

PLANNING COMMITTEE AGENDA - 12th November 2025

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>25/01234/LBC - Listed Building Consent for internal alterations to create 2 additional clinical rooms at Clare House Practice, Clare House, Newport Street.</p> <p>RECOMMENDATION Refuse Listed Building Consent.</p>
02.	<p>25/01282/MFUL - Variation of Conditions 7 and 12 of Planning Permission 24/00506/MFUL (Demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works) to allow substitution of approved plans to reflect revised cycle and refuse storage locations, landscaping strategy, and improved vehicular access at Garages and Forecourt at Watery Lane & Land at Elmore Way & Sunningbrook Road, Tiverton, Devon.</p> <p>RECOMMENDATION Permitted with Conditions to Discharge</p>

Application No. 25/01234/LBC

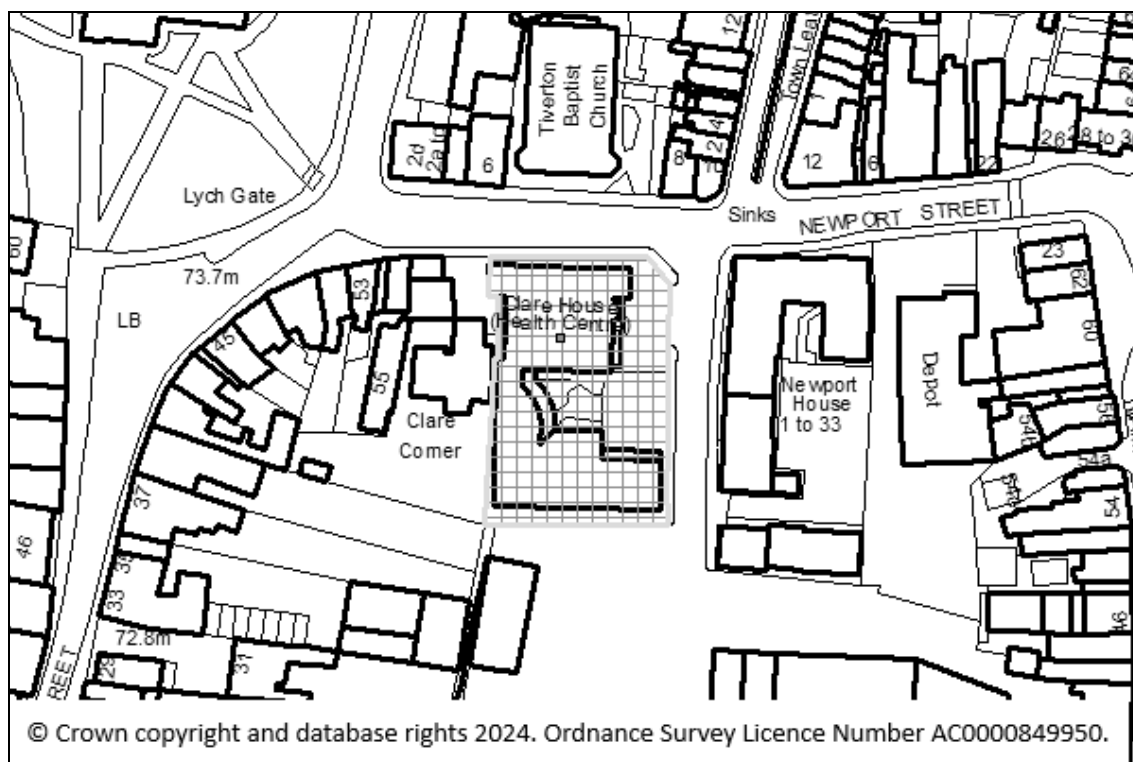
Grid Ref: 295495: 112778

Applicant: Mrs Kensa Harris

Location: Clare House Practice
Clare House
Newport Street
Tiverton

Proposal: Listed Building Consent for internal alterations to create 2 additional clinical rooms

Date Valid: 9th September 2025



APPLICATION NO: 25/01234/LBC

Site Visit: Yes Date of Site Visit: 29th September 2025

COMMITTEE REASON

This application is required to be considered by the Planning Committee as it was called in by the Ward Member, in order to consider the weight that should be given to public benefits arising from the proposed works.

RECOMMENDATION

Refuse listed building consent

PROPOSED DEVELOPMENT

Listed Building Consent for internal alterations to create 2 additional clinical rooms.

The building affected by this application, Clare House, is Grade II listed. It is a large nineteenth-century house (c.1816), now a surgery, built on the site of the Clare Parsonage with twentieth-century alterations. It is of rendered mass wall construction with a slate roof and lead roof. The historic plan form of the heritage asset remains legible, being two rooms wide with central entrance into passage and stair (list entry number: 1384865). The building is located within the Tiverton Conservation Area.

The proposal is for two additional clinical rooms to be created within the historic core of the heritage asset. The listed building has been subject to significant extensions for its use as a surgery. The surviving and legible historic floor plan of the listed building, this being the deep two-room wide plan with central entrance, contributes to the character and the special interest of the heritage asset. The building is of classical proportions typical of the Italianate style in which it is constructed.

APPLICANT'S SUPPORTING INFORMATION

Application form, existing and proposed plans, Design & Access/Heritage Statement and schedule of works.

RELEVANT PLANNING HISTORY

93/02090/FULL - PERMIT date 31st March 1994 Construction of extension to car park
94/02043/LBC - PERMIT date 20th December 1994 Listed Building Consent for alterations to reception including formation of new reception counter
97/00387/FULL - PERMIT date 20th May 1997 Renewal, on a permanent basis, of planning permission no. 4/52/93/2090 for the construction of car park extension
97/01722/FULL - PERMIT date 17th February 1998 Renewal of temporary planning permission 4/52/93/2090 for the construction of extension to car park
00/00149/LBC - PERMIT date 15th January 2001 Listed Building Consent for the construction of new access road and footway to serve Market Car Park (including the demolition and reconstruction of boundary wall)

00/00150/FULL - PERMIT date 18th January 2001 Construction of new access road and footway to serve Market Car Park

01/01177/FULL - PERMIT date 10th December 2001 Renewal of temporary permission 4/52/97/1722 on permanent basis for extension of car park

04/01872/FULL - PERMIT date 29th October 2004 Erection of a single storey extension

04/01874/LBC - PERMIT date 29th October 2004 Listed Building Consent for a single storey extension

05/00474/LBC - PERMIT date 3rd May 2005 Listed Building Consent for internal alterations

05/00513/LBC - NOLBC date 22nd April 2005 Listed Building Consent for alterations to garden to provide additional parking

05/00514/LBC - NOLBC date 29th April 2005 Listed Building Consent for temporary siting of a secure container for storage of patient records

05/01017/FULL - PERMIT date 30th June 2005 Formation of additional car parking

08/00742/LBC - REFUSE date 11th June 2008 Listed Building Consent for erection of temporary building for a period of three (3) years to accommodate 2 additional treatment rooms

08/00900/FULL - REFUSE date 29th July 2008 Erection of temporary building for a period of three (3) years to accommodate 2 additional treatment rooms

10/00679/LBC - DELETE date 9th July 2010 Listed Building Consent for internal alterations

11/01088/LBC - PERMIT date 29th September 2011 Listed Building Consent for the alteration/enlargement of ground floor WC

12/01086/FULL - PERMIT date 27th September 2012 Erection of extension and formation of new vehicular access NON-MATERIAL AMENDMENT GRANTED 01.12.2014

12/01087/LBC - PERMIT date 27th September 2012 Listed Building Consent for erection of extension and internal and external alterations

12/01153/FULL - PERMIT date 8th October 2012 Partial demolition and rebuild of northern boundary wall

12/01165/LBC - PERMIT date 8th October 2012 Listed Building Consent for the partial demolition and rebuild of northern boundary wall

12/01569/FULL - PERMIT date 19th February 2013 Variation of conditions 6, 8 and 11 of planning permission 12/01086/FULL to allow commencement of works prior to approval of all conditions

13/00358/LBC - PERMIT date 2nd May 2013 Listed Building Consent for internal alterations to form new opening

13/00625/LBC - PERMIT date 27th June 2013 Listed Building Consent for lowering of floor level to reception area

13/00857/LBC - PERMIT date 8th August 2013 Listed Building Consent for the installation of external signage

12/01086/FULL/NMA - PERMIT date 1st December 2014 Erection of extension and formation of new vehicular access - Non-material amendment for change in design of car park gates and railings

14/01814/LBC - PERMIT date 12th February 2015 Listed Building Consent for the erection of metal car park gates and railings

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Review 2013 – 2033

S1 - Sustainable development priorities

DM1 - High quality design

DM25 - Development affecting heritage assets

Tiverton Neighbourhood Plan 2020 to 2033

T1 Location and scale of development in Tiverton

T4 Character of development

T5 Design of development

CONSULTATIONS

TIVERTON TOWN COUNCIL

In the letter dated, 17/09/2025, and as discussed at the Planning Committee on the 15th of September. The Committee has moved to support the application.

PUBLIC HEALTH

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

REPRESENTATIONS

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

No comments have been received at the time of writing this report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy DM25 - Development affecting heritage assets
2. Policy DM1 - High quality design
3. Economic and social benefits

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

1. Policy DM25 - Development affecting heritage assets

- 1.1 The council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses. The council must also be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and have given it considerable importance and weight in the planning balance.
- 1.2 The building affected by this application, Clare House, is Grade II listed. It is a large nineteenth-century house (c.1816), now a surgery, built on the site of the Clare Parsonage with twentieth-century alterations. It is of rendered mass wall construction with a slate roof and lead roof. The historic plan form of the heritage asset remains legible, being two rooms wide with central entrance into passage with stair (list entry number: 1384865). The building is located within the Tiverton Conservation Area. The significance of the heritage asset is derived from its special architectural and historic interest as a large early nineteenth-century house.
- 1.3 The proposal is for two additional clinical rooms to be created within the historic core of the heritage asset. The listed building has been subject to significant extensions for its use as a surgery. The surviving and legible historic floor plan of the listed building, this being the deep

two-room wide plan with central entrance, contributes to the character and the special interest of the heritage asset. The building is of classical proportions typical of the Italianate style in which it is constructed.

- 1.4 The proposed clinical rooms would result in the surviving and legible historic floor plan being adversely impacted through the division of the two rooms within the historic core of the listed building. The new partitions would join to the two existing windows, this would also result in a visible change externally, alongside the two new apertures for ventilation. The proposed walls would obscure and obstruct the windows at ground floor upon the listed building, adversely impacting a historic and an architectural feature that positively contributes to the significance of the heritage asset.
- 1.5 The proposals would also adversely impact how one experiences and understands the special historic and architectural interest of the heritage asset and the classical proportions of the listed building. Furthermore, both rooms contain fireplaces and internal decorative features such as moulded cornices and ceiling roses which contribute to the special architectural interest and character of the building. Whilst not shown in detail, the subdivision of the two rooms with partitions would have an impact upon these features and a key historic internal feature such as the fireplaces within the rooms, as a centre piece of the rooms, would also be adversely impacted.
- 1.6 The proposal would fail to preserve the special interest of the Grade II listed building. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the development proposed, the harm to the significance of the listed building is 'less than substantial' and at the lower end of the scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework (NPPF) advises that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
- 1.7 Given that the works are largely internal it is considered that there would be no harm to character or appearance of the Tiverton Conservation Area.

2. Policy DM1 – High quality design

- 2.1 The proposal is not in accordance with DM1, it would fail to result in a positive contribution to the designated heritage asset. The subdivision of the rooms would result in harm to the significance of a listed building and its features of special interest. The proposed internal walls would awkwardly join to the existing windows and interrupt features such as the ceiling roses.

3. Economic and social benefits

- 3.1 The proposal is part of the continued use of the building as a surgery that would generate economic and social benefits, which I give modest weight to as a public benefit accordingly to the modest extent of the proposed works. However, there is no compelling evidence why such benefits cannot be achieved by a different scheme, which would not result in the harm identified. There is also no substantive evidence that the proposal is necessary in order to secure the optimum viable use of the asset. In these respects, clear and convincing justification for the harm to the assets' significance arising from the proposal has not been provided.

3.2 On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage asset, I find that this would not be outweighed by the public benefits the proposed works would generate.

3.3 For the reasons given above, the proposal would fail to preserve the special interest of the Grade II listed building. The proposal would fail to accord with the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the historic environment policies of the Framework. The proposal would conflict with Policy DM25 of the Mid Devon Local Plan 2013-2033, which requires that proposals preserve the architectural and historic characteristics of a listed building.

REASON FOR RECOMMENDATION OF REFUSAL

1. The proposal would result in harm to the significance of the designated heritage asset, as well as the loss of interior detailing, character and the architectural interest of the listed building. As such, the proposal fails to preserve the special interest and significance of the listed building, contrary to the NPPF (2024) meaning a level of 'less than substantial harm'. The proposal would also be contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and DM25 of the Mid Devon Local Plan 2013-33.

The identified harm outweighs any benefits of the scheme. No clear and convincing justification for the harm has been provided. Therefore, the development fails policies DM1 and DM25 of the Mid Devon Local Plan 2013-33, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2024).

INFORMATIVES

In accordance with paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of listed building consent. However, the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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.

BNG – Biodiversity Net Gain

Is BNG Required? No

Is a S106 agreement required? No

Biodiversity Net Gain does not apply to listed building consent applications.

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. 25/01282/MFUL

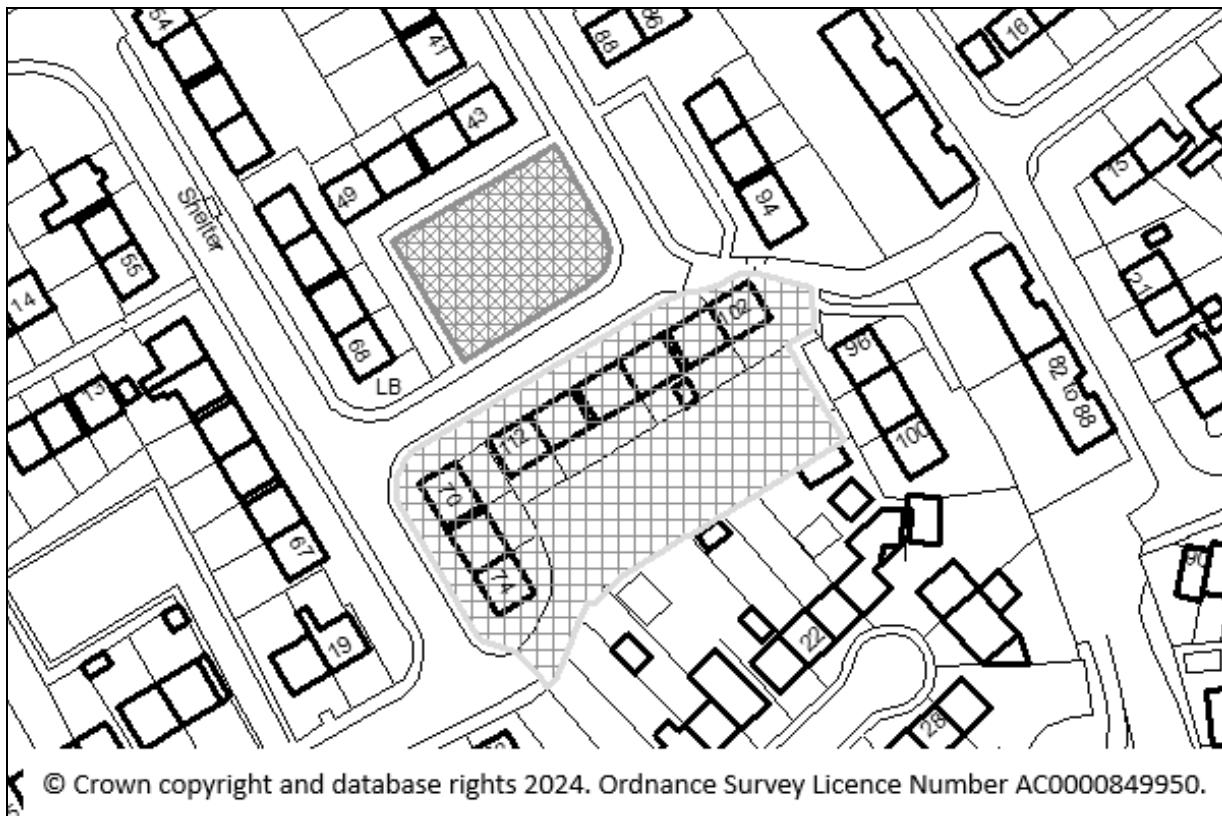
Grid Ref: 296420: 113111

Applicant: Mr Mike Lowman, Mid Devon District Council

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

Proposal: Variation of Conditions 7 and 12 of Planning Permission 24/00506/MFUL
(Demolition of existing buildings and erection of 10 affordable dwellings with
associated parking, landscaping and other minor associated works) to allow
substitution of approved plans to reflect revised cycle and refuse storage locations,
landscaping strategy, and improved vehicular access

Date Valid: 17th September 2025



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APPLICATION NO: 25/01282/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 landowner and the houses will form part of the Council's affordable rented housing stock.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposed development relates to a site within the defined settlement limit of Tiverton and is located on Elmore Way and Sunningbrook Road, to the northeast of Watery Road, and comprises 9 terraced bungalows. The site also includes an existing landscaped area to the north side of Sunningbrook Road, which is not to be developed, other than to include landscape enhancements, and a hard surfaced area to the south of the existing bungalows, which formerly housed 37 garages, which have previously been demolished and access to this part of the site removed.

Planning permission was granted under 24/00506/MFUL for the erection of 10 affordable dwellings to be occupied as rented social housing following demolition of the 9 existing dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works.

The approved dwellings are to be single storey modular units of a similar size and scale to the bungalows that they would replace. Of these, 8 front onto Sunningbrook Road, and 2 front onto Elmore Way. All properties are provided with their own private gardens, in addition to communal landscaped areas on the former garage site to the south. The approved scheme includes 19 off-street parking spaces, of which 4 would be disabled parking spaces. The approved palette of materials comprises rendered finish to the external walls and metal standing seam roofs. Solar PV panels are to be installed on the roof slopes of the building.

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

This application seeks to amend the conditions 7 and 12 of the approved planning permission, which requires the provision of a final Landscape and Ecological Management Plan (LEMP) based on a previously submitted draft landscape strategy plan, and the provision of parking in accordance with the previously approved site plan.

The proposed changes would result in a revised landscaping scheme that would respond to a slight change to the alignment of the onsite parking due to a clash with an existing lighting column, and an amendment to the extent of retained hardstanding to the south of the site, in order to allow

improved vehicular access to existing parking spaces within neighbouring land adjoining the site. The revised plans also include revised positioning of the approved cycle storage facilities and refuse bin and recycling storage areas.

With the exception of these changes detailed, the scheme will otherwise remain as approved.

APPLICANT'S SUPPORTING INFORMATION

Application form, covering letter, amended plans

RELEVANT PLANNING HISTORY

18/00415/PNDEM - PD date 5th April 2018

Prior notification for the proposed demolition of 37 garages

24/00506/MFUL - PERCON date 1st August 2024

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

Mid Devon Local Plan 2013 – 2033

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

Tiverton Neighbourhood Plan 2020 to 2033

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

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

TIVERTON TOWN COUNCIL

The Committee discussed that the previous application was not supported by the Town Council.

The current application was discussed to vary the conditions 7 & 12 relating to the cycle and refuse storage and improve vehicular access. The committee moved to support the variations of the conditions.

HIGHWAY AUTHORITY

The Highway Authority has considered this application and has no objection to the proposed variations.

PUBLIC HEALTH

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

SOUTH WEST WATER

Thank you for this consultation and apologies for the delayed reply.

While South West Water has no observations on the proposed amendments, please be reminded of the public 225mm combined sewer and 450mm surface water sewer in the vicinity, as advised in our previous consultation response in May 24.

No development is permitted within 3 metres and 3.5 metres of these sewers respectively and ground cover should not be substantially altered. Should the development encroach on the required easements, the sewers will need to be diverted at the expense of the applicant. I attach a location plan of these sewers for awareness.

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

- 1.1 This application is made to vary conditions 7 and 12 of planning permission 24/00506/MFUL, conditions that reference the landscaping strategy and site plan, submitted in relation to this approved scheme.
- 1.2 The proposal is made to substitute the entire approved set of plans, with conditions 7 and 12 to be amended to reflect these revised plans, in particular the landscaping strategy and site plan. The revisions are as a result of a need to revise the position of the approved parking spaces due to a clash with an existing lighting column to the north of the site. It is also proposed to retain more of the existing hard surfaced area to the south of the site to ensure

that neighbouring occupiers have sufficient space to access their off-street parking spaces and manoeuvre in and out of these spaces. The revised plans also include rearrangement of external spaces with repositioning of the location of cycle, bin and recycling box storage areas.

- 1.3 As a starting point, the principle of the development as a whole has already been established so consideration needs only be given to the potential impact of the proposed changes to the original planning permission 24/00506/MFUL.
- 1.4 In assessing the changes, it is considered that the revisions are acceptable. The changes are considered to be minor in nature, and while there are changes to the alignment of the parking spaces and to the hard surfaced area to the rear of the bungalows, the overall scale and appearance of the proposed development will remain similar to that previously approved. The approved properties will remain within the same footprint and there is no increase in size or change in design. Similarly, the number of units will remain the same and there are no changes considered likely to be detrimental to the amenity of existing neighbouring residents.
- 1.5 Tiverton Town Council have referred to their previous objections but advise that they support the proposed changes.
- 1.6 The amended landscaping strategy does include changes to the type of planting proposed to ensure that there are still sufficient levels of improvements to meet, and exceed, the required 10% Biodiversity Net Gain (BNG). It will still be necessary for the applicant to discharge the mandatory pre-commencement BNG condition.
- 1.7 There are no other changes beyond those identified above. As such, the proposed variation of conditions is considered to be acceptable.
- 1.8 As well as varying the requested condition, it will be necessary to reword condition 1 to make reference to the original time limit for commencement as a variation of conditions application does not allow the extension of the time limit. Otherwise, the other conditions will be repeated as per the original decision, albeit with slight changes, where relevant, to reflect any conditions discharged and where there is reference to documents submitted in relation to the original planning permission but not included within this submission.

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

REASON FOR RECOMMENDATION OF APPROVAL

The proposed variation of conditions 7 and 12 of planning permission 24/00506/MFUL would result in minor and acceptable changes to a previously approved scheme. The proposed development comprising the demolition of existing buildings and erection of 10 affordable dwellings with associated parking, landscaping and other minor associated works is considered to be acceptable. The site is located within the defined settlement limit of Tiverton, therefore the principle of residential development on this site is accepted. The overall design, scale and layout of the residential development is acceptable in this location not resulting in a significant detrimental impact on the landscape. The application should be approved unless any adverse impacts of

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the 1st August 2024, (being the decision date of original planning permission 24/00506/MFUL).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the commencement of development, a final Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.
 - A) In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
 - B) The following specific details should also be included in respect to highway safety:
 - (i) the timetable of the works;
 - (ii) daily hours of construction;
 - (iii) any road closure;
 - (iv) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (v) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (vi) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (vii) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written

agreement has been given by the Local Planning Authority. This may include the establishment of a 'wait away' system for all deliveries;

- (viii) hours during which no construction traffic will be present at the site;
- (ix) the means of enclosure of the site during construction works;
- (x) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (xi) details of wheel washing facilities and obligations;
- (xii) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (xiii) details of the amount and location of construction worker parking; and
- (xiv) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

C) In respect to ecology and biodiversity, details to be provided shall be consistent with the avoidance, mitigation and enhancement measures outlined in *Preliminary Bat Roost and Preliminary Ecological Appraisal: Chapter 6 Mitigation and Recommendations* (Aval Consulting Group, July 2024). Such details shall include the following:

- (i) Risk assessment of potentially damaging construction activities.
- (ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- (iii) The location and timings of sensitive works to avoid harm to biodiversity features.
- (iv) The times during which construction when specialist ecologists need to be present on site to oversee works, where necessary.
- (v) Responsible persons and lines of communication.
- (vi) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (vii) Use of protective fences, exclusion barriers and warning signs if applicable.

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

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

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

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

4. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) A detailed drainage design based upon the approved Watery Lane, Tiverton EX16 6DS Flood Risk Assessment and Drainage Strategy (Report Ref. 100867.589409, Rev. 1, dated 11th January 2024), submitted in relation to planning permission 24/00506/MFUL, and the results of the information submitted in relation to (a) above.
 - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
 - (g) Evidence there is agreement in principle from SWW/landowner/DCC Highways to connect into their system.

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

5. The development hereby permitted shall be carried out in accordance with the details approved by discharge of conditions decision letter, dated 27th October 2025, in relation to condition 5 of planning permission 24/00506/MFUL, in relation to the investigation of contaminated land and subsequent remediation strategy.

Following completion of the approved remedial works, as detailed in the *Remediation Strategy* (ref. P24-406rms - March 2025), approved in relation to planning permission 24/00506/MFUL, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

6. The development, hereby approved, shall be for affordable housing and retained as such. The affordable housing shall be provided in accordance with the approved scheme, detailed within the *Affordable Housing Statement*, dated 04/07/2025, approved by discharge of conditions decision letter, dated 27th October 2025, in relation to condition 6 of planning permission 24/00506/MFUL.

7. The dwellings hereby permitted shall not be occupied until a final Landscape and Ecological Management Plan (LEMP), based on the submitted *Proposed Landscaping Strategy* (drawing no. Z47-ZP-A1-XX-DR-A-050-S01-P02), and *Preliminary Bat Roost Assessment and Preliminary Ecological Appraisal*, dated July 2024, and *Biodiversity Net Gain Assessment*, dated January 2024, both submitted in relation to planning permission 24/00506/MFUL, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of the final scheme of landscaping, planting, including details on tree species type, planting design and aftercare, and habitat enhancements. It shall also include a timescale for delivery of each element of landscaping and habitat enhancements, and ongoing management and monitoring for the lifetime of the development. The development shall be carried out, monitored and maintained in accordance with the approved details. On completion of the provision of the landscaping and habitat enhancements in accordance with the approved LEMP, written confirmation of completion shall be submitted to the Local Planning Authority for approval.
8. No dwellings hereby permitted shall not be occupied, and no external lighting shall be installed within the application site, until a Sensitive Lighting Scheme, detailing proposed artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and occupied in accordance with the approved sensitive lighting scheme and be so retained.
9. The development hereby permitted shall be operated in accordance with the *Travel Plan Statement*, produced by PJA, dated January 2024, submitted in relation to planning permission 24/00506/MFUL, and the measures identified within Chapter 4 (Travel Plan Statement Measures). The measures should continue to be implemented as long as any part of the development is in operation.
10. Notwithstanding the approved drawings, prior to their installation within the development hereby permitted details of the treatment of the boundaries (including height, design and materials) of the dwellinghouses hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Boundary treatments shall be provided in accordance with the agreed details, prior to occupation of the dwellinghouse to which they relate, and shall be so retained.
11. Details of secure cycle and wheelchair storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved cycle and wheelchair storage has been provided in accordance with the approved details. Following their provision these facilities shall be maintained and retained for the lifetime of the development.
12. The development hereby permitted shall not be occupied until the parking areas have been provided in accordance with the approved 'Proposed Site Plan', drawing number 'Z47-ZP-A1-XX-DR-A-010-S01-P02'. Following their provision these facilities shall be maintained and retained for the lifetime of the development.

13. The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within the Design and Access Statement, submitted in relation to planning permission 24/00506/MFUL. Details for any proposed changes to the materials outlined would need to be submitted to and approved in writing by the Local Planning Authority, with the development carried out in accordance with the approved materials and shall be so retained.

REASONS FOR CONDITIONS

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

9. In the interests of highway safety and to ensure that the development is resilient and sustainable in accordance with policies S1, DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
10. To safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
11. To promote sustainable travel and in the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
12. In the interests of highway safety and to ensure adequate on-site parking facilities are available for traffic attracted to the site, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
13. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.

INFORMATIVES

The applicant/agent is reminded of the comments received from South West Water (SWW), dated 15th October 2025, advising of the presence of a public 225mm combined sewer, and 450mm surface water sewer, in the vicinity of the development, as well as detailing the developer's obligations in respect to development in close proximity to these assets. The developer is advised to contact South West Water if they are unable to comply with their requirements. Should the development encroach on the 3 metre easement, these assets will need to be diverted at the expense of the applicant.

The applicant/agent should note the comments of the Police Designing Out Crime Officer, dated 22nd April 2024, and provided in relation to planning permission 24/00506/MFUL, in respect to compliance with Secured By Design principles.

POSITIVE WORKING STATEMENT

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

BNG - BIODIVERSITY NET GAIN

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

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning

condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

Irreplaceable habitat

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

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

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

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

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

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

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

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