

PLANNING COMMITTEE AGENDA - 2nd July 2025

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>25/00586/NMA - Non Material Amendment to 23/00118/MFUL to rationalise internal layouts including placement of external doors and windows; additional solar panels; inclusion of cycle storage facilities and refuse/bin recycling storage areas details and revised site levels at School Close, Bampton, Tiverton.</p> <p>RECOMMENDATION Grant permission.</p>
02.	<p>25/00573/LBC - Listed Building Consent for the removal of 20th century 1st floor timber partition at Shapcott Cottage, Whitnage, Tiverton.</p> <p>RECOMMENDATION Grant permission.</p>

Application No. **25/00586/NMA**

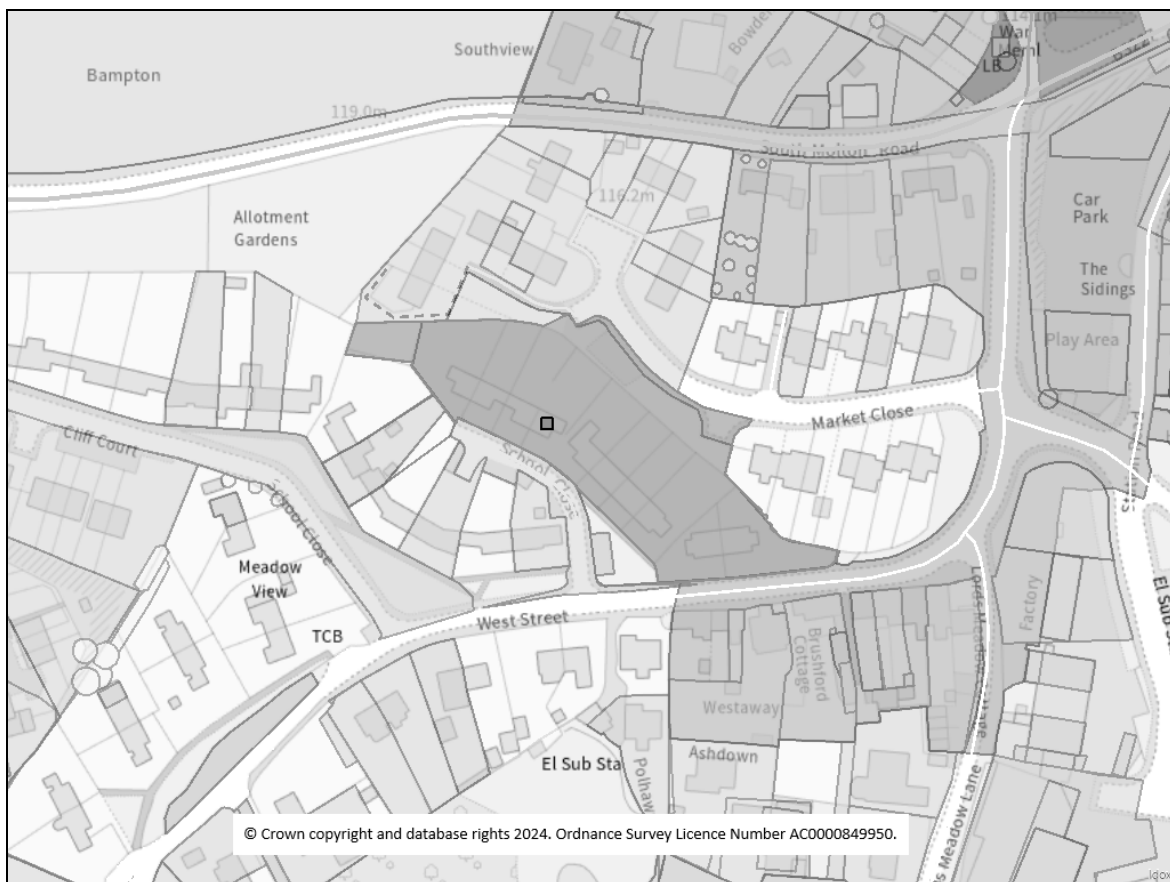
Grid Ref: 295442: 122165

Applicant: Mr Mike Lowman

Location: School Close
Bampton
Tiverton
Devon

Proposal: Non Material Amendment to 23/00118/MFUL to rationalise internal layouts including placement of external doors and windows; additional solar panels; inclusion of cycle storage facilities and refuse/bin recycling storage areas details and revised site levels

Date Valid: 29th April 2025



REASON FOR REFERRAL TO COMMITTEE

A non-material amendment application for planning permission 23/00118/MFUL to allow amendments of internal layouts and associated changes to external doors and windows, changes to finished floor levels and respective ridge heights, variation to approved material finishes, and alterations to the approved site plan reference these changes, including indication of bin, recycling and cycle storage arrangements, and landscaping, following approval of conditions finalising landscaping and details of cycle storage, was received on the 29th May 2025. These proposed changes are to be considered under s96A of the Town and Country Planning Act 1990. As Mid Devon District Council is the applicant and landowner there is a requirement for the application to be determined by the Planning Committee.

RECOMMENDATION

GRANT PERMISSION FOR THE FOLLOWING NON-MATERIAL AMENDMENT:

1. Changes to the approved unit and block plans showing revised internal layouts of the approved dwellings.
2. Changes to the approved elevations, including amended finished floor levels, ridge heights, and position and placement of external doors and windows.
3. The revision of the wording of condition 11 of planning permission 23/00118/MFUL to refer to the revised site layout plan, incorporating changes made following the approval of cycle storage and landscaping details, following the discharge of conditions 8 (landscaping) and 10 (secure cycle storage details). The wording is to be revised to substitute 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010-S01- P03' with 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010-S01- P05'.
4. To revised wording of condition 12 of planning permission 23/00118/MFUL to refer to the revised material finishes. The wording is to be revised to substitute 'Design and Access Statement', with 'Design and Access Statement Section 5.3 Materiality, Z27-ZPL-A1-XX-PP-A-0005'.
5. The revision of the wording of condition 13 of planning permission 23/00118/MFUL to refer to the revised site layout plan, incorporating changes made following the approval of cycle storage and landscaping details, following the discharge of conditions 8 (landscaping) and 10 (secure cycle storage details). The wording is to be revised to substitute 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010-S01- P03' with 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010-S01- P05'

REASON FOR RECOMMENDING GRANT OF NON-MATERIAL AMENDMENT

The proposed changes are considered to have a minor impact on the appearance of the development as a whole. Therefore, given the minor nature of the amendments, they are considered an acceptable change to the approved scheme that will not be detrimental to the visual or residential amenity of the locality or to the design and appearance of the approved scheme. Having regard to the effect of the changes on the planning permission as originally granted, the Local Planning Authority on balance is satisfied that they are not material.

PROPOSED DEVELOPMENT

Non Material Amendment to 23/00118/MFUL to rationalise internal layouts including placement of external doors and windows; additional solar panels; inclusion of cycle storage facilities and refuse/bin recycling storage areas details, revised site levels and material finishes.

This application seeks to make a variety of minor changes to the approved development scheme, including the rationalisation of internal layouts of the approved dwellings, making minor changes to the position of some of the internal windows and doors relating to the internal rearrangements, site levels and material finishes. It is also proposed to amend the wording of conditions 11, 12 and 13, all of which refer to approved plans. As a result of the details submitted to discharge conditions 8 (landscaping) and 10 (secure cycle storage details) of planning permission 23/00118/MFUL, the plans referenced in conditions 11, 12 and 13 need to be updated to note the most recent plan numbers.

APPLICANT'S SUPPORTING INFORMATION

Application form, covering letter and amended plans

RELEVANT PLANNING HISTORY

23/00118/MFUL - PERCON date 15th May 2024

Erection of 18 affordable dwellings following demolition of 10 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works

PLANNING POLICIES

The Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

CONSULTATIONS

None

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1. BACKGROUND OF THE APPROVED DEVELOPMENT

- 1.1 Application 23/00118/FULL was approved on 15th May 2024 for the erection of 18 affordable dwellings following demolition of 10 existing dwellings, with associated parking, landscaping and works at School Close, Bampton. Members may recall that this application was considered at Planning Committee on the 8th May 2024 where it was resolved to approve subject to conditions.
- 1.2 The application site is within the defined settlement limit of Bampton and is located on land between School Close and Market Close, off West Street. The site comprises three blocks of concrete construction houses with concrete tiles, along School Close and a semi-detached rendered bungalow, fronting West Street.
- 1.3 The approved scheme was for demolition of the existing properties and replacement with 18 new homes, comprising a four semi-detached 4 bed/8 person houses, two terraces each containing two 1 bed/2 person and one 3 bed/6 person houses, and a terrace of ten units, of which two would be 2 bed/3 person houses, and the remainder being 1 bed/2

person houses. The approved dwellings are to be in a similar location to the existing dwellings, with the exception that there will be movement further to the North West to enable the large terrace to be located to the front of the site, fronting West Street. All properties are to be provided with their own private gardens, while the site will also include publically accessible landscaped areas. A palette of materials was approved comprising rendered to the walls and metal standing seam roof. Solar PV panels would be installed on the roof slopes of the building.

- 1.4 All of the units are to be built to be national space standard compliant, with dedicated storage space. The scheme also provides for the storage of waste and recycling through the provision of private external storage space for each property. Provision is also made for secure cycle storage.

2.0 PROCESS OF A NON MATERIAL AMENDMENT APPLICATION

- 2.1 An application has been submitted to be considered under s96A of the Town and Country Planning Act 1990 where the determination is down to whether the changes are considered acceptable as being non-material to the approved development. The time period for determination of a Non Material Amendment is 28 days and as an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply.
- 2.2 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

3.0 PROPOSED CHANGES TO THE APPROVED SCHEME

- 3.1 The non-material amendments proposed for 23/00118/MFUL are to allow amendments to internal layout of the approved dwellings, associated changes to the placement of some of the windows and doors to accord with the changes to the internal layout, and changes to the site plan to include alterations to accommodate the final landscaping scheme and secure cycle facilities approved in relation to the discharge of conditions 8 and 10. The proposals also include minor changes to the site levels following the completion of an updated topographical survey of the site, and to the proposed finishes of the dwellings.
- 3.2 The changes to the internal layout of the dwellings are proposed to improve the usability of the properties and energy efficiency. The changes to the different units vary between the housing types, however each property retains the same number of rooms, albeit with slight changes to room sizes and their positions. Notwithstanding these changes, all the bedrooms still accord with the requisite nationally described space standard for each bedroom type.
- 3.3 The proposed materials will remain as previously approved, however to add some variety, it is proposed to expand the palette of colours from just the originally approved cream render to a mix of cream and off-white to all blocks. It is also proposed to introduce a light blue grey colour to one of the properties in each of Block B and Block D. The proposed changes are considered acceptable and minor in their nature. The two properties proposed to be finished with a light blue grey render are located further into

School Close and away from the site frontage, which adjoins the Bampton Conservation Area, ensuring that there is no perceivable impact on the Setting and appearance of this designated heritage asset.

- 3.4 With respect to the proposed changes to site levels, these see a very slight increase in the finished floor level, and its ridge height respectively, of just 100mm, which will not make any noticeable change to the proposed appearance of this block, nor will it alter the relative impact on the residential amenity of any neighbouring occupiers. The other blocks will see a decrease in finished floor levels and respective ridge heights by approximately 500mm in all cases. This reduction in site levels is also considered to be acceptable and have no overall impact on the development, other than by reducing its impact on the wider area. This is however considered to have no detrimental impact on any of the surrounding neighbouring properties or their occupiers.

- 3.5 Planning condition 11, states '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 'Z27-ZP-A1-XX-DR-A-010-S01-P03'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.'

Following the discharge of condition 8, which required approval of the final landscaping scheme, and condition 10, which required the submission of the final secure cycle storage details, there has been a minor change to the layout to accommodate those approved details. As such, part of this application includes the alteration of this condition to include an updated version of the approved plan to include the minor layout changes, which includes the final landscaping scheme and the final details of cycle storage. It is proposed to revise the wording of condition 11, as follows:

'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 'Z27-ZP-A1-XX-DR-A-010- S01- P05'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.'

- 3.6 Condition 12 states '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.'

As a result of the aforementioned changes to property finishes, the wording of the condition is proposed to be revised accordingly. As such, it is proposed to revise this wording to:

'The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within Design and Access Statement Section 5.3 Materiality, Z27-ZPL-A1-XX-PP-A-0005. 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.'

- 3.7 Condition 13 states 'The development shall not be occupied until refuse bin/recycling storage areas have been provided in accordance with the details indicated on the approved 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010-S01-P03'. The

associated bin storage areas for each dwelling shall be provided prior to initial occupation of each dwelling and shall thereafter be retained and maintained.'

For similar reasons to that relating to the revised wording of condition 11, the approved plan has been updated to reflect the site layout changes. As such, the revised wording is proposed as follows:

'The development shall not be occupied until refuse bin/recycling storage areas have been provided in accordance with the details indicated on the approved 'Proposed Site Plan', drawing number 'Z27-ZP-A1-XX-DR-A-010- S01- P05'. The associated bin storage areas for each dwelling shall be provided prior to initial occupation of each dwelling and shall thereafter be retained and maintained.'

- 3.8 Under Section 96A of the Town and Country Planning Act 1990 it is possible to amend the wording of a planning condition where considered to be non-material in nature. In light of the minor changes to the proposed layout and to take into account the need to reference the revised plans, this is considered to be an acceptable amendment that falls within the scope of a non-material amendment.
- 3.9 The Officer recommendation is to accept the changes as being a non-material amendment to Planning Permission 23/00118/MFUL. The reason being that the proposed changes do not result in an increase in the scale of development, nor alter the form significantly and would not result in a significant detrimental impact visually or in terms of amenity compared to the approved scheme. The amendments are not contrary to the development plan. The proposal results in a change to the external appearance of certain elements/areas of the scheme but these changes do not negatively impact the surrounding area nor do they erode the quality of the development originally approved. Having regard to the effect of the changes on the planning permission as originally granted, the Local Planning Authority on balance is satisfied that they are not material.

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

APPENDIX 1 - Previous Committee Report for 23/00118/MFUL (8th May 2024)

Application No. 23/00118/MFUL

Grid Ref: 295442: 122165

Applicant: Zed Pods Limited

Location: School Close
Bampton
Tiverton
Devon

Proposal: Erection of 18 affordable dwellings following demolition of 10 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works

Date Valid: 21st December 2023

APPLICATION NO: 23/00118/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 18 affordable dwellings following demolition of 10 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 Bampton and is located on land between School Close and Market Close, off West Street. The site comprises 3 blocks of concrete construction houses with concrete tiles, along School Close and a semi-detached rendered bungalow, fronting West Street.

It is proposed to demolish these existing properties and replace with 18 new homes, comprising a four semi-detached 4 bed/8 person houses, two terraces each containing two 1 bed/2 person and

one 3 bed/6 person houses, and a terrace of ten units, of which two would be 2 bed/3 person houses, and the remainder being 1 bed/2 person houses. The proposed dwellings will be in a similar location to the existing dwellings, with the exception that there will be movement further to the North West to enable the large terrace to be located to the front of the site, fronting West Street. All properties are to be provided with their own private gardens, while the site will also include publically accessible landscaped areas. A palette of materials is proposed comprising rendered to the walls and metal standing seam 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, in respect to both overall floor area and bedroom sizes. It had been noted that the second bedroom in the 2bed/3 person units were under the required minimum size of 7.5 square metres, however the internal layout has since been revised to ensure that these bedrooms are now larger, at 8.5 square metres. The scheme also provides for the storage of waste and recycling through the provision of private external storage space for each property. Provision is also made for secure cycle storage.

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 Ecological Appraisal and Preliminary Roost Assessment, Bat Emergence Surveys, Reptile Surveys, Energy and Sustainability Statement, Site Waste Audit Statement, Groundwise Utility Report, Heritage Technical Note, Heritage Assessment, Transport Statement, Biodiversity Net Gain Assessment, Biodiversity Metric, Climate Emergency Check List.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site

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
S13 - Villages
DM1 - High quality design
DM2 - Renewable and low carbon energy
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM25 - Development affecting heritage assets

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

BAMPTON TOWN COUNCIL - 10.01.24

Council consider it is a good idea to replace these buildings, though Council would like to have been better informed and consulted and be further re-assured that the needs of local residents be taken into consideration. Mid Devon to consider local applicants for the completed housing as there is a big shortfall in affordable housing within the parish.

DCC HIGHWAY AUTHORITY - 27.02.2024

Observations:

The County Highway Authority (CHA) has visited this site and reviewed the planning application documents.

I am satisfied that the erection of 18 dwellings from the area which formerly held 10 existing dwellings will not create an unacceptable trip generation. The proposed layout allows for sufficient of-carriageway turning through a turning head, both on the School Close frontage and West Street frontage. The parking layout and geometry conforms to our best practice, Manual or Streets 1 and 2. The proposal allows for an internal footway/cycleway for efficient connection to the local services and facilities such as the primary school.

Should the application be approved, I recommend the conditioning of a comprehensive Construction and Environment Management to help mitigate the impact of construction upon the local highway network. Additionally, I recommend the conditioning of secure cycle storage to help encourage sustainable travel.

Recommendation:

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

1. 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.

2. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2023.

DCC EDUCATION - 13.02.24

DCC will not request a contribution toward education provision in relation to the above planning application because the site will deliver less than 4 family type dwellings (2+ bedrooms) in total. This is based on the understanding that the 10 dwellings which are to be demolished includes 8 or more family type dwellings (2+ bedrooms). Please let me know if this is not the case.

DEVON, CORNWALL & DORSET POLICE - 05.01.24

Thank you for this application, I have no objections in principle from a designing out crime and anti-social behaviour perspective, the overall design and layout proposed will on the whole provide both, active frontages and good overlooking to the new internal street, footpaths, parking and open spaces.

The reference within the design and Access Statement to Secured By Design and brief details of proposed crime and anti-social behaviour (ASB) reduction measures is welcomed. Secured by Design (SBD) is a crime prevention initiative managed by Police Crime Prevention Initiatives Ltd (PCPI) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures:-

- ' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security
- ' Structure: Places that are structured so that different uses do not cause conflict
- ' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling
- ' Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- ' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2023
- ' Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- ' Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and ASB.

The proposed parking provision for the above scheme is noted. It must be sufficient, when balanced against the overall schedule of accommodation, as even a one-bedroom dwelling could attract 2 vehicles, practical and convenient to use as this will help to prevent unplanned parking elsewhere. It is the 'elsewhere' that can prove problematic for both residents and service providers and lead to upset and angst amongst residents due to inconsiderate and/or obstructive parking. It is recommended that spaces are formally allocated to residents as this allows ownership and greatly reduces potential for abuse which can often lead to community conflict between residents and visitors etc.

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

Whilst the inclusion of CCTV is welcomed, it should not be seen as a universal solution to crime and anti-social behaviour reduction. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. It is therefore recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package, with any lighting for the sites compatible with the CCTV system.

A passport for compliance document previously known as an Operational Requirement (OR) should be drawn up prior to installation to ensure any system will be fit for purpose. This site may not need that many cameras but would advise that any system has the capacity to install more cameras at a later stage if desired. Cameras, wiring and recording or monitoring equipment should be secured and any system installed should be designed in co-ordination with external lighting and landscaping.

The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution. Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications. CCTV systems may have to be registered with the Information Commissioners Office (IOC) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.

The proposed boundary and plot separation treatments are noted, any proposed new boundary treatment must not undermine the effectiveness of those of existing adjacent dwellings.

MDDC PUBLIC HEALTH - 22.01.24

We have considered the application and do not anticipate any environmental health concerns once completed. The site requires demolition and clearance and the recommendations in the Phase 1 geotechnical report should be followed in respect of this. As the site is surrounded by existing housing it will need to be well managed during demolition and construction, particularly with regards to traffic management in order to ensure that existing residents are not impacted upon. We therefore recommend the standard CMP and CEMP conditions are included on any approval.

The Phase 1 report summarises historical uses of the site and it is likely that any contaminated material or made ground is near surface which would be cleared during demolition and oversite works. We therefore recommend that the standard "unexpected contamination" condition is included on any approval.

DCC WASTE and TRANSPORT MANAGER - 24.01.24

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

The submitted Waste Audit Statement identifies the amount of demolition, excavation and construction waste set out by type of material and targets for the re-use, recycling and recovery for each type. It also sets out the details of disposal methods, including the names and locations of the waste disposal sites. The statement predicts the annual amount and type of waste that will be generated once the development is occupied, as well as measures to avoid all waste occurring. The statement overall demonstrates the management of waste in accordance with the waste hierarchy.

However, in order to meet the requirements of Policy W4 of the Devon Waste Plan, the following information is requested:

- Identify a methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The name and location of the landfill waste disposal site.

MDDC TREE OFFICER - 19.02.24

Currently supporting the application is a Tree Constraints Plan that suitably set out the tree location, type, quality and root protection area. Where there is a layout design an arboricultural impact assessment (AIA), an arboricultural method statement (AMS), and tree protection plan (TPP) should be undertaken.

The majority of trees noted on site are view of moderate and low quality tree. Only one tree is noted as such condition where its removal should be undertaken.

The overall layout should retain all trees of moderate or low quality. Only low quality trees should be removed where it constrains the proposal.

Complementary tree planting should be undertaken as part of a landscape improvement scheme along the street scene in order to provide increased amenity value and biodiversity. Tree planting will provide further green buffering in what is a grey residential setting.

HISTORIC ENGLAND - 11.01.24

Thank you for your letter of 3 January 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

MDDC CONSERVATION OFFICER - 14.02.24

The site is immediately adjacent to the conservation area, therefore any works should seek to provide an enhancement to the setting. It is recognised that this is not always achievable, though.

The existing properties are not of architectural significance, but they have a simple and discrete appearance, which is a positive element as they have a commanding presence due to the rise in the topography. Based purely on the elevation drawings submitted, the proposal would have no impact on the conservation area, as the proposed replacement dwellings have as little architectural merit in their appearance as the existing ones. However, their appearance would be harmed by the loss of the green space in front of the buildings. By siting cars nose-to-tail at the sides of the houses, this currently provides greater green space and less urbanisation. Grasscrete, or Grass Park, can only do so much, and the predominant visual appearance would be that of parking, followed by bin stores, which cannot be considered to be an improvement. It is

disappointing that the green space and size of the houses is being compromised in order to fit more housing on the site without any attempt being made to enhance the setting of the conservation area.

The embodied carbon within the existing properties does not seem to have been taken into account. It is not sustainable to replace functional buildings with new ones simply because the new ones may have lower operational energy expenditure. The embodied carbon on both the existing buildings and their replacements should be provided, because without this, it is impossible to claim that the proposed buildings are more sustainable than those they would be replacing. These buildings were constructed between 1976 and 1982, admittedly not the best time for energy efficiency in British house building, but there should at least be some consideration given to the energy savings that might be made and the embodied carbon saved, vs. the demolition and operational energy of the proposal.

Design-wise, the single bedrooms in the two-bed properties only have internal floor areas of 7.23m², and the requirement is for 7.5m². These need to be redesigned in order to comply with National Space Standards. It appears that either metal or plastic is to be used for the windows and doors; these are unsustainable materials and if the aim is to create energy efficiency sustainable houses, then these should be timber, which can be repaired and recycled while expending less carbon than their unsustainable counterparts.

DCC HISTORIC ENVIRONMENT TEAM - 09.01.24

Comments from Stephen Reed, Senior Historic Environment Officer

HET ref: ARCH/DM/MD/39039a

The proposed development area has been substantially disturbed by the construction of the post-war houses that currently occupy the site. As such, the archaeological potential of the site is low and the Historic Environment Team has no comments to make on this planning application.

SOUTH WEST WATER - 23.01.24

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

Asset Protection

Please find enclosed plans showing the approximate location of the public sewers and the public water mains in the vicinity.

South West Water will need to know about any building work over or within 3 metres of a public sewers or lateral drain.

Please note that no development will be permitted within 3 metres of the water mains or foul sewers, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewers and water mains will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further. 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.

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

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

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

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

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

Clean Potable Water

South West Water is satisfied that the existing water distribution network will be able to supply this development without the need for further network reinforcement and therefore 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 are satisfied that the existing sewerage network downstream from this development will not need further network reinforcement therefore 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 site will be included in any future investigation into spill performance at storm overflows within the catchment so that the possible increase in flow can be accommodated without having a negative impact."

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 me

Alternatively, you can contact the Pre Development Team.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 11.01.24

Recommendation:

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

Observations:

The applicant have submitted School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 1, dated 22nd December 2022) to support the planning application for the proposed 18 nos of residential development.

The applicant mentioned that the existing hardstanding areas on site is 0.09ha or 20% of the total site area. The current development proposal will comprise 0.20ha (33%) of impermeable area. The 10% urban creep shall only be applied to the residential dwelling only. The derivation of greenfield runoff rate shall exclude the 10% urban creep allowance also.

Where brownfield sites are being developed, peak flow control should still be based on the greenfield

runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the applicant should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate. The current proposed 2.9l/s (50% betterment compared to the existing brownfield runoff rate) is not acceptable. The applicant currently consider to discharge the surface water runoff via infiltration means (soakaways and permeable surfaces). In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event. If the above tests demonstrate that infiltration is not viable, the applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water runoff generated up to, and including, the 1 in 100 year (+ allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

The applicant currently proposed to attenuate the surface water runoff via porous or permeable paving before discharging into the public sewer system. Underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground components can be used in combination where development area is limited.

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

14.03.24

We are happy for them to carry out the infiltration at a later stage but the current attenuation option proposed is not meeting the criteria at all. We need to agree the greenfield runoff rate with them at this stage, the associated storage volume and location of the SuDS features before the layout is fixed. The current proposals are based on the brownfield runoff rate and the area used in one of the proposals is incorrect also.

In light of the above, I am reluctant to agree any pre-commencement conditions with them.

17.04.24

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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 School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 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) 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.

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 revised School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 2024) to support the planning application for the proposed 18 nos of residential development.

The applicant mentioned that the existing hardstanding areas on site is 0.09ha or 20% of the total site area. The current development proposal will comprise 0.20ha (33%) of impermeable area. The derived 1 in 2 year greenfield runoff rate is 1.4l/s.

It is proposed to attenuate the flow via permeable paving or grasscrete within the parking and pavement areas and geocellular crates before discharging into the surface water sewer within School Close via a HydroBrake or similar flow control device. The attenuation storage volume required is 171m³. A simplified model output results were submitted at this stage.

The applicant are yet to carry out any infiltration testing at this stage.

REPRESENTATIONS

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

At the time of writing this report, letters have been received from six local residents. Three of these neither support nor object, making comments, two are in support and one is a letter of objection. The points raised are summarised below:

- The terrace of 8 units will be built directly to the rear of a neighbouring property in Market Close, affecting the privacy and security of this property, as well as leading to increased noise disturbance. These properties will block out light and overlook the garden of this property.
- This inclusion of a footpath link between School Close and Market Close also raises concerns about security and increased noise.
- Concerns over the inclusion of a 'play area' adjoining neighbouring property, and questions over the use of land to the rear of properties in Market Close.
- Concerns over impact on local infrastructure, such as existing difficulty in getting a GP appointment.
- Concerned over lack of public consultation. Support the provision of additional affordable housing, which is required in the area.
- Some of the parking spaces along School Close would appear to block access to neighbouring drive.
- Would like to ensure that access is still available through the site for allowing access for oil tanker.
- Any damage caused to neighbouring property will need to be reinstated and compensated.
- Neighbours would like to be notified of when works will be carried out to enable them to prepare for the construction period.
- Hopefully the plan is to house local people first who need to be rehomed. It is preferred that locals are given priority.
- The site adjoins existing allotments that are fully occupied. The Bampton Allotment Association (BAA) have been seeking additional land for allotments provision in Bampton, and have missed out on land allocated for allotments when recent sites have been developed. The BAA would like to see land designated as woodland, within the site used as allotments, possibly raised beds. It is further noted that this area is more of an overgrown waste space that would be ideal for providing additional allotment space, which would then be maintained by local residents, negating the need for MDDC to maintain this land.

The Ward Members initially raised concerns over the level of public consultation that was carried out, however this matter has since been resolved. Furthermore, the Ward Members have expressed their support for the scheme.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

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

1. Principle of Development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The National Planning Policy Framework (2023) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Cridton, and a limited level of development in identified villages. Policy S13 (Villages) states that identified rural settlements, including Bampton, are suitable for limited development, for small scale housing. It is identified within the submitted Design and Access Statement that there was a housing need in Bampton for thirteen 1 bed units, two 2 bed units, four 3 bed units and two 4 bed units.
- 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 18 dwellings proposed will be for social rent, a recognised form of affordable housing.

- 1.5 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 18 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 five residential blocks, comprising two pairs of semidetached houses, each being 4bed/8 person units, two comprising a mix of two 1 bed/2 person and one 3 bed/6 person units and final terrace of

eight dwellings, of which two are to be 2 bed/3p person homes, with the remaining six being more 1 bed/2 person units. The properties will be located in a similar position to the existing houses to be demolished, although the development will push further to the north west and there will be an increase in density of development to the site frontage, with the terrace of eight units replacing the existing semi-detached bungalows. The proposed houses will all have level access. All bedrooms are shown as meeting the minimum required floor spaces, as identified within the nationally Described Space Standards. It had been noted that the single bedrooms included within the 2 bed units was below the minimum floor area of 7.5 square metres, however the plans have since been revised, with the internal layout amended slightly to provide further space for the single bedrooms, which now measure 8.5 square metres. Each unit has access to private amenity space provided by a private garden. There is also wider communal landscaped areas around the properties. In terms of materials, the external walls of the properties would have silicone render finish in Cream colour, and the properties would have metal standing seam roofs. The windows and door would be Anthracite Grey (RAL7016).

- 2.4 Notwithstanding the use of roof materials of a different finish to those used in primarily in the neighbouring properties, the rendered finish is similar to that of the surrounding properties. Furthermore, the design, form and massing of the proposed dwellings, are considered to be acceptable and adequately respect and relate to the character of development in the immediate vicinity.
- 2.5 The Design and Access Statement includes details of measures to ensure that the proposed development includes measures to comply with Secured by Design guidelines. The Police Designing Out Crime Officer has commented on the proposal, raising no objections in principle. They have commented on some of the measures proposed, clarifying some of the standards required for compliance with Secured By Design, such as the types of lock, doors and windows required, and in relation to the siting and operation of CCTV. The applicant is aware of these comments and will be able to ensure that they incorporate any recommendations into the finished scheme.
- 2.6 The proposals are informed by National Planning Policy which encourages the effective use of land to meet the identified affordable housing needs that will make better use of the land replacing existing poor-quality housing and doubling the number of homes on-site. The proposals will be restricted to two-storey in height (in line with the local character and immediate neighbouring properties) and will in fact result in a slight reduction in the ridge height, for the most part, albeit an increase in floor area and numbers. It is noted that there will be an increase in the height of the properties fronting West Street, as the bungalows will be replaced by a two-storey terrace, however these are to be set back from the road edge, with additional landscaping incorporated between these properties and the public highway.. The overall floor areas of the proposed dwellings meet the Nationally Described Space Standards as required by Policy DM1 of the Local Plan.
- 2.7 It is considered that the proposed development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area in accordance with policy DM1 of the Local Plan. The proposals have responded directly to the character of the site as set out above, through the use of materials including cream render for the external walls.
- 2.8 As noted earlier, the site adjoins the conservation area, which ends in West Street, to the east of the site frontage. As such consideration will have to be given to the impact that the development will have on the significance of these heritage assets. Paragraph 192 of the

NPPF advises that “in determining applications, local planning authorities should take account of:

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

The above requirements in respect to heritage assets are echoed in policy S9 of the Mid Devon Local Plan, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “heritage assets and their setting which are irreplaceable resources accordingly the Council will:

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

In coming to this decision the council must also be mindful of the duty as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 relates to having special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance. Section 72 requires the decision to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

- 2.9 In assessing the impact of the development, against the aforementioned local and national policy requirements, the proposal is considered to be acceptable. The Council’s Conservation Officer has assessed the proposal, and following consideration of the submitted heritage statement, has no objections to the proposal, noting that the proposal, particularly the provision of the terrace of eight properties, would have no impact on the conservation from a design point of view. They do however note that the existing properties are simple and discrete, which is a positive due to the commanding position of the site,

above the road, at the conservation area edge There would be some harm as a result of the loss of green space in front of the existing bungalows. The Conservation Officer has expressed some disappointment that greater opportunities aren't taken to further enhance the setting of the heritage asset, and has suggested some improvements such as the use of timber windows rather than aluminium. While this is acknowledged, the proposed development is a factory fitted modular unit that offers limited opportunities for bespoke changes to features such as the window materials.

- 2.10 The Conservation does also make further reference to the embodied carbon within the existing buildings and whether this has been taken into account. Again this is noted but it is accepted that the existing units have reached a point where they need replacing, with significant structural flaws identified.
- 2.11 Overall, the development as a whole is considered to be acceptable and have limited impact on the setting of the conservation area, and views in and out of it. While some low level harm is identified, this is considered to be less than substantial. Paragraph 208 of the National Planning Policy Framework (NPPF) states that *"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, where appropriate, securing its optimum viable use."* Balancing any harm against the public benefits, it is noted that this will provide much-needed affordable housing, meeting both the needs of Bampton, and the wider District need. This benefit is given a significant weight and is considered to outweigh the low level of harm to the setting of the conservation area.
- 2.12 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).
- 2.13 A summary assessment has been carried out as follows: a) The site lies within the Bampton settlement boundary and does not lie within any protected landscape areas, although does adjoin the Bampton Conservation Area. The panels are proposed on the south facing roof slope of the new dwellings, which fronts the Conservation Area, however 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 installation of solar panels would not cause any unacceptable adverse harm to landscape character or heritage assets. Given the 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.

- 2.14 A detailed landscaping scheme has been provided. The case has been outlined within the application submission that the existing landscaping is of poor quality, comprising primarily low value grassland and hard surfaces of concrete and tarmac. Existing structures on site do not contain any biodiversity enhancement measures such as green roofs or bird boxes.
- 2.15 The proposed landscaping seeks to increase the biodiversity of the site by providing a mix of amenity grassland, including grasscrete parking areas, native meadow planting, hedges and trees. Bat and bird boxes can be attached to the proposed buildings providing roosting and nesting sites, and will be located on the advice of the ecological surveys and reports provided.
- 2.16 The application is supported by a tree survey, which identifies that there are no significant trees on-site that would be affected by the proposals. There are some category B, moderate quality trees, however the Council's Tree Officer, having considered the proposal, has no objections. The Tree Officer notes that there is one low quality tree that will require removal, otherwise the other existing trees can be retained. The tree survey recommends the provision of a further arboricultural impact assessment, arboricultural method statement and tree protection plan, details which can be conditioned to ensure that adequate tree protection measures are put in place during construction. Otherwise, it is noted the proposals include the planting of new trees, which contribute to significant Biodiversity Net Gain of 20.85% in habitat units and 295.11% in hedgerow units.
- 2.17 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 some properties having individual storage space for recycling and refuse.
- 2.18 On the basis of the above it is considered that the proposed development is acceptable in respect to its design, appearance and landscaping, and its impact on heritage assets.

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 combined public 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 states that the proposed development will result in an overall impermeable area of 0.20ha. Surface water runoff generated by the development will be restricted to 1.4l/s, which is equivalent to the 1 in 2 year greenfield run off rate, which comprises a 78% betterment over existing conditions. In order to achieve this restriction, the preferred drainage strategy is for attenuation to be provided within permeable paving, grasscrete and geocellular crates, which will then be restricted by Hydrobrake before being discharged at this controlled rate into the local surface

water sewer. The Lead Local Flood Authority (LLFA) have considered the proposal and did initially object to the proposed drainage strategy. However this has since been amended to provide the above scheme, to which the LLFA now have no objections in principle. They do note however that the applicant must still demonstrate that on-site infiltration is no feasible initially, as required by the SuDS hierarchy for disposal of surface water. While the submitted scheme demonstrates that the site can be appropriately drained to avoid additional surface water flooding in the locality, 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, however an informative will be added to any decision notice.

4. Residential amenity

- 4.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

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

- 4.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents. The siting of the residential blocks and orientation of windows are 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 Objections have been received from the occupiers of a property in Market Close, which is the nearest property to the proposed terraced block of houses. The objectors raise concerns that they will have a loss of privacy as a result of overlooking, and raise security concerns as a result of the additional houses, and provision of a formal path to link School Close and Market Close. Questions are also asked about the status of some of the communal landscaped areas, with worries that these will provide a play area. In considering these issues, it is noted that the eastern gable end of the large terrace, which is proposed to replace the bungalows, will be within 12.64 metres of the edge of the neighbouring property, which is relatively close. Despite this, the property is oriented to limit harm as it is angled such that bulky elevations will not be level with the property and garden, and also that windows will not provide direct overlooking of the neighbouring garden area. The concerns about additional noise are noted, however this is a residential area, and development of a similar residential nature is proposed. While there are additional communal landscaped area being provided, these are not allocated to be used as play areas. The land to the west of the contributor's property will be amenity grassland, and the land to the south is to be native meadow. Otherwise, the other properties proposed, will have a good level of separation from any other neighbouring properties. As such, the proposals will ensure that the residential amenity for neighbours and future tenants will not be harmed. Due to the residential setting however, the agreement of a Construction and Environmental Management Plan is recommended by the Council's Public Health Officer.
- 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 The site will be accessed via the current arrangements at the junction of School Close and West Street, with parking provision being made directly off School Close. Further parking provision will be expanded in Market Close to the north of the site, with existing parking areas being increased in size. The proposal also includes the widening of the eastern side of School Close, near to the West Street junction, from 4.5 metres to 5.5 metres in width.
- 5.3 The Highway Authority have commented on the application and raised no objections in principle. It is noted that the increase in trip generation would not have an unacceptable impact on the local highway network. Furthermore, the parking layouts and geometry

conforms to best practice. The inclusion of the internal footpath to Market Close is welcomed, as this will allow for efficient connection to local services.

- 5.4 Policy DM5 stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling, which in this case will necessitate the provision of 31 parking spaces. The proposed development accords with the requirements for parking provision by providing 38 parking spaces, which will meet the requirements for this development and make additional provision within the local area. Noting that ten of the dwellings will be 1 bed properties, and the location in close proximity to local services, it may be reasonable to assume that the demand for parking associated with this development may be less than that required under DM5, further enhancing the local parking provision.
- 5.5 The proposal also exceeds the DM5 requirement of 1 electric vehicle charging point per 10 dwellings, with 4 charging points proposed.
- 5.6 With regards to the site's accessibility, it is in close proximity to local facilities (several chemists/pharmacies, a doctor's surgery, convenience store, community centre, religious facilities and Bampton Primary School). The site is surrounded by an established pedestrian network and is within the vicinity of the National Cycle Way, which passes through Bampton, the use of which will be encouraged through the provision of 2 cycle parking spaces per unit (which is parking standard compliant). The site is in easy reach of bus stops served by bus services 25 and 398 providing a connection into Tiverton, Dulverton and Taunton, as well as other residential areas. There are clearly opportunities to maximise sustainable travel movements to and from this site.
- 5.7 Space within individual private gardens 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 17.7 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 532 tonnes over the next 30 years. On this basis, the development is considered to be an exemplary example of low carbon development.
- 6.4 The proposal also includes a landscape strategy which results in the provision of new native trees together with the provision of 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, along with the garaging that has not already been removed. With regards to protected species and habitats a Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtch and dated 12th December 2022, a Bat Emergence Survey report and Reptiles Survey report, produced by Western Ecology, dated 27th November and 28th November 2023, respectively. Bat emergence surveys were carried out on several days in July and August 2023 and reptile surveys were carried out on seven occasions between July and September 2023. In

addition, a Biodiversity Net Gain Assessment was carried out by Arbtech, dated 4th October 2023, and findings submitted.

- 7.3 The findings of the Preliminary Ecology Appraisal identified a risk of potential destruction of bat roosts due to the required demolition of the existing houses. The existing low level grassland, also presented opportunities for basking, foraging and sheltering reptiles. As such, additional bat emergence surveys were required, as were reptile surveys. The bat surveys identified 3 common pipistrelle and 1 soprano pipistrelle bats emerging from building B2. No bat activity was recorded in the other buildings. Due to the activity in B2, it was concluded that bats were day roosting in this building. It was not considered that the other buildings were likely to contain bat roosts.
- 7.4 In respect to the identified bat roosts, it was concluded that the proposed development would lead to the destruction of these roosts, in which case a European Protected Species Licence (EPSL) would be required before carrying out any works to the building in question.

In addition, Regulation 9 (5) of the Conservation of Habitats and Species Regulations 2010 ("the Regulations") provides that, *"A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions"*. In exercising their duty, the Local Planning Authority should assess the proposal against the three derogation tests of the Habitats Regulations 2010, these being:

- The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- 'There is no satisfactory alternative'
- The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

In assessing these the first two of these tests, it is considered that the proposal satisfies them in that the accommodation would facilitate the provision of local affordable housing, increased economic growth and rejuvenation of the local area. Additionally, there are no other satisfactory alternatives as the buildings are considered to have reached their end of life and are already starting to fall into disrepair. Against the third test, it is considered that the proposal will not be detrimental to the maintenance of the species as appropriate mitigation will be provided to compensate for the loss of the existing roosts, enabling the favourable conservation status of the species recorded to be maintained. This mitigation is in the form of temporary bat boxes during construction works, and permanent bat box being provide post-development.

- 7.5 In considering the findings of the reptile survey, it was found that there were slow worm present on site. It was concluded that the site is assessed as supporting a 'Good' population of slow worm but would not qualify as a 'Key Reptile Site'. In order to prevent harm to the slow worm populations, measures are proposed within the survey report for the capture and translocation of the population, prior to works commencing on site.
- 7.6 In respect to other wildlife, the development will see the loss of amenity grassland, hardstanding and shrub vegetation on site. The ecologist noted that the loss of such habitats is likely to be inconsequential to local amphibian, hedgehog and invertebrate populations owing to their low value and the presence of more extensive habitat locally. Similarly the development site itself has sub-optimal habitat for foraging badgers and negligible suitability

for badger setts. It is proposed to ensure that any site clearance takes place outside the hibernation season for hedgehogs and amphibians. 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.

- 7.7 On the basis of the above, there are no significant constraints to development identified. In addition to the proposed precautionary measures to avoid committing any offence in relation to protected species, should any be found during construction, and also in relation to breeding birds, mitigation and enhancement measures are proposed. A condition will be imposed requiring that the recommended precautionary measures, mitigation and biodiversity enhancement measures comply with the recommendations of the submitted reports.
- 7.8 Biodiversity Net Gain (BNG) will be achieved by the proposed development and is set out within the separate BNG documentation prepared by Arbtech Consulting Ltd. It is considered that a condition could be added to any grant of planning permission requiring the proposed development to be carried out in accordance with the recommendations of the PEA/PRA, Emergence Survey Report, Reptile Survey Report and Biodiversity Net Gain Assessment.
- 7.9 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.
- 7.10 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 Cullompton and CREDITON, public open space is required from residential development of 11 or more dwellings. Public Open Space is required for developments of 6 or more dwellings elsewhere. 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, however the development does not meet the threshold for contributions due to less than four family (2+ bed) houses being delivered, on the basis of the ten dwellings being demolished including 8 or more family-type dwellings.
- 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, and site of 6 or more open market homes elsewhere, have a target of 30%. 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 Comments have been received from the Bampton Allotment Association (BAA), noting that the organisation have been looking for new allotment sites. They have identified an area of scrubland to the north west corner of the site, adjacent to a path into the existing allotments

that could provide additional allotment space, in the form of raised beds. It has been requested that this be included in the scheme. It is not considered appropriate to require this to be included within the scheme, as it is not something that is necessary for the scheme to be considered acceptable. It is also noted that as this is a scheme for affordable housing, there is no public open space requirement. Nonetheless, the applicant has included raised beds indicatively within the site plans and has advised that they would be willing to discuss provision of additional allotment space in the future. Despite this, no formal requirement is to be included by condition or as a planning obligation.

- 9.2 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 County Waste and Transport Officer initially commented, requiring further information to be included in the statement. This has since been done, with the required information now included.
- 9.3 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 mailing exercise in the local area, followed by an online consultation, which was attended by representatives from ZedPods, and the Mid Devon Housing Team. Some concerns have been raised about the level of consultation carried out, with the Ward members initially requesting further consultation. This matter has since been resolved and no further concerns have been raised by the Ward Members.
- 9.4 The County Historic Environment Team have responded and indicated that they wish to make no comments on this proposal, as the development area has been substantially disturbed by the construction of the existing post-war houses.

10. Planning balance

- 10.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity and landscape can be adequately mitigated through the design, layout and landscaping plans submitted. The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the site. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety interests, flood risk or surface water management. It is noted that there is an overprovision in parking spaces, and that the site is within walking distance of public transport and other services and facilities.
- 10.2 The delivery of eight additional affordable homes for social rent (taking into account the ten 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, S13, DM1, DM2, DM3, DM5 and DM25.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the commencement of development, a 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 School Close, Bampton, EX16 9NN Flood Risk Assessment and Drainage Strategy (Report Ref. 89427.549873, Rev. 3, dated 14th March 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) 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. No development hereby permitted shall commence until an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to detail measures to protect any trees to be retained on the site, or adjoining land, which may be affected by the proposed development, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction.
- 6. 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-GE003 Revision 02 dated 8th January 2024. As such prior to development commencing, the applicant shall carry out an intrusive investigation and risk assessment aimed at identifying the extent and type of any land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site. A phased approach to the investigation and risk assessment may be appropriate. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

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

7. 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.
8. Notwithstanding the landscape strategy submitted, prior to above ground works of the development hereby approved, a final scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on tree species type, planting design and aftercare. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
9. The development, hereby approved, shall be carried out in accordance with Section 4.0 'Conclusions, Impacts and Recommendations' of the Preliminary Ecological Appraisal and Preliminary Roost Assessment carried out by Arbtech and dated 12th December 2022, Section 5 'Recommendation and mitigation' of the Bat Emergence Survey report prepared by Western Ecology, dated 27th November 2023 and Section 6 'Recommendations' of the Reptile Surveys report prepared by Western Ecology, dated 28th November 2023. The development shall also be carried out in accordance with the Biodiversity Net Gain File Note prepared by Arbtech dated 3rd January 2024.
10. 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.

11. 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 'Z27-ZP-A1-XX-DR-A-010- S01- P04'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
12. 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 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. This pre-commencement condition is required to ensure that the necessary tree protection measures are implemented prior to any commencement of preparatory and/or construction works.
6. 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.
7. 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.

8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM1 of Mid Devon Local Plan 2013-2033
9. 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.
10. 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.
11. 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.
12. 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 23rd January 2024, advising of the presence of public sewers and 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 will need to be diverted at the expense of the applicant.
2. The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated, 5th January 2024, in respect to compliance with Secured By Design principles.
3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant to enable the grant of planning permission.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located within the defined settlement limit of Bampton, 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. Any harm to identified heritage assets are considered to be appropriately justified when balanced against the

public benefits of the scheme. Whilst ten existing homes would be replaced, the net delivery of eight 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, S13, DM1, DM2, DM3, DM4, DM5 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

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

Application No. 25/00573/LBC

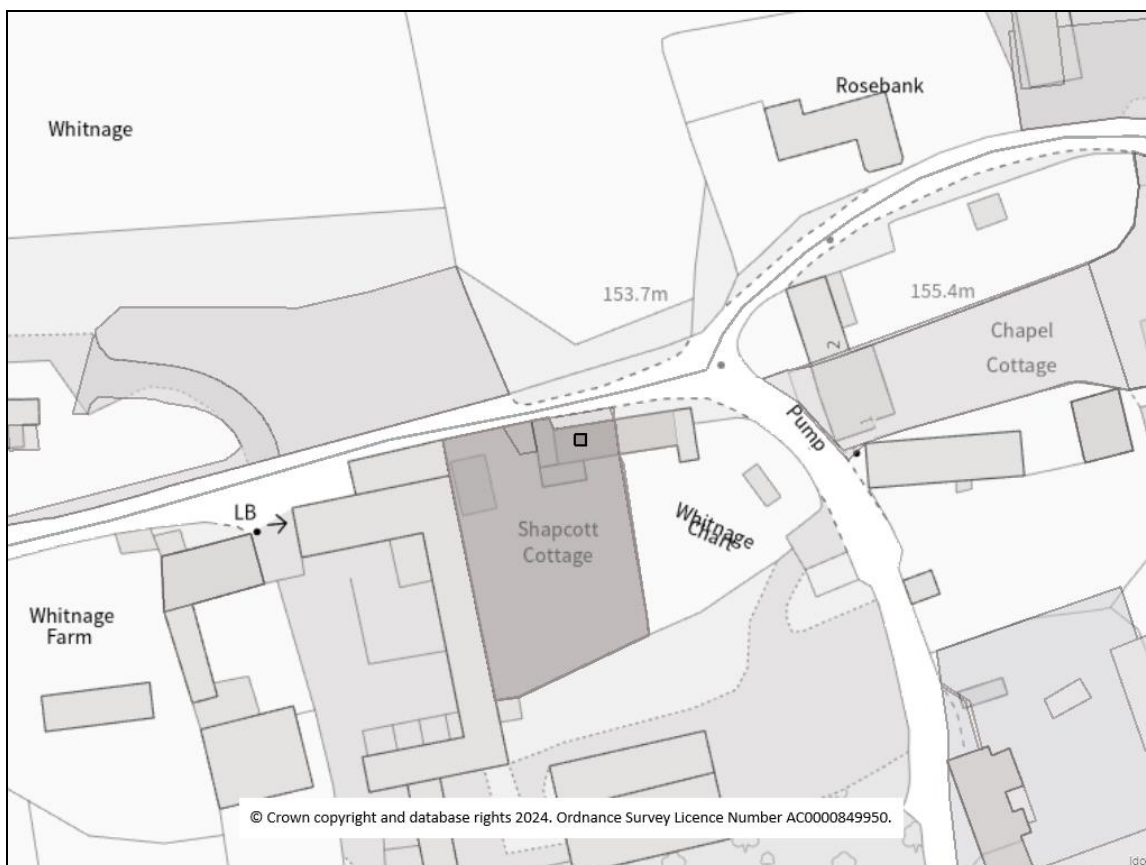
Grid Ref: 302740: 115684

Applicant: C Marlow

Location: Shapcott Cottage
Whitnage
Tiverton
Devon

Proposal: Listed Building Consent for the removal of 20th century 1st floor timber partition

Date Valid: 22nd April 2025



APPLICATION NO: 25/00573/LBC

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

Decision Delayed Reason: Required to be heard at committee

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 the applicant is the spouse of a District Councillor officer, and that officer is shared owner of the application property.

RECOMMENDATION

Grant Listed Building Consent subject to conditions

PROPOSED DEVELOPMENT

Listed Building Consent for the removal of 20th century 1st floor timber partition

APPLICANT'S SUPPORTING INFORMATION

Existing and proposed plans
Schedule of Works
Design and Access Statement
Heritage Statement

RELEVANT PLANNING HISTORY

88/01723/LBC - PERMIT date 7th September 1988
Listed Building Consent to partially demolish and rebuild lean to kitchen

17/01332/HOUSE - PERMIT date 5th October 2017
Erection of two storey extension following demolition of single storey extension and porch; internal and external repairs and alterations; alterations to northern boundary/access; erection of den and relocation of greenhouse and polytunnel

17/01333/LBC - PERCON date 5th October 2017
Listed Building Consent for the erection of two storey extension following demolition of single storey extension and porch; internal and external repairs and alterations; alterations to northern boundary/access; erection of den and relocation of greenhouse and polytunnel

21/00658/LBC - PERMIT date 1st June 2021
Listed Building Consent for reinstatement of timber fireplace lintel to original position in living room

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 Sustainable development priorities
DM25 Development affecting heritage assets

CONSULTATIONS

Uplowman Parish Council raised no objections

REPRESENTATIONS

n/a

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

The impact on the significance of the listed building

The house is a mid-17th century plastered cob on stone plinth thatched house within the village of Whitnage. Given the amount of alteration that has occurred, the vernacular materials and design, together with the property's age, are considered to be the main contributors to the building's significance.

The application site and the adjoining cottage were constructed in the mid-17th century as one house. The subdivision appears to have occurred in the mid-20th century, with a flying freehold being established over the front hall of the house.

Significant repairs were consented in 2018 after the house was re-thatched in 2009. Poor 20th century alterations were reversed at ground floor level, and a 2 storey extension was added to the west end. This has resulted in the floor plan now bearing little resemblance to the original building, and arguably of lesser significance.

The proposal would see the removal of a vertical timber plan partition from the largest bedroom. This partition was inserted in the mid-20th century, forming a corridor to enable the smallest bedroom to be used independently. It resulted in an alien L-shaped corridor and left a proportionally large window lighting the corridor only.

Removing the partition would restore the proportions of the first floor bedroom and provide it with better lighting from the window. It is considered that this would be beneficial to the property and would not be harmful to its significance.

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. All new works and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent retained / historic work with regard to the methods used and to colour, material, texture and profile.
3. The removal of the partitions shall be carried out by hand or by hand-held tools only.

REASONS FOR CONDITIONS

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to safeguard the special architectural and historic interest of the designated heritage asset and comply with policy DM25 of the Local Plan.

3. In order to safeguard the special architectural and historic interest of the designated heritage asset and comply with policy DM25 of the Local Plan.

INFORMATIVES

Other consents

This consent relates solely to listed building matters. Any works necessary to comply with other legislation, such as Building Regulations, may require an additional consent. Such a consent should be sought and obtained prior to those works being undertaken.

BNG – Biodiversity Net Gain

Is BNG Required? No

Is a S106 agreement required? No

REASON FOR GRANT OF CONSENT

Subject to conditions, the proposed works are acceptable in that they are not considered to harm the special interest of the listed building. The proposal is considered to be in accordance with policy DM25 of the Mid Devon Local Plan 2013-2033.

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