significant changes that have not previously been robustly examined, particularly in the absence of later monitoring data.

In any event, the review prepared by Intelligent Land was clearly conducted prior to the latest iteration of the National Planning Policy Framework published on 20 December 2023. This affirms recent consultation proposals around five year land supply (that are referenced within the Intelligent Land Report). The effect of these changes are that local planning authorities no longer need to meet 5YHLS requirements as long as the adopted local plan is less than five years old, and identifies at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Mid Devon Local Plan 2013 - 2033 was adopted in July 2020 and is therefore less than five years old. The Plan identified a robust five year supply of deliverable sites as confirmed by the examining Inspector at the time. The 'tilted balance' is therefore not engaged.

There is a transitional arrangement at footnote 79 of the updated Framework, that the policy contained in paragraph 76 and the related reference at footnote 8 should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this [December 2023] version of the Framework. The above application was received after the publication of the Framework and therefore the transitional arrangements do not apply in this case.

Accordingly, the normal planning balance applies as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

MDDC TREE OFFICER- 18TH January 2024

The site is located on the southern edge of Tiverton, with Tidcombe lane adjacent to the northern and western boundaries. The site comprises of mature gardens and fields. The supporting tree survey and report has catalogued 10 hedges and approximately 50 trees or tree groups. The most significant trees are located in the area around the main house in the NW & NE corners of the site. This area contains several specimen ornamental trees. The fields contain mainly semi-mature trees and overgrown hedges around the field boundaries. Oak, sycamore and ash are the dominant tree species within the field boundaries.

The trees on site vary from high quality to trees of such condition that they cannot be realistically be retained. Trees of high or moderate quality should be retained and incorporated into the layout design of a site.

The proposed layout within the outline for erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure, ancillary works and access will require the removal of a number of individual trees and trees within groups and whole groups of trees along with sections of hedges too. However, some removal are required due to tree condition. The majority of the trees are viewed as poor quality or tree with serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U category trees. The loss of these trees should have a limited impact and can be mitigated by suitable replacement planting. However, there are four tree, tree groups and hedges of moderate quality that will require removal too. The loss of these trees will have a visible impact on the local amenity value as the majority of these trees are located by the main access point and proposed new junction of Tidcombe Lane.

The proposed road will cross the RPA of two A category trees (165 a Lucombe oak and 171 a Lime). The road will entail the loss of roots within this area that equates to 30% of tree 165 and 17% of tree 171 as detailed in the supporting arboriculture report. The impact of this would likely be significant and potentially result in the long-term loss of tree 165 due to the extent of damage to its root system. Though mitigation measures have been recommended the probable high negative impact is concerning. The design access should look to avoid any impact on these trees. Engineering solution should be sort on how the access drive could be implemented in order to avoid a loss of rooting environment and increased compaction.

15th July-

Following on from my previous concerns raised that largely concentrated on:

1. there are four tree, tree groups and hedges of moderate quality that will require removal too. The loss of these trees will have a visible impact on the local amenity value as the majority of these trees are located by the main access point and proposed new junction of Tidcombe Lane.
2. The proposed road will cross the RPA of two A category trees (165 a Lucombe oak and 171 a Lime). The road will entail the loss of roots within this area that equates to 30% of tree 165 and 17% of tree 171.

Since the issue raised in point 1 the three semi-mature beech trees growing on top of a stone retaining wall have been subject to 211 notice for their removal, due to the damage caused to the retaining wall. A site visit concluded the 211 notice was reasonable and that the trees did not merit a Tree Preservation Order. In addition three limes was included in the 211 notice for removal due to their physiological condition. A site visit concluded that this was also reasonable too. As a result the concerns raised have largely been resolved. The immediate loss of these trees is lessen by improving greater visibly of the much larger, significant trees in the grounds. However, the loss of the trees shall require addressing in the form of mitigation planting within a landscape plan to include tree planting or a separate tree planting plan. This could be placed as a condition if approved.

The concerns raised in point 2 have been fully addressed as the road has been re-aligned and moved north to avoid negative impacts to tree 165 (Lucombe oak). The movement of the road in a northerly position has avoided below ground impacts to tree 171 (lime). The road will entail the loss of insignificant roots at the farthest extent of RPA of tree 165. Subject to adequate Tree Proactive Fencing being in place subject to works construction works commencing as indicated on the Tree Removal & Retention Plan.

As previously noted the majority of the trees are viewed as poor quality or tree with serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U category trees. The loss of these trees should have a limited impact and can be mitigated by suitable replacement planting. The loss of sections of hedges will have low level of impact and should be mitigated by reintroducing hedge management that has lapsed and restocking section where suitable.

Prior to the commencement of the development if approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) would be required as a condition.

Specific issues to be dealt with in the TPP and AMS:

1. Location and installation of services/ utilities/ drainage.
2. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
3. Details of construction within the RPA or that may impact on the retained trees.
4. a full specification for the installation of boundary treatment works.
5. a full specification for the construction of, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
6. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
7. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
8. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
9. Arboricultural supervision and inspection by a suitably qualified tree specialist
10. Reporting of inspection and supervision

HISTORIC ENGLAND- 24th January 2024

Thank you for your letter of 10 January 2024 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England provided a detailed response on a previous scheme for 179 units that has subsequently refused (LPA ref 20/01174/MOUT, detailed letter dated 28 September 2020). The current application has reduced the number of units to 100.

Our advice is in relation to the setting of Knightshayes Court and gardens. On review of the proposals, we would like to provide the following advice and encourage the council take this into consideration when determining the application.

The application site incorporates, and extends to the east of Tidcombe Hall, a property which is visible in certain outward views from Knightshayes and its park. The western part of the site has already been allocated as a contingency housing site (TIV 13) in Mid Devon District Council's Local Plan 2013-2033. In the illustrative layout submitted with the application, the area immediately to the north and south of Tidcombe Hall is proposed to be green space and it is the eastern area of the site where development is proposed to be built.

From our assessment, it appears that Tidcombe Hall is visible in some distant views from Knightshayes park, being relatively easily identifiable as a small but distinctive white building standing within a green space. However, given the intervening distance it forms a very small feature within those views and currently appears to be surrounded by a considerable amount of tree cover.

Presuming that the majority of hedgerows and trees in the application site are going to be retained in the scheme (as per the indicative layout) and that development will not be in the field to the immediate south of Tidcombe Hall (ironically, the contingency site), then it is debatable how much of the housing would actually be visible. Since no photomontages appear to be provided within the application for the potentially most significant Knightshayes viewpoint of Church Path (View 12 within the LVIA), it is difficult to confirm the likely level of visibility from it.

Should the application be approved, then the sense of urban sprawl to Tiverton may extend slightly further, resulting in a change that would reinforce the urban character rather than agricultural character. However, as a percentage of the overall view perceived from Knightshayes, it would be relatively small.

The best way of ascertaining the degree and extent to which views from Knightshayes would be altered, would be for the applicant to provide accurate photomontage images depicting the development within the context of agreed views. In doing so, it could be independently ascertained whether the change resulting from the development would be of an order that would actually be harmful to the setting of Knightshayes. It would also offer an opportunity to consider whether there were steps that could be taken to avoid and minimise the impact through possible design choices, such as roof materials, lighting etc.

Your Authority will also need to factor in the significance of part of the site being already allocated as a contingency development site, whether the criteria for it being brought forward have been met, and if so, what impact might equally be caused by development of that site.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

GRAND WESTERN CANAL ADVISORY COMMITTEE- 26th January 2024

The Grand Western Canal Advisory Committee Objects to Application 24/00045/MOUT for this proposed Development.

The Applicant suggests that the proposed housing is necessary for Tiverton. However, the Forward Planning Officer for MDDC states that the housing allocation in the Local Plan is quite satisfactory without this Tidcombe Hall development.

The proposed Development will have a negative effect on the Grand Western Canal's Conservation Area; removing part of the southern rural view from the towpath by extending the residential part of Tiverton, east from Tidcombe Lane.

Admittedly, the reduction in the number of houses proposed allows them to be built slightly further from the Canal but the greenfield vista to the south of the Conservation Area will be adversely affected.

Additionally, Tidcombe Hall's setting in the landscape will be lost as it will be overwhelmed by the new housing. An idea of this loss of setting can be seen a little further towards the town where the Listed Bingwell House has been lost amongst the more modern development south of the Canal.

Members have previously been concerned that the surface drainage from the site, associated with an earlier proposal, would have increased the risk of flooding into the Canal. The current proposals do little to reassure them that the latest proposal will offer better protection for the Canal.

The proposed attenuation ponds are intended to mitigate the impact of sudden changes in surface water run-off during rainy weather but with a long spell of rain they will fill and cease to be effective in delaying excess flows towards the canal. Members fear that Culvert 3, the principal route for surface water to pass north, under the Canal, will still be susceptible to blockage, allowing water to spill along the ditch on the offside of the Canal on its way to the more distant Culvert 4. If the attenuation ponds and this ditch overflow there will be flooding into the Canal. Unregulated, sudden flow into the Canal will stress the Canal's water level management.

Members fear that maintenance arrangements for the attenuation ponds, the drainage ditch and the culverts will, over time, be neglected, leading to an increased risk of flooding the Canal.

Since the need for the proposed housing has been dismissed by MDDC, permission for this development would unnecessarily expose the Canal to the risks and harm outlined above and form the basis of the Grand Western Canal Advisory Committee's Objection to the proposal.

MDDC PUBLIC HEALTH – 30th January 2024

We have considered the application and have the following comments:

1. Air Quality - a comprehensive report has been submitted by Kairus and this concludes that the development will not have a negative impact on local air quality, recommending electric charging points for vehicles and sustainable energy sources. We have no concerns regarding these conclusions.
2. Potentially contaminated land - no report has been submitted and we would recommend that in the event of approval of the outline application the full contaminated land condition is included.
3. At reserved matters stage the applicant would need to submit a CEMP and traffic management plan so this should be conditioned within any approval.

NATURAL ENGLAND- 30th January 2024

Nationally Designated Sites - no objection subject to mitigation being secured:

- o A detailed SuDS scheme, including maintenance and monitoring, to maintain the existing hydrological regime of the Tidcombe Lane Fen SSSI and to ensure adequate water quality into the SSSI.

RSPB- 31st January 2024

Para 4.1.12 of the retained Ecologist's Ecological Impact Assessment recommends;

A minimum of 30 Schwegler Type 1A swift boxes (or similar approved) would be incorporated into new buildings within the Site. These would be suitable for use by swift, which is an 'Amber' species of conservation concern, and can also be used by other declining urban species such as house sparrow, which is a 'Red' Priority Species. Boxes would be integrated into the walls of new buildings at a minimum height of 4m, ideally under the eaves or a gable end; the locations of boxes would be detailed in the CEMP and relevant construction drawings. Mitigation, compensation and enhancement Ecological Impact Assessment - Tidcombe Hall, Tiverton 30 2301129_P893_EcIA_Final01: November 2023 4.1.13 A further ten Schwegler 1B nest boxes and

ten Schwegler 2H nest boxes (or similar approved) would be installed on retained trees throughout the Site, including within the retained woodland. Approximate locations of boxes on trees would be detailed in the CekoMP; precise locations would be determined onsite by the EcoW during construction. Hazel dormouse 4.1.14 Protection of retained hedgerows and broadleaved woodland will be maintained throughout

We agree with the recommendations to provide accommodation for crevice roosting bats, creating access routes for hedgehogs and would also support "bee bricks" for solitary bee species.

However we strongly disagree with the recommendations relating to bird boxes.

The British Standard for integral nest boxes BS42021:20 published last year makes a number of recommendations

8.4.1 Residential buildings to provide new and enhanced opportunities for nesting birds, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1. NOTE 1 In practice this means that some dwellings could receive more than one box while others might contain none as some locations on a development are much more suitable than others, i.e. closer to green infrastructure. This might mean for a development of 30 houses, some might have more than one box and others none. NOTE 2 Some schemes could include a combination of internal and external nest boxes. The installation of external nest boxes is out of scope of this British Standard, however, where external nest boxes are included as part of the development plan they should also be included on the installation plan. Examples of species that might breed in external nest boxes in a built environment include the little owl, tawny owl, barn owl, kestrel, peregrine, starling, stock dove, jackdaw, black redstart, pied wagtail, spotted flycatcher, robin, wren, tree sparrow, swallow and house martin.

NOTE 3 External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio.

The most recent "Red List" includes house sparrows, house martins, starlings and swifts all use Universal Bird Bricks see attached*, need little or no maintenance and are far more likely to remain in situ for the life time of the development than any attached to trees.

*recent monitoring (see pics) results show up to 50% of the boxes installed being occupied by the first three species referred to with assorted "others" using them as well.

Section 9.2 of BS42021:2022 stipulates that

Integral nest boxes - installation plan Details for the selection, siting, positioning and installation of integral nest boxes shall be prepared and submitted to the local planning authority, to include:

- a) the total number of integral nest boxes to be installed on site;
- b) a list of recommended integral nest boxes selected for installation, i.e. manufacturer(s) and model(s) along with illustrations, where available;
- c) a site plan at an appropriate scale showing the location of specific buildings in the development into which boxes are to be installed;
- d) building elevations showing the position on each building on site where boxes are to be installed;
- e) details of materials, methods and workmanship necessary to install each box, taking into account relevant building regulations (such as Approved Document 7 [5]); and

- f) a drawing showing the relationship between green infrastructure and the locations where integral nest boxes are to be installed, illustrating access to suitable, natural resources for birds including food, water and nesting materials in nearby habitats.
- g) The entrance holes shall be minimum of 30 X 65mm" to accommodate all the species expected to use "Universal Boxes" (see attached).

We recommend that the above are made a condition if the consent is granted.

DCC WASTE- 5th February 2024

It is noted that due to the size of the proposed development, this is a major application, and as such, the Waste Planning Authority provide the following comment.

The submitted Site Waste Management Plan identifies the management of waste in accordance with the waste hierarchy, outlines measures to avoid all waste occurring at construction and operational stages, and intends to re-use excavation material on-site which we encourage. Additionally, the plan identifies a methodology for auditing the waste. It is noted that the types and amounts of waste during excavation, construction and operational phases will be provided at the detailed design stage. Therefore, it is recommended that a condition is attached to any consent to require the submission of an updated Site Waste Management Plan prior to the commencement of the development as stated below:

Prior to the commencement of development, an updated site waste management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following points shall be addressed in the statement:

- o The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- o Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, and corrective measures if failure to meet targets occurs.
- o The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- o Identify the main types of waste generated when development is occupied.
- o The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.

The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

DCC LEAD LOCAL FLOOD AUTHORITY- 5th February 2024-

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 greenfield runoff rates should be recalculated. The long-term storage rate should also be recalculated. The applicant should justify the proposals for discharging into one watercourse only. The applicant has acknowledged the watercourse in the northwest of the site, and has also confirmed that this watercourse is at least partly fed by an existing pond. It looks like some of the existing fields drain into this watercourse. If possible, the western watercourse should be opened up. The applicant should discuss any potential phasing of this development.

6th June

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design in accordance with the Flood Risk Assessment.

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response (FRM/MD/00045/2024; dated 1st February 2024), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful. The applicant has justified their surface water drainage proposals. If possible, the applicant should assess opening up the western watercourse.

TIVERTON TOWN COUNCIL- 6th February 2024

It is understood that the required housing allocation for the area has already been met, therefore there is no requirement for the contingency allocation, as listed in the MDDC Local Plan to be implemented. Should this application be accepted it would have a detrimental impact on the area and the Grand Western Canal. There remains concerns that any such development could lead to spillage into the canal, which could lead to flooding. Whilst accepting that this is an outline planning application there is a great deal of details missing. The road network in the area is highly unsuitable for this development. Whilst the number of proposed dwellings has been reduced there is little change from the previous application of 2020, which was rejected by the planning authority. There are concerns about the state of Tidcombe Hall and the protection of trees in the area. We feel that the proposal is against the Tiverton Neighbourhood Plan and that it is contrary to S3, S4, DM1, DM15, S10, S14 and Tiv 13 of the Devon Local Plan 2013-33. The proposal would fail to preserve Tiverton's cultural and historic environment contrary to the requirements of policies S1, S9 and S14 of the MDDC Local Plan 2013-2033.

As such Tiverton Town Council is unable to support this application

NHS DEVON INTEGRATED CARE BOARD- 6TH February 2024

Response summarised (full response available on file) outlining full justification and request for financial contribution;

Methodology for Application 24/00045/MOUT

1. Residential development of **100** dwellings
2. This development is in the catchment of:
 - **Amicus House - Clare House Surgery**
 - Castle Place Practice

which has a total capacity for **26,468** patients.

3. The current patient list size is 27,767 which is already over capacity by **1,208** patients (at **105%** of capacity).

4. The increased population from this development = **233** a. No of dwellings x Average occupancy rate = population increase

b. $100 \times 2.33 = 233$

5. The new GP List size will be **27,909** which is over capacity by **1,441** Current GP patient list + Population increase = Expected patient list size

$27,767 + 233 = 27,909$ (1,441 over capacity)

If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6

6. Additional GP space required to support this development = **16.31m2** The expected m2 per patient, for this size practice = 0.070m2

Population increase x space requirement per patient = total space (m2) required

$233 \times 0.070 = 16.31m2$

7. Total contribution required = **£58,341** Total space (m2) required x premises cost = final contribution calculation $16.31m2 \times £3,577 = £58,341$ (£583 per dwelling).

SOUTH WEST WATER- 9TH February 2024

Further to our comments below after some concerns from the public we would like to expand on our previous statement regarding the planned proposal for surface water.

When commenting on surface water proposals South West Water's response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to SWW network, South West Water will not add comments as it is not our responsibility.

South West Water have no duty to accept land drainage runoff, flows from natural watercourses or groundwater to the public sewer system, and it is not permitted to discharge to the South West Water network. The applicant should make alternative arrangements to deal with this separately during the development and once the construction work is complete.

South West Water are not responsible for Highway Drainage and are comments do not relate to accepting any of these flows. The applicant should discuss and agree with the Highway Authority,

where the highway water connects to. If the applicant wishes to connect this to SWW network, then they should engage with us separately to see if we can accommodate this.

No highway drainage will be permitted to be discharged to SWW foul or combined public sewer network either directly or indirectly.

If the applicant is looking to get their sewers adopted (surface and foul), then they should design and construction the sewers to the current version of the Design and Construction Guidance . The process for doing this can be found on South West Water's website at Adoption of new sewers | Building & Development | South West Water

We hope this clarifies South West Water position. If we can be of further assistance please contact us

31.01.2024

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.

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 expects that the existing water distribution network will be able to supply this development without the need for further network reinforcement. If following further assessment, it is determined that there is a need for network reinforcement, we will plan it in to meet the build out 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.

Foul Sewerage Services

South West Water do not expect that there will need to be local network reinforcement in the sewerage system for this individual site but it will be included in any future assessments on the impact of growth on sewage pumping stations in the catchment.

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:

www.southwestwater.co.uk/building-and-development/services/pre-development-services

DCC EDUCATION- 20th February 2024

Regarding the above planning application, Devon County Council has identified that the proposed increase of 88 family type dwellings would generate an additional 22 primary pupils and 13.2 secondary pupils which would have a direct impact on the primary and secondary schools in Tiverton.

Taking into account the adopted Local Plan allocations in addition to the forecast spare capacity and already approved but not yet implemented developments. DCC will share the forecast spare capacity of an area proportionately between all outstanding development sites allocated in the Local Plan. Based on this, a percentage has been established.

It has been forecast that the local primary schools have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a contribution towards additional education infrastructure at the local primary schools.

Tiverton High is forecast to have capacity for 75% of all pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution based on the Tiverton secondary percentage of 25% of the total number of pupils generated directly towards additional secondary education infrastructure at Tiverton High School. The contribution sought towards secondary is £77,682 (based on the DfE extension rate of £23,540 per pupil). This would relate directly to providing secondary education facilities for those living in the development.

All contributions would be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

HIGHWAY AUTHORITY-

I have visited the site and reviewed the planning documents. The site is accessed off an unclassified County Route which is restricted to 30 MPH. The number of police recorded collisions in this vicinity, from our data reference (A running record of 5 years, currently January 2018 to December 2022) is one severe collision upon the Lime tree cross in 2020.

Transport Assessment

The Trip rate for proposed development seems reasonable. This also incorporates the proposal for a Closure of Canal Bridge in Tidcombe to through traffic. The proposal will only be accepted if the prohibition was for all vehicles except busses, cyclist and pedestrians. This proposal has been discussed with the County Highway Authority (CHA) in great detail over the past few months, together with traffic count surveys carried out in late 2021 and all the information that has been submitted shows that this closure would make a safe and suitable route for pedestrians and cyclist.

This would also help with the impact the Tiverton EUE development would have on the Tidcombe Lane / Blundell's Road junction, by reducing the number by 40 vehicles per day using this junction and the narrow Tidcombe Lane. The TRO would remove around 110 existing daily trips from passing over Tidcombe Bridge in accordance with the 2021 traffic survey. Our own assessment of Tidcombe Bridge, with the Tiverton EUE in place projected over 2000 vehicles a day travelling over Tidcombe Bridge by 2032, these 2000 trips would primarily involve existing trips accessing the A361 via Heathcoat Way that would switch to Tidcombe Lane to access the new A361 junction via the Tiverton EUE. Should the Tidcombe Bridge closure TRO be implemented, that existing traffic would continue to use Canal Hill as it does at the moment and not create additional traffic along Canal Hill but does create a betterment of removing this traffic from Tidcombe Lane. From the current Transport Assessment there is an average of between one and two vehicles per minute along Canal Hill from the development during peak hours. If the proposed Tidcombe Bridge TRO is implemented then the additional development trips along Canal Hill would increase by only 7 movements in peak hours due to Traffic no longer passing along Tidcombe Lane. Should the Tidcombe Bridge TRO be approved, pedestrians particularly school children to Tidcombe primary school will be walking on a very lightly trafficked section of highway, that in accordance with Manual for Streets 1 and 2 can be regarded as a shared space. Tidcombe Lane is served by circular bus services 353/352. These services are financially supported by D.C C and operated by Dartline. They operate approximately half-hourly, having two longer gaps between 10:45 - 11:45 and 13:15 -15:15. The first arrival in Tiverton Bus Station is 0810 and the last departure 1750, meaning it is possible to reach Exeter by 0853, but would need to return on the 1630 from Exeter to connect with the last bus, so not very practical for any work journeys.

We would like to seek a contribution from this development to provide a 07:30 arrival at the Bus Station Monday - Friday, to connect with the 07:35 departure to Exeter, giving an 08:18 arrival. An 18:20 departure from the Bus Station Monday - Friday, to connect with the 17:35 from Exeter which arrives at 18:12. Additional journeys from the Bus Station at 11:15 and 14:45 to fill the present gaps in service and make it half-hourly for most of the day. The addition of these extra journeys takes the service beyond what is operable with one driver, so does entail a significant cost increase. We would therefore like to seek a contribution of £30,000 per annum for a minimum of three years. In the vicinity of the development there is a bus stop on one side of Tidcombe Lane, suitable for anti-clockwise circulars.

A new approach is being considered with regards to Travel Plans to achieve a better travel planning outcome. This will be implemented by the Developer contributing £500 per dwelling to be secured through a S106 Agreement. DCC will produce a Travel and Action Plan to encourage other modes of transport, which will be including details for monitoring/surveys of assessing the impact including overseeing voucher and their usage. Contributions would also be required towards the A361 junction scheme of £2631 per dwelling which is to be secured through a S106 Agreement.

There will be additional traffic in the Wilcombe Estate area however in accordance with the Transport Statement, these increases will amount to one vehicle per minute during the peak times, therefore not creating a trip generation intensification impact that is severe upon the local highway network.

The trip generation upon on Canal Hill would also be greater but again the figures show this would not be a severe impact.

Therefore the County Highway Authority (CHA) would have no objection to this application but would recommend a number of conditions, including a Construction and Environment

Management Plan (CEMP) to help mitigate the effects of construction upon the local highway network with features such as 'just-in-time deliveries, routeing plans, employee/contractor car sharing and wheel washing facilities. In addition to secure cycle storage to encourage sustainable travel, especially for shorter trips and helping to reduce vehicular trips.

Recommendation:

THE DIRECTOR OF CLIMATE CHANGE, ENVIRONMENT AND TRANSPORT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Off-site Highway Works; No development shall take place on site until the off-site highway works including the Traffic Order for the Prohibition of all vehicles except Busses, Emergency Vehicles, Cyclists and Pedestrians across the Canal Bridge to have been submitted and approved by the Local planning Authority and then constructed implemented and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with the Nation Planning Policy Framework.

2. 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;

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road

maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
REASON: To promote sustainable travel to in accordance with the Mid Devon Local Plan 2013-2031.

MDDC CONSERVATION OFFICER - 15.02.2024

Built Heritage Advice pertaining to the Outline application for the erection of up to 100 dwellings to include the conversion of Tidcombe Hall and outbuildings, provision of community growing area, public open space, associated infrastructure and ancillary works with all matters reserved except for access.

The application site contains Tidcombe Hall and outbuildings, the site is also that of open agricultural land. The site is partly located within the Grand Western Canal Conservation Area to the north, it is also bounded by the historic farmstead of Tidcombe Farmhouse to the east, residential dwellings along Warnicombe Lane to the south and agricultural land to the west with access from Tidcombe Lane. The proposed development of the site has the potential to affect the settings and significance of several heritage assets, in line with Historic England's The Setting of Heritage Assets (GPA Note 3). The following heritage assets are considered to potentially be affected by the proposals:

The Grand Western Canal Conservation Area,
Tidcombe Farmhouse, Grade II listed (list entry number: 1384974),
Tidcombe Bridge, Grade II listed (list entry number: 1384969),
Tidcombe Hall, non-designated heritage asset (NDHA), and
Knighthayes Court, Grade II* listed Registered Park and Garden (list entry number: 1000487).

Tidcombe Hall is considered to be a non-designated heritage asset due to its historic and architectural interest, it is a large nineteenth-century house and the Tithe Map and Apportionments record the building as 'Tidcombe Rectory'.

As shown by the historic mapping included within the submitted Historic Environment Assessment, the application site has historically remained that of open agricultural land. Tidcombe Hall is set in large grounds with outbuildings and has historically been located within a rural landscape, which contributes to a sense of tranquillity. With regard to Step 2 of The Setting of Heritage Assets, the application site is considered to share several of the listed attributes which help to elucidate its contribution to significance, this being topography, surrounding landscape character, green space, openness, the little degree of change over time, functional relationships, tranquillity, views (to and from the assets) and land use. The application site being part of the agrarian and rural landscape positively contributes to the setting of the heritage assets, our experience and understanding of their significance.

The application site is understood to share a historic ownership and functional association to Tidcombe Farmhouse, which is immediately adjacent to the site. The proposed development of the site would result in prominent built form in close proximity to the designated heritage asset and would result in a fundamental change to the character of the historically open agrarian land, which shares a functional association to the asset. Tidcombe Farmhouse has views across the site and other environmental factors such as light pollution, noise and disturbance should be considered. The proposed development would result in the urbanisation of the site and Tidcombe Farmhouse

would be experienced as being upon the edge of a new urban development. The proposals are therefore considered to fail to preserve the setting of Tidcombe Farmhouse resulting in harm to its significance, I suggest that the level of less than substantial harm would be at the middle of the spectrum.

With regard to the Grand Western Canal Conservation Area, the historically open rural landscape positively contributes to the character and appearance of the Conservation Area, its setting and rural character. It is acknowledged that the northern portion of the site, within the Conservation Area, is planned as parkland however this would result in a fundamental change in land use and character. Furthermore, the proposed development of the site would result in prominent built form in close proximity to the Conservation Area and associated environmental impacts (light spill and noise) should also be considered as these would have an adverse urbanising effect. There is also an area of courtyard housing planned within the Conservation Area, this would be visible from the towpath of the Canal as would the majority of the site. The proposed development would result in harm to the character and appearance of the Grand Western Canal Conservation Area and its setting. The harm to its significance would be less than substantial and I suggest that this is towards the low end of the spectrum.

For that of Tidcombe Hall (NDHA), the proposals will have an adverse impact upon the setting of the heritage asset. It would be experienced at the entrance to the new urban development and would share an access road. There would also be built form introduced in close proximity to the asset, which has historically been located and experienced in an isolated position. The development would have an adverse urbanising effect to the character and experience of Tidcombe Hall, Paragraph 209 of the NPPF being relevant. Details of Tidcombe Hall and the restoration of the asset is not fully known at this stage, being a reserved matter.

For Tidcombe Bridge, the application site makes a limited contribution to our understanding of the architectural or historic interest of the listed building and its significance. Therefore, I do not consider the principle of development to be harmful. There is the potential for harm to the significance of the heritage asset through the erection of additional signage or highway improvements which may be a requirement. The details of this should be agreed in order to preserve the special interest and significance of the heritage asset.

The proposed development is likely to be visible in views (Church Path View) from the Registered Park and Garden of Knighthayes Court, however the site is considered to make a limited contribution to the setting of the asset. Therefore, due to distance and intervening development I do not consider there to be an adverse impact to the significance of Knighthayes Court and how it is understood. Tidcombe Hall should remain a prominent feature and details of layout, scale and appearance are a reserved matter.

To conclude, the proposed development would fail to preserve the special interest of the listed building, Tidcombe Farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the character and appearance of the Conservation Area and its setting, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the designated heritage assets would be less than substantial, Paragraph 208 of the NPPF being relevant. There would also be harm to a non- designated heritage asset, Paragraph 209 being relevant.

22nd February 2024-

This advice should be read in addendum to the letter dated 15/02/2024. Previous advice highlighted the adverse impact of the proposed development to the significance of several designated and non-designated heritage assets. The proposed access arrangement would

be harmful to the significance of Tidcombe Hall, as this would be an enlarged and shared access to a new urban development.

In addition to the above, the proposed access would result in harm to the character and appearance of the Conservation Area, as it would remove positive elements of the Conservation Area and its street scene. This includes the potential removal of mature trees which are present at the existing entrance, that make a positive contribution to the verdant appearance and rural character of the Grand Western Canal Conservation Area. The proposed access through to a new development would also itself have an adverse impact upon the character and appearance of the Conservation Area, being urbanising in effect which is contrary to the prevailing rural character of Tidcombe Lane.

To conclude, the proposed development would fail to preserve the special interest of the listed building, Tidcombe Farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the character and appearance of the Conservation Area and its setting, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the designated heritage assets would be less than substantial, Paragraph 208 of the NPPF being relevant. There would also be harm to a non-designated heritage asset, Paragraph 209 being relevant.

15th July

This advice should be read in addendum to the letter dated, 22/02/2024, following revised documents and additional information being submitted.

In the letter dated, 12/07/2023, from Grassroots Planning it is agreed that the proposals would result in less than substantial harm to the significance of the designated heritage asset, Tidcombe Farmhouse, through change in its setting. It is also agreed that the proposals would result in harm to the significance of the non-designated heritage asset, Tidcombe Hall, through change in its setting. Therefore, this application is considered contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 208 and 209 of the NPPF (2023) are relevant. With regards to the spectrum of 'less than substantial harm', it is considered that the harm is within the middle of the spectrum due to proximity, visibility and the adverse impact the proposed development would have upon the agrarian landscape and character which positively contributes to Tidcombe Farmhouse. Tidcombe Farmhouse is also understood to share a historic and functional association to the site, therefore the loss of historic farmland associated to the farmhouse for the proposed residential development can only be considered harmful to our understanding of the assets significance.

With regards to the Grand Western Canal Conservation Area, it is understood that the applicant does not agree with the assessment of less than substantial harm to its significance. However, as set out in the letter from this Office dated, 15/02/2024, it is considered that the proposals would result in less than substantial harm. It is acknowledged that since the previous letter trees have been removed under 24/00732/CAT, however this does not lessen the overall impact of the proposed development upon the character and appearance of the Grand Western Canal Conservation Area, or its setting. An Independent Landscape Review published on the 27th June 2024 also identified a major adverse impact within Views 15, 16 and 17 of the LVIA and that there would be a moderate adverse impact to the landscape character of the Grand Western Canal Conservation Area.

The application site has historically remained open agrarian land which positively contributes to the setting and significance of the Grand Western Canal Conservation Area and our experience of the designated heritage asset. The non-designated heritage asset, Tidcombe Hall, which is located within the Conservation Area has also remained in an isolated position set within the rural landscape. Views of the site and Tidcombe Hall can be appreciated from the towpath of the canal and its wider setting, including from Warnicombe Lane. The Grand Western Canal and its special historic interest is principally derived from being an early form of transportation passing through the rural landscape of Mid Devon. The many historic buildings within the Conservation Area, including Tidcombe Hall, contribute to both its special architectural and historic interest. Furthermore the historic layout of the canal and the relationship to the site has been subject to a little degree of change over time as shown by historic mapping. The proposed development would fundamentally remove positive elements of the Conservation Area and its setting, resulting in several adverse urbanising effects. The proposed development would therefore result in less than substantial harm to the significance of the Grand Western Canal Conservation Area, Paragraph 208 of the NPPF being relevant.

To conclude, the proposed development would fail to preserve the special interest of the listed building, Tidcombe Farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the character and appearance of the Conservation Area and its setting, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm to the designated heritage assets would be less than substantial, Paragraph 208 of the NPPF being relevant. There would also be harm to a non-designated heritage asset, Paragraph 209 being relevant.

REPRESENTATIONS

This planning application has been advertised by means of site notices (5no.) 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 July 2020.

At the time of writing this report 177 letters of representation have been received. Of this, 171 were listed as objections. The key points from these has been summarised below;

Principle of development

1. The proposal does not accord with the adopted local plan
2. Tidcombe Hall site is only contingency, the Planning Inspectorate has already confirmed current housing targets are being met, so no justification for this.
3. The Planning Inspector in the Hartnoll Farm appeal concluded that the Council could demonstrate a 5 year housing supply and the policies of the Local Plan should be the deciding factor in determining planning applications
4. The development is outside the development plan which is in place to retain areas of natural beauty and the countryside around the town
5. There is no need to build here
6. The reduction in houses fails to address the initial concerns (to the previous application)
7. It has always been agricultural land and should stay as such
8. General support for redevelopment of Tidcombe Hall and its curtilage
9. Owner should be made to repair Tidcombe Hall before it falls down
10. Housing is not needed on greenfield site
11. 2.5% housing stock in Mid Devon is currently unoccupied
12. The site is not within easy walking distance of Tiverton's amenities for many people

Transport/ highways

1. Opening of new A361 junction has increased traffic along Tidcombe Lane and Blundells Road.
2. Tidcombe Lane can become quite congested at peak times
3. Problems during construction stage
4. How will closure of bridge be enforced
5. The development will increase traffic up Tidcombe Lane to access the primary school at times when pedestrians are using this route
6. Increased risk to pedestrian and cyclists
7. Blundells Road has been closed on various occasions and Tidcombe Bridge has been the alternative route, where is traffic supposed to go if both sides are closed.
8. Would increase traffic through Marina Way/ Ford Road which are densely populated areas, not suitable for additional traffic, potentially unsafe
9. Other measures such as “no right turn” when exiting Tidcombe Hall and no “left turn” into Tidcombe Hall would restrict lessen impact to existing residents
10. Tidcombe Bridge would not be able to take the weight or size of lorries that would use it
11. Should the bus service be stopped it would affect many people that rely on it
12. Large volume of traffic will make navigating Canal Hill more dangerous, contribute to increased pollution and noise levels
13. The extra mileage resulting from the road closure would increase carbon emissions and fuel costs for local residents
14. The submitted Transport Statement has underestimated the level of traffic from the development
15. How would access be retained to the adjacent field
16. It is not realistic to assume that people will walk instead of using their cars
17. The access will have a serious impact on a number of important trees
18. The entrance is separated from the main development by a long and imbalance access road
19. The traffic survey underestimates the level of traffic using Tidcombe Lane
20. The layout provides no alternative emergency route
21. The proposal is contrary to DCC’s Design Guide for Residential Estates
22. The traffic restriction is unnecessary and will take away a historic right of movement
23. The application has not addressed the impact caused by closing the bridge to the surrounding road networks, particularly junctions of Blundells Road/ Tidcombe Lane and Canal Hill/ Great Western Way.
24. The traffic surveys have not included the traffic movement north of Tidcombe Bridge and the junction with Blundells Road.
25. The level of traffic will bring high levels of noise and air pollution
26. During school run times it is impossible for residents in the lower half of Tidcombe Lane to get off their driveways
27. The Highway Authority are not able to provide any record of the meetings held regarding the proposal. The Highways report fails to consider the locality, impact of the proposals and as a consequence is full of errors

Design, visual, landscape and heritage impacts

1. Development will have detrimental impact on canal and detract from natural beauty of surrounding area
2. It will detract from the conservation area and views from the canal, a key tourist attraction
3. Attenuation ponds at northern end of site, these ponds are ugly and functional and can’t be described as parkland and an enhancement to the canal corridor
4. Objections to construction of housing estate over an important medieval moated manor, St Lawrence’s Chapel and possibly its graveyard.

5. Pre-historic and Romano- British features exist on the site and should be preserved.
6. The submitted LVIA does not accord with the Council's report to the 2020 application
7. The application proposes to use only approximately 50% of the local plan contingency site, this has a substantial impact on the area, setting and density and the housing design that can be accommodated.
8. Being an elevated site it would be extremely visible
9. Tidcombe Hall's setting in the landscape would be lost and overwhelmed with new housing
10. Tidcombe Hall, its historic entrance, approach and ground would be affected by the proposed development which is out of character and proportion
11. The density of the development is very high and not in keeping with other areas in the immediate locality
12. The development would result in urbanisation of the countryside
13. The LVIA fails to adequately anticipate the impact of 2-3 storey dwellings that will dominate the area
14. Tidcombe Lane currently represents a natural boundary between the urban developments to the west and the essentially rural and agricultural nature of the countryside to the east, the development would change the character of that outlook
15. The boundary wall is collapsing and should be urgently restored

Ecology

1. Development will have a detrimental impact on natural habitats associated with the canal
2. Direct impacts and disturbance to wildlife
3. Concerns regarding sewage overflows impacting the canal and associated wildlife
4. Concerns regarding "bat roost building" – is there another use proposed, could potentially be used for anti-social behaviour, close to existing dwellings and canal
5. The number of swift boxes should be increased
6. Impact to Tidcombe Fen SSSI
7. Kingfishers and other wildlife on the canal would be disturbed

Flood risk and drainage

1. Any further concrete above the canal would put the whole Glebelands area and Tidcombe Fen SSSI at serious risk of inundation
2. Concerns regarding sewage capacity and potential impacts to the canal
3. Already flooding issues along the disused railway line and in Tidcombe Lane where existing drainage is inadequate, further development will exacerbate risk of flooding and threat of sewage contamination
4. Extreme weather events such as 1 in 100 year floods are now occurring on a regular basis
5. The developer has underestimated the risk of future severe rain events
6. The rainfall data used is out of date, average projected rainfall has been exceeded by between 225% and 300% annually.
7. The previous survey identified springs in the land sloping down from Tidcombe Hall
8. The land is frequently water logged
9. The ground has a high water table, the attenuation ponds would have to be built above natural ground level and are at risk of collapse due to saturation therefore risking overwhelming the canal
10. Who is responsible for the continuous management of the culverts
11. Concern regarding location of proposed pumping station for foul water adjacent to the canal, potential risk of pollution should the plant cease to operate correctly
12. The consultation response from SWW is poorly considered
13. How will discharge be successfully stored
14. Will the levels of the developed land need to be raised so that the sewers will be at a higher level

15. What arrangements will be made to ensure that the culvert under the Canal does not get blocked
16. What methods will be taken so that the new properties will not be at risk from the flooding of parking courts and public open space
17. The canal is higher than the bungalows and they are at great risk, what protections will be put in place
18. Who will be responsible for all the storm sewers across the site

Infrastructure

1. Existing developments have increased pressure on infrastructure and amenities in the town, another new project would increase the strain further
2. It is already impossible to find a dentist offering NHS services within Tiverton
3. Tiverton has inadequate hospital/ GP services

Other

1. Poor quality engagement by development company, questionnaire full of leading questions
2. The Statement of Community Involvement has ignored local residents
3. We are polluting the countryside with noise, light and chemicals
4. Noise from construction, traffic and activities of the proposed development will be considerable
5. If this is approved it will open the door to developing the rest of the site
6. The houses would not be affordable to renters
7. This is quality agricultural land, it would take land out of food production
8. Who will be taking care of the public open space
9. Impacts of dust, including to school children
10. Query the calculations of DCC Education regarding the contribution set out in their consultation response of 14th and 20th February
11. The proposal would cause possible terminal damage to one of only 3 horsedrawn barge businesses in the country
12. It would be distressing for relatives to sit looking at a housing estate from memorial benches on the canal
13. Irreparable damage to the canal country park which brings in a lot of tourists
14. Brick dust could harm the primary school children
15. The other land owned by the developments would be subject to further applications for development, the precedent having been set
16. Who would be responsible for the management costs of the proposed parkland, wetland, wildflower meadows etc

Two letters of support were received, the key points are summarised below;

1. Support closure of the bridge, Tidcombe Lane is not suitable for two way traffic, current noise and dust from traffic is unbearable during the summer
2. Suggestion of requirements for traffic calming, additional pedestrian crossings
3. Development will enhance the area

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and principle of development**
- 2. Highway, access and connectivity issues**
- 3. Impact on heritage assets**
- 4. Landscape and visual impacts**
- 5. Flood risk and drainage**
- 6. Ecology and biodiversity**
- 7. Amenity and impact to neighbours**
- 8. Green infrastructure and public open space**
- 9. Other issues; waste management, land contamination, planning obligations**
- 10. Planning balance/ summary**

1.0 Policy and principle of development

1.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

1.2 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and places a key emphasis on achieving sustainable development. Paragraph 8 identifies the three overarching objectives in the achievement of it:

- an economic objective – to help build a strong, responsive and competitive economy;
- a social objective – to support strong, vibrant and healthy communities; &
- an environmental objective – to protect and enhance our natural, built and historic environment.

1.3 Policy S1 of the Mid Devon Local Plan 2013-2033 identifies a number of strategic priorities that outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon for the plan period. All development will be expected to support the creation of sustainable communities by (inter alia) a development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements; promoting sustainable transport; delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community; requiring good sustainable design; promoting healthy communities through the delivery of social, educational, recreational and cultural facilities and services, access to high quality open space, public rights of way, recreational trails, accessible land and other green infrastructure, and opportunities for sport and recreation and the designation of Local Green Space; meeting the challenge of climate change; minimising impacts on biodiversity; and conserving and enhancing the historic environment.

1.4 Policy S2 states that the housing needs of the district will be met by the provision of 7860 dwellings across the plan period with development being concentrated at Tiverton, Cullompton and Crediton. Policy S3 sets a requirement for 30% of dwellings to be affordable on sites of 6 or more dwellings outside of the main towns. On sites of 20 or more dwellings a requirement of at least 5% of serviced dwellings plots for sale to self-builders.

1.5 Policy S10 states that Tiverton will continue to develop in a balanced way as a medium sized market town serving a rural hinterland in the central part of Mid Devon and to the north. The strategy will maintain its status as the largest urban area in Mid Devon and increase the self-sufficiency of the town and its area by improving access to housing, employment and services for its population and that of the surrounding rural areas. Proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable, and 29,400 gross square metres of commercial floor space over the plan period. The Council will guide high quality development and other investment to:

- a) Manage the town centre so that economic success and heritage reinforce each other, promoting new homes, shops, leisure, offices and key town centre uses which contribute to vitality and viability, including an additional 7,000 square metres of gross commercial floorspace in accordance with the sequential approach in Policy DM15;
- b) Enhance walking and cycling opportunities and bus services around the town, particularly improving access via these more sustainable modes to the town centre, Tiverton Parkway Station, Exeter and Taunton, and their interchange in the town centre;
- c) Retain the green setting provided by the steep open hillsides, particularly to the west and south of the town and the historic parkland of Knights Hayes to the north of the A361;
- d) Protect the importance of Tidcombe Fen, other areas of biodiversity value and green infrastructure, supporting opportunities for enhancement;
- e) Enhance the tourism and visitor role of the town and surrounding area; and
- f) Support measures to reduce flood risk within Tiverton, working with natural processes wherever possible

1.6 Policy S4 states that the Council will monitor the delivery of housing against the annual target (393 per annum) and against the total completions that should have taken place since the start of the plan period. If cumulative completions since 2013 fall below the expected completions total by over two years' worth of the annual target (as expressed in the defined action level for that year), or a five year supply of deliverable sites cannot be demonstrated, the Council will work proactively to bring forward allocations or outstanding planning consents. If this is insufficient to deliver the necessary level of housing, an identified contingency site will be permitted to boost housing supply.

1.7 The application site is located outside the settlement boundary of Tiverton. Policy S14 relates to development outside adopted settlement limits and requires that it will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. It does not provide support for residential development apart from in relation to affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings and housing essential to accommodate a rural worker. It also supports the provision of appropriately scaled retail, employment, tourism and leisure development and community facilities such as educational facilities and buildings associated with public open space.

1.8 The site as a whole is not allocated for development within the adopted local plan. However part of the site forms part of the area allocated as a contingency site by policy TIV13, this includes the area immediately surrounding Tidcombe Hall and the field to the west of Little Tidcombe. The application site does not include the field bordering Tidcombe Lane and Newtes Hill which is included within the TIV13 contingency allocation.

TIV 13 Tidcombe Hall CONTINGENCY SITE

A site of 8.4 hectares at Tidcombe Hall is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:

- a) 100 dwellings with 28% affordable housing;*
- b) Vehicular access point on to Canal Hill and improvements to Tidcombe Lane northwards from the site;*
- c) Walking and cycling enhancements and connection to surrounding public rights of way and green infrastructure networks;*
- d) Design and landscaping which protects the setting of the Grand Western Canal, Tidcombe Hall and Conservation Areas; and*
- e) Archaeological investigations and appropriate mitigation measures*

- 1.9 The Council's Forward Planning Team have provided a consultation response on the application which is outlined in full above. It is the Council's case that the Council's housing land supply position was comprehensively assessed recently as part of the planning inquiry at Hartnoll Farm (decision dated 20th October 2023) at which time the Inspector considered that the overall 5YHLS would be around 2603 which equates to a supply of just over five years. The trigger point in S4 is not considered to be met and therefore it is not considered that there is a requirement for the contingency site to be bought forward to boost housing supply at this stage.
- 1.10 Notwithstanding this, the application scheme is materially different to the contingency site allocation in terms of its geographical extent. As such, even if the trigger levels for policy S4 were met, the application scheme would not be considered to be strictly in accordance with TIV13 contingency allocation. It is also not considered to meet with any of the exceptions for residential development in countryside locations and would therefore conflict with policy S14.
- 1.11 Setting aside the considerations of TIV13, on sites outside of Tiverton, Crediton and Cullompton, and of more than 6 dwellings policy S3 requires 30% affordable housing provision. Furthermore on sites of 20 dwellings or more, at least 5% for self-build plots. The application does not secure this and therefore conflicts with policy S3.
- 1.12 In terms of the conversion of Tidcombe Hall and the outbuildings, policy DM9 supports the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses where;
- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;
 - b) The building can be converted without significant alteration, extension or rebuilding;
 - c) The design will retain the original character of the building and its surroundings; and
 - d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.
- 1.13 Whilst based on the condition and previous alterations to Tidcombe Hall itself, it is questionable whether the buildings positively contribute to the area's rural character, the

Hall is a non-designated heritage asset that has historic and architectural merit which is considered to justify its retention and conversion. However it is noted that very limited information has been provided in respect of the structural condition of the buildings or the proposed design of the conversions. Therefore whilst the conversions could potentially be supportable, at this stage there is insufficient information for the LPA to conclude their assessment of the relevant policy tests.

1.14 Having regard to all the above matters, it is considered that the residential element of the proposal conflicts with the adopted development plan.

2.0 Highway, access and connectivity issues

- 2.1 One of the key principles of policy S1 is to promote sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality. Policy S10 seeks to enhance walking and cycling opportunities within Tiverton.
- 2.2 Policy DM3 requires that development must ensure safe access to the transport network. 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
- 2.3 The NPPF (paragraph 114) states that in considering applications for new development it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 2.4 In relation to highway matters, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 2.5 Although the site is located outside the settlement boundary of Tiverton, at its western edge it adjoins the settlement boundary. In terms of accessibility to local services and facilities, including public transport, the centre of Tiverton is circa 1.75km from the site and provides access to a wide range of everyday facilities including banks, a library, sports and leisure centre, a post office, multiple food stores and high street businesses. The nearest bus stop is within 100m from the western boundary of the site, providing half-hourly services to the Town Centre. The contingency site allocation (policy TIV13) identifies the need for walking and cycling enhancements.
- 2.6 The application is supported by a Transport Assessment (TA) which considers the impact of the development to the local highway network. It is proposed that the main access to the development would be achieved by widening the existing secondary access from Tidcombe Lane to a width of 5.5m to allow for two way traffic. Visibility splays of 2.4 x 43m are proposed, with a footway proposed across the site frontage and an additional uncontrolled pedestrian crossing to the south on Tidcombe Lane. The existing main access will be replaced by a 2m wide footway providing pedestrian access into the site. The scheme also proposes a Traffic Regulation Order (TRO) to close Tidcombe Bridge to all traffic except for refuse collection vehicles, buses and emergency services, this proposal arising to address Highway Authority concerns in relation to the previous application (20/01174/MOUT).
- 2.7 The TA estimates the development to generate 50 two-way vehicular movements in the AM peak hours and 52 two-way vehicular movements in the PM peak hours which, on average, equates to less than one additional trip onto the local road network every minute during the morning and evening peaks. These estimates are based on TRICS data and, as previously agreed with the Highway Authority. The capacity of the junctions at Tidcombe Lane/ Canal Hill and Old Road/ Great Western Way were modelled and assessed as part of the previous application. The assessment included a 2031 scenario including traffic arising from the Tiverton Eastern Urban Extension development and the proposed development at Tidcombe Hall (based on the application for 179 dwellings at that time). The Highway Authority were accepting of the analysis which indicated that both junctions would continue to work within theoretical capacity. Given the reduced number of dwellings proposed through this application, it is considered reasonable to conclude that the junctions would continue to operate within theoretical capacity, with additional reserve compared to the larger scheme which the Highway Authority did not raise any objections to.
- 2.8 The Highway Authority response to this application is set out in full above. It is noted that they accept the estimated trip rates. Furthermore they consider that the proposed TRO to restrict traffic across Tidcombe Bridge would remove around 110 existing daily trips and prevent their anticipated increase to 2000 daily trips over the bridge by 2032, arising from vehicles cutting through to the new A361 junction via the Tiverton EUE.
- 2.9 The Highway Authority have set out their requirements for a contribution of £30,000 per annum for three years to provide a 07:30 arrival at the Bus Station Monday - Friday, to connect with the 07:35 departure to Exeter, giving an 08:18 arrival. And to provide an 18:20 departure from the Bus Station Monday - Friday, to connect with the 17:35 from Exeter which arrives at 18:12. Furthermore, additional journeys from the Bus Station at

11:15 and 14:45 to fill the present gaps in service and make it half-hourly for most of the day. A contribution of £500 per dwelling is also sought towards Travel Plans and £2631 per dwelling towards the A361 junction scheme.

- 2.10 Overall, based on the submitted evidence base and consultation response received from the Highway Authority, it is considered that the proposed development would achieve a safe access to the transport network and is likely to enhance the attractiveness of sustainable travel opportunities in the immediate area. Whilst the proposed TRO would result in some inconvenience to existing road users it is not considered that the alternative routes would be unduly onerous or inconvenient such that the impacts to amenity of local residents would justify a reason for refusal. Therefore it is considered that the development in terms of the highway and air quality impacts is supportable in accordance with policy DM3.
- 2.11 Policy DM5 requires designs of new development to provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. The supporting information suggests that 183 spaces would be provided, albeit 40 of these are located within garages and car ports. The Council's adopted SPD on "Parking provision in new development" states that where garages or car ports are provided they will not count as parking spaces. On this basis the 143 remaining spaces are considered to be below the minimum requirements set out by DM5. However, as the layout is a reserved matter and not for approval at this stage, and having regard to the scope of the site it is considered that a policy compliant scheme could be achieved and therefore this is not considered to be a reasonable grounds for refusal at this stage.
- 2.12 In accordance with the requirements of policy DM3 the applicants have submitted an Air Quality Assessment report. The report found that there will be a negligible impact on vehicle related air pollutants in the vicinity of the site as a result of traffic from the built out development. Furthermore the proposal will not introduce any new receptors into a poor air quality area because this location does not have poor air quality. Cumulatively, the development would contribute to local emissions through additional vehicle movements and therefore, in accordance with the Council's adopted SPD, the development would need to implement mitigation measures to reduce emissions. It is expected that the development would incorporate provision for EV infrastructure to allow EV charging units to be fitted by occupants and all energy provision to be either from electric sources such as air source heat pumps or low NO₂ gas boilers. The details of these would be further considered at reserved matters stage. The construction activities would cause some impacts to air quality during that period, however this can be appropriately managed through mitigation measures that can be secured through a construction management plan. The Council's Public Health Team have reviewed the submission and have no concerns regarding air quality.

3.0 Impact on heritage assets

- 3.1 The northern part of the site is within the Grand Western Canal Conservation Area. Tidcombe Farmhouse is a Grade II listed building located at the eastern boundary of the site. The road bridge (Tidcombe Bridge) over the canal on Tidcombe Lane is grade

II listed. Knightshayes is grade I and its listed park and garden is II*. Tidcombe Hall itself is a non- designated heritage asset (NDHA).

3.2 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).*

3.3 Section 72 of this Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

3.4 Section 66 requires that the starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

3.5 The application site is considered to form part of the agrarian and rural landscape that positively contributes to the setting of the heritage assets, our experience and understanding of their significance. The impact to each of the relevant heritage assets is considered in more detail below.

3.6 Tidcombe Hall: a non-designated heritage asset, early 19th century with alterations, and is located within the Grand Western Canal conservation area. Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determination of an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Tidcombe Hall would originally have been built in the countryside and it is considered that the setting retains a predominately rural character albeit the town has since extended out towards it. The proposed

development is considered to have an adverse impact upon the setting of this non-designated heritage asset. As a result of the proposal, it would be experienced at the entrance to a new urban development and would share an access road. The introduction of built form in close proximity to the asset, which has historically occupied an isolated position, is considered to have an adverse urbanising effect to the character and appearance of Tidcombe Hall. Whilst the potential benefits of the proposal in restoring the building are noted, at this stage the details are unknown.

- 3.7 Grand Western Canal Conservation Area: The Conservation Area generally follows the line of the canal and towpath but also extends out to include some adjacent areas including the land around Tidcombe Hall. The historically open rural landscape positively contributes to the character and appearance of the Conservation Area, its setting and rural character. The experience of the conservation area is also gained from the tow path which is a well-used recreational facility designated as both a Country Park and a Local Nature Reserve. The part of the canal adjacent to the site is where it moves out of the town and into the countryside. The northern part of the site, within the Conservation Area, is shown on the illustrative plan to be parkland which, although suggesting less built form, would result in a fundamental change in land use and character. Furthermore, the proposed development of the site would result in prominent built form in close proximity to the Conservation Area and associated environmental impacts (light spill and noise) which would add to the urbanising effect. The courtyard housing proposed to the east of the hall itself, is located within the Conservation Area and would be visible from the canal towpath. The provision of the new access, through widening and alterations of the current relatively discreet secondary access in order to form the main access to the development is also considered to be harmful to the character and appearance of the Conservation Area. Overall, the proposed development is considered to result in less than substantial harm to the character and appearance of the Grand Western Canal Conservation Area and its setting.
- 3.8 Tidcombe Farmhouse: Grade II listed, immediately adjacent to east of site. The agricultural land within the application site is understood to share a historic ownership and functional association with Tidcombe Farmhouse. The proposed development would result in prominent built form in close proximity to the designated heritage asset and would result in a fundamental change to the character of the historically open agrarian land, which shares a functional association to the asset. The listed farmhouse has views across the site and could also be adversely impacted by light pollution, noise and disturbance. The proposed development would result in the urbanisation of the site and Tidcombe Farmhouse would be experienced as being upon the edge of a new urban development. The development is therefore considered to fail to preserve the setting of the grade II listed Tidcombe Farmhouse and would result in less than substantial harm to its significance.
- 3.9 Tidcombe Bridge: Grade II listed road bridge over the canal, located to the north west of the site. The application site is considered to make a limited contribution to our

understanding of the architectural or historic interest of the listed building and its significance. Therefore the proposed development is not considered to be harmful to this asset. However there is potential for harm to the significance through the erection of additional signage or highway improvements as a result of the development, the details of these should be agreed in order to preserve the special interest and significance of the asset.

- 3.10 Knightshayes Court, park and gardens: grade I listed building and grade II* registered park and gardens located 2.45km northwest of the site. "The setting of Knightshayes Park and Garden- a Historic Landscape Assessment" produced by the National Trust (2007) identifies that Tiverton forms part of the setting of the registered park and gardens. The view from Church Path is considered to be a historic view from Knightshayes. The assessment states that from Church Path the view stretches to Warnicombe and that the neighbouring gentry house, Tidcombe Hall, remains a notable feature in this view. Tidcombe Hall, Tidcombe Farm and Lower Warnicombe are still visible within this view.
- 3.11 The comments of Historic England in respect of the impact to Knightshayes Court and Gardens is set out in full above, in essence it is considered debatable how much of the housing would actually be visible from Knightshayes Park. The Council's Conservation Officer considered that the proposal would not result in an adverse impact to the significance of Knightshayes Court and how it is understood. However in light of the Historic England comments, the applicants have provided a copy of the relevant viewpoint overlaid with the red line area for the site to seek to demonstrate the extent of the development site and their view that development of the site itself will not have a significance adverse impact on Knightshayes Court. At the time of writing this report the Council is awaiting further comments from Historic England and members will be updated accordingly once received.
- 3.12 In terms of archaeology, archaeological investigations undertaken across the application area have demonstrated the localised presence of prehistoric and Romano-British archaeological features in the form of ditches and pits. DCC Historic Environment Team advise that the significance of these heritage assets is not considered sufficient to preclude development in those areas, however the impacts to archaeological resource on the site should be mitigated by a programme of archaeological work to investigate, record and analyse the archaeological evidence found on site. It is recommended that this is dealt with by way of a condition and on this basis it is considered that the impacts of the development to archaeological resources would be appropriately mitigated in accordance with DM25.
- 3.13 To summarise, it has been identified that the proposed development is considered to result in harm to designated and non-designated heritage assets as outlined in the assessment above. The proposals would fail to preserve the special interest of the

listed Tidcombe Farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the character and appearance of the Grand Western Canal Conservation Area and its setting, contrary to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. In the context of the NPPF and policy DM25, the harm that has been identified is considered to be “less than substantial”, this harm must be given considerable importance and weight. In accordance with the NPPF tests (paragraph 208) the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is considered further in the planning balance section below.

4.0 Landscape and visual impacts

- 4.1 Policy S9 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;
- a) High quality sustainable design which reinforces the character and distinctiveness of Mid Devon’s historic built environment, mitigates and adapts to climate change and creates attractive places;*
 - b) The efficient use and conservation of natural resources of land, water and energy, minimising pollution and preserving the quality and productivity of the best and most versatile agricultural land wherever possible;*
 - c) The provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk by applying a sequential test where appropriate, and avoiding an increase in flood risk elsewhere;*
 - d) Renewable energy development in locations where there is an acceptable local impact, including visual, on nearby residents, landscape character and wildlife, balanced with the wider sustainability benefits of renewable energy;*
 - e) The preservation and enhancement of the distinctive qualities of Mid Devon’s natural landscape, supporting opportunities identified within landscape character areas. Within the Blackdown Hills Area of Outstanding Natural Beauty, and within the setting of the Blackdown Hills Area of Outstanding Natural Beauty, and Exmoor and Dartmoor National Parks, the primary objective will be to protect the special qualities of that landscape and its setting;*
 - f) 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. If significant harm resulting from development cannot be avoided impacts should be adequately mitigated. Compensation measures will only be considered where appropriate as a last resort; and*
 - g) The preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance such as listed buildings, conservation areas, scheduled monuments and local heritage assets.*
- 4.2 The site is located in relatively close proximity to existing residential development at the edge of the town. Tidcombe Hall sits right at the edge of Tiverton and originally would have been located in the countryside. The boundary of the town is delineated by

the canal and Tidcombe Lane which provide a clear divide from the developed edge of the town and the countryside beyond. The site is located within landscape character type 3E (lowland plains) and 3a (upper farmed and wooded valley slopes) of the Mid Devon Landscape Character Assessment which describes this character type as a traditional Devon landscape. The northern part of the site is located in the lowland plains, the special qualities of this landscape are considered to be; highly fertile arable landscape contributing to the agrarian character of the district; notable estates and manor houses which have important visual relationships to the broader landscape and design vistas; wide open spaces with great landscape views; historic interest with archaeology and celtic settlements; roads follow land contours and complement natural features; valued hedgerows with mature hardwood trees in hedgebanks. The key qualities of the upper farmed and wooded valley slopes are; organic, textured, visually interesting landscape pattern; important ancient woodland and copses; secluded lanes with spares traffic traversing an undulating and often steep landscape; small scale historic settlements and farms; small, picturesque, archetypical 'Devon' farmland.

- 4.3 The application is outline only and the layout, scale, appearance and landscaping are reserved matters and therefore not for approval at this stage. The indicative layout demonstrates how the development could be accommodated on the site.
- 4.4 The application is supported by a Landscape and Visual Impact Assessment (LVIA) to assess the predicted effects of the development. The LVIA considers the baseline landscape assessment before considering the impacts within various key viewpoints. The summary points from the applicant's LVIA are that the site is relatively discreet, screened by topography and tree planting in the wider landscape; the mature trees and hedgerows which surround the site are typical of the local landscape character and will be preserved as far as possible as part of the new proposals; large parts of the site will be retained as open space and this will be coupled with new planting to provide a strong landscape setting for the proposed development; the quantum of development proposed does not detract from the picturesque wider landscape; while there will be some localised impacts overall provides an opportunity to deliver an exemplary scheme that relates well to its wider landscape setting; careful placement of buildings and open spaces within the scheme would preserve existing views in and out of the site to the wider countryside and enhance the setting of Tidcombe Hall.
- 4.5 The Council has obtained an independent review of the submitted LVIA conducted by Cornwall Environmental Consultants, the summary and conclusions of this review have been copied below;

1.3. The 19th century Tidcombe Hall and its designed gardens (a non-designated historic asset) have historically been set within a rural landscape which positively contributes to the Hall's setting, with a strong connection to the Grand Western Canal.

1.4. This review considers that the Development of the southern field as shown in the 'Illustrative Site Layout' to be beyond the strong defensible edge of Tiverton created by Tidcombe Lane and the Grand Western Canal. The development of this field for housing will introduce extensive built form into a rural landscape with no physical or visual connection to the settlement of Tiverton, creating adverse effects on landscape character and visual amenity. The visual separation of the Development from Tiverton is most clearly defined in views from the north where the Development would be viewed as an isolated housing development within rural farmland.

1.5. It is considered that the scale, density and layout of the Development in the southern field is more typical of an urban setting and not a rural location beyond the settlement edge. The settlement pattern in the landscape south of the Grand Western Canal on the rising slopes of the valley side takes the form of isolated farms, and small clusters of houses, therefore the proposed development does not reflect the rural landscape character.

1.6. The LVIA also does not comprehensively assess the visual impact of the Development from Tidcombe Lane, Craze Lowman, or the land to the north of Chevithorne. The field work to inform this review, has established that there are open and clear views of the site from each of these places.

1.7. The LVIA describes extensive new planting to mitigate adverse effects of the Development on landscape character and views. However, this review considers the proposed quantum of development to be too great to allow significant areas of tree planting within the development (rather than on its boundaries) to break up the overall massing of the Development. The proposed Illustrative Site Layout indicates new tree planting within the public realm and within rear gardens, however these trees are so close to the buildings that they could only be small tree species, rather than large canopy trees which will grow up between and above the houses to break up the overall massing of the development.

1.8. Existing trees on the site are considered of high landscape value, both those within the Medieval field boundaries and those planted within the grounds of Tidcombe Hall. In terms of landscape character, concern is raised regarding the potential loss of important trees, particularly to create the new site entrance.

- 4.6 Various concerns are raised with the methodology undertaken including the use of out of date images (taken in November 2018 and February 2019), omission of some viewpoints and lack of consideration of seasonal variation in leaf cover. Furthermore concern is raised with regard to the 'grading' given to judgements for landscape and visual value and susceptibility to change, sensitivity and magnitude of change being lower than would be expected, which in turn leads to lower overall levels of effect on landscape character and visual amenity. The review highlights eight viewpoints that it considers that the degree of effect has been assessed at a lower level than it should, these include from Knightshayes Estate, Chevithorne War Memorial, Craze Lowman, Newtes Hill, Lime Tree Mead and the Grand Western Canal towpath.
- 4.7 The independent review considers that there would be 'minor adverse' impact from Lime Tree Mead/ Cudmore Park, 'moderate adverse' impacts from Knightshayes Estate, Craze Lowman (public right of way to north of the hamlet), and Newtes Hill, and 'major adverse' impact from Chevithorne War Memorial (major/moderate) and three view points on the GWC Towpath. This is in addition to the moderate adverse impacts identified at Tidcombe Lane/ Tidcombe Bridge in the applicant's review. This range of viewpoints highlight the independent landscape architects view that the development would be harmful to the landscape in both long distance and more short range views of the site.
- 4.8 The application proposes to provide a new vehicular access from Tidcombe Lane, to the north of the existing opening, utilising an existing secondary gateway access. This would include widening of the existing access to provide a 5.5m road, re-alignment of the stone boundary retaining walls, provision of footways adjacent to Tidcombe Lane

across the site frontage. It is proposed that the existing access gate piers would be retained and would provide a pedestrian access to the site. Whilst it is accepted that the existing boundary walls require some repair/ rebuilding, it is considered that the design, siting and layout of the proposed access would result in harm to the visual amenity and character of the street scene.

- 4.9 The Council's Tree Officer has reviewed the application and has provided comments in respect of the initial application and following an onsite meeting with the applicant's tree consultant. It is also noted that since the planning application has been submitted, a conservation area tree notification/211 notice (reference 24/00732/CAT) was submitted for the removal of 3 lime trees (TG12, T912) and three beech trees (TG13, TF13.1). The beech trees, adjacent to the existing access (proposed to become the main vehicular access to the development) were implicated in the partial collapse of a retaining wall and were at risk of structural collapse. The lime trees, located slightly further into the site, were identified to have a decay fungal pathogen identified within their lower stems. In light of this, the removal of the notice was considered to be reasonable and the trees were not considered to merit protection by way of a tree preservation order. The loss of these trees is lessened by improving visibility of the larger, more significant trees in the grounds, however the tree officer recommends that some mitigation planting is provided within a landscape plan to be secured by condition.
- 4.10 The concerns in respect of the impacts to T165 (Lucombe Oak) and T171 (lime) are considered to be addressed by the proposed re-siting of the internal access road layout to avoid their root protection areas.
- 4.11 Overall the tree officer considers that the proposed loss of trees and hedgerow through the development will have a limited impact and can be mitigated by suitable replacement planting which can be secured by condition.
- 4.12 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services- including the economic benefits of the best and most versatile agricultural land, and of trees and woodland. The Mid Devon Local Plan (policies S1 and S9) also seek to make the most efficient use of natural resources and preserve the quality and productivity of best and most versatile agricultural land. The site is located on best and most versatile agricultural land, the Council's records indicate the site is nearly all grade 2 (very good quality) with a small slither at the southern boundary being grade 3a (good quality). Whilst the verification study submitted in respect of the previous application suggested that it may be more accurately assessed as a predominantly grade 3a and b (moderate quality), even in the applicant's previous assessment the northern most field was still mostly classified as grade 2. On this basis the proposal would result in the loss of some best and most versatile agricultural land, and it is noted that this land is outside of the TIV13. The loss of further best and most versatile land for development which falls outside the adopted development strategy is considered to result in some conflict with the NPPF and the aims of policies S1 and S9 in this regard.
- 4.13 To conclude on this aspect, it is considered that the development by virtue of its siting and scale is inappropriate in this landscape setting and would result in the loss of some

best and most versatile agricultural land. The harm to the character and appearance of the area contrary to policies S9 and S14 of the Mid Devon Local Plan 2013- 2033 with the harm to the quality of agricultural land being contrary to Policies S1 and S9.

5.0 Flood risk and drainage

- 5.1 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 through the provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk and avoiding an increase in flood risk elsewhere. Policy DM1 requires that designs of new development demonstrate appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance and connection of foul drainage to a mains sewer where possible.
- 5.2 The site is located entirely within flood zone 1 (lowest risk of flooding) and therefore is not considered that the development would be at significant risk of flooding from rivers or the sea. A localised area adjacent to the northern boundary is indicated to be at medium or high risk of flooding from surface water, this is where rural runoff will pond on-site, alongside the offside buffer strip for the canal.
- 5.3 Apart from the area immediately surrounding Tidcombe Hall, the site is largely formed of undeveloped agricultural land. It is understood that drainage from the existing developed area is conveyed to two drainage outfalls and then via ditches towards an existing culvert which back drops beneath the canal. The remainder of the site drains as a typical greenfield site with run off soaking into the ground and following natural topography towards the northern boundary. There is an existing ditch at the edge of the canal which intercepts this run off and backdrops it under the canal. This culvert emerges as an ordinary watercourse to the east of Rippon Close and then flows through the Tidcombe Fen.
- 5.4 Investigation of the ground conditions has confirmed that infiltration methods would not be viable on the site. The proposal is to utilise an attenuated system which would discharge to surface water. Hydraulic controls would be used to restrict the peak rates of discharge to greenfield rates and seek to provide a further 10% reduction to generate additional capacity within the downstream culverts. The hydraulic controls will also ensure that long term storage is being mobilised and discharged at no greater than 2 l/s/ha to mitigate the impacts of any increased volume of run off. Run off generated from the redevelopment of the Tidcombe Hall area (referred to as catchment A) will be conveyed to a new detention basin. Run off from the remainder of the development site will drain through adopted sewers to a conveyance swale situated along the eastern site boundary. The swale will use online check- dams and a raingarden for the treatment and mobilisation of surface runoff and to promote sedimentation. From the raingarden it will discharge to the detention basin. Outflow from the detention basin is proposed to be directed to a new attenuation pond which in turn will discharge to the existing ditch located within the offside buffer of the Grand Western Canal. The strategy safeguards against the upper end allowances for climate change (45%), and also provides an additional 10% allowance for urban creep applied to domestic properties. The scheme also proposes to include an area for a temporary bund (or permanent landscaped bund feature) to provide bunding for culvert de-silting purposes and

therefore facilitate future maintenance of the culvert under the canal.

- 5.5 The Lead Local Flood Authority have not raised any objections to the application and have further discussed the proposal with the applicant team such that their latest response (dated 6th June) confirms that the drainage proposals are justified. A condition would be necessary to require detailed drainage design including adoption and maintenance, details of drainage through construction period and a plan of exceedance flows.
- 5.6 It is proposed that foul drainage would connect to the mains system and two potential connection points have been established. An adoptable foul pumping station is proposed in the north east part of the site. South West Water have not raised any objection to the proposal and have confirmed that they do not expect there to be a need for local network reinforcement for this individual site but it will be included in any future assessments on the impact of growth on sewage pumping stations in the catchment. In this respect the proposal is considered to be acceptable in accordance with DM1.
- 5.7 Whilst the concerns in respect of flood risk are noted, having regard to the advice of the LLFA, it is considered that the proposal is not likely to raise any concerns in respect of flood risk and the drainage from the site can be managed to prevent increased risk of flooding elsewhere. Subject to detailed design of the drainage strategy, which can be secured by condition, it is not considered that the scheme is unlikely to result in any unacceptable impacts in terms of flood risk and drainage considerations.
- 5.8 The LLFA have requested, on behalf of the Grand Western Canal Advisory Committee, whether funding could be provided by the applicant for the upkeep of the siphon which the surface water will drain into. The applicant has confirmed that they are open to considering the request once the full amount is known. At this stage this matter has not been advanced given the recommendation for refusal, however should members be minded to recommend approval this could be explored further with the relevant parties provided that it is considered that the contribution meets the relevant CIL regulation tests.

6.0 Ecology and biodiversity net gain (BNG)

- 6.1 Paragraph 186 of the NPPF states:

“When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific

interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

- 6.2 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;
- 6.3 Policy S14 requires that development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside.
- 6.4 Policy DM26 states that major development proposals must demonstrate that green infrastructure will be incorporated into the site to provide biodiversity mitigation, resulting in a net gain in biodiversity. In respect of protected sites, DM28 states that:

Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or priority habitats defined under the UK and Devon Biodiversity Action Plans, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it.

Planning permission will be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;*
b) The development could not be located in an alternative, less harmful location; and
c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate.

- 6.5 The application is supported by an Ecological Impact Assessment (EclA). The Grand Western Canal Country Park (GWC) adjacent to the northern edge of the site is a local nature reserve and a county wildlife site. Tidcombe Fen located approximately 0.3km is a Site of Special Scientific Interest (SSSI). These designated sites could be affected by the development, particularly in terms of water quality and artificial lighting, noise and

dust (in the case of the GWC). In accordance with the consultation response from Natural England and the County Ecologist, it is considered that the likely impacts can be appropriately mitigated through conditions requiring a detailed SUDS scheme and a Construction Environmental Management Plan (CEMP).

- 6.6 The site itself contains a variety of priority and other habitats which are likely to be impacted by the development, including arable land, broadleaved trees, existing buildings, coniferous trees, hardstanding, hedgerows, poor, semi-improved grassland, running water, scrub, semi-natural broadleaved woodland, standing water and a wet ditch. In accordance with the advice from the County Ecologist, it is considered that the potential impacts can be appropriately managed through submission of a Construction Ecological Management Plan (CecoMP) and Landscape and Ecological Management Plan (LEMP) by condition, which should include measures such as protection for retained hedgerows and trees, sensitive lighting and post-construction management of new and retained habitats.
- 6.7 In terms of European protected species, bat roosts were recorded within Tidcombe Hall and adjacent outbuildings. The proposed conversion would result in the loss of day roosts for brown long-eared bats, common pipistrelle, soprano pipistrelle and lesser horseshoe bats. In addition, a transitional roost, and potentially a hibernation roost, for lesser horseshoe bats would be lost. The loss of hedgerow across the site would reduce the overall habitat connectivity which could affect commuting bats however the areas within the site which were considered to be most valuable for foraging and commuting bats would be retained. In accordance with the County Ecologist advice, it is considered that the impact to bats would be appropriately mitigated through conditions in respect of appropriate lighting, replacement roost provision, provision of bat boxes submission of a CEcoMP, LEMP and results of a hibernation survey. A European protected species license from Natural England would be required for the works as the consultant ecologist believes that an offence cannot be avoided, this is discussed further below.
- 6.8 Nine hazel dormouse nests (including 4 with dormice present) were recorded in test tubes within hedgerows on the site and therefore this species was assumed to be present in all suitable habitat. The removal of approximately 60 linear metres of species rich hedgerow and 0.13 hectares of dense scrub would lead to a reduction in dormouse habitat. The boundary hedgerows would be retained and enhanced which would maintain habitat connections between the site and suitable habitat in the wider landscape. Furthermore, the creation of new native scrub and species rich hedgerow planting would, once established, result in a net increase of dormouse habitat. Subject to conditions it is considered that the impacts to hazel dormouse would be appropriately mitigated.
- 6.9 Other protected and priority species identified on the site include nesting birds, reptiles, badgers, hedgehogs, amphibians, invertebrates and priority species of plants- bluebells. Site clearance and construction activities have potential to cause disturbance to nesting birds and conditions would be required to mitigate the likely impacts. The County Ecologist advises (as per the RSPB comments) that the number of integral bird boxes is increased to 100, the applicant has agreed to this in principle and this could be secured by condition. Similarly, it is considered that the likely impacts to badgers,

reptiles, hedgehogs, amphibians, invertebrates and priority plant species can be appropriately mitigated by conditions.

6.10 Some invasive plant species were noted on the site and could be spread as a result of construction activities, however it is considered that this risk can be appropriately managed through conditions.

6.11 It has been identified that the development would require European Protected Species License. Under The Conservation of Habitats and Species Regulations 2017, Mid Devon District Council, as the competent authority for the purposes determining this planning application, has a responsibility for applying the 'three tests' as set out in Section 55 of the Regulations to determine the likelihood of a license of being granted by Natural England.

6.12 The tests are as follows:

- the activity is for a certain purpose, for example it's in the public interest to build a new residential development
- there's no satisfactory alternative that will cause less harm to the species
- the development does not harm the long term conservation status of the species

6.13 An assessment of the scheme against these tests is set out below;

Imperative Reasons of Overriding Public Interest (IROPI)

The guidance provided by Natural England recognises that each development proposal is unique and impacts on protected species will vary considerably. In respect of this test, the regulations include those of a social or economic nature and beneficial consequences of primary importance for the environment.

The development falls outside the planned residential growth for the town and does not meet an identified housing need that is not expected to be met by the adopted local plan strategy. On this basis it is unlikely to be considered to satisfy the IROPI test. However if members were minded to grant planning permission, you may consider there are benefits of the scheme that may be considered to meet with the IROPI test.

No satisfactory alternative

In respect of bats it is considered that there are unlikely to be any alternatives to achieving the development of the Tidcombe Hall (and outbuildings) which generate the requirement for the license.

It is considered that, if the site is to be developed, the loss of some areas of hedgerow is likely to be unavoidable and therefore it is unlikely there would be any satisfactory alternative. The loss of hedgerow should be minimised through the detailed layout of the scheme if outline permission is granted.

No harm to the long term favourable status of conservation

The accompanying ecology report suggests mitigation measures to safeguard the long term conservation status of the species, on this basis it is considered that this test could be met and this view is confirmed by the County Ecologist.

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

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

In this case, the application is considered to be exempt from the statutory BNG requirements as it was validated prior to 12th February 2024, the date upon which BNG became mandatory for major applications. Notwithstanding this, it is noted that the development would secure some biodiversity gain of 1.49 habitat units and 1.63 hedgerow units and on this basis whilst less than 10% net gain, it is considered to positively address the requirements of policies S1, S9 and S14 in this regard.

7.0 Amenity and impact to neighbouring occupiers

- 7.1 The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM1 which sets out that new development should respect the privacy and amenity of neighbouring residents.
- 7.2 Given the degree of separation to neighbouring properties which could be possible given the size of the site it is not considered that the proposals would result in any significant overlooking of any occupier of a neighbouring property.
- 7.3 Whilst the layout, scale, landscaping and appearance of the development would be considered further at reserved matters stage, it is considered that an acceptable relationship could be achieved to maintain a suitable level of amenity for properties surrounding the site through appropriate siting and design of the proposed development.

8.0 Green infrastructure and public open space

- 8.1 Policy S5 requires developments of this size to make provision for play space, amenity/natural green space and allotments on site. On developments of this size, it is expected that financial contributions would be sought to deliver park, sport and recreation ground provision and teenage facilities off site, to be calculated in accordance with the council's Open Space and Play Area Strategy. Play space, amenity/ natural green space and allotments are generally expected to be provided on site for a development of this size.

- 8.2 The application states that the development would provide “a very good sized series of open spaces that adopt a naturalist and informal approach to mitigate an impact from the development of the site on the natural characteristics of the area”. The illustrative masterplan indicates that the northern most part of the site would provide a public open space comprising a parkland landscape adjacent to the Grand Western Canal. It is unclear if the ‘community orchard/ growing areas’ are intended to be allotments per se, however whilst it is likely that there is sufficient space on site to accommodate the policy requirement for allotments, consideration would need to be given to the impacts to character and visual amenity arising from this, dependent on their siting. Similarly, there is no clear provision for play space but it is likely that there would be sufficient space on site to accommodate this.
- 8.3 It is considered that the application proposal could provide, subject to detailed considerations in respect of the site layout, appropriate public open space on site to address the requirements of policy S5. At this stage it is not clear how provision for ‘park, sport and recreation ground’ and ‘teenage facilities’ would be met. Policy S5 sets out that provision for these types would normally be provided off site for a development of this scale and on this basis, a financial contribution would be required to secure off site provision of park, sport and recreation ground provision and teenage facilities in accordance with policy S5 and the Open Space and Play Area Strategy. At this stage the financial contribution has not been secured or agreed. In the event that members are minded to recommend approval of the application, and if a suitable project for public open space is identified in accordance with the Council’s S106 governance arrangements, then this could be secured through a legal agreement.

9.0 Other issues; planning obligations, waste management, human rights

- 9.1 Education: DCC as the Education Authority have requested financial contributions to provide additional infrastructure to increase the capacity of secondary school infrastructure at Tiverton High School in order to meet the increased demand from the development in accordance with the Education Infrastructure Plan 2016- 2033 and DCC’s Education Approach for Securing Developer Contributions (Dec 2021). The total contribution sought is £77, 682.
- 9.2 NHS contributions regarding specific infrastructure: NHS Devon Integrated Care Board have submitted a consultation response which has identified that the development would place additional demand on the two closest GP surgeries Amicus House- Clare House Surgery and Castle Place Practise. These medical centres providing primary care are up to capacity and both practises are lacking in clinical and administration space. Both surgeries have projects in line to expand capacity (through renting additional space or reconfiguration of the existing facilities). The response identifies that the development would increase the population and their expected patient list by 233 people, based on an average dwellings size of 2.33. A contribution of £58,341 is sought based on expected sqm per patient for practises of this size= 0.07sqm, calculated in accordance with the Devon Health Contributions Approach: GP Provision document.
- 9.3 If members are minded to recommend approval these contributions could be secured through a S106 agreement provided that it is considered that the contributions meet the

tests as set out under the CIL Regulation 122 and 123 legislation which states that planning obligations must:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonable related in scale and kind to the development.

- 9.4 Waste management: The supporting text of policy S1 sets out that development proposals must accord with sustainable waste management principles in accordance with Policy W4 of the Devon Waste Plan. The application is supported by a waste management plan which identifies the management of waste in accordance with the waste hierarchy and outlines measures to avoid waste occurring at construction and operational stages. DCC Waste Planning Officers have commented on the application and have not raised any objections to the application subject to a pre-commencement condition for an updated waste management plan to be submitted reflecting the detailed design of the scheme. Should members decide to approve the application, a condition can be added accordingly.
- 9.5 Human Rights: 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.

10.0 Planning balance/ summary

- 10.1 The application site is located outside the settlement boundary of Tiverton and within the countryside. Policy S14 of the Mid Devon Local Plan 2013-2033 requires development outside settlement limits to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The scale and nature of the proposed residential development would not be permitted in accordance with criteria a) of S14. The site partly falls within the area of land allocated as a contingency site by policy TIV13. The Council considers it is able to demonstrate a five year housing land supply. The delivery of housing across the district is considered to be in excess of the action levels identified by policy S4 such that the release of the contingency site and the additional site area outside the allocation for the proposed residential development is considered to conflict with the adopted development plan strategy. Furthermore, under Policy S14, the application does not propose 100% affordable housing.
- 10.2 The proposal would likely have some public benefits including the provision of some affordable housing, net gains to biodiversity and some employment within the construction industry. However given the conflict with the development strategy and adopted local plan, it is considered that these can be offered limited weight. The harm that has been identified to heritage assets is not considered to be outweighed by any public benefits of the scheme.

10.3 It is your officer's view that planning permission should be refused for the reasons set out below.

REASONS FOR REFUSAL

1. The application site is located outside the settlement boundary of Tiverton and within the countryside. Policy S14 of the Mid Devon Local Plan 2013-2033 requires development outside settlement limits to preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The scale and nature of the proposed residential development would not be permitted in accordance with criteria a) of Policy S14. The proposal also conflicts with the remaining criteria of Policy S14. The site partly falls within the area of land identified as a contingency site by Policy TIV13. The Council considers it is able to demonstrate a five year housing land supply. The delivery of housing across the district is considered to be in excess of the action levels identified by Policy S4 such that the release of the contingency site and the additional site area outside the allocation for the proposed residential development is considered to conflict with the adopted development plan strategy. It is not considered that there are any material considerations that could be offered sufficient weight to overcome the adopted local plan position, the proposal is considered to conflict with Policies S1, S4, S10, S14 and TIV13 of the Mid Devon Local Plan 2013- 2033.
2. In the opinion of the Local Planning Authority, the proposed development would result in harm to the character, appearance, setting and significance of the Grand Western Canal Conservation Area and Tidcombe Farm (grade II listed). The proposal would also result in harm to the setting of Tidcombe Hall, a non-designated heritage asset. The less than substantial harm that has been identified is not considered to be outweighed by public benefits of the scheme. On this basis it is considered that the proposal conflicts with the statutory duty to have special regard to preserving or enhancing conservation areas and to the desirability of preserving listed buildings and their settings. The proposal does not accord with policies S1, S9, DM1 and DM25 of the Mid Devon Local Plan 2013-2033 in respect of heritage assets or government advice in the National Planning Policy Framework.
3. In the opinion of the local planning authority the proposed development, including the provision of the proposed access, is likely to result in harm to the character and appearance of the area. The scale and siting of the development is considered to be inappropriate in this landscape setting and would result in the loss of best and most versatile agricultural land. On this basis it is considered that the proposal would fail to preserve the character and appearance of the countryside or to preserve Mid Devon's cultural and historic environment contrary to the requirements of policies S1, S9 and S14 of the Mid Devon Local Plan 2013-2033.
4. The provision of 100 dwellings on the site would result in requirements for 30% affordable housing, 5% self-build dwellings, a financial contribution to education infrastructure, health care services and off-site public open space (where not provided on site). There is no legal agreement to secure the provision of these matters and therefore the development is considered to be contrary to policies S3, S5, S8 and TIV15 of the Mid Devon Local Plan 2013- 2033 and the National Planning Policy Framework.

INFORMATIVES

1. **Biodiversity Net Gain**

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

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

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

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

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

- The application for planning permission was made before 12 February 2024.

Application No. 24/00814/FULL

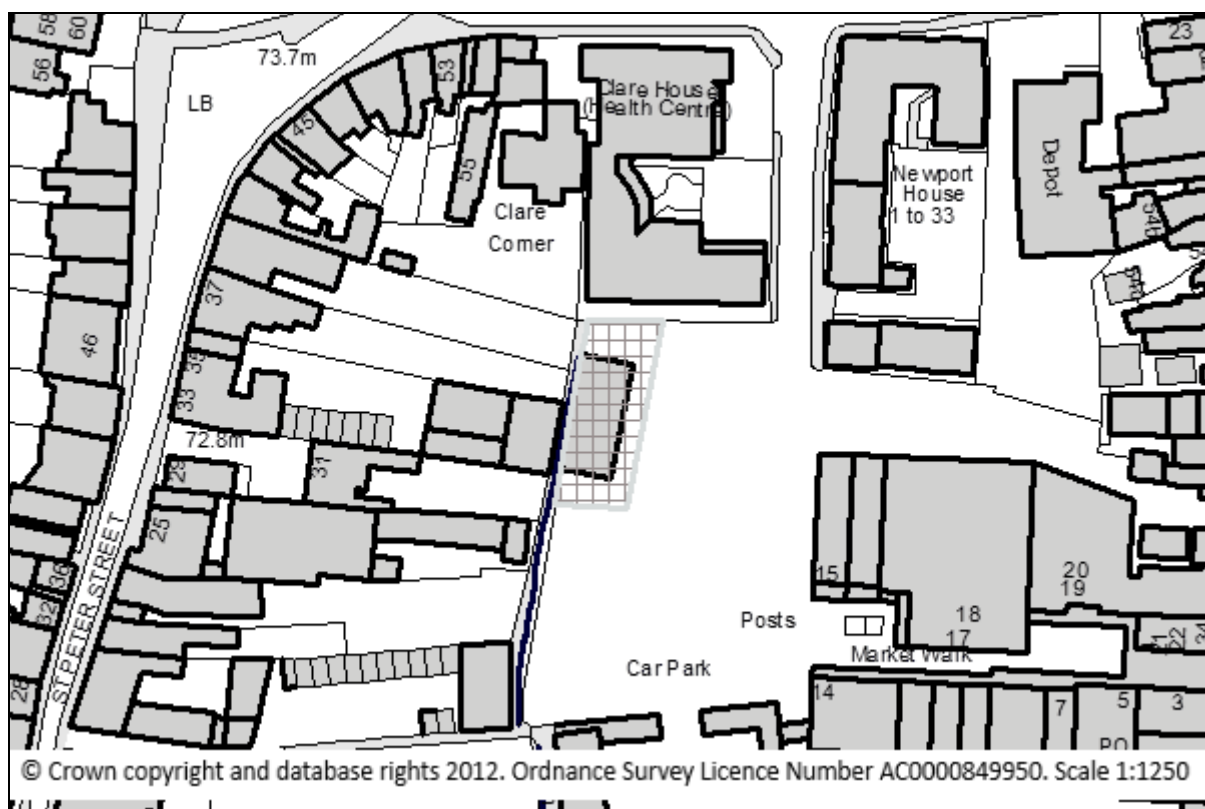
Grid Ref: 295480 : 112723

Applicant: Mrs Claire Parker, Mid Devon District Council

Location: Former Drop In Centre
Newport Street
Tiverton
Devon

Proposal: Change of use from F2 (community use) to Eg(i) Offices to include creation of outside seating area

Date Valid: 12th June 2024



APPLICATION NO: 24/00814/FULL

Application by Mid Devon District Council

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use from Use Class F2 (community use) to Use Class Eg(i) (offices to carry out any operational or administrative functions). The proposal includes the creation of an outside seating area which would result in the loss of 4 parking spaces in the Market Car Park. No alterations would be made to the building.

APPLICANT'S SUPPORTING INFORMATION

Application form
Site location plan
Block plan
Supporting statement
Further supporting statement

RELEVANT PLANNING HISTORY

94/01909/FULL - PERMIT date 17th January 1995
Change of use and alteration of existing building to form Youth Centre
98/00126/FULL - PERMIT date 21st May 1998
Renewal, on a permanent basis, of existing temporary consent 4/52/94/1909 for the use of building as a Youth Centre and retention of associated alterations to the building
01/00640/FULL - PERMIT date 29th May 2001
External alterations to install fire door and insert two windows
03/00589/FULL - PERMIT date 3rd June 2004
Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 - 2033

S1 Sustainable development priorities
S6 Employment
S7 Town centres
S10 Tiverton
DM5 Parking
DM14 Town centre development
DM23 Community facilities
DM25 Development affecting heritage assets

Tiverton Neighbourhood Plan 2020 - 2033

T14 Cultural and community venues
T17 Flexible workspaces

National Planning Policy Framework

CONSULTATIONS

TIVERTON TOWN COUNCIL – 2 July 2024

Tiverton Town Council feels that if this application is passed it will result in the loss of a community asset which would be detrimental to the local area. The Market Car Park can be very busy on certain days and the proposed seating area would result in the loss of car parking spaces. The Town Council therefore is unable to support this application.

MDDC ENVIRONMENT & ENFORCEMENT MANAGER – 8 July 2024

As Environment and Enforcement Manager overseeing the car parking for the area I have no objections to this. I have visited the site to assess potential impacts, of which I do not feel there will be any.

HIGHWAY AUTHORITY – 13 June 2024

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.

PUBLIC HEALTH – 27 June 2024

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

SOUTH WEST WATER – 19 June 2024

No comment.

REPRESENTATIONS

This planning application has been advertised by means of a site notice, 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.

As at the date of this report, no representations were received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of change of use**
- 2. Loss of car parking spaces**
- 3. Impacts on the visual amenity of the area and heritage assets**

1. Principle of change of use

Policy S1 of the Mid Devon Local Plan seeks to build a strong, competitive economy through access to jobs, the creation of new enterprise and flexibility of uses to respond to changing circumstances. Policy S6 seeks to meet the employment needs of the community through the development of range of employment-generating uses including offices. Policies S7 and S10 seek to promote offices and other key town centre uses which contribute to its vitality and viability.

Policy DM14 of the Mid Devon Local Plan seeks to promote the sustainable growth and regeneration of Tiverton. Within the town centre, development proposals for main town centre uses will be supported where they retain or enhance the town centre's historic character and appearance, vitality and viability and sustain or enhance diverse town centre uses and customer choice.

Policy DM23 states that proposals involving the loss of community facilities such as cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.

Policy T14 of the Tiverton Neighbourhood Plan states that proposals for a change of use that would result in the loss of cultural and community facilities will only be supported if alternative and equivalent facilities are provided or where there is evidence to prove that the facility is no longer required or that it is no longer viable. Policy T17 states that proposals to provide incubator/start-up business space on flexible terms will be supported, subject to specific site and traffic assessments, including through conversion of existing buildings in the town centre.

Supporting information has been provided to demonstrate that the change of use would not result in a loss of a community facility that would damage Tiverton's ability to meet the needs of the community for such uses. The building was previously a youth centre and that use ceased in 2018. Since then, the building was used as a community hub between 2020 and 2022, but has otherwise been vacant.

The applicant has not formally marketed the building with a letting agent, but has carried out market research and a feasibility study to understand its potential to support Tiverton's economy and community. The research included an online survey and drop in event. The survey had 69 responses and revealed a positive response to change of use as a work hub and a strong demand for a work hub in this location. The survey found 13 people potentially wanting their own office, 21 their own reserved desk and 29 to become members with 24/7 access.

Since the building became vacant in 2022, nine enquiries were received for various uses including a craft hub and café, healthcare provision, dance studio, storage, furniture retail and craft workshops, fitness studio, gym, and a therapy room. One enquiry was received for change of use of the building to a special educational needs day centre but the applicant understands that Devon County Council intend this use to be incorporated into a new children's centre in Tiverton (location to be confirmed).

The applicant has also provided a list of 36 existing venues providing community uses within the town, most of which have capacity for further use.

The rationale for the change of use set out in the supporting information is to provide flexible workspace to encourage increased levels of business start-up and entrepreneurship whilst also

supporting businesses in terms of opportunities for collaboration and co-location, supporting their long term viability and survival rate. The building would also support home working by offering access to equipment not readily available in most home offices. The town centre location with nearby amenities would make it easy to access with the potential for its users to support other local businesses.

Whilst the change of use would result in the loss of a community facility, there is sufficient capacity at other venues within the town to absorb any potential future demand for community space. The building has been vacant since 2022 and whilst some enquiries have been made, these are generally for uses falling within Use Class E anyway. The policy set out in the Local Plan and Tiverton Neighbourhood Plan in respect of loss of community facilities are considered to be met.

The demand for shared office space within the town has been demonstrated through the online survey and the provision of flexible work space is supported by policies in the Local Plan and Tiverton Neighbourhood Plan.

Whilst the Town Council does not support the application, the change of use does meet the relevant policy requirements. On balance, the change of use to offices to be used as flexible work space is considered to be acceptable.

2. Parking

Policy S1 of the Mid Devon Local Plan seeks to promote sustainable transport by delivering appropriate infrastructure to support sustainable travel such as walking and cycling, reducing the need to travel by car. Policy DM5 states that development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport. For office use, car parking standards are set at 1 space per 30 square metres of floor space and 1 cycle parking space per 300 square metres of floor space. The gross internal floor area of the building is 142 square metres.

No additional parking spaces are being provided, however, the town centre location should be taken into account with the easy accessibility of the site encouraging walking and cycling rather than car use. The Market car park is adjacent to the site. There is cycle parking within the Market car park, opposite the site, as well as covered cycle parking within one of the Market buildings. It is also proposed to include secure cycle and e-bike parking within the outside seating area, but no details of this are included. Whilst the floor space of the building is below the threshold for providing cycle parking, the provision of cycle parking would increase the sustainability of the site and promote cycling. It is recommended that details are conditioned for approval.

The Town Council does not support the loss of the 4 parking spaces in the car park. To support the application, the applicant has contacted the parking services team at MDDC who stated that whilst they do not hold specific data on the occupancy levels of the car park, the car park is not often at capacity and the loss of four spaces is unlikely to have any significant impact on user availability. MDDC's Environment and Enforcement Manager has responded to the application and has no objections.

The application is considered to comply with the requirements of policy S1, and whilst it does not meet the car parking standards set by DM5, the policy does allow variation from the standards if justified on a case by case basis. Taking into account the town centre location adjacent to an existing public car park, and the proposed provision of additional cycle and e-bike parking to promote sustainable travel, it is considered that these are material considerations that justify variation from the parking standards set by DM5. No change is proposed to the existing vehicular access to the site with no impact on highway safety.

3. Impacts on the visual amenity of the area and heritage assets

Policy DM1 of the Mid Devon Local Plan requires high quality design that makes a positive contribution to local character. Policy DM25 seeks to protect heritage assets.

Policy T4 of the Tiverton Neighbourhood Plan requires that development makes a positive contribution to the character of the area and seeks to protect heritage assets in line with national planning policy.

There are no changes proposed to the building itself, however, a seating area is to be provided outside. No details have been provided of any boundary treatments so it is recommended that these are conditioned to be submitted for approval. As such, the proposal is not considered to be detrimental to the visual amenities of the area.

The market hall and several other buildings in the vicinity of the site are listed and the site is within the Tiverton conservation area. No changes are proposed to the building itself and the only external change is the provision of a seating area. Subject to details being conditioned in respect of boundary treatments, the development is not considered to harm any heritage assets.

The development is therefore considered to comply with policies DM1 and DM25 of the Mid Devon Local Plan and T4 of the Tiverton Neighbourhood Plan with respect to impacts on visual amenities and heritage assets.

4. Conclusion

Taking the above matters into consideration, the proposed change of use is considered to be acceptable and to comply with the relevant policies, with the exception of policy DM5 of the Mid Devon Local Plan where the proposal does not fully comply with the parking standards set by the policy but a variation of the standards can be justified. Your officer's recommendation is for approval, subject to the conditions set out below.

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. Before their provision on site, details of any boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Only such approved boundary treatments shall be provided on the site.
4. The development hereby permitted shall not be brought into its approved use until the proposed cycle and e-bike parking provision has been provided in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

5. Before its provision on the site, details of the seating area, including the layout and any structures and landscaping to be provided on the site, shall be submitted to and approved in writing by the Local Planning Authority. Only such approved details shall be provided.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt as the development hereby proposed and in the interests of proper planning.
3. In the interests of the visual amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.
4. In the interests of encouraging sustainable modes of transport to the site in accordance with policy S1 of the Mid Devon Local Plan 2013-2033.
5. In the interests of the visual amenity of the area in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

BNG – Biodiversity Net Gain

The permission which has been granted is for development which is exempt being:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

REASON FOR APPROVAL OF PERMISSION

The proposal is considered to be acceptable in that the change of use of the building would not harm the ability of Tiverton to provide for its community use needs. The building has been vacant since 2022 and no alternative community use has been secured. The provision of flexible work space in the form of offices within a work hub is considered to be a suitable alternative use for the building and demand for this use within the community has been demonstrated. The proposal does not fully comply with the parking standards set by policy DM5 of the Mid Devon Local Plan. However, the site is within the town centre in a sustainable location and whilst no car parking is proposed and would result in the loss of 4 public car parking spaces, the accessible location and provision of additional secure cycle and e-bike parking is considered to make the development acceptable. Subject to details of boundary treatments and the outside seating area being approved, the development is not considered to harm the visual amenities of the area or any heritage assets. The proposal is considered to comply with policies S1, S6, S7, S10, DM1, DM14, DM23 and DM25 of the Mid Devon Local Plan 2013-2033 and T14 and T17 of the Tiverton Neighbourhood Plan 2020-2033.

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