

PLANNING COMMITTEE AGENDA - 11th June 2025

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	25/00382/FULL - Change of use from highway to car park at Land at NGR 283208 100428, Car Park, Market Street. RECOMMENDATION Grant permission subject to conditions
02.	25/00366/MFUL - Demolition of existing dwellings to provide 14 affordable dwellings with associated parking, landscaping and associated works at 30-44 Beech Road, Tiverton, Devon. RECOMMENDATION Grant permission subject to conditions
03.	25/00386/FULL - Installation of external heat pump systems and enclosures at Culm Valley Sports Centre, Meadow Lane, Cullompton. RECOMMENDATION Grant permission subject to conditions
04.	25/00346/PIP - Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings at Land at NGR 310051 113426, North of Uffculme Road, Culmstock. RECOMMENDATION Grant permission.

Application No. 25/00382/FULL

Grid Ref: 283222 : 100439

Applicant: Mr Steve Densham, Mid Devon District Council

Location: Land at NGR 283208 100428
Car Park
Market Street
Credition

Proposal: Change of use from highway to car park

Date Valid: 19th March 2025



APPLICATION NO: 25/00382/FULL

Site Visit: Yes Date of Site Visit: 24th March 2025

MEMBER CALL-IN

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

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The application seeks planning permission for a change of use from highway to car park on Land at NGR 283208 100428 Car Park, Market Street, Crediton. The site is located within the settlement limits of Crediton, being within the Town Centre boundary and adjacent to the Conservation Area.

Mid Devon Council have been operating a car park off Market Street for more than 20 years. Within the triangular area of land contained within the red edge shown on the location plan submitted, the main part of this land is currently used for parking whereas the remaining area to the western side is pedestrian access (highway) into the car park and to the neighbouring property, separated from the car park by a post and rail fence. The Council having installed EV chargers on the car park have found that this area within the red edge to be highway maintainable at public expense (HMPE). As such, this has created problems with the lease, wayleaves, cabling etc. As such, there is a need for the highway to be stopped up, and the decision for stopping up is one for Department for Transport. The route being pursued for stopping up (via a planning consent for a change of use) is as suggested as an alternative to the more expensive direct route by the County Solicitor. Retrospective stopping up is not sought just stopping up from date of planning consent.

APPLICANT'S SUPPORTING INFORMATION

Application Form,
Site Location Plan,
Block Plan,
Devon BNG Statement for Validation

RELEVANT PLANNING HISTORY

90/02240/FULL - DEMCON date 11th March 1991 DEEMED CONSENT for use of site for stationing of transportable tourist information centre

90/02331/FULL - WD date 15th March 1991 Use of site for stationing of transportable Tourist Information Centre

96/00315/FULL - PERMIT date 19th April 1996 Renewal of planning permission reference number 4/18/90/2240 for the use of site for stationing of transportable tourist information centre

03/05212/OUT - PERMIT date 23rd December 2003 Outline application for the development of site for the following uses: Residential (C3), Retail (A1), Commercial (A2) and Restaurant (A3 use)

06/01414/FULL - REFUSE date 21st August 2006 Erection of 2 no. 1 bed flats over new public conveniences

06/02124/FULL - PERMIT date 13th December 2006 Erection of 2 single bedroom units over new public conveniences

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 Sustainable development priorities
S9 Environment
S12 Crediton
DM1 High quality design
DM3 Transport and air quality
DM5 Parking
DM25 Development affecting heritage assets

Crediton Neighbourhood Plan 2018 to 2033

D1 Development Principles
D5 Design
TC1 Town Centre Development
T4 Off Street Parking
H1 Historic Character
H2 Historic Landscape Character
H3 Development within Crediton Conservation Area

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

Crediton Town Council – 3rd April 2025

Recommend no objection.

Highway Authority – 16th April 2025

Observations: In principle Devon County Council has no objection the change of use from highway to car park taking place as it would appear this change has been in place for many years from at least March 2009 when looking through historic images of the area.

To formally stop up the area so that it is no longer Highway Maintainable at Public Expense the applicant will need to apply to the highway authority to stop up the highway via Section 116 of the Highways Act 1980. This is because the applicant will not be able to use the highway stopping up process Section 247 of the Town and County Planning act as the change has already occurred some years ago and Section 247 cannot be used retrospectively.

Pedestrian access to 2 Gardencroft should be maintained within any stopping up request.

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

1. Within 3 months of permission received the applicant shall apply to the Highway Authority for permission to stop up the highway.

South West Water – 26th March 2025

South West Water has 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.

No letters of representation were received

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy, procedure and principle of development
2. Impact upon character of the area and neighbourhood amenity
3. Highway safety and parking
4. Flood risk
5. Ecology
6. Impact upon the conservation area

1. Policy, procedure and principle of development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework [the Framework], is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The Mid Devon Local Plan 2013-2033 takes priority in decision making. The site is located within the settlement limit of Crediton, being located within the town centre, and as such, Policies S1 and S12 and of the Local Plan apply. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S12 (Crediton) outlines that Crediton will continue to develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the

existing retail provision. This policy supports the economic regeneration of the town centre, including the provision of new homes, commercial development, cultural facilities and other key town centre uses which support the town centre's viability and vitality. Particular support will be given for proposals which improve the quantity and quality of existing retail provision within the town centre.

1.3 Policy D1 (Development principles) of the Crediton Neighbourhood Plan 2018-2033 outlines that achieving sustainable development is at the heart of the Crediton Neighbourhood Plan. New development in Crediton will be supported, subject to other policies in the development plan, where it can be demonstrated that the development is:

- Appropriately located for its purpose and is well-connected to the town centre by sustainable transport means.
- The development contributes to protecting and enhancing our natural, built and historic environment.
- The development makes effective use of land, delivers biodiversity net gain and wherever possible, includes proposals that contribute to the Devon Biodiversity Action Plan.
- The development takes into account the effects of climate change and the plans show what has been included that will help to mitigate and adapt to these changes.

1.4 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.

1.5 The proposal seeks to stop up highway land and formally change the use of the land to car park with the area in question containing a pedestrian access into the car park and a neighbouring property and partly one existing car parking space. The principle of the change of use is considered to be acceptable, being in accordance with the above policies, with part of the site within the red edge of the location plan having been used for parking for a considerable amount of time. The facility for parking in this location with electric vehicle charging facilities support the commercial uses within the town centre. The application is before planning committee due to Mid Devon District Council being the applicant for this application.

2. Impact upon character of the area and neighbourhood amenity

2.1 Policy DM1 of the Local Plan seeks to ensure high quality design according to a number of principles, including ensuring development makes an efficient use of a site and creates safe, accessible and visually attractive places. The policy also seeks to avoid adverse neighbourhood amenity impacts.

2.2 The site currently forms part of the existing car park and falls within a relatively built up area, close to commercial and residential properties in this town centre location. No physical changes are proposed to the area so it is considered that there will be no impact on amenity and the character and appearance of the area remaining unaltered. Overall, it is considered that the proposed development complies with Policy DM1 of the Local Plan.

3. Highway safety and parking

3.1 Policy DM1 of the Mid Devon Local Plan states that new development should be safe and accessible based upon and demonstrating the principle of creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.

In addition to these policies, any proposal must not adversely affect the safe functioning of the highway in line with policy DM3 (Transport and air quality) of the Mid Devon Local Plan 2013-2033.

- 3.2 The site is accessed from Market Street with the car park already in existence. The County Highway Authority has no objections to the proposal, being of the views that the works have taken place sometime ago and therefore their only condition recommended is that the applicant shall apply to the Highway Authority for permission to stop up the highway within 3 months of the date of the planning permission. On the matter of whether this represents a retrospective application, whilst part of the land within the red edge is utilised as parking, there is an area behind a metal rail, which is not being used as car park, albeit it provides a pedestrian access to the neighbouring property and into the car park. As such, this planning permission would represent a change of use of this area to formally become part of the car park, albeit remaining access to the neighbouring property. This would then appear to allow for the highway stopping up process through Section 247 of the Town and County Planning act as the change of use of this area has not already occurred technically, still being highway land.
- 3.3 A planning permission would not result in the need to alter the access arrangements, only that it would become officially part of the car park. Overall, the proposal is considered appropriate and no concerns have arisen relating to highway safety.

4. Flood risk

- 4.1 The application site is located within Flood Zone 1 which represents a low probability of flooding from rivers and other sources. The area is already hardstanding with no proposal to alter the surface materials. As such it is not considered that the proposal will lead to a significant increase in terms of flood risk in the area, in accordance with Policies S9 and DM1 of the Local Plan.

5. Ecology

- 5.1 The proposal will see no loss of ecological habitat, with the area already being hardstanding. As such there would be no further requirement to provide a 10% biodiversity net gain (BNG) in line with legislation, as this proposal would be exempt as de minimis, not impacting upon 25sqm of habitat.

6. Impacts upon conservation area

- 6.1 The application site is located adjacent to the Conservation Area, close to listed buildings sited surrounding the town square. The Council have a statutory duty 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' (section 66 of the LB Act) and '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' (section 72 of the LB Act).
- 6.2 Policy DM25 - Development affecting heritage assets states that Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:
- a) Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;*
 - b) Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;*

- c) Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;*
- d) Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and*
- e) Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).*

6.3 As there are no proposals for physical works to change surface materials or boundary treatments, the proposal is not considered to impact upon the character and appearance of the conservation area or the setting of nearby listed buildings, in accordance with Policy DM25 of the Local Plan.

6.4 Therefore, officers recommend that the proposal complies with policies within the Local Plan and NPPF, and permission should be granted.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Within 3 months of the date of permission received, the applicant shall apply to the Highway Authority for permission to stop up the highway.
3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to establish a timeframe for applying for the stopping up order and for the works to be implemented.
3. For the avoidance of doubt in the interests of proper planning.

BNG – Biodiversity Net Gain

Is BNG Required? No

Is a S106 agreement required? No

Subject to the de minimis exemption

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. 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 are considered to apply.

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 proposed change of use from highway to car park on land at NGR 283208 100428 Car Park, Market Street, Crediton is considered acceptable in policy terms. The proposal has been submitted in order to enable the highway to be stopped up. The proposal does not adversely impact the character of the area or local highway network. There will be no significant increase in flood risk, and no impacts are believed to arise in relation to ecology and biodiversity. The proposal is therefore considered to be acceptable and in accordance with policies S1, S9, S12, DM1 and DM25 of the Mid Devon Local Plan 2013-2033, the Crediton Neighbourhood Plan 2018-2033 and guidance in 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. 25/00366/MFUL

Grid Ref: 296450 : 113492

Applicant: Mr Mike Lowman, Mid Devon District Council

Location: 30-44 Beech Road
Tiverton
Devon
EX16 6HW

Proposal: Demolition of existing dwellings to provide 14 affordable dwellings with associated parking, landscaping and associated works

Date Valid: 17th March 2025



APPLICATION NO: 25/00366/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 housing stock.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

This application is for the erection of 14 affordable dwellings following demolition of 8 existing end of life 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 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 the north side of Beech Road, opposite the junction with Chestnut Road, and backing onto Beech Road allotments. The site currently comprising the 8 existing dwellings, made up of 2 pairs of semi-detached houses, each split into ground and first floor flats.

The existing dwellings are two storey units finished with pebble-dashed render at ground floor level and brown tile mansard roofs, which is the prevalent style in the local vicinity. It is proposed to demolish this block of 8 dwellings and replace with 14 new homes, comprising 2 separate blocks. Block A is to include two 2 bed 4 person and one 1 bed 2 person flats at both ground and first floor level (6 units in total), and Block B will contain two 2 bed 4 person and two 1 bed 2 person flats at both ground and first floor level (8 units in total). Each property will have its own terrace or balcony to the front of the site, as well as access to communal outdoors landscaped areas, which will also contain individual bin stores and cycle storage. A palette of materials is proposed comprising rendered finish at ground level and metal standing seam external cladding at first floor and to the roof. 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, with the 1 bedroom flats having a floor area of approximately 54 square metres and the 2 bedroom flats having a floor area of approximately 70 square metres. All bedrooms are proposed to have a floor area of between 11.8 and 13.8 square metres and dedicated storage space will be provided in line with the Nationally Described Space Standard requirements.

APPLICANT'S SUPPORTING INFORMATION

Completed application form, Plans, Planning and Affordable Housing Statement, Design and Access Statement, Arboricultural Survey, Flood Risk Assessment and Drainage Strategy, Ground Investigation Desk Study, Wildlife Trigger Table, Preliminary Roost Assessment and Preliminary Ecological Appraisal, Energy Assessment, Site Waste Audit Statement, Groundwise Utility Report,

Heritage Technical Note, Heritage Assessment, Transport Statement, Biodiversity Net Gain Assessment, Biodiversity Metric, Climate Emergency Check List, Arboricultural Impact Assessment and Tree Protection Plan.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

OTHER HISTORY

23/00126/FULL - PERCON date 11th April 2024

Erection of 8 affordable dwellings following demolition of 4 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works (2-8 Beech Road)

23/00129/MFUL - PERCON date 15th May 2024

Erection of 13 affordable dwellings following demolition of 4 existing dwellings and garage blocks with associated parking, landscaping and works (2-8 Holly Road and Garage Blocks at Sycamore Road)

24/01596/NMA - PERCON date 5th December 2024

Non-Material Amendment for 23/00126/FULL to allow amendments to site plan, including parking arrangements, refuse/cycle storage and landscaping (2-8 Beech Road)

25/00205/NMA - PERCON date 14th March 2025

Non-Material Amendment for 23/00126/FULL to allow amendments to site plan, including parking arrangements, refuse/cycle storage and landscaping (2-8 Holly Road and Garage Blocks at Sycamore Road)

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

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

Concerns at lack of car parking facilities for additional dwellings

HIGHWAY AUTHORITY

The site is accessed from an unclassified road where driven speeds were found to be approximately 20 mph.

According to collision data provided by the police (available from 01/01/2019 to 31/12/2023), there has been one slight recorded collision adjacent to the site access. This involved a motor vehicle and a cyclist at the existing junction of Chestnut Road and Beech Road. The nature of this collision gives me some cause for concern regarding safety, as it is likely that additional cyclist and pedestrian activity will occur in this vicinity, increasing the likelihood of vehicular and pedestrian interaction. I noticed that the existing tactile arrangement at the end of the footway by Block B is substandard and should be rearranged to modern standards as part of the vehicle crossing construction to provide safe access for pedestrians.

The existing development provides no vehicular parking off the public highway, and residents must rely on informal space available on the public highway to park. On the public highway adjacent to one of the properties, an advisory disabled bay has been provided. This will need to be relocated or removed prior to the development parking being brought into use, depending on the circumstances of the disabled bay's current use. The development will need to apply to Devon County Council for its removal or relocation.

I also note that the existing site plan shows a gravel-filled front driveway; however, I am unable to find evidence that an appropriate vehicle license has been put in place to permit vehicles to drive over the footway to the driveway, nor am I able to find evidence that it has been used as a driveway in the past. Prior to crossing the public footway with vehicles and constructing the new vehicle crossings for the proposed vehicle bays, the applicant must first obtain the necessary vehicle crossing licenses from Devon County Council.

While the proposed vehicle crossings and parking bays will result in the loss of informal on-street parking, this is offset by the amount of off-street parking proposed by the application. Bike stores are to be provided, and Tiverton Town Centre is only a 5-minute cycle away, making it a convenient distance to cycle. Bus stops are located nearby. In my opinion, the level of parking provided will not have a safety impact on the public highway. If, in the future, the parking spaces were to be used for purposes other than motor vehicles or removed entirely, the increase in vehicles required to park on the public highway would be substantial and would result in residents parking in unsafe locations within the public highway. Therefore, a suitable condition requiring the

development's parking to be retained for the lifetime of the development should be made to ensure the safety of the public highway.

Trees planted should be placed in such a way as to avoid blocking visibility for vehicles exiting the parking bays. As they are proposed to be near the public highway, careful consideration for their type should be undertaken and suitable root barrier protection installed to avoid damage to the public highway from root uplifting, which would result in the public highway becoming unsafe.

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

1. The residential development hereby approved shall not be occupied until the parking spaces have been provided in accordance with the approved plans. Following their provision these facilities shall be retained for vehicle parking for the lifetime of the development, and shall be for vehicle parking only, (no boats, trailers or caravans)

REASON: To minimise the impact of the development on the highway network

2. Off-Site Highway Works. No development shall take place on site until the off-site highway works drawings are submitted to and approved to the Planning Authority

REASON: To minimise the impact of the development on the highway network

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

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

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

REASON: To minimise the impact of the development on the highway network

DCC EDUCATION

Devon County Council has considered the application above and would like to provide an education response. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033.

Regarding the above planning application, Devon County Council has identified that a development of 14 family type dwellings will generate an additional 3.50 primary pupils and 2.10 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter.

When factoring in both approved but unimplemented housing developments as well as outstanding local plan allocations DCC has forecast that there is enough spare primary and secondary capacity to accommodate the number of pupils expected to be generated from this development. A contribution towards primary and secondary education will therefore not be sought against this development.

DEVON, CORNWALL & DORSET POLICE

Thank you for this application, I have no objections in principle to the proposal.

Whilst the brief reference to Secured by Design within the Design & Access Statement (Section 4.10) is welcomed, it is worthy of note that for the proposed units to be considered Secure By Design compliant, doors and windows must be supplied by an accredited/certificated SBD member company and not solely PAS24:2022 certificated. (securedbydesign.com/member-companies/product-category-search) With this in mind, is the applicant considering an application for the SBD award scheme? (SBD Residential Award application)

The proposed site wide boundary and plot separation treatments are noted.

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.

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

MDDC PUBLIC HEALTH

We have considered the application and have the following comments:

1. Contaminated land - the preliminary investigation recommends that an intrusive investigation is carried out with subsequent mitigation if necessary. We therefore recommend that the full contaminated land condition is included in any approval.

2. Air quality - the submitted air quality report concludes that the development is not likely to impact negatively on local air quality and that homes will be provided with energy efficiency measures, electric charging points and cycle spaces in order to discourage the over-use of cars. We have no concerns regarding these proposals.
3. CEMP - there is potential for the local community to be affected during the demolition and construction process if not carefully managed. We therefore recommend that the standard CEMP condition is included on any approval.

DCC HISTORIC ENVIRONMENT TEAM

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

SOUTH WEST WATER

Asset Protection

Please find attached a plan showing the approximate location of a public 3-inch water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

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

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

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

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

Should you require any further information, please contact the Pre-Development Team via email: DeveloperServicesPlanning@southwestwater.co.uk.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

The plan also shows the location of a 100mm foul drain which goes on to connect to the SWW combined network. No development will be permitted within 3 metres of the sewer and ground cover should not be substantially altered.

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

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

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

<https://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, rain water 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)

SWW Surface Water Sewer

Having reviewed the current information for the proposed surface water disposal for this development (domestic roof and driveway run off only) 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. This is proposed to be addressed by the applicant through infiltration testing should planning consent be granted.

It is noted the applicant currently proposes to discharge to the SWW sewer, with prior attenuation via an underground cellular tank and permeable paving, as shown in Drawing No. SK_C_002 P3. Water butts and other attenuation features should also be provided as part of this strategy e.g. rain planters.

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 development to the South West Water network, 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 have their sewers adopted (surface and foul), they should design and construct 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. 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 clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

DCC FLOOD AND COASTAL RISK MANAGEMENT TEAM

Recommendation:

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

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 30-44 Beech Road Tiverton Flood Risk Assessment & Drainage Strategy (Report 24193-FRA&DS-01, Rev. V3, dated 25th November 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:

The applicant have submitted 30-44 Beech Road Tiverton Flood Risk Assessment & Drainage Strategy (Report 24193-FRA&DS-01, Rev. V3., dated 25th November 2024) to support the demolition of existing dwellings and replace with 14 dwellings with associated parking, landscaping and associated works.

The site is approximately 0.14ha and currently consists of two large residential buildings and three small shed units.

The site is reasonably flat with a high point of 77.08mAOD in the northeast, gradually falling down to around 76mAOD at its south western boundary.

The applicant have not carried out any infiltration testing at this stage. They anticipate that infiltration is unlikely to be viable due to the conditions of the substrate of Tidcombe Sand Member sandstone with superficial deposits of Alluvium and high water table level. However, they acknowledge that a full geotechnical assessment will be undertaken to confirm the viability of infiltration method.

The applicant have therefore submitted an attenuation solution. The applicant rule out any above ground SuDs features due to site constraints. It is proposed to use an underground cellular attenuation tank and restrict the flow to 2l/s before discharging into an existing public surface water network.

It was mentioned that preliminary discussion have been conducted with South West Water (SWW) regarding the connection into their system. The applicant shall provide the agreement in principle from SWW.

The applicant also acknowledge that the existing private surface water drainage within the site will need to be surveyed.

DCC WASTE AND TRANSPORT MANAGER

Given that this is a major application, the Waste Planning Authority has the following comments.

It is noted that a Waste Audit Statement dated March 2025 has been submitted which identifies measures to be taken to avoid all waste occurring and demonstrates the provisions to be made for the management of any waste generated to be in accordance with the waste hierarchy. Appendix B indicates that all demolition waste is to be sent to landfill, however page 2 indicates that inert materials will be reused on-site where possible and page 5 indicates that waste will be recycled. It is recommended that the Waste Audit Statement provides justification as to why the demolition waste cannot be managed more sustainably.

Page 5 identifies the name and location of the waste disposal site as Trood Lane. However, the waste disposal site is no longer operational, so it is recommended the Waste Audit Statement is updated to reflect this. As supported by Policy W4 of the Devon Waste Plan, the location of the waste disposal site should be located as close to the proposed development site as possible to minimise the distance that waste travels.

We note the table on page 5 and recommend that the LPA is satisfied with the provision of waste storage for the operational phase of the proposed development.

Therefore, in order to meet the requirements of Policy W4 of the Devon Waste Plan, it is recommended that a condition is attached to any consent to require the submission of an updated Waste Audit Statement prior to the commencement of the development as stated below:

Prior to the commencement of development, an updated waste audit statement 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:

- The amount of construction and excavation waste in tonnes, set out by the type of material.
- Identify targets for the reuse, recycling, and recovery for each waste type from during construction, demolition and excavation.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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.

MDDC ARBORICULTURAL OFFICER

Reviewing the supporting Arboricultural Impact Assessment and Tree Protection Plan I have no objection to the three trees requiring removal to facilitate the proposal. The three trees are of low quality, providing limited to amenity value to the local area. T2 English oak that's separated by a driveway that services a community allotment, situated on a neighbouring hedgerow is viewed as a moderate quality tree in the Arboricultural Impact Assessment and Tree Protection Plan.

However, this tree is viewed as a high value tree in the local landscape offering high amenity value. The supporting report notes a partial crown reduction on the western site to facilitate construction. This proposed level of pruning is viewed as reasonable and will not negatively impact the tree where carried out to suitable pruning standards i.e. BS3998:2010.

The tree protection plan shows seven trees to be planted at the front of proposed Block A & B. The seven trees will provide valued buffering of the blocks as well as providing pleasant greening of street scene, along with the eco-system services. To ensure the trees can establish to full maturity a detailed tree planting plan shall be required. It is strongly recommended such a tree planting design utilise a soil cell grid system to provide a combined rooting environment for all seven new trees to avoid trees being planted in cramped planting pits and poor subsoil, resulting in stunted growth, with roots tending to colonize immediately underneath the paved surface, causing damage to hard surfaces.

DCC ECOLOGY

Survey and PEA

A Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal (ACGL, 2024) was submitted with the planning application. The buildings were deemed negligible potential for bats, and the site was of limited suitability for protected species. The survey effort and conclusions are acceptable and proportionate. The Mitigation and Recommendations outlined in Section 6 of the report, which includes nesting bird checks where suitable nesting habitat is removed and precautionary measure for bats during building demolition, should be secured by condition if this application is consented.

Biodiversity Net Gain

Baseline

Submitted information, plan and metric is acceptable.

Post-development

The proposed post-development habitats have been provided in the submitted Biodiversity Net Gain Assessment Revision B (AGCL, 2024), and Landscape Strategy. These include medium distinctiveness habitats including trees within a landscaped area along Beech Road, which are considered significant and should therefore be secured for 30-years by condition.

The detail is insufficient in terms of species/seed mixes etc, and planting/establishment requirements. It also proposes other neutral grassland in moderate condition, but the landscape strategy states "native meadow" formed by grassland and shrubs. The description isn't "meadow" and meadow is not really achievable in that location anyway, but species-rich flowering lawn mixture and native shrubs (that would be classified as scrub in the metric) for example would be, and these would score similarly in the metric so the detail isn't necessarily needed prior to determination. I recommend the following condition:

Prior to or alongside the submission of the statutory pre-commencement Biodiversity Gain Plan, a detailed landscape planting specification (including drawing) and maintenance plan shall be submitted to and approved in writing by the local Planning Authority and implemented following approval. This shall be based on the Proposed Landscape Strategy (Drawing No: Z56-ZPL-AR-ZZ-DP-A-04500- P3 - S3) unless otherwise agreed. The planting specification must include a timetable outlining when the planting will be completed, and the maintenance must detail how the desired habitat condition(s) shown in the Biodiversity Gain Plan will be achieved including any monitoring requirements. The management and maintenance period of the created habitat shall be

no less than 30-years following completion of the planting works, unless otherwise agreed in writing by the LPA.

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.

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 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 14 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 14 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 show two blocks of two storey buildings, one comprising the four 2 bed flats and two 1 bed flats, and the other providing the four 2 bed flats and four 1 bed flats. The blocks will be located in a similar position to the existing houses to be demolished, although will be 1 metre closer to the site boundaries to the east and west. The properties will be of a greater depth than existing, protruding approximately 4 metres further to the north (to the rear), however the overall ridge height will be over 600mm lower than the existing dwellings to be demolished, and those that will remain to the west. The scheme proposes a mixture of 1 and 2 bedroom units to serve a range of housing needs with accessible units located on the ground floor. The proposed houses and ground floor units will all have level access. All bedrooms are shown as having a floor area in excess of the minimum of 11.5sqm for a double bedroom, as identified within the Nationally Described Space Standards. Each unit has access to private amenity space provided by a private terrace or external balcony, in addition to access to the wider communal landscaped areas around the properties. In terms of materials, the roof will be Metal Standing Seam, with the colour being Oxidised (RAL 0502010), and the first floor external walls are proposed to be finished with fibre cement cladding (colour RAL 8017), both of which are a brown colour. The ground floor walls would be silicone render finish 1.5mm in Marble White colour. The windows and door would be Anthracite Grey (RAL7016) with black steel staircase and railings. The first floor properties are to be accessed from external staircases.
- 2.4 Notwithstanding the use of some materials of a different type to those used in primarily in the neighbouring properties, the design, form, massing and colour finish 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. The applicant is aware of these comments and will be able to ensure that they incorporate any recommendations 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 a white render at lower floors and the use of darker material at the upper floor in response to the appearance of the typical mansard roof character seen locally.

- 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. The area of land lost is minor and it is considered that any biodiversity loss would be minimal. To ensure policy compliancy in terms of an overall net gain a condition will added requiring the 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 landscaping scheme has been provided. The site currently comprises a mix of developed land, modified grassland and three low quality trees. The proposed landscaping seeks to increase the biodiversity of the site by providing neutral grassland, hedge planting and seven new trees to the site frontage.
- 2.10 The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan, which identifies that the three existing trees on site are low quality and can be felled. There is a higher quality Oak tree on adjoining land to the east, which is proposed to have a crown reduction of 1 metre to facilitate the construction works. Otherwise, this tree will be unaffected by the development. Overall, it is noted the proposals include the planting of 7 new trees and new hedges, in addition to the higher quality grassland, which contribute to significant Biodiversity Net Gain of 38.47% in habitat units and 343.9% in hedgerow units.
- 2.11 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.
- 2.12 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping.

3. 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 negligible to low risk of flooding from all sources. The report indicates that disposal of surface water via infiltration techniques is unlikely to be possible due to the ground conditions, and as surface water runoff generated by the development is proposed to be stored in an underground attenuation tank with a 76m³ capacity, 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 have no objections in principle. They do note however that the applicant must still demonstrate that on-site infiltration is not 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, 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, and evidence of agreement in principle that connection can be made to nearby systems.
- 3.4 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.
- 3.5 SWW have also provided details of the locations of the nearby combined sewer, surface water sewer and water main, some of which pass through the site. 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, in particular noting the need to design a new network of foul water sewers to service the proposed development. In any case, 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 residential block 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.

4.3 The proposals will ensure that the residential amenity for neighbours and future tenants will not be harmed. The proposed terraces and balconies are to be sited outwards onto Beech Road, however given their position set back from the road and at a distance of approximately 19m from the existing properties opposite and across the road, it is considered that these would avoid unacceptable levels of overlooking.

4.4 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 formal off street parking. It is noted that one of the properties does have a gravelled parking area to the front, however the Highway Authority have noted that this is not a formalised space and no licence has been granted in relation to the provision of a formal parking space directly off the public highway. The scheme will provide for off street parking to the site frontage for 14 cars.
- 5.3 The Highway Authority have commented on the application and raised no objections in principle. The Highways Officer did note that there has been a slight recorded collision at the junction opposite the site, and notes that the proposal is likely to lead to increased pedestrian and cyclist activity, however do not raise this as an objection to the proposal. They also advise that the existing tactile at the corner of Beech Road, to the front of Block B, is substandard and note the opportunity to improve this to modern standards as part of the works to provide off-site highway works required to facilitate access into the site over the public footway. A condition requested for details of these off-site works to be submitted and agreed in writing prior to commencement. It is also noted that there would be the loss of a disabled spaces on the road to the front of the site, which would need replacing, if still required and not being replaced by the on-site parking. Overall, it is noted that the increase in trip generation would not have an unacceptable impact on the local highway network, neither would the loss of on-street parking.
- 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, with any variation being justified on a case by case basis. In this case, the parking standard is for provision of 24 parking spaces. The proposed development would provide 14 spaces, one for each unit. The Highway Officer has considered this reduction on the requirements of DM5 but has raised no objections, accepting that the reduced level of parking would not be unacceptable in this case due to the existing lack of off-street parking for the existing 8 properties, the close proximity to Tiverton town centre, the convenience of cycling locally, and the proximity to bus stops. The Highway Officer therefore concludes that the level of parking will not have a safety impact on the public highway, although does recommend conditions to ensure that the parking spaces are provided and kept available for parking of cars only, with restrictions on their use for the parking of boats, trailers and caravans.
- 5.5 The proposed plans do not indicate any electric vehicle charging points, however it is a requirement of policy DM5 that 1 electric vehicle charging point is provided per 10 dwellings. A condition will be imposed requiring a scheme for the provision of EV charging points to be submitted for approval.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities (a local convenience store on Beech Road, Two Moors Primary School, Tiverton Adventure Playground and two other play areas). The site is surrounded by an established pedestrian network and is within the vicinity of the National Cycle Way (which runs to the south and west of the site), the use of which will be encouraged through the provision of cycle parking spaces. The bus stops located along Beech Road and Sycamore Road connect to local bus services, 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.

- 5.7 Space within the site has been indicated for the provision for cycle storage, which is welcomed by the Highway Authority. 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 12.41 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 273 tonnes over the total lifetime of the development. 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 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, dated April 2024. In addition, a Biodiversity Net Gain Assessment was carried out by Aval Consulting Group, dated November 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.
- 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, other than potentially nesting birds. 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. A condition will be imposed to ensure that the development is carried out in accordance with these recommendations.
- 7.5 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 since February 2024 there has been a mandatory requirement to provide BNG of at least 10%. The proposals do show the ability to provide Biodiversity gains of 38.47% in habitat units and 343.9% in hedgerow units through the inclusion of additional tree, grassland and hedge planting. These will also provide further ecological benefits to the site. The County Ecologist has questioned some of the details of the proposed BNG provision, noting that there is insufficient detail in respect to species and seed mixes, and noting that the referenced 'meadow' is not achievable on this site. They are however content that a species-rich flowering lawn mixture and native shrubs could be accommodated on site, which would score similarly on the metric. As such, they have no objections and do not suggest that there is a need to provide further details

prior to determination, subject to the inclusion of a condition requiring a final detailed landscape planting specification and maintenance plan, detailing planting specifications and details of maintenance and management for the required period of 30 years following completion. It is noted that the Council's Arboricultural Officer also wished to see a detailed planting plan to agree a final tree planting to ensure that the proposed trees were suitably accommodated on site. Such a condition recommended by the County Ecologist would cover this matter too.

- 7.6 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 mandatory biodiversity gain plan in addition to the final landscaping plan, 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 be covered by the landscape planting specification condition.
- 7.7 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.
- 7.8 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 however, the development is for solely affordable housing, in which no financial contributions would be required.
- 8.2 Devon County Education have commented, advising that having factored in approved but unimplemented housing developments, as well as outstanding local plan allocations, they forecast that there is sufficient spare primary and secondary school capacity for the number of pupils expected to be generated from the development. As such, no contributions towards primary or secondary education are sought.
- 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 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 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. The DCC Waste and Transport Manager has commented on the proposal, asking that the Waste Audit Statement be updated to justify why demolition waste can't be managed in a more sustainable manner, noting the reference to such waste being sent to landfill. They also note that a waste disposal site quoted is no longer operational.

Despite this request, it is not advised that this need be provided prior to determination, with a pre-commencement condition requested for an updated Waste Audit Statement to be submitted and agreed prior to works starting.

- 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 Community Engagement Session on 6th November 2024, which was attended by 3 local residents. Some concerns were raised by an adjoining neighbour in respect to disruption during construction, and boundary considerations, with commitments made to coordinate and communicate with the neighbour in advance of any demolition works.
- 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 under provision of parking spaces, however the existing eight dwellings do not currently benefit from off-street parking and that the site is within walking distance of public transport and other services and facilities.
- 10.2 The delivery of six additional affordable homes for social rent (taking into account the eight existing properties to be demolished), weighs in favour of approval of the application. Taking all the above into consideration, it is considered that the balance weighs in favour of approval of the application. 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.

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 eight existing homes would be replaced, the net delivery of six additional new homes, of which all would be affordable dwellings 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 and DM5 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.

CONDITIONS

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

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) details of the amount and location of construction worker parking; and
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - a) 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 30-44 Beech Road Tiverton Flood Risk Assessment & Drainage Strategy (Report 24193-FRA&DS-01, Rev. V3., dated 25th November 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) - (f) above.

5. Prior to the commencement of development, an updated waste audit statement 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:
 - The amount of construction and excavation waste in tonnes, set out by the type of material.
 - Identify targets for the reuse, recycling, and recovery for each waste type from during construction, demolition and excavation.
 - The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site, and justification as to why this waste cannot be managed more sustainably.

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

6. Prior to or alongside the submission of the statutory pre-commencement Biodiversity Gain Plan, a detailed landscape planting specification (including drawing) and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority and implemented following approval. This shall be based on the Proposed Landscape Strategy (Drawing No: Z56-ZPL-AR-ZZ-DP-A-04500-P3-S3) unless otherwise agreed. The planting specification must include a timetable outlining when the planting will be completed, and the maintenance plan must detail how the desired habitat condition(s) shown in the Biodiversity Gain Plan will be achieved including any monitoring requirements. The management and maintenance period of the created habitat shall be no less than 30-years following completion of the planting works, unless otherwise agreed in writing by the LPA.
7. 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-GE012 Revision 2 dated 14th November 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.

8. Prior to the commencement of development, drawings for off-site highway works comprising vehicle crossings for the parking spaces, and improvements to the existing tactile arrangement on the adjoining footway shall be submitted to and approved in writing by the Local Planning Authority. The off-site works shall thereafter be provided in accordance with the approved details prior to the development hereby permitted being first occupied.
9. The development hereby approved shall be carried out in accordance with Section 5 'Recommendations' of the Arboricultural Impact Assessment and Tree Protection Plan prepared by Bosky Trees Ltd, dated 13th February 2025.
10. 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.
11. The development, hereby approved, shall be carried out in accordance with Section 6 'Mitigation and Recommendations' of the Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal prepared by Aval Consulting Group, dated April 2024, covering avoidance of harm to protected species.
 12. 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.
 13. 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 'Z56-ZPL-AR-ZZ-DP-A-00030- P4 - S3'. Following their provision these facilities shall be maintained and retained for vehicle parking only (no boats, trailers or caravans) for the lifetime of the development.
 14. The development hereby permitted shall not be occupied until electric charging points for electric vehicles have been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
 15. 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, 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. 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. 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 and policy DM1 of the Mid Devon Local Plan 2013-2033. 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.
6. To ensure that the development makes a positive contribution to the character and amenity of the area and to enable biodiversity net gain within development in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment and national policy and to ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM1 of Mid Devon Local Plan 2013-2033.
7. 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.
8. To minimise the impact of the development on the highway network and in the interests of creating safe and accessible places, in accordance with policy DM1 and DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework. This pre-commencement condition is required to ensure that details of the off-site works are shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.
9. To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies S9 and DM1 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
10. 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.
11. For the conservation and protection of legally protected species, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
12. 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.
13. 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.

14. 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.
15. 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 7th April 2025, advising of the presence of a 100mm foul drain and 3 inch public water main, 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 may 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, 28th March 2025, 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:

- 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).

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.

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. 25/00386/FULL

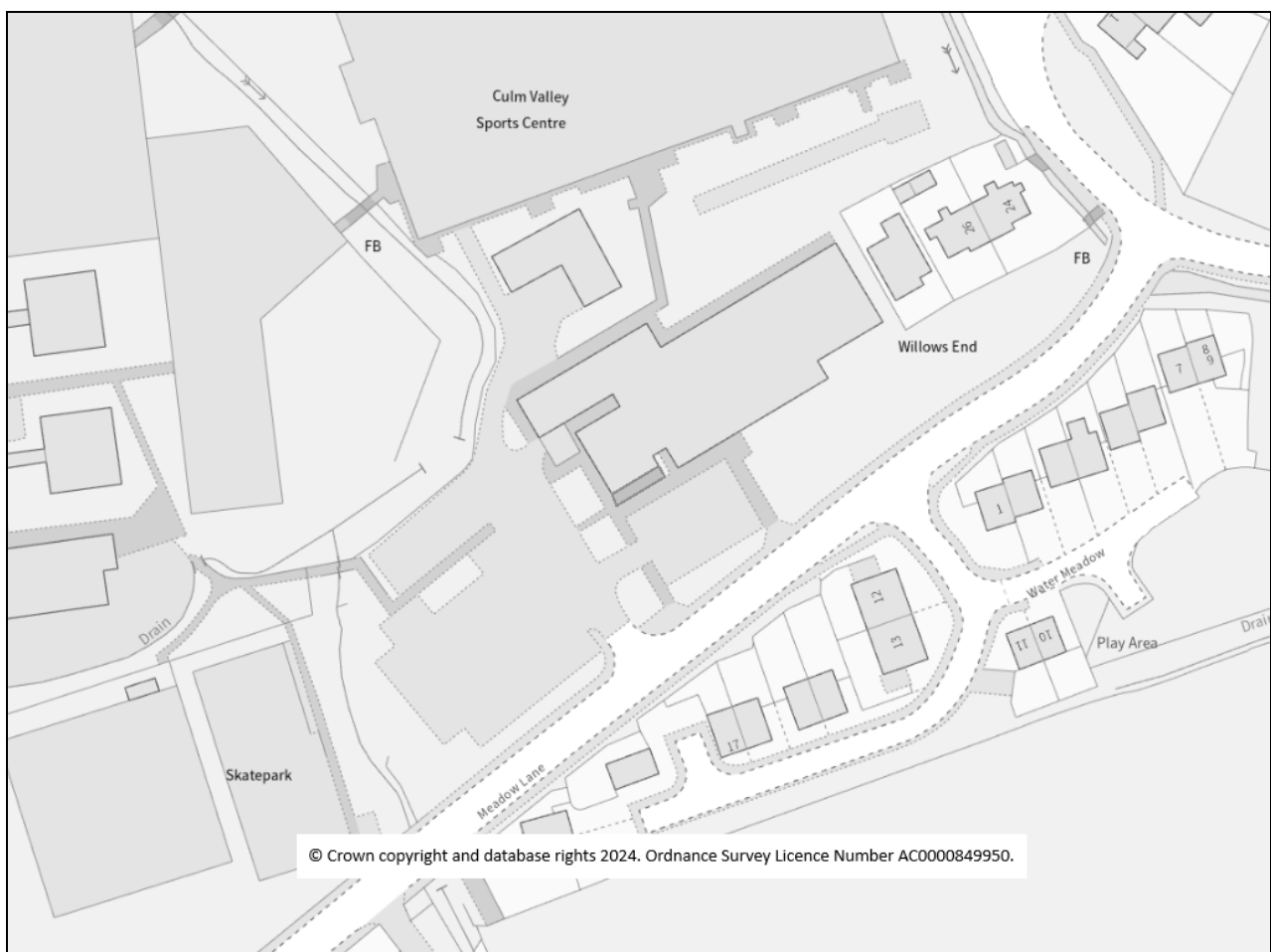
Grid Ref: 302204 : 106721

Applicant: Mr Tim Powell, Mid Devon District Council

Location: Culm Valley Sports Centre
Meadow Lane
Cullompton
Devon

Proposal: Installation of external heat pump systems and enclosures

Date Valid: 26th March 2025



APPLICATION NO: 25/00386/FULL

Site Visit: Yes

Date of Site Visit: 15.05.2025

Decision Delayed Reason:

To go before Planning Committee.

MEMBER CALL-IN

The application is before the Planning Committee due to MDDC being the applicants.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development is for the installation of external heat pump systems and enclosures at Culm Valley Sports Centre, Meadow Lane, Cullompton. The site is within the Cullompton settlement limit and Neighbourhood Plan Area. It falls within Flood Zone 3 but there are no other relevant landscape designations. The proposal itself is for the installation of a heat pump system on the southern elevation and will be screened by a timber fencing enclosure. The proposal will result in the re-location of an existing shed used for the sales of milk. The Town and County Planning (General Permitted Development) Order 2015 (as amended) permits various renewable energy development without planning permission but air source heat pumps on non-domestic premises are not included and, as such, planning permission is required for the works.

APPLICANT'S SUPPORTING INFORMATION

Site location plan, existing plans, proposed plans, wildlife trigger table, design and access statement (including flood risk assessment) and BNG statement.

RELEVANT PLANNING HISTORY

83/00173/FULL - DEMCON date 1st April 1983 DEEMED CONSENT for the construction of carriageway and footpaths, bridge, culvert, surface water drainage and street lighting to serve proposed sports hall and residential development

84/01060/ADVERT - PERMIT date 8th August 1984 Consent to display a non illuminated sign

96/00779/FULL - NOBJ date 17th July 1996 Consultation in respect of provision of artificial turf pitch with floodlighting on existing grass playing field & outline for extension of sports centre including additional car parking

97/00601/OTHER - DELETE date 15th November 2004

11/01722/FULL - PERMIT date 24th January 2012 Installation of 261 solar photovoltaic panels on part of roof

12/00066/FULL - PERMIT date 16th March 2012 Formation of 3 additional car parking spaces

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable development

S9 Environment

S11 Cullompton

DM1 High quality design

DM2 Renewable and low carbon energy

Cullompton Neighbourhood Plan 2020 to 2033

TC02 Character of the built environment

CONSULTATIONS

Environment Agency:

If you have not received a consultation response from us within 21 days, or another agreed extension of time, please assume that the proposal falls outside the list of matters upon which we should be consulted as directed by our Development Management Consultation Checklist, and/ or is covered by our Flood Risk Standing Advice.

Public Health, 18th April 2025:

We have considered the application and do not anticipate any environmental health concerns. The pumps will be located remote from any residential properties and within a double timber fence enclosure. We do not anticipate that there will be any residual noise beyond the site boundary with the potential to unreasonably impact on local residents.

Highway Authority, 9th April 2025:

The Highway Authority has considered this application and has no comments to make.

Cullompton Town Council:

No comments received.

South West Water, 2nd April 2025:

Asset Protection

Please find attached a plan showing the approximate location of a public 375mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

<https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.southwestwater.co.uk%2Fbuildover&data=05%7C02%7Cdevcon%40middevon.gov.uk%7C0104295658e34b7c4e1208dd71f9096f%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638792037189082734%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoITWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=4MXp095uWkPTnz2JgiTbQzwW2Kyy%2FZDzl2C18MCRgiw%3D&reserved=0>

Should you require any further information, please contact our Asset Protection Team via email: DeveloperServicesAssetProtection@southwestwater.co.uk.

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.

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.

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Design and amenity**
- 3. Flood risk**
- 4. Planning balance**

1. Principle of development

- 1.1. There is general policy support at local and national level for renewable energy development. The Town and County Planning (General Permitted Development) Order 2015 (as amended) makes various renewable energy proposals permissible without planning permission, albeit this does not include air source heat pumps on non-domestic premises so planning consent is required in this particular instance.
- 1.2. More specifically, DM2 generally supports renewable and low carbon development where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. It goes on to state that proposals must be acceptable in relation to:
 - a) Landscape character and the character and setting of heritage assets;
 - b) Environmental amenity of nearby properties and the wider locality;

- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and
- d) Biodiversity (avoiding habitat fragmentation)

- 1.3. The impact upon the character of the area and local amenity is assessed later in this report. However, in relation to the other requirements of DM2, it is not considered that the installation of air source heat pumps and associated works will impact the landscape character in general, given the existing character of the sports centre and proposed screening. There are no nearby heritage assets and no agricultural land will be impacted upon. In terms of biodiversity, a Wildlife Trigger List has been submitted which indicates that there will be no works to the roof space and an ecology survey is not required. Statutory 10% biodiversity net gain is also not a requirement of this application given that less than 25sqm of habitat will be impacted. Overall, DM2 is considered to be complied with and the principle of development established.

2. Design and amenity

- 2.1. Policy DM1 of the Local Plan and TC02 of the Neighbourhood Plan seek to ensure high quality design according to a number of principles such as creating visually attractive places and avoiding adverse amenity impacts.
- 2.2. The heat pumps will be screened by timber fencing which will match existing fencing in the immediate area. There are therefore very few visual impacts as a result of the proposal. The relocation of the milk shed will have a negligible impact on the appearance of the site.
- 2.3. The fence will also create some degree of acoustic screening but owing to the separation distance to neighbouring properties, there are no concerns in terms of adverse amenity impacts in any event. Public Health have raised no objections. Overall, DM1 and TC02 are adhered to.

3. Flood Risk

- 3.1. The site is within Flood Zone 3 which represents the highest probability of sea/river flooding as per Environment Agency guidance. No consultation response from the EA has been received at the time of writing this report with the general advice stating that if there is no EA response within 21 days, to assume that the development is a matter falling outside of matters which the EA will comment on.
- 3.2. A Flood Risk Assessment has been included within the submitted Design and Access Statement and concludes that there will not be risk to life or property on the site or elsewhere. Given the extent of the proposals, there is no reason to dispute this. Similarly, given that the proposal is a non-residential extension less than 250sqm, the Flood Risk Standing Advice indicates that the Sequential Test does not need to be applied. Overall, the development is considered acceptable in terms of flood risk.

4. Planning balance

- 4.1. The proposal represents low carbon development within the settlement limit of Cullompton, which is generally supported by national guidance and local policies. There will be no adverse visual or neighbourhood amenity impacts and there are no impacts upon biodiversity or agricultural land. The development is considered safe in terms of flood risk. As such, policies S1, S9, S11, DM1 and DM2 of the Local Plan and TC02

of the Neighbourhood Plan are complied with and officers recommend approval.

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.

REASONS FOR CONDITIONS

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning

BNG – BIODIVERSITY NET GAIN

Is BNG Required? No

Is BNG Offsite only No

Onsite only No

Offsite and Onsite No

Is a S106 agreement required? No

Subject to the de minimis exemption

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.

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

4.2 Development below the de minimis threshold, meaning development which:

- iii) 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
- iv) 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

The proposed installation of external heat pump systems and enclosures at Culm Valley Sports Centre, Meadow Lane, Cullompton is considered acceptable in policy terms. There will be no adverse visual or neighbourhood amenity impacts and there are no impacts upon biodiversity or agricultural land. The development is considered safe in terms of flood risk. As such, it complies with policies S1, S9, S11, DM1 and DM2 of the Local Plan, TC02 of the Neighbourhood Plan and guidance in the National Planning Policy Framework.

INFORMATIVES

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

In accordance with paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

Application No. 25/00346/PIP

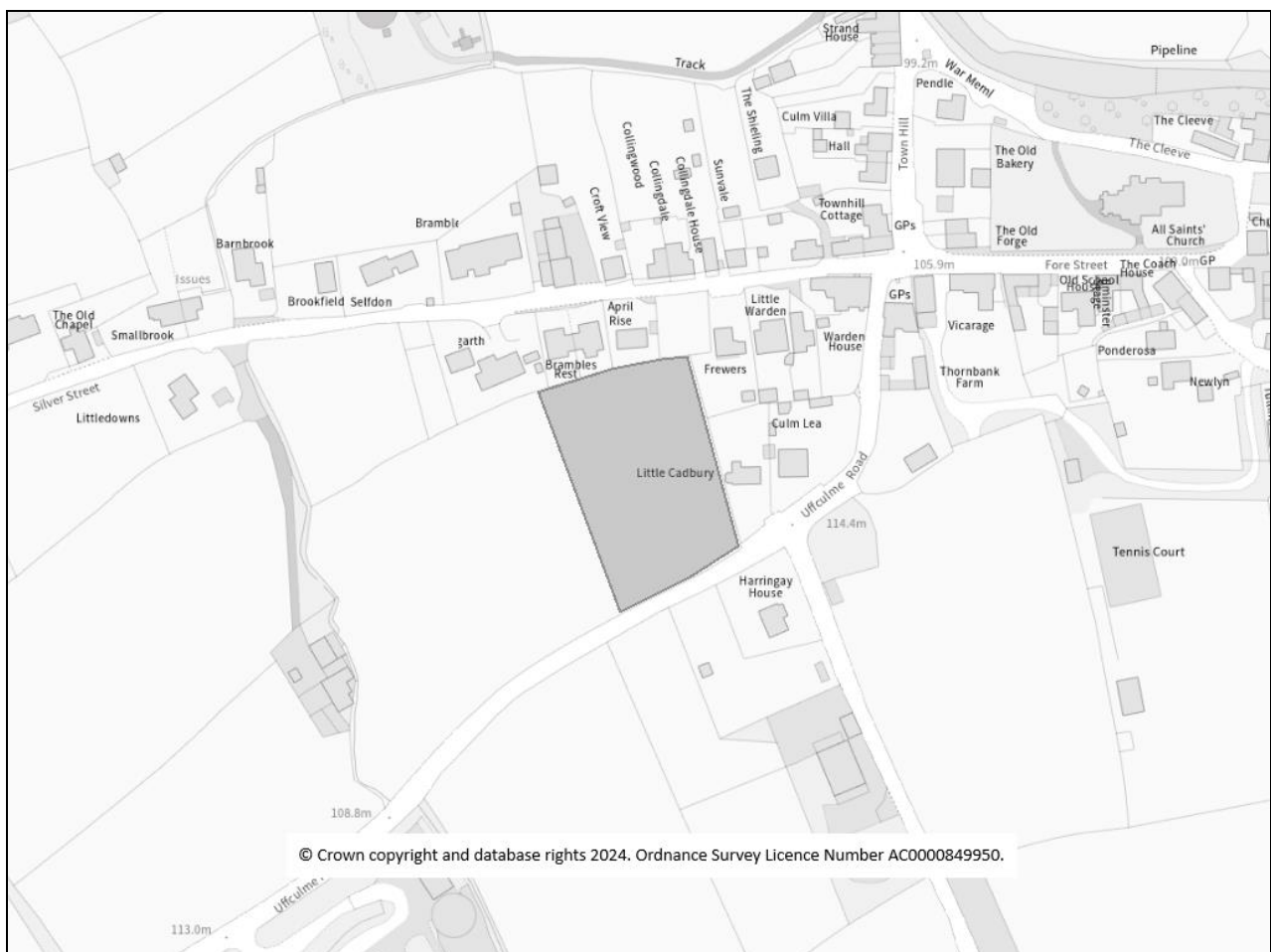
Grid Ref: 309999 : 113397

Applicant: Mr Charlie De Bono

Location: Land at NGR 310051 113426
North of Uffculme Road
Culmstock
Devon

Proposal Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings

Date Valid: 11th March 2025



APPLICATION NO: 25/00346/PIP

Site Visit: Yes

Date of Site Visit: 03.04.2025

Decision Delayed Reason:

To allow the application to go before Planning Committee.

MEMBER CALL-IN

The application was called in by Cllr Bradshaw to discuss:

- Highway safety
- Flood risk
- Impact on Conservation Area and National Landscape
- Development outside of settlement limit
- Soil/land profile
- Whether the self-build demand applies locally
- Infrastructure including drainage

RECOMMENDATION

Grant Permission in Principle.

PROPOSED DEVELOPMENT

The application seeks Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings at Land at NGR 310051 113426 North of Uffculme Road, Culmstock.

Permission in Principle is an alternative way of obtaining planning permission for residential development, which separates the consideration of matters of principle from the technical details of the development. The Permission in Principle consent route is a two stage process being Permission in Principle followed by Technical Details Consent. The scope of Permission in Principle applications such as this is limited to location, land use and amount of development with other matters determined at technical details stage.

The application site is adjacent to but outside of the Culmstock settlement limit so is classified as being in the open countryside in planning terms. It is outside of the Conservation Area with the boundary being approximately 25m north and 35m east of the site respectively. The Blackdown Hills National Landscape boundary is approximately 300m east of the site towards the eastern edge of Culmstock. The site is not in an area of high flood risk and does not fall within any other specifically relevant landscape designations. The site itself comprises agricultural land on the south western edge of the village. It is accessed via Uffculme Road to the south and extends towards Silver Street in the north.

The proposal seeks Permission in Principle for 3-9 self-build dwellings on the basis that there is a shortfall of this type of development in Mid Devon with a draft Unilateral Undertaking submitted to demonstrate how the dwellings would be secured as self-build, although this is ordinarily finalised at technical details stage. The layout and design would also be secured at technical details stage with this application only focusing on matters of principle.

APPLICANT'S SUPPORTING INFORMATION

- Application form
- Covering email
- Planning statement including draft Unilateral Undertaking
- Additional draft Unilateral Undertaking
- Site location plans
- BNG statement and self-build pro-forma

RELEVANT PLANNING HISTORY

None relevant.

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 Sustainable development priorities
S2 Amount and distribution of development
S3 Meeting housing needs
S9 Environment
S14 Countryside
DM1 High quality design
DM3 Transport and air quality
DM5 Parking
DM25 Development affecting heritage assets
DM27 Protected landscapes

CONSULTATIONS

Cllr Natasha Bradshaw, 24th April 2025:

I would like to confirm that I will call in the above application to Planning Committee (if the planning officers recommend approval). I request this on the following grounds:

- Location: The site is not a suitable location for new housing development due to significant challenges to new and existing residents around highway safety, property flooding and visibility impacting the Culmstock Conservation Area and Blackdown Hills National Landscape.
- Land use: Inappropriate allocation of agricultural land outside the settlement boundary, plus the soil/substrate and land profile are not suitable for construction and will have longer term operational impacts.
- Amount and type: The self-build demand is not locally proven in this Parish and Culmstock does not have the infrastructure to support it, particularly regarding sewage treatment and its' impact on the already highly polluted River Culm. There is a lack of clarity over the interpretation of policy DM9 in the Mid Devon Local Plan.

The Planning in Principle sought towards housing on this land is inappropriate for the above reasons and should not be approved by MDCC under delegated powers. There were over 70 objections lodged on our planning portal (including Culmstock Parish Council), illustrating the above reasons for refusal (and more). The PIP should not proceed as the issues are substantial and therefore should not be left to potential resolution at the design stage.

Any consideration of the applicants' Planning Statement/Draft Legal Agreement to indicate the type of plots as open market self-build and/or affordable/low-cost self-build are secondary to the

above reasons for refusal on the basis of location and land use. Neither the community or Upper Culm Ward Members believe that Permission in Principle should be granted and therefore the application should not proceed.

The Parish is more likely to support the applicant on sites within the Culmstock area that have already been identified for their suitability in the Mid Devon Local Plan

Highway Authority, 24th March 2025:

In highway terms the site is in principle acceptable.

Details of pedestrians links, street lighting, access visibility splays etc. will all be considered at the technical stage.

South West Water, 19th March 2025:

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)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred 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.

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.

MDDC Principal Housing Enabling officer, 27th March 2025:

Further to our discussion, this is just to confirm that I concur with the applicant's planning statement that currently Mid Devon is experiencing a shortfall in granting sufficient permissions for Custom Self Build against register demand and that this is an important material consideration in the planning balance. I have not reviewed any other policy aspects of the proposal.

I do however welcome the submission of the UU upfront to demonstrate the clear commitment to ensuring any subsequent TDC application aligns proposals with the legal definition of custom and self-build.

Public Health, 26th March 2025:

We have considered the application and do not anticipate any environmental health concerns once constructed. We would recommend the standard CEMP condition to ensure that all self-builders and sub-contractors comply with the standard Considerate Constructors guidance. A number of comments made mention concerns about light pollution but this is not likely for a development as small as this and in any case neighbourhood lighting will be designed in accordance with the Institute of Lighting Engineers guidance on the avoidance of light pollution.

Historic Environment Team, 28th March 2025:

The Historic Environment Team has no in principle objection to the development of the area under consideration. However, this site lies in an area of archaeological potential with regard to known prehistoric activity in the vicinity as well as evidence of the iron industry that operated in the Blackdown Hills in the Roman and later periods. An undated rectilinear enclosure visible as a cropmark on aerial photographs also lies some 70m to the southeast of the proposed development.

I would therefore advise, should consent be granted for this permission in principle that, any subsequent application for grant of technical details consent 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 potential 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 with any subsequent application for grant of technical details consent the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 218 of the National Planning Policy Framework (2024) and 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 paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM25 (2020), and paragraph 218 of the National Planning Policy Framework (2024), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

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

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

Reason

'To comply with Paragraph 218 of the National Planning Policy Framework (2024), 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 a staged programme of archaeological works, commencing with geophysical survey and the excavation of a series of trial trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation of all or targeted part(s) of the development site in advance of construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Culmstock Parish Council, 11th April 2025:

Culmstock Parish Council (CPC) accepts the need for evolution, but that this must be in the right place, at the right scale with the best possible outcomes for residents with regard to the highly prized environment and sense of place.

This objection aligns with those already sent by individual members of the public; CPC has added further commentary where appropriate.

Accessibility, Pedestrian & Other Road Users' Safety -

The site access is on a narrow stretch of minor road, bounded by high Devon hedges at a T junction on a hill crest (Harringay Cross) with blind bends and limited views in all directions. It is directly adjacent to two existing properties' pedestrian and vehicle exit points. Insertion of a visibility splay for access would destroy tens of metres of very old hedgerow and its associated rich habitat and biodiversity, introducing an inappropriate urban aspect at the outskirts of the village.

Using Town Hill to Harringay Cross is risky for ALL road users, particularly pedestrians, horses, cycles and cars. HGVs regularly use this minor road as an undesignated route to Dunkeswell. There are no pavement or Access Protection Markings (APM). The Highways consultation report is inadequate and requires further inspection.

Access to the site via Silver Street is not feasible; this narrow lane has no through access, it supports access to the existing houses on Silver Street, and carries agricultural farm machinery. It is a popular route to footpaths and bridleways.

Flood & Pollution Risk -

The existing Land Drainage is inadequate. The site's underlying geomorphology (ref: Geological Survey of Great Britain revised, published 1976) is highly impermeable Triassic and Permian Upper Marl transitioning to Valley Gravel and Rainwash along the north boundary of the site. Following heavy rainfall, rainwater filters through upper soil layers, is trapped by the impermeable rock below, seeps to the north to issue behind existing dwellings in Silver Street or into Smallbrook.

South West Water (SWW) proposes using its Run-off destination Hierarchy. The only feasible options are the low level 4 and 5 - discharge to surface water sewer or to a combined sewer. Permitting any development must be accompanied by robust demonstration that the CS system is adequate. The River Culm is already among the worst polluted rivers in the country.

Discharge of both monitored and unmonitored sewage into the River Culm is a MAJOR CONCERN in Culmstock. Combined sewage lines from the north side of the River Culm collect to a single line passing under the river directly due north of the site. Once under the river there is a junction point at which all combined sewage from the south side of the river, i.e. Silver Street, Fore Street, Town Hill, the Cleeve and the Strand is added. This load is pumped uphill into the treatment works. Houses in the village centre have flooded with raw sewage and SWW have cleared the uphill section when flow is inadequate, but that is not before unmonitored flow into the river is reported.

Housing Need -

Housing need is principally for affordable or social rent properties. CPC's recent housing survey revealed the need for 4 affordable houses in the next five years. This proposed development does not address this need at all. There are unused plots within the settlement limit which should be exploited first.

The applicant has made no attempt to consult locally before submitting the PIP, as evidenced by several substantial inaccuracies of fact in their documentation. This is therefore a purely speculative proposal, and not designed in the best interests of the community.

CPC is aware that there are very large housing developments underway in the locality. Mid Devon's own Culm Garden Village will supply between 2000 and 5000 homes together with appropriate infrastructure. Around Wellington, Somerset County Council is considering developer-led estates of up to 700 homes. These developments will supply a great deal of the housing need in the wider district.

Settlement Limit -

The proposed site is outside the current settlement limit; in responding to the recent HELAA call by MDDC, the Parish Council was unable to recommend any sites suitable for development outside the settlement limit. In principle CPC is not averse to small scale developments in the parish however this proposal is not what the parish currently needs, nor is it in a suitable location.

Environmental Considerations -

The location is currently a rural pasture, with a wealth of natural habitat and associated wildlife enclosed on most of its boundary by a protected ancient Devon hedgerow. It should stay that way; the impact of developing this site would be immense and to the detriment and degradation of the area as a whole. Culmstock has already had two large developments to the north of the village, even closer to the boundary of the National Landscape which are visible from all directions and not at all in keeping with the general character of the village. A development off the Uffculme road will

degrade the visual aspects from all view points into the village, destroying habitats and biodiversity.

Blackdown Hills National Landscape (BHNL) and Protected Landscapes -
The parish of Culmstock is approximately one-third contained within the boundary of the BHNL. CPC is actively engaged with the Protected Landscape authorities to increase that fraction of inclusion within the Protected Landscape, to fully encompass the village within the boundary. This will further strengthen the considerations required for development in the village as required by NPPF 2024 and LURA guidelines. Ironically, Culmstock village has carried a sign, erected the then AONB indicating entry to the National Landscape at the entrance to the village, even though this is technically not the case.

Culmstock Parish Council objects to this Proposal in Principle and recommends refusal.

Conservation Officer, 29th May 2025:

Some limited development could be accommodated in this location without causing harm to the conservation area. However, this would ideally follow the established development, i.e. set back but fronting the highway (Uffculme Road), single storey, and without large sweeping highway works in order to maintain the area's rural appearance.

I would not advise this be a development which would provide more dwellings than could be accommodated along the highway, seeking to avoid backland development which would be contrary to the established settlement pattern.

A TDC application would need to include a heritage statement including analysis of the conservation area and how this development has taken its design and layout cues from the established settlement and how it would not impact upon it negatively.

REPRESENTATIONS

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

The following properties were written to:

Little Radfords Harts Row Culmstock Cullompton Devon EX15 3JL
8 Valley View Culmstock Cullompton Devon EX15 3JP
The Old Chapel Silver Street Culmstock Cullompton Devon EX15 3JE
April Rise Silver Street Culmstock Cullompton Devon EX15 3JE
Dovecote House Silver Street Culmstock Cullompton Devon EX15 3JE
The Cleeve Culmstock Cullompton Devon EX15 3JR
Thornbank Farm Fore Street Culmstock Cullompton Devon EX15 3JD
Applegarth Silver Street Culmstock Cullompton Devon EX15 3JE
April Rise Silver Street Culmstock Cullompton Devon EX15 3JE
Frewers Silver Street Culmstock Cullompton Devon EX15 3JE
Little Downs Silver Street Culmstock Cullompton Devon EX15 3JG
Dovecote House Silver Street Culmstock Cullompton Devon EX15 3JE
Warden House Silver Street Culmstock Cullompton Devon EX15 3JE
Little Cadbury Culmstock Cullompton Devon EX15 3LA
Culm Lea Culmstock Cullompton Devon EX15 3LA

Wardens Barn Silver Street Culmstock Cullompton Devon EX15 3JE
 Brambles Rest Silver Street Culmstock Cullompton Devon EX15 3JE
 Aliquam Silver Street Culmstock Cullompton Devon EX15 3JE
 Annexe Dovecote House Silver Street Culmstock Cullompton Devon
 EX15 3JE
 Annexe Warden House Silver Street Culmstock Cullompton Devon
 EX15 3JE
 5 Hunters Way Culmstock Cullompton Devon EX15 3HJ
 Culm Lea Culmstock Cullompton Devon EX15 3LA
 7 Earland Rise Culmstock Cullompton Devon EX15 3FY
 19 FLINT FIELD WAY Exeter EX1 3XN
 1 Town Hill Culmstock Cullompton Devon EX15 3JQ
 9 Great Meadow Culmstock Cullompton Devon EX15 3FL
 2 Silver Street Culmstock Cullompton Devon EX15 3JE
 Collingdale Silver Street Culmstock Cullompton Devon EX15 3JE
 2 Smallbrook Cottages Silver Street Culmstock Cullompton Devon EX15 3JG
 October Cottage Rull Lane Cullompton Devon EX15 1NQ
 Norwood Silver Street Culmstock Cullompton Devon EX15 3JE
 Thornbank Farm Fore Street Culmstock Cullompton Devon EX15 3JD
 Flints Close Culmstock Cullompton Devon EX15 3JG
 Dovecote House Silver Street Culmstock Cullompton Devon EX15 3JE
 Radfords Cottage Harts Row Culmstock Cullompton Devon EX15 3JL
 Warden House Silver Street Culmstock Cullompton Devon EX15 3JE
 8 Great Meadow Culmstock Cullompton Devon EX15 3FL
 Culm Lea Culmstock Cullompton Devon EX15 3LA
 4 Prospect View Spond Culmstock Cullompton Kington HR5 3FU
 Beacon View Silver Street Culmstock Cullompton Devon EX15 3JE
 Little Cadbury Culmstock Cullompton Devon EX15 3LA
 Croft View Silver Street Culmstock Cullompton Devon EX15 3JE
 Frewers Silver Street Culmstock Cullompton Devon EX15 3JE
 Rosebank Hemyock Road Culmstock Cullompton Devon EX15 3JB
 Beacon View 4 Hemyock Road Culmstock Cullompton Devon EX15 3JB
 5 Great Close Culmstock Cullompton Devon EX15 3HQ
 Honeysuckle Cottage Ashill Cullompton Devon EX15 3NL
 Town Hill Cottage Town Hill Culmstock Cullompton Devon EX15 3JQ
 Barton Lodge Silver Street Culmstock Cullompton Devon EX15 3JF
 Southey Barton Culmstock Cullompton Devon EX15 3JG
 11 Great Close Culmstock Cullompton Devon EX15 3HQ
 Warden House Silver Street Culmstock Cullompton Devon EX15 3JE
 Moorend Culmstock Cullompton Devon EX15 3JX
 Craven Cottage The Cleeve Culmstock Cullompton Devon EX15 3JR
 4 Prospect View, Spond Kington HR5 3FU
 Barnbrook Silver Street Culmstock Cullompton Devon EX15 3JE
 9 Blackwater Road Culmstock Cullompton Devon EX15 3HF
 April Rise Silver Street Culmstock Cullompton Devon EX15 3JE
 Brambles Rest Silver Street Culmstock Cullompton Devon EX15 3JE
 Aliquam Silver Street Culmstock Cullompton Devon EX15 3JE
 Barnbrook Silver Street Culmstock Cullompton Devon EX15 3JE
 Aliquam Silver Street Culmstock Cullompton Devon EX15 3JE
 Frewers Silver Street Culmstock Cullompton Devon EX15 3JE
 14 Blaydon Cottages Blackborough Cullompton Devon EX15 2HJ

A total of 54 letters of objection have been received at the time of this report. The comments can be read in full on the public planning portal but are summarised below:

- Not sustainable development / outside of settlement boundary / not an allocated site
- Impact on countryside and green space
- Extension of the village rather than in-fill
- Visual impacts / impacts on the character of the area
- Highway safety including for pedestrians and horses
- Safety of access
- Ecological and biodiversity impacts include removal of hedgerows
- Impacts on BHNL
- Impacts on Conservation Area
- Neighbourhood amenity
- Insufficient local infrastructure including schools, surgeries and water
- Flood risk – local issues including solid type
- Light pollution
- Foul drainage / insufficient existing sewerage system
- Further pollution to the River Culm
- Precedent for additional development / phased development
- Impacts on livestock
- Lack of consultation and concerns about PIP route
- Affordability of plots & lack of affordable housing
- Impacts on archaeology
- Fear that dwellings will not truly be self-build
- No localised need for self-build, affordable or general housing in Culmstock
- Overdevelopment – too many dwellings for the site
- Impacts on car parking
- Amenity impacts during construction
- Loss of agricultural land

In addition, the case officer has been sent a video of the highways in the area. It is not possible to link a video to the public portal but this has also been considered in reaching the officer recommendation.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy and procedure**
- 2. Principle of development and housing land supply**
- 3. Affordable housing**
- 4. Design and amenity**
- 5. Impact upon the character of the Conservation Area**
- 6. Impact upon the Blackdown Hills National Landscape**
- 7. Highway safety and car parking**
- 8. Flood risk and drainage**
- 9. Ecology and biodiversity**
- 10. Other matters**
- 11. Planning balance**

1. Policy and procedure

- 1.1. The ability to make an application for permission in principle was introduced on the 1st of June 2018 through the Town and County Planning (Permission in Principle) (Amendment) Order 2017. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle from the technical details of the development. The permission in principle route is a two stage process:
 - i) permission in principle and
 - ii) technical details consent.
- 1.2. As this is an application for planning in principle the scope of consideration is limited to location, land use, and amount of development. Other matters would be considered as part of any potential future “technical details consent” application.

2. Principle of development and housing land supply

- 2.1. Policies S1 to S3 of the Mid Devon Local Plan (2013-2033) set the strategic priorities for the District in order to create sustainable communities. In terms of residential development, the policies set a general development focus in the three main towns with further small-scale residential development in defined villages. Whilst Culmstock is one such defined village, this application falls outside of the settlement limit, albeit adjacent to the south western boundary.
- 2.2. Policy S14 of the Local Plan refers to development outside of defined settlements and does not generally support new-build, open-market proposals. However, there are some exceptions such as when the Council are not able to demonstrate a 5 year housing land supply, enacting Paragraph 11 of the NPPF. There is also an exception for affordable and low-cost housing where there is an identified local need with Policy DM6 generally supporting this type of development, including low-cost self-build development, adjacent to defined settlements. This proposal is generally for open-market self-build plots so DM6 does not specifically apply, albeit some affordable plots are proposed which is discussed later in this report.
- 2.3. Members will be aware that the Town and Country Planning Act sets out that planning decisions should be made in accordance with the development plan unless material considerations state otherwise, the National Planning Policy Framework being one such material consideration. Paragraph 11 of the NPPF states that where there are no relevant development plan policies or policies are out of date, permission should be granted unless policies within the NPPF provide a strong reason for refusing the development in terms of assets of particular importance, or, any adverse impacts of granting consent would demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is commonly known as the tilted balance. An inability to demonstrate a 5 year housing land supply is a factor which effectively makes a Local Plan out of date. MDDC cannot demonstrate a 5 year housing supply at present and this is expected to be worsened from July 2025 due to the Plan becoming more than 5 years old and thus the new standard methodology for calculating housing requirements will apply. Members should consider that, as of July, the increased shortfall will weigh further in favour of granting residential development when considering the tilted balance.

- 2.4. As above, the LPA cannot demonstrate a 5 year housing land supply at present, the tilted balance is therefore relevant and weighs in favour of granting Permission in Principle for open-market housing subject to an assessment against other material considerations.
- 2.5. This particular application is for self-build housing so even if the LPA could demonstrate a general 5 year housing land supply, Paragraph 11 would be enacted due to the shortfall of self-build housing in the District and the lack of specific development management policy in relation to open-market self-build housing. Regard should also be given to Paragraphs 62 and 63 of the NPPF, which state that policies should give regard to those people wishing to commission or build their own homes. The fact that this proposal is for self-build accommodation as opposed to standard open-market housing, is a benefit that weighs in favour of granting Permission in Principle given the specific shortfall for this type of accommodation and because it would accord with Paragraphs 62 and 63 of the NPPF.
- 2.6. Information submitted with the application indicates that there is a 145 self-build plot deficit within Mid Devon and that there are 13 households on the Self Build Register which are associated with the parish of Culmstock. The public consultation period has brought about concern in relation to whether there truly is a local need but no specific counter-evidence has been provided. In their comments, the Council's Principal Housing Enabling Officer confirms that they concur with the information submitted with the application in that there is a shortfall in granting custom self-build housing, going on to state that this is an important material consideration in the planning balance. Decision making weight should therefore be given to the benefit of addressing the significant self-build shortfall.
- 2.7. In summary, given the requirements of the NPPF and the significant shortfall of this type of accommodation in Mid Devon, significant decision making weight must be given to the proposed provision of custom self-build housing. The self-build nature of the housing would ordinarily be secured by a legal agreement at technical details stage, albeit a draft Unilateral Undertaking has been provided with the submission to demonstrate the applicant's seriousness in providing self-build accommodation. Members should also note that the tilted balance would be enacted for ordinary open-market housing given the current land supply situation which is expected to worsen in July. Overall, significant weight is given to the proposed provision of self-build housing and this weighs strongly in favour of granting Permission in Principle.

3. Affordable housing

- 3.1. The comments in relation to the lack of affordable housing provision have been noted. Policy S3 of the Local Plan requires sites of 6 dwellings or more to include 30% as affordable housing. Should the full 9 dwellings be developed in this case, that would amount to an affordable housing requirement of 3 dwellings. Ordinarily, legal agreements for affordable housing and suchlike would be secured at Technical Details Consent stage.
- 3.2. However, during discussions with the applicant, they have indicated that they are open to providing 5 open market and 2 affordable plots which would indeed meet the requirements of Policy S3. Whilst legal agreements would normally be handled at technical details stage, the applicants have provided an additional draft (unsigned) Unilateral Undertaking at this stage indicating a willingness to meet the policy requirements for affordable housing and commit to 5 open market and 2 affordable

plots. This is notable because, should less than 6 plots be provided on the site, there will not be a requirement for any affordable housing provision whatsoever under Policy S3. The applicants have indicated to the case officer that, if approval was granted at Committee, they would be content to sign the legal agreement at this stage in the process – the securing of affordable housing at this stage would be of benefit to the scheme. Whilst the agreement would still need to be checked by the Council's Legal Department before finally being sealed, the commitment to secure some affordable housing can be given some, limited, decision making weight.

- 3.3. Overall, the provision of affordable housing in accordance with Policy S3 is of benefit to the scheme, albeit limited decision making weight can be given to this at this stage given that the legal agreement is unsigned and the Council would seek to secure the requirements of S3 in any event. However, should less than 6 dwellings be brought forward, no affordable housing would be required so the applicant's commitment to 5 open market and 2 affordable plots should be noted. Members may choose, therefore, to grant approval subject to the signing of a legal agreement to secure the affordable housing provision, albeit this is ordinarily handled at Technical Details Consent stage.

4. Design and amenity

- 4.1. Policy DM1 of the Local Plan seeks to ensure high quality design according to a number of principles. These include creating visually attractive places, avoiding adverse amenity impacts, making efficient use of sites and showing an understanding of the site. However, it should be considered that only land use, location and amount of development can be considered at PIP stage.
- 4.2. The proposal seeks to achieve 3-9 dwellings on the site. Taking account of the site location plan, it would appear that up to 9 dwellings could sit comfortably on the 0.5ha site subject to the final designs. The visual impact amounting from the proposed density would depend on the scale of the dwellings proposed as well as the final number. Whilst the LPA does not have a specific policy in relation to density, DM1 does require proposals to make an efficient use of sites. On balance, an understanding and efficient use of the site are considered to have been demonstrated in this case, whilst appreciating that final designs are yet to be confirmed. The amount of development is therefore broadly considered to be acceptable. The public comments in relation to the application creating a precedent for additional development within the applicant's ownership are noted. Members will be aware that any future applications would be subject to specific planning applications with an assessment required as to the justification and design of those schemes. The granting of permission in principle on this site does not automatically result in additional schemes also being approved.
- 4.3. Comments have also been received in relation to overlooking, loss of light and overbearing impacts in relation to neighbouring dwellings on Uffculme Road and Silver Street. Whilst the site is somewhat raised compared with some neighbouring plots, this is a PIP application so the finished floor levels, layout and final designs are not yet known so it cannot be said that there would be unacceptable amenity impacts at this stage. Given the size of the site and the opportunity for the design to include landscaping and other boundary treatments, it is considered feasible that an acceptable design could be brought forward at the next stage. Should PIP be granted, officers would expect a self-build design code to be submitted at TDC stage which should take account of the potential impacts upon neighbouring dwellings as well as locally distinctive design. Public comments have been received in relation to disruption during the construction phase, one referencing that the impacts would be exasperated for

disabled people. Public Health have requested a Construction Environmental Management Plan condition to ensure there are no adverse impacts during construction. Whilst it is not possible to add conditions to permission in principle decisions, the applicants may choose to submit this at TDC stage to avoid the need for a condition and to demonstrate that there would not be amenity harm at the construction phase.

- 4.4. Overall, taking into account the matters that can be assessed at PIP stage, Policy DM1 is considered to be complied with.

5. Impact upon the character of the Conservation Area

- 5.1. In coming to this decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 5.2. Similarly, Policy DM25 seeks to protect and, where possible, enhance heritage assets and their settings. The policy also requires a commensurate Heritage Assessment to be submitted with applications that may impact such assets. Officers would expect this to be provided at TDC stage and this should inform final designs.
- 5.3. The site is not within the Culmstock Conservation Area but the boundary is approximately 25m north and 35m east of the site respectively with existing development between. Due to the slightly raised nature of the site, there may be some views towards and from the Conservation Area despite the separation distance and existing screening.
- 5.4. The Conservation Officer has been consulted and concludes that limited development could be provided in this location, in principle, without harm to the Conservation Area. They would prefer this follows the existing development pattern with limited back-land development and with a sympathetic access and highway works. Given that the site is 0.5a hectares with a maximum of 9 dwellings proposed, it is feasible that single storey dwellings could be provided to limit the any impacts on the Conservation Area. It may be difficult to achieve the full 9 dwellings without some back-land development, however, it is noted that there is existing back-land development within the village so this would not be especially incongruous if it was proposed at TDC stage. Ultimately, the designs would need to be informed by the Heritage Assessment with sympathetic dwellings proposed, as well as a sympathetic access.
- 5.5. Overall, the Conservation Officer that development could be achieved in principle taking account of the location, land use and amount of development proposed. As such, DM25 is considered to be complied with at this stage.
- 5.6. The DCC Historic Environment Team have identified that there is the potential for archaeological deposits at the site and recommend that a Written Scheme of Investigation be submitted at TDC stage. Alternatively, a pre commencement condition would be required at that stage – this would also be in accordance with Policy DM25.

6. Impact upon Blackdown Hills National Landscape

- 6.1. The site is over 300m from the boundary of the Blackdown Hills National Landscape, however, there may be some distant views towards the site from locations within the

BHNL.

6.2. Policy DM27 states that proposals affecting the BHNL must demonstrate that:

- a) Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and
- b) Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.

6.3. The public comments in relation to the impact on the landscape have been considered, noting a particular concern in relation to the impact on the dark skies across the BHNL. Only land use, amount and location of development can be considered at PIP stage. In terms of amount, Public Health have noted that a development of this size is unlikely to cause light pollution issues and it is noted that there are dwellings closer to the BHNL in any event.

6.4. In terms of visual impacts, whilst there may be some glimpsed views towards the site from the BHNL, it is expected that these will generally be distant and well screened by existing development and given the existing context, the location is considered broadly acceptable subject to final designs and appearance. The village of Culmstock is relatively well frequented by visitors to the BHNL and generally viewed in conjunction with the BHNL, however, given the close proximity of the site to existing development, it is expected that more distant views of the scheme will be viewed on conjunction with the broader village. Given that the site is approximately 0.5ha in area with up to 9 dwellings proposed, single storey dwellings could be achieved where necessary. However, officers suggest a Landscape and Visual Impact Assessment to be submitted at TDC stage so this can be fully assessed when final design and landscaping proposals are known, with the LIVA expected to inform the design.

6.5. In summary, Criterion A of DM27 is considered to be met. With regard to Criterion B, it is not expected that there will be biodiversity harm by granting permission in principle with this to be fully assessed at TDC stage. Notwithstanding this, biodiversity and ecology is discussed in more detail later in this report.

7. Highway safety and car parking

7.1. The significant public concern in relation to highway safety has been noted. Policy DM3 requires safe access onto the local road network. It is understood that the main access is likely to be taken from Uffculme Road with the applicants exploring an active travel route towards the north of the site which is expected to be more appropriate for pedestrians compared with the main road access at Uffculme Road given the lack of footpaths in this area. This approach would be consistent with the current situation in this southern part of the village. Whilst there is no footpath, the carriageway is relatively wide and there is street lighting once in the 30mph zone to the east of the site. Whilst the concerns about the highway in this location have been acknowledged, applications for PIP can only be assessed against land use, amount and location of development and the site is on the very edge of the defined settlement with 3-9 dwellings being a relatively modest increase in terms of vehicle movements. The County Highway Authority have commented on the proposal and concluded that the site is acceptable in principle. They note that details of pedestrian links, lighting, visibility splays will be required at TDC stage in order to ensure the development can be made safe in terms of the access and local road network but, in principle, a safe access does appear to be

feasible with limited additional impacts on the local highway network.

- 7.2. Policy DM5 requires 1.7 parking spaces per residential development. The site is 0.5ha in area with up to 9 dwellings proposed so it appears likely that a scheme could be designed on the site which includes sufficient car parking, however, this will need to be provided at technical details stage.
- 7.3. Overall, the Highway Authority that a safe access can be provided at TDC stage and the location, land use or amount of development does not warrant refusal of permission in principle. Likewise, it is likely that a scheme can be designed which provides sufficient car parking.

8. Flood risk and drainage

- 8.1. The site is in Flood Zone 1 which represents the lowest probability of sea or river flooding as per Environment Agency guidance. However, public concern has been raised in relation to localised flooding and drainage issues on the site. One letter of representation has referred to a 2012 feasibility study for the site which states that there may be an ordinary waterbody on the site or boundary and there are potential surface water flooding risks, recommending DCC SUDs guidance is followed.
- 8.2. South West Water have commented on the application, stating that no surface water drainage details have been provided, noting that infiltration would be the preferred method in order to meet the drainage hierarchy. No details have been provided because this is not a requirement of PIP stage, but this will be expected at TDC stage should PIP be granted and should demonstrate that water courses such as the River Culm will not be adversely impacted. Given the localised issues cited, it is likely that the DCC Lead Local Flood Authority are also consulted at TDC stage.
- 8.3. Given that the site is in Flood Zone 1 and taking into account what can be assessed at PIP stage, it is considered that, subject to final designs, the development could be made safe in principle in terms of flood risk.

9. Ecology and biodiversity

- 9.1. Whilst the comments in relation to biodiversity and ecology are noted, an ecological survey is not a requirement of a PIP application as final designs are not yet confirmed. In principle, a design could be developed which protects local ecology with any impacts amounting from the works (such as creating visibility splays, for example) able to be offset by mitigation and enhancement measures.
- 9.2. As the proposal will meet the definition of custom self-build development, it is exempt from statutory 10% biodiversity net gain. However, Policy S1 does require a general net gain in biodiversity and this should be demonstrated at TDC stage taking into account any potential adverse impacts.
- 9.3. Overall, the land use, location or amount of the proposed development are not considered to make the scheme unacceptable in terms of biodiversity.

10. Other matters

- 10.1. In addition to the material considerations discussed above, comments have been received in relation to the loss of agricultural land and impact on livestock, the lack of

consultation prior to the submission of the application and the impacts on local infrastructure.

- 10.2. In terms of the impact on infrastructure, the total number of dwellings have not been finalised at this time but the development represents non-major development which is generally not expected to have a significant impact. Once the number of dwellings are confirmed at TDC stage, bodies such as the NHS or DCC Education may request financial contributions to offset the impact upon local infrastructure.
- 10.3. It is not expected that the proposal will have an adverse impact on livestock and there is no specific development management policy in the Local Plan seeking to protect agricultural land from residential development albeit S1 and S9 do set out a general direction of making efficient uses of the best agricultural land. However, it is noted that within the feasibility study from 2012 referenced above, the land was classified at Grade III in any event and thus not the highest quality.
- 10.4. Whilst it is unfortunate that the applicants have not engaged in pre-application consultations with the community, this is not a requirement of this application.

11. Planning balance

- 11.1. Overall, it has been demonstrated that there is a significant shortfall of custom self-build housing in Mid Devon, with some evidence of a localised need in Culmstock. Significant decision making weight must be given to this shortfall with some weight also afforded to the Council's general 5 year housing land supply position and the proposed provision of affordable housing. The site is on the edge of an existing settlement which makes it relatively sustainable in planning terms. Taking into account what can be assessed at Permission in Principle stage, it is not considered that there are significant adverse impacts in terms of heritage assets, the National Landscape, local road network, flood risk or ecology. It is considered that any material planning issues could, in principle, be addressed at technical details stage. In assessing the application, no harm has been identified which is considered to outweigh the benefit of contributing to addressing the shortfall of self-build housing, making the scheme in accordance with Paragraph 11 of the NPPF. As such, officers recommend granting Permission in Principle.

REASON FOR APPROVAL

The proposed Permission in Principle for a phased development of between 3 and 9 Custom and Self Build dwellings at Land at NGR 310051 113426 North of Uffculme Road, Culmstock is considered acceptable. It has been demonstrated that there is a significant shortfall of custom self-build housing in Mid Devon, with some evidence of a localised need in Culmstock. Significant decision making weight must be given to this shortfall with some weight also given to the potential for affordable housing and the Council's lack of 5 year housing land supply. The site is on the edge of an existing settlement, which makes it relatively sustainable in planning terms. Taking into account what can be considered at Permission in Principle stage, it is not considered that there are significant adverse impacts in terms of heritage assets, the National Landscape, local road network, flood risk or ecology. It is considered that any material planning issues could, in principle, be addressed at technical details stage. In assessing the application, no harm has been identified which is considered to outweigh the benefit of contributing to addressing the shortfall of self-build housing. As such, the development complies with policies S1, S3, DM1, DM3, DM5, DM25 and DM27 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

CONDITIONS

It is not possible to attach conditions to a grant of permission in principle but officers suggest the following is provided at technical details stage should PIP be granted:

- Proposed plans or design code taking into account neighbouring properties
- Heritage Assessment
- Landscape Visual Impact Assessment (LVIA)
- Access and parking plans
- Drainage Strategies
- Ecology Survey
- Construction Environmental Management Plan
- Written Scheme of Investigation for archaeology

BNG – BIODIVERSITY NET GAIN

Is BNG Required? **No**

Is BNG Offsite only **N/A**

Onsite only **N/A**

Offsite and Onsite **N/A**

Is a S106 agreement required? **N/A**

Self-build/custom development

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.

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

4.5 Self and Custom Build Development, meaning development which:

- iv) consists of no more than 9 dwellings;
- v) is carried out on a site which has an area no larger than 0.5 hectares; and
- vi) 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).

* “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 permission

INFORMATIVES

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.

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". Under the PSED, the LPA are required to foster good relations between persons who share a relevant protected characteristic and those who do not. It has been clearly indicated, during the course of this application, that there is concern about the impact of the construction on disabled people in particular. The LPA have considered this in the determination of this application and have concluded that the granting of permission in principle would not harm amenity during the construction phase given that this is to be addressed at a future stage of the process. As such, it is also considered that the neighbours with a disability will also not be unacceptably impacted upon. To this end, due regard has been given to the objectives set out under Section 149 of the Equality Act 2010.