

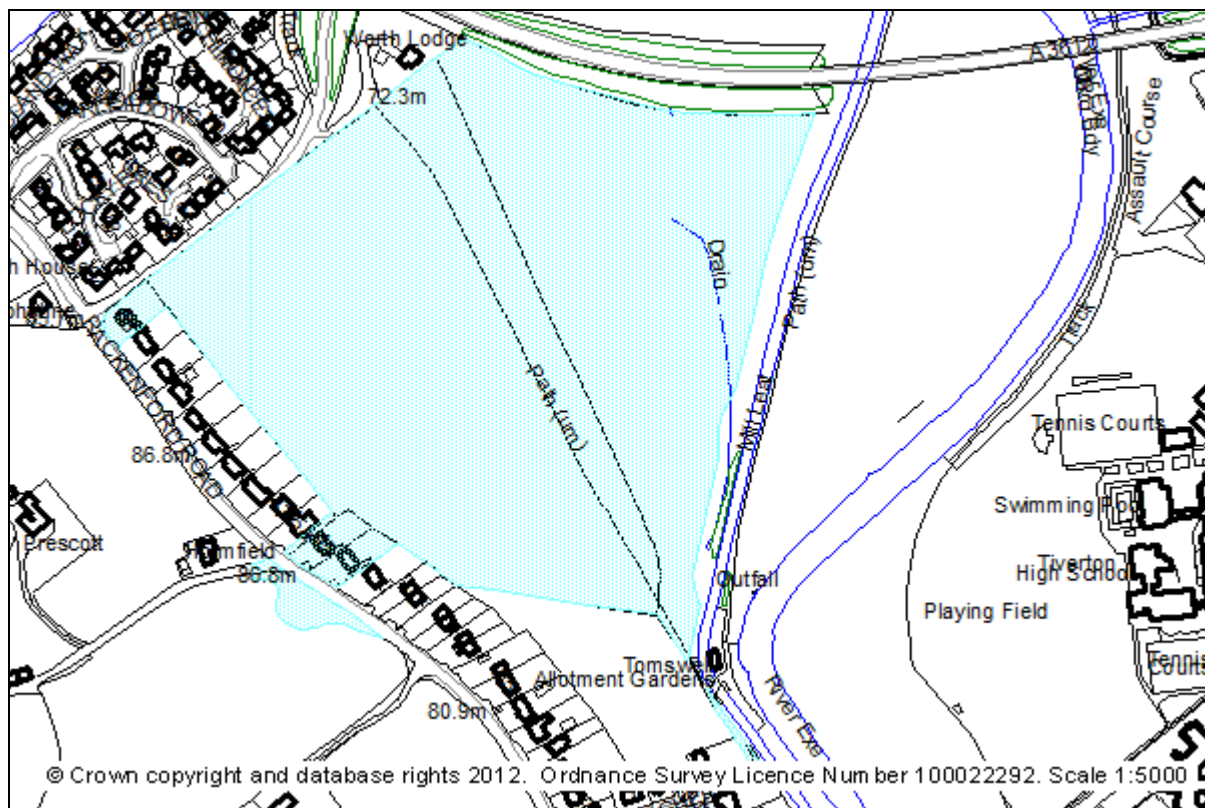
**Grid Ref:** 113569 : 294586

**Applicant:** Taylor Wimpey Exeter

**Location:** Land at NGR 294586 113569  
(Farleigh Meadows) Washfield  
Lane Lower Washfield Devon

**Proposal:** Reserved Matters for the erection  
of 273 dwellings, formation of  
children's play area, landscaping,  
open space, and associated  
access and road and drainage  
infrastructure following outline  
approval 12/00277/MOUT

**Date Valid:** 26th June 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**14/01047/MARM - RESERVED MATTERS FOR THE ERECTION OF 273 DWELLINGS, FORMATION OF CHILDREN'S PLAY AREA, LANDSCAPING, OPEN SPACE, AND ASSOCIATED ACCESS AND ROAD AND DRAINAGE INFRASTRUCTURE FOLLOWING OUTLINE APPROVAL 12/00277/MOUT - LAND AT NGR 294586 113569 (FARLEIGH MEADOWS) WASHFIELD LANE LOWER WASHFIELD DEVON**

**Reason for Report:**

To determine this application

**RECOMMENDATION(S)**

**Reserved matters approval to be granted for siting, layout, design and landscaping for a scheme of redevelopment for 273 dwellings subject to the conditions as set out in this report**

Grant subject to conditions, and a variation to the terms of the S106 agreement pursuant to planning approval ref: 12/00277/MOUT to enable the applicant to discharge the affordable housing requirements of the agreement by making a financial contribution of £600,000 to enable off site delivery in terms of the level of affordable housing required.

A report was prepared to be presented to the Planning Committee at the meeting on the 8<sup>th</sup> October with an officer recommendation for approval subject to conditions. This recommendation was based on a scheme that was for 273 dwellings with 95 (35%) units to be made available as affordable housing (on site provision), including two 3 storey apartment blocks.

Notwithstanding the officer recommendation for approval as set in the report which follows on from this update report, Taylor Wimpey agreed to explore some alternative arrangements to the scheme layout to seek to respond to some of the matters raised by local residents in the week before the application was to be considered by members. The scope of the changes to the layout that Taylor Wimpey have put forward to the application scheme since the meeting of 8<sup>th</sup> October 2014 are described below:

- A. Re design of site layout to exclude the two 3 storey apartment blocks to be replaced with two storey houses (plot no's 26 -33 and 103 -107).
- B. Re design of site layout adjacent to no.21 Lockyer Close to set the nearest plots to site boundary (plots 205 -207) away from the boundary hedge and the existing tree.
- C. Overall these changes to design of the site reduce the number of units to 255, and provide a revised distribution of affordable housing across the site in terms of grouping sizes.

Local residents have been notified (letters sent out on 13<sup>th</sup> October) as to these further changes and have been invited to submit any further comments, in addition to those already set out in this report, before the 22<sup>nd</sup> October. A verbal update of any additional comments received will be made at the committee meeting.

**Further Officer comments:**

The report that follows on from this update describes the proposed layout in terms of numbers of bedrooms. To reflect the changes as now proposed a description of the development in numerical terms is set out below:

The layout includes; 27 x 2 bedroom houses, 121 x 3 bedroom houses, 91 x 4 bedroom houses, 7 x 5 bedroom houses, 9 x 6 bedroom houses. In total there are 26 different housing types, and the applicant has confirmed the gross internal floor space for each type as part of the application submission.

It was evident from the comments received from those residents who had made a representation that the inclusion of the two 3 storey apartment blocks was not considered inkeeping with the general character of the area and also the distribution of affordable housing was not considered to be equally spread across the site. In addition the Head of Housing Services has confirmed that affordable housing in the form of one and two bedroom apartments are proving difficult to occupy in terms of demand from tenants.

As a direct response to these points the applicant has amended the layout by removing the apartment blocks and replacing them with 12 separate dwellings all proposed with on plot parking. The revised layout achieves 255 dwellings on the site of which 89 would need to be made available as affordable homes in order to meet the 35% target. The layout as now proposed to be revised, includes 65 affordable housing units, and therefore the layout represents a shortfall (of 24 units) against the 35% as required by the terms of the Section 106 agreement and the adopted policy framework. In order to ensure compliance with this provision and also the terms of policy AL/DE/3, the applicant is providing a financial contribution of £600,000.00 towards the delivery and provision of affordable housing off site.

With regard to this change your officers consider that it is positive response to the concerns raised by local residents, whilst ensuring the delivery of affordable housing opportunities which respond to the current demand profile of tenants in Tiverton. The reduced number of units remains comfortable in terms of the total disposition of units across, relationship to neighbouring occupiers to the site and with parking arrangements which are in accordance with policy.

Occupiers of Lockyer Close adjacent to the site on the Washfield Lane boundary had commented how close the development footprint was to the existing hedgerow and tree. In response to this point the applicant has pulled forward plots 205-207 as shown on the revised site layout so that there is more comfortable relationship between these plots and the existing hedgerow.

The applicant has also agreed to review the schedule of the materials palette as proposed to ensure that a higher proportion of the houses will be constructed with brick faced walling.

Following consideration of these revisions to the layout as described above the recommendation by officers remains one of approval subject to the updated schedule of conditions as set out below and a variation to the terms of the section 106 agreement pursuant to 12/00277/MOUT to facilitate the revisions to affordable housing delivery strategy as set out above. This will need to be completed, with an agreement on the timing of the payment, prior to the commencement of any development:

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) Post Inspector's Report DM2 and DM15.

2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase)\* and shall be so retained.

Reason: To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) Post Inspector's Report DM2 and DM15.

3. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reason: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).

4. Protective fencing shall be erected around the root protection areas of each of retained trees on site prior to the commencement of each phase of development. Any alteration to the ground level within these protected areas shall only be undertaken using hand operated tools.

Reason: To safeguard the protected trees in accordance with Policy DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

5. No development shall begin until a scheme for the management and maintenance of all areas the communal open space, the swale and attenuation pond shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space area shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.

Reason: To safeguard the character and amenities of the area in accordance with Policy DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. Prior to commencement of any part of the site the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP). Works shall take place in accordance with the approved CMP. Details to be submitted shall include:

- (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,
- (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) the means of enclosure of the site during construction works;
- (i) and details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (j) details of wheel washing facilities and obligations
- (k) Details of the amount and location of construction worker parking.

8. The phasing programme as required by condition 11 of the outline planning approval (ref:12/00277/MOUT) shall include the timing for the delivery of each aspect of the informal amenity space, specific details for the LEAP in terms of play equipment ,the proposed cycle and pedestrian route, the swale and the attenuation pond. The development hereby approved shall not be carried out otherwise than in accordance with the agreed phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason; In order to ensure the timely delivery of each aspect of the approved scheme, and to ensure the proper development of the site.

9. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy in NPPF and the flood management act.

10. Prior to the occupation of first dwelling the off-site highway works for the connection of the footway cycleway to Washfield Lane has been designed and approved in writing by the Local planning Authority, and constructed and made available for use in accordance with the agreed phasing programme.

REASON: To ensure that a replacement cycle and pedestrian route is provided to replace the existing public right of way that runs across the site

**Relationship to Corporate Plan:**

The Corporate Plan contains key objectives that include a thriving economy, better homes and caring for our environment. These are relevant to this application.

**Financial Implications:**

None identified

**Legal Implications:**

None identified

**Risk Assessment:**

None identified

**Consultation carried out with:**

1. Highway Authority
2. Tiverton Town Council
3. Environment Agency
4. Environmental Health
5. Historic Environment Service
6. Natural England
7. Devon and Cornwall Police Authority

**1.0 PROPOSED DEVELOPMENT**

- 1.1 This reserved matters application has been submitted following on from the outline planning permission which was granted under reference 12/00277/MOUT as follows: Outline for the erection of up to 300 dwellings, creation of new vehicular access and associated works.
- 1.2 This application proposes 273 houses across the site, and the application proposes the following issues for consideration:
  - Siting of the building plots
  - Architecture and design of all buildings
  - Height, scale and massing of all buildings
  - Design and layout of public and other highway infrastructure (carriageway, footpath, cycleway) within the site area
  - Design and layout of open space and landscaped areas
  - Drainage infrastructure
  - Parking provision

- 1.3 The layout includes; 27 x 2 bedroom houses, 115 x 3 bedroom houses, 85 x 4 bedroom houses, 7 x 5 bedroom houses, 9 x 6 bedroom houses, 12 x 1 bedroom apartments and 18 x 2 bedroom apartments. In total there are 27 different housing types, and the applicant has confirmed the gross internal floor space for each type as part of the application submission.
- 1.4 The tenure of the housing will include 95 affordable homes, including the two apartment blocks which accommodate 15 flats in each. The remaining units are spread around the site in groups of between 4-13 dwellings.
- 1.5 The majority of the houses are proposed in buildings with accommodation over two floors and on these house types the eaves level is set at 5.4 metres & ridge set at 8.2 to 9.1 metres. There are a number of house styles with accommodation over 2 ½ storeys (attic) and on these house types the eaves level is set at 5.6 metres & ridge set at 9.6 to 10.5 metres. The two apartment blocks are proposed as three storey buildings with eaves level set at 8.2 metres & ridge set at 12.2 to 13.1 metres.
- 1.7 The layout includes 580 parking spaces which includes a minimum of 2 for each of the house types and 1 for each of the apartments. The parking for 27 of the houses are arranged within a parking court arrangement (4 discreet areas) with the remainder provided on plot (92 garages are proposed, including those associated with a FOG) or in dedicated on street parking areas.
- 1.8 The layout retains all the veteran trees on the site. The layout sets the trees in amenity spaces which are protected from development. The scope of routine management works will need to be agreed and undertaken prior to commencement of development.
- 1.8 Access into the site from Rackenford Road and Washfield Lane is from the agreed points of access as established by the outline permission with the estate road looping around the site with shared surface routes serving the various parts of the estate.
- 1.9 New tree planting (130 trees) is proposed along key sections of the new roads layout leading through to the remodelled open space which is to be formed on the north eastern section of the site, and landscaped to include a children's play area, a swale and attenuation pond which will act to manage surface water drainage. This area will be landscaped and set out to form amenity, meadow and wetland grassed areas with additional tree planting on the boundary (40 trees) between this space and the development area.
- 1.10 The proposals include confirmation of the boundary treatment to the site along Washfield Lane (retention of existing hedgerow), and along to the rear of the properties along Rackenford Road part boundary (erection of 1.8 metres high close boarded timber fence). The scheme includes a pedestrian link from Washfield Lane through to the entrance to the Allotments and onto Higher Loughborough which will replace the existing public right of way across the site.
- 1.11 When the application was first submitted the proposals were for 275 dwellings, however various revisions have been made to seek to resolve unsatisfactory aspects of the scheme, resulting in a reduction of 2, so that the proposals are now for 273 dwellings, of which as stated above 95 would be delivered as affordable housing (35%). It is proposed that the scheme would be developed out in four phases, with phase 1 including the new means of access into the site and the development area immediately behind Rackenford Road. This phase of the development includes a

sewer diversion which will serve the new development and also the existing properties on Rackenford Road (Revised Plans rec'd 11 September).

- 1.12 Further amended plans have been submitted to clarify the proposed internal circulation arrangements as requested by the highway authority and to set out further revisions to layout as requested by your officers, however the number of dwellings proposed remains at 273.

## **2.0 APPLICANT'S SUPPORTING INFORMATION**

- 2.1 Compliance Statement (dated June 2014/V5)  
Geotechnical Investigation and Ground Assessment Report (GCE00421/R1): MAY 2014  
Energy Assessment from Energist UK: March 2014  
Planning Statement (June 2014)  
Code for Sustainable Homes Pre-Assessment Report  
Overall Layout plan, Landscaping and Planting plans (x4), Engineering Layout plans (x3), Site Boundaries plan, Building Heights plan, Site materials plan, Phasing plan, Affordable Housing plan.  
Elevations and Floor plans for each housing type

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Outline planning permission was granted for the erection of up to 300 dwellings, creation of new vehicular access and associated works on the 17<sup>th</sup> December 2013 subject to 23 conditions as set out below in italic print.
  1. *Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.*
  2. *Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.*
  3. *The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.*
  4. *The detailed drawings required to be submitted by condition 2 shall include the following additional information:*
    - (i) *Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent development, materials, retaining walls.*
    - (ii) *Provision of marked single-phase electrical charging points for electric vehicles at all attached/integral parking spaces to a maximum of one facility per dwelling and at a pre-approved frequency for other parking areas.*
    - (iii) *Provision of parking spaces for car club vehicles (number to be agreed).*



*(iv) A footway/cycleway link from the entrance to the site adjacent to the Farleigh Meadows Housing Estate, through the site and to link with the existing Exe Valley Way to a of 3 metres minimum width.*

*(v) Protective measures for the Mill Leat.*

*(vi) Protective measures for all Grade A trees on the site.*

*(vii) Measures to demonstrate compliance with the carbon footprint targets as set in the approved Energy Statement and carbon Footprint Reduction Strategy.*

5. *The conclusions/recommendations of the ecological report by Ambios Ecology submitted in support of the application shall be implemented and completed in accordance with the requirements of that report, and shall be so retained as required.*
6. *No development approved by this permission shall begin until details of a sustainable urban drainage system have been approved in writing by the Local Planning Authority. The system shall include attenuation basins, a wetland area, and numerous flow control devices. An agreement for maintenance of the system shall be provided for the lifetime of the development.*
7. *No other part of the development hereby approved shall begin until the roundabout on Rackenford Road, the first 50 metres of site access road and access footways along with the footway works on Rackenford Road and Leat Street, including surfacing, drainage, surface water outfalls, lighting, structures, embankments, margins, services and visibility splays have been constructed and made available for use in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority, and shall thereafter be retained and maintained at all times for that purpose.*
8. *No more than 90 of the dwellings to be erected on the development site shall be occupied until the Washfield Lane access works, including junctions, surfacing, drainage, surface water outfalls, lighting, structures, embankments, margins, services and visibility splays have been constructed and made available for use in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority, and shall thereafter be retained and maintained at all times for that purpose.*
9. *Not more than 90 of the dwellings to be erected on the site shall be occupied until off-site improvements to the Exe Valley Way to provide pedestrian and cycle links to the north and south have been provided and made available for use in accordance with details that shall have been submitted to, and agreed in writing by, the Local Planning Authority, and shall thereafter be retained and maintained at all times for that purpose.*
10. *The Rackenford Road roundabout and footway works and the Washfield Lane access works shall not begin until a separate Method of Construction Statement for each to include details of:*
  - a. parking for vehicles of site personnel operatives and visitors*
  - b. loading and unloading of plant and materials*
  - c. storage of plant and materials*
  - d. programme of works including measures for traffic management*
  - e. provision of boundary hoarding behind visibility splays*

shall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the respective construction periods.

11. *The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.*
12. *The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, for this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.*
13. (a) *The development shall not be carried out otherwise than in complete accordance with the plans & details (hereby & subsequently) approved in writing by the Local Planning Authority*

*The plans hereby approved are :-*

*A032615DRG04 REV G - MATERPLAN - Proposed  
A032615DRGAB REV. D - Dated: 24/10/2012 - Site Location Plan  
30514-PHL-03 REV. F - Dated: 19/10/2012 - Proposed*

(b) *No part of the development shall be commenced until details of all the following matters have been submitted to and approved by the Local Planning Authority :-*

(i) *the matters listed in Part 1 of the Residential Estate Roads Schedule annexed hereto (hereinafter called 'the Schedule')*

*[then list other Reserved Matters]*

(c) *No buildings shall be commenced until the relevant facilities/services described in Part I of the Schedule have been constructed in accordance with the requirements of Part IIA of the Schedule and no dwelling shall be occupied until the said facilities/services have been provided and completed in respect of such dwelling in accordance with the requirements of Part IIB of the Schedule.*

14. *The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:*
  - a) *The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;*
  - b) *The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;*
  - c) *The cul-de-sac visibility splays have been laid out to their final level;*

- d) *The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;*
  - e) *The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;*
  - f) *The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;*
  - g) *The street nameplates for the spine road and cul-de-sac have been provided and erected.*
15. *Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed.*
16. *An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:*
- (i) *a survey of the extent, scale and nature of contamination;*
  - (ii) *an assessment of the potential risk to:*
    - *human health,*
    - *property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
    - *adjoining land,*
    - *groundwaters and surface waters,*
    - *ecological systems,*
    - *archaeological sites and ancient monuments;*
  - (iii) *an appraisal of remedial options, and proposal of the preferred option(s).*
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*
17. *A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural land and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*
18. *The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of*

*measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*

19. *In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18.*
20. *No development shall begin until a Construction Phase Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Phase Management Plan shall set out measures for dealing with all potential nuisances, including dust, noise, fumes, odour, traffic movements and waste, in addition to specified hours of operation. The construction phase(s) of the development shall be carried out in accordance with the approved scheme.*
21. *No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth re-profiling comprised in the approved details of landscaping shall be carried out to a timetable to be agreed with the Local Planning Authority, and 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.*
22. *No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.*
23. *There shall be no raising of ground, on either a temporary or permanent basis, or erection of compounds, or storage of materials, within the floodplain of the River Exe, during the construction phase.*

#### **4.0 DEVELOPMENT PLAN POLICIES**

##### **Mid Devon Core Strategy (Local Plan Part 1)**

- COR1 - Sustainable Communities
- COR2 - Local Distinctiveness
- COR3 - Meeting Housing Needs
- COR8 - Infrastructure Provision
- COR9 - Access
- COR11 - Flooding
- COR13 - Tiverton

## **Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)**

AL/DE/1 - Housing Plan, Monitor and Manage  
AL/DE/2 - Overall Affordable Housing Provision  
AL/DE/3 - Affordable Housing Site Target  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/IN/6 - Carbon Footprint Reduction  
AL/TIV/8 – Farleigh Meadows

## **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable Design  
DM8 - Parking  
DM14 - Design of housing  
DM15- Dwelling sizes.

## **5.0 CONSULTATIONS**

### **HIGHWAY AUTHORITY - 29th July 2014**

The Highway Authority while it has no objections in principle and the site has been granted outline consent with access dealt with , The internal layout has a number of queries which the Highway Authority would like addressed and is in discussion with the applicant to resolve. The Highway Authority is minded to recommend the imposition of conditions but would advise that the changes being sought may give rise to siting issues and will comment further following its discussions with the applicant.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION.

Further comments – 24 September 2014

The Highway Authority has received the amended plans and has had further discussion with the applicant and the Local planning Authority. Drawing number 7558-PL03d “overall site layout” is acceptable to the Highway Authority, although details of the drainage have yet to be approved, and there are elements of the technical construction and materials which need to be overcome but these can be dealt with through the section 38 legal agreement for the adoption of the Highways, and by conditions recommended below. There is a public right of way across the site which for the duration of the build should be subject to a temporary diversion and upon completion of the development and adoption of the highways will require the applicant to apply for the extinguishment of the right.

Therefore the Highway Authority has no further observations to make on the proposal subject to the following conditions (6 in total) being imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT

THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

#### CONDITIONS FOR RESIDENTIAL ESTATES

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site,
  - (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) the means of enclosure of the site during construction works;
  - (i) and details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (j) details of wheel washing facilities and obligations
  - (k) Details of the amount and location of construction worker parking.
3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

- 5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy in NPPF and the flood management act

- 6. Prior to the occupation of Phase 3 on Drawing 7558 PL09 A the off-site highway works for the connection of the footway cycleway to Washfield Lane has been designed and approved in writing by the Local planning Authority, constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy in NPPF

**ENVIRONMENTAL HEALTH - 15th July 2014**

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - Not applicable

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - No objections

**TIVERTON TOWN COUNCIL - 22nd August 2014** - Tiverton Town Council have some major concerns regarding this application and therefore are unable to support the proposal in its present form.

The Council does not feel that the proposed plan complies with DM2. There are concerns about the appropriate drainage facilities, including serious concerns relating to the possible drainage from the proposed large tanks into the Leat; and eventually into the river Exe. This we feel, unless carefully managed, could lead to flooding problems in the future.

We do not feel that adequate care has been taken in protecting, as far as possible, the existing dwellings in Rackenford Road and Farleigh Meadows. Earlier consultations with residence had resulted in a proposal that 2.5 and 3 storey properties would not be placed in such a position as to dominate these dwellings, however, from the proposed plan it is evident that this is not the case. Tiverton Council would like to see this altered, and indeed strongly suggests that no 3 storey dwellings are placed on this site. The present proposal we believe would have an unacceptable adverse effect on the privacy and amenities of the neighbouring properties beyond that which are acceptable.

There are concerns that DM2(d) is not being complied with, and note that the police have raised concerns about the likely increase in crime caused by this proposal in its present form.

Affordable Housing would appear to be clustered to a far larger number than is the normal policy. It was understood that the pepper pot arrangement would be implemented on this site as per planning guidelines. There are concerns regarding the proposed design of this development. Taking into consideration DM2 which states that the design of new developments must be of a high quality. We do not believe that this proposal meets that standard.

There would appear to be no defined boundaries marked on the plan which are a concern to local residents. Whilst there are some artist impressions of the site it is felt that the provision of that useful tool to gauge what the site would look like is sadly lacking. This is surprising as this is a Reserved Matters application. We would like to see far more illustrations of this proposal.

No information has been provided regarding the protection of the Exe Valley Way, an important tourist walking route, which passes through the site. There are also concerns that there is a lack of cycle paths and other facilities to encourage the cyclist and walker to use alternative modes than the car.

There are concerns for the protection of historical trees on the site, many of whom have been listed. Whilst this is mentioned within the documentation we feel that there should be a ban on any development within 4 metres of the tree to protect its roots.

There are concerns for road safety in the area around Higher Loughborough and Long Drag. Whilst noting that a new pedestrian crossing is being provided in the Long Drag area, there remain concerns about the speed of vehicles with the possible vast increase of pedestrian use, many of whom are likely to be young people. Adequate signage and a full risk assessment are required, in order that calming measures can be introduced to reduce such risks.

#### Conclusion

Tiverton Town Council strongly recommends that the developer be asked to examine the points being made by the local council, which have been received by representatives of the people who live already in that area, and that as a result of this they be asked to submit an amended plan for the whole site which takes all of the points raised above into consideration.

The revised plans (273 dwelling Scheme) are to be presented to the Town Council for their consideration at their Planning meeting on the 6<sup>th</sup> October. Any further comments from the Tiverton Town Council will be reported directly to members at the committee meeting on the 8<sup>th</sup> October.



**NATURAL ENGLAND** - 8th July 2014 - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)  
The Conservation of Habitats and Species Regulations 2010 (as amended)

The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

We would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

#### Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this

application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Local Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

#### Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

**HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 7th July 2014 -** This seeks approval for the detailed design for 275 dwellings, play areas and open space, and engineering detail for road and drainage infrastructure.

As transportation issues with dealt with at the outline stage (which sought approval for up to 300 dwellings), the Agency has no comments to make on this reserved matters application, and I enclose an Article 25 TR110 form to that effect.

#### **ENVIRONMENT AGENCY - 23rd July 2014**

Environment Agency Position. From the development and flood risk perspective we raise no in principle objections to the proposal but do however strongly advise that clarity be provided regarding various aspects of the proposed surface water management measures prior to determination of the application.

Advice to LPA/Applicant - Whilst the proposal aligns closely with the requirements of the National Planning Policy Framework we do feel that various issues regarding the proposed SUDs features require clarification.

We are satisfied that all the properties would be wholly within Flood Zone 1 and thus the Sequential Test can be deemed as being passed. In terms of the management of surface water runoff we are happy that the principles and strategy proposed ( as shown on Drawing 4112/02/21 Rev C 'preliminary Engineering layout' ) accord with current best practise.

However the design of the SUDs lacks detail in particular regarding the flow control features. Whilst this could be addressed by condition your authority may want further clarity regarding the SUDs features prior to determination of the application. In this instance we would advise the latter. We advise that the design of the SUDs features incorporates best practice measures as included within 'The SUDs Manual' CIRIA c697 dated 2007. Particular attention should be given to the design of the flow control devices, requirement for screening of the flow controls to reduce the likelihood of blockages, and access for maintenance.

In addition as yet, government hasn't approved SUDs adoption measures, a role that the Lead Local Flood Authority will adopt, we advise that your authority gains written assurances prior to determination of the application that the various SUDs features will be adequately maintained for the lifetime of the development. Particular attention should be given to maintenance measures necessary to safeguard the function of the various outflow control features within the proposed swale and attenuation lagoon.

In response to these comments the applicant has provided further information for consideration. Any further comments from the EA will be circulated to members in advance of the Committee meeting, but as drafted based on a precautionary approach the relevant further details can be requested by condition to ensure that surface water disposal is adequately managed.

#### **DEVON & CORNWALL POLICE AUTHORITY - 3rd July 2014**

Although the Police highlighted some concerns on 28th June 2011. It is impossible to review in detail such a large application especially as I would wish to review each dwelling, car space, and public open space in order to apply the attributes of crime Prevention through Environmental design. (CPTED)

Early requests for meaningful consultation have not been acknowledged. I have viewed today's attachment briefly and make the following immediate observations:

1. Plot one is at the junction of the development and appears to have no defensible space or ownership adjacent a main road. The dwellings on junctions are always the primary target for burglars.
2. Within meters of the main road there is a parking courtyard This has no surveillance, culpable or casual leaving it extremely vulnerable to crime.
3. There are a further 4 large parking courts housing in excess of 20 vehicles. It is recognised by the home office and all crime prevention practitioners that the primary place to park a vehicle is in your own garage and then within the curtilage of your home. Next safest is on street parking where you have culpable surveillance.
4. The final last resort it is a parking courtyard, maximum of ten vehicles, good lighting, overlooked by their owners, and most important ownership.
5. Unless parking areas are clearly identified to individual dwellings residents, and are clearly safe, sustainable, well lit, with easy access to the home they become redundant to residents and become primary meeting places for youths with football games, and makeshift BMX and skate tracks.
6. Residents will very quickly abandon the parking court and park in the street.
7. The public open space has no noise barriers likely to cause community conflict between users and residents.

8. A number of the dwellings are susceptible to desire lines, or aggravation by dogs soiling their gardens as little or no ownership/defensible planting deterring such activities.

Most of the above should have been discussed and designed out at the pre application stage, it is disappointing to have to object at this late stage citing crime and disorder as a material consideration.

19th August 2014

The meeting between the developer, architect, planning and myself was most useful, and clarified a number of points that were not too clear. I would like to confirm that all dwelling boundaries adjoining public space would be protected by defensible planting, this was previously of some concern and was not too clear (to me) on the drawings provided.

The remaining concern is the parking court entered under the FOG plot 183 which serves 28 spaces, although there is only one access and egress point for vehicles, there is excessive pedestrian permeability. The location of parking spaces in relation to vehicle owners is problematic and excessive as discussed. (Page 27 Safer Places and SBD 16.3). It will help cutting down on permeability by closing the two alleyways and changing the colour and texture of the surface but remains a significant concern to the Police.

It was disappointing that the developer was not in favour of gating rear garden access paths as recommended by SBD (para10.5). The argument of shared gates has never been an issue with other developers to date. If SBD is required for the affordable/social housing then gating with appropriate form of lock is mandatory for part 2 SBD.

**HISTORIC ENVIRONMENT SERVICE** - 17th July 2014 - I refer to the above application and your recent consultation. Condition 22 on the outline consent granted for this development requires:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

This work has partially been implemented and has identified a Middle Bronze Age (1400-1000BC) enclosure in the north-western part of the site. The enclosure has been dated by finds of potsherds from a cooking vessel typical of this period. In addition, Neolithic activity (4500 - 2300BC) on the site has been demonstrated by a small assemblage of flint tools recovered during these investigations.

Further archaeological work is required to expose, investigate and record the above archaeological deposits in advance of any construction works. I would therefore advise that the applicant is made aware of this requirement to comply with the approved Written Scheme of Investigation that was submitted to discharge Condition 22 on the outline application. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

The **Council's Tree Officer** has provided the following comments:

Initially I refer to the second part of the tree survey submitted by Tree maintenance Limited in 2011, as part of the outline permission 11/00958/MOUT. This survey was to update the

initial tree survey. It makes it clear that the next stage for these trees would be the production of an Arboricultural Method Statement and Tree Protection Plan, in response to the layout proposal. Ideally we would receive this information before planning permission is granted rather than via planning Condition.

The design of this site with regard to the trees scheduled for retention is critical, not only to try and ensure the survival of the trees but also with regard to the future safety of the trees when the area becomes a built environment. If the trees are left in an environment where they become a threat to person or property the pressure will be increased to have the trees removed or drastically pruned in the future. The trees are also of such a size that a perceived conflict between property and trees should be anticipated at the design stage and factors such as shading, dropping debris, foundation depths, underground services, risk of branch shedding, debris on parked cars etc. With simple design considerations these conflicts can be greatly reduced or avoided totally.

Paragraph 1.3 of the submitted tree survey states with regard to the minimum root protection area, as calculated from the tree stem diameter in accordance with guidance in BS 5837, 'It should be stressed that this line must not automatically be regarded as a building line, as other design factors such as shade, dominance, open space etc. should be taken into consideration when laying out. On this site in particular, these large mature trees must be given plenty of space as they are a superb feature and could be continually under pressure if house are built too close'

For as long as I have been involved in this site I have been giving the same advice and I know that in my absence in 2011 David Galley also said the same. You have now asked for my comments regarding the proposed layout of the site and from an Arboricultural point of view there are some alterations required.

I believe it was always envisaged that the trees on the site would be retained as stand-alone features with as much space as was possible retained un-built around them. The Root Protection Area (RPA) for trees is calculated by taking a measurement from the stem diameter (a circle with a radius 12 times the stem diameter). This gives a MINIMUM area where all activities should be totally excluded. In an ideal world we would also take measures to protect the ground outside of the RPA, particularly for veteran trees such as these. BS5837:2012 Trees in relation to design, demolition and construction – recommendations 5.2.4 states that 'Particular care is needed regarding the retention of large, mature, over mature or veteran trees which become enclosed within a new development. Where such trees are retained, adequate space should be allowed for their long term physical retention and future maintenance'. 4.5.11 states where veteran trees are identified as being on site 'the implications of their presence on the use of the surrounding land should be assessed at the earliest possible design stage of the design process. Where such trees are to be retained, particular care should be taken in the design to accommodate them in a setting that aids their long term retention'.

Plan ref: D34 50 P4 submitted by JP Associates shows altered RPA to fit within the design. BS5837 states that any deviation from the circular RPA plot as calculated from the stem diameter should take into account the following factors

- a) The morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. presence of roads, structures etc.)
- b) Topography and drainage
- c) The soil type and structure
- d) The likely tolerance to the tree of root disturbance or damage, based on factors such as species, age, condition and past management.

The plan shows the RPA of the trees as simply a means to fit it into the design and layout of the site. It does not take into consideration that actually development is significantly encroaching into the original RPA's as shown on plan ref: 7558 PL08 A Roberts Limbrick Architects. The Tree survey submitted by Tree maintenance Ltd in paragraph 5.2 discusses how it is not recommended for the RPA of these trees to be altered in order to keep a good distance from the trees. I am in agreement with this.

Veteran trees offer a wide range of habitat value for flora and fauna such as lichens, fungi, saproxylic invertebrates and bats. Very often the reason that they can offer these unique and rare habitats is due to the retention of deadwood and decayed parts with splits and tears and other interesting features. These features can also present a certain element of risk in a built environment. The trees may well require some remedial work before any development commences but this remedial work could be kept to a minimum if the trees are allocated enough space. Ideally it would be possible to manage any high risk parts of the trees rather than remove them. There should be adequate space for each tree to safely fall. The areas around the trees should not be seen as green open spaces where high access is encouraged, such as by creating seating areas or play parks. Ideally access would be discouraged from the areas.

There are 2 Lucombe Oaks on the site. While they do not fall within veteran status they are extremely significant and magnificent specimens. The layout plan shows that the area between the trees is to be developed. While technically this is not encroaching into the RPA's of either trees I would not recommend developing this area for the health of the trees and the future conflicts between properties and the trees.

If the intention is to successfully retain the trees I would at the very least expect to see no development within the RPA's of these trees, no parking spaces within the RPA's of these trees, no gardens within the RPA's of these trees and no pavements and roads. The proximity of dwellings to these trees must also be considered from a health and safety point of view. If properties are in close proximity to these trees the future concerns and conflicts will result in the loss of the trees. The RPA's that I am referring to are those shown on plan ref: 7558 PL08 A Roberts Limbrick Architects.

## 6.0 REPRESENTATIONS

When the application was submitted notification letters were sent to 149 neighbouring properties in the vicinity of the site – including those stakeholders who had made a representation on the outline application as referred above, and two site notices (Rackenford Road and Washfield Lane) have been displayed.

In response to this consultation exercise, 15 representations have been received. A summary of the concerns raised is set out below:

1. The hedgerow along the boundary with Washfield Lane should be retained.
2. The distribution of affordable housing should be revised so as to dominate any particular area of the site.
3. The housing type located immediately adjacent to the properties on Chinon Place would result in an unacceptable relationship.
4. The scheme is not considered to be sympathetic to the area and will read as a blot on the landscape with too many houses proposed and there is insufficient infrastructure in Tiverton to accommodate this level of development.
5. The development will ruin the meadowland setting the existing properties on Farleigh Meadows and Rackenford Road have looked out over for many years.
6. The layout including back to back with Rackenford Road is not considered acceptable.

7. The three storey blocks are poor in design and should not be included.
8. The building finishes are considered poor quality with too much render.
9. The plan should include cul de sac style arrangements.
10. Adequate protection should be provided to the Mill Leat.
11. The scheme does not include pedestrian routes and/or infrastructure for cyclists.
12. General comments that hard and soft landscaping proposals are considered inadequate.
13. There are no single storey house types and more of the house types should include garages.
14. The Children's play area should be in the middle of the estate and not as proposed.
15. The boundary treatment to Rackenford Road is not confirmed.
16. The scheme will be visible from the North Devon Link Rd, and it will present in a detrimental manner.
17. The scheme is considered to be contrary to policy AL/TIV/8 as it does not include any enhancement to the Exe Valley Way and/or provide a continued footpath along the east side of Rackenford Road.
18. It will affect the flight path of Bats in the area.
19. The scheme is likely to result in flooding of the main pedestrian route
20. The scheme proposes too much development to the rear and at the side of 45a Rackenford Road creating overlooking problems.
21. The footpath as proposed should not join Washfield Lane via the private drive of Worth Lodge.
22. Concern about how the scheme will affect the veteran trees on the site, and the extent of development proposed within the root protection areas of these trees. One letter of support for the redevelopment scheme was received, but questioning the need for a further children's play area.

When the amended plans (273 unit scheme) were received a further letter of consultation was sent out advising that amended plans had been received, noting the scope of the changes as listed below, and inviting further comments by the 28<sup>th</sup> September.

- Confirmation of the treatment to boundary of the site to the Rackenford Road properties.
- Confirmation of the retention of the existing hedgerow that forms the boundary of the site with Washfield Lane.
- Re-organisation of the various aspects of the layout, including adjacent to the boundary of Washfield Lane and at the new entrance to the site (adjacent to no: 45a and rear of 47 Rackenford Road).
- A reduction in the overall numbers from 275 dwellings to 273 dwellings.
- A wider distribution of the affordable homes across the site.

At the time of writing 2 comments have been received. One of the representations confirmed their support for the alterations in terms of redressing their earlier concerns (no 45a Rackenford Road), whilst the other representation continued to raise concerns as follows:

1. 273 houses is still too many
2. Planting on the boundary with Rackenford Road as indicated needs to include mature species
3. The distribution of affordable housing still is considered unacceptable.

An update of any further representations that are received will be presented to the Committee in advance of the meeting.

## **7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Policy/ Planning History

The Scheme Layout

Design Quality

Impact on general amenities of the area (existing residents)

Design of landscaped areas

Parking provision

### **7.1 Policy/ Planning History**

Policy AL/TIV/8 establishes that the local planning authority support the development of the site for housing. The terms of the policy are set out below:

A site of 11.2 hectares at Farleigh Meadows is allocated for residential development, subject to the following:

- a. 300 dwellings on land in Flood Zone 1, with 35% affordable housing;
- b. 3 hectares of informal amenity open space within the floodplain with appropriate security measures to prevent access to and pollution of the Mill Leat;
- c. Two vehicular access points;
- d. Cycle and pedestrian routes providing links between Rackenford Road, Higher Loughborough and Washfield Lane, incorporating and enhancing the Exe Valley Way;
- e. Protection of Oak trees subject to Tree Preservation Orders within the site, incorporated within public open space where appropriate;
- f. Careful design and landscaping treatment of the boundary between the housing and amenity open space, taking account of impact on views from the north and east;
- g. Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- h. Pedestrian provision along the eastern side of Rackenford Road;
- i. Measures to mitigate impact on air quality at Leat Street.

The terms of the outline planning permission issued in December 2013 confirmed the upper limit of development that the LPA would allow on the site, including the delivery of 35% affordable housing and means of access into the site, including the scope of off-site highway works necessary to make the development acceptable in terms of providing the necessary pedestrian and cycle route improvements.

For members information the latter will include localised improvements to the adopted highway at the junction of Rackenford Road and Higher Loughborough, including the provision of a managed crossing point and these works will be undertaken by the site developer. It was on this basis that the Local Planning Authority made their decision to grant outline planning permission. In addition the terms of the section 106 agreement pursuant to the outline permission included the provision of £85,000 to be made available to investigate the possibility of delivering an additional route to link the site back to the Kennedy Way without having to cross Rackenford Road. The outcome of initial investigations undertaken by your officers in conjunction with Devon County Council have indicated that a route using Lower Loughborough as link through to the eastside of Rackenford Road will be deliverable. This matter will now be progressed to the delivery and implementation phases to coincide with the completion of the first phase of development on the application site.

In terms of the details that form the boundary between the amenity space and the Leat a barrier has been erected comprising of a staggered hedgerow with a post and barbed wire fence running along either side in accordance with the details as indicated at the outline stage.



The Environment Agency raise no concerns about the flood risk associated with the proposed houses. The operational details regards the surface water drainage system proposed can be conditioned.

In terms of the delivery of affordable housing 95 units are proposed which include 30 apartments in two separate blocks. The remaining 65 houses are pepper potted across the site in groups of between 4 and 13 in any one block of development in a manner which is reasonably proportionate across the site

Whilst a number of stakeholders have suggested that the application scheme as proposed is contrary to policy AL/TIV/8 (b, d, g). Your officers do not consider this to be the case for the reasons as set out above. Furthermore as matter of principal the layout as proposed utilises the approved points of access, falls within the upper limit of development as approved by the outline permission and retains all the existing oak and other protected trees as an integral part of the layout. Therefore as a matter of principal the scheme positively addresses the key requirements of policy AL/TIV/8.

## **7.2 The Scheme Layout / Structure**

The layout before members has been developed in conjunction with discussion with local stakeholders, Council officers and reflecting on advice from the Devon Design Review Panel. Prior to submitting this application the applicants had been developing a layout which was considered to be driven by highway infrastructure, did not recognise the importance of the existing trees on the site, thus creating a grid based impermeable and over dense development and with little permeability through the site.

The applicants revised their approach, and the applicants summarise their vision for their development as follows:

‘to create a well designed sustainable residential development which builds on the strengths of the existing area and compliments the unique character of the area’.

The layout includes a main spine / distributor road that filters round into the site with shared service routes serving the development areas at the periphery of the site to assist with the creation of different character areas. At key nodal points adjacent to the distributor road the opportunity has been taken to place the three storey apartment block building and individual houses of 2 ½ stories. The new structure of routes creates direct routes through the site to the amenity space on the eastern edge with planting proposed within it to create a tree lined avenue approach.

The layout protects the existing hedgerow on the boundary of the site with Washfield Lane, and forms a new boundary to the rear of the properties along Rackenford Road that abut the site. Originally the applicants had indicated that a buffer strip would be created between the rear of these properties and the start of the development, but this approach was dropped given the problems that tend to arise with these informal/ and unused areas of open space. Furthermore because the site slopes away from this boundary the formation of a back to back relationship along this boundary can be accommodated.

The layout includes an off road route for pedestrians and cyclists running adjacent to the amenity space, starting at an appropriate point from Washfield Lane (not on the approach to Worth Lodge as initially proposed) and leading down through the site to the junction with Higher Loughborough.

In summary the layout as it has been revised for 273 dwellings creates a development which presents an efficient and effective use of the site. It seeks to protect the existing trees and creates pockets of informal open space with defined ledgiable routes leading through the site to the main area of open space and a link from the site (and the existing Farleigh Meadows estate) through to Tiverton. It is therefore considered that the application scheme complies with policy DM2 (criterion a, b, c, d).

### **7.3 Design Issues /Scheme Quality**

The prevailing context to the site comprises two storey semi-detached and bungalows along Rackenford Road and the more modern properties on the existing Farleigh Meadows Estate which are generally two storey detached / semi- detached properties. The scheme reflects this with predominantly two storey houses proposed across the site with the inclusion of some 2 ½ storey houses with bonnet dormers to provide accommodation at roof level. As a design tool this variation helps to add visual interest to the new built form when viewed from outside the site in particular from the A361. The two apartment buildings are designed with a flat roof which helps to ensure that they do not dominate the new landscape by virtue of their height.

Elevations of the all the house types have been provided with variations in the design for each of the housing types to provided. All the housing types are grounded on a brick plinth with various brick types and render finishes to complete the walling. Window headers are to be formed from a contrasting material to that of the main walling with stone or brick cill details. UPVC window and door fixtures are proposed to ensure longevity. Grey, mixed russet and/or autumn brown roofing tiles are proposed. It is not the case that there is an over provision of the use of render and/or one brick type to complete the dwellings, and overall the varied palette of materials will combine to add to the visual interest and character to the new estate.

The scheme includes a significant amount of new tree planting and landscaping across the site which will help soften the new built form as proposed.

All the houses benefit from private amenity space (rear gardens), and whilst the occupiers of the 30 apartments and the 7 fogs (flats over garages) will not benefit from a rear garden given their close proximity to the new amenity / open space on the site they will have easy access to outside space. Parking will be available to all the occupiers of the proposed new houses and apartments either on plot and/or dedicated off plot. Finally the internal floor areas as proposed meet the minimum space standards as required by policy.

In summary it is not considered that there would be justification to refuse the application on the grounds that the quality of the housing in terms of the visual appearance of the new buildings, and/or in terms of the standard of the accommodation for the future occupiers, falls below the standards expected by policy (DM2, DM 14, DM15)

### **7.4 Impact on general amenities of the area (existing residents)**

The application site is bounded existing residential properties on two boundaries (Washfield Lane and Rackenford Rd). Following on from comments received from local residents the layout on the site boundaries has been reviewed to seek to address any harmful relationships for existing occupiers that may have arisen given the scheme details as originally submitted.

Washfield Lane: The applicant has confirmed that the existing hedgerow along Washfield Lane will be retained. Therefore given the spatial relationship with the properties on the existing Farleigh Meadows, separated by the hedgerow, the highway corridor, and the rear

boundary treatments of the existing properties it is not considered that the layout as proposed would create an oppressive outlook for the occupiers of either Lockyer Crescent or Chinon Place which look out towards the site. An issue was raised when the plans were first submitted by the residents in Chinon Place who were concerned about having 2 ½ storey properties located adjacent to their properties with the potential for overlooking and the creation of a dominant relationship in visual terms. These details have now been changed and whilst there is a block at 2 ½ stories in height which is positioned at an oblique angle to the last house in Chinon Place, it is set side on and with no windows in the side elevation.

In summary the distance between the rear elevation of the existing properties to the rear / side elevation is at least 30.0 metres, with any opportunities for overlooking having been designed out.

Rackenford Road: At present the rear boundaries of these properties present directly into the site, and there the details of the current boundary treatment vary from house to house. Currently there is a lane access down to the site, traditionally used by agricultural vehicles, and it is from this point (following the demolition of two of the existing houses) that will form the main access point into the site. The applicant has confirmed that a 1.8 metre high close boarded timber fence will run along or directly adjacent to the party boundary with the properties that sit adjacent to the site.

Directly to the rear of no's 35 -41, the scheme accommodates 3 houses and one the apartment blocks with car parking, all set within a new pocket of open space accommodating 3 of the veteran trees that re to be retained on the site. There is a separation distance of over 30 metres between the rear of the proposed building blocks and the rear of the existing houses.

In relation to the properties from 45a onwards, the scheme proposes a back to back relationship with a block of detached and/or semi detached 2 storey properties which are divided by a new pocket of open space formed to retain the existing tree that sits close to the boundary. There is a minimum separation distance of over just under 30 metres between the rear of the proposed building blocks and the rear of the existing houses. This aspect of the scheme has also been amended to reflect concerns expressed by a number of local residents.

In summary there will inevitably be change to the outlook that the occupiers of these properties currently enjoy. However given the separation distances outlined above, the details of the new boundary treatment and the change in levels it is not considered that amenities of the occupiers would be sufficiently harmed by the development as proposed to justify refusing the application on the basis that it would adversely affect the privacy and amenity of these residents..

## **7.5 Tree issues / Design of landscaped areas**

As stated the application scheme has retained the existing trees on the site, and following revisions to the layout no development is proposed within the root protection area for the trees. The applicant has considered the comments of the tree officer in terms of units 41-43 between the two veteran oaks but has continued with these dwellings as part of the layout. Their justification is that these houses are outside of the root protection area of these trees and given that these properties are orientated with front and backs away from the trees, the proximity to the trees if well a managed should not be a concern to future occupiers.

Conditions will be recommended to address the following issues:

Provision of protective fencing around the root protection area of all the existing retained trees to be erected prior to the commencement of development.

Any subsequent alteration to the ground within the protected areas (ie planting / formation of pathways) shall be completed without using mechanical machinery.

A method statement confirming a schedule of remedial works to be undertaken to the retained trees to be submitted for approval prior to the commencement of development and implemented accordingly before the commencement of any development.

The applicant has submitted detailed plans showing the scope of new planting and landscaping across the site. The details will be required to be implemented in full prior to the occupation of the first building within the relevant phase.

The new amenity space will include a formal children's play area with a meadow land type environment created beyond. A detailed landscape management strategy will be required to be submitted and approved in writing as a conditional requirement. A phasing plan condition will establish the timing of the delivery of each aspect of this part of the development to ensure that it relates to the delivery of the new housing as required

## **7.6 Parking provision**

As stated above the number of car parking spaces complies with the terms of policy DM 8 in numerical terms, however not all the parking spaces are provided on plot. A number of dedicated spaces will be set out adjacent to the highway areas with four parking court proposals to serve approximately 10% of the dwellings proposed.

The number of parking spaces provided in a parking court arrangement has been reduced since the application was first submitted, to seek to respond to the views expressed by the Police and officers in the planning authority. As now proposed the scheme includes 4 small parking court areas which have all been designed with a single point of access (through the opening created within a FOG building), benefit from adequate levels of natural surveillance) and with convenient points of access to the properties to which they will provide parking for.

Given that the applicant has sought to positively address the concerns expressed about the details of the parking courtyards as originally proposed, it is considered that the parking arrangements now sufficiently comply with the guidance in the adopted SPD on parking.

## **8.0 Other Issues**

The applicant has submitted the relevant information to discharge the terms of a number of conditions on the outline permission, and an update as to which conditions are considered satisfactory discharged will be provided at the committee meeting.

**Conclusion: The layout, scale, appearance, drainage and landscaping details are considered acceptable in demonstrating that it will be possible to accommodate 273 dwellings on the site , including 35% affordable housing, in a manner which is acceptable from a townscape and landscape perspective, and respectful to amenities of the neighbouring occupiers. On this basis the proposals are considered to sufficiently comply with the policy requirements as set out at Policy AL/TIV/8 of the Allocations and Infrastructure Development Plan Document (Local Plan 2), policy COR2 Core Strategy (Local Plan 1) COR2, and Policies DM/1, DM/2, DM/8, DM/14, DM/15 of Local Plan Part 3, and Policies in the National Planning Policy Framework.**

**Therefore reserved matters approval is recommended to be issued subject to the following further conditions and reasons.**

**Conditions & Reasons:**

1. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) Post Inspector's Report DM2 and DM15.

2. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase)\* and shall be so retained.

Reason: To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) Post Inspector's Report DM2 and DM15.

3. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reason: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).

4. Protective fencing shall be erected around the root protection areas of each of retained trees on site prior to the commencement of each phase of development. Any alteration to the ground level within these protected areas shall only be undertaken using hand operated tools.

Reason: To safeguard the protected trees in accordance with Policy DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

5. No development shall begin until a scheme for the management and maintenance of all areas the communal open space, the swale and attenuation pond shown on the submitted plans has been submitted to, and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented on completion of development and the open space area shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.

Reason: To safeguard the character and amenities of the area in accordance with Policy DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

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

maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. 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,
- (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) the means of enclosure of the site during construction works;
- (i) and details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (j) details of wheel washing facilities and obligations
- (k) Details of the amount and location of construction worker parking.

8. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing. This shall include the timing for the delivery of each aspect of the informal amenity space, specific details for the LEAP in terms of play equipment and the proposed cycle and pedestrian route.

Reason; In order to ensure the timely delivery of each aspect of the approved scheme, and to ensure the proper development of the site.

9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy in NPPF and the flood management act.

11. Prior to the occupation of first dwelling the off-site highway works for the connection of the footway cycleway to Washfield Lane has been designed and approved in writing by the Local planning Authority, and constructed and made available for use in accordance with agreed phasing programme.

REASON: To ensure that a replacement cycle and pedestrian route is provided to replace the existing public right of way that runs across the site

<b>Contact for any more information</b>	Simon Trafford
<b>Background Papers</b>	12/00277/MOUT
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<b>Circulation of the Report</b>	Cllrs Richard Chesterton Planning Committee