

Briefing Document Somerlea, Willand.

1. INTRODUCTION.

1.1 The purpose of this briefing document is to create a record for future use in the event of surface water drainage issues in relation to the siting of 7 Modular homes in Somerlea, Willand. A copy of this document will be held within Willand Parish Council records.

1.2 The document will also be shared with Mid Devon District Council [MDDC] Development Control Department as it is they who will sign to discharge the conditions in relation to drainage which have to be submitted in writing by the applicant.

1.3 The document will also draw attention to apparent anomalies as to the identity of the applicant in relation to the original application and subsequent applications for variation to conditions or the discharge of conditions.

2. ORIGINAL APPLICATION.

2.1 The original applicant for the Development is recorded as Zed Pods Limited with a Bristol address. The application with all the relevant supporting documents were submitted by an agent – Elizabeth Lawrence on behalf of company – Turley. The name of the land owner is recorded as Mid-Devon Council (Housing Dep).

2.2 The application was Registered by MDDC on the 8th of January 2024 and given reference number **24/00039/FULL**. The application was subsequently approved by MDDC Planning Committee and a Decision Notice was issued to Mr Joe Mann of Zed Pods Limited on the 7th of March 2025.

2.3 Amongst the papers submitted, but not shown as approved on the Decision Notice or the Planning Portal, was a Drainage Strategy prepared for Zed Pods Ltd by Delta Simons. Their proposals suggested the use of ‘geocellular crates’ which would hold excess water to be released into the sewage system in a controlled manner.

2.4 The Officer report to the Planning Committee referred to drainage in Section 3 – Flooding and Drainage where at his paragraph 3.4 it stated: “The current drainage design includes on-site storage and require some controlled discharge to an existing public combined sewer within the proximity of the site.”

2.5 The Decision Notice dealt with Drainage at Condition 4.

2.5.1 **Condition 4.** Prior to the dwellings hereby permitted being first occupied. final detailed design for surface water drainage, *including measures to prevent the discharge of surface water onto the highway*, shall be installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such detailed drainage scheme shall demonstrate that the 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). BRE 365 infiltration testing shall be carried out to determine the suitability of infiltration techniques. Following its installation the approved drainage scheme shall be permanently retained and maintained thereafter.

2.5.2. **Reason for Condition 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 precommencement 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.

2.6 The underlining in paragraphs 2.5.1 and 2.5.2 have been inserted by the author for emphasis of conflict. It is submitted that the condition which indicates that the drainage should be approved before occupation is a bit late in the day as indicated in the reason given as underlined in paragraph 2.5.2.

2.7. The italics set out in 2.5.1 has been inserted by the author to draw attention to what is proposed in Technical Drawing No. 10231-01 now being put forward as part of the design for surface water drainage. This shows floodwater being allowed to run off the site onto the public road.

2.8 Approved Documents/Plans as set out on portal [25th January 2026]

Z49-ZED-AR-ZZ-DS-A-0030-P03	Site sections
Z49-ZED-AR-ZZ-DE-A-0021-P03	Elevations C and D
Z49-ZED-AR-ZZ-DE-A-0020-P03	Elevations A and B
Z49-ZED-AR-UT-DP-A-0040-P02	Floor plans
Z49-ZED-AR-02-DP-A-0013-P03	Roof plans
Z49-ZED-AR-00-DP-A-0011-P03	Ground floor plans
Z49-ZED-AR-01-DP-A-0012-P03	First floor plans
Z49-ZED-AR-ST-DR-A-0010-P03	Block Plan
Z49-ZED-AR-XX-DR-A-0050-P03	Landscaping strategy
Z49-ZED-AR-XX-DR-A-0001-P02	Site Location Plan
Part 1	Design & Access Statement
Part 2	Design & Access Statement
Rev B	Wildlife Survey
Rev C	BNG Assessment

2.9 Approved Documents/Plans as listed on Decision Notice.

Plan Type	Reference	Title/Version	Date Received
Supporting Information	Rev C	BNG Assessment	08/01/2024
Wildlife Survey	Rev B		08/01/2024
Design and Access Statement	Part 1 and 2		08/01/2024
Proposed	Z49-ZED-AR-00-DP-A-0011-P03	Ground floor plans	08/01/2024
Proposed	Z49-ZED-AR-01-DP--A-0012-P03	First floor plans	08/01/2024
Proposed	Z49-ZED-AR-02-DP-A-0013-P03	Roof plan	08/01/2024
Block Plan	Z49-ZED-AR-STDR-A-0010-P03	Proposed	08/01/2024
Proposed	Z49-ZED-AR-UT-		

	DP-A-0040-P02	Floor Plans	08/01/2024
Site Location Plan	Z49-ZED-AR-XX- DR-A-0001-P02		08/01/2024
Proposed	Z49-ZED-AR-XX- DR-A-0050-P03	Landscape Strategy	08/01/2024
Proposed	Z49-ZED-AR-ZZ- DE-A-0020-P03	Elevations A and B	08/01/2024
Proposed	Z49-ZED-AR-ZZ- DE-A-0021-P03	Elevations C and D	08/01/2024
Proposed	Z49-ZED-AR-ZZ- DS-A-0030-P03	Site Sections	08/01/2024

2.10 Condition 4 has not been discharged as of 25th January 2026 although a number of documents [6] have been submitted and entered onto the Planning Portal on the 14th January 2026. These documents have been prepared by Cole Easdon. The applicant to discharge the condition is shown as Mr Mike Lowman of MDDC but the planning permission was granted to Zed Pods Limited.

3. APPLICATION TO VARY CONDITIONS.

3.1 The applicant is shown as Mr Mike Lowman of MDDC with Zed Pods Ltd acting as agents. The application form is dated the 16th of October 2025 and was to vary conditions 7 and 10. It was pointed out by the author to the case officer that Condition 7 had not been discharged and therefore not in a position to be varied. There were also issues with the proposed Landscaping plan and another version was submitted which prevented access to a private property and then another plan was prepared which reinstated that access.

3.2 The application was Registered by MDDC on the 20th of October 2025 and given reference number **25/01453/FULL**. The application was subsequently approved by MDDC Planning Committee and a Decision Notice was issued to Mr Joe Mann of Zed Pods Limited, as agent, on the 13th of January 2026.

3.3 The drainage is now being dealt with by Condition 3

3.3.1 **Condition 3.** Prior to the dwellings hereby permitted being first occupied, final detailed design for surface water drainage, including measures to *prevent the discharge of surface water onto the highway*, shall be installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such detailed drainage scheme shall demonstrate that the 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). BRE 365 infiltration testing shall be carried out to determine the suitability of infiltration techniques. Following its installation the approved drainage scheme shall be permanently retained and maintained thereafter.

3.3.2. **Reason for Condition 3.** 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 National Planning Policy Framework 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.

3.4 The underlining in paragraphs 3.3.1 and 3.3.2 have been inserted by the author for emphasis of conflict. It is submitted that the condition which indicates that the drainage should be approved before occupation is a bit late in the day as indicated in the reason given as underlined in paragraph 3.3.2.

3.5. The italics set out in 3.3.1 has been inserted by the author to draw attention to what is proposed in Technical Drawing No. 10231-01 now being put forward as part of the design for surface water drainage. This shows floodwater being allowed to run off the site onto the public road.

3.6 **Approved Plans as set out on Portal [24th January 2026]**

Z49-ZPL-AR-ST-DP-A-04000-C02 A5	(REVISED 06.01.26) Landscaping Plan
Z49-ZED-AR-02-DP-A-0013-P04	(REVISED 04.12.25) Roof Plan
Z49-ZED-AR-00-DP-A-0011-P05	(REVISED 04.12.25) Ground Floor Plan
Z49-ZED-AR-01-DP-A-0012-P05	(REVISED 04.12.25) First Floor Plan
Z49-ZED-AR-ST-DR-A-0010-P05	(REVISED 04.12.25) Site Plan
Z49-ZED-AR-XX-DR-A-0001- P03	Site Location Plan

3.7 **Approved Plans as listed on Decision Notice.**

Plan Type	Reference	Title/Version	Date Received
Supporting Information	Rev C	BNG Assessment	08/01/2024
Design and Access Statement	Part 1 and 2		08/01/2024
Proposed	Z49-ZED-AR-ZZ-DE-A-0020-P03	Elevations A and B	08/01/2024
Proposed	Z49-ZED-AR-ZZ-DE-A-0021-P03	Elevations C and D	08/01/2024
Proposed	Z49-ZED-AR-ZZ-DS-A-0030-P03	Site sections	08/01/2024
Site Location Plan	Z49-ZED-AR-XX-DR-A-0001- P03		20/10/2025
Proposed	Z49-ZED-AR-01-DP-A-0012-P05	First Floor Plan	04/12/2025
Proposed	Z49-ZED-AR-02-DP-A-0013-P04	Roof Plan	04/12/2025
Proposed	Z49-ZED-AR-00-DP-A-0011-P05	Ground Floor Plan	04/12/2025
Proposed	Z49-ZED-AR-ST-DR-A-0010-P05	Site Plan	04/12/2025
Proposed	Z49-ZPL-AR-ST-DP-A-04000-C02 A5	Landscaping Plan	06/01/2026

4. POTENTIAL CONFLICT.

4.1 The plans highlighted in paragraphs 3.6 and 3.7 above are the same late submitted plan that was approved at the Planning Committee meeting on the 7th of January 2026. The plan is for landscaping and not submitted with relevance to drainage.

4.2 It will be noted that there are two areas in the key of the plan which are marked 'K' which is described as "Gravel 50mm of type 3 permeable sub-base topped with 130mm of 20mm gravel." The larger area covers rear access to a number of existing properties and the smaller area covers the garage door access to number 28 Somerlea. No reason is given as to why these two areas are treated differently to the bulk of the rest of the hard standing which is marked 'G' or 'F' and both are described as "Proposed permeable block paving laid in line with manufacturers recommendations."

4.3 The differences between the conditions and the reason for them, which have been underlined in the relevant paragraphs above, now cause difficulty with the submitted documents and plans to discharge Condition 4 of the original application. What happens as to discharging Condition 3 of the 13th of January 2026 permission?

4.4 The plans submitted for drainage do not even include the larger area marked 'K' as referred to in paragraph 4.2 above. The smaller area marked 'K' across the garage doors of 28 Somerlea is now showing pavements with a drain across which is not connected to any pipework but to be allowed to discharge into the ground.

4.5 It should be noted that on plan 10231-01 dated November 2025 there is a Flood Flow route shown which indicates that surface water will leave the site and flow into Somerlea. This appears to conflict with the wording in the conditions which states: "*including measures to prevent the discharge of surface water onto the highway,*"

4.6 Surely, before the proposed drainage conditions are discharged by planning officers, the proposals submitted by Mr Mike Lowman of MDDC to satisfy the condition must surely be subjected to consultation with relevant bodies such as South West Water and Devon County Council Highways to name but two?

B G J Warren
25th January 2026