

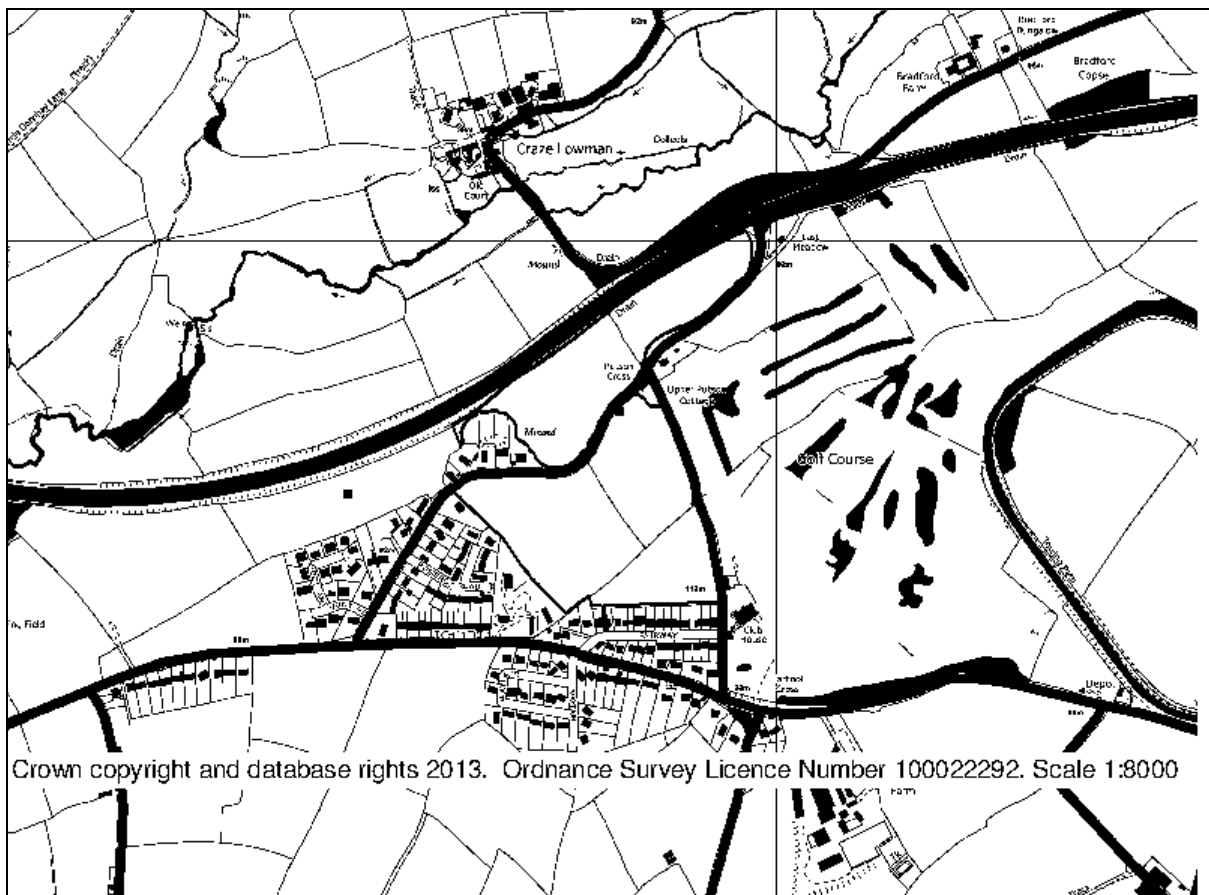
Grid Ref: 113549 : 298246

Applicant: Waddeton Park Ltd

Location: Land at NGR 298671 113603
Uplowman Road Tiverton Devon

Proposal: Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

Date Valid: 6th December 2013



REPORT OF THE HEAD OF PLANNING AND REGENERATION

13/01616/MOUT - OUTLINE FOR THE DEVELOPMENT OF UP TO 330 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, ASSOCIATED INFRASTRUCTURE AND OTHER WORKS INCLUDING VEHICULAR ACCESS, PEDESTRIAN/CYCLE LINKS AND HIGHWAY IMPROVEMENTS. - LAND AT NGR 298671 113603 UPLOWMAN ROAD TIVERTON DEVON

Reason for Report:

The Planning Committee resolved on 21st May 2014 that they were minded to permit planning permission subject to the following:

- (i) Prior approval of a planning application in relation to a Left In/Left Out junction from the A361 and Blundells Road link being approved;
- (ii) Prior approval of a planning application providing a route through the former Post Hill hospital site;
- (iii) Further negotiations between the developers and Tiverton Golf Club regarding contributions towards providing facilities to mitigate safety concerns;
- (iv) The mitigation and infrastructure package to be included within a S106 Agreement, as set out in the report;
- (v) The conditions as listed in the report of 21st May 2014 and as set out on the update sheet of 21st May 2014 (**see Appendix 2 attached**) and edits (to correct drafting errors only) to conditions 2, 3, 5, 6, 7, 10, 13 and 19.

RECOMMENDATION(S)

Planning permission be granted subject to signing of a S106 agreement as set out in Appendix 1 attached and conditions detailed in Appendix 2.

Relationship to Corporate Plan:

The application would be subject to a Section 106 Agreement.

Financial Implications:

The application would be subject to a S106 agreement, the details of which are set out in the above recommendation.

Should the application be refused and an appealed to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

Legal Implications:

The application would be subject to a Section 106 Agreement.

Risk Assessment:

None identified

Consultation carried out with:

1. Tiverton Town Council
2. Uplowman Parish Council
3. Halberton Parish Council
4. Highways Agency
5. Environment Agency
6. Environmental Health
7. Highway Authority
8. English Heritage
9. Natural England
10. Historic Environment Service
11. Devon County Council Strategic Planning Authority
12. Devon and Cornwall Police
13. South West Water
14. Tiverton Eastern Action

1.0 Proposed Development

Outline application for the development of up to 330 dwellings together with means of access. The means of access into the site which are proposed for consideration as part the application are:

Into the site in the south east corner from Putson Lane.

Into the site in the North West corner from Uplowman Road

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

All of the issues below will be considered as reserved matters in the event that this outline application is approved.

- 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 areas and green infrastructure.

- Design of landscaped areas.
- Drainage infrastructure.
- Parking provision.

UPDATES SINCE 21ST MAY 2014 PLANNING COMMITTEE

- (i) Prior approval of a planning application in relation to a Left In/Left Out (LILO) junction from the A361 and Blundells Road link being approved;

This application 14/00667/MFUL has been brought before Planning Committee today elsewhere on the agenda.

- (ii) Prior approval of a planning application providing a route through the former Post Hill hospital site;

Application 14/00604/MFUL for the erection of a care home and 12 apartments has been brought before Planning Committee today. The Highway Authority have not objected to application 13/01616/MOUT Waddeton Park Ltd. They consider that the traffic that would be attracted to the site could be accommodated on the existing highway network using Putson Lane as a main point of access with Uplowman Road serving a very limited number of properties. The Highway Authority does not require the Left In Left Out junction (14/00667/MFUL) or the Post Hill Hospital site development (14/00604/MFUL) to be approved prior to this application for up to 330 dwellings being granted planning permission.

It is your Officer's opinion therefore, that although the Left In and Left Out junction and the former Post Hill hospital site applications have been brought before the Planning Committee today, that this application by Waddeton Park Ltd for up to 330 dwellings should be approved (subject to signing S106 and conditions) without further reference to other applications within the Tiv EUE masterplan area. Should this application be refused on the basis that the Planning Committee are not satisfied with either application 14/00667/MFUL (Left In Left Out) or application 14/00604/MFUL (Care home and apartments at former Post Hill hospital site) the decision could be appealed and there would be a high risk of costs being awarded against the Local Planning Authority for unreasonable and unnecessary delay. Furthermore given the view of the Highway Authority as set out above, should members resolve to refuse the application on highway safety and capacity related grounds, the LPA would need to justify and defend the reasoning for refusal without the support of the Highway Authority.

- (iii) A further review of how the application scheme would affect the operational requirements of Tiverton Golf Club.

Before the application had been discussed at the Planning Committee meeting on the 21st May 2014, this issue had been discussed privately between the applicant and the General Manager of the Golf Club. The applicant offered the Golf Club £25,000 as compensation to deal with any issues that may arise in the future associated with golfers hitting their balls outside of the golf course towards the application site. This issue arises from the fact that the 12th hole on the golf course runs parallel to the eastern boundary of the site for a distance of approximately 300metres, along the side of by Putson Lane. At present this boundary includes a planted screen across it's length, but with the degree and nature of planting variable across the length of it.

Since the committee meeting on the 21st May, your officers have met representatives of Tiverton Golf Club on the golf course to understand how the Club wishes to manage this potential future problem. In summary the Club's representative considers that significant remodelling of the 12th and 18th holes would be desirable, and they have indicated that

these works would cost in excess of £800,000, with a breakdown of costs as listed below for members information:

1. New Fencing Based on the average of quotes received: £388,000.00.
2. Planning application, fees etc: £3,360.00
3. Arboricultural work to existing trees prior to fencing to enable erection of fencing: £11,250.00
4. Tree planting/screening, creation of natural barriers, hazards etc: £21,600.00
5. Repair of roughs following work to erect fencing. This is work to bring roughs up to standard of course: £5,400.00
6. Course Architects fees relating to course re-alignment: £7,380.00
7. Land Surveyors to survey new re-alignment: £2,700.00
8. New 18th Green construction: £54,400.00
9. New 12th Tee construction: £30,000.00
10. New 18th tee construction: £30,000.00
11. Reconstruction/re-positioning of bunkers: £14,400.00
12. Fairway work to create new dog-leg fairway & paths: £76,800.00
13. Additional tree planting and sculpturing of course following re-modelling, ground preparation and seeding: £47,400.00
14. Insurance costs: £51,000.00
15. Signage etc: £1,200.00
16. Office costs and managerial costs: £7,400.00

The solution as outlined above is opposed to supplementing the existing planted screen that runs along the boundary, with a combination of new fencing and new planting.

The issue for consideration relating to this matter in terms of completing the assessment of this planning application is the risk associated in the event that stray golf balls are hit outside of the golf course, and beyond Putson Lane into the planning application area. Clearly there is already a risk associated with balls being hit onto Putson Lane and posing a health a safety risk to car drivers, horse riders and pedestrians that travel along the Lane. At present the management of this risk falls with the golf club and members of the club. Although there is and will continue to remain a risk, neither your planning officers and/or officers in the Health and Environmental Services Division are aware that the risk has ever resulted in an accident and/or damage being caused. However the golf club have submitted a sketch indicating that golf balls have been found along the boundary of the application site but have not indicated how frequently this known risk occurs.

While the applicant has indicated that he is willing to make a financial contribution to assist with any measures that the golf club wish to pursue, the responsibility to ensure that golf balls do not leave the golf course grounds and cause damage to a person or property remains with the golf club and it's members as is currently the case.

Discussions regarding the scope of contribution that the applicant should make available are on-going and have not yet been concluded but will need to be proportionate to the magnitude of risk that is presented, and as matter of course be justifiable against R122(2) of the CIL Regulations 2010 as set out below:-

- necessary to make the development acceptable in planning terms,
- directly related to the development
- fairly and reasonably related in scale and kind to the development

- (iv) The cost of infrastructure and the recommendations regarding Section 106 Agreements as listed in the report;

Progress is being made with the S106 in accordance with the requirements as set out in **Appendix 1.**

- (v) The conditions as listed in the May committee report and as set out on the update sheet and edits (to correct drafting errors only) to conditions 2, 3, 5, 6, 7, 10, 13 and 19. **Appendix 2.**

There have been no further changes to the proposed conditions since the updates provide with the 21st May 2014 Planning Committee Agenda. If planning permission is granted these conditions as previously listed would be imposed on the decision notice.

The matters to be addressed as set out in the Planning Committees previous resolution to permit planning permission have been reviewed and progress made toward reaching the aspirations of the Planning Committee. The summary above sets out further information and details how these matters have been addressed. As the investigations to address concerns raised by Tiverton Golf Club concerns have not yet been finalised, it is recommended that Members resolve to approve the application subject to a satisfactory and proportionate approach to reducing health and safety concerns regarding the proximity of new residential development to Tiverton Golf Club being finalised.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for up to 330 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process. Matters relating to 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 areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The arrangements regards providing access into the site as proposed are capable of ensuring an acceptable means of access into the site subject to various restrictions. The level and tenure of affordable housing is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

Although the delivery of development on this application site is not fully in line with the highways infrastructure triggers as set out in the adopted Masterplan, nor the triggers and phasing within AL/TIV/6 the off- site works that can be delivered via Section 106 funding from the application scheme would provide safe access to the site during construction and post occupation without having a severe impacts on the transport network. The Highway Authority has confirmed their support to this approach. On this basis your Officers do not consider that there would be a robust and justifiable case to refuse the application, and defend at Appeal, on the grounds of prematurity and or that the divergence away from the timing of the delivery of the new south side junction to the A361 would result in capacity, amenity and/or safety issue on the highway to the extent that would justify refusing planning permission.

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the

Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application does not fully accord with Policies AI/TIV/1-7 or the Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction is outside the control of this applicant. Financial contributions towards highway infrastructure are to be made prior to the commencement of the development in order to assist on their early delivery and the Highway Authority confirms that this approach is acceptable and that the application as presented is recommended for approval with the number of dwellings accessed off Uplowman Road limited by condition.

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

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|---|---|
| Contact for any more information | Simon Trafford - Tel: 01884 234369 Lucy Hodgson – Tel 01884 234905 |
| Background Papers | None |
| File Reference | 13/01616/MOUT |
| Circulation of the Report | Cllrs Richard Chesterton Members of the Planning Committee |

APPENDIX 1

(i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.

(ii) A financial contribution of £434,211 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Prior to commencement of development.

(iii) A financial contribution of £420,000 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Prior to commencement of development.

(iv) A construction access involving a new left in left out junction on the A361 (the 'construction A361 junction') and further route linking this to Blundells Road (the 'construction link to Blundell's Road') will be needed. In addition to this a contribution will be required in order to provide a left in left out junction and link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme, including development traffic. The total contribution towards this from this development has been fairly calculated as £1,736,842 and this will be payable in full by the developer prior to the commencement of development.

(v) Agreement to dispose of a parcel of land (currently owned by the applicant) to Devon County Council necessary to deliver the A361 junction and link to Blundell's Road as referred above at (iv) - referred to as the junction land - for the value of £1 - Trigger date: Prior to commencement of development.

(vi) A financial contribution of £401,645 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: £200,822.5 to be paid prior to completion of the 200th dwelling and £200,822.5 to be paid prior to the completion of the 300th dwelling.

(vii) A financial contribution of £1,086,356 towards improving facilities at existing primary school sites where necessary until the need for new primary has been triggered by development across the Masterplan area and for the funding of the new primary school - Trigger date: Prior to completion of the 200th dwelling.

(viii) Agreement to pay 22% (330/1550) of the total cost of acquiring the necessary total land to construct a new primary school - Trigger date: Prior to completion of the 200th dwelling.

(ix) A financial contribution of £ 675,829 towards improving facilities at existing secondary school site - Trigger date: Prior to completion of 200th dwellings.

(x) A financial contribution of £ 651,090 towards the provision of the following community based facilities within the Masterplan area and outside of the Masterplan area to include, a community centre and associated hard court play and sports pitch, an all-weather pitch, changing room facilities and 5 x sports pitches - Trigger date: £217,030 to be paid before the completion of the 100th, 200th and 300th dwelling.

(xi) The provision of 3 Gypsy and Traveller pitches to be provided prior to the occupation of 200 dwellings - specification to include concrete base and connections to mains drainage, electricity and water supplies.

(xii) The provision of a compensation package (which is proportionate to reducing health and safety concerns regarding the proximity of new residential development to Tiverton Golf Club) being finalised (amount to be confirmed).

(xiii) Renewable Energy centre/District Heating clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for the urban extension.

(xiv) Contribution of £500 payable to Devon County Council to cover costs of legal fees in relation to Section 106 Agreement - Trigger to be confirmed.

(xv) Agreement to the provision of travel vouchers of equivalent £300 per dwelling to be used for cycling equipment or bus travel (a total of £99,000) payable upon each occupation.

(xvi) Agree to fund in full the time of a travel planning professional to cover the site in order to promote sustainable travel and provide information to residents of the site.

(xvii) Agreed package of highway improvement works to Uplowman Road, Putson Lane, The Fairway and Blundells Road - also to be subject to 278 process.

APPENDIX 2

PLANNING COMMITTEE AGENDA - 21st May 2014

Applications of a non-delegated nature

UPDATES

| <u>Item No.</u> | Description |
|-----------------|---|
| AGENDA ITEMS | |
| 13/01616/MOUT | <p>Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements at Land at NGR 298671 113603 Uplowman Road, Tiverton, Devon</p> <p>Given the nature of the development proposed and the timescale envisaged for implementation, the wording of condition 18 as drafted in the report is considered too inflexible. It is therefore proposed to delete condition 18 as drafted, and redraft condition 9 as set out below in order to seek to minimise the impact of the construction phases of this development on local residents.</p> <p>C9: The development hereby approved shall not commence until a phasing plan has been submitted to and approved by the Local Planning Authority in writing. The phasing plan will set out the commencement and construction timescales for each phase of development of the site, the access arrangements for construction traffic from the public highway to the site for each phase of development, and the scope and delivery timescale for any works to Uplowman Road, Putson Lane and Blundells Road that are required for each phase of development. It shall include the provision that Uplowman Road shall not be used by construction traffic accessing the application site for the duration of the construction phases of the development. The development shall thereafter be completed strictly in accordance with the approved phasing plan.</p> <p>The justification and reasoning for condition 16 as it has been set out in the report is to seek to limit the impact of the development construction traffic on the local highway network - by either providing the A361 junction or by traffic calming Blundells Road. Members will be aware that the delivery of the A361 new junction infrastructure prior to the commencement of any development is the favoured implementation strategy and timescale as set out in the Masterplan. As stated in the report the agreed strategy for this application in terms of delivering the necessary infrastructure has been to secure contributions towards the delivery of it. Notwithstanding this approach the construction traffic will have an impact on the local road network, and the terms and conditions of the planning permission will need to safeguard against unacceptable conditions on the local network. Given the strategy of securing contributions towards the delivery of the necessary infrastructure, which is supported by the Highway Authority, it is proposed that this condition as drafted in the report should be deleted, and replaced by the following clause in the Section 106 Agreement. As drafted this clause will ensure that a proportion of the contribution is paid following the issuing of</p> |

APPENDIX 2

PLANNING COMMITTEE AGENDA - 21st May 2014

Applications of a non-delegated nature

UPDATES

the outline planning permission, it will delay the timescale for the commencement of any development allowed by the permission so that the Highway Authority can programme sufficient time to seek to complete at least the Blundells Road/Tidcombe Lane traffic calming scheme prior to the commencement of any development allowed by the permission, which as stated in the report is the minimum requirement in terms of highway infrastructure works that the Highway Authority consider necessary to make the development acceptable.

(xviii) Heads of Agreement

£300,000.00 of the total sum required for the Blundells Road/Tidcombe Lane traffic calming infrastructure contribution and the A361 infrastructure contribution shall be paid to the Local Planning Authority within 3 months of the date of the issuing of the planning permission, and the approved scheme of development shall not commence until such time as:

- A) Written confirmation has been provided to the Local Planning Authority by the Highway Authority that the Blundells Road/Tidcombe Lane traffic calming scheme has been completed to an acceptable standard to allow construction of the development to begin,

or if the works as set out at A) above have not been completed:

- B) Written confirmation has been provided to the Local Planning Authority by the Highway Authority that the A361 Left in left out junction and link to Blundells Road has been completed to an acceptable standard to allow construction of the development to begin,

or if the works as set out at A) and B) above have not been completed:

11 months from the date of receipt of the £300,000.00, or the first of the next September following receipt of the payment, the remaining amount of these contributions as agreed which is £1,871,053.00 will be required to be paid prior to the commencement of any development, or earlier - as to be agreed between the developer, Mid Devon District Council and Devon County Council.

The terms of (iii) of the Section 106 Recommendation as stated in the report is to be amended as set out below, which is to reflect the proportionate cost of these infrastructure works, and not the total cost:

(iii) A financial contribution of £119,480 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Prior to commencement of development.

With the deletion of condition 18, other conditions and reasons are renumbered.

Application No. 13/01616/MOUT

Agenda Item

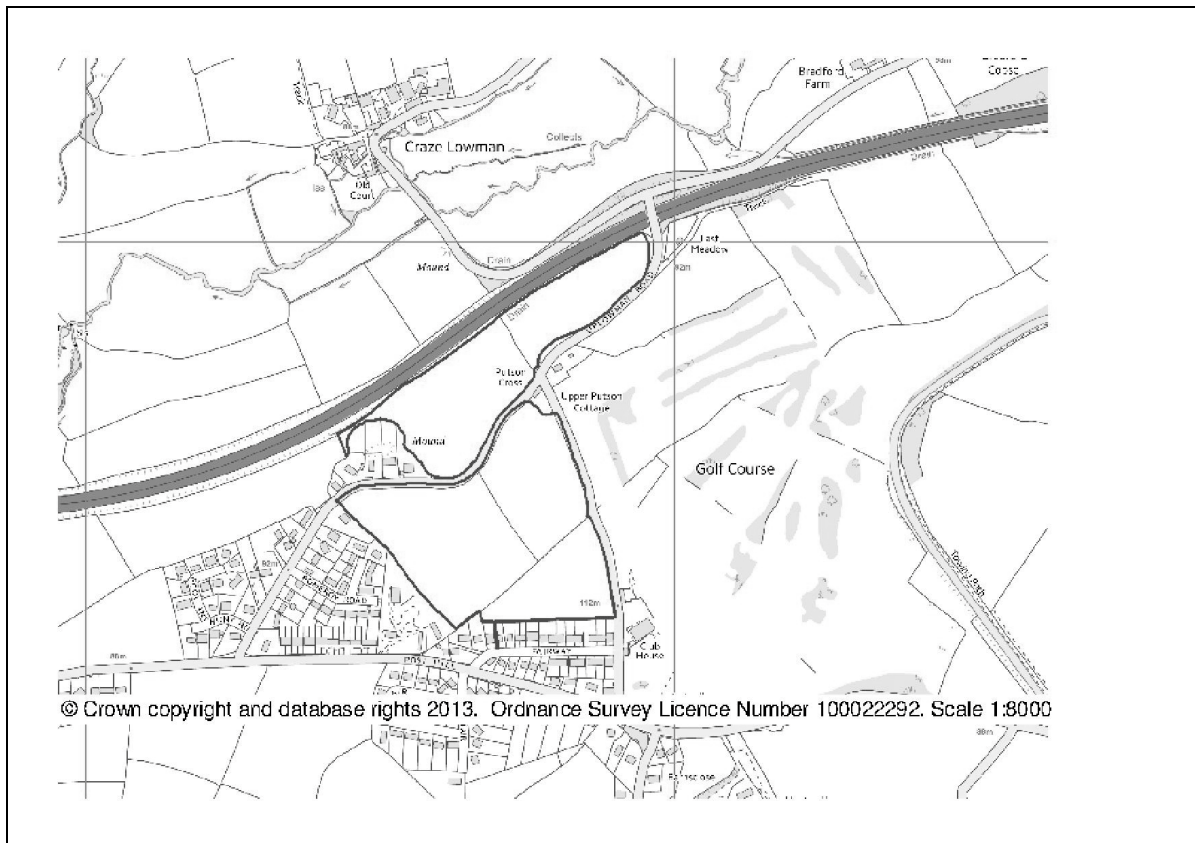
Grid Ref: 113549 : 298246

Applicant: Waddeton Park Ltd

Location: Land at NGR 298671 113603
Uplowman Road Tiverton Devon

Proposal: Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

Date Valid: 6th December 2013



REPORT OF THE HEAD OF PLANNING AND REGENERATION

13/01616/MOUT – OUTLINE FOR THE DEVELOPMENT OF UP TO 330 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, ASSOCIATED INFRASTRUCTURE AND OTHER WORKS INCLUDING VEHICULAR ACCESS, PEDESTRIAN CYCLE LINKS AND HIGHWAY IMPROVEMENTS, LAND AT UPLOWMAN ROAD, TIVERTON

Reason for Report:

The Members of the Planning Committee have requested that this Major application be determined by the Planning Committee.

RECOMMENDATIONS

Grant planning permission subject to the completion of a Section 106 Agreement as follows, and the conditions as set out in this report.

- (i) 22.5% affordable housing on site to be provided for occupation on an affordable rent basis.
- (ii) A financial contribution of £434,211 towards the cost of designing and implementing a scheme of traffic calming measures to Blundells Road and Tidcombe Lane - Trigger date: Prior to commencement of development.
- (iii) A financial contribution of £420,000 towards the cost of designing and implementing improvements to roundabouts at Heathcoat Way and Lowman Way - Trigger date: Prior to commencement of development.
- (iv) A construction access involving a new left in left out junction on the A361 (the 'construction A361 junction') and further route linking this to Blundells Road (the 'construction link to Blundell's Road') will be needed. In addition to this a contribution will be required in order to provide a left in left out junction and link from this to Blundell's Road that is suitable for use by general traffic generated by the application scheme, including development traffic. The total contribution towards this from this development has been fairly calculated as £1,736,842 and this will be payable in full by the developer prior to the commencement of development.
- (v) Agreement to dispose of a parcel of land (currently owned by the applicant) to Devon County Council necessary to deliver the A361 junction and link to Blundell's Road as referred above at (iv) - referred to as the junction land - for the value of £1 - Trigger date: Prior to commencement of development.
- (vi) A financial contribution of £401,645 towards delivering enhancements to the public transport and cycle infrastructure - Trigger date: £200,822.5 to be paid prior to completion of the 200th dwelling and £200,822.5 to be paid prior to the completion of the 300th dwelling.
- (vii) A financial contribution of £1,086,356 towards improving facilities at existing primary school sites where necessary until the need for new primary has been triggered by development across the Masterplan area and for the funding of the new primary school - Trigger date: Prior to completion of the 200th dwelling.

(viii) Agreement to pay 22% (330/1550) of the total cost of acquiring the necessary total land to construct a new primary school - Trigger date: Prior to completion of the 200th dwelling.

(ix) A financial contribution of £ 675,829 towards improving facilities at existing secondary school site - Trigger date: Prior to completion of 200th dwellings.

(x) A financial contribution of £ 651,090 towards the provision of the following community based facilities within the Masterplan area and outside of the Masterplan area to include, a community centre and associated hard court play and sports pitch, an all-weather pitch, changing room facilities and 5 x sports pitches - Trigger date: £217,030 to be paid before the completion of the 100th, 200th and 300th dwelling.

(xi) The provision of 3 Gypsy and Traveller pitches to be provided prior to the occupation of 200 dwellings - specification to include concrete base and connections to mains drainage, electricity and water supplies.

(xii) The provision of a contribution of a maximum of £25,000 towards providing facilities at the Tiverton Golf Club to mitigate against safety concerns between the application scheme and the golf club - Trigger on receipt of notice of cost of works to be submitted by the Golf Club to the Local Planning Authority.

(xiii) Renewable Energy centre/District Heating clause to provide district heating network infrastructure to serve the development in the event that an energy centre or district heating centre is provided for the urban extension.

(xiv) Contribution of £500 payable to Devon County Council to cover costs of legal fees in relation to Section 106 Agreement - Trigger to be confirmed.

(xv) Agreement to the provision of travel vouchers of equivalent £300 per dwelling to be used for cycling equipment or bus travel (a total of £99,000) payable upon each occupation.

(xvi) Agree to fund in full the time of a travel planning professional to cover the site in order to promote sustainable travel and provide information to residents of the site.

(xvii) Agreed package of highway improvement works to Uplowman Road, Putson Lane, The Fairway and Blundells Road - also to be subject to 278 process.

Relationship to Corporate Plan:

Managing the environment.

Financial Implications:

The application would be subject to a S106, the details of which are set out in the above recommendation.

Should the application be refused and an appealed to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

Legal Implications:

The application would be subject to a Section 106 Agreement.

Risk Assessment:

None identified.

Consultation carried out with:

1. Tiverton Town Council
2. Uplowman Parish Council
3. Halberton Parish Council
4. Highways Agency
5. Environment Agency
6. Environmental Health
7. Highway Authority
8. English Heritage
9. Natural England
10. Historic Environment Service
11. Devon County Council Strategic Planning Authority
12. Devon and Cornwall Police
13. South West Water
14. Tiverton Eastern Action

PROPOSED DEVELOPMENT

Outline application for the development of up to 330 dwellings together with means of access. The means of access into the site which are proposed for consideration are:

Into the site in the south east corner from Putson Lane.

Into the site in the north west corner from Uplowman Road

Into the site from Blundells Road with a connection through the former Hospital site.

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The application as initially submitted was supported by a Masterplan layout referred to as Option B - which is at a scale of 1:1250 on A1 sheet and presents an illustrative layout with access into the site from Putson Lane and Uplowman Road. This layout shows 292 individual dwelling plots and 22 larger accommodation buildings. In accordance with the requirements of the Environmental Impact Assessment Regulations, the application has been accompanied by an Environmental Statement.

Following on-going discussions with your officers the application submitted a further Masterplan layout referred to as option C - which is at a scale of 1:1250 on A1 sheet and presents an illustrative layout with access into the site from Putson Lane and Uplowman Road, and a further potential access from Blundells Road through the former Hospital site. This layout shows 320 individual dwelling plots and 1 larger accommodation building.

Both these Masterplans are indicative only, and are submitted by the applicant to seek to demonstrate potential layouts for the site and to demonstrate that the site could be developed out in accordance with the terms of the permission as applied for (i.e. up to 330) in a manner which would be acceptable.

However for the avoidance of doubt this application is not seeking approval for either of the indicative layouts that have been presented, and all of the issues below will be considered as reserved matters in the event that this outline application is approved.

- 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 areas and green infrastructure.
- Design of landscaped areas.
- Drainage infrastructure.
- Parking provision.

APPLICANT'S SUPPORTING INFORMATION

Site Plan.

PCL Transport Drawing number 3026/04 rev A: Proposed site Access Point.

PCL Transport Drawing number 3026/05 rev A: Proposed Golf Club Road (Putson Lane) offsite highway improvements.

PCL Transport Drawing number 3026/06 rev A: Proposed Uplowman Road offsite highway improvements.

Design & Access Statement prepared by Clifton Emery dated November 2013.

Planning Statement prepared by PCL Planning dated November 2013.

Statement of Community Involvement prepared by Waddington Park Ltd dated November 2013.

Confirmation of the heads of terms to be included in Section 106 Agreement.

Addendum to Design and Access Statement prepared by Clifton Emery dated April 2014.

An Indicative Masterplan option B showing a layout of 290 defined house plots and 22 accommodation blocks: dated November 2013; prepared by Clifton Emery.

An Indicative Masterplan option C showing a layout of 320 defined house plots and 1 accommodation block: dated April 2014; prepared by Clifton Emery.

An Environmental Statement prepared under the EIA Regulations 2011 has been submitted and covers the following topics:

1. Alternative and Cumulative effects.
2. Socio-Economic effects.
3. Arboricultural Impacts.
4. Ecology and Biodiversity.
5. Archaeology.
6. Transport and Accessibility.
7. Flood Risk & Drainage.
8. Air Quality.
9. Ground Conditions and Contamination.
10. Landscape & Visual Impact.
11. Noise.

TIVERTON EASTERN URBAN EXTENSION/MASTERPLANNING PROCESS

The application sits as part of a larger area promoted for development and referred to as the Tiverton Eastern Area Extension. Spatially, and also in terms of the quantum of residential development proposed, the application site occupies approximately 20% of the total area covered by the urban extension area. The following section of this report provides an overview of the background to the Masterplanning process for the Tiverton Eastern Urban Extension.

The role and purpose of a Masterplan is a comprehensive plan that acts as a blueprint for the development of an area: setting out principles for the way in which it will come forward, coordinating policy and infrastructure requirements. It is common to utilise this approach for larger scale developments where there are multiple landowners/developers and there is a need to ensure development takes place in a comprehensive way to deliver common infrastructure, coordinate

phasing and to resolve often complex planning issues. Masterplans bridge the gap between planning policy aspiration and the implementation in order to achieve a high quality design and create a successful place. They also set out key principles that planning applications will need to have regard to in order to be considered acceptable. It is important to understand that whilst a Masterplan sets out guidelines and principles for the development, it does not contain the same level of detail and supporting documentation that would be expected at a planning application stage. Additionally as Masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing.

Further details about the process of consultation on the Masterplan process and the scope of change from the Masterplan as initially drafted to the approved document are set out in the report that was presented to the Cabinet on the 17 April 2014, and subsequently to Council on the 30th April 2014 when it was voted to endorse the Masterplan and approve it as a material consideration for the determination of planning applications for new development, including this application. As a working document, the Masterplan is structured and set out as follows sections: 1. Introduction - this section includes a clear design process for applicants and land owners to follow through. 2. About the site. 3. Development, Vision and Concept - this section includes a set of Guiding Principles. 4. Creating the Structure. 5. Creating the Place. 6. Delivering the Place.

PLANNING HISTORY

None.

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/TIV/1 - Eastern Urban Extension
AL/TIV/2 - Eastern urban Extension
AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure
AL/TIV/4 - Eastern Urban Extension Community Facilities
AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality
AL/TIV/6 - Eastern Urban Extension Phasing
AL/TIV/7 - Eastern Urban Extension Masterplanning

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM27 - Development affecting heritage assets
DM28 - Green infrastructure in major development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 7th January 2014 - Unable to support until road improvements have been defined. Concerns relating to possible sewage problems caused by additional dwellings, also increased risk of flooding. Concerns relating to possible damage to wildlife.

UPLOWMAN PARISH COUNCIL - 20th January 2014 - Members were unanimous in objecting to this proposal.

Firstly, the density of development is out of character with the adjacent area. The density of accommodation proposed is up to four times greater than that of the present development in the area and is greater than that proposed in the draft plan for the area.

Secondly, the highways proposals would make the roads unsafe. Uplowman Road is clearly inadequate for the extra traffic that the development would generate. The construction vehicles during the building phase of not only this proposal but of future planned construction of the Eastern Extension area would only exacerbate this inadequacy.

Many Uplowman residents are farmers who depend on this route for access to markets and for their daily agricultural activities and the councillors heard a number of representations objecting to the ill-considered highways issues. Putson Lane is a narrow single track lane and would be unsuitable to take even the existing traffic from Uplowman Road, which includes large, slow-moving farm vehicles that use the route regularly. The turning at Putson Cross is hazardous from all directions at present and the hazard would be increased by the additional traffic. Uplowman Parish Council considers that an alternative access from the development on to Blundells Road should be investigated to alleviate some of the problems posed by all the current options. In addition members believe that blocking Uplowman Road will exacerbate the problems, especially due to traffic approaching from Uplowman, rather than improve safety. Members are adamant that adequate roads must be in place before construction starts and consider that the developer should be required to make a considerable contribution to the surrounding infrastructure and community assets.

Other issues raised by Uplowman members included the need to deal with drainage from the fields onto Uplowman Road. This road floods frequently at present, even without the fields being concreted over. The gas, electricity and other service requirements are already overloaded and do not seem to have been fully assessed.

The Council considers that these points must be resolved before any development is permitted so that any additional housing fully balances the significant safety and infrastructure issues.

HALBERTON PARISH COUNCIL - 15th January 2014 - Recommend refusal as insufficient and inadequate access to the site and inadequate drainage. There is also no apparent link to the new junction to the A361.

25th April 2014 - Recommend refusal - unanimous Same comments as previously submitted plus with no certainty that the proposed link with the A361 will proceed, much of the infrastructure and building materials, etc. will have to come through Halberton and will cause traffic chaos together with additional pollution. This application is premature and should be withdrawn and resubmitted when the Eastern Urban Extension of Tiverton is at a more advance stage.

ENVIRONMENT AGENCY - 20th December 2013 - We have no objections to the proposal. The new build would all be on FZ1 and takes into account areas at risk from surface water flooding.

The management of surface water runoff from the new development will be dealt with by sustainable urban drainage techniques and we endorse the principle of the strategy proposed as shown on Drawing 353-FRA dated July 2013. This strategy provides a good framework and there is scope to adjust the design to optimise performance if required or to suit the requirement of the Lead Local Flood Authority (Devon County Council in this instance) should the Suds elements be offered to DCC for adoption.

We advise that your authority secures written assurances from the proposer that adequate measures will be put in place to ensure that the sustainable urban drainage features will be adopted and maintained for the lifetime of the development, prior to determination of the application.

In light of the above we advise that the following condition be applied to the Decision Notice should permission be granted.

CONDITION

No development approved by this permission shall commence until a scheme for the management of surface water has been submitted to and approved in writing by the local planning authority. The scheme shall include best practise techniques including attenuation basins, storage ponds and infiltration systems.

REASON

To prevent an increase in flooding downstream of the site where there is a well documented history of flooding.

HISTORIC ENVIRONMENT SERVICE - 20th December 2013 - The archaeological geophysical survey and trench investigation has demonstrated that the development of the application area will have little archaeological impact across most of the site. However, the Historic Environment Record shows there to be an archaeological site in the north-eastern part of the proposed development site. This archaeological site, a small oval ditched enclosure, was investigated as part of the initial archaeological investigations undertaken by AC Archaeology and several archaeological features - that would have created the cropmark evidence - were partially investigated but did not yield any dating evidence. However, this site is likely to be prehistoric in date and associated with the known archaeological from this period in the surrounding landscape. This area is shown in Section 2 of the Design and Access Statement submitted in support of this planning application as being just north of the proposed housing but in an area annotated as having 'Attenuation ponds throughout the area' and will be affected by the construction of these attenuation ponds.

Given the impact upon this heritage asset by the proposed development and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the 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.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological area excavation, investigation and recording of this enclosure in advance of any construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

The proposed development also lies in proximity to two archaeological sites protected as Scheduled Monuments, refs: 1017132 and 1019058, and I would therefore advise that English Heritage was consulted with regard to any comments they may have on the impact of the proposed development upon the setting of these monuments.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 20th December 2013 - In the Agency's previous letter of 22nd April 2013 as part of the pre-application exchanges, we provided information in relation to the necessary transport assessment work to accompany planning applications generally and specifically to the Tiverton Urban Extension (TUE). The comments below therefore reflect the requirements set out in that letter together with DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the "Guidance on Transport Assessment" (GTA). The planning application is supported by a Transport Assessment (TA) prepared by PLC Transport.

Site Description - This site comprises the first phase of the TUE (To provide circa 1500 dwellings plus employment). The application is for 330 dwellings and is at outline stage (all matters reserved apart from access). The application from makes no reference to affordable housing yet the TA assumes 252 private houses, 63 rented, 28 private flats and 7 rented flats, totalling 350 in all. It may be necessary to limit the type of housing on the site to that analysed in the TA by way of planning conditions.

Trip Generation - The calculation trip generation is based on the above split of housing type. The housing trip rate looks reasonable robust, at 0.556 per dwelling. This trip rate has apparently been derived from the TRICS database but no outputs are included within the TA to justify this.

Trip Distribution - There is no information with the TA relating to the derivation of trip distribution or assignment of traffic towards the SRN, particularly MR J27.

Junction Modelling - The TA includes an analysis of traffic impacts derived by PCL transport on the operation of M5 J27. The results show that without improvement the Southbound off slip from the M5 is approaching capacity without the addition of development traffic. The 2021 with development scenario shows this arm to be above capacity in 2021.

Circular 02/2013 requires that an analysis of junction performance is undertaken at an opening year which shall assume that all the development for which planning permission is sought is occupied. This scenario has not been submitted.

The TA also includes an analysis of full TUE development on the operation of the planned improvement to M5 J27. The results indicate that the improved junction would accommodate traffic arising from development. However, further information on trip generation, distribution and assignment, together with models themselves, is required before we can give weight to the modelling exercise findings.

Conclusions - The Agency recognises that a prosperous society depends on our roads. We aim to support growth and facilitate development by understanding traffic conditions and behaviour, in order to manage the effects of development and ensure continuing road safety and efficiency. Sometimes we need extra information or evidence in order to give sound advice to local planning authorities, and may need to direct them to defer planning decisions until such information is provided and assessed.

It is acknowledged that the J27 pinch point scheme will probably provide the capacity for the TUE (1500 dwellings), but the phasing of the scheme in relation to the development is vital. The applicant is clearly of the view that phase 1 of the TUE could be achieved in advance of the J27 improvement scheme. While this may be the case, further information is required to support this conclusion. I am therefore issuing an Article 25 direction of non approval to allow the applicant time to provide this information, as detailed.

Condition(s) to be attached to any grant of planning permission:

Mid Devon District Council shall not grant permission for planning application 13/01616/MOUT for a period of 3 months for the date of this direction for the following reason: To allow time for the applicant to submit additional information to enable the Agency to fully understand the impact of the development on the strategic road network

12th March 2014 - In the Agency's previous letter of 20 December 2013 and subsequent email exchange of 30 January, we requested further information to enable an accurate assessment of the effect of the development proposals on the operation of J27 of the M5. LvW Highways responded on 18th February providing the information requested. The following paragraphs reflect the updated position of the Agency in relation to the application upon review of the received information.

The original TA was based on 350 dwellings assuming 20% affordable units, and the planning application was for 330 dwellings. LvW Highways have provided a further sensitivity test whereby all 300 of the units were constructed as open market housing, with the relevant adjusted trip generation and distribution. Revised traffic flow diagrams were provided which showed 2021 traffic including

committed developments and the 330 dwellings as well as the 2021 traffic including committed developments and 350 dwellings with 20% affordable units for comparison. The Agency is content with this sensitivity test.

The Agency requested further information re the distribution of the development traffic at M5 J27 and on the approach to the junction. LvW Highways states that traffic movements along Heathcoat Way have been distributed based on the existing turning proportions for the Lowman and Gornhay junctions, the Bolham roundabout and at J27 itself. The Agency are now content that the distribution used in the assessment of development impacts is reasonable.

Article 25 TR110 directing that the proposed pinch point scheme should be in place prior to commencement of the development.

Highway Agency directs conditions to be attached to any planning permission which may be granted:

No part of the development hereby approved shall be commenced or brought into use until the highway works shown on Devon County Council drawing number C11032/4A have been completed and are available for use by the travelling public.

Reason - To maintain the safe and efficient operation of the Strategic Road Network.

NATURAL ENGLAND - 23rd January 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.

We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments.

Internationally designated sites

This site is consistent with the adopted Local Plan part 3 development policies for Mid Devon. However, Mid Devon District's accompanying Habitats Regulations Assessment (HRA) Screening Report identified pressures on the Culm Grasslands SAC associated with long-term increases in traffic levels, housing and industrial development. There are still uncertainties regarding air pollution impacts and the potential for combined effects with emerging plans of neighbouring authorities, particularly North Devon and Torridge District Councils.

The large scale housing development will make a significant contribution to the growth set out within the Plan. Without the benefit of a conclusion on impacts at the plan level HRA, your authority, as competent authority under the provisions of the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations') will need to undertake an HRA at the planning application or project level. The steps and tests that form the HRA process are set out within Regulation 61 and 62 of the Habitats Regulations.

Natural England has been involved in discussions with your Authority and would welcome further opportunity to talk to Mid Devon and other LPAs as we recognise this is an issue that crosses administrative boundaries and will require a coordinated approach.

The Culm Grasslands Special Area of Conservation (SAC) - Further information required. The application site is approximately 12km from the Culm Grasslands SAC, a European designated Page 2 of 6 Please send consultations via email to: consultations@naturalengland.org.uk site, (also commonly referred to as Natural 2000 sites) and has the potential to affect its interest features by virtue of an increase in traffic and air pollution along the A361. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

In advising your authority on the requirements relating to HRA, it is Natural England's advice that the proposal is not necessary for the management of the European site.

Taking a precautionary approach, your Authority will need to determine whether, as a result of the proposal being built, it is likely to have a significant effect on a European site alone, or in combination with other projects. If likely significant effects cannot be ruled out, then your authority should undertake an Appropriate Assessment. Natural England must be consulted at the Appropriate Assessment stage and your Authority must have regard to any representations made.

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. Information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

Nationally designated sites: Tidcombe Lane Fen Site of Special Scientific Interest (SSSI). This application is in close proximity to Tidcombe Lane Fen SSSI. Insufficient information has been provided for Natural England to advise whether this application, as submitted, is likely to have an adverse impact on the interest features for which the SSSI has been notified.

The Air quality assessment (chapter 10 volume 2 of the ES) does not appear to consider the SSSI as an ecological receptor. An assessment of the potential air quality impacts on the SSSI as a result of the development being built should be included with any application.

Information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

We note that the proposal includes a sustainable urban drainage system comprising of attenuation ponds to maintain surface water as close to existing run off rates as possible to avoid exacerbating any existing flooding problems in the local watercourses. This should be secured via conditions.

We would also advise mitigation in line with that recommended in section 6 of volume 2 of the ES i.e. measures to control run off and pollution events during the construction stage to protect the catchment of the Ailsa Brook and Tidcombe Lane Fen SSSI.

If your Authority is minded to grant consent for this application contrary to the advice relating to Tidcombe Lane Fen SSSI contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority; Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and; Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

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.

Soils and Land Quality

From the documents accompanying your consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework refers).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If however you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, or if you advise us of any specific points on which you need advice, we would be pleased to discuss the matter further.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) your authority should ensure it has sufficient information to fully understand the impact of the proposal on the site, and the importance of this in relation to development plan policies, before it determines the application.

Green Infrastructure

All new development should create high quality locally distinctive places where people want to live and work. Green infrastructure is increasingly recognised as an essential component of any truly sustainable development and the most effective means of providing a wide range of ecosystem services for quality of life and health benefits.

NATURAL ENGLAND - 23rd January 2014 - We note that the proposal includes a network of formal and informal open space, green infrastructure and sustainable urban drainage.

The presence of any biodiversity networks should be identified, in order to avoid restricting access and movement to native wildlife.

We have produced green infrastructure guidance which is available to planners, developers and others to download here:- <http://publications.naturalengland.org.uk/publication/35033?category=9002> Further guidance on the design of SUDs for wildlife by the RSPB can be found at www.rspb.org.uk/sustainabledevelopment and we would encourage and welcome a scheme to increase biodiversity.

Natural England would encourage any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment and welcomes the measures outlined in the Design and Access statement to include public open space and improve biodiversity. We also welcome the

proposal to provide pedestrian/cycle ways linking to the adjacent town and consider links to the wider countryside should be explored to help promote the creation of a wider green infrastructure. To this end, relevant green infrastructure strategies put in place by local authorities should be incorporated where appropriate.

Landscape

This proposal is not 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 and the policies protecting landscape character in your local plan or development framework.

Biodiversity enhancements

The application may provide further opportunities to incorporate features into the design which are beneficial to wildlife. 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'.

The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.

Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes their intrinsic place in the ecosystem; their direct role as food or shelter for species; and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.

Modern buildings tend to reduce the amount of potential nesting and roosting sites. Artificial sites may therefore need to be provided for bats and birds. There is a range of ways in which these can be incorporated into buildings, or built in courtyard habitats. Their location should provide protection from the elements, preferably facing an easterly direction, out of the direct heat of the sun and prevailing wind and rain.

Biodiversity offsetting

We would advise that, if your Authority considers the application to be of an acceptable standard to grant permission, then the applicant should consider if biodiversity offsetting could provide an approach to compensating for any significant residual adverse impacts of the development that persist after appropriate avoidance and mitigation measures have been implemented at the site. This voluntary approach is currently being tested through biodiversity offsetting pilots and Devon is a participant in the biodiversity offsetting scheme. It is aimed at addressing the low level impacts such as loss of arable land and species poor pasture. More information can be found at <http://www.naturaldevon.org.uk/priorities-and-projects/developing-devons-local-nature-partnership/biodiversity-offsetting-pilot>

Building design and layout

Natural England recognises that climate change is the single biggest threat to the natural environment.

Improving energy efficiency is the most efficient mitigation measure to reduce green house emissions and therefore conserve and enhance the natural environment. Natural England considers the proposal should include sustainable building design which should give consideration to passive ventilation and solar orientation, for example, to reduce energy demand.

The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.

Key documents to assist with the development process are:

- Biodiversity by Design - a guide for sustainable communities TCPA 2004
- Environmental quality in spatial planning - incorporating the natural, built and historic environment, and rural issues in plans and strategies 2005.

Both documents are available from our website www.naturalengland.org.uk

Additional Matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

10th April 2014 - Further to our comments of 22nd January 2014 Natural England does not have any additional comments.

DEVON & CORNWALL POLICE AUTHORITY - 12th December 2013 - Not aware if this outline is indicative of a full (reserved matters) application or if the land is to be sold on. Agreed if company is still involved that there will be consultation with the Police ALO prior to reserved matters application to ensure the CPTED attributes have been adhered with in detail. Can you please be aware of this arrangement in case the land is sold and a reserved matters application is submitted via a different company.

14th April 2014

Please see below my response dated 11th Dec 2013 and would request that the Police ALO services be contacted when and if a developer is involved in order to address those issues.

ENVIRONMENTAL HEALTH - 16th December 2013 - Contaminated Land - No objection.

Air Quality - No objection.

Drainage - No objection.

Noise and other nuisances - No objection.

Housing Standards - No objection.

Licensing - Not Applicable.

Food Hygiene - No objection.

Private Water Supplies - No objection.

Health and Safety - Objection in that residential development near to a golf course is likely to generate complaints and liability claims in the future due to golf balls being hit into gardens and damaging property / residents. Once built it is likely that the responsibility for this would fall to the pre-existing golf club and not the developer or future owners of the houses to risk assess and address.

The controls would likely involve wither the re-design of the golf course or the erection of high fences which will have a visual impact and a significant cost to the golf club. In reading the documentation there is no evidence of this risk being identified or addressed by the applicant. I have spoken with the Agent and he has confirmed that this hazard had not been considered. I have consulted with Tiverton Golf Club and they have confirmed that there is a risk of golf balls being hit off-course towards the proposed development site. I recommend that this hazard requires a documented Risk Assessment and risk controls agreed with Tiverton Golf Club before any residential development occurs.

11th April 2014 - Contaminated Land - No further comments.

Air Quality - No further comments.

Drainage - No further comments.

Noise & other nuisances - No further comments.

Housing Standards - No objections.

Licensing - No comments at this stage

Food Hygiene - Not Applicable.

Private Water Supplies - No further comment

Health and Safety - I cannot see any additional information in the documents submitted. Therefore my original objection remains.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 10th December 2013 - Tiverton continues to have a high demand for affordable housing and therefore we would want to meet our policy of providing 35% affordable units onsite. Based on the maximum of 330 dwellings we would expect delivery of 114 affordable units.

ENGLISH HERITAGE - 6th May 2014 - Thank you for your letter of 7 April 2014 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

We understand that this application is going to committee next week and have therefore kept our comments brief in order to ensure that you receive this advice in good time to inform your recommendations.

We find the Heritage Settings Assessment supplied as supporting information to be generally well considered and would concur with the conclusions presented. We believe that the A361 has effectively removed any casual ability to appreciate the relationship between long and round barrows and, that the current garden location of the long barrow adds to the generally poor existing setting of the monument. We would advise that any impact on these monuments is likely to be 'less than substantial'. We would note, however, that this is based on the current separation zone depicted in the Masterplan and any amendment that results in development closer to the monuments will require further consultation.

We note that there are no proposals for environmental gain from the application, Whilst we appreciate that it is unlikely to be realistic we would at least expect to see some consideration of options for management improvement for the long barrow, ideally through removal from private ownership and provision of public access. Similarly we would record that it is our understanding that this development may be linked with the proposed new road junction, which would sit primarily in the field on the other side of the A361. We would advise that any proposals connected with this field should be accompanied by proposals for environmental gain through improved management of the Scheduled round barrow.

Finally, we have considered the impacts on the RPG of Knightshayes and would remark on the well presented consideration of the issues and designed views contained in the assessment. We would concur with the report in that the proposed development is only likely to be visible in a peripheral view from the front of the house and that views will be limited from the wider garden area. The one designed view in which it would be visible is not a primary view and we would again consider this to amount to 'less than substantial harm'.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

SOUTH WEST WATER - 31 January 2014 - Tiverton is served by a single sewage treatment works located at Collipriest to the south of the Town and South West Water will ensure through its forthcoming business plans that adequate capacity is provided to meet the development needs for Tiverton as a whole.

An Initial internal review of the performance of the public sewer network has determined that capacity within the foul sewer networks which transfer flows to the sewage treatment works are capable of supporting the entire development at Farleigh Meadows and initial phases of the Easter Urban Extension

The relative sewer networks serving the two sites take predominantly separate routes to the sewage treatment works only combining at the major trunk sewer just upstream of the sewage treatment works.

With specific reference to the Urban Extension capacity is available for up to 650 dwellings, thereafter we will need to undertake detailed investigations which we would require any developer to fund to establish what improvements may be required to accommodate the balance of development.

We would expect the restriction of the number of dwellings permissible to be secured by means of suitable planning conditions being imposed by your Council.

In view of the number of dwellings we are able to support now and likely timescales for delivery of these it would not be appropriate to carry out sewer investigations (these would take some 2/3 months to complete) at this time as the results of such including improvement costs are unlikely to be valid over such a period of time.

In terms of the improvements ultimately required these are likely to involve the provision of storage within the existing sewer network to which the site would discharge, the location of any works associated with this would need to take into account any constraints such as the SSSI you have mentioned.

The funding mechanism for the improvements required will be determined at a later stage once the evaluation has been undertaken but there is provision within The Water Act to have such apportioned between the Statutory Sewerage Undertaker (South West Water) and developer.

2nd January 2014 - South West Water has no objection.

As acknowledged in the application details a public water main runs through the site - no building will be permitted within 4.5 metres of this and neither will it be permissible to have it located in private areas.

15th April 2014 - Revised Drawings - No comments

DEVON COUNTY COUNCIL - STRATEGIC PLANNING AUTHORITY - 3rd March 2014

1. This letter contains Devon County Council's response to the consultation for planning application MD/01616/2013. This response includes the county council's response as local transport and education authority. Devon County Council Historic Environment Service previously sent comments on this application on 19th December 2013 and these comments will not be repeated here.

2. In making these comments, the county council has had regard to the wider planning context within which this application for development has come forward. The application sits within a wider area which is allocated for mixed use development in the Mid Devon Local Plan (specifically part 2 - Allocations and Infrastructure DPD - adopted January 2011). In accordance with policy AL/TIV/1 of this document, a Masterplan is currently being developed and a second round of public consultation on this has recently been completed. The county council has contributed towards the development of this Masterplan.

3. The county council reserves the right to alter its response to this application if the Masterplan is adopted.

Education comments

4. With regards to education, the emerging Masterplan identifies that a new primary school within the overall Masterplan area will be necessary to accommodate pupils generated by the development - in a central location that provides an acceptable walking distance to school from the new houses. The county council has advocated and therefore supports this approach to education provision.

5. By the completion of the 1520 dwellings that are proposed in the Masterplan, it is envisaged that the school would provide for 420 pupil places and would require 1.7Ha of land. The county council has also highlighted the need to deliver the education facilities (specifically primary age) within

an early phase of the development of the Tiverton eastern urban extension, due to the limited amount of 'spare' places within the schools in the town.

6. This outline planning application (MD/01616/2013) represents part of the Masterplan area and as such, it should contribute fairly to the education requirements which it generates, in accordance with the strategy set out in the Masterplan.

7. Devon County Council calculates school pupil numbers based upon its Section 106 policy. This assesses the number of pupils generated per household and, after taking account of spare capacity in suitably accessible schools, sets out how many school places will need to be provided to accommodate the development. The cost of this provision can then be calculated.

8. A development of 330 dwellings will generate 82.5 primary school age pupils and 49.5 secondary school age pupils. Taking into account 'spare capacity' in existing Tiverton schools, accounting for forecast numbers on roll and impact of previously agreed but unimplemented developments there is very limited capacity available to serve this area of development - including schools within reasonable walking distance and the town itself. In total, there is projected to be surplus of 6.7 primary places and 62.6 secondary places to support the proposed urban extension, including this proposal for 330 dwellings.

Primary School Provision

9. As set out above, the County Council's response to the Masterplan has highlighted the early delivery of a new 420 place primary school as being critical to ensuring education provision can be provided in a timely manner. Contributions will be required to provide for the facilities and the land for this school.

10. As also set out above, this development proposal of 330 dwellings is expected to produce 82.5 primary pupils. And factoring a proportional share of the surplus capacity (6.7 spare places currently exist), is requesting the equivalent of 81.5 primary places. 1 place is the equivalent of 4 dwellings.

11. The county council's education Section 106 policy states that the 'new build' rate for the provision of primary school facilities is equivalent to £3,332.38 per dwelling (of two or more bedrooms). It is therefore requested that a contribution towards facilities from this application is sought under s106 of the Town and Country Planning Act 1990 for £3,332.38 per dwelling of two or more bedrooms, except for the first 4 dwellings, which would not need to contribute. As the application is outline and the dwelling sizes are unknown, the calculations in this letter assume that all dwellings will be of two or more bedrooms in size.

12. This price will be index linked to the BCIS All in Tender price index to calculate uplift for inflation to the point that the S106 payment is made, from 3rd quarter 2012.

13. It is considered that the school site should be located within the Masterplan area, preferably at the location shown in the draft Masterplan. This is not within the applicant's ownership and for this reason a financial contribution to buy the land is considered necessary.

14. In accordance with the Department for Education Building Bulletin 99, schools of 420 places require a site of a minimum of around 1.7Ha in size, this is approximately 0.004Ha per pupil. As set out above, this development is anticipated to generate the need for 81.5 new pupil places, requiring a pro-rata land requirement of around 0.33Ha. In order to place an approximate financial value on this, the evidence base for the Mid Devon community infrastructure levy examination has been utilised. Document CIL/10 paragraph 5.9 sets out that an appropriate value for non-residential land in the district is £500,000 per hectare. Applying this to the 0.33Ha requirement indicates that a contribution of £164,940.48 would be appropriate. However it should be noted that this figure is an estimated price, and that the actual costs will be subject to land owner negotiations. It is expected that the developer of this site (Waddeton Park) shall pay the full cost for this area of land, even if this is more or less than the figure provided here.

Secondary School Provision

15. As set out above, there are 62.6 'spare pupil places' at Tiverton High. Factoring in anticipated developments, a share of this capacity of 12.5 spaces has been allocated to this development. This is the equivalent of 83 dwellings. The county council is therefore requesting that this development provides for 37.05 pupil spaces, at a rate of £18,241 per place, or £2736.15 per dwelling of two or more bedrooms in size. This is a total contribution of £675,829.05.

Legal costs

16. In addition to the contribution figures quoted above, the county council would wish to recover legal costs incurred as a result of the preparation and completion of a Section 106 agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

17. To summarise therefore, the county council requests the following in order to provide the education facilities necessary to serve the proposed development:

Number of dwellings before contribution is required:

Primary school facilities = 4

Primary school land = 4

Secondary school facilities = 83

Amount per dwelling of two or more bedrooms

Primary school facilities = £3332.28

Primary school land = £505.95

Secondary school facilities = £2736.15

Total assuming 330 dwellings of two bedrooms or more come forward on this site (taking into account dwellings allowed before contribution is required)

Primary school facilities = £1,086,355.99

Primary school land = £164,940.48

Secondary school facilities = £675,829.05

Legal costs = (£500.00 total)

TOTAL = £1,927,625.41

18. If the above contributions cannot be secured from the application, then the county council would object to the planning application.

Transportation comments

19. Devon County Council as Highway Authority has held pre-application discussions with prospective applicants of sites within the allocation area (see Mid Devon Local Plan policies AL/TIV/1 - 7) and in particular the applicant for the current application in outline for the 330 dwellings.

20. The current application is premature insofar as the Masterplan has recently completed a second consultation period - the outcomes of which will determine layout, phasing and triggers for the infrastructure identified at the allocation stage. The site allocation policy states that the Masterplan process should be completed prior to any applications and it is a matter for the Local Planning Authority (LPA) to consider whether any determination of this application should be held over until the current Masterplan consultation has been determined and fully considered by the Local Planning Authority. Notwithstanding this, Devon County Council as the Highway Authority makes the following comments on the application:

Highway infrastructure required to serve the site

21. The proposed development has been developed in keeping with the Masterplan aspirations, however, certain aspects of the access provision required of the Masterplan are not in the control of the applicant and should be a condition of any consent for that land over which the desired access is required. These are the new junction provision onto the A361 and its link to Blundell's Road and

access into the application site through the redundant hospital development which was recently refused development consent. These are works which would benefit the movement of traffic and alleviate traffic conflicts and capacities and provide for better design and relationships with the existing housing and education facilities directly impacted upon by this proposal.

22. The applicant has submitted a transport assessment and this is generally acceptable and the Highway Authority can confirm that it accepted the "TIA" scoping study for the development of the site. The applicant has indicated the potential to construct a roundabout on the A361 but this has been rejected by the Highway Authority and is not considered acceptable, as such a grade separated junction is the advised design.

23. There are a number of discrepancies between the applicant's assessment and the Highway Authority's assessment. The applicant has stated that 1000 dwellings can be accommodated with improvements to Blundell's Road / Heathcoat Way Roundabout and Lowman Way / Heathcoat Way Roundabout. However, consideration of other planning aspects such as safety and amenity, especially outside Blundell's School, and the triggers of the Masterplan must be taken into account when determining highway infrastructure provision. Indeed, the Highway Authority considers that the early delivery of the A361 junction and its link to Blundell's Road is essential for reasons relating to ensuring that road safety is not compromised, to help mitigate air quality impacts, and to assist in mitigating capacity issues, including at Halberton.

24. Devon County Council has calculated that the junction of Lowman Way with Heathcoat Way, A396, is shown to be over capacity with or without the new access onto the A361 at the end of assessment date 2026 for the 330 dwellings. Without the benefit of an approved Masterplan the development as a standalone site will need to address this issue and a suitable trigger should be imposed for the junction's improvement. This is considered to be 200 dwellings. Costs of such infrastructure measures could be shared with other developers should the Masterplan be approved by Mid Devon District Council and the other development sites come forward - but the same trigger should be imposed. As a standalone application it may be necessary to take the full contribution from this proposal to improve this roundabout in the absence of the Masterplan.

25. Without the ability to provide the on/off slips from the A361 and at least a haul road to Blundell's Road identified in the allocation policies and secured through the Masterplan, construction traffic will be forced to use Blundell's Road through the school frontage. This would necessitate the provision of a construction management plan to coordinate deliveries to avoid busy school periods; and would necessitate the bringing forward of the trigger for the traffic calming measures from the site through to Blundell's Roundabout. In this case, the Highway Authority would seek the delivery of all the traffic calming prior to commencement on site. This would again result in the need for full contributions to the Traffic Calming Scheme.

26. The applicant will also be required to contribute to the full junction onto the A361, contributions will need to be agreed in the Section 106 agreement. The applicants would also need to secure their travel plan through a Section 106 and provide bus and cycle vouchers (£250/dwelling and £50.00/dwelling respectively), and contribute to the enhanced bus service provision which may result from the Masterplan process and be required to service the full allocation site.

26. The applicant will also be required to contribute to the full junction onto the A361, contributions will need to be agreed in the s106 agreement. The applicants would also need to secure their travel plan through a Section 106 and provide bus and cycle vouchers (£250/dwelling and £50.00/dwelling respectively), and contribute to the enhanced bus service provision which may result from the Masterplan process and be required to service the full allocation site.

Site access

27. The applicant has offered two points of access to the site; Option A utilising Uplowman Road for the majority of the traffic, and Option B utilising the Golf Course Road also known as Putson Lane for all but a small amount of traffic.

28. The Highway Authority would raise an objection to a proposal that would increase traffic along Uplowman Road due to the substandard visibilities afforded to existing dwellings and the increased

dangers posed by such an increase. The provision of the footway along the length of Uplowman road and the traffic management measures identified by the applicant, while beneficial to the overall safety of the road and welcomed by the Highway Authority would not be sufficient mitigation. These measures may also prove difficult for the applicant to deliver, as they would rely on the cooperation of residents to allow works to private driveways to allow for the technical design layout required. In addition, concerns over the footway width and the resulting carriageway width with embankments directly onto the carriageway and no overhang margins would reduce the effective width of the carriageway to an unacceptable level.

29. Therefore the Highway Authority would accept Option B for all the traffic, with a small amount of development being accessed from Uplowman Road. This traffic level should not exceed, but could be equivalent to the diverted traffic from the Craze Lowman and Uplowman direction which would use the new routes through the development site to access Blundell's Road.

30. Uplowman Road would be closed to through traffic - although there would need to be a footway, cycleway and emergency vehicle access provided. Having said this, should the potential site access through the former hospital site be implemented, then the distribution of the site traffic via the Golf Course Road (with its improvements), the access through the Hospital site and Uplowman Road may be such that any increase in traffic flows on Uplowman Road may be less than significant. In this case, Uplowman Road could remain open for two way traffic without significant detriment to safety. However, the closure of Uplowman road is still the preferred option and would bring safety benefits to the existing residents. This is dependent on the acceptance of the Masterplan and an imposition over the Hospital site for the vehicle access proposed by the Highway Authority. The Highway Authority would seek a condition for this development application to deliver a distributor style road, as promoted by Manual for Streets with active frontages and vehicle accesses, to the boundary of the Hospital site at a location which would be beneficial to both parties. It should be noted that Option B (accessing the site from Putson Lane / golf course road) for a standalone site of 330 dwellings could operate to an acceptable level but would not be an ideal access solution. Therefore the Local Planning Authority is advised to seek the best design to allow for a limited impact on the existing residential dwellings. To this end the Highway Authority advises that a vehicle access through the Hospital site should be sought as identified above. In addition the use of the now subservient section of the Golf Course Road should be minimised in its use by the making of a one way southbound along its route. This will overcome the substandard nature of the visibilities onto Uplowman Road from Putson Lane.

31. At present, people accessing the golf course have a tendency to use Fairway rather than the Golf Course Road / Blundell's Road access. To prevent both this and people using this route to access the new development, the left turn from Fairway to Putson Lane should be banned and a right turn ban should be imposed from Putson Lane into Fairway. Should an access from the hospital site be achieved these banned movements may not be necessary as a permanent feature but should be considered until such time as the link has been constructed which may conceivably be after some residential developments have been occupied.

32. The applicant has on the indicative layout indicated vehicle access to a number of properties directly onto Uplowman Road at the North East corner of the main site. These access drives fall outside the red line of the development and appear not to be Public Highway. Such driveways would require significant visibility splays which in turn would necessitate removal of bank and hedge. The Local Planning Authority may wish to consider these properties being accessed from internal estate roads thereby negating the removal of hedge and consider the land ownership in their delivery.

Drainage

33. The drainage of the site should be fully approved by the Flood Management Authority prior to consent for the reserved matters and the applicant is advised to carryout full ground investigation including 12 months ground water table monitoring. The applicant should show full calculations and show the exceedance route of any water which may result in a failure of the SUD system, in addition to which the proposed ponds/soak away basins are at a higher level than that of the A361 and concerns are raised at the impact of water on the link road through infiltration and exceedance. Details of where the water would be taken to if these ponds are attenuation basins would need to be shown. The Flood Management Authority is considering the detail of the current ground investigations and their comments should inform future proposals.

Construction management

34. The Highway Authority would seek a construction management plan and the applicant has indicated as much in 12.0.8. The construction management plan should prevent any construction traffic from accessing the site from the east through Halberton, Sampford Peverell, Uplowman, and Crazelowman because of the narrow nature of the roads, alignments and some of the properties that front the road are made of Cobb and experience large levels of vibration whenever large vehicles drive past.

Travel planning

35. The travel plan needs to be considered in conjunction with other developments in the Tiverton EUE and form a combined and cohesive initiative to reduce dependency in car borne traffic, e.g. shared objectives and measures. The Highway Authority would wish to see bus and cycle vouchers (nominally £50.00 cycle voucher, £250 Bus Voucher) as positive incentives to reduce car borne travel which are not included in the current travel plan.

36. The delivery of the Masterplan and the location and siting of the new primary school and the community facilities are essential in the sustainability of this site in terms of walking distances and the internal layout of the site should include footway and cycle connections that minimise such walking distances.

37. Therefore the Highway Authority would support the provision of a Section 106 Agreement to deliver the travel plan, contributions for bus and cycle vouchers, delivery of the offsite and onsite highway works, contributions to offsite highway works, contributions to bus enhancement, traffic regulation orders and traffic management works.

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:-

HIGHWAYS CONDITIONS

CONDITIONS FOR RESIDENTIAL ESTATES

The Highway Authority reserves the right to reconsider these conditions should the Tiverton Eastern Urban Extension Masterplan supplementary planning document be adopted.

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

- (a) The timetable of the works;
- (b) Daily hours of construction;
- (c) Any road closure;
- (d) Hours during which delivery and construction traffic will travel to and from the site,
- (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; and
- (i) 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, road sweeping, and other necessary obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. 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.

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. No part of the development hereby approved shall be commenced until:
- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

5. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with a written specification which has been approved in writing by 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

6. When once constructed and provided in accordance with condition 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

7. 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 to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

8. Before development commences, a scheme for surface water drainage shall be submitted to and approved in writing by the Flood management Authority and the Local Planning Authority. The scheme shall use appropriate Sustainable Urban Drainage Systems the development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

9. All surface water run-offs shall be kept separate from foul drainage, and foul drainage shall be appropriately connected to the public sewerage system.

REASON: To protect water quality and minimise flood risk.

10. No development shall take place on site until the off-site highway works For the provision of the highway Improvements , traffic regulation orders, signage and lining and all associated works from the site access to Post Hill and along Putson Lane (The Golf Course Road) generally in accordance with drawing 3026/05 rev A inclusive of but not limited to provision of road narrowing, priority signage , traffic movement restrictions to and from Fairway, Traffic regulation orders, resurfacing, reconstruction, realignment, drainage, signage and lining have been fully designed and approved in writing by the Local planning Authority and have been constructed and made available for use.

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

11. Unless the left-in left-out junction onto the A361 and a link road connecting this junction to Blundells road has been provided, no development shall take place on site until the off-site highway works for the provision of traffic calming along Blundell's Road have been constructed and made available for use in a phased delivery, in accordance with specifications which have been agreed in writing with the Local Planning Authority.

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

12. No occupation of the 200th Dwelling shall take place on site until the off-site highway works for the capacity improvements to Lowman Way / Heathcoat Way roundabout have been designed

and approved in writing by the Local Planning Authority and have been constructed and made available for use.

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

13. The on-site highway works for the provision of a distributor size road linking the site distributor road to the boundary of the Hospital Site Located to the West of Fairway; sited between 34 and 38 Post Hill shall be designed and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON: To enable safe and suitable site access.

14. No development shall take place on site until the off-site highway works for the closure of Uplowman Road, realignment of Uplowman Road inclusive of construction, reconstruction, drainage, resurfacing, signage lining, Traffic regulation orders, footway cycleways, emergency access, Junctions, accesses and landscaping has been designed and approved in writing by the Local Planning Authority and have been constructed and made available for use in an agreed programme of works.

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

Response from English Heritage

6th May 2014 - Thank you for your letter of 7 April 2014 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

We understand that this application is going to committee next week and have therefore kept our comments brief in order to ensure that you receive this advice in good time to inform your recommendations.

We find the Heritage Settings Assessment supplied as supporting information to be generally well considered and would concur with the conclusions presented. We believe that the A361 has effectively removed any ability to appreciate the relationship between long and round barrows and, that the current garden location of the long barrow adds to the generally poor existing setting of the monument. We would advise that any impact on these monuments is likely to be 'less than substantial'. We would note, however, that this is based on the current separation zone depicted in the masterplan and any amendment that results in development closer to the monuments will require further consultation.

We note that there are no proposals for environmental gain from the application, Whilst we appreciate that it is unlikely to be realistic we would at least expect to see some consideration of options for management improvement for the long barrow, ideally through removal from private ownership and provision of public access. Similarly we would record that it is our understanding that this development may be linked with the proposed new road junction, which would sit primarily in the field on the other side of the A361. We would advise that any proposals connected with this field should be accompanied by proposals for environmental gain through improved management of the Scheduled round barrow.

Finally, we have considered the impacts on the RPG of Knightshayes and would remark on the well presented consideration of the issues and designed views contained in the assessment. We would concur with the report in that the proposed development is only likely to be visible in a peripheral view from the front of the house and that views will be limited from the wider garden area. The one designed view in which it would be visible is not a primary view and we would again consider this to amount to 'less than substantial harm'.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

REPRESENTATIONS

Letters of notification were sent out to 193 addresses in close proximity to the site when the application was first received, and publicity was given to the application via a press notice and an advert in the Mid Devon Star. Following receipt of the additional information/revised illustrative layout (Option C) further letters of notification were sent out publishing the receipt of this additional information. In total 180 letters have been received with the majority (174) confirming their objection to the application scheme. A summary of the comments made and numbers of parties making that comment is summarised in Appendix 2.

Blundells School have made the following comments about the application scheme, as submitted on their behalf by GVA Property Consultants and Hydrock Transport Consultants. A summary of their thoughts and views on the application submission are as follows:

- The Transport Assessment (TA) conclusions are contrary to evidence set out in the TA which predicts a minimal level of walking and cycling by occupants of the development, and therefore it is not possible to draw a conclusion regarding the acceptability of the highways proposals. The Schools professional advisors question the assumptions made in the TA which currently states "The impacts of the development are considered negligible".
- The application is considered premature in light of the master plan, and they suggest that no robust evidence has not been provided to date which justifies a deviation from the original triggers in the development plan.
- Their professional advisors question the scope of the proposed traffic calming measures, and as a result they are not able to form a view on the acceptability of the application scheme in the absence of fully understanding the traffic impacts.
- The school express concerns with student safety during the construction phases, and question when the A361 slip will be complete.

A summary of the comments made by the Tiverton Eastern Action Area in their letter sent on 17th January are summarised as follows: The application should not have been submitted until after the process of completing the Masterplan, Public consultation meetings should have been carried by the Developer, the scope of traffic generated and its impact as set out in the supporting information is not considered justified, mitigation will be needed to redress the transport impact, the density, capacity of the existing waste water plant to cope with the additional development, archaeological concerns, impact on golf club. Finally concern about the status of the indicative layout plan. Whilst not expressing support for the scheme the conclusions drawn by the group are that:

'Many of the problems and imposed requirements outline are of a short terms nature, and should therefore be satisfactorily resolved by the applicant'.

A summary of the comments made by the West Manley Lane Conservation Group in their letter dated 16 January (WMLCG):

The application submission in advance of the adoption of the Masterplan appears to be an attempt by the applicant to seek to avoid the many constraints imposed by the Masterplan and the costs involved in the provision of the necessary infrastructure. The group consider that the application should be refused until it is possible to proceed in accordance with the adopted Masterplan.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application site comprises two parcels of agricultural grazing land either side of Uplowman Road.

The larger land parcel falls due south of Uplowman Road with Putson Lane defining the eastern boundary. The backs of the garden areas of the properties on the Fairway, Pomeroy Road and the former Hospital site defining the southern and western boundaries. This site measures approximately 10.1 hectares and comprises three steeply sloping fields (towards Lowman Road) with mature hedgerows on all sides. The parcel to the north is made up of two fields, separated by a hedgerow and which gently slopes down towards the A361 and measures approximately 6.2 hectares.

There are no free standing mature trees within the site other than those accommodated within the hedgerow. There is a Scheduled Ancient Monument adjacent to the site at the rear the properties on Uplowman Road in the form of a buried Long Barrow.

Currently access to the site is via a farm type access from Uplowman Road and Putson Lane.

The application is an outline application with only means of access sought for approval at this stage, and the principal of building up to 330 dwellings on the site. Although, landscaping, layout, scale and appearance are reserved for future consideration as stated above, two illustrative layouts have been submitted to demonstrate at this stage of the design and planning process how it would be possible to deliver up to 330 homes on the land covered by the application site. In addition to the layouts the applicant has submitted a Design and Access statement (DAS), and a supplementary addendum to the DAS for consideration to explain the design processes that have been undertaken in working up the layouts.

The main issues to be considered at this stage are:

- 1. Policy/Masterplanning process/Land Use Issues**
- 2. Highway and Transport Issues, including phased provision of infrastructure**
- 3. Implications of delivering 330 dwellings on the site.**
- 4. Section 106 issues**
- 5. Other Issues to include: Air Quality**
- 6. New Homes Bonus**
- 7. Conclusions/Planning Balance**

1. Policy/Masterplanning/Land-use Issues

The high level policy considerations relevant to the site are covered in the Mid Devon Core Strategy (Local Plan Part 1) and the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The Mid Devon Core Strategy (Local Plan Part 1) was adopted in 2007 and sets out a growth strategy that seeks to balance social, environmental and economic objectives and concentrates development within the main settlements of the district; including Tiverton, Cullompton and to a lesser extent Crediton and Bampton. The Mid Devon Core Strategy (Local Plan Part 1) sets out an overall need for 340 dwellings per year across the District, amounting to 6,800 dwellings over the 20 year plan period up to 2026. Important to achieving the level of development (both housing and employment) identified and adopted within the Mid Devon Core Strategy (Local Plan Part 1) is the urban extension to Tiverton.

The Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. It allocates sites for development in order to meet the Core Strategy's growth requirements, and a considerable quantum of this new development is to be accommodated within the urban extension to Tiverton. This part of the plan making process lead to the adoption of Policies AL/TIV/1-7. Policy AL/TIV/1 sets out the following:

Eastern Urban Extension

A site of 153 hectares east of Tiverton is allocated for mixed-use development, as follows:

- a. From 1550 to 2000 dwellings;
- b. A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;

- c. From 95,000 to 130,000 square metres employment floorspace;
- d. Transport provision to ensure appropriate accessibility for all modes;
- e. Environmental protection and enhancement;
- f. Community facilities to meet local needs arising;
- g. Carbon reduction and air quality improvements;
- h. An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development;
- i. A public masterplanning exercise to be undertaken before any planning application is made.

Policies AL/TIV/2-7 then establish provisions to deal with specific issues as follows;

AL/TIV/2 Eastern Urban Extension Transport Provision
 AL/TIV/3 Eastern Urban Extension Environmental Protection & Green Infrastructure
 AL/TIV/4 Eastern Urban Extension Community Facilities
 AL/TIV/5 Eastern Urban Extension Carbon Reduction & Air Quality
 AL/TIV/6 Eastern Urban Extension Phasing
 AL/TIV/7 Eastern Urban Extension Masterplanning

Since the adoption of these strategic policies, further analysis and evaluation of the development objectives for the site has been completed as part of the Masterplanning process. This process has resulted in a number of refinements to the development aspirations for the Masterplan area as follows:

The approach advocated in the Masterplan is to create a new neighbourhood for Tiverton, reflecting characteristics of the local area, rather than a separate place with a new identity in its own right. The guiding principles set out at section 3.3 of the Masterplan are drafted to provide a framework to guide the design process and assessment of individual applications submitted. The process outlined at 1.7 sets out the various steps in design process which will need to be followed for each development area.

Other key revisions include:

The location of the grade separated junction from A361 and link road has been adjusted to present a better relationship with neighbouring properties. This has led to a reduction in quantum of employment floorspace proposed in the north west corner of the Masterplan Area. Introduction of traffic calming measures to Tidcombe Lane. Identification of a route through the former NHS site as the most appropriate route into the area covered by this planning application (the North East area). A review of the triggers for the delivery of the key highway infrastructure elements which retain a balanced approach to ensuring deliverability. Rationalisation of the number, position and future expected character of some of the land parcels that are promoted for residential development (away from Tidcombe Fen and West Manley Lane). The strategy to provide sports pitches to include an element of off site provision. Finally a reduction in the overall density proposed to be equal to 36 dwellings per hectare. For more information please refer to pages 17-19 of the report attached at Appendix A.

The Masterplan differs from Policies TIV/1-7 in several respects as set out in Appendix 1. This Appendix identifies the changes together with the reasons for the change. This current application also differs from Policies TIV/1-7 and the Masterplan in respect primarily of the phasing and trigger for the highway works. The reason for this is explained in more detail in the following sections of the report.

In summary the principles of the strategic level policies as set out in the Mid Devon Core Strategy (Local Plan Part 1) and the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as set out above are now embedded within the adopted Masterplan. Given the nature of the application proposal as stated - outline approval for means of access to serve the site and for up to 330 houses (equal to 32.5 dwellings per hectare), it is considered that the application scheme is in accordance with the high level land-use principles established by the relevant policies as referred to above and the adopted Masterplan except where the Policy Framework in the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) has been updated by the Masterplan as identified above.

The next stages of the planning assessment of this application scheme is to assess the means of access into the site as proposed and highway capacity issues, consider if the application scheme and the documentation submitted to support it satisfactorily demonstrates that the site could accommodate up to 330 dwellings, and the extent to which the application scheme delivers the necessary infrastructure. These matters are considered below at point 2, 3 and 4 of this report.

2. Highway and Transport Issues, including phased provision of infrastructure

The application scheme raises five broad highway issues

- The acceptability of the proposed points of access into the site;
- The capacity of the local road network and impact on highway safety given the additional traffic that will be generated after development of the site;
- The impact on highway safety during construction;
- The impact of the development on the capacity of Junction 27 of the M5;
- Other contributions to highways infrastructure.

Acceptability of the proposed points of access into the site

There are three points of access into the site which are proposed for consideration:

Into the site from the south east corner from Putson Lane (the Golf Course road);
Into the site from the north west corner from Uplowman Road (for a small amount of traffic);
Into the site from Blundells Road with a connection through the former Post Hill Hospital site.

Two site scale illustrative layouts have been submitted with the application that includes a combination of these access points. These site layout plans are indicative only. Only the points of access are being considered as part of this current application.

Option A proposes that Uplowman Road is used for the majority of traffic. Neither the Local Planning Authority nor the Highway Authority considers Uplowman Road to be suitable to accommodate the increase in traffic that would be generated through the development of this site. Existing dwellings on Uplowman Road have substandard visibility with the highway and substantially increasing the volume of traffic along this road would increase the dangers to road users. The applicant has indicated that a footway could be provided along the length of Uplowman Road along with other traffic management measures. However these are not considered to provide sufficient mitigation, even if these improvements could be physically provided (which would require agreement of individual house owners). The Highway Authority has stated that it objects to this element of the proposal and highlighted its concerns over the footway and carriageway width that would be created.

Due to the negative impact that highways access Option A (majority of traffic from Uplowman Road) would have on the safety of the local road network this option is considered to be contrary to Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Option B Putson Lane used for a majority of traffic and small amount of traffic from Uplowman Road. The Highway Authority has stated that it accepts Option B. All traffic would use Putson Lane to access to the site except for a small amount of development that could be accessed from Uplowman Road. The level of traffic that could be accommodated on Uplowman Road should not exceed, (but could be equivalent to) the diverted traffic from the Crazelowman and Uplowman direction which would use the new routes through the development site to access Blundells Road.

Option B indicates that Uplowman Road would be closed to through traffic - although there would need to be a footway, cycleway and emergency vehicle access provided. The Highway Authority indicates that Option B (as a standalone site of 330 dwellings) could operate to an acceptable level but would not be an ideal access solution. The preferred access being through the former Post Hill hospital site to the south west. This is now shown in the latest illustrative layout and identified within the Masterplan. The Highway Authority has also indicated that the use of the northern part of Putson

Lane (north of the access point into this application site) should be minimised by making it one way southbound along its route. Northbound traffic would use the road through the site.. This will overcome the substandard nature of the visibilities onto Uplowman Road from Putson Lane.

The Highway Authority (and highlighted in public representations) has identified that people accessing the golf course have a tendency to use Fairway rather than the Putson Lane/Blundells Road access. To prevent both this and people using this route to access the new development, it is suggested that the left turn from Fairway to Putson Lane should be closed off and a right turn ban should be imposed from Putson Lane into Fairway. As it is also now proposed to access the site through the Post Hill hospital site as well, then this requirement may only be required until that point of access has been constructed and provided.

A number of the objections to the development have stated that Putson Lane and the Putson Lane/Blundells Road junction are not capable of accommodating the increased traffic that would occur as a result of the proposed development. The Highway Authority consultation response indicates that in technical terms the use of Putson Lane and the junction of Putson Lane and Blundells Road are capable of accommodating this additional traffic, particularly if a majority of Putson Lane is one way and therefore the majority of traffic would be required to use the new network of roads through the site.

Option B proposes an access solution that has been agreed in principle by the Highway Authority, although it has stated that the preferred access is through the former Post Hill hospital site. Although concerns have been raised regarding the suitability of increased use of Putson Lane, with support from the Highways Authority, Option B is considered to be in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Option C Access through Post Hill hospital site and Putson Lane with a small amount of traffic from Uplowman Road. Following discussions with your officers the applicant has submitted a third access option into the site. Option C would accommodate traffic entering the site from Blundells Road through the former Post Hill hospital site. This is the Tiverton Eastern Urban Extension Masterplan preferred route to access the site; it is also the Highway Authority preferred route into the site.

While the Option C site scale layout is indicative only, it does highlight that the design solutions for the site are improved significantly (as discussed further below) when this point of access is possible. This option would be designed for the main access to enter the site from Blundells Road through the former hospital site and to a lesser extent access via Putson Lane and a small amount of development via Uplowman Road. This maximises the potential access to the site and limits the impacts on existing dwellings. Option C is therefore in accordance with the adopted Masterplan, Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

A revised application for the redevelopment of the former Post Hill hospital site has recently been received by the Local Planning Authority and this makes provision for a road through the site leading toward this current application site to the north east. The Local Planning Authority will negotiate to achieve this latter route when the hospital site is redeveloped and will secure the requirements for the part of the road up to the boundary on Waddeton Park land within this application.

The capacity of the local road network and impact on highway safety given the additional traffic that will be generated

Concerns have been raised by members of the public and key stakeholder groups regarding the capacity of the local road network to accommodate the increase in traffic that would be generated following the development of the site for up to 330 dwellings and any associated impact on highway safety.

The Highway Authority has assessed the proposal and has not objected to the capacity of the local road network or objected on the grounds of highway safety. While it is acknowledged that the volume of traffic using the roads immediately adjacent to the site (Blundells Road, Uplowman Road and Putson Lane) will increase, the technical documents submitted with the application conclude that this

will not have any severe impacts on the transport network in accordance with part 4 of the National Planning Policy Framework.

The public objections received are not limited to impacts on the roads that would be used to directly access the site, but include objections based on impacts on Halberton and Uplowman as nearby villages which the public consider would see an increase in traffic following this development as residents use local roads through Halberton and/or Uplowman to reach the M5 or Tiverton Parkway. The Highway Authority are aware of these concerns but have not raised any concerns on this basis.

The impact on highway safety during construction

Concerns have been raised by members of the public regarding access to the site during construction. While the adopted Masterplan sets out triggers for the delivery of key elements of infrastructure it is not possible for the applicant for this application site to deliver all the identified infrastructure in the Masterplan. With this in mind the Highway Authority have given considerable thought to how construction traffic could be adequately controlled prior to the Junction off the A361 being provided. This results in this application not being wholly in accordance with the Masterplan, However, your Officers do not consider that the application should be refused on this basis for the reasons given below.

The on and off slip roads on the south side of A361 are required by the Masterplan to form construction access. The Masterplan trigger for the delivery of this infrastructure is "prior to commencement of development". The land required to provide this access is not within the ownership of the applicant. Without the ability to provide the on/off slips from the A361 and at least a haul road to Blundells Road identified in the allocation policies and secured through the Masterplan, construction traffic will be forced to use Blundells Road through the school frontage. This would necessitate the provision of a construction management plan to coordinate deliveries to avoid busy school periods; and would require the delivery of the traffic calming measures from the site through to Heathcoat Way/Blundells Road roundabout to be brought forward.

The Masterplan requires this traffic calming and roundabout improvements after the southern section of the new junction onto the A361 has been provided, however, approval of this application would bring this forward and make it the first infrastructure improvement provided in order to accommodate construction traffic to the application site. In this case, the Highway Authority would seek the delivery of all the traffic calming to Blundells Road prior to commencement on site. This would result in the need for full contributions to the Traffic Calming Scheme. The applicant has agreed to make financial contributions toward highways infrastructure prior to the commencement of development and this requirement would be included in the Section 106 Agreement. The amount of up front financial contributions that would be received from the applicant would exceed the estimated cost for the delivery of the improvements to the Heathcoat Way/Blundells Road roundabout and the traffic calming scheme from Heathcoat Way/Blundells Road roundabout through the Blundells School area (the completion of phase 1 works). The Highway Authority has indicated that it wants to manage the delivery of these traffic calming improvements. If this application is approved subject to the terms of Section 106 Agreement as set out in this report then sufficient funds would be available for this to be achieved and at the same time would enable the development of the application site prior to the on and off slip road onto the A361 being provided.

Lowman Way/Heathcoat Way roundabout has been calculated by the Highway Authority to be operating over capacity (with or without the A361 junction and/or 330 dwellings). The adopted Masterplan requires the improvements to this roundabout prior to the occupation of no more than 200 dwellings within the Masterplan area (or before 4,000sqm employment space occupied). However, as this application will result in permission for more than 200 dwellings, it is considered necessary to ensure that the Section 106 Agreement secures financial contributions that would cumulatively cover the cost of the improvements to this roundabout prior to the commencement of development. Based on the figures provided by Devon County Council and the agreement reached with the applicant, the application would provide upfront financial contributions necessary to provide this key infrastructure.

The Masterplan requires the south section of the left in left out junction to the A361 and highway link between this junction and Blundells Road to be provided prior to the occupation of any development. At the time of writing this report the application for this junction has been received but not validated.

Furthermore the applicant does not own the land required to provide this junction as stated above. However, as the application has now been received, if it is approved then there is a significantly greater likelihood that this junction will be able to be provided prior to the occupation of any dwelling on the current application site. The applicant has agreed to make a financial contribution towards the provision of this junction prior to the commencement of development and this would be secured through the Section 106 Agreement.

To conclude, the current application via a Section 106 would provide financial contributions sufficient to cover the costs of the traffic calming to Blundells Road, improvements to Heathcoat Way/Blundells Road roundabout and Heathcoat Way/Lowman Way roundabout (estimated to cost in the region of £2,530,000). These works in turn would ensure the local road network has sufficient capacity to safely accommodate the traffic that would be generated during construction period and following occupation of the dwellings on this site. While the highways solution may not be fully in line with the highways infrastructure triggers as set out in the adopted Masterplan, the off- site works that can be delivered via Section 106 funding from the application scheme would provide safe access to the site during construction and post occupation without having any severe impacts on the transport network. The Highway Authority and your Officers consider that this alternative solution to the delivery schedule set out the adopted Masterplan is acceptable given the circumstances and in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) Local Plan Part 3 and the National Planning Policy Framework.

In your officers opinion there are no further negotiations or amendments to the current application or Section 106 that could be achieved that would result in this application complying to any greater degree with the adopted Masterplan.

The impact of the development on the capacity of Junction 27 M5 motorway

The Highway Agency has not objected to the current application. Junction 27 of the M5 motorway is to be fully signalised. The funding for the signalisation of this junction has been secured through a Section 106 Agreement for the development of land at Farleigh Meadows and through Pinch Point funding provided by the Heart of the South West LEP.

Junction 27 is considered to be the gateway to Mid Devon, North Devon and Torridge. The scheme at Junction 27 aims to increase the capacity at the junction, reduce delay to users of the trunk road network and improve safety by widening and adding part time signals, removing queuing from the motorway mainline. The M5 Junction 27 improvement scheme has been identified by the Heart of the South West LEP as being a priority area required to improve access for the new Tiverton Urban Extension (TEUE) and Tiverton Parkway station. Works on the scheme are scheduled to be completed in 2014.

Other contributions to highways infrastructure

The applicant is required to secure their travel plan through a Section 106. This includes providing bus and cycle vouchers per dwelling and a contribution to enhanced bus service provision. These costs have been estimated by Devon County Council at £401,645 for this application (approximately £1217 per dwelling). The proposed trigger for provision of this contribution would be 50% at completion of 200 dwellings and 50% at completion 300 dwellings. These contributions are required to extend the Exeter-Bickleigh bus route into the Tiverton EUE area, increase frequency of buses between Tiverton and Tiverton Parkway and to improve cycle connectivity between Tiverton Parkway, Willand and Uffculme from Tiverton.

Junction onto A361

The applicant will also be required to contribute to the full junction onto the A361. Devon County Council has calculated that the Waddeton Park contribution toward the A361 junction would be £1,736,842. This contribution will be agreed in the Section 106 Agreement. The trigger for this contribution would be prior to the commencement of development on this application site.

In your officers opinion there are no further negotiations or amendments to the current application or

Section 106 that could be achieved that would result in this application complying to any greater degree with the Tiverton EUE Masterplan. The development is providing a total funding package of £2,590,000 to cover the new highway infrastructure identified in the adopted Masterplan and as discussed in this report above.

3. Implications of delivering 330 dwellings on the site

As stated the two illustrative layouts have been submitted as part of the supporting information to seek to demonstrate what form of development could be achieved across the site. This is in addition to the design and access statement documents (including the addendum).

Following a detailed review of the Option B layout and the Design and Access Statement as originally submitted, in conjunction with ATLAS (the Governments Advisory Team for Large Planning Application), it was concluded that the overall application details were considered deficient in terms of seeking to demonstrate satisfactorily that the process as undertaken was compliant with the adopted Masterplan and that up to 330 dwellings could be delivered on the site on a satisfactory manner. This was considered to be in part because of the proposed means of access as originally indicated (as referred to a point 2 above), and the absence of a clear set of guiding principles in the original DAS. As a result the Option B layout as presented is considered lacking in legibility, character and coherence from an urban design point of view. For instance the design does not establish a focus point to provide a sense of arrival, the layout as indicated is considered driven by the provision of a service road that loops around the site as opposed to creating a sense of place formed by individual neighbourhoods. The open spaces as shown are considered to be after thought, the relationship with the neighbours to the site (in particular the for the occupiers of the properties on Fairway properties), are considered poor. Overall the layout as presented appears overly dominant in terms of the density of building blocks and hard landscaping and the layout is unclear as to what massing would be required on the building plots that are not represented as an individual houses to achieve 330 dwellings on the site, as it only shows 290 individual plots and 22 larger accommodation blocks. On the basis of this layout and the supporting information initially submitted, your officers were not able to support the application.

Following discussions between ATLAS, your Officer team and the applicant's architects a revised illustrative layout has been submitted which has been designed to better reflect the density of the Post Hill neighbourhood in terms of the ratio of building blocks to open areas and showing an access into the site through from Blundells Road via the former Post Hill Hospital site. The layout demonstrates a more comfortable, permeable and legible environment with a clear sense of arrival and network of open spaces and routes (pedestrian, vehicular and shared). The layout presents a structure to create more defined zones for development and therefore the potential to create neighbourhood character zones across the site. The addendum document to be read with the main DAS seeks to do a summary review of how delivering a scheme on this basis would be compliant with the guiding principles set out at 3.3 of the adopted Masterplan. Clearly given the nature of the illustrative layout (drawn in 2D at scale of 1:1250 on an A1 sheet) it is not possible to demonstrate compliance with all the guiding principles as set out. In addition whilst an attempt has been made to establish illustrative parameters for the urban design and architectural principles that should provide a framework for the reserved matters details as shown on page 19 of the addendum to the DAS, your Officers do not consider that the detail is sufficient to guide the reserved matters process. However, what the Illustrative layout C, which includes 320 individual dwelling plots and a single accommodation block, does demonstrate is with an access through the former NHS site, an acceptable layout could be achieved at the reserved matters stages for up to 330 dwellings.

As stated at point 2 above a condition is therefore recommended to ensure that the site layout is designed so that it can be accessed through the former NHS site in addition to the access from Putson Lane, with a secondary access from Uplowman Road to serve small amount of development - a cul-de-sac of 12 dwelling plots s is shown on the illustrative layout C.

In addition as set out at conditions 2 and 3 all reserved matters applications will be required to comply with sections 1.7 (the Design Process) and section 3.3 (the Guiding Principles) of the adopted Masterplan.

In terms of more micro issues raised by the indicative layouts there a number of points of concern that

need to be considered.

As part of the provisions considered under the means of access to the site, a pedestrian link is proposed through No 10 The Fairway (owned by the applicant) and adjacent to the party boundary with number 8. The only details set out about this link are that it will be 2.5 metres in width. It is shown on both indicative layouts (point 5). Given the tight relationship between the house buildings on the plots of Nos 8 and 10 The Fairway this is considered an unacceptable access point into the site for pedestrians and cyclists. It is not considered appropriate in terms of its width and relationship with the adjoining house plots to carry the level of pedestrian traffic and potentially cycle traffic that would be generated by the development. Furthermore the level of use that could be generated would have an unacceptable impact on the amenities of the existing occupiers of Nos 1, 2, 3, 4, 6 and 8 The Fairway. Clearly for vehicular traffic the best route of access into the site from the south would be through the former Post Hill Hospital site. Please refer to condition 8.

Although only submitted as an indicative layout, the orientation of building blocks generally appear to sit comfortably with each other and where they are close to the boundary, with the existing structure of buildings. The one exception to this is the block at the rear of No 8 The Fairway.

The relationship between the application site and the existing houses on The Fairway, Uplowman Road and Pomeroy Road where they sit directly to the site boundary. The indicative layout C shows a 5.0 metre landscaped buffer zone directly adjacent to the rear of the properties on the The Fairway. This structured gap (which would be landscaped) will assist minimise the impact on the amenities that the occupiers of these properties currently enjoy. It is considered necessary to include similar provision on the boundary of the site where it abuts existing dwellings on Pomeroy Road /Uplowman Road. This matter will need to be resolved at the reserved matters stage of the process.

In summary the application scheme proposes a level of development that is compliant with the density parameters set out in the adopted Masterplan. At this stage of the process and on the basis of the information submitted and the conditions as recommended, your Officers consider that there is no justification to consider refusing the application on the basis that the application scheme would deliver an inappropriate, unneighbourly and over dense form of development.

4. Section 106 issues

The scope of mitigation to be provided off site, and the scope of financial contributions that have been agreed to enable the delivery of new infrastructure to be provided off site is set at on the first page of this report. At section 2 above the rationale for supporting this approach from a delivery point of view is set out given that the package as agreed by your officers is not wholly in accordance, in terms of the delivery of some aspects of the highway infrastructure, with the phasing requirements as set in the adopted Masterplan.

In terms of affordable housing provision, if the recommendation as set out is approved, on the basis of delivering 330 homes across the application site 74 affordable of the dwellings would be occupied on an affordable rent basis (22.5% compared with a target of 35%), and in addition 3 serviced gypsy and traveller pitches are to be provided on the application site - likely to be located towards the north east corner of the site but at time of writing not confirmed.

Given this is an outline application the applicant will be required to submit phasing proposals which will establish a delivery plan to ensure that the overall quantum of affordable housing is delivered in cluster groups of no more than 10 in any one phase of development and on the basis of the follow mix in terms of unit size, as a percentage of the overall number provided. These phasing proposals will need to broadly reflect the phasing set out in the adopted Masterplan, but include more detail in relation to the build out of this site.

35% x 1BH
40% x 2BH
20% x 3BH
5% x 4 BH

Given the magnitude of the additional costs associated with bringing this site forward for

development, (in excess of £5 million pounds) your Officers consider that this is an acceptable response to the relevant Development Plan Policies: Policy COR8 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/DE/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy AL/TIV/1-7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

5. Other Issues

i) Arboriculture

A tree survey has been undertaken on the application site and this survey has established the significance of the trees found on the site. It has also derived RPAs (Root Protection Areas) for the trees. The tree survey concludes that it would be possible to develop the application site and minimise any impact on the site's trees by ensuring careful layout of development. With regards to the means of access proposed to the site the tree survey concludes that the access from Putson Lane and access from Uplowman Road presents a marginal risk of negative impacts to the current trees on a short, medium and long term. The tree survey does not include specific comments with regards to the Lime trees that sit on the boundary of the site with the former Post Hill hospital site. As the preferred option into the application site is through this adjoining land then it is inevitable that a number of these trees will be lost to allow for a vehicular access. This outline application is therefore in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

ii) Biodiversity

An ecological assessment of the application site has been undertaken. The assessment evaluates the potential impacts of the proposals on habitats and species within the proposed site boundary and surrounding area.

The assessment concludes that the development of the site, both during construction and in the long term, (as long as mitigation is carried out) will not have any significant adverse effects on the biodiversity of the site and surrounding area.

The assessment also concludes that no significant residual effects are predicted on Culm Grasslands Special Area of Conservation, Tidcombe Lane Fen Site of Special Scientific Interest, Grand Western Canal County Wildlife Site, dormice, hedgerows and badgers. It further concludes that with mitigation including the creation of additional habitat types including woodland and wetlands, the development of the site would have a residual positive effect is predicted for nesting birds, invertebrates, reptiles and trees.

Natural England commented in their response that they felt further information in addition to that included in the Environmental Statement was required to assess any impact on Culm Grassland SAC (approximately 12km away) and any impacts on Tidcombe Lane Fen SSSI. The applicant's ecologist has commented that the Environmental Statement has adequately considered any impacts on Culm Grasslands. At paragraph 10.4.16 of the Air Quality Assessment it states "consideration has also been given to the impacts that would potentially arise due to traffic emissions at the Culm Grassland SAC which is located adjacent to the A361, approximately 12 km north west of the proposed development. At this receptor the maximum impact would be similar or less than that predicted at the 12.1 A361 W receptor, given the proximity to the A361. Thus it can be concluded that the impact on ambient NO₂ concentrations at this location will be less than 0.1 µg/m³, which is considered to be an imperceptible increase and of negligible significance." The applicant's ecologist concludes that the Ecological survey and Air Quality survey indicate that any air quality impacts from the proposed development would have a negligible effect on the Culm Grasslands SAC.

The applicant's ecologist has also provided further information with regards to Natural England's comments about assessing potential impacts on Tidcombe Lane Fen SSSI. The ecologist states that the potential for impacts to arise during the construction phase has been assessed using the Institute of Air Quality Management's Guidance for assessing impacts from construction work. Tidcombe Lane Fen SSSI is located over 1 km from the development site and approximately 135 m south of Blundells Road.

Roadside contributions to Nitrogen Dioxide levels are predicted by using the ADMS Roads model. Using these predicted Nitrogen Dioxide concentrations it is calculated that the development traffic will contribute 0.01 $\mu\text{g}/\text{m}^3$ of NO_x at Tidcombe Lane Fen SSSI and the cumulative impact of both the development and committed development traffic will contribute 0.06 $\mu\text{g}/\text{m}^3$ to annual mean NO_x. The predicted background NO_x from the Defra website for 2012 is 12.6 $\mu\text{g}/\text{m}^3$, indicating that total NO_x concentrations will be comfortably within the objective concentrations of 30 $\mu\text{g}/\text{m}^3$. On this basis it is concluded that air quality impacts arising as a result of the development will have a negligible effect on the Tidcombe Lane Fen SSSI.

The application is therefore considered to be in accordance with Policies DM2 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies).

iii) Noise and vibration

Noise and vibration impacts of the proposed development have been considered as part of the Environmental Statement. It specifically assesses the impacts of noise and vibration on surrounding and future properties, both during construction and operation of the development. The noise assessment is based on detailed environmental noise surveys undertaken at the site as well as noise predictions and noise modelling.

In this assessment noise is defined as unwanted or undesirable sound delivered from sources such as road traffic or construction works that interfere with normal activities, including conversation, sleep or recreation. Vibration defined as transmission of energy through the medium of the ground or air resulting in small movements of the transmitting medium, which can cause discomfort or damage to buildings if movements are large enough.

Noise levels from the construction of the proposed development have been predicted at noise-sensitive properties in the vicinity of the site. The noise assessment recommends mitigation measures such as effective co-ordination and time management of construction operations, communication with surrounding receptors, works to be carried out in accordance with Best Practice Measures. Adopting the Best Practice Measures typically reduces construction noise levels by 5db and includes: continuous flight auger piling where within 20m of another property, silenced plant and equipment, switching off engines, using acoustic enclosures, operate plant at low speed, use electrically driven and hydraulic equipment, temporary screening. With the proposed mitigation in place, noise levels experienced by properties within the vicinity of the site are predicted to remain within the 65 db (A) target criterion for all works and receptor locations. The assessment states that construction related vibration can be controlled and that residual vibration impacts will not exceed a negligible impact level.

The impact of ambient noise on the proposed development has been calculated based on 2021 baseline using proposed development traffic flows and record noise measurements. The results of the survey and assessment indicate that internal noise levels below the 30 db target will be achieved. Properties on the northern part of the site are likely to require acoustic glazing treatments which can be detailed at the design (reserved matters) stage. The residual impact on the proposed residential development would be negligible.

Noise impacts as a result of changing traffic flows on the existing roads have also been assessed. The assessment concludes that there would be a negligible - minor impact. Environmental Health was consulted on the application and have not raised any objections to the development. With regards to noise and vibration the site is able to be developed to be in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies). Noise impacts associated with the proposed new A361 junction will be assessed separately to this proposal when planning applications for it are determined.

iv) Ground conditions and contamination

The assessment of the ground conditions has included a desk study, walkover survey and limited intrusive investigation. No unusual impacts have been identified with the proposed development. The report suggests that a combination of phased intrusive site investigation, competent design and

well managed construction will serve to mitigate the potential impacts to acceptable levels. Environmental Health was consulted on the application and have not raised any concerns relating to contamination. With regards to the ground conditions of the site, the proposed development is in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

v) Archaeology/Heritage Assets

The cultural heritage assessment of the site has assessed the below-ground archaeological resource, the visible archaeological resource, any extant historic buildings and the historic landscape.

The desk based survey, geophysical surveys and trial trench evaluations have identified two groups of Bronze Age and undated remains that are considered to be of heritage assets of archaeological interest of low value. The assessment has also identified unstratified prehistoric material and undated agricultural features likely to be of medieval/post-medieval which are considered heritage assets of archaeological interest of negligible value.

There is a long barrow and round barrow on the north part of the site which are Scheduled Monuments. While development of the site will result in the setting of these monuments being altered this will have a negligible adverse impact on the Scheduled Monuments.

Mitigation works proposed include recording archaeological remains of low value that would be disturbed or removed by the proposed development. The assessments conclude that the proposed development will alter the character of this area from agricultural to residential. The impact of the proposed development on the historic landscape is considered to be of negligible significance.

The archaeological remains and landscape features are not designated heritage assets. The assessment identifies that under Paragraph 135 of the National Planning Policy Framework a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. English Heritage has been consulted on the application and have not raised any objections, neither has the Conservation Officer. The development of the site is therefore considered to be able to meet the requirements of Policies DM2 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

vi) Socio Economic Impacts

The socio economic impacts of the proposed development have been assessed as part of the Environmental Assessment. The assessment considers the number of dwellings created in relation to housing need in the area, impacts associated with increased demand on social infrastructure (education, health care, public open space), and impacts associated with increased local expenditure.

The assessment concludes that the development is likely to have a major beneficial long term impact with respect to access to market and affordable housing. The applicant has agreed to a 22.5% affordable housing provision on the site together with 3 gypsy and traveller pitches. As well as providing new development that will improve choice and quality of housing and increasing opportunity for people to live in decent and affordable homes, it will also assist in providing a timely supply of new dwellings to meet the needs of the population.

The development will have some impact on education provision. The development will be making a financial contribution toward both primary and secondary education (see Section 106 section above) in line with the requirements of the Tiverton Eastern Urban Extension Masterplan. There is adequate capacity in the secondary school for the area to accommodate children from this development and some existing primary school provision. The financial contribution toward education will be available for Devon County Council to improve provision where necessary, in the short term, prior to the longer term provision of the new primary school within the Tiverton Eastern Urban Extension area.

The application will make a financial contribution toward the off-site provision of public open space in addition to any smaller on site provision that may be included in the design for the site when reserved matters are being considered. The Environmental Statement indicates that children's play space and informal public open space can be provided within the development.

The Environmental Statement concludes that there would not be any adverse socio economic impacts as a result of the development and it would have (overall) a positive economic impact on the local economy through construction employment and associated employment and through the provision of new, high quality residential development. With regards to socio economic impacts of the development, the application is considered to be in accordance with Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

vii) Landscape and visual impact

The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). This concludes that the site could be developed in a manner that is sensitive to the existing community and wider setting. As the application is outline, with all matters except access reserved for future consideration, no assessment of a specific layout can be undertaken at this stage.

Through mitigation such as retaining existing hedgerows and reinforcing them with new native tree planting and new vegetation, the LVIA concludes that the visual impacts from a majority of the viewpoints in the LVIA, would be greatly reduced and these mitigation measures would progressively reduce the visibility of the site as these measures become fully established. It also states that the development of the site would not result in any 'very significant' residual impacts, although there will be some moderately significant impacts from some receptors to the north of the site but not from either Chevithorne Barton or Knightshayes Court. The impact upon the setting of Knightshayes Court is therefore acceptable. However, it acknowledges that a development of this size will have some significant impacts on views within the vicinity of the site.

The development would be part of the on-going process of landscape change that will take place in the area following development of the wider Masterplan area. As the LVIA has demonstrated that there will not be any 'very significant' landscape or visual effects from the proposal and the significant impacts will be limited to a local area immediately north of the A361, plus the progressive mitigation will reduce the impacts. It concludes that the application site can be developed in a manner that will be compatible with the Mid Devon Character Assessment of the area. Although the impact will need to be assessed with any reserved matters application, at this stage the proposed residential development of the site is considered to be acceptable and in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) - however, careful consideration of future reserved matters (design stage) details will be required.

viii) Flood Risk and drainage

The hydrological matters that could affect development of the site have been assessed as part of the Environmental Statement. The assessment has included a review of mapping and LIDAR data. This has indicated that the proposed site lies entirely within the River Lowman catchment.

Baseline run off characteristics of the site, the existing (Greenfield) and proposed (Design) infiltration and over flow run-off rates have been calculated. A drainage strategy has been developed to ensure flows and volume of existing run off and to utilise soakaway potential where possible. The Environment Agency has been consulted on the application and has not raised any objection to the proposal. South West Water has also been consulted and has indicated that the existing sewerage system has capacity to accommodate flows from the development and that this development will not have any off site impact on the foul drainage system. A condition will be required to ensure the management of the Sustainable Urban Drainage System that will form part of the development of the site.

The drainage strategy splits the area into two, based on topography and ability of surface water to gravitate to surface water ponds. Main pond catches 85% of the site area whereas the outfall pond catches 15% of the site area. The main pond drains into the outfall pond which in turn connects to the existing land drainage strategy on the northern boundary. The area of surface water flood risk adjacent to Uplowman Road and the overflow corridor to the north toward the A361 are indicated to

be left free from development. The existing flow regime will be maintained with an 800m² area of Uplowman Road will continue to drain to the ditch on the north side of the road. The remaining area of the new road will drain into the balancing ponds described above.

Individual underground house soakaways have been ruled out as the soakaway tests undertaken prove that the subsoils across the site are very variable as far as being suitable for infiltration and due to the fine particle sizes would become less efficient over a period of time. Large open pond features have been chosen since they can be monitored and can be cleaned out, or have silt excavated, to optimise the infiltration performance.

It is concluded that the development of the site will not cause negative offsite hydrological impacts as a result of the proposed development as 'Source Control' will be the foundation of the surface water drainage strategy. There will be no off site impact on the hydrological regime of Tidcombe Fen SSSI. With regard to flood risk and drainage the development is considered to be in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM7 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

ix) Air Quality

An air quality assessment for the proposed development has been undertaken. The assessment has derived existing air quality in the vicinity of the site using baseline data, the potential sources of air pollutants have been identified and quantified and the impacts of the identified emissions on existing air quality (arising from the proposed development) have been predicted where possible. Mitigation has been suggested where appropriate.

The baseline assessment indicated that air quality would be expected to comfortably meet all of the objectives of the Air Quality Regulations. Environmental Health was consulted on the application and have raised no objections with regard to air quality.

The assessment concludes that during construction, with mitigation to prevent dust emissions from construction activities (through dust management plan, monitoring, sensible location of activities, dust suppression equipment, minimising movement of materials etc) the potential for adverse impacts on human health are considered to be temporary slight adverse. Without mitigation these impacts would be considerably worse.

The assessment has also reviewed any impact as a result of additional traffic movement on the local road network. The assessment compares the predicted pollution concentrations for the future scenario with the proposed development fully occupied, compared with the future base line position. Any impact on air quality at all receptors was found to be negligible. When the cumulative impacts from the proposed development and that from other consented development has also indicated that the impacts on air quality (in terms of Nitrogen Dioxide levels) would be negligible.

The air quality assessment has indicated that the development will not have a negative impact on air quality post construction and as long as suitable mitigation measures are in place during construction there should be no adverse impacts on human health. With regards to air quality, the proposed development is therefore in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. New Homes Bonus

Sections 143 of the Localism Act amends Section 70 of the Town and Country Planning Act 1990 so that when determining planning applications, Local Planning Authorities should also have regard to any local finance considerations, so far as material to the application. Local finance considerations means a grant or other financial assistance that has been, or will or could be provided to the relevant authority by a Minister of the Crown, or Sums that a relevant authority has received, or will or could receive, in payment or a Community Infrastructure Levy.

In respect of this application consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for

a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £2,035,440

7. Summary/Planning Balance

The principal of developing the site for up to 330 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process. Matters relating to 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 areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The arrangements regarding access into the site as proposed are capable of ensuring an acceptable means of access into the site subject to various restrictions. The level and tenure of affordable housing is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regarding drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

Although the delivery of development on this application site is not fully in line with the highways infrastructure triggers as set out in the adopted Masterplan, nor the triggers and phasing within AL/TIV/6, the off-site works that can be delivered via Section 106 funding from the application scheme would provide safe access to the site during construction and post occupation without having a severe impact on the transport network. The Highway Authority has confirmed their support to this approach. On this basis your Officers do not consider that there would be a robust and justifiable case to refuse the application, and defend at Appeal, on the grounds of prematurity and or that the divergence away from the timing of the delivery of the new south side junction to the A361 would result in capacity, amenity and/or safety issue on the highway to the extent that would justify refusing planning permission.

The following conclusion was reached by the Government Inspector who was responsible for overseeing the Public Inquiry into the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) which is now part of the adopted development plan.

'It is inevitable that the urbanisation required by Policies AL/TIV/1-7 will engender major alteration to the surroundings and the lifestyle of its present residents of the EUE and users of its existing community facilities and farmland. However, it is not proposed that built development occupies any area subject to any protective designation for wildlife or landscape and flood risk due to increased run-off will be addressed by sustainable drainage systems. Otherwise there is sufficient scope for all potential conflicts between land uses to be avoided by way of the master planning exercise yet to be initiated by Mid Devon District Council under Policy AL/TIV/7 without modification to the boundaries of the allocation as whole or the area of Green Infrastructure designated within it. Additional road traffic is subject to controls on transport phasing in Policies AL/TIV/2 and 6 to avoid undue congestion and disturbance, in particular along Blundells Road. Finally, the strategic requirement of the adopted Core Strategy for this level of development in eastern Tiverton overrides the loss of farmland in this instance.'

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application does not fully accord with Policies AL/TIV/1-7 nor the Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction is outside the control of this applicant. Financial contributions towards highway infrastructure are to be made

prior to the commencement of the development in order to assist un their early delivery and the Highway Authority confirms that this approach is acceptable and that the application as presented is recommended for approval with the number of dwellings accessed off Uplowman Road limited by condition.

CONDITIONS

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. Prior to the submission of a reserved matters application illustrated urban design and architectural principles shall be submitted to and approved in writing by the Local Planning Authority. This information shall include block types and principles, parking, boundaries, public realm codes for character areas and architectural guidelines. Reserved matters applications for the site shall incorporate the approved urban design and architectural principles.

3. 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, and they shall accord with the guiding principles as set out at section 3.3 of the adopted Masterplan.

4. 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.

5. 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.

(ii) Provision of a landscaped buffer where the application site shares a party boundary with existing properties on the Fairlawns, Pommeroy Rd and Uplowman Road.

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

(iv) Measures to demonstrate compliance with the carbon footprint targets as set in the policy AL/IN/6 and AL/TIV/5.

6. The detailed drawings required to be submitted by condition 2 shall include the following modification to the scheme shall be submitted to and approved by the Local Planning Authority

The Proposed pedestrian and cycle link shown as marked on drawings 3026/ 03D, 04A and 05A and also the illustrative layouts (option B and C) is considered unacceptable and is not approved, and an alternative pedestrian link should be submitted for consideration as part of the reserved matters details. This part of the development shall be completed only in accordance with the modification thus approved.

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) 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, road sweeping and strategies to mitigate against any dust, noise, fumes, odour and waste that arise from the development hereby approved;

(k) The proposed route of all construction traffic exceeding 7.5 tonnes;

(l) Details of the amount and location of construction worker parking;

(m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

8. 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.

9. 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.

10. No part of the development hereby approved shall be commenced until:

a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00metres back from its junction with the public highway;

b) The ironwork has been set to base course level and the visibility splays required by this permission laid out;

c) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

11. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with a written specification which has been approved in writing by 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.

12. When once constructed and provided in accordance with the approved details, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained.

13. Before development commences, a scheme for surface water drainage shall be submitted to and be approved in writing by the Flood Management Authority and the Local Planning Authority. The scheme shall use appropriate Sustainable Urban Drainage Systems the development shall be carried out in accordance with the approved scheme.

14. All surface water run-offs shall be kept separate from foul drainage, and foul drainage shall be appropriately connected to the public sewerage system.

15. No development shall take place on site until the off-site highway works to provide the highway Improvements, traffic regulation orders, signage and lining and all associated works from the site access to Post Hill and along Putson Lane (The Golf Course Road) generally in accordance with drawing 3026/05 rev A inclusive of but not limited to provision of road narrowing, priority signage, traffic movement restrictions to and from Fairway, Traffic regulation orders, resurfacing, reconstruction, realignment, drainage, signage and lining have been fully designed and approved in writing by the Local planning Authority and have been constructed and made available for use.

16. Unless the left-in left-out junction onto the A361 and a link road connecting this junction to Blundells Road has been provided, no development hereby approved shall take place on the application site until the off-site highway works for the provision of traffic calming and environmental enhancement along Blundells Road have been constructed and made available for use.

17. The on-site highway works for the provision of a distributor size road linking the site distributor road to the boundary of the Hospital Site located to the west of Fairway: sited between 34 and 38 Post Hill shall be designed and agreed in writing by the Local Planning Authority prior to commencement of development together with a timescale for its provision up to the boundary of the site.

18. No development shall take place on site until the off-site highway works for the closure of Uplowman Road, realignment of Uplowman Road inclusive of construction, reconstruction, drainage, resurfacing, signage lining, traffic regulation orders, footway cycleways, emergency access, Junctions, accesses and landscaping has been designed and approved in writing by the Local Planning Authority and have been constructed and made available for use in accordance with an agreed programme of works.

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 and where remediation is necessary a remediation scheme must be prepared which will need to be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing of the Local Planning Authority.

20. 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.

21. The proposed vehicular access into the north west of the application site from Uplowman Road will be used to access no more than 15 new dwellings.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.

2. To ensure the site is developed in accordance with the adopted Masterplan for the Tiverton Eastern Urban Extension and Policies AL/TIV/1-AL/TIV/7 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
5. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
6. The pedestrian/ cycle footpath is considered unsatisfactory in the form shown on the drawings submitted to date and this aspect of the scheme should be modified to ensure an acceptable form of development.
7. To provide a satisfactory site access and in the interest of safety of all users of the public highway, during the construction of the development hereby approved.
8. To ensure that adequate information is available for the proper consideration of the detailed proposals.
9. To ensure the proper development of the site.
10. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
11. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
12. To ensure that these highway provisions remain available.
13. To protect water quality and minimise flood risk.
14. To protect water quality and minimise flood risk.
15. To minimise the impact of the development on the highway network.
16. To minimise the impact of the development on the highway network.
17. To enable safe and suitable site access.
18. To assist with managing the impact of the development on the local highway network.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies COR1 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1).
20. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.
21. In order to protect the safety of all users of Uplowman Road in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for up to 330 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The quantum and density of development proposed reflects the policy aspirations established in the relevant development plan policies and the adopted Masterplan, and the submissions provided with the application demonstrate that an acceptable scheme is capable of being designed. The design process and guiding principles set out in the adopted Masterplan provide a framework to guide the reserved matters process. Matters relating to 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 areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The arrangements regards providing access into the site as proposed are capable of ensuring an acceptable means of access into the site subject to various restrictions. The level and tenure of affordable housing is considered acceptable reflecting on the scale and quantum of financial contributions required to deliver new and improved infrastructure off site, including improvements to the highway network, education and community facilities. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination or the impact on protected species/biodiversity.

Although the delivery of development on this application site is not fully in line with the highways infrastructure triggers as set out in the adopted Masterplan, nor the triggers and phasing within AL/TIV/6 the off- site works that can be delivered via Section 106 funding from the application scheme would provide safe access to the site during construction and post occupation without having a severe impacts on the transport network. The Highway Authority has confirmed their support to this approach. On this basis your Officers do not consider that there would be a robust and justifiable case to refuse the application, and defend at Appeal, on the grounds of prematurity and or that the divergence away from the timing of the delivery of the new south side junction to the A361 would result in capacity, amenity and/or safety issue on the highway to the extent that would justify refusing planning permission.

On this basis the application scheme is considered acceptable and therefore meets the requirements of Policies COR1, COR2, COR3, COR8, COR9, COR11 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/1-5 and AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details) and Supplementary Planning Document relating to meeting housing needs. The application does not fully accord with Policies AI/TIV/1-7 nor the Masterplan Supplementary Planning Document in respect of the phasing and delivery of highway infrastructure. The delivery of the new A361 junction is outside the control of this applicant. Financial contributions towards highway infrastructure are to be made prior to the commencement of the development in order to assist un their early delivery and the Highway Authority confirms that this approach is acceptable and that the application as presented is recommended for approval with the number of dwellings accessed off Uplowman Road limited by condition.

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

Contact for any more information

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Background Papers

None.

File Reference

13/01616/MOUT

Circulation of the Report

Councillor Richard Chesterton
Members of the Planning Committee

