

# Public Document Pack

Committee Administrator  
Sally Gabriel  
Tel: 01884 234229  
E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

**PLEASE NOTE:** Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 20 November 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Tuesday, 17 December 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### **STEPHEN WALFORD**

Chief Executive  
12 November 2019

**Councillors:** Mrs F J Colthorpe (Chairman), Mrs C P Daw, Mrs C Collis, R F Radford, E J Berry, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles and B G J Warren

## A G E N D A

### **MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 16*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 23 October 2019

- 5      **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 6      **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 7      **THE PLANS LIST** (*Pages 17 - 120*)  
To consider the planning applications contained in the list.
- 8      **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 121 - 122*)  
List attached for consideration of major applications and potential site visits.
- 9      **APPEAL DECISIONS** (*Pages 123 - 124*)  
To receive for information a list of recent appeal decisions.
- 10     **APPLICATION 18/02019/MOUT - OUTLINE FOR THE ERECTION OF UP TO 20 DWELLINGS AND ASSOCIATED ACCESS - LAND AT NGR 295508 103228 (SILVERDALE), SILVERTON** (*Pages 125 - 160*)  
At the Planning Committee meeting on 23<sup>rd</sup> October 2019, Members advised that they were minded to refuse the above application and invited an implications report for further consideration.
- 11     **PLANNING PERFORMANCE 2019/20 - QUARTER 2** (*Pages 161 - 168*)  
To receive a report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for Quarter 2 of 19/20.

**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. The reports within this agenda have 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.**

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 23 October 2019 at 2.15 pm

### **Present**

#### **Councillors**

Mrs F J Colthorpe (Chairman)  
Mrs C Collis, R F Radford, E J Berry,  
L J Cruwys, S J Clist, F W Letch,  
E G Luxton, D J Knowles, B G J Warren  
and B A Moore

### **Apologies**

#### **Councillor(s)**

Mrs C P Daw

### **Also Present**

#### **Councillor(s)**

R M Deed, C J Eginton, R Evans and  
R L Stanley

### **Present**

#### **Officers:**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Lucy Hodgson (Area Team Leader), Sally Gabriel (Member Services Manager) and Ian Sorenson (Devon County Council, Highways Authority)

## 64 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr B A Moore.

## 65 **PUBLIC QUESTION TIME**

Samantha Baker referring to item 1 on the plans list stated: what I would like to ask is the committee aware just how precious this field has been over decades as a social meeting place for generations in this village. This is where people come to walk their dogs, there is nowhere else in the village for us to do that, we have a children's park where no dogs are allowed. This brings old and younger generations together and I am in this field on a daily basis and I have spoken to old people that come and say they feel safe in this field to walk their dog and let it off because they know they are seen by the houses at the lower end of Silverdale. It mixes the generations together in a way that Silverton doesn't offer in any other way. I think it's really important at this time that we continue to bring generations together in a positive social way.

Mr Campbell speaking with regard item 1 on the plans list stated: I am a resident of Silverdale the question I am asking is why during the preparation of the Neighbourhood Plan there is consultation with the public, it was strongly felt that only small developments would be acceptable. This proposal goes against everything the local people who took part requested. If this is granted it makes a mockery of all the hard work that has been done by the Neighbourhood Plan Committee.

Mr Byrom referring to items 10 and 11 on the agenda stated that residents of Sampford Peverell are deeply concerned and confused by Items 10 and 11 on your agenda (concerning your very proper refusal of permission for 60 houses at Higher Town).

Councillors, we fear that officers may be trying to persuade you to soften some aspects of your 'Reasons for Refusal'. Undertaking this in a 'private' session would allow officers to hide embarrassing errors made in processing the application. Objectors have pointed out such errors at intervals but have had no response. Maybe expensive legal advice has finally brought this home. Or maybe officers will continue to use error-strewn arguments and careless mis-reading of drawings and reports as they attempt to weaken your resolve. How can we ever know?

So, my questions to officers are -

1. As 'statutory parties' to an appeal, objectors should have been informed of its 'Start Date'. That has not happened. The PINS website shows no appeal relating to this application. There is therefore currently no appeal. In these circumstances, please will you withdraw items 10 and 11 from today's agenda. It is wrong to discuss an appeal that does not exist.
2. Please will you confirm that **all** additional costs incurred by this Council in processing this application have been and will be clearly identifiable (as soon as they are known) within the payment statements published by Mid Devon? If there are other costs or gains that have not been published, please publish them straight away.
3. Will you please give a clear, unambiguous and direct assurance to public and press that 'Three Rivers Development', a 'wholly owned company of Mid Devon District Council' has never and will never be involved in any aspect of the development of the Higher Town site.
4. If it is agreed that any part of the discussion of agenda Item 11 must take place without the press or public being in attendance, please will you ensure that the minutes of the meeting record the substance of those discussions as well as any decisions arising from them?
5. Comments made by the Highway Authority officer to this Committee on 31 July bring questions of direct harm to designated heritage assets into play with new force. This, in turn, would affect the 'tilted balance' in this application through paragraph 11 and footnote 6 of the Framework. Would Mrs Tebbey be prepared to meet me to discuss this matter along with those Members and other persons who are now acting for the Council in any potential appeal? After all, surely we are all now working together to defend this Council's decision to refuse planning permission?

Peter Dumble addressing items 10 and 11 on the agenda stated: councillors I hope you as angry, puzzled and concerned as I and many others are in Sampford Peverell at the extraordinary inclusion of items 10 and 11 on the agenda. We have of course no idea why or what information officers are asking you to discuss in secrecy and behind closed doors. And not knowing the process being followed here I am assuming, perhaps wrongly, that all councillors have already had sight of the 95 pages of redacted material. How you would decide the public interest otherwise escapes me. And if you haven't seen the whole document I urge you to postpone this item for another day to allow you time to do so. Perhaps you could confirm if you have seen it or not? Forgive us for suspecting that the resolution in item 10 is more to do with a cover up of embarrassment surrounding financial and legal arrangements. I will say that again, cover up of embarrassment surrounding financial and legal arrangements and errors made in the process which Mr Byron has pointed out, there are many. Are the chickens coming home to roost or is pressure being applied to water down your grounds for approval at appeal. So whatever the reasons, councillors all we can ask today is that you robustly challenge and scrutinise the real need for confidentiality so that you can make an informed judgement on whether the public interest is truly being served or if the motion is simply and inappropriately being used to circumvent and hide inconvenient and embarrassing truths. We have learnt to respect this committees judgement over the last 2 years and today more than ever we need you to do your job forensically and as well as you can. Councillors this is a serious moment and the reputation and integrity of our Council is in your hands.

The Chairman indicated that the answers to questions with regard to the Silverdale application would be provided when the item was debated, however as Item 11 was a Part II report, the Head of Planning, Economy and Regeneration would provide answers at this point in proceedings.

The Head of Planning, Economy and Regeneration referring to Mr Byrom's questions stated that a letter had been received from the Inspectorate on 9 October with regard to an appeal, however the appeal was not yet live as further documentation had been requested. Notification to interested parties did not take place until the appeal was deemed live. With regard to additional costs, we would not normally separate out spend against general consultancy or legal consultancy budget lines by project in our financial reporting to Committees. With regard to the involvement of 3 Rivers Development Limited with the site, She was not aware of any involvement by that company to date, but could not give assurances on who develops any site that gains planning consent; with regard to the minutes, the minutes would be provided within the limitations of Local Government Act 1972.

The Group Manager for Legal Services and Monitoring Officer stated that with regard to a meeting, she would respond in writing to Mr Byrom, she reiterated that the appeal had been lodged but not validated.

Referring to Mr Dumble's question regarding whether the committee had been sent all the paperwork, the Head of Planning, Economy and Regeneration confirmed that they had.

Lisa Broom referring to item 1 on the plans list stated: I would like to question the inaccurate and flawed traffic statement provided by the applicant. I live at the junction of Tiverton Road and Upexe Road which Highways have rightly stated is substandard. It is jammed on a daily basis with cars, HGV's and tractors due to it being very narrow. The proposed development will make far more than the 9 peak journeys as stated and is also not taking into account any provision of safety for pedestrians, cyclists and wheelchair users. The site is not a suitable location for provision of accessible affordable housing due to the substandard access to the village. Section 106 mitigation does not address these issues. It is also important to note there are currently 20 family homes for sale in Silverton which include 5 new build homes in the centre which have been unsold for a year. The proposed development is also not supported by the Neighbourhood Plan or Local Plan, the site if on time for submission would not have been considered by the community. A small scale development is preferred at various sites. It appears that the planning officer has also been misled by Mr King Smith of Stags Planning on this so in summary I urge the committee to refuse the application as it stands.

Mrs Nova Odgers speaking about item 1 on the plans list asked: I would like to know the motivation for this development because as the previous speaker said there are many houses in the village that are up for sale and are hard to sell. So I wonder why the developer thought that there would be a need for more houses, perhaps the low cost element comes into play but we have so many terraced cottages in the village that you would consider to be at the bottom end I wonder what the need is?

Ross Clements referring to item 1 on the plans list stated: my concerns would be about the 9 vehicle figure that has been published, I don't believe that those figures are accurate to support a 20 house proposal. Currently there are 6 houses within the Exe View development and at peak hours they produce 10 vehicles leaving so multiply that and I think it will substantially more than the 9. Secondly I would like to bring to your attention that as a resident of Exe View we have 2 parking spaces for visitors, if the development goes ahead it looks like we will lose those and I would like to know what provisions are in place to keep our small green area that children play football on and also what will happen to our parking for guests.

John Foster in relation to item 1 on the plans list asked my concern is on page 20 it mentions it's only going to produce 30 secondary pupils and 5 primary pupils I don't know where they get this calculation from because if you put in 20 family type dwellings surely on just pure chance it's going to produce 20 children so if they are saying it's going to produce 5 and then they say they are going to produce so much money how are they actually working out how many children this development is producing. Also I would like to ask that in future there will be, from what we understand, the developer will then be asking to put more housing on the same area and if he goes for another 20 that that now produces another 20 pupils for the local schools which are overstretched as it is so how do they work out how many children are going to be produced by 20 family houses?

Patrick Grimes speaking on item 1 of the plans list stated I would like to make you aware that the site is actually up on the hill when they say you can't be seen you can actually see Haldon Hill, Dartmoor, Blackdown Hills crossing nearly into Dorset and nearly up into Somerset and also taking into consideration it's on the side of the Exe Valley which was being looked at to be an ANOB is this the sort of ribbon development that we really need?

## 66 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Cllr C J Eginton made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had been in discussions with the Chawleigh Parish Council and some of the objectors with regard to item 2 on the plans list – Belle Vue, Chawleigh.

## 67 MINUTES OF THE PREVIOUS MEETING (00-22-56)

The minutes of the meeting held on 25 September 2019 were approved as a correct record and signed by the Chairman.

## 68 CHAIRMAN'S ANNOUNCEMENTS (00-23-14)

The Chairman informed the meeting that a temporary Group Manager for Development (Maria Bailey) would be starting shortly.

## 69 DEFERRALS FROM THE PLANS LIST (00-24-16)

The Chairman informed the meeting that Item 3 on the Plans List (Gibbet Moor) had been deferred to allow for further work on the application to take place.

## 70 THE PLANS LIST

The Committee considered the applications in the plans list \*.

Note: \*List previously circulated; copy attached to the signed Minutes.

a) No 1 on the Plans List (***18/02019/MOUT – outline for the erection of up to 20 dwellings and associated access – land at NGR 295508 1063228 (Silverdale), Silverton.***)

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan and the details of the access, all other matters would be reserved for future consideration. She provided an indicative layout of the site, the potential location of the hedgebank, potential drainage strategy solutions, a plan of the proposed access and photographs from various aspects of the site. She informed those present of the additional information available in the update sheet and confirmed that the land in question was agricultural land but that this did not change the recommendation.

Responding to questions posed in public question time, she provided the following answers:

- With regard to the field in question and that it was a social meeting place, it was her understanding that no public access to the land had been agreed.
- With regard to the Neighbourhood Plan and whether the proposal was in accordance with this document, she stated that the Neighbourhood Plan was still in draft and therefore had no weight in decision-making at the present time.

- With regard to the flow of traffic through the village, the Transport Statement was clear and the Highway Authority had found it to be acceptable and that it did not demonstrate an unsatisfactory impact on the highway network.
- With regard to the motivation for development and whether there was a need, she stated that she could not comment on the motivation for the application but that there was a need for housing nationally.
- With regard to the number of movements outlined in the Transport Strategy, the visitors parking spaces in Exe View and the green area where children played, this was already mentioned within the Transport Strategy, the 2 visitors would be replaced within the development, there was no formal green space in Exe View and the children had been playing on a shared area.
- With regard to the number of school places, the calculation was based on Devon County Council advice, these calculations had been tried and tested.
- With regard to the site being on a hill and that this could be classed as ribbon development, the application was on rising land on a hill but it was not considered to have a significant adverse impact on the surrounding area.

Consideration was given to:

- The proposed 35% affordable housing within the scheme
- The width of the road network in the area surrounding the proposed development
- The fact that the site was not allocated within the adopted Local Plan or the emerging Local Plan Review and the use of the tilted balance within the NPPF
- The details and reasons for conditions 8 and 9
- The views of the objector with regard to: the number of residents present objecting to the application, the emerging policies within the Local Plan Review and the amount of housing land supply available, the site was outside the settlement limit of Silverton and not mentioned in the Local Plan Review, the application was contrary to Policies COR 17 and 18, the application would affect the privacy of the residents and was not an asset to the area, the streets around the site were narrow and that traffic had to use the pavements at times to pass, the Highway Authority were only concerned with Fore Street and High Street. The proposal was contrary to policy. Over 30 dwellings had been built in Silverton, 2 applications had not been built out and 50 houses were for sale in the village.
- The views of the agent with regard to the use of the tilted balance within the NPPF, the site was well located, he referred to the Meadow Park appeal at Willand, the amount of proposed affordable housing on the site and the need for affordable housing locally, the site was away from the conservation areas and the historic assets of the village. He confirmed that there was no public access to the site.
- The Chairman read a letter on behalf of the Ward Member which highlighted his reasons for the call-in and his views on the impact of development on the immediate residents, the prominent hill site, the visual impact, that the development was out of keeping in the rural area and the fears of future development on the site, concerns regarding traffic and the narrowness of the high street, Tiverton Road and Silverdale parking issues, the impact of the development on local market housing and the amount of housing which remained unsold and whether Mid Devon required new housing.
- The development being outside of the settlement limit

- The fact that the authority had 7.43 years of housing land supply and the imminence of the Local Plan Review adoption and what weight should be given to the Local Plan Review
- The tilted balance within the NPPF and the outdated housing policies

It was therefore:

**RESOLVED** that: Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the proposed reasons for refusal, that of:

- The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor Local Plan Review allocate this site which lies outside of the settlement limits of Silverton for housing development.
- The Council considers that it is able to demonstrate a 7.43 year housing land supply without the development site and there is no need for this further housing.
- The development would have an unacceptable visual impact.
- Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.
- If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C A Collis.)

Notes:

- i) Mrs Campbell spoke in objection to the application;
- ii) Mr King-Smith (Agent) spoke;
- iii) The Chairman read a statement on behalf of the Ward Member;
- iv) A proposal to grant permission was not supported;
- v) The following late information was provided:

Correction p25 Draft Silverton Neighbourhood Plan- once adopted it will become part of the Development Plan, not a Supplementary Planning Document.

Material considerations section 1, principle of development, planning policy and 5 year housing supply, paragraph 12, sentence 3 is incorrect. It should state:

“At the time of writing this report, the Planning Inspector has not raised any objection to the residential development allocations proposed in Silverton. However, the new strategic housing policies in the emerging Local Plan Review have not been determined as acceptable and therefore cannot be given any weight in the determination of this specific application.

Material considerations section 5 Landscape and ecology, paragraph 7, line 6, is incorrect, it should state that "...external lighting should not be positioned to illuminate retained vegetation and areas beyond the survey area"

A further letter of objection has been received and has been summarised:

Report does not have regard to or robustly justify the principle of 20 dwellings beyond the settlement limit of Silverton;

Approval would be contrary to adopted and emerging planning policies;

The Council can demonstrate a 7.43 year housing land supply and this should be given weight against approval of new homes in the open countryside as sufficient land identified in more appropriate locations;

Relevant emerging policies must therefore be given some weight in the determination of the application and they have not been given any weight in the tilted balance;

Not supported by emerging planning policies;

Emerging policy S14 should be given weight in the tilted balance;

Development would have an adverse visual impact, adverse impact on amenity, adverse impact on traffic and result in the loss of agricultural land.

**b) No 2 on the Plans *List (19/00718/MOUT – Outline for the erection of 26 dwellings – land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh)*.**

The Head of Planning, Economy and Regeneration outlined the contents of the report by way of presentation highlighting the site location plan and the details of the access, all other matters would be reserved for future consideration. She provided an indicative layout which included landscaping to be considered under reserved matters and provided photographs which identified the access and views from various aspects of the site. She provided an update with regard to a correction to page 57 of the report and that the recommendation would also include a further S106 requirement for 5% self-build on serviced plots. She explained that the application was different to that previously discussed in that this was a proposed site (for 20 dwellings) within the emerging Local Plan Review and the amount of weight which could be given to emerging Local Plan

The main issue for members was the application for 26 dwellings and whether there was harm in the additional 6 against the 20 proposed within the allocation.

Consideration was given to:

- The detail of the application and the number of dwellings proposed
- The access to the site and the views of the Highway Authority
- The allocation within the emerging Local Plan and the amount of affordable housing proposed
- The views of the agent with regard to the housing need, the allocation and the fact that development on the site was acceptable, the increase in dwellings would improve the number of affordable housing, there was no objection from the Lead Local Flood Authority of the Highways Authority

- The views of the Chairman of Chawleigh Parish Council with regard to the limited land for development, the allocation within the emerging Local Plan, the views of the Parish Council and the need for any affordable housing to be non distinguishable from market housing, the additional traffic from 6 more dwellings, potential drainage and flooding issues and the narrowness of School Lane.
- The views of the Ward Member with regard to the amount of dwellings within the allocation in the emerging Local Plan and the application for 26 dwellings and the initial thoughts of the Highway Authority in May 2019
- The reasoning behind the recommendation for 20 dwellings within the allocation
- Whether a reduction in the number of dwellings could be negotiated

It was therefore:

**RESOLVED** that: the application be deferred to allow officers to negotiate with the developer with a view to reducing the number of dwellings on the site to 20 in total.

(Proposed by Cllr S J Clist and seconded by Cllr B G J Warren)

Notes:

- i) Cllr C J Eginton made declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had been involved in discussions with the Parish Council and objectors to the application
- ii) Mr King-Smith (Agent) spoke;
- iii) Cllr Godley (Chairman of Chawleigh Parish Council) spoke
- iv) Cllr C J Eginton spoke as Ward Member;
- v) A proposal to approve the application was not supported;
- vi) The following late information was provided: Correction p57 Main modifications to the Local Plan Review will (subject to future decisions of Cabinet and Council) be subject to public consultation. The consultation has not yet started.

Recommendation to also include a further S106 requirement:  
5% self build as serviced plots.

- c) No 3 on the Plans List ***(18/01711/MOUT – Formation of an open clamp (4630m2) for the storage of silage and provision of new access – land and buildings at NGR 288069 117081 (Gibbet Moor Farm) Rackenford).***

This item had been deferred as indicated in minute 69.

- d) No 4 on the Plans List ***(19/01396/TPO – Application to fell 1 oak tree protected by Tree Preservation Order 02/00006/TPO – land at NGR 296476 113635 (adjacent to 3 St Johns Close), Redvers Way, Tiverton***

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the tree and the fact that it was growing out of the hedgerow (which was protected) and was not a very good specimen nor worthy of a TPO.

Consideration was given to: the oak trees in the area and that the oak in question had grown from within the hedgeline.

It was therefore:

**RESOLVED** that: the application be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr D J Knowles and seconded by Cllr B A Moore)

#### 71 **MAJOR APPLICATIONS WITH NO DECISION (2-12-55)**

The Committee had before it, and **NOTED**, a list \* of major applications with no decision.

It was **AGREED** that:

Application 19/01679/MFUL (Ground Mounted Solar PV Array, Langford) be brought before committee for determination and that a site visit take place.

Application 19/01592/MOUT (Phase 2 of the north west Cullompton Urban Extension) be brought before committee for determination and that a site visit take place.

Note: \*List previously circulated; copy attached to the Minutes

#### 72 **APPEAL DECISIONS (2-15-32)**

The Committee had before it and **NOTED** a list of appeal decisions \* providing information on the outcome of recent planning appeals.

Note: \*List previously circulated; copy attached to Minutes.

#### 73 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-17-00)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution.

It was therefore:

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 and 5 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and

paragraph 5, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

74 **APPEAL - APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL**

The Committee had before it a \*report of the Group Manager for Legal Services and Monitoring Officer.

Members considered the report before them and discussed the way forward with regard to the forthcoming appeal.

Note: \*Report previously circulated.

(The meeting ended at 6.30 pm)

**CHAIRMAN**

This page is intentionally left blank

## PLANNING COMMITTEE AGENDA - 20th November 2019

### Applications of a non-delegated nature

| <u>Item No.</u> | <u>Description</u>  |
|-----------------|---|
| 01.             | <p>19/00718/MOUT - Outline for the erection of 26 dwellings at Land at NGR 270904 112818(The Barton), Belle Vue, Chawleigh.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>  |
| 02.             | <p>17/02020/MFUL - Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping at Astra Printing and Crown Works Site, Willand Road, Cullompton.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p> |
| 03.             | <p>19/00794/FULL - Erection of dwelling and double garage; formation of vehicular access and associated renewable energy systems and landscaping at Land at NGR 308470 112426 (Craddock Lodge), Craddock, Devon.</p> <p><b>RECOMMENDATION</b><br/>Refuse permission.</p>  |
| 04.             | <p>19/00210/MFUL - Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping at 36 Post Hill, Tiverton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>   |
| 05.             | <p>19/00924/HOUSE - Erection of extension and alterations to roof to include first floor accommodation and dormer window at 7 Rackenford Road, Tiverton, Devon.</p> <p><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>  |

Application No. 19/00718/MOUT

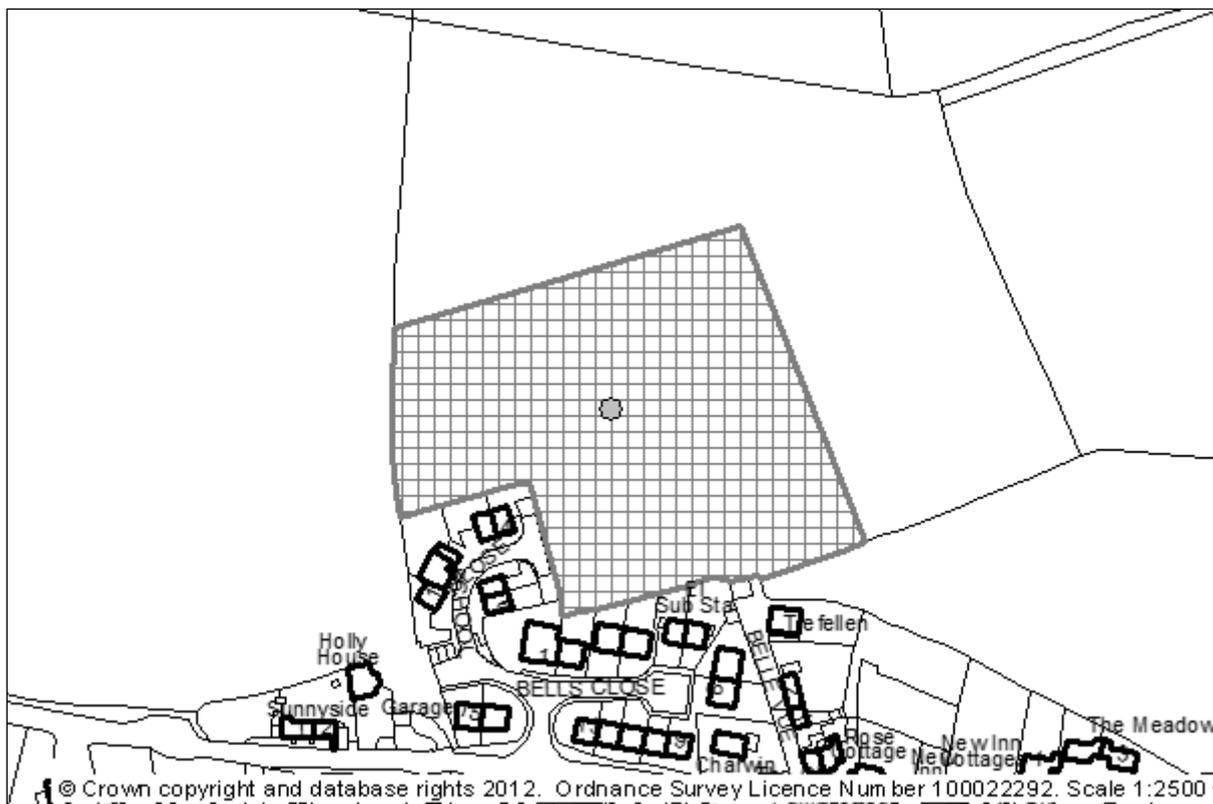
Grid Ref: 270924 : 112888

Applicant: Mr & Mrs Turner

Location: Land at NGR 270904 112818(The Barton)  
Belle Vue  
Chawleigh  
Devon

Proposal: Outline for the erection of 26 dwellings

Date Valid: 25th April 2019



## **APPLICATION NO: 19/00718/MOUT**

### **Update.**

This application was considered at the meeting of Planning Committee of 23<sup>rd</sup> October 2019 at which time it was resolved to defer the application to allow officers to negotiate with the developer with a view to reducing the number of dwellings on the site to 20 in total. It has subsequently been confirmed that the applicant does not wish to amend the number of dwellings sought, thereby wishing the application to be determined on the basis of 26 dwellings.

The recommendation remains one of approval:

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a s106 agreement to secure the following:

1. 30% affordable housing in accordance with a scheme to be agreed with the Local Planning Authority.
2. 5% self build as serviced plots.
3. A financial contribution of £67,497.00 towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. This figure arising from a development of 26 dwellings resulting in 7 primary pupils with the calculation as follows: £7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00
4. A financial contribution of £31,330 towards public open space provision in the Parish of Chawleigh, which this figure based on an outline application for 26 dwellings.

---

### **MEMBER CALL-IN**

This application has been called in by Councillor Eginton in order for Members to consider the views of Chawleigh Parish Council

### **PROPOSED DEVELOPMENT**

This is an outline application for the erection of 26 dwellings on land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh with the matter of access included for consideration at this stage. The access into the site would be via School Close with an indicative plan having been submitted to identify how 26 dwellings could be accommodated on site.

This application has been submitted to establish the principle of development on the site, with all matters such as appearance, landscaping, layout and scale reserved for future consideration within any reserved matters application. The original submission was for 28 dwellings to be provided on site but this was later amended down to 26 dwellings following concerns raised on the grounds of potential overdevelopment of the site.

The site is a field located to the north west of Chawleigh, which is currently outside of the settlement limits for the village but the site is allocated within the emerging local plan under policy

CH1 which outlines a site of 1.25 hectares at the Barton, allocated for a residential development of 20 dwellings with 30% affordable housing with the access to be achieved off School Close.

## **APPLICANT'S SUPPORTING INFORMATION**

Application Form, Location Plan, Site Layout Plan, Design and Access Statement, Draft Heads of Terms Agreement, Ecological Report, Flood Risk Assessment, Geophysical Report, Planning Statement, Transport Statement, Waste Audit Statement

## **RELEVANT PLANNING HISTORY**

05/02092/FULL - REFUSE date 30th November 2005  
Change of use of agricultural land to residential curtilage

06/01780/FULL - PERMIT date 2nd November 2006  
Erection of 6 no. dwellings to include road improvements and the change of use of agricultural land into garden

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR5 - Climate Change  
COR8 - Infrastructure Provision  
COR9 - Access  
COR11 - Flooding  
COR12 - Development Focus  
COR17 - Villages  
COR18 – Countryside

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

AL/DE/3 - Affordable Housing Site Target  
AL/IN/2 - Development Without Community Infrastructure Levy  
AL/IN/3 - Public Open Space  
AL/IN/4 - Green Infrastructure  
AL/IN/5 - Education Provision

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM7 - Pollution  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes  
DM27 - Development affecting heritage assets

### **Local Plan Review 2013 - 2033**

Policy CH1 - Barton, Chawleigh

A site of 1.25 hectares at the Barton is allocated for residential development, subject to the following:

- a) 20 dwellings with 30% affordable housing;
- b) Access to be achieved off School Close;
- c) Design solution which respects the setting of the conservation area and listed buildings; and
- d) Archaeological investigation and appropriate mitigation measures.

## **CONSULTATIONS**

### **Chawleigh Parish Council – 1st June 2019**

Chawleigh Parish Council objects to the outline planning application for the erection of 28 dwellings at The Barton based on the following material considerations:

1. The emerging Local Plan details the allocation of a site of 1.25 hectares at the Barton for residential development for 20 dwellings, including 30% affordable housing. This is consistent with the response provided by Chawleigh Parish Council to the Mid Devon Local Plan Review in March 2014, following a public meeting attended by 32 members of the public. The outline proposal is for 28 dwellings which is significantly higher and the scale of the development is not consistent with local planning policy.
2. There is a concern that the design of the development with the large plots shown on the outline plan would provide an opportunity for additional dwellings being built at a later date, which would increase the number of dwellings above the agreed number set out in the Local Plan.
3. The Council supports the policy requiring the target of 30% affordable housing on sites with six dwellings or more and would therefore expect to see at least six affordable houses on a development of 20 dwellings.
4. The Council would like to see the design of the development to include a number of 2-bedroom bungalows as a previous housing needs survey showed that this was needed for the community and to encourage people to stay in the village.  
In addition, there is no need for large houses as 2 or 3-bedroom properties would be sufficient.
5. There is a significant concern about the highways access to the development. Although the entrance to Bells Close is wide, School Close is a narrow lane with very tight bends and this is the only access to the development site. This has adverse implications during the building works as it is likely that the lorries will damage the existing pavements.  
Once the development has been built, the access will still be poor. There is a concern about access for emergency vehicles and other large vehicles, both via Bells Close and School close and then around the development site itself.
6. There is a concern about the number of vehicles that will be parked along the road once the development has been finished and the residents are in place as there could be at least another 56 vehicles or more. There is already an issue with the number of parked cars in School Close as on one occasion 17 cars were counted, as well as a further 12 cars in Bells Close. Although the dwellings appear to have garages attached, people often use their garage as a storage space and park their car(s) outside the house and/or on the street.  
The design of the development has set aside an area of central parking, presumably for visitors and any overflow. This would not be not large enough for all the residents' cars, as some residents will have more than two cars and there does not appear to be any space set aside on the development's roads for parking or for houses to have driveways.

7. The design of the development does not take into account the future policy for electric cars as there is no consideration for the future needs of electric car charging points. In principle, based on at least two cars per household, the cars would need to be parked in the garage or on a driveway next to each house with access to an electric car charging point.

8. The capacity of the physical infrastructure, e.g. the sewage system, in Chawleigh is already under significant pressure which will be made worse with the addition of 28 dwellings. There are also concerns about potential drainage problems as surface water already comes off the fields causing flooding on Barton Lane and onto the churchyard.

The Council would expect to see local financial considerations offered, such as a Section 106 agreement, Community Infrastructure Levy or similar, to support the improvements to the village's physical infrastructure such as the sewage and surface water systems. This could include the development of a footpath/pavement from the development site to the Playing Field, which is the nearest open space.

9. With regard to social facilities, there will be a significant impact on the local GP services and the dentist's services as they have limited or no places available on their lists. Similarly, access to the local primary and secondary schools may be limited.

10. There are very limited employment opportunities in the village and surrounding area, so the residents on the development will need to work outside the area. While the train service is good, transport is needed to get to the nearest station. The public bus service to Exeter is currently good but there is a limited bus service to Barnstaple.

11. The development's impact on the landscape will be significant and it will be necessary to ensure the site is screened with trees and other plants to reduce the visual impact, to increase the biodiversity and have a positive impact on climate change.

The Council has noted the comments made by other organisations, including the security concerns raised by the Police.

### **Chawleigh Parish Council – 15th August 2019**

Chawleigh Parish Council (the Council) OBJECTS to the outline planning application based on the following material considerations:

1. The Council welcomes the change to the proposed car parking arrangements in response to the security concerns raised by Devon, Cornwall and Dorset Police so that cars will be parked on driveways adjacent to individual dwellings. However, based on an estimate that there would be at least two cars per household, the driveways would need to be large enough for two cars.

2. In accordance with the local parking standards for residential developments set out in the National Planning Policy Framework (para. 105), there should be adequate provision of spaces for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The revised site layout does not show any such locations.

3. The Mid Devon District Council (MDDC) Local Plan (Policy DM 8) states that new developments should provide an adequate level of parking that takes into account the accessibility of the site, including availability of public transport. Although there are good public transport services to Exeter, they are more limited to Barnstaple. This supports the likelihood that residents of the new development will have at least two cars per dwelling.

As a result, there is a concern about the number of vehicles that could be parked along the road once the development has been finished and the residents are in place. This concern has been resolved in part by the revised proposals for driveways, however there remains a concern relating

to overflow parking, such as visitors' parking, on the development as no additional parking space is available. The overflow will extend along the roadway or in the adjoining streets, resulting in congestion and possible unsafe parking on narrow footways. There is already an issue with the number of parked cars in School Close as on one occasion 17 cars were counted, as well as a further 12 cars in Bells Close.

4. The Barton site in Chawleigh has been identified as a location suitable for a limited level of development to meet local needs (MDDC Local Plan, Policy S 13). The Council noted the reduction in the number of dwellings from 28 to 26 in the revised site layout. However, this number of dwellings is still not consistent with the MDDC Local Plan (Policy CH 1) for 20 dwellings with 30% affordable housing on the 1.25 hectares site at the Barton. This figure had been agreed with Chawleigh Parish Council in March 2014, following a public meeting attended by 32 members of the public. In addition, the planning application's Transport Statement (para. 338) submitted on 30 May 2019 states that the road capacity should limit the development to 20 dwellings.

5. The Council supports the MDDC Local Plan (Policy COR 3, para 7.9) requiring a target of 30% affordable housing on sites with 6 dwellings or more and would therefore expect to see proposals for 6 affordable houses and 14 private houses on a development of 20 dwellings.

6. As set out in the National Planning Practice Guidance (para. 040: Housing Design Issues), the Council would expect that the affordable housing will not be distinguishable from the private housing by its design, nor will it be located on the least attractive part of the site. The Council would expect the developer to mix the affordable housing amongst the private housing.

7. The Council is pleased that the design of the development includes a number of 2-bedroom bungalows as a housing needs survey showed that this was needed for the community and to encourage people to stay in the village. However, compared with the original site layout (Drawing No. 18000\_SK100), the revised site layout shows a reduction in the number of 2-bedroom dwellings (from 12 to 10), a reduction in the number of 2.5-bedroom dwellings (from 10 to 9) and an increase in the number of 3-bedroom dwellings (from 6 to 7). The Council would be concerned if the proportion of 2-bedroom dwellings is reduced further if the plans are revised again.

8. At this stage, it is not clear whether the dwellings are houses or bungalows. The development would be enhanced by including a mix of different types of houses to cater for a range of demographic groups, especially families and older people, as set out in the National Planning Practice Guidance (Para. 014: Planning should promote cohesive and vibrant neighbourhoods). This also supports the provision of smaller dwellings, with maximum affordable housing provision as set out in the balanced growth strategy alternative in the MDDC Local Plan (para 5.9).

9. There remains a concern that the design of the development with the large plots shown on the revised site layout would provide an opportunity for additional dwellings being built at a later date, which would increase the number of dwellings above the agreed number set out in the MDDC Local Plan (Policy CH 1).

10. In accordance with MDDC Local Plan (COR 8, para. 7.27), the provision of infrastructure should be in step with the development, taking into account existing provision. The capacity of the physical infrastructure, e.g. the sewage system, in Chawleigh is already under significant pressure which will be made worse with the addition of 26 dwellings. There are also concerns about potential drainage problems as surface water already comes off the fields causing flooding on Barton Lane and onto the churchyard. The Council would expect to see local financial considerations offered, such as planning obligations (S106), Community Infrastructure Levy or similar, to support the improvements to the villages physical infrastructure such as the sewage and

surface water systems. This could include the development of a footpath/pavement from the development site to the Playing Field, which is the nearest open space.

11. In Chawleigh, there are long-term problems of flooding during heavy showers, e.g. on the main street outside Butts Cottage, a lake of water regularly appears as the surface water drainage pipes are inadequate for the flow. The Council supports the Local Flood Authority's comments regarding the pre-commencement conditions to ensure the surface water run off is appropriately managed both during the construction and for the lifetime of the development (National Planning Policy Framework, para.165). This would also ensure compliance with the MDDC's Local Plan (Policy DM 2) which requires developments to include suitable drainage systems.

12. There is a significant concern about the highways access to the development. Although the entrance to Bells Close is wide, School Close is a narrow lane with very tight bends and this is the only access to the development site. This has adverse implications during the building works as it is likely that the lorries will damage the existing pavements. The Council supports the Highway Authority's proposed construction management plan to ensure adequate onsite facilities are available for construction traffic in the interest of the safety of all users of the ongoing public highway and to protect the amenities of the adjoining residents.

13. Once the development has been built, the access will still be poor. In accordance with the National Planning Policy Framework (para. 110), the development should allow for efficient delivery of goods and access by service and emergency vehicles. There is a concern about lack of access for emergency vehicles and other large vehicles, both via Bells Close and School Close and then around the development site itself.

14. There are very limited employment opportunities in the village and surrounding area, so the residents on the development will need to work outside the area. While the train service is good, transport is needed to get to the nearest station. The public bus service to Exeter is currently good but there is a limited bus service to Barnstaple. The Council expects MDDC to continue to work in partnership to support public transport initiatives to maintain sustainable travel patterns (MDDC Local Plan, COR 9 para. 7.30), including the local train service (MDDC Local Plan, COR 10).

15. The development's impact on the landscape will be significant and it will be necessary to ensure the site is screened with trees and other plants to reduce the visual impact as well as to conserve or enhance biodiversity (National Planning Policy Framework, para.175).

16. The Council supports the comments from Historic Environment Team recommending a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the development (National Planning Policy Framework, para.199).

17. With regard to social facilities, there will be a significant impact on the local GP services and the dentist's services as they have limited or no places available on their lists. The Council has noted the comments and request for contributions to secure sustainable healthy communities from the Royal Devon & Exeter NHS Foundation Trust. Similarly, access to the local primary and secondary schools may be limited. The Council has noted the comments and request for contributions to support primary school transport costs from the Devon County Council Education. It should be noted that the Council is concerned that previous comments made at both the preapplication stage and at the planning application stage do not appear to have been addressed.

## Highway Authority – 21st May 2019

### Observations:

I have visited the site which is accessed from a shared surface road which it's self is accessed off the B3042 through Bells close an access road type construction. The adopted Devon design guide recommends that up to 25 dwellings can be accessed through a shared surface road. The development is proposing 28 Dwellings and combined with the existing 6 properties would provide 34 dwellings from this type of road. While the design guide is a recommendation and its upper limit flexible the previous village 30 year plan of 20 units from this road would be more in keeping with the shared surface recommendations that than of the 28. The Highway Authority has examined the transport statement and is satisfied with its content. The parking provision is in keeping with the standards adopted by Mid Devon's and while this is an outline application with all matters reserved except access the centralisation of all parking rather than with individual properties does raise concerns. Previous developments with isolated parking gives rise to parking on street and obstruction of footways and carriageways. The Highway Authority would prefer to see parking spaces allocated to each plot or in such a manner that all properties can view their spaces and provided passive surveillance making their use more attractive and be of a number that is sufficient to deter parking on the road and verges. Therefore it is a matter for the Local planning Authority to consider the parking and the volume of the development against the recommended guidance. The access to the site and the volumes of traffic are acceptable to the Highway Authority and therefore should planning consent be granted the following conditions should be imposed, of which a construction management plan should be submitted and an alternative access to the site explored .e.g. via a haul road across adjoining controlled land rather than through the shared surface residential road

### 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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.;
  - 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. 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. 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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) 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

4. 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

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

REASON: To protect water quality and minimise flood risk in accordance with Flood Management act.

## **DCC - Lead Local Flood Authority – 30th May 2019**

### Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

### Observations:

The applicant should revise the attenuation strategy to incorporate above ground SuDS features in line with Devon County Councils discharge hierarchy. It is noted that impermeable area is proposed to be very low for a residential area. If this area increases then greenfield runoff rates and in turn storage volumes must be re-calculated to accommodate for this additional runoff. The applicant should clarify the position of the highway soakaway and whether it is located in an open green space or a back garden. Devon County Council do not recommend these being located within back gardens for maintenance reason so plans should be revised if this is the case. Clarification of the infiltration rates should be given.  $1 \times 10^{-6}$  is the rate that is generally accepted as giving suitable drain down times.

## **DCC - Lead Local Flood Authority – 25th June 2019**

### Recommendation:

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

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

- No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 19001, First Issue, dated April 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response FRM FRM/MD/00718/2019 dated 30th May 2019 the applicant has provided additional information in relation to surface water drainage aspects of the above planning application in an email dated 14th June 2019, for which I am grateful.

- Email from Jamie Law Trace Design to Poppy Millar dated 14th June 2019

The applicant has put forward a feasible surface water drainage solution in line with the surface water management hierarchy. Although infiltration testing has not yet been done a suitable attenuation strategy has also been proposed for if it is not possible to provide soakaways on site. It is understood that a relatively high rate of infiltration has been assumed. This should be updated in light of infiltration testing. The applicant must also revise Greenfield runoff and attenuation storage calculations if the proposed impermeable area increases.

### **Public Health – 13th May 2019**

Contaminated Land: No objection to this proposal (07.05.19).

Air Quality: No objection to this proposal (30.4.19).

Environmental Permitting: No objection to this proposal (30.4.19).

Drainage: No objection to this proposal (07.05.19).

Noise & other nuisances:

Recommend approval with conditions:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority (07.05.19).

Housing Standards: No comment (11.5.19).

Licensing: No comments (30.4.19).

Food Hygiene: Not applicable (30.4.19).

Private Water Supplies: Not applicable (03.05.19).

Health and Safety: No objection to this proposal enforced by HSE (30.4.19).

### **Housing Options Manager – 10th May 2019**

Please note current housing need for Chawleigh

| Chawleigh<br>Bedroom Size and Type | Banding |        |        |        |             |
|------------------------------------|---------|--------|--------|--------|-------------|
|                                    | Band B  | Band C | Band D | Band E | Grand Total |
| 1                                  |         | 1      | 4      | 4      | 9           |
| General Needs                      |         | 1      | 4      | 3      | 8           |
| Step Free                          |         |        |        | 1      | 1           |
| 2                                  |         | 2      |        | 2      | 4           |

|                       |   |   |   |   |    |
|-----------------------|---|---|---|---|----|
| General Needs         |   | 1 |   | 1 | 2  |
| Maximum of 3 Steps    |   |   |   | 1 | 1  |
| Step Free             |   | 1 |   |   | 1  |
| 4                     | 1 | 1 |   |   | 2  |
| General Needs         |   | 1 |   |   | 1  |
| Wheelchair Accessible | 1 |   |   |   | 1  |
| Grand Total           | 1 | 4 | 4 | 6 | 15 |

### Devon, Cornwall and Dorset Police - 3rd May 2019

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available drawings do not reveal any details that would be of concern to the police. However, having reviewed the available proposed site layout (option 2) drawing 18000\_SK100, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, leading to residents to park on the street. The proposed parking court is not well overlooked, the spaces being disconnected from the associated dwellings. This places the burden of surveillance on the occupants of the closest dwellings, regrettably, there is overwhelming evidence to suggest that unless a crime directly involves a member of the public, many will not report it for fear of repercussions. Residents will also look to park as near to their choice of main access point, resulting in parking on footpaths and verge's, creating potential for community conflict between residents and motorists.

Best practice suggests cars should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of active rooms within these homes. The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.

Likewise, rear car parking courtyards are discouraged for the following reasons:

- ' They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated
  - ' In private developments such areas are often left unlit and therefore increase the fear of crime
  - ' Un-gated courtyards provide areas of concealment which can encourage anti-social behaviour
- Where rear car parking courtyards are considered absolutely necessary they must be protected by a gate.

### Devon and Cornwall & Dorset Police – 23rd July 2019

Re 26 dwellings (Revised Drawings & Additional Information) The Barton, Belle Vue, Chawleigh, Devon - 23rd July 2019

From a crime and disorder perspective, the revised parking scheme (to on plot private drive) is noted and welcomed. Please do not hesitate to contact me if any clarification is sought or I can assist further.

## **Historic Environment Team - 14th May 2019**

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/34144a

The geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the nature and significance of the anomalies identified by the geophysical survey and to test the efficacy of the survey itself. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to

be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/> .

Historic Environment Team – 2nd August 2019

I refer to the above application and your recent re-consultation. I have no additional comments to make to those already made, namely:

The geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the nature and significance of the anomalies identified by the geophysical survey and to

test the efficacy of the survey itself. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

### **DCC – Education – 16th May 2019**

Regarding the above application, Devon County Council has identified that the proposed increase of 28 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested. This is set out below:

We have forecasted that there is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards education infrastructure will not be sought.

We will however require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. The costs required are as follows: -

7 Primary pupils

£7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Chawleigh. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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 the 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.

## **DCC – Education - 30th September 2019**

The amount has not changed as the rounded up number of primary pupils is still 7. However, I have amended the response to clarify the correct number of dwellings.

Regarding the above application, Devon County Council has identified that the proposed increase of 26 family type dwellings would generate an additional 6.5 primary pupils and 3.9 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested. This is set out below:

We have forecasted that there is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards education infrastructure will not be sought.

We will however require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. The costs required are as follows: -

7 Primary pupils

£7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Chawleigh. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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 the 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.

## **Royal Devon and Exeter NHS Foundation Trust – 21st May 2019**

Please find attached our representations in respect of planning application 19/00718/MOUT - Belle Vue Chawleigh Devon.

Whilst writing we enclose updated Appeals list and associated bundle to assist you.

These are material planning considerations and a brief summary of key points is below:

In the case of the appeal decision of the Land North of Campden Road Reference APP/J3720/A/14/ 2221748 (tab 1 of the attached bundle), the Inspector erroneously thought that there was no shortfall in the funding because it was recovered retrospectively. As demonstrated in the evidence provided, the Trust will not recover the funding gap created by new development.

This was also the case in relation to all of the appeals provided and has been accepted in the subsequent appeal decisions.

The appeal decision APP/U4610/W/18/3196439 in (Coventry) (tab 7) of the attached bundle) the inspector applied a pooling restriction. As explained the pooling restrictions do not apply. The relevant Trust involved was not aware of the appeal, and was not involved in the appeal process and did not challenge the decision for the same reason.

In a further appeal, decision Ref: APP/R3705/W/18/3196890 (Tamworth) (tab 8) all parties and the Inspector agreed that the NHS Trust request for contribution was 122 CIL Compliant. This decision is subsequent to the Coventry decision above and is the most recent one.

We would be grateful if you could please take these into consideration.

The Royal Devon and Exeter NHS Foundation Trust have provided a 20 page document outlining evidence for S106 Developer Contributions for Services which has been linked to the planning file and can be viewed on the council website. The Foundation Trust having undertaken an impact assessment formula outline the main finding and S106 requirement is as follows:

A development of **28 dwellings** equates 65 new residents (based on the current assumption of 2.33 persons per dwelling as per ONS figures). Using existing 2016 demographic data as detailed in the calculations in Appendix 5 will generate 130.57 acute interventions over the period of 12 months. This comprises additional interventions by point of delivery for:

- A&E based on % of the population requiring an attendance
- Non Elective admissions based on % of the population requiring an admission
- Elective admissions based on % of the population requiring an admission
- Day-case admissions based on % of the population requiring an admission
- Regular attendances based on % of the population requiring to attend regularly
- Outpatient attendances based on % of the population requiring an attendance
- Outpatient attendances based on % of the population requiring procedure
- Community health services based on % of the population requiring the delivery of Community based Services.

**Formula:**

**Increase in Service Demand:**

**Development Population x % Development Activity Rate per head of Population x Cost per Activity = Developer Contribution**

As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of **28 dwellings** is **£36,979.00**. This contribution will be used directly to provide additional health care services to meet patient demand.

The contribution requested (see Appendix 5) is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receives 100% of the above figure prior to implementation of the planning permission for the development. This will help us to ensure that the required level of service provision is delivered in a timely manner. Failure to access this additional funding will put significant additional pressure on the current service capacity leading to increased delays for patients and dissatisfaction with NHS services.

## **REPRESENTATIONS**

A total of 24 letters of representation have been received at the time of writing this report. One of the letters is a general comment and the rest are objecting to the proposal, the concerns raised can be summarised as:

- The number of dwellings proposed is more than is required in the village
- The general scale of the development
- In 2014 the parish council stated that the total number of new units on the site should not exceed 20
- The proposed access cannot sustain an increase in traffic
- Ease of access for emergency services
- Safety of access
- Increase in traffic could result in safety issues
- Greenfield site
- Not enough facilities/services in the village
- Strain on existing services such as GP surgery and dentist
- Lack of places at local schools
- Inadequate road and public transport infrastructure
- Proposal not in-keeping with the wider village
- Already adequate affordable housing in the village
- Parking concerns particularly around means of charging electric vehicles
- Potential increase in crime due to proposed parking provision
- Concerns whether sewerage system can sustain an increase in use
- Reliance on private cars
- Lack of variety in terms of types of homes particularly referring to lack of bungalows
- Impact on biodiversity
- Increase in pollution
- No children's play area within the development
- Overlooking of nearby residential properties
- Concerns around the potential to extend the new dwellings in the future
- Surface water concerns
- Waste collection
- Crowded layout of the site
- Impact of goods vehicles during construction
- Visual impact

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Principle of development, planning policy and 5 year housing supply;
2. Highways and highway safety
3. Drainage and Flood Risk
4. Public open space and green infrastructure (GI)
5. Landscape and ecology
6. Living conditions of the occupiers of nearby residential properties
7. Impact on Heritage Assets
8. S106 Obligations and local finance considerations
9. Sustainable development balance.

### **1. Principle of development and 5 year housing land supply**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Crediton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types.

Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

This is an outline planning application for the erection of 26 dwellings on a site currently outside by adjoining the settlement boundary of Chawleigh, a recognised settlement in the Mid Devon Local Development Framework. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Chawleigh but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside.

The emerging Mid Devon Local Plan Review (post examination)

It is noted that within the emerging local plan the site is allocated for housing but based on a total of 20 dwellings. Policy CH1 - Barton, Chawleigh outlines the following:

A site of 1.25 hectares at the Barton is allocated for residential development, subject to the following:

- a) 20 dwellings with 30% affordable housing;
- b) Access to be achieved off School Close;
- c) Design solution which respects the setting of the conservation area and listed buildings; and
- d) Archaeological investigation and appropriate mitigation measures.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of*

*specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.*

*A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.*

*Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.*

*Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.*

*Other development plans, including the Devon Minerals and Waste Local Plans and Neighbourhood Development Plans (once 'made'), adopted masterplans and supplementary planning documents, where relevant, can also be material to the determination of planning proposals for housing development.'*

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 10 of this report.

The Local Plan Review has been through examination with the main modifications now being consulted on, so the situation is that the Plan is yet to be adopted. At the time of writing this report, with the Planning Inspector having not raised any objection to the residential development allocation proposed in Chawleigh, The Local Plan Review is considered to carry some weight in consideration of this planning application.

The principle of developing the site for up to 26 dwellings and the proposed means of access to the site are the only issues for consideration through this application. The quantum of development proposed is slightly higher than the policy aspirations in the LPR which identifies a residential development of 20 dwellings primarily due to the highway access. An indicative layout has been provided to show how a layout for the residential development could be achieved. Whilst it may be the case that the layout shown would need to be approved upon, it does at least show that a scheme for 26 dwellings could be provided on site given the size of the site. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure 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.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. The NPPF states that transport issues should be considered from the earliest stages of planmaking and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

With respect to emerging policy CH1 (Barton, Chawleigh) the supporting text outlines that 'the site comprises part of an agricultural field to the north of the village of Chawleigh. The south western corner of the field contains a completed rural exception site named School Close. Access can be achieved off the exception site but road capacity should limit development to a maximum of 20 dwellings.'

It was noted that the Local Highway Authority Officer whilst not directly recommending refusal for a scheme of 28 dwellings, stated that '*I have visited the site which is accessed from a shared surface road which it's self is accessed off the B3042 through Bells close an access road type construction. The adopted Devon design guide recommends that up to 25 dwellings can be accessed through a shared surface road. The development is proposing 28 Dwellings and combined with the existing 6 properties would provide 34 dwellings from this type of road. While the design guide is a recommendation and its upper limit flexible the previous village 30 year plan of 20 units from this road would be more in keeping with the shared surface recommendations than of the 28.*'

As a result of concerns for a development of 28 dwellings, the applicant has reduced the proposal down to 26 dwellings. The Local Highway Authority have advised that they have no objection in terms of the volume of traffic generated by this development and using the proposed access off School Close, with a number of conditions recommended such as a Construction Management Plan.

Concerns have been received about the levels and location of parking provision proposed for the site including the means of charging electric vehicles. The current policy (DM8) requires 1.7

spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not fall to be considered under this application. Concerns have also been expressed about the quality of the road surface in and around Siskin Chase but this is a maintenance matter for the Highway Authority and does not fall to be considered here. On balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds, the development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy.

### **3. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The application site is within flood zone 1. Therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with.

The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The Environmental Health Department has raised no objection on drainage grounds at this stage. Policy AL/CU/3 of the AIDPD requires the provision of a Sustainable Urban Drainage Scheme (SUDS) to deal with all surface water from the development and arrangements for future maintenance. Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have to date raised no objections to the proposed development. On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3.

### **4. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The indicative plan

identifies landscaping but no formal public open space within the site so a S106 agreement would outline the financial contribution required toward a public open space project in the Parish.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland. The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The submitted layout plan is only indicative at this stage but does indicate areas of Green Infrastructure in and around the site. Given that its provision can be secured by way of submission of reserve matters application, it is considered that the policy requirement can be satisfied.

## **5. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the east and south east (over 150m away) where the development could be viewed from a number of heritage assets and therefore impact on the setting of these listed buildings/conservation area, but this is considered further a little later in this report.

In terms of this application site, it is an agricultural field on the outskirts of the village, to the northwest being a fairly level field. With reference to the Mid Devon landscape character assessment which was prepared in 2011, the Landscape Character Type (LCT) for this area is 3A Upper farmed and wooded valley slopes. The assessment outlined that there are extensive conservation areas covering the historic cores of many of the villages and settlements found within this landscape, that there are a high number of listed buildings, with some traditional farmsteads being intact and displaying fine examples of tradition Devon longhouses, lincays, barns and cobb or stone walls. I was also noted that there are a number of long distance views from one hilltop to another in this landscape. A future force for change has been recognised in development pressure from people moving to the area and in response to demand for affordable housing with modern housing development within and on the edges of historic settlements.

With respect to the proposed development, this is an outline application for up to 26 dwellings with details of layout, scale and appearance reserved for later consideration. However, an indicative plan has been provided to identify how 26 dwellings could be accommodated on site and it is noted that the properties along School Close and Bells Close are a mix of single storey and two storey which could be replicated on this site. Based on the site area the current scheme for 26 dwellings would represent 21 dwellings per hectare. The existing residential development of 22 dwellings on Bells Close and School Close represents 30 dwellings per hectare and the 13 dwellings of Butts Close a little further away when include the open space area would equate to 21 dwellings per hectare. Therefore it is considered that the proposal would not be overdevelopment of the site.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Members are advised that the landscape impacts of a development on the site would have been considered prior to allocating the site within the Local Plan Review and in any event, mitigation proposals would need to form part of the reserved matters application.

With regards to protected species and habitats, a Preliminary Ecological Appraisal has been submitted which shows the survey results for the site. No protected species were found on site but the survey indicates the use of the site for foraging by bats. The conclusions were that the proposed development will cause a limited extent of habitat loss during construction, and post occupation disturbance, for bat species (in flight feeding and/or dispersal), dormice (if present), nesting birds, amphibians and reptiles. Through implementation of ecology mitigation, compensation and enhancement measures, the proposal would represent a positive biodiversity gain.

Mitigation through provision of bat boxes and consideration within the scheme design to items such as lighting will need to form part of the reserved matters application.

Subject these further assessments to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1) and the provisions of the NPPF.

## **6. Living conditions of the occupiers of nearby residential properties**

Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policies DM2 and DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. This is an outline application with matters of layout, landscaping, appearance and scale to be considered at a later date, but based on a development of 21 dwellings per hectare and the indicate layout plan provided, it is considered that a residential development could be designed

which was in accordance with these two policies.

## 7. Heritage

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

With respect to emerging policy CH1 (Barton, Chawleigh) the supporting text outlines that *'the site is located in an area of archaeological potential and records indicate the presence of a prehistoric burial site. Therefore, archaeological investigation of the site will be required, and mitigation if necessary. Appropriate landscaping will be required to mitigate any potential impacts on the conservation area and listed buildings, including the grade I church which lies to the south east.'*

The Historic Environment Team at Devon County Council has noted that the geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. A condition has been recommended to this effect.

In terms of the potential for the development to impact on the nearby Conservation Area and listed buildings such as the grade I church, the Conservation Office has noted that this is an outline application so whilst it is noted that the site is allocated within the Local Plan Review, the final details will be key in determining that there will not be significant harm to the setting of either the Conservation Area or listed buildings. Therefore subject to the imposition of their recommended condition for a WSI, and allowing for further consideration to the design of the houses and layouts at reserved matters stage, it is considered that a residential development could comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## 8. Section 106 obligations

The s106 requirements are set out in full at the start of this report.

The applicants are proposing 30% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The application has included an indicative plan which does not include the provision of public open space on site and therefore it would be necessary to secure a financial contribution towards off-site provision, which in this case would be £31,330 with the allocated project being the provision of trim trail equipment and associated paraphernalia for Chawleigh playing field and other public open space within the parish of Chawleigh. This would be secured by way of an s106 agreement.

The Education Authority have requested financial contributions towards education provision as Devon County Council has identified that the proposed increase of 26 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested which would amount to a contribution of £67,497.00.

The NHS have requested a financial contribution towards maintaining service delivery during the first year of occupation of each unit of the accommodation on/in the development. They advise that due to the payment mechanisms, constitutional and regulatory requirements the Trust is subject to, it will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and they go on to advise that there is no mechanism for the Trust to recover these costs retrospectively in subsequent years. Without securing such contributions, the Trust advises that it would have a direct and adverse impact on the delivery of health care in the Trust's area. The NHS has outlined a contribution of £36,979.00 which would be used directly to provide additional health care services to meet patient demand.

However, in respect to the NHS request, this is an outline planning application and as such the residential development would be subject to the time condition that application(s) for approval of 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 that 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 later. On this basis, whilst the Trust outline that they are currently operating at full capacity in the provision of urgent and elective healthcare having plans to cater for the known population growth but cannot plan for unanticipated additional growth in the short to medium term the residential development associated with this application, it is noted that this development may not commence for a further five years and take longer still to be occupied and as such it would be difficult to argue that this would represent unanticipated short term or medium term growth. As such at the current time, it is considered that this contribution should not form part of the S106 agreement but Members will be updated on any further recommendations in relation to this matter.

Therefore with the exception of the NHS request, Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations satisfies the relevant tests above.

## **10. Planning balance**

As set out in section 1 of this report, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated through appropriate final design, layout and landscaping, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions.

The delivery of 26 new homes, including 30% affordable housing weighs in favour of approval of the application. Also weighing in favour of the approval is the financial contribution towards public open space and education services. There could also be some modest benefits to the local economy, arising from construction and sales and additional spending by local residents on local services and facilities. The site is identified for development within the Local Plan Review (draft policy CH1 - Barton, Chawleigh for 20 dwellings) and is located adjacent the existing settlement limit for the village within walking distance of the centre where existing facilities and services can be found.

Weighing against approval of the application is the fact that the application is not policy compliant in that the emerging local plan has not been adopted and can only be afforded some weight and also that the proposal is above the 20 dwellings specified in the policy requirements, a net increase of six residential units.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

## **CONDITIONS**

1. CO1 Outline: Reserved Matters

No development shall begin until detailed drawings to an appropriate scale of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.

2. CO2 Outline: Submission of Reserved Matters

Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. CO3 Outline: Commencement

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 later.

4. CO6 Outline: additional matters

The detailed drawings required to be submitted by Condition 1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, finished floor levels, external lighting, materials, and surface water drainage methods and foul water disposal methods.

5. CM1 materials: details/samples to be approved

Prior to their use on site, details or samples of the materials to be used for all the external surfaces of the buildings shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials shall be so retained.

6. CL3 Existing trees/hedgerows to be retained – (Outline only)

As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.;
- 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

9. 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.

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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

11. 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.

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

13. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

14. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County

Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

15. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 19001, First Issue, dated April 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

17. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

18. The development hereby approved shall be carried out in accordance with the recommendations outlined within the Preliminary Ecological Appraisal Report prepared by EcoLogic dated March 2019.

## **REASONS FOR CONDITIONS**

1. RO1 TCP (DMP) Order 2010

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. RO2 S 92(2) of TCPA 1990

In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

3. RO3 Planning/Compulsory Purchase Act 2004

In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

4. RO6 Enable Local Planning Authority to consider

To enable the Local Planning Authority to consider the proposed schemes details in accordance with Policies DM2, DM14 and DM27 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies).

5. RM1 Ensure use of materials appropriate

To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM14 and DM27.

6. Interest of the visual amenity of area in accordance with Policies DM2 and DM27 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies)
7. To ensure, in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies) and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development
8. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate information is available for the proper consideration of the detailed proposals.
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 the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents
12. To protect water quality and minimise flood risk in accordance with Flood Management act.
13. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.
14. To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.
15. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
16. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
18. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in

accordance with Policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

## **INFORMATIVES**

1. The Lead Local Flood Authority advises the applicant to refer to Devon County Council's Sustainable Drainage Guidance.

## **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 26 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The site is adjacent to the defined settlement limit of Chawleigh but would be within the defined settlement limit in the emerging local plan, with the site being allocated for residential development. The quantum and density of development proposed is slightly more than that of the policy aspirations identified within the land allocation for residential development within the emerging local plan policy. The access into the site to serve a development of 26 dwellings is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 26 new homes, including 30% affordable housing weighs in favour of approval of the application as do S106 contributions towards public open space and education. Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a site currently outside of the settlement limit and providing more housing than stated within the emerging local plan policy. Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable. The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

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

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

Application No. 17/02020/MFUL

Grid Ref: 302124 : 107769

Applicant: Mr Mantel, McCarthy and Stone Retirement Lifestyle Ltd

Location: Astra Printing and Crown Works Site  
Willand Road  
Cullompton  
Devon

Proposal: Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping

Date Valid: 2nd January 2018



**APPLICATION NO: 17/02020/MFUL**

**RECOMMENDATION**

Approve Subject to Conditions.

**PROPOSED DEVELOPMENT**

Erection of building comprising 43 retirement apartments (comprising 24 two bedroom apartments and 19 one bedroom apartments) with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking (39 spaces), sub-station, and landscaping. The application site is currently in use for various employment purposes including a printing and engineering works at present in a collection of buildings on a site located between existing residential development, close to the town centre of Cullompton.

**APPLICANT'S SUPPORTING INFORMATION**

Application forms and plans  
Ecological Appraisal completed by Blackdown Environmental dated June 2018  
D&A Statement  
Site Investigation and Contamination Appraisal Report dated 8<sup>th</sup> December 2017  
Transport Statement dated December 2017  
Travel Plan dated December 2017  
Arboricultural Impact Assessment  
Tree Survey by Aspect Tree Consultancy dated October 2017  
Drainage Statement dated December 2017  
Air Quality Assessment Dated December 2017 by WYG  
Draft S106 Agreement  
Energy Statement dated 5<sup>th</sup> December 2017  
SCI dated Nov 2017  
Covering Letter  
Planning Statement dated November 2017

**RELEVANT PLANNING HISTORY**

94/00281/FULL - PERMIT date 3rd May 1994  
Replacement of front wall of building with alterations  
94/00418/FULL - PERMIT date 3rd May 1994  
Change of use of garage and workshop to offices and printing room retaining the retail element  
98/00714/FULL - PERMIT date 7th July 1998  
Renewal on a permanent basis of temporary planning permission ref. 4/21/94/418 for change of use of garage and workshop to offices and printing room retaining the retail element  
06/01737/PE - REC date 31st July 2006  
50 no. dwellings  
78/01701/ADVERT - PERMIT date 23rd November 1978  
To display an illuminated sign 800cm wide x 520 cm high on post  
08/00956/PE - REC date  
Proposed redevelopment  
17/00761/FULL - PERMIT date 3rd July 2017  
Temporary change of use from offices (B1) to Dog Groomers (Sui generis) with retail section (A1) for a 5 year period  
85/01081/FULL - PERMIT date 3rd December 1985

Retention of change of use from furniture factory to furniture factory and retailing unit for furniture  
86/01989/FULL - PERMIT date 22nd December 1986  
Change of use of furniture factory and showroom to industrial, retail car sales and alterations to front elevation and alteration to access  
79/00542/FULL - PERMIT date 7th June 1979  
Demolition of existing outbuildings and widening of existing access  
80/00049/FULL - PERMIT date 6th March 1980  
Annulment of Conditions (b) and (d) of PP 79/00542 (concerning means of enclosure)  
81/00149/FULL - PERMIT date 19th March 1981  
Construction of lorry waiting area and re-siting of oil storage tank  
81/00504/FULL - PERMIT date 29th April 1981  
Erection of extension to warehouse

## **OTHER HISTORY**

None

## **DEVELOPMENT PLAN POLICIES**

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

COR1 Sustainable Communities  
COR2 Local Distinctiveness  
COR3 Meeting Housing Needs  
COR7 Previously developed land  
COR14 Cullompton

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

AL/DE/3 Affordable Housing Site Target  
AL/IN/3 Public Open Space  
AL/IN/6 Carbon Footprint Reduction

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

DM1 Presumption in favour of sustainable development  
DM2 High Quality design  
DM8 Parking  
DM14 Design of housing  
DM21  
DM27 Development affecting heritage assets

### **Cullompton Conservation Area Appraisal and Management Plan (2003)**

## **CONSULTATIONS**

### **CULLOMPTON TOWN COUNCIL - 13th February 2018**

RESOLVED: That the Council approves the application with the following provisos:

- (i) That the pavements are resurfaced along Willand Road towards the junction with Station Road as they are currently in poor condition, surface very slippery and not suitable for those with mobility problems etc.
- (ii) That sufficient car parking spaces are provided to ensure that both residents and visitors, including care workers, contractors etc. are catered for due to the parking problems in Willand Road.
- (iii) Introduction of parking restrictions on both sides of Willand Road as a matter of urgency to ensure public safety.

(iv) Ensure that there is sufficient clearance when security gates are opened to enable a large vehicle to pass through safely.

(v) Investigate provision of a pedestrian pathway from the rear of the site to link with Station Road.

(vi) There would only appear to be one lift provided within the development, what happens if this fails to operate?

**Highway Authority - 4th May 2018 - Observations:**

The Highway Authority has no objection in principle to the above application but would seek a section 278 legal agreement under the highway act to realign the footway over the frontage of the site, raising kerbs at drop crossing, and formation of the access which as kerbed access shall have tactile crossing facility across the bell mouth. The new bell mouth connecting into the existing network appropriately.

In addition to which the Highway Authority would seek a safe pedestrian crossing facility to the North of the site to provide access to the bus stops adjacent to St Georges Road/ View. The limit of adoption under the legal agreement should extend to a point in the access where safe tactile crossing should be provided.

Therefore should consent be granted the following conditions should be imposed

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The proposed estate road, footways, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

2. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works from the design funding and implementation of a pedestrian crossing has been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPf

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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) 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

30th January 2018 - Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to

Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant should also provide confirmation from South West Water that discharging into their system is acceptable.

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

The applicant should submit maintenance schedules for the proposed surface water drainage system.

Although underground systems cannot be considered as truly sustainable means of drainage, this is a brownfield site and an overall improvement to the surface water drainage system is being proposed.

### **HISTORIC ENVIRONMENT SERVICE - 10th January 2018**

I refer to the above application. The proposed development lies to the east and downslope from the site of the Roman fort on St Andrew's Hill and, as such, despite the ground disturbance caused by the construction of the extant buildings here there is the potential for the site to contain archaeological deposits associated with the Roman and later activity in this part of Cullompton.

For this reason and in accordance with Policy ENV14 of the North Devon Local Plan and 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, in accordance with Policy ENV14 of the North Devon Local Plan and paragraph 141 of the National Planning Policy Framework, 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 a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that

will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

### **DEVON, CORNWALL & DORSET POLICE - 11th January 2018**

It is noted the design and access statement makes very limited reference to the security of the development, therefore to assist please find the following information, advice and recommendations from a designing out crime and fear of crime perspective.

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour.

National legislation that directly relates to this application

Section 17 of the 'Crime and Disorder Act 1998' places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

Despite other legislative considerations within the planning process, there is no exemption from the requirement of Section 17 as above. Reasonable in this context should be seen as a requirement to listen to advice from the Police Service (as experts) in respect of criminal activity. They constantly deal with crime, disorder, anti-social acts and see on a daily basis, the potential for 'designing out crime'.

This rationale is further endorsed by the content of PINS 953.

National Planning Policy Framework.

Paragraph 58 states:-

"Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

Paragraph 69.

This paragraph looks towards healthy and inclusive communities. The paragraph includes:-

"Planning policies and decisions, in turn, should aim to achieve places which promote: Safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion"

Building Regulations - Approved Document Q - Security.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings, including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to conservation areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that is 'fit for purpose' and secure

tested to an acceptable security standard i.e. PAS 24. (PAS 24 is a minimum standard of security as such anything less would not be acceptable)

To ensure compliance with the requirements of ADQ it is recommended that all doors and windows are sourced from a Secured by Design (SBD) member-company. SBD requires that doors and windows are not only tested to meet PAS 24 standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus reducing much time and effort in establishing provenance of non SBD approved products. SBD also incorporates a bespoke element to assist in the crime prevention approach with regard to listed buildings and heritage status.

Secured by Design (SBD) is a crime prevention initiative owned by the Mayor's Office for Policing and Crime (MOPAC) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial and unacceptable behaviour and conflict within developments by applying the attributes of Environmental Design, as follows, in conjunction with appropriate physical security measures.

- o Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.
- o Structure: Places that are structured so that different uses do not cause conflict.
- o Surveillance: Places where all publicly accessible areas have a purpose, are overlooked and are well managed to prevent the creation of vulnerable areas, which could attract criminal activity, antisocial gatherings or unacceptable behaviour such as dumping and dog fouling to go unnoticed.

1. The lighting provision is noted and should be carefully co-ordinated throughout so that potential areas of risk are adequately covered, this will assist in deterring intruders and reduce the fear of crime.

2. Bollard lighting is not always considered an appropriate choice in some situations as the limited light they generally emit is at the wrong height to aid facial recognition and is easily obstructed or hindered by parked vehicles for example.

As a matter of note, repeated activations common in PIR lighting can increase the fear of crime, particularly amongst the elderly.

- o Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community.
- o Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

3. The mobility scooter store must be fully enclosed and secure with access controlled for residents only. Dependant on the selected entrance door locking system there should be a thumb turn lock fitted on the inner face of the door to prevent residents from being accidentally locked inside. There are numerous, approved and fit for purpose doors and storage facilities that will satisfy the requirements for the scooter store without them being cumbersome, heavy or onerous for residents.

4. Entrance doors to all apartments must also meet PAS 24 standard as a minimum level of security

5. All windows are to be manufactured to PAS 24 2016.

6. Ground floor windows should have restricted opening to prevent unauthorised access or reach in burglaries (where offenders simply take whatever is within reach through the open window).

Defensive planting below vulnerable windows can act as a barrier and may reduce direct access to any opening.

7. Please ensure that a tradesperson button is not included on the visitor door entry system. (These are no longer permitted for SBD developments due to an increase in crime and ASB).

8. How will mail be delivered for each resident?

9. How will utilities for each apartment be read?

- o Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime, fear of crime and a sense of safety at all times.

10. It appears from the plans that it will be possible to gain access to the rear and sides of the building. To improve security and the safety of residents, it is recommended that open access is prevented by securely enclosing the rear of the premises. Any gate/s must match that of the adjoining boundary treatment (1.8m as a minimum height requirement) and be capable of being locked from both sides by for example, means of a key, to ensure that the rear aspect can be secured regardless of access or egress.

o Management and maintenance: Places that are designed with consideration for management and maintenance help to discourage crime, fear of crime and ASB.

#### On-site Parking

It is noted that the applicant has stated that the average age of residents will be 80 years old and with the proposed premises being close to the town centre car ownership would be reduced but care must be taken with regard to this as the ramifications in failing to factor in adequate onsite parking provision for new development per se is not always appreciated until full occupancy and at the busiest times. Inadequate parking provision is likely to see excess vehicles being parked on the nearby highway, pavements and green verges just to make life easier and more convenient. This can lead to parking related issues and complaints to the Police as a result of congestion and upset over inconsiderate and/or obstructive parking.

### **PUBLIC HEALTH - 26th January 2018**

Contaminated land - Recommend approval with conditions:

The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following conditions are recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a refurbishment and demolition survey, works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Public Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Previous assessments have confirmed that the land is affected by land contamination resulting from previous and current land use(s). Resulting from the previous assessments the following conditions are recommended:

The identified fuel tank and interceptor will need to be decommissioned and appropriately removed from the site. A further Phase II intrusive assessment of the surrounding soils and underlying groundwater is required to determine the risks posed to future receptors.

Following demolition of the current buildings a further Phase II intrusive investigation targeting areas under the footprint of the former buildings is required to fully characterise the site in relation to human health, controlled water, ecosystem and building receptors.

Due to the leachate qualities of the ground in and around the proposed site a further detailed quantitative risk assessment (DQRA) of the groundwater is required.

A site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Public Health Services (and other agencies if required).

Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

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

Reason: In the interests of public health and protection of the environment.

(Note: it is suggested that applicants, agents and developers take specialist consultant advice before complying with this condition).

Air quality - Given that Cullompton is in an Air Quality Management Area (AQMA), the proposed development may have the potential to impact on local air quality.

Recent monitoring data in the vicinity of the development area indicates that the development may contribute to a deterioration in air quality and in certain locations, exceedances of the national air quality objectives (Air Quality Regulations - Part IV of Environment Act 1995) for nitrogen dioxide and particulates. This is due to the mass of emissions arising from transport movements generated by the proposal during both construction and operational phases.

The Air Quality assessment provided is a standard exposure assessment not an overarching Low emission assessment and is therefore not compliant with Policy DM6 of the Local Plan 3 Development Management Policies.

It also does not account for the cumulative impact of development within the AQMA as a whole which would be required.

To assess the air quality impact we will require further information in order to consider air quality constraints adequately -

- An integrated Transport Assessment, traffic pollution mass emission assessment and low emission strategy (LES) which takes account of the cumulative effect on local air quality of the proposed development alongside other proposed new developments within the AQMA. Furthermore, within the LES, sets out defined changes arising from a range mitigation measures/options.

- Consideration to be given to a planning obligation/s106 agreement contribution to the delivery of the Cullompton Air Quality Action Plan to ensure the proposed development is acceptable in planning terms.

A report of the above assessments and its recommendations shall be submitted for consideration to the Local Planning Authority for consultation with Public Health and Regulatory Services prior to any decision on the proposal.

Environmental permitting - N/a

Drainage - No objections

Noise and other nuisances - I recommend approval with conditions

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to

the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing standards - We would like to see the design being dementia friendly and readily adapted.

Licensing - No comments

Food hygiene - N/a

Private water supplies - N/a

Health and safety - No objection - enforced by HSE

**NATURAL ENGLAND - 18th January 2018 - No comments**

## **REPRESENTATIONS**

16 letters of representation from 12 properties received at the time of writing this report (7<sup>th</sup> August), 4 of which object to the application and 12 support it. They raise the following matters.

- This is a congested part of Willand Road and would not be improved by additional traffic in and out of the development
- What provision is being made for visiting relatives?
- If you could accommodate parking for a number cars in anyway would be great and put double yellows both sides of the road
- I've just recently set up my own business in unit 5 in crown works. I am concerned about my relocation, which for me needs to be in the Cullompton area.
- Why is the development so high on the west view? The roof of this part of the development is higher than the current properties both sides of it and as such do not blend into the profile of the existing dwellings. If the roof line was constant and at the same level as existing adjacent dwellings, I have no issue with this.
- Will impact significantly on the aesthetics of this part of Willand Road and will represent a major change from the current single storey development
- Will impact on view
- Will be directly overlooked
- At least 2 of the letters of support are from people expressing an interest in having one of the apartments.
- Aimed out those retiring from outside the area, not local people.
- Strain on local health services which are already stretched
- The demolition plan is not detailed to know which walls will be knocked down
- Demolition machinery should not access via Court Farm lane
- Developer should employ suitable screening to prevent debris falling onto the lane – must ask permission to use fencing on our land
- What sort of boundary treatment with Court Farm land and Court Farm land?
- Reduce value of our land
- Planting is close to our boundary and would not want trees to grow tall or shed considerable leaves or encroach on our boundary.
- Want to know if any works to install services or to remove current services affect our land.
- 20 mph limit through the Main Street is extended out to St George's Well – at least temporarily -while the construction goes on. The other suggestion is that the on-road parking is suspended - at least temporarily.
- Are there more public parking spaces as a result of the development?
- Would like the overhead electricity and telephone wires to be underground and the removal of surplus poles
- Beneficial to the area for the older/retried generation.

- the new buildings will be a lot more attractive to the area than what's is there now
- The purposed site should not encroach on to any of the land on its boundaries
- Good use of a brownfield site
- Key feature is the low level of car ownership and traffic generation compared to other developments. Bus services are in place
- Will benefit the shops and Farmers Market in Cullompton
- Would free up family sized homes.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1. Policy**
- 2. Impact on the character and appearance of the area, including the setting of the conservation Area,**
- 3. Loss of employment land**
- 4. Highway safety**
- 5. Impact on ecology**
- 6. Impact on amenity of occupiers of adjacent development and other issues**
- 7. S106 implications**
- 8. Balancing summary**
- 9. Local Finance considerations**

### **1. Policy:**

The site is located within the settlement limit of Cullompton. COR1 of the Core Strategy seeks to ensure that development meets sustainability objectives and brings positive benefits for the community, making places where people want to live. It specifically promotes the provision of housing to meet the needs of all sectors of the community and providing accessible forms of development which reduce to reliance on the private car. COR2 seeks high quality sustainable design and COR3 sets out the requirement to provide for housing over the lifetime of the plan. COR7 seeks a sequential approach to development looking at the early development of previously developed or underused land in settlements before the development of greenfield land. The AIDPD sets out policies which relate to the provision of affordable housing and the requirement to mitigate the effects of development with relevant contributions towards necessary infrastructure. A target of 35% provision is set out in policy AL/DE/3. On sites where no affordable housing is to be provided, the SPD provides guidance on how this contribution may be calculated. Local Plan Part 3 (Development Management policies) sets out a presumption in favour of development, a requirement for high quality design and a requirement to protect heritage assets from inappropriate development. It also sets out the required parking ratio's for various development types.

### **2. Impact on the character and appearance of the area, including the setting of the Conservation Area,**

Design and Access Statement submitted with the application notes and assesses the character of the immediate area in terms of its distinctive architectural features, material finishes, quality of spaces, and the scale, mass and height of the buildings.

The site is located in a predominately residential area, with a few notable exceptions, such as a care home, valeting business, doctors surgery and printing works.

The houses located along Willand Road and Higher Street are generally between two and two and a half storeys, exhibiting a similar style that largely reflect characteristics of the local vernacular. Most of the properties are terraced or semi-detached. Generally, they are set-back from the pavement with front gardens. Most of the properties exhibit a pitched roof, featuring varied use of gable ends, hips and dormers, commonly using natural slate. Many period features are evident in these dwellings and reflect some of the characteristics of the local architecture. Recognisable period features include detailed gables, Georgian style windows and bay windows. Each property displays similar façade finishes including brickwork and rendered finishes.

The application site has its main frontage on Willand Road, adjoining Higher Street, north of the town centre. Opposite the site are many detached dwellings. It currently contains a mix of commercial businesses.

The site currently hosts 3 buildings consisting of a single storey former factory, a single storey commercial unit used as a printing office and a small single storey structure known as the Wendy House, connected to no 35 Willand Road. The buildings are all detached and are set back from the street.

The building materials are a mix of red brick and render, under a mix of slate and corrugated asbestos roofs. The red brickwork and roofing slate used to construct the Wendy House, is identical to that used on no. 35.

These facilities can currently be accessed via two vehicular entrances from Willand Road. North of the site behind no. 3-5 Willand Road, is currently used for parking. The vehicular access to this parking area also provides access to rear garages of no 3-5 Willand Road.

No buildings occupying the site have been listed as locally important buildings, structures of local heritage significance.

The proposal is for the demolition of the existing collection of buildings on the site and their replacement with a single building on the site. The area currently used for parking behind numbers 3-5 Willand Road will be retained, albeit resurfaced etc. for parking in association with the development, retaining existing accesses to garaging for the residents of Willand Road. The proposed building fronts onto Willand road. It is 2 storey but includes accommodation in the roof with the use of 2 leaded-roof dormer windows. From Willand Road, the variation in roof height and the use of dormers reduces the overall mass of the proposed building. In addition, the rough cast white coloured render with bricks quoins and detailing breaks up the main frontage on Willand Road, complimenting No.35. The front boundary treatment of railings, walls and hedges also contribute to create the impression of individual dwellings with front gardens, paths and gates. The layout of the proposed development offers a reasonably narrow frontage to Willand Road and the depth of the site allows for a larger width of development to the rear of the site which will be hidden by No 35 and set well back from Willand Road. The layout also allows for the parking area to sit behind the existing residential dwellings to the east of Willand Road.

From the north (viewed from within the proposed car park) parapets have been used to divide the building and break up the scale of the building. This north elevation varies in height, from 2 storeys at the front, to 2 and 1/2 storey and then 3 stories at the rear. This ensures that the front is more in keeping with the street scene and the height is increased towards the rear.

From the east (rear), four spaced white rendered bays punctuate this elevation, creating depth. This, together with a central dip in the roofline of this elevation reduces the mass and scale.

From the south (from Court Farm Lane), the southern elevation of the building faces the communal gardens. This elevation seems to employ less architectural techniques to break up the elevation but appears to do enough to prevent this elevation of the building looking like a mass block.

Overall, the palette of materials includes soft red brick, white and champagne through coloured render and terracotta tile hanging. All roofs are pitched, covered in slate with terracotta ridged tiles. Double pitched roofs with concealed internal gutters and parallel ridges minimise the bulk of the roof. The design of the proposed building reasonably and sympathetically reflects the massing of the adjoining Willand Road detached and semi-detached dwellings. The rhythm of the bays and varied roofline is continued in the development with similar widths and proportion of elements. The proposed design reasonably reflects a series of dwellings with the fenestration and doors repeated to create the impression of individual dwellings.

Overall, the proposed layout, scale, height and massing of the proposed building is considered to be acceptable in this context.

The site does not sit within the Conservation Area but is almost immediately adjacent to it. The northern boundary of the Conservation Area lies to the south of Court Farm Lane. As such, the proposed development has the capability of affecting the setting of the Conservation Area.

In considering proposed development affecting a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to pay special attention to the desirability of preserving or enhancing the area's character or appearance.

National policy guidance set out in the NPPF confirms the great weight in favour of the conservation of 'designated heritage assets', such as Conservation Areas.

The particular significance of any heritage assets likely to be affected by a development proposal should be identified and assessed, including any contribution made by their setting. Any harm should require clear and convincing justification.

The NPPF advises that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within Conservation Areas and within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The character and appearance of the Cullompton Conservation Area are well set out in the Council's Character Appraisal published in 2003. However, there are no important features adjacent to the northern edge of the Conservation Area other than a barn-like building to the south of Court Farm Lane being an important unlisted building. The nearest listed building is some 35m to the south of the site on Higher Street and the Council do not consider that the proposed development would be within the setting of this property.

The proposed development lies to the east and downslope from the site of a Roman fort on St Andrew's Hill and, as such, despite the ground disturbance caused by the construction of the extant buildings here there is the potential for the site to contain archaeological deposits associated with the Roman and later activity in this part of Cullompton. Therefore, a planning condition has been imposed that secures the implementation of a programme of archaeological work.

The proposed works are not judged to have a significant detrimental impact on the character and appearance of the Conservation Area, the setting of the unlisted important buildings or burials

unknown heritage assets and accords with the requirements of policies DM2 and Policy DM27. Being considered to have less than substantial harm, that harm is outweighed by the public benefit of providing housing in a sustainable location.

### **3. Loss of employment land**

Policy DM21 seeks that the non-employment development of employment land will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Alternative uses will be permitted where it is demonstrated that there is a sufficient range of suitable and available employment sites in the local area, there is no commercial interest in the re-use of the site for employment and the sequential viability test has been applied.

Whilst the loss of some 2,143 sq m of B1(c) space on the edge of the town centre is lamentable, the weight given to the creation of dwellings in an era of undersupply cannot be underestimated. Indeed, the site forms part of the wider historical residential land allocation policy AL/CU/9 which included the wider Persimmon housing estate that has been built out. The remaining printing and engineering works fronting on to Willand Road had not been developed out thus far. The existing commercial buildings are coming to the end of their useful viable life and the sale of the site will enable these to relocate to more modern and purpose built accommodation.

Therefore the loss of the employment accommodation is not objectionable. In drawing this conclusion, your officers have been mindful that paragraph 85 of the NPPF (2018) recognises that residential development can play an important role in ensuring the vitality of centres and that Local Plans should set out policies to encourage residential development on appropriate sites.

The site is previously developed land. Policy COR7 seeks 30% or more of new dwellings on previously developed land, which reflects the thrust of the NPPF. As an edge of centre site within a settlement earmarked for growth, this application site fares well in the sequential approach. Therefore the development of the site meets the aims and objectives of COR7.

### **4. Highway safety**

The proposed development will take access from Willand Road through a bellmouth arrangement utilising the existing northern access to the industrial units adjacent to No 3 Willand Road. Rights of way are maintained for 2 residential properties that have vehicular access to their rear gardens. Visibility splays from the site access have been demonstrated to be achievable for recorded speeds. Tracking exercises show that large refuse vehicles and fire trucks can safely enter and exit the site in forward gear.

Local residents have raised a number of concerns in respect of highway safety, and it has been suggested that the application scheme would add to congestion in an area with the degree of on street parking in the locality. Given the anticipated trip generation and the spread of movements associated with the development, the development would not have a significant effect on the efficient operation of the local highway network.

Policy DM8 of the Local Plan Part 3 (DMP) sets out that new development should provide a minimum of 1.7 car parking spaces per dwelling but allows for some variation on a case by case basis dependant upon the accessibility of the site and the type, mix and use of a site. The scheme would not satisfy development plan policy requirements with regards to the provision of on-site parking for this type of development but the applicant has indicated that on the basis of car ownership and usage across consented retirement development across the UK, the proposed

development would require 19 car parking spaces. The development proposes 39 bays which would be sufficient to account for resident staff and visitor demand with no impact on the surrounding local road network (which is subject to parking restrictions). As such, the proposal would broadly accord with the overall aims of the traffic and transport policies of the Local Plan and the NPPF, to maintain road safety. In drawing this conclusion the Council have been mindful of the size and volume of traffic what would be attracted by the economic use of the site and the fact that the development is proposed to be private sheltered accommodation for the elderly.

Whilst the applicant's don't propose a planning condition that might meet their requirements, the proposal is for older persons housing and your officers condition would require at least one of the occupiers of each dwelling to be 55 years of age or older. Whilst the proposed condition would not prevent occupation by working age persons, in practice, people would chose to move to this form of accommodation because it meets their needs. Nevertheless, it would be reasonable to expect that the level of car ownership of future occupiers would be lower than that of the population in general.

Pedestrian access into the site will be provided through footways on both the northern and southern edges of the bellmouth access. An additional pedestrian access will be located approximately 30m south of the vehicular access adjacent to No 35 Willand Road connecting to the existing pedestrian infrastructure on Willand Road and providing a continuous link from the development along the pedestrian desire line to the town centre. The centre of Cullompton is within 300 metres of the site and can be easily reached via existing footpaths. There is no reason why the scheme would conflict with the overall aims of the walkability policies of the Local Plan and the NPPF

Moreover, the highway department have requested that a pedestrian crossing facility to the north that provides access to the bus stops adjacent to St Georges Road/View is secured via condition. In addition, your officers have proposed a construction traffic management scheme is secured through a condition.

The Town Council suggested that the LPA should investigate a pedestrian pathway from the rear of the site to link with Station Road. Whilst this would increase the permeability of the site/Court Farm area to the facilities in Station Road, there would appear to be a significant number of intervening land uses and owners who may or may not entertain such permeability by pedestrians. In any case, the desirability or otherwise of such a pedestrian link is not central to the determination as to whether the proposed development represents sustainable development.

Suggestion has also been made that the application should be reliant on an extension of the parking restrictions along Willand Road. However, the Highway Authority are satisfied that there is sufficient provision on site for parking in association with the likely traffic generation and this will be a matter for the Highways Authority if this is found to be necessary in the future on highway safety grounds.

Given the anticipated traffic generation from the site and the suggested conditions/mitigation, it is not considered that the proposal would adversely affect highway safety to such a degree as to warrant refusal.

## **5. Impact on ecology**

An ecology assessment has been submitted with the application. It concludes that vegetated habitats which will be impacted during proposed works predominantly comprise ruderal vegetation, rank grassland and immature trees. These habitats are widespread and common within Devon and not habitats of principal importance. However, within an urban context such habitats have

some local ecological value. It is therefore recommended that measures to incorporate areas of shrub planting of value to biodiversity (e.g. birds and pollinating invertebrates) are incorporated into soft landscaping proposals.

No signs of bats were identified within the accessible roof spaces surveyed within the buildings. To be sufficiently confident in the likely absence of bats and in line with best practice guidelines, two bat surveys were undertaken comprising one dusk emergence survey and one dawn re-entry survey. The surveys revealed that two of the buildings support day roosts for single common pipistrelle bats. As the buildings which support roosts will be demolished and therefore the roosts destroyed, it will be necessary to obtain a Bat Low Impact Class Licence (LICL) from Natural England prior to commencing demolition of these two buildings.

Roosting and nesting feral pigeons were identified and a house sparrow was observed feeding chicks. Therefore demolition works should either be undertaken outside of the bird nesting season which extends from March to mid-September to avoid damaging birds whilst they are nesting or following a nesting bird check by an ecologist.

A Conservation Action Statement has been provided which details proposed bat mitigation measures. Measures to avoid harm to nesting birds have also been provided, in addition to suggested biodiversity enhancement measures in line with the National Planning Policy Framework (NPPF).

It is proposed to condition that the recommendations and mitigations included in these report be followed.

There are no TPO trees on or adjacent to the site. There are no trees on or adjacent to the site that are, aged, veteran or part of an ancient woodland. The site contains a very small number of trees within the central area with a small number of trees along/ adjacent to the eastern boundary. The trees are relatively small and of low quality. Their visual impact on the locality is very limited and they are not key features within the locality. They have a low visual amenity value.

As such, the layout of the proposed development does not significant affect good quality trees, to the detriment of the visual amenity of the area. Rather, the proposed development seeks to retain five existing trees on the boundaries of the site together with the planting of at least fifty trees, areas of shrub and hedgerow, although it takes a more domestic style in the most part.

## **6. Impact on amenity of occupiers of adjacent development and other issues**

Turning to the impact on the living conditions of nearby residents, the properties which would be most affected by the development would be the property on the corner of Goblin Lane, Petersfield and No 2 Willand Road to the west of the site and No 3 Willand Road to the north of the site and No 35 Higher Street to the south of the site. Due to the separation distance involved and intervening proposed landscaping, the proposal would not appear unduly overbearing to these properties. For similar reasons, any potential overlooking from the windows from the ground, first and dormer windows of the proposed building would be limited. In drawing this conclusion, your officers have been mindful that some of the properties to the west of the site are on slightly elevated land. Equally there are some properties to the east which are on lower land but considered to be at such a distance as to not result in an unacceptable impact.

With regards to drainage, DCC as Lead Local Flood Authority have issued a holding objection as they want some further information regarding the use of SUD's. They have advised that although underground systems cannot be considered as truly sustainable means of drainage, this is a

brownfield site and an overall improvement to the surface water drainage system is being proposed. Therefore it is considered that the issues they have raised can be dealt with via condition but the information has been requested from the applicant in any event and an update will be provided to members at committee

## 7. S106 Agreement

Regulation 122 of the CIL Regs states that a planning obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

### a) Affordable Housing

The application is a proposal for 43 residential units within the settlement limit and therefore there is a requirement to provide for affordable housing and such provision is therefore necessary to make the development acceptable in planning terms. However, your officers recognise that the nature of the proposal would make on site provision inappropriate in this case – the nature of the offering means that the service charges payable by residents for use of the communal facilities means that the units fall outside of the scope of affordable housing and beyond the means of occupiers of affordable units. Your officers have therefore indicated to the applicant that a financial contribution towards off-site affordable housing rather than on-site provision would, therefore, be appropriate and directly related in kind to the proposal. To this end, your officers have commissioned an independent assessment of the viability assessment submitted by the applicant to assess what level of contribution is payable.

The Councils Assessor concluded as follows;

*“In determining the viability of the Cullompton scheme in 2018 significant reference was made to nearby McCarthy & Stone schemes, particularly in Taunton, and the sales values achieved on those sites. In the 2019 Alder King report they advise that achieved sales values have fallen considerably since the 2018 report, identifying falls of between 4.8% and 13%. When these updated sales figures are applied to the proposed development in Cullompton the viability surplus I had previously identified is effectively wiped out. We asked for, and received, the detail behind the fall in sales values and these were provided to us by McCarthy & Stone via Alder King. We have reviewed the figures, confirming them via the Land Registry, and are satisfied that achieved sales values in nearby McCarthy & Stone developments have shown a material drop since our first report. There has been no corresponding fall in build costs in the South West over the same period, indeed build costs have generally grown, and therefore the viability of the scheme has materially deteriorated. We are therefore satisfied to conclude under Planning Practice Guidance on Viability that the proposed scheme cannot viably make contributions toward off-site affordable housing. “*

### b) Public Open Space

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (AIDPD) seeks to provide at least 60 square metres of public open space for each new market dwelling. Where it would be more appropriate the policy provides a mechanism in accordance with the adopted Supplementary Planning Document (SPD) on this matter, for off-site financial contributions toward the provision and funding of public open space to be made. In this instance, the site makes good communal green space provision for residents and therefore, given the viability issues set out above, it is not considered necessary in this instance to seek further contributions towards

provision off-site.

c) Air quality

Policy AL/CU/15 of the AIDPD concerns requirements for new development to mitigate its likely impact on air quality in the Cullompton Air Quality Management Area. The supplementary planning document entitled "Air Quality and Development" seeks the provision of measures set out in the Cullompton Air Quality Action Plan where new development would worsen the existing situation. This is generally done by way of a financial contribution. Alternatively improvements in infrastructure could be provided rather than an obligation if appropriate to the application e.g. enhancing walking and cycling opportunities. The Group Manager for Public Health has advised that in this instance, on-site mitigation would seem to be a sensible approach and has suggested cycle parking and charging points for electric vehicles. He considers this to be appropriate as over 55 year olds are increasing taking a proportionally large market share of all hybrid and full EV vehicle purchases. The applicants have therefore indicated on-site provision of 6 charging points and 12 cycle stands (for 24 bikes) and their provision in a timely manner is required by condition

## 8. Balancing summary

It is necessary to consider whether the benefits of the scheme outweigh identified harm.

The issue of sustainability is identified by the Framework as having three dimensions – economic, social and environmental.

With regard to economic sustainability, housing development has been long recognised by the Government as a major factor in supporting economic growth and the Council acknowledge that it can provide local employment and generate additional local income. The provision of housing must also benefit the social strand of sustainability if only through the provision of more homes. That benefit would be added to here by an offsite monetary contribution to affordable housing within the district and by the provision of the retirement apartments that would cater for a growing element in the housing market.

Moreover, the need for additional housing for older people is also recognised as critical in Planning Practice Guidance as it accounts for over half of the increase in new households. Specialist accommodation in particular frees up houses that are under occupied, releasing them for family occupation and thus making more efficient use of the existing housing stock. The provision of 44 assisted living dwellings in the C3 use class is a significant public benefit of the proposal.

The proposal would also have less quantifiable social benefits, providing an alternative housing option for older people with on-site support in an attractive location on the edge of the town centre with access to relevant services, facilities and recreation.

Local transport (bus routes) connects the site with the town centre and surrounding area and there are economic benefits from the construction phase together with the employment of 1 full time worker on site. In addition, residents would generate significant expenditure in local shops and services, (being estimated by the applicant to generate expenditure of about £670,000 per annum locally). These economic benefits weigh in favour of the scheme.

Individually and in combination, these public benefits are substantial and weigh significantly in favour of the proposal. Whilst having special regard to the desirability of preserving the setting of

heritage assets and giving great weight and importance to their conservation, the public benefits of the scheme provide a clear and convincing justification for it to go ahead. The proposal would therefore meet the test set in paragraph 196 of the NPPF.

Obviously, all new development generates additional demand for infrastructure provision and local community services, and this is a concern for third parties, particularly in respect of GP services. However, no request for a financial contribution towards such facilities has come from DCC as the scheme is below their relevant threshold.

In respect of the economic and social strands of sustainability, your officers therefore give significant weight in favour of the proposed development especially within settlement limits. That weight is reinforced by the broad thrust of Government policy which emphasises the need to boost the supply of housing.

The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.

A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the most recent results of the Housing Delivery Test.

Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.

Draft policies in the Mid Devon Local In addition, there is an existing and growing need for specialist residential accommodation. Such development is generally encouraged by COR3 which states that diverse housing need of the community will be met.

## **9. Local finance considerations**

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. 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 this proposal over a period of 6 years is therefore estimated to be £271,392, based on a net increase of 44 dwellings on the site. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is limited.

There are no other material considerations to militate the grant of planning permission and subject to the prior signing of a s106 agreement to secure the appropriate financial payment towards affordable housing, condition approval is recommended.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice
3. No development shall take place until a Construction Environment Management Plan (CEMP) shall have been submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the following:
  - consideration of construction vehicle movements including vehicular routes to the site
  - demolition, construction and delivery hours,
  - expected number of construction vehicles per day,
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - car parking provision for contractors and site visitors
  - noise, vibration, dust control and waste disposal measures and management plans and
  - a scheme to encourage the use of Public Transport amongst contractors.
  - wheel washing facilities and road sweeping facilities;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - a scheme of temporary lighting;

The approved Construction Environment Management Plan (CEMP) shall be adhered to throughout the construction period for the development.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
5. Prior to the commencement of works above ground level (excluding demolition) details or samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
6. Before their installation, details of any proposed external lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting does not cause a nuisance to neighbouring or future occupiers of the site and shall include details of the location, direction and level of illumination of the lighting.
7. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants (including those shown to be retained on the approved drawings) which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and shall be permanently retained unless the local planning authority gives written consent to any variation
8. The development hereby approved shall be carried out in accordance with the tree protection details recommended in the Arboricultural Impact Assessment (referred to as the Approved Scheme in this condition). The fencing or other works which are part of the

Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, unless otherwise agreed in writing by the local planning authority.

9. No part of the building shall be occupied until details of secure and covered bicycle storage/parking facilities and electric charging points for vehicles at the development have been submitted to and approved in writing by the local planning authority. The cycle storage/parking and electric charging points for vehicles shall be implemented in accordance with the approved details before occupation of the development hereby permitted, and shall be permanently retained.
10. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning. The approved scheme shall be implemented in accordance with an agreed.
11. No part of the development hereby permitted shall be commenced until full details of the adoption and maintenance arrangements for the proposed surface water drainage scheme set out in condition 10 above have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained in accordance with the agreed details.
12. The proposed estate road, footways, junctions, street lighting, sewers, drains, surface water outfall, visibility splays, 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 for approval in writing.
13. Prior to the commencement of development, full details of the off-site highway improvements to provide a pedestrian crossing on the B3181 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved works shall be completed prior to the first occupation of any part of the building on the site.
14. 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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - D) A site compound and car park have been constructed
15. With the sole exception of the house managers accommodation, the residential units hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.
16. The development hereby approved shall be carried out in accordance with the recommendations in the Preliminary Ecological Appraisal (Blackdown Environmental October 2017) and the Ecological Appraisal (Blackdown Environmental June 2018)

17 No development shall begin until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

18 No development shall begin until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

19 No development shall begin until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 18, which is subject to the approval in writing of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of s51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of highway safety, the efficient operation of the local road network and to safeguard the amenities of neighbouring residents in accordance with Policy DM2 of Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure, in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies) and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development
5. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. To safeguard the amenity of nearby residential properties in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
9. To ensure that the impact of the development on air quality in Cullompton is mitigated against in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
10. To ensure that there are adequate provision to deal with the surface water run-off from the site in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
11. To ensure that the development's permanent surface water drainage management systems will remain fully operational and effective throughout the lifetime of the development.
12. To ensure that adequate information is available for the proper consideration of the detailed proposals.
13. To minimise the impact of the development on the highway network in accordance with paragraph 109 of National Planning Policy Framework.
14. 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 in accordance with paragraph 109 of the National Planning Policy Framework.

15. No education or Public Open Space contributions or provision have been requested as a result of the needs of the intended occupants. In addition, the car parking provision has been reduced and no air quality payment has been sought on the basis that the occupancy of the units by those over the age of 55 will result in lower traffic generation. Accordingly, the occupancy of the units needs to be restricted to ensure that the development does not have an unacceptable impact on the facilities, services, traffic generation and air quality in Cullompton

16. In the interests of reducing the impact of the development upon protected species in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).

17. In the interests of public health and the protection of the environment in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).

18. In the interests of public health and the protection of the environment in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).

19. In the interests of public health and the protection of the environment in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).

20. In the interests of public health and the protection of the environment in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).

## **REASON FOR GRANT OF CONSENT**

The proposal would provide 44 additional apartments, thereby contributing appreciatively towards the supply of housing in an accessible location which is well positioned, with good pedestrian access to local shops, services and public transport links. This should be considered in the context that the Council cannot demonstrate a 5 year supply of deliverable housing land. As such, the Council attach significant weight to this consideration in the overall balance.

The proposed development would provide specialist accommodation for older people, for whom, according to the Planning Practice Guidance (PPG), the need to provide housing at a national level is 'critical'. Evidence of a need for additional housing for older people in Cullompton has been presented by the applicant and the Council have no sound basis to challenge this. The Council is also mindful that the occupation of apartments would also free up a mix of housing for others. Therefore, the Council attribute significant weight to the benefits of providing housing to meet current and future demographic trends.

It is accepted by the Council that there is a significant need and policy requirement for the provision of affordable housing. The proposed financial contribution would contribute to addressing this need and therefore accords with the 3 statutory tests in Regulation 122 of CIL. Consequently, the Council attach substantial weight to such provision.

The Framework states that significant weight should be placed on the need to support economic growth. The construction of the proposed apartments would generate employment and the expenditure associated with the provision of 44 new units would benefit local shops and services.

In addition, paragraph 67 of the Framework also seeks to boost significantly the supply of housing. The Council places some weight on such considerations.

The Council have found no harm in respect of the effect of the proposed building on the Conservation Area, nor any material harm to views or the wellbeing of trees which contribute positively to the character of the Conservation Area that could not be mitigated through condition.

The benefits the development would bring, including housing for older people and those in housing need, can reasonably be considered public benefits, and that these are substantial.

The application proposal would accord with the development plan when taken as a whole.

Accordingly, in the absence of any other harm, and taking into account all other matters raised, the application should be granted.

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

Application No. 19/00794/FULL

Plans List No. 3

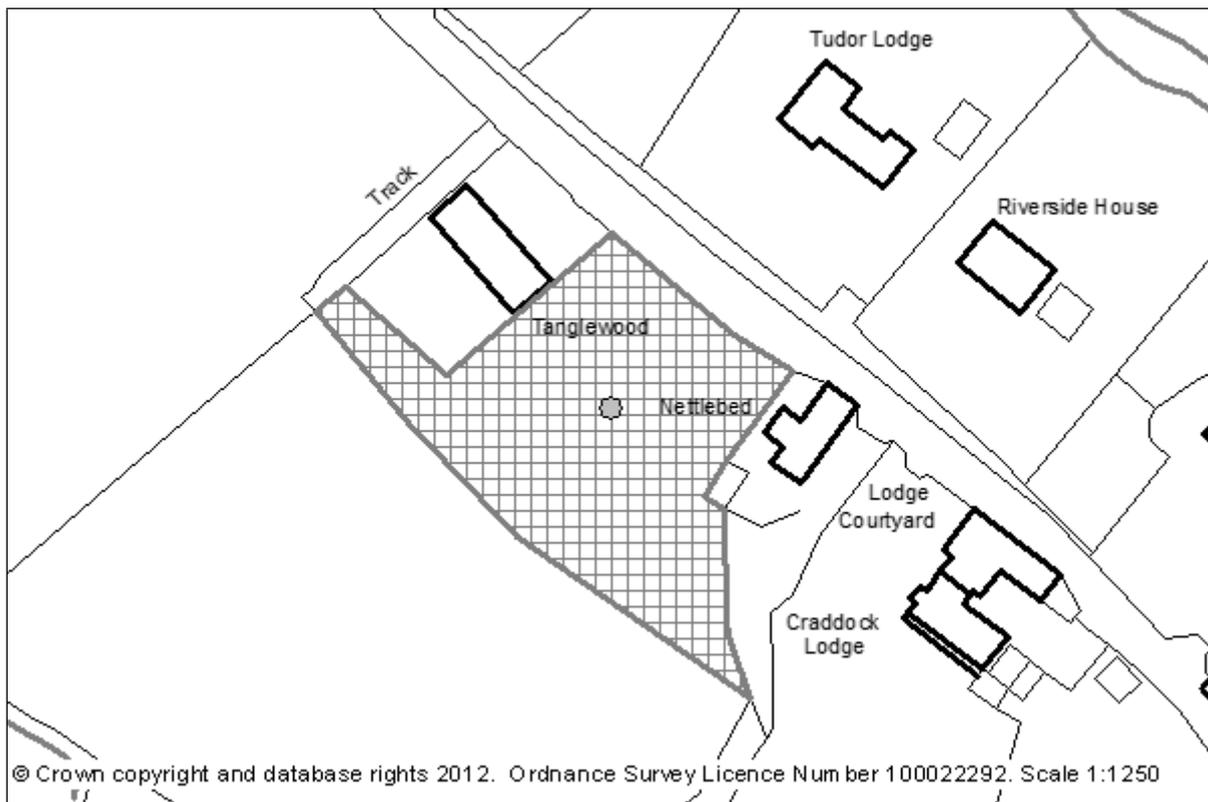
Grid Ref: 308448 : 112396

Applicant: Mr and Mrs Marchmont

Location: Land at NGR 308470 112426 (Craddock Lodge)  
Craddock, Devon

Proposal: Erection of dwelling and double garage; formation of vehicular access and associated renewable energy systems and landscaping

Date Valid: 3<sup>rd</sup> May 2019



## **Application No. 19/00794/FULL**

### **MEMBER CALL-IN**

This application has been called in by Councillor T G Hughes for the following reasons to consider: the gap in the building line, the personal circumstances of the applicant and the exceptional design.

### **Recommendation**

Refuse planning permission

### **SITE DESCRIPTION**

This application seeks planning permission for the erection of a dwelling and garage, formation of vehicular access and associated renewable energy systems and landscaping on land at NGR 308470 112426 (Craddock Lodge) Craddock, Devon.

The site forms part of an agricultural field which in total comprises approximately 0.15 ha of land. The proposal site is situated to the south west side of the lane that runs through the hamlet of Craddock roughly south east, north west in direction. The site lies between a detached bungalow Tanglewood to the north west and a detached two storey property Nettlebed. On the opposite side of the road the pattern of development is a ribbon of large detached properties in large garden plots. Tudor Lodge opposite is storey and a half with dormer windows to the roof. The site is located within the village boundary and bordered by the Craddock Conservation Area to the south east, which includes the neighbouring property Nettlebed formerly the Coach House to Craddock Lodge. The site is considered to be in open countryside.

Craddock is a small hamlet in open countryside with an older core around the cross roads 200 m to the south east. It has no local services, shop, school or public house. The villages of Uffculme 1 m to the west and Hemyock 3 miles east and Tiverton 10 m to the west.

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

Application Form  
Design and Access Statement with Planning Statement  
Wildlife Survey

### **PLANNING HISTORY**

09/00816/PE - Proposed residential development  
16/01947/CAT -30th January 2017 Notification of intention to fell 2 Beech Trees within the Conservation Area.  
19/00018/PREAPP - 13th March 2019 Proposed erection of dwelling.

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness

COR3 – Meeting housing needs  
COR9 - Access  
COR12 - Development Focus  
COR17 - Villages  
COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable Design  
DM8 - Parking  
DM14 - Design of housing  
DM27 - Development Affecting Heritage Assets

## **CONSULTATIONS**

**Devon Historic Environment Team** - Advice the applicant is advised to take into consideration that the proposed development abuts Craddock Conservation Area. The Historic Environment Team has no comments to make on this planning application.

### **Public Health**

Contaminated Land: No objection to this proposal (5.6.19).

Air Quality: No objection to this proposal (5.6.19).

Environmental Permitting: No objection to this proposal (5.6.19).

Drainage: No objection to this proposal (5.6.19).

Noise & other nuisances: No objection to this proposal (5.6.19).

Housing Standards: No comment (10.6.19).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal. If mains water is to be used, would have no comment (05.06.19).

Health and Safety: No objection to this proposal enforced by HSE (04.06.19).

### **Highway Authority**

The Highway Authority passed this application to the Planning Authority as standing advice and has since been requested to visit the site. I have visited the site which is accessed from a derestricted road in speed limit terms, . However the observed speed of traffic passed the site was in the region of 30mph and the actual speeds are the basis upon which the Highway Authority would base its requirements. At the observed speed of traffic the proposal would need to demonstrate 2.4m back along the centre line of the drive and extend to a point 43.00m to the nearside kerb to the East with no obstruction greater than 600mm and 43.00m to the centre line to the West. Drawing PP-SP1 would place the access at the appropriate location with which to achieve these splays working with the topography of the road alignments. The internal layout would allow for sufficient parking and turning, and the setting of the gates and access layout are acceptable to the Highway Authority.

The objectors comments with regard to 85%ile speeds is correct, but in general terms the observed speeds are generally accepted. nonetheless the splay is likely to impact the bank

to the East and the splay would need to be 2.4m back and extend to the extremity of the site with the bank realigned accordingly the splay indicated to the west is appropriate given the requirements for manual for streets and the alignment of the existing highway. Therefore subject to suitable condition the Highway Authority has no objections and accepts the splays based on observed speeds, the Local Planning Authority may wish to seek a speed survey to confirm the 85%ile speeds and to satisfy themselves that the splays are appropriate. In addition the following conditions should also be imposed

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearside kerb edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in a Easterly direction and to the centre line of the carriageway 43.00 metres in the other direction.

REASON: To provide adequate visibility from and of emerging vehicles.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

3. The site access road shall be hardened in a bound material (e.g. tarmac, concrete or Blocks), surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

4. No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays required by condition 1 above have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority.

## REPRESENTATIONS

Eight letters of objection were received with the objections summarised as follows:

- Contrary to Policy including NPPF 11, 77, 78 and 79 and Mid Devon Core Strategy COR18 and Mid Devon Local Plan Policy DM1, DM2, and DM27
- The proposal is inappropriate due to its scale, context, height, dominance, and site coverage.
- The access and required visibility splay would include the loss of an existing Estate Devon Hedge. Recent approval for felling two beech trees on bank systematic approach.
- Harm to setting of Conservation Area and Craddock Lodge grade II Listed Building.
- Detailed design and material not local distinctive and architecture not exceptional
- Not affordable
- Loss of open countryside
- Not sustainable and lack of public transport

- Ribbon development and suburbanizing
- Harm to neighbours amenity and privacy

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

### **PROPOSED DEVELOPMENT AND BACKGROUND**

The application seeks full planning permission for the erection of a dwelling on an agricultural field which in total comprises approximately 0.15 ha of land. The proposal plot of land abuts existing residential properties on both sides. The site is located within the open countryside. Craddock is not considered to be a village under Policy COR17 - Villages in the Mid Devon Core Strategy (Local Plan 1) and has no defined settlement boundary

The site comprises the north half of an existing agricultural field with the north east boundary an established Devon Bank onto the country lane. To the south east is a boundary with Nettlebed the former Coach House for Craddock Lodge which is located 40 m from the boundary and is grade II listed. The north west boundary abuts Tanglewood an existing bungalow. The site runs to the back of Tanglewood to the edge of the field boundary on this side and to the south west is the rest of the field in the same ownership.

The Design and Access Statement and planning statement outlines that this planning application has been submitted on the basis that the Local Planning Authority is unable to demonstrate a 5-year housing land supply and on this basis the proposal is considered to represent sustainable development. The applicants also wish the application to be considered as a dwelling under Paragraph 79 (e) of the NPPF. This would permit a dwelling in the countryside, where the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The main determining factors in this application are:

- 1. Policy/Sustainable Development implications**
- 2. Paragraph 79 (e)**
- 3. Impact on setting of the Conservation Area and Listed Buildings**
- 4. Other Material Considerations Highway, Parking and Impact on amenity of neighbouring dwellings.**
- 5. Precedent**
- 6. S106 Financial contributions.**

#### **1. Policy/Sustainable Development**

The Government's commitment to a "plan led" planning system is apparent throughout the National Planning Policy Framework. Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration. The NPPF 2018 states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF.

The policies described in the following paragraphs have all been adopted since 2004. In relation to this current proposal the Development Plan has limited conflict with the NPPF and so full weight is

given to the relevant policies produced by Mid Devon District Council.

The applicants principle supporting case is that they allege a lack of 5 year housing supply and the Local Plan to be out of date.

The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.

A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the most recent results of the Housing Delivery Test.

Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon. It is however important in this case to recognise that there is no titled balance requirement when it comes to adverse impact on heritage assets.

The site is a site in open countryside with a frontage onto a rural lane, to the south east the site is onto open fields, with existing residential property Nettlebed to the south east and Tanglewood to the north west.

Craddock is a settlement of insufficient local provisions, employment and access to public transport to be considered as a village with a minimum level of services to be a sustainable settlement under Policies COR1.

For this reason the Local Planning Authority consider there is relevant up to date Policy that mean Paragraph 11 of the NPPF 'tilted balance' does not apply. This advises that planning permission should be granted if the policy is out of date or does not apply and that the benefits of the proposal can be shown to outweigh any other consideration.

The application has stated that the site is not an isolated location, and Craddock can clearly be considered a settlement capable of delivering additional housing despite the lack of facilities and public transport present. The NPPF expressly recognises that development in a small village can enhance and maintain services in a neighbouring village, and given the proximity of the application site to Uffculme, the development proposed could help support and benefit from the facilities in this neighbouring settlement.

The proposal is considered in the context of National and Local Planning Policy in respect of sustainable development. Paragraph 8 of the NPPF Policy and COR 1 Mid Devon Core Strategy (Local Plan 1) outlines the three objectives of sustainable development, these are economic, social and environmental benefits. It is considered that each objective needs to be satisfied for a proposal to be considered a sustainable development.

As the application site is situated in open countryside, as defined by Mid Devon Local Development Framework Core Strategy 2016. In addition Policy COR9 seeks development that will improve accessibility for the whole community, reduce the need to travel by car and increase public transport use, cycling and walking and Policy DM2 of the Mid Devon District Council Local

Plan Part 3 Development Management Policies looks to create safe and accessible places that also encourage sustainable modes of travel such as walking and cycling.

The countryside location of the site and the distance of it to local services means the development will not assist in maintaining the vitality of this rural community and all services will need to be accessed by private car. In addition the application is not responding to a need for affordable housing. The proposals is considered on balance to be unacceptable in principle as it is contrary to the principle of sustainable development Policy COR 1 and would not deliver any contributions on the economic, social, or environmental requirement and DM2 and COR 9 reducing the need to travel by car.

## **2. Paragraph 79 (e)**

The applicants Planning Statement appears to be for a pre application as it advises 'we are also mindful that our client could progress a scheme on the basis of paragraph 79 of the NPPF which permits new dwellings in the open countryside where they are of exceptional and innovative design. Such proposals could clearly be worked up for the application site with input from the Design Review Panel, and we would welcome the Local Planning Authorities views on this issue and further discussions on this point.'

Paragraph 79 (e) of the NPPF. This would permit a dwelling in the countryside, where the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The applicant has looked to support the proposed dwelling as being exceptional. They comment that the house is designed as a cluster of barns or linhays as could be expected in close proximity to Craddock Lodge.

The design consists of a connected pair of buildings. A larger living building, which is two storey with a lower ground floor level, cut into the land to the rear (south west) elevation. The other single storey building houses the four bedrooms. The connection is a lightweight link structure so that the two buildings can be used as a single dwelling. The new building is large at 450 sq. m of living space and the footprint has been designed to work with the existing slope of the land.

The architectural appearance the applicants consider reflects local vernacular barns and this will assist the assimilation into the landscape. The materials will also reflect local material palate, stone, timber cladding, metal and slate. The materials have been used so that each building has a different material and the applicants consider this assists a series of rural outbuilding informally grown up over time.

The landscaping includes grading the land to the rear to provide a lower ground level floor and an access to a garden terrace. The existing Devon Bank will be replaced set back to allow visibility splay for the access. A driveway and large double garage cover the top third of the site adjoining the lane.

The construction will provide thermal performance in excess of current building regulations, solar thermal, PV electric generation as well as natural drainage with a water reed bed system and rainwater harvesting.

The applicant has not looked to develop a third party support from a Design Review Panel.

The proposal is recognized as being a good architectural design however it is not exceptional. It is a large dwelling amounting to 450 sq. m that ranges expansively over a large site and includes a three storey building. It is greedy in space terms but offers nothing in terms of plan form that can be considered innovative and its poor use of the site with extensive coverage with built form and hardstanding would be considered to be harmful to the existing setting and defining characteristics of the local area Conservation Area setting and landscape.

In terms of the architectural design the approach is relatively common approach to look to reflect vernacular agricultural buildings and materials and to link buildings of different sizes. However it is not discernable how either of the main buildings reflects local agricultural buildings including Linhays, which are simple, open sided timber frame structures over two floors. In massing, form or architectural language and material use there is nothing that would clearly be seen as an innovative or interesting use of local distinctive materials.

In terms of landscape the access involves loss of an existing Devon Hedge bank and relocating it back to create a visibility splay, there is also some grading of land to create a lower ground level to maximize the floor space but this does not assist the building and how it sits in its setting in the middle of an open field.

It is not clear what about the proposals is considered to be in accordance with Paragraph 79 (e). The dwelling as proposed while of a reasonable architectural quality it does not offer a truly outstanding or innovative architectural design, or reflect the highest standards in architecture, or would help to raise standards of design more generally in rural areas or would significantly enhance its immediate setting, or be sensitive to the defining characteristics of the local area. On this basis it is considered to fail the tests of Paragraph 79 (e)

### **3. Impact on character and appearance of the area and setting of Craddock Conservation Area**

Policy COR2 seeks Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places and Policy DM27 controls development proposals likely to affect heritage assets and their setting, including new buildings, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.

With respect to the character and appearance, the development proposes a dwelling on a field located on the edge of the of the village of Craddock and the field abuts the boundary of the Craddock Conservation Area

The site is on relatively level agricultural pasture field ground with a gentle slope to the south with an attractive mature Devon hedge bank to the lane. The existing open field is considered to make a positive contribution to the character, appearance and setting of the village and Conservation Area.

It has been identified by that the site lies outside of the village and forms the first open field forming a distinct built settlement edge.

The erection of a prominent and expansive new dwelling sited centrally on its plot would infill between the two existing dwellings either side and form a visual connection with the dwellings on the opposite side of the road to form a continuous suburban form of development along with the relocation of the historic Devon bank set back 2m to provide a visibility splay for the new access to

a hardstanding and large garage would significantly alter the character of views as you enter the village from Uffculme and weaken the defined edge of the village contrary to Policy COR2 of the Mid Devon District Council Core Strategy.

The development would also be considered to constitute less than substantial harm to the setting of the Conservation Area.

There is also considered to be a less than substantial harm to the setting of Craddock Lodge a grade II listed building that forms with Nettlebed an historic group the latter being the former Coach House for the Lodge part of the 19th century improvements to the Lodge.

The proposal is considered to result in less than significant harm to the setting of designated heritage assets and would be contrary to DM27 of the Mid Devon District Council Local Plan Part 3 Development Management Policies. Again it is important to recognise that any harm to a heritage asset is given weight in the planning system and means that the now well used NPPF term 'tilted balance' is to be considered very differently and not applied.

#### **4. Other Material Considerations Highway, Parking and Impact on amenity of neighbouring dwellings.**

Policy DM2 of the Mid Devon District Council Local Plan Part 3 Development Management Policies looks to create safe and accessible places that also encourage sustainable modes of travel such as walking and cycling

The site access is considered to have a sufficient visibility splay although this is achieved by the relocation of the existing historic Devon bank and the recreation of this feature set back about 2m. As previously discussed the relocation of the Devon bank is considered to be harmful to the landscape character and the local distinctiveness and contribute to the less than substantial harm to the setting of the Conservation Area.

While the Local Highway Authority has not commented on highway grounds the visibility spays required for vehicles leaving the site appear workable, the provision of the access and visibility splay has the potential to harm the local distinctiveness and rural character contrary to Policy COR9 DM2 Mid Devon Core Strategy (Local Plan 1) and DM2 of the Mid Devon District Council Local Plan Part 3 Development Management Policies.

Policy DM2 looks to provide visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses and DM14 seeks new housing be designed to deliver high quality local places taking into account physical context, local character, density and privacy to private amenity spaces

The proposed dwelling is large and will be formed of two linked principle elements and a garage. The footprint and extent of built development within the plot would appear excessive and out of context with the ratio of built density upon the surrounding plots so that it would appear out of character with the existing pattern of development and contrary to the objectives of good design in Policy DM2 and DM14 of Mid Devon District Council Local Plan Part 3 Development Management Policies.

In respect of amenity issue for existing neighbours and new occupiers the orientation of the existing dwellings and the proposed are to the street and rear gardens and there is little or no

potential mutual overlooking or privacy issues.

The proposed garage will be located about 3 m from the south east boundary with Nettlebed which has a single side window and rooflight to this north west elevation. It is considered that the proposed new dwelling would not affect daylighting, views or outlook for Nettlebed which will not be substantially harmed by the proposed development.

Tanglewood is a bungalow and is built side onto the plot with its attached garage adjoining the site. The garden to Tanglewood is currently open aspect to the boundary.

The proposal will look to introduce a fence and orchard tree planting to this part of the garden and the new three storey block of the dwelling will be lowered into the site and some 11m away to the south east it is not considered that it will create any over shadowing or overlooking or residential amenity issues to Tanglewood. The proposals would be considered to respond to the requirements on residential amenity of Policy DM2 and DM14 of Mid Devon District Council Local Plan Part 3 Development Management Policies.

## **5. Precedent**

The applicant has identified two recent planning permissions that have been granted for new build residential development in small settlements that fall outside of the LPA's standard settlement hierarchy that they consider are precedent cases.

A planning permission Ref. 17/01108/OUT in Uplowman and 18/00745/FULL in Lurley. Both applications sought approval for a single dwelling and both schemes were granted planning permission by Mid Devon's Planning Committee.

As these decisions were made before the Emerging Local Plan Review inquiry and evidence that the Local Planning Authority has a 5 years housing supply. It is now considered that the Local Plan Policy has sufficient weight and along with the NPPF are considered relevant to the considerations to this application.

## **6. S106 financial contributions**

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to the delivery of Public Open Space. An appropriate contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document.

## **REASON FOR REFUSING PLANNING PERMISSION**

In balancing the various material considerations, the proposal is considered not acceptable in principle as the site is located in open countryside and the harm caused by the dwelling would conflict with the relevant policy in the NPPF and Local Plan seeking sustainable development and would be considered to be harmful development in respect to the local distinctiveness and character of the area and setting of designated heritage assets Craddock Conservation Area and Craddock Lodge a grade II listed building. In addition the proposed dwelling does not offer a truly outstanding or innovative architectural design, or reflect the highest standards in architecture or would significantly enhance its immediate setting. This assessed harm to principle planning objectives of strictly controlling development in the open countryside, seeking sustainable

development and preserving the character of heritage assets is considered demonstrably outweigh any benefits of a single market dwelling. These issues are considered to significantly and demonstrably outweigh the benefits of a new dwelling. The proposal is considered to be contrary to policies: COR2 of the Mid Devon Core Strategy (LP1), DM1, DM2, DM14 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the sustainability objectives of the National Planning Policy Framework. Refusal is therefore recommended.

## **RECOMMENDATION**

Refuse Planning Permission

### **Refuse planning permission**

1. National and local planning policy states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances to justify an approval. The Local Planning Authority consider the proposals, not offer a truly outstanding or innovative architectural design, or reflect the highest standards in architecture and due to the harm from the development in respect to the local distinctiveness and character of the area, setting of designated heritage assets including Craddock Conservation Area and immediate listed building in the village. The proposal is considered to represent an unsuitable and unsustainable development that harms material considerations, and fails to meet the required economic, environmental and social objectives. On this basis the proposals are considered to be contrary to the following development Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM14 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies) and the relevant National Planning Policy Framework.

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

Application No. 19/00210/MFUL

Plans List No. 4

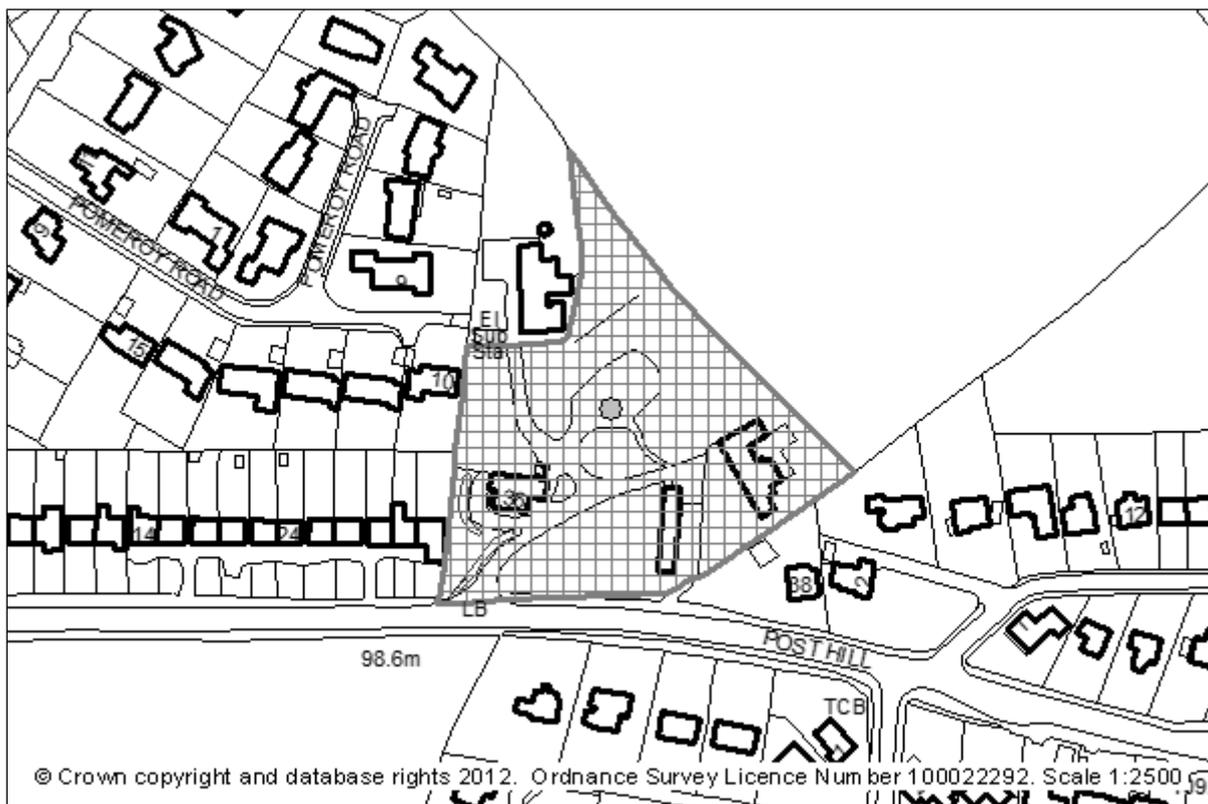
Grid Ref: 298519 : 113335

Applicant: Burrington Estate New Homes

Location: 36 Post Hill, Tiverton

Proposal: Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping.

Date Valid: 5<sup>th</sup> February 2019



## **APPLICATION NO: 19/00210/MFULL**

### **RECOMMENDATION**

Approve subject to signing a S106 legal agreement and conditions set out in the report.

Section 106 to secure:

- Two, affordable rent, housing units to be provided on site at Plots 14 and 15;
- £77,085 financial contribution to Devon County Council Education (including legal fees) towards primary education and early years.
- £23,744 financial contribution towards Phase I of the refurbishment of Amory Park, Tiverton.
- Road connection built up to and including the boundary of the application site to connect to the road within the adjacent northern site currently under construction.

### **PROPOSED DEVELOPMENT**

The planning application proposes the erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping following the demolition of the three remaining buildings on the site which was formerly the Post Hill hospital complex.

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

Application form, site location plan, block plan (existing and proposed), floor plans and elevations.

Streetscene

Tree Removal Plan

Planting Plan

Concept Drainage Layout

Topo Survey

Geotechnical Investigation & Contamination Assessment (Parts 1-3)

Waste Audit Statement

Transport Statement

Reptile Survey Report

Planting Schedule

Planning Statement

Extended Phase 1 Habitat Survey Report

Ecological Impact Assessment

Design and Access Statement

Covering Letter

Bat Survey Report

Arboricultural Method Statement

Copy of Committee Report (14/00604/MFUL)

Infrastructure Design Statement

Viability Assessment Covering letter, Viability Assessment (Appendix1-3)

## **RELEVANT PLANNING HISTORY**

**04/00573/PE** - REC date

Establishment of residential care home

**05/00115/PE** - REC date

Residential development

**05/01505/PE** - REC date

Erection of 6 bed nursing home

**13/01079/MFUL** - REFUSE date 22nd November 2013

Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings

**14/00604/MFUL** - PERCON date 20th April 2017

Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)

**18/01636/SCR** - CLOSED date 1st November 2018

Request for Screening Opinion in respect of a Full planning application for the demolition of existing buildings, erection of 18 dwellings and associated works, including access, parking and landscaping

**19/00210/MFUL** - PCO date

Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping

**13/01616/MOUT** - PERMIT date 18th September 2015

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.

**18/00133/MARM** - PERCON date 29th August 2018

Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure

## **OTHER HISTORY**

**11/00125/PREAPP** - CLO date 9th March 2011

PROTECT: Proposed redevelopment of former hospital site

**18/01331/PREAPP** - CLO date 20th September 2018

PROTECT - Erection of 18 dwellings

## **DEVELOPMENT PLAN POLICIES**

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

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR4 – Meeting Employment Needs

COR5 – Climate Change

COR7 – Previously Developed Land  
COR8 – Infrastructure Provision  
COR9 – Access  
COR12 – Development Focus  
COR13 - Tiverton

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

DM1 – Presumption in Favour of Sustainable Development  
DM2 – High Quality Design  
DM3 – Sustainable Design  
DM4 – Waste Management  
DM5 – Renewable and Low Carbon Energy  
DM8 – Parking  
DM14 – Design of Housing  
DM15 – Dwelling Sizes

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

AL/DE/3 – Affordable Housing Site Target  
AL/DE/4 – Occupation of Affordable Housing  
AL/DE/5 – Inclusive Design and Layout  
AL/IN/2 – Development Without Community Infrastructure Levy  
AL/IN/3 – Public Open Space  
AL/IN/5 – Education Provision  
AL/TIV/1 – Eastern Urban Extension  
AL/TIV/2 - Eastern Urban Extension Transport Provision  
AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure  
AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality

**National Planning Policy Framework (as amended Feb 2019)**

**Adopted Tiverton Eastern Urban Extension Masterplan SPD (Revised June 2018)**

**Technical Housing Standards – Nationally Described Space Standards (2015)**

**Refuse Storage for New Residential Properties SPD (Jan 2107)**

**The Provision of Funding of Open Space Through Development SPD (May 2008)**

**CONSULTATIONS**

**DCC Highway Authority (27 September 2019)**

**Observations:**

The applicant has made available more information and made amendments to the plans. I have read the revised Infrastructure Design Statement and I am happy with the layout and strategies subject to approval of the drainage by the Lead Flood Authority. The Highway Authority would seek that Drawing XBUR3623/0100/Rev P3 is conditional of any consent and that the road as bounded by the section 38 red line up to and including the boundary and is built as part of the development and will be adopted by the Highway Authority. To this end a section 106 agreement

or other legal agreement under the Town and Country Planning act should be sought to ensure that the road is built up to and including the boundary, or connect to the road within the adjacent northern site if that road has been constructed.

Subject to the legal agreement the Highway Authority would raise no further observations and would recommend that the following conditions are imposed.

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

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

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

Local Planning Authority:

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

b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

c) The cul-de-sac visibility splays have been laid out to their final level;

d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

3. 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

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (k) details of wheel washing facilities and obligations;
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking; and
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

### **DCC Highway Authority (22 July 2019)**

- Drawings 3841/001 Rev M and XBUR 3623 C1.3 should both reflect the changes made to XBUR3623 / 0100/P which is acceptable to show the alignment of the road through the boundary and connecting to the Barratt road.
- In relation to their design the gradient of their road at the centre line is designed at 1:100 on the boundary not 1:46 as shown by your plan.
- Their road is designed to be side hung where yours is centrally cambered and a transition from one to another will need to be taken into consideration.

Aside from these a closer Horizontal check will be required to satisfy the legal agreements which would need access to the Cad layout or co-ordinates at the tie in points and beyond to be certain.

The Highway Authority will seek the connection of your road to the Barratt road through a section 106 legal agreement and verification of all land ownerships will be necessary to confirm that the match the previous section 106 and abilities to deliver the connection.

### **DCC Highway Authority (13 May 2019)**

The Highway Authority have no objections in principle to the proposed development And is junction and access road are acceptable up to a point. The access road is identified in the Master plan to access this site and connect to the Braid park development to the North. The timing of this application is such that the development will need to make that connection to the Barratt homes development, given that contracts and agreements have been completed on the land to the North and their road is under construction. In addition this will need to be shown on a plan. This should include long section traversing the boundary and showing the roads seem less connection and should be based on Topographic information. Barratt homes have indicated that they are willing to provide necessary details to the developer to ensure both sections of road meet up and the Applicants should contact Andrew Cattermole of Barratt homes. In addition to this the drainage will need to be approved by the lead flood authority. The applicant should demonstrate that they control all the land up to Barratt homes boundary to enable this work to be completed and it should fall within their red line of the application. Such land was shown in the section 106 agreed as part of the Hospital site application and should also be included as part of this application. Therefore the Highway Authority would seek a details design of the road connecting to the Barratt homes development which has been based on the previously agreed alignment of the Care home and shall include construction details, drainage, long sections and Cross sections upon receipt of these and the necessary land verifications The Highway Authority will comment further and consider Conditions. This development should be subject to a legal agreement under the Town and country planning act to secure the roads adoption, completion in a timely manner and its compliance to the Tiverton EUE master plan

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER

**INFORMATION:**

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

A) access,

B) road layout,

C) road construction,

D) road gradients,

E) surface water drainage,

contrary to Tiverton Eue Master plan and National Planning Policy Framework.

**DCC Highway Authority (20 March 2019)**

Comments to follow

**Historic Environment Team (13 March 2019)**

The Historic Environment Team had previously commented on an earlier application for the development of this site (ref: 14/00604/MFUL) and consent was granted conditional upon a programme of archaeological work being undertaken – Condition 16. The archaeological resource should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'*

**Reason**

*To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'*

**Devon and Cornwall and Dorset Police (13 March 2019)**

The police have no objections in principle to the proposal. Site specific recommendations:

Iron railings are noted. These should also apply to frontage of plots 14 -17 (inc) and the indicated parking spaces for 14 & 15.

Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and antisocial behaviour.

If existing or newly planted hedgerow is likely to comprise new rear garden boundaries, as appears to be the case, then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in.

All rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate.

Additional defensive planting is recommended along the boundary fences of plots 6 & 18 where it is adjacent to the indicated open space

#### **Tiverton Town Council (19 March 2019)**

Whilst supporting this application there are some highway concerns as the site comes out onto a busy road with somewhat restricted view of approaching traffic.

#### **Public Health (5 September 2019)**

The wording (*of Condition 13, Application 14/00604/MFULL*) is still appropriate with the additional wording of:

Following the completion of the remediation works, a further validation report will need to be submitted to the Local Planning Authority for consultation with Public Health Services confirming the suitability of the 600mm of inert topsoil and subsoil used. Occupation on the site, shall not take place until the validation report has been approved in writing by the LPA.

#### **Public Health (26 April 2019)**

The receptors of residential properties are likely to use the amenity areas a lot more and for a greater number of different practises than residents of a care home. Therefore, I would recommend that the investigation and contamination assessment adequately covers the whole site. Plus now that the development layout is known, the additional testing can be targeted in the proposed amenity areas to plots 4, & 10 through to 17 to determine the

levels of contamination in these areas and to see if any remediation is required in these areas.

#### **Public Health (20 March 2019)**

Contaminated Land: The site investigation and contamination assessment has confirmed the existence of contaminants at levels that are potentially harmful to human health. If left un-remediated they could potentially be harmful to the end users. However, this investigation and contamination assessment does not adequately cover the whole site. Now that the development layout is known, additional invasive contamination testing should be undertaken on the site in the proposed garden areas to plots 4, & 10 through to 17 to determine the levels of contamination and if further remediation is required. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA. Following completion of any works, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Air Quality: No objection to this proposal

Environmental Permitting: No objection to this proposal

Drainage: No objection to this proposal

Noise & other nuisances: Before the commencement of development, a Construction

Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be

implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards: No comment

Licensing: No comments

Food Hygiene: Not applicable

Private Water Supplies: Not applicable

Health and Safety: No objection to this proposal enforced by HSE.

Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/> . If asbestos may be present a Refurbishment and

Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf>

should be carried out before work commences to identify precautions and legal requirements

enforced by Health and Safety Executive (11.3.19).

### **Natural England (21 March 2019)**

No comment

### **DCC Education (22 March 2019)**

DCC has identified that 18 family type dwellings will generate an additional 4.5 primary pupils and 2.7 secondary pupils which would have a direct impact on primary schools in Tiverton and Tiverton High. In order to make the development acceptable in planning terms, a primary school education contribution to mitigate its impact is requested. The contribution sought is £72,085.00 (based on the DfE new build rate of £16,019 per pupil). This will relate directly to providing education facilities for those living in the development. A contribution to secondary school education will not be sought. However, a contribution towards Early Years provision is needed to ensure delivery of

provision for 2, 3 and 4 year olds. This is calculated as £4,500 (based on £250 per dwelling). Any legal expenses incurred by DCC associated with a S106 agreement will also need to be recovered.

### **DCC Lead Flood Authority 17 September 2019)**

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

1. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Infrastructure Design Statement (XBUR3623-PD01; Rev. 04; dated September 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

2. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. The REASON for being a pre-commencement condition:

These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality of the surface water runoff from the construction site.

REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. The REASON for being a pre-commencement condition:

A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream,

negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

## Observations

Following my previous consultation response (FRM/MD/00210/2019; dated 2nd April 2019), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated [DATE], for which I am grateful. If not already done so, the applicant should submit the following document to the Local Planning Authority:

Infrastructure Design Statement (XBUR3623-PD01; Rev. 04; dated September 2019)

The applicant has clarified that there will be a reduction in runoff flowing to the highway drainage system within Post Hill, and that the area draining to South West Water's surface water drainage system will be restricted.

At the next stage of planning, the applicant will need to confirm how the driveways and homezones shall be drained. The drainage consultant, acting on behalf of the applicant, has confirmed that further infiltration testing will be conducted to assess the suitability of permeable paving. Testing should be relevant to permeable paving (e.g. shallow, broad pits). If infiltration is not viable, then permeable paving could still be viable but an outflow from the permeable paving will be required.

At the next stage of planning, the applicant will need to confirm how exceedance flows will be managed safely.

### **DCC Lead Flood Authority (6 September 2019)**

I cannot withdraw our objection to this planning application.

The applicant is proposing to drain the adoptable highway to the existing highway drainage system. However, this should be restricted (as noted within section 4.5 of the Infrastructure Design Statement; dated 1<sup>st</sup> July 2019) before being discharged to the highway system. The Highways Department should confirm that they will accept surface water drainage into their system.

The proposed attenuation tanks are located beneath the driveway of plot 10. Are Mid Devon content with this and the agreements/covenants that will need to be put in place? Who will be responsible for maintaining the tank?

Only the roofs have been accounted for within the calculations for the attenuation tank. However, the proposed permeable surfaces (driveways and private highways) are designed to 'back up' and flow into surrounding gullies. Further details of the highway drainage are needed.

### **DCC Lead Flood Authority (2nd April 2019)**

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The

applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### Observations:

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system. However, these underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground SuDS components should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above and below-ground components can be used in combination where development area is limited.

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green

roofs, swales and filter drains.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Where infiltration is not used, long term storage must be provided to store the additional volume of runoff caused by any increases in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

If the applicant is wishing to connect into the combined sewer, agreement in principle should be sought from South West Water.

## REPRESENTATIONS

10 letters of objection have been received. The main points including:

1. House No.s 1 and 2 are proposed far too close to Post Hill Road. They are over dominant and will negatively impact on the character of Post Hill and the sight lines up Blundell's / Post Hill Road. They will not follow the building line of existing houses. If houses are built too close to Post Hill Road, the plan suggests c10m to 15m closer than the existing properties, it will significantly impact the character of this mature neighbourhood and negatively impact on visibility for a long distance up one of Tiverton's main arterial roads.
2. The land at 36 Post Hill is considerably higher than the road so the visual impact will be even more severe. Not only will Nos 1 & 2 stand out in front of the existing building line, they will also be much higher. This will impact on the privacy of neighbouring properties.
3. It is concerning that the site plans put forward for the development of the Post Hill Hospital site do not show a confirmed road link with the BDWH site.
4. Annotating the linking road as a 'potential link' only is not a commitment to deliver.
5. The road connection into the BDWH site to the north east is required by planning policy and has been secured in other planning applications. It's inclusion up to the site boundary is necessary.
6. The proposed site access on to Post Hill will be hazardous.
7. Proposed house No. 1 is a strange shape and not in keeping with the neighbourhood.
8. An Arboricultural Impact Assessment which considers the full extent of the link is required to ensure there are no adverse effects to retained trees from development on either side of the boundary and particularly associated with the construction of the linking road.
9. Whilst welcoming the Development and as directly overlooking the proposed site, I am concerned about the access to the main road by the increased traffic and feel that the entrance needs to be widened. Also House no 1 will have to set back in order to achieve a wider street entrance for traffic. House No 2 should also be set back to come in line with the existing houses. At the current plan these 2 houses will have to suffer very heavy traffic noise, being so near the main road (this is from own experience when being in our garden shed).
10. The great majority of houses in the Post Hill area have been built since 1930 and while there are a variety of styles, both colours and materials need to be much more varied. The mock-Georgian style is both alien to the surrounding residential area and unimaginative.
11. A programme of screening is required particularly at Plots 2 & 5 to safeguard privacy for residents of Fairway.
12. Numerous trees along the front of Blundell's road which will be lost. Very mature trees will be lost within the site.

1 letter of supported has been received. The main points including:

We need new homes in Tiverton because some of us can't afford to buy homes so we need more built for people like me to buy so we don't have to keep renting. I agree that they should be built.

1 general comment has been made. The main points including:

1. There appears to be no reference to the energy efficiency levels proposed for the dwellings. With the prominence in the press and Government proposals, MDDC should endeavour to ensure that ALL new housing achieves the best for the environment. Accordingly all housing

should achieve Code Level 4 (Code for Sustainable Homes) at the least. An independent Assessor should be required to submit a detailed analysis for each dwelling type and certify its compliance on completion of build. It is notable that adjoining planning authorities are more likely to impose such levels than MDDC.

2. There is a policy in MDDC (not always enforced) that garages should comply with the following:

Single garage minimum 3m x 6m

Double garage 6m x 6m

This would ensure that off-street parking is achieved. A condition should be made that they cannot be converted to a use. The parking space for cars to be maintained plus the space for other storage.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application site is a former hospital site which has been unused for a number of years.

The main material considerations in respect of this proposal are:

- 1) Principle of development in this location
- 2) Access, linking road and parking
- 3) Drainage and contamination
- 4) Design and layout and impact on the character and appearance of the surrounding area
- 5) Space standards
- 6) Bins
- 7) Ecological measures
- 8) Viability and Section 106 Obligations inc public open space, affordable housing and education

### **1. Principle of development in this location**

The application site forms part of a larger area promoted for development and referred to as the Tiverton Eastern Urban Extension. This area, that includes the application site, is subject to an Adopted Masterplan SPD. The Masterplan SPD is a material consideration when assessing development within the masterplan area. Spatially the application site occupies approximately 0.6% of the total area covered by the urban extension masterplan area and 0.9% of the required residential development. This application is for 18 dwellings.

The role and purpose of a masterplan is to provide a comprehensive plan that sets out the principles for the way in which an area will be developed, 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 more complex planning issues. Masterplans will also set out key principles that planning applications will need to have regard to in order to be considered acceptable. This is particularly relevant as the Masterplan SPD identifies a preferred vehicular link through this application site – linking the development sites to the north of this application site to Post Hill and Blundell's Road; a principle vehicular route into Tiverton and beyond. This comprehensive approach to development with

associated pedestrian and cycle links contributes to the reduction in carbon energy in support of climate emergency planning.

The application site that is occupied by three redundant buildings has been vacant for a number of years. Planning permission with signed S106 was granted in March 2017 (Application No.14/00604/MFUL). Although it included a care home, meeting the requirements of the Core Strategy, Policy COR4 and the Adopted Tiverton Eastern Urban Extension Masterplan SPD, it also included 12 open market apartments. A residential use of the site was not explicitly promoted as part of the Adopted Tiverton Eastern Urban Extension Masterplan SPD. However the 12 apartments were considered to be a compatible use bearing in mind existing residential development to the east and west of the site and recently approved residential development to the north (Application 18/00133/MARM now under construction). Any employment potential for the site is extremely limited by surrounding sensitive land uses.

In summary and in acknowledgement of the existing approved planning consent that includes residential development, the residential context of the application site and the provision of the preferred vehicular link, a solely residential development, in this instance, is considered acceptable.

## **2. Access, linking road and parking**

Part 4.3 of the Adopted Tiverton Eastern Urban Extension Masterplan SPD identifies a number of new connections and works that will link the new masterplan neighbourhood to the surrounding area and wider town of Tiverton. One such connection is the 'preferred vehicular link', linking development to the north of the application site, through 36 Post Hill, to Post Hill Road. Its provision will go some way to reduce the impact of the Eastern Urban Extension and associated development. To ensure the preferred vehicular link extends to the red line boundary of the application site, aligning horizontally with that identified on the neighbouring development site (Application 18/00133/MARM) a revised site plan has been submitted (Dwg No. 3841/001 O). This application will only be considered to be fully in accordance with the Adopted Tiverton Eastern Urban Extension Masterplan SPD if the through route is agreed and secured through the S106. Hence the recommendation to grant planning permission subject to a S106 as detailed above. In the absence of the provision of the linking road up to the boundary of the application site the proposal would not deliver the comprehensive, coordinated approach to the urban extension as required by the Masterplan SPD.

As regards to the application site vehicular and pedestrian access is achieved from Post Hill Road. The vehicular access from Post Hill provides adequate capacity for the expected volumes of traffic and adequate visibility splay, to the satisfaction of the Highway Authority. Access to the existing property of Pine Lodge to the north west of the site is provided within the scheme layout. Allocated on-site parking and turning is provided for a total of 37 cars which equates to 2.1 parking spaces per dwelling, thereby exceeding the minimum of 1.7 spaces per dwelling set out in Policy DM8 of the Local Plan Part 3. The vast majority of the parking spaces are located either on plot adjacent to the house they serve (26 spaces) or within a parking court (11 spaces). No dwellings are dependent on allocated on-street parking. Each parking court benefits from informal surveillance from those properties which it is serving.

In addition to on-plot and parking court provision a further 23 garages are proposed. All of the garages meet the internal space requirement of 3m x 6m for a single garage and 6m x 6m for a double. Whilst having regard to the fact that garages do not count towards parking standards it is acknowledged that the development has an acceptable level and distribution of parking to support the layout of the site in compliance with Policy DM8 Parking, of the Local Plan Part 2. A comment has been received that a condition should be imposed restricting the conversion of garages to a (residential) use. The planning officer would comment that such a condition would be overly restrictive, denying individuals the reasonable use of their properties when alternative parking provision meets policy standards.

It is therefore concluded that subject to a signed S106 legal agreement (including adoption of the highway between Blundell's Road and the red line boundary of the site with Braid Park (Application 18/00133/MARM)) the Highway Authority are satisfied with the proposals and would raise no further objections subject to a signed S106 and conditions.

### **3. Drainage and contamination**

The application site is situated within Flood Zone 1, designating it as having a less than 0.1% or a 1 in 1000 probability of flooding. Site investigations undertaken as part of the application process indicate that the site is not suitable for conventional soakaway drainage. Further, the site has been identified as contaminated; evidence that soakaways would not be a feasible method of discharge. As such, a fully separate gravity system will be provided for the foul and surface water drainage. Highways will be drained via a separate system and into the existing highways drain in Post Hill. The development will discharge foul flows and roof runoff at a restricted rate into the existing SWW combined sewer at an agreed rate of 2l/s. Similarly, the adopted main access road will be discharged at a restricted rate. Discharge from un-adopted highway and private car parking areas will be dealt with on site including through permeable surfaces. The overall drainage scheme has sought to provide a Sustainable Drainage Scheme (SuDS) that will provide betterment to the existing method of unrestricted surface water disposal.

Both the Lead Local Flood Authority and Public Health have confirmed that the proposal is to their satisfaction subject to conditions.

### **4. Design and Layout and Impact on the character and appearance of the surrounding area**

Planning application 14/00604/MFUL gives consent for a 2 and 3 storey care home. Whilst significant effort was made to ensure the scale and massing sat comfortably within the setting, to ensure it did not have an overly dominant impact on the visual amenity of the area, it remains that it is a building of some significance. In addition, a 12 unit, 2 and 3 storey residential block was also approved, again of some significance in terms of scale and massing, with the 3 storey element being closest to Post Hill road. The application now presented proposes 14 detached residential units, set within generous plots and 4 semi-detached units. All are 2 storey in height, retaining glimpses and views between buildings of mature trees within and bounding the site. The application scheme retains the same trees (Arboricultural Report, Dec 2018) as those proposed through the consented care home scheme. In this way, the proposed scheme sits comfortably

within the surrounding area, respecting the residential context and amenity of near neighbours. The application further reflects the urban grain of the existing neighbouring properties whilst being mindful of an efficient use of land. As such, this application presents an appropriate density of development. A number of concerns have nonetheless been expressed particularly regarding the siting of units 1 and 2, their proximity to Post Hill road, being overly dominant and impacting negatively on the character of Post Hill.

It is acknowledged that in the context of the surrounding area, Units 1 and 2 will be located closer to the frontage of Post Hill road. The care home would have been set 12m back from edge of pavement while Unit 1 is proposed to be set 5m back from edge of pavement. Whilst this is a change to the established building line, Unit 1 has been designed to provide a strong focal point at the entrance of the site with a frontage that 'turns the corner'. Unit 2 reflects the alignment of Unit 1, being some 6m back from the edge of pavement. A focal point building at the entrance of the site is an appropriate design rational particularly as the junction will be serving the principle route to the Braid Park development to the north and beyond (Application 18/00133/MARM). Whilst the property will be visible in views from the west (and to a lesser extent from the east), as are existing dwellings, these will be softened by existing and proposed planting (Drwg No. 3841-BBLA-SP-000-DP-L-210 D). In this respect, the proposed property is not out of keeping. As a scheme of largely detached units, the views and glimpses of the shrub and tree planting within gardens and beech hedging as detailed in Drawing No. 3841-BBLA-SP-000-DR-L210 D, provide some privacy protection, soften the scheme and the urban form akin to the surrounding area.

It is acknowledged that Unit 1 will occupy an elevated position being approximately 1.05m higher than the street level of Post Hill. It is also noted that, existing properties including 26 Mayfair (directly opposite Unit 1) are at an even greater height above street level and set back approximately 20.5m from the road frontage. There will be a separating distance of some 25m between No 26 Mayfair and Unit 1. The established recommended minimum distance is some 21m between the rear facing properties. The distances proposed are in excess of this and unlikely to result in a significant loss of privacy.

Comment has been received that the mock Georgian style is alien to the surrounding area and that the materials and colours need to be more varied. Whilst it is acknowledged that the architectural style may not be representative of that surrounding it meets with clear expectations in plan policies seeking to improve the character and quality of the area and the way it functions. The proposed materials palette offers a subtle touch to the building mass which accords with the requirements of the NPPF in many ways including the creation of a sense of place, function and innovation.

## **5. Space Standards**

Nationally Described Space Standards for housing were introduced in 2015. Mid Devon District Council accordingly apply the standards. Following the submission of revised plans, each proposed dwelling meets the Nationally Described Internal Space Standard as defined by the level of occupancy. The accommodation schedule is available on drawing No. 3841/0010

## 6. Bins

Drawing No. C1.3A of the Infrastructure Design Strategy identifies the extent of the Adopted Highway. Acknowledging that Units 2,3,4 and 7 will not have refuse collection available direct from their plots, due to the extent of the un-adopted highway, a refuse collection point has been provided towards the rear of Plot 8 (Drawing No. 3841/001O). This provides a clearly defined collect point for all waste and recycling, falls within the distance householders may be required to wheel a bin and for operatives to collect as determined by Refuse Storage for New Residential Properties, Jan 2017).

## 7. Ecological Measures

This application has been the subject of an Environmental Impact Screening Assessment as required by Schedule 2 of the Town and Country Planning (EIA) Regulations 2017. Accordingly, the Local Planning Authority have considered the proposed development in the wider context of the Tiverton Eastern Urban Extension within which it falls. The Local Planning Authority concluded that whilst the physical scale of this proposal, when assessed as part of the wider urban extension will introduce a cumulative environmental impact, a screening for the delivery of 18 units over 0.9ha, when considered against Schedule 3 of the 2017 Regulations, would not introduce any additional environmental impact that has not already been assessed as part of the wider Eastern Urban Extension development and that cannot be dealt with as part of individual reports &/or planning conditions attached to any future planning application. This includes waste, pollution and nuisances (including traffic, emissions and noise) and surface water drainage. Given the previously developed nature of the Post Hill site, its largely urban context, the limited scale of development, the benefits it can bring as regards to improved vehicular connectivity, it was concluded that an Environmental Impact Assessment was not required.

As regards to the ecology on the site, an Ecological Report, Reptile Survey Report and Bat Survey Report were undertaken as part of Application 14/00604/MFUL and are required to be read in association with this application. An Updated Ecological Impact Assessment (Dec 2018) has also been submitted. The Updated Ecological Impact Assessment recognises that the proposed works will result in the loss of one breeding roost and occasional roosting sites for at least three bat species with potential for further loss with the demolition of the bungalow and cubicle block (para 3.3.1). The Updated Ecological Impact Assessment recognises the need for two additional bat surveys during the months of May and August to inform a Natural England European Protected Species Licence. Para 5 details that 'given that the baseline conditions were not considered to have significantly altered since the production of the 2013 reports and the development extent and scale is largely consistent with the masterplan submitted with the original planning application, no significant change is considered to have occurred in relation to the predicted effects of the proposed development. The mitigation covered in the report (Acorn Ecology 2013a) is therefore largely suitable for the new application, with some minor refinements based on the detailed design'. It is the Officers recommendation that, should planning consent be forthcoming, that the Updated Ecological Impact Assessment is an approved document to ensure the recommended mitigation measures are in place as a requirement of the planning consent.

## **8. Viability and S106 Obligations Public Open Space**

Policy AL/IN/3 outlines that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with The Provision and Funding of Open Space Through Development SPD. There is therefore a clear policy justification for this contribution. As such, a financial contribution of £23,744 has been requested in accordance with Policy AL/IN/3, for Phase I Refurbishment of Amory Park.

### **Affordable Housing 18.04.19**

Policy AL/DE/3 of the AIDPD (2011) requires an affordable housing contribution on sites of 4 dwellings or more within Tiverton. However, the national 'small sites affordable housing contribution policy' introduced in November 2014, updated March 2019, introduces a national threshold of 10 units (or fewer) and or a maximum combined gross floor space of no more than 1,000sqm beneath which affordable housing contributions will not be sought. This site for 18 dwellings is required to make an affordable housing contribution.

The former NHS site has been vacant for a number of years and includes three vacant buildings totalling a gross internal floor area of 739sqm. National policy provides an incentive for sites containing vacant buildings. Where a vacant building is brought back into a lawful use or is demolished to be replaced by a new building, a financial credit, equivalent to the existing gross floorspace which is brought back into lawful use, is available (Guidance. Planning Obligations. March 2019). As such, the Local Planning Authority are required to offer a reduction in the affordable housing contribution equivalent to the existing gross floor space of the existing buildings.

Policy AL/DE/3 requires 35% of the development to be provided as affordable housing. Based on a development of 18 dwellings this equates to 6.3 dwellings. Application of the vacant building credit, however, provides the following:

Gross floor space of the vacant building(s) is: 739msq

The combined floor space of the proposed development is: 1608.76sqm

$1608.76 - 739 / 1608.76 = 0.54$  (or 0.5%).

Number of affordable houses that would have been required  $(6.3) \times 0.5 = 3.15$  or 3 affordable dwellings.

Based on the information provided and taking account of the vacant building credit, 3 affordable dwellings are required.

The applicant in their Viability Assessment and covering letter (15 February 2019) assert that after factoring in the additional costs arising from the construction of the link road that the proposed residential scheme would not be able to afford any affordable housing or off-site contributions. The applicant asserted that no affordable housing, public open space or education contributions were capable of being made. Independent Viability Advice was sought and concluded that a scheme

providing 3 x affordable units would be financially viable if the total required S106 financial contribution was reduced to £61,208. Alternatively, the full £100,829 S106 requirement could be provided and the number of onsite affordable rented units reduced to 2. The assessment was presented to the applicant who offered the full £100,829.00 contributions towards education and leisure and 2 x on-site affordable dwellings. They also commented that gaining interest from a Registered Provider for only 2 x affordable units on site would be unlikely and therefore offered the 2 units (Plot 14 (3 bed) and Plot 15 (2 bed)) as low cost market housing.

The planning officer accordingly approached MDDC property services and housing to enquire if MDDC would take on 2 x affordable units at Post Hill, if purchased at build cost. This was confirmed in principle with an affordable rent tenure, being the most required form of tenure. The planning officer offered this to the applicant who then requested to challenge the Independent Viability Advice. The challenge to the Independent Viability Advice did not on this occasion result in any change. It was accordingly confirmed (21 October 2019) by the applicant that two affordable rent units on site with financial contributions to the sum of (£100,829) was accepted. (It is noted at this stage that there is no agreement to the affordable housing units being transferred to the MDDC, this to be addressed in the S106 legal agreement).

### **Education**

An education contribution of £77,085 has been requested to support primary school and early years education (and associated legal expenses incurred). Following detailed negotiations the full contribution has been agreed and will form part of the detail of the S106 legal agreement.

### **Summary**

Conditional approval is recommended. The application for the erection of 18 dwellings (16 open market and 2 affordable) has been considered against national and local planning policy and is considered acceptable. Development of this previously developed site accords with the principles of sustainable development and Policy COR7 of the Mid Devon Core Strategy and Policy DM3 of the Local Plan Part 3. The design and setting of the development will not have an adverse impact on the street scene of Post Hill and will comfortably sit within the site. The design adheres to the principles of the adopted masterplan. It makes adequate provision for parking and waste management. The development will not have an unacceptable adverse effect on the residential amenity of neighbouring occupiers. In this regard the proposal is in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM3, DM4 and DM8 of the Local Plan Part 3 (Development Management Policies). Any impact on the ecology of the site can be mitigated in accordance with Natural England guidance, compliance to the Updated Ecological Impact Assessment in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

The application includes all the land required to enable the provision of a through road to connect to the Braid Park application site to the north, in accordance with the Adopted Tiverton Eastern Urban Extension Masterplan SPD. The provision of the land to ensure this through road can be provided is subject to agreement via a S106 with the applicant and is agreed in principle. While the parking provision and access to Post Hill are all acceptable and in accordance with Policies DM2

and DM8 of the Local Plan Part 2, if agreement cannot be reached regarding the provision of the land required to provide the through route, and other agreed contributions of affordable housing (Policy AL/DE/3 of the Local Plan Part 2), public open space (AL/IN/3 of the Local Plan Part 2) and education (AL/IN/5 of the Local Plan Part 2), then the application would not be in accordance with the comprehensive and coordinated approach to the development of the area as required by planning policy and the Adopted Tiverton Eastern Urban Extension Masterplan SPD. The application is therefore recommended for approval subject to conditions and signing of a S106 to secure the provisions set out in the recommendation.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three\* years from the date of this permission.

REASON: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on Drwg No. 3841-BBLA-SP-000-DP-L-210 D shall be carried out prior to the occupation of the development (or phases thereof) and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be retained in accordance with the approved scheme.

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

4. Prior to their use on site, samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

5. No hard landscaping works in the areas shown on the approved plans shall begin until details of surfacing materials to be used in those areas have been submitted to, and

approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use (in any phase) and shall be so retained.

REASON: To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

6. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the Updated Ecological Impact Assessment (Dec 2018) and shall be approved by the Local planning Authority before construction begins.

REASON: To limit the impact on any protected species that may be present.

7. The development shall be carried out in accordance with the recommendations in the Geotechnical Investigation and Contamination Assessment Report (August 2012) submitted with the application. Following the completion of the remediation works, a further validation report will be submitted to the Local Planning Authority for consultation with Public Health Services confirming the suitability of the 600mm of inert topsoil and subsoil used. Occupation on the site, shall not take place until the validation report has been approved in writing by the Local Planning Authority.

REASON: In the interest of proper planning, public health and residential amenity

8. Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: in the interest of proper planning and residential amenity

9. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies) and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.

10. 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.

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:
  - 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

12. 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.

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

13. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works;
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (k) details of wheel washing facilities and obligations;
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking; and
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried out at all times in strict accordance to the approved CMP.

REASON: For the avoidance of doubt and in the interests of proper planning and maintaining residential amenity.

14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing, by the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Infrastructure Design Statement (XBUR3623-PD01; Rev. 04; dated September 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

15. The full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. The REASON for being a pre-commencement condition:

These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

16. The detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction shall be submitted to, and approved in writing by, the Local Planning Authority. Any temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality of the surface water runoff from the construction site.

REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area. The REASON for being a pre-commencement condition:

A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

17. The occupation of any dwelling in any agreed phase of the development shall not take place until the Local Planning Authority have agreed in writing the boundary treatment to all plots.

REASON: For the avoidance of doubt and in the interests of proper planning and maintaining residential amenity.

## INFORMATIVES

1. There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos  
<http://www.hse.gov.uk/asbestos/>

If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at

<http://www.hse.gov.uk/pUbns/priced/hsg264.pdf>

should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive

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

Application No. 19/00924/HOUSE

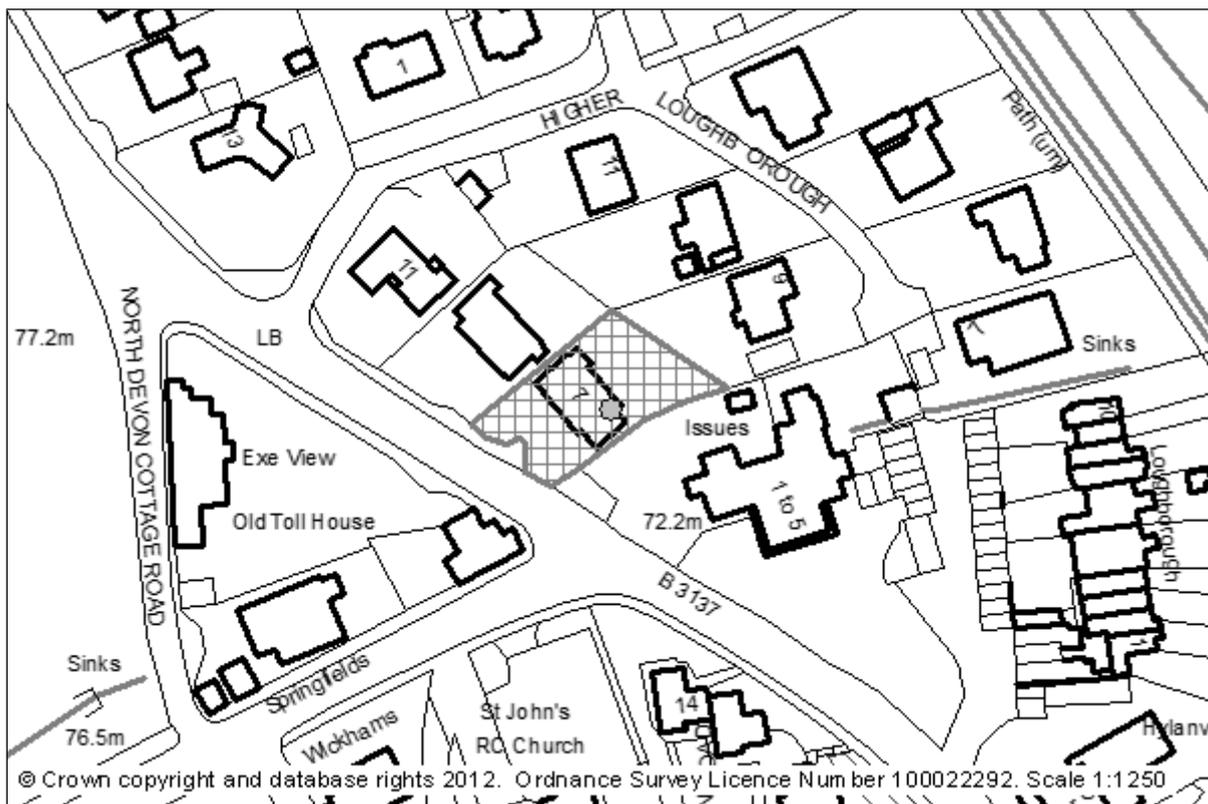
Grid Ref: 294763 : 113215

Applicant: Mr T Andrews

Location: 7 Rackenford Road  
Tiverton  
Devon  
EX16 5AG

Proposal: Erection of extension and alterations to roof to include first floor accommodation and dormer window

Date Valid: 29th July 2019



## **APPLICATION NO: 19/00924/HOUSE**

### **MEMBER CALL-IN**

This application has been called in by Cllr Luxton and Cllr Dolley for the Planning Committee to consider the design and impact on neighbour amenity.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Erection of extension and alterations to roof to include first floor accommodation and dormer window

### **RELEVANT PLANNING HISTORY**

None

### **DEVELOPMENT PLAN POLICIES**

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

COR2 – Local Distinctiveness

COR13 - Tiverton

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

DM2 – High Quality Design

DM13 – Residential Extensions

### **CONSULTATIONS**

#### **Tiverton Town Council**

8 October 2019

Whilst some improvements have been made the council still feels the proposal is too large and out of keeping. There are still concerns regarding privacy in relation to the windows affecting neighbours. Therefore unable to support.

17 September 2019

Whilst it is noted that many of the previous objections to this application have been resolved by the proposed amended plans Tiverton Council still feels that the proposed extension is out of keeping with other properties in the area and that it is not in line with the Local Plan. Tiverton Town Council therefore does not support this amended application.

20 August 2019

The proposed development, in the opinion of the Town Council, is too large and would be out of keeping with adjacent properties. The proposal would also be intrusive to two adjacent properties, resulting in a loss of privacy. There are also concerns that the development could have an adverse

effect on the natural light of one adjacent property. For this reason Tiverton Town Council is unable to support the application; and recommends refusal for the material reasons stated.

### **Highways Authority**

Standing advice applies please see Devon County Council document <https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants> (12 August 2019)

### **Environment Agency**

Standing advice applies – Flood Zone 1

## **REPRESENTATIONS**

3 letters of objection in respect of revised drawings submitted 9 September 2019. Summary of comments received:

- Window overlooking garden
- Loss of light
- Too large; does not reflect character and design of existing dwelling
- Overdeveloped and inappropriately designed
- Windows would provide views into adjacent property

2 letters of objection in respect of the revised drawings received on 25 September 2019. Summary of comments received:

- Overdeveloped and out of character proposal
- Would result in loss of light
- Inappropriate design
- Would result in loss of privacy

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main material considerations relevant to the assessment of this application are:**

- **Character and appearance;**
- **Impact on residential amenity;**

### **1. CHARACTER AND APPEARANCE**

7 Rackenford Road is a detached bungalow. There are a number of similar properties in the area located on this eastern side of Rackenford Road and Higher Loughborough. Immediately adjoining the site boundary to the south-east is Elm House which is a local non-designated heritage asset.

Policy DM2 requires development of a high quality. Policy DM13 requires domestic development to respect the character, scale, setting and design of existing dwellings and prevent overdevelopment.

This application proposes alterations to the front, side and rear of the property.

The proposed side extension and revised single storey rear extension reflect the character of the bungalow being single storey with a matching roof profile.

The proposed front extension has a contemporary design but is not considered harmful to the appearance of the dwelling or surrounding dwellings.

The proposed box dormer to the rear is large and adds a considerable to the roof of the property. It extends from the eaves to the ridge and across a large section of the roof. It does not reflect a design approach which would generally be encouraged and would be out of character with the other properties in the area. It is however acknowledged that the proposal would be permitted development were it proposed after the construction of the side extension. Class B Part 1 Schedule 2 of the General Permitted Development Order 2015 allows a roof extension no more than 50 cubic metres; the proposed dormer would be 48 cubic metres.

The proposed extensions would result in a modest increase in the footprint of the house. The roof extension has been substantially reduced during the assessment of the application. The proposed extensions and dormer would be below the height of the ridge of the main roof. The proposal is not considered to result in an overdevelopment of the curtilage of the property.

In view of the above officers do not consider a refusal on design grounds in respect of the dormer could be substantiated at appeal. The remainder of the proposed development is considered to be in accordance with policies DM2 and DM13.

Having regards for the residential scale of the proposed development it is not considered it would result in harm to the significance of the adjacent non-designated heritage asset.

## **2. IMPACT ON RESIDENTIAL AMENITY**

Policy DM13 states that extensions to existing dwellings will be permitted where they will not have a significantly adverse impact on the living conditions of the occupants of neighbouring properties.

A number of concerns have been raised locally in respect of the impact of the proposed dormer window and single storey rear extension.

The proposed rear extension has been reduced in scale and is no longer considered be overbearing on the immediate neighbour to the south-west. While it is accepted there would be some loss of light resulting from the extension it is not considered that the extension would have a significant adverse impact on the living conditions in terms of being overbearing or having a material effect on the outlook from the principal rear windows of the neighbouring property.

With regards the proposed dormer it is acknowledged that the proposed dormer would lead to overlooking of the rear amenity spaces of several of the properties to the rear of the application site and would potentially provide some views into the internal rooms of No9 Higher Loughborough; the distance between the two properties is 25m. It is considered however that taking into account the permitted development fall-back option referred to above (whereby the dormer could be constructed as permitted development if it was built after the side extension) that there is inadequate justification to resist the proposed development on this basis. Further, permitted development does not restrict the number of windows that could be inserted into the roofspace, therefore the level of overlooking could increase under a fall-back permitted development scheme.

The proposed extension to the front of the property does not give rise to any amenity concerns.

Having regard for the above it is considered that the proposed development would not have a significantly adverse impact on the living conditions of the occupants of neighbouring properties. It would therefore be compliant with policy DM13 criterion (c).

### Summary

The revised proposal, on balance, is considered to respect the character, scale and design of the existing dwelling. The proposal is not considered to result in an overdevelopment of the dwelling curtilage and the proposal will not lead to significant adverse impacts on the living conditions of neighbouring properties. On this basis the application scheme is considered to be in accordance with policies COR2 and COR13 of the Core Strategy (Local Plan Part 1), Development Management Policies (Local Plan Part 3) DM2 and DM13 and the National Planning Policy Framework.

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to their use of site, details of the roof tile for the roof covering of the extension shall be submitted to and approved in writing by the Local Planning Authority. The roof of the extension shall be covered with the approved roof tile and shall thereafter be so retained.
4. Prior to their use on site, details of the Cedral weatherboarding shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.

### REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the character and appearance of the dwelling, in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

### REASON FOR APPROVAL OF PERMISSION

The revised proposal, on balance, is considered to respect the character, scale and design of the existing dwelling. The proposal is not considered to result in an overdevelopment of the dwelling curtilage and the proposal will not lead to significant adverse impacts on the living conditions of

neighbouring properties. On this basis the application scheme is considered to be in accordance with Policies COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

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

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

## Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

| Item No. | Weeks | TARGET DATE | REFVAL        | PROPOSAL   | LOCATION  | NAME            | Expected Decision Level |           |
|----------|-------|-------------|---------------|--|---|-----------------|-------------------------|-----------|
|          |       |             |               |  |   |                 | Delegated               | Committee |
| 1        | 2     | 22/01/2020  | 19/01839/MOUT | Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane   | Land at NGR 301216 106714 (West Of Siskin Chase) Colebrooke Lane Cullompton Devon | Mrs Alison Fish | COMM                    |           |
| 2        | 2     | 20/01/2020  | 19/01808/MARM | Reserved Matters for the erection of mixed use business units (Classes B1, B2 & B8), cafe (Class A3) and managers office (1.9ha) with associated highway and drainage works following Outline approval 18/00299/MOUT | Quad World Bradninch Exeter EX5 4LB   | Mr Daniel Rance | DEL                     |           |
|          | 2     | 23/01/2020  | 19/01836/MOUT | Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site   | Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon       | Mr Daniel Rance | DEL                     |           |

This page is intentionally left blank

## LIST OF APPEAL DECISIONS FROM 12<sup>th</sup> October 2019

| Application No | Description   | Location  | Officer Recommendation                  | Committee or Delegated | Decision                               | Appeal Type             | Inspector Decision |
|----------------|---|---|---|------------------------|--|-------------------------|--------------------|
| 18/01598/FULL  | Erection of a self supporting tree house, replacement of existing summerhouse with cabin on stilts and change of use of existing shed site/adjoining garden for the siting of one cabin all for holiday use | Land at NGR 295315 124977 (Whitehall Farm) Morebath Devon | Grant permission subject to conditions. | Committee Decision     | Refuse permission                      | Written Representations | Appeal Dismissed   |
| 18/01675/HOUSE | Erection of rear extension, retention of store after demolition of outbuildings and the reinstatement of boundary to highway, with a pedestrian access only.  | 58 Higher Street Cullompton Devon EX15 1AJ                | Grant permission subject to conditions. | Delegated Decision     | Permitted with Conditions to Discharge | Written Representations | Appeal Dismissed   |
| 18/01785/FULL  | Removal of condition (b) of planning permission 84/000308/FULL relating to an agricultural tie  | Foxlea Cadeleigh Tiverton Devon EX16 8RU                  | Refuse permission                       | Delegated Decision     | Refuse permission                      | Informal Hearing        | Appeal Dismissed   |
| 17/02053/FULL  | Removal of Conditions 3 and 4 of planning appeal APP/Y1138/A/14/2216218 under 13/00777/FULL to allow for permanent permission   | The Paddock Willand Cullompton Devon EX15 2RB             | Refuse permission                       | Delegated Decision     | Refuse permission                      | Informal Hearing        | Appeal Allowed     |

Page 123

Agenda Item 9

| <b>Application No</b> | <b>Description</b>   | <b>Location</b>                                    | <b>Officer Recommendation</b>  | <b>Committee or Delegated</b> | <b>Decision</b>   | <b>Appeal Type</b>      | <b>Inspector Decision</b> |
|-----------------------|--|--|--------------------------------|-------------------------------|-------------------|-------------------------|---------------------------|
| 19/00340/LBC          | Listed Building Consent to infill part of open storage area with part glazed door/window units | The Linhay<br>Bow<br>Crediton<br>Devon<br>EX17 6DB | Refuse Listed Building Consent | Delegated Decision            | Refuse permission | Written Representations | Appeal Dismissed          |

**PLANNING COMMITTEE**  
20<sup>th</sup> November 2019

## **REPORT OF THE HEAD OF PLANNING AND REGENERATION**

### **Reason for Report:**

At the Planning Committee meeting on 23<sup>rd</sup> October 2019, Members advised that they were minded to refuse the above application and invited an implications report for further consideration.

### **RECOMMENDATION(S)**

Subject to the prior signing of a s106 obligation to secure:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £65,763 towards secondary school infrastructure at Clyst Vale Community College, £7,638 for transport to secondary school due to the development being further than 2.25 miles from Clyst Vale Community College. This figure arising from a development of 20 dwellings resulting in 3 secondary pupils. An Early Years contribution of £5,000 (£250 per dwelling).
- 3) A financial contribution of £18,746 towards public open space provision in the Parish of Silverton, this figure based on an outline application for 20 dwellings.

Grant planning permission subject to conditions.

### **Relationship to Corporate Plan:**

#### Homes

- Facilitating the housing growth that Mid Devon needs, including affordable housing
- Planning and enhancing the built environment

#### Environment

- Protect the natural environment

### **Financial Implications:**

An appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal-in line with the development plan and all other material considerations.

## **Legal Implications:**

The report identifies the risks in proceeding with an appeal based on the reasons given by the Committee on 23<sup>rd</sup> October 2019 – both in terms of outcome of an appeal and the risk of a costs decision. The Council will still need to prepare draft planning conditions for the appeal and negotiate and complete a section 106 agreement. External legal representation may be required if the appeal proceeds to a public inquiry.

## **Risk Assessment:**

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

## **Consultation carried out with:**

1. Statutory Consultees

### **1.0 BACKGROUND:**

1.1 At the meeting on 23<sup>rd</sup> October 2019, Members indicated they were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the proposed reasons for refusal, that of:

- The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor the Local Plan Review allocate this site which lies outside of the settlement limits of Silverton for housing development.
- The Council considers that it is able to demonstrate a 7.43 year housing land supply without the development site and there is no need for this further housing.
- The development would have an unacceptable visual impact.
- Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.
- If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

### **2.0 FURTHER OFFICER ADVICE:**

2.1 With regards to the concerns raised by Members at their previous meeting, your officers would advise as follows:

2.2 The Local Plan Review is at an advanced stage and neither the adopted Local Plan nor the Local Plan Review allocate this site which lies outside of the settlement limits of Silverton for housing development.

Your officers advised in the committee report that the site is outside the settlement boundary of Silverton but is immediately adjacent to it. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Silverton but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside. Your officers indicated that the proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan being a major proposal for residential development outside the current settlement limit. It is also noted in the committee report that a 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to

31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.

However, the adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance, as set out in the NPPF, continues to apply to the determination of planning applications concerning proposed housing development in Mid Devon, including this proposed development.

Regarding the tilted balance, Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits.

Forward Planning have advised that draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. Only the adoption of the Mid Devon Local Plan Review will allow the policies within this emerging plan to carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.

The Local Plan Review has been through public examination and the Inspector has now agreed the main modifications that are to be consulted on for a period of 6 weeks, although this consultation has not yet begun. The Local Plan Review has not yet been adopted. At the time of writing this report, as the Planning Inspector has not raised any objection to the residential development allocations proposed in Silverton, the Local Plan Review is considered to carry some weight in consideration of this planning application. The two sites in Silverton that have been identified in the Local Plan Review for residential development, SI1 and SI2 both now have planning permission, for a total of 10 dwellings across the two sites.

However, your officers consider that the weight that can be attributed to the Local Plan Review in this case is outweighed by the presumption in favour of sustainable development as no harm has been identified that significantly or demonstrably outweighs the benefits.

With this in mind, your officers do not consider that a reason for refusal in relation to the weight to be given to the Local Plan Review, in this instance, would be successful.

2.3 The Council considers that it is able to demonstrate a 7.43 year housing land supply without the development site and there is no need for this further housing.

The Council is satisfied that it can demonstrate a 7.43 year housing land supply without the development site. However, your officers do not agree that this means that the proposed development should be refused on this basis.

The Forward Planning team have reviewed this position and they have clarified that notwithstanding that a 5 year supply requirement has been met, the adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance therefore continues to apply to the determination of planning applications concerning proposed housing development in Mid Devon.

The development would be required to provide 35% affordable housing (neither of the two proposed allocation sites in Silverton are large enough to meet the threshold for affordable housing so will not assist in meeting the need in Silverton for affordable homes). The Housing Enabling Officer has indicated that there is a need for 7 affordable homes in Silverton (excluding Band E) and a need for 23 affordable homes in Silverton if Band E applicants are included). The development would provide 7 affordable homes and could therefore be extremely positive in the requirement to provide decent and affordable homes to people waiting for such properties in Silverton.

With this in mind, your officers do not consider that a reason for refusal in relation to the Council having a 7.43 year housing land supply would be successful.

2.4 The development would have an unacceptable visual impact.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Any landscape impacts of a development on the site would form part of the reserved matters application. Policy DM2 requires development to demonstrate a number of positive development principles including a clear understanding of the characteristics of the site, its wider context and the surrounding area and creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes taking in to account architecture, siting, layout and massing, materials, landscaping and green infrastructure. The number and physical placement of dwellings on the site would be considered as part of a reserved matters application. The outline application considers the principle of providing 20 dwellings on the site.

The application site is concordant with the existing settlement limit of Silverton. The proposed development would have the relatively modern development of Silverdale to the east, modern affordable dwellings in Exe View to the north and relatively modern properties in Applemede to the south. Only its western side would be adjoining open countryside. The presence of existing dwellings would help to assimilate the proposed development into the landscape.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the south where the development could be viewed from a number of heritage assets.

The field within which the site forms part is sloping and rises in a northerly direction. The Landscape Character Type (LCT) for this area is 3G River valley slopes and combs. This landscape of valley sides and valley floors, is described as strongly undulating with a variety of sloping land, sometimes incised, steeply rising and sometimes more gradual in character.

It is stated to be a tightly rolling, medium to small scale landform, this landscape has generally been carved away by tributaries of the Rivers Exe, Taw and Creedy. The landscape scale is typically small to medium and the combinations of the incised landform and repeated medium scale and field patterns give the landscape a relatively enclosed scale enclosures of pasture. The assessment states that this is a landscape with high degrees of variation in terms of the levels of visual containment. The Mid Devon town and village character assessment indicates that settlements in the Lower Exe settlement character area (including Silverton, Thorverton and Bickleigh), tend to have developed over time by spreading up onto higher land.

This is the case with Silverton and this northern part of Silverton has certainly developed over time with the relatively modern developments of Silverdale, Applemede and Exe View surrounding the proposed development site. The proposed site is lower in the landscape than the existing properties in Exe View and a number of the properties in Silverdale. The application site is bound on its western boundary by mature hedgerow with interspersed hedgerow trees. The southern and eastern boundaries are hedged, but at a lower height than the western boundary. The northern boundary would in part be a new, within field boundary (likely to be a hedge or bank and hedge but subject to reserved matters consideration) and the remainder of the northern boundary would be likely to be a combination of the retention of the rear boundary of the existing properties in the north east corner of the field (Exe View) and the existing bank that currently separates this development from the remainder of the field.

Your officers consider that the development would be visually contained and that it would not result in an unacceptably harmful impact on the visual amenity of the surrounding area. Therefore subject to the above matters being taken into account at reserved matters stage it is considered that the landscape could adequately accommodate the proposed development in accordance with policy COR2 of the Mid Devon Core Strategy (LP1), policy DM2 Local Plan Part 3 (Development Management Policies) and the provisions of the NPPF.

With this in mind, your officers do not consider that a reason for refusal in relation to visual impact would be successful.

#### 2.5 Unacceptable harm would arise as a result of the proposed access arrangements and traffic generation arising from the development.

The Planning Committee have indicated that they are concerned about harm that would be caused through the proposed access arrangements and the traffic generation from the development.

The development is proposed to be accessed by pedestrian and vehicular traffic via and Exe View and Silverdale to the north east of the application site. Officers are aware that concerns have been received about the access to the development through Silverton, either via Tiverton Road, Applemede and Silverton or via Fore Street and Silverdale. These concerns relate to a perceived lack of parking for existing residents resulting in congestion and the poor quality of the road surface on Applemede and Silverdale. While these comments are noted the Highway Authority, as a statutory consultee have not raised any objections subject to the imposition of relevant conditions.

The Highway Authority do not consider that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe as a result of the development and its associated traffic generation and therefore the proposals are in accordance with the NPPF. They have raised no objection in terms of the volume of traffic generated by this development and using the proposed access via Silverdale subject to the imposition of a number of conditions including a Construction Management Plan.

The levels and location of parking provision proposed for the site are set out in current policy DM8 Local Plan Part 3 (Development Management Policies) which requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not form a consideration under this application.

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. Your officers consider that the site would be accessible and that occupiers of dwellings on the site would be able to walk into the village centre of Silverton to access services and facilities available. This would also allow residents to make use of the public bus routes that are already available. Review of the Stagecoach website has indicated that there are two bus routes that serve Silverton, one of which goes through the centre of the village. Between them the bus routes provide a relatively good level of public transport provision at the busiest times of the day.

While the surrounding roads may be well used to travel around/through the village and for residents to park their cars, there is no reason why the occupants of the proposed dwellings would want/need to park on these surrounding roads as the development would provide sufficient parking. While there would be additional vehicles using the public highway the increase in traffic does not correlate to an increase in demand for on street parking.

Your officers consider the development to be in accordance with the relevant adopted local plan policies and the NPPF, and this approach is supported by the Highway Authority. It is not therefore considered that a refusal based on harm through the access arrangements and traffic generation could be sustained.

#### 2.6 If granted the development would have an unacceptable cumulative impact with other housing granted in the village.

The proposed development would provide up to 20 new homes on one site. There are two proposed allocations for dwellings in Silverton in the Local Plan Review SI1 and SI2. Both of these sites already have planning permission, for a total of 10 dwellings across the two sites.

The population of Silverton according to the 2011 census is 1,494, however information in the draft Silverton neighbourhood plan indicates a parish population of 1,875 in 2011 with 864 dwellings. Records show that since 2011 there has been 38 dwellings approved within the parish of Silverton, with at least 16 of those being outside the settlement limits (barn conversions etc). The proposed development would provide a further 20 dwellings bringing a total of 58 dwellings approved (not built) since 2011 (9 years). Assuming that each of those approved properties housed 4 people, the total addition to the population of Silverton would be 232 people. This represents approximately 8 % increase in the population size of Silverton over the nine years if each of the dwellings proposed were built and occupied (by 4 people) by the end of 2019 with the development itself representing approximately 3.9% of the overall population increase.

With regard to the number of dwellings, in 2011 the census indicated there were 864 dwellings in the parish. Since then 38 dwellings have been provided in Silverton Parish (at least 16 of which are not in the village settlement limits of Silverton). Assuming all 38 of these dwellings have been built (which they haven't), the total number of dwellings in the parish would be 902. The proposed 20 dwellings would represent an additional 2.2% of dwellings which is not considered to be a considerable amount.

Your officers do not consider that the potential provision of an additional 2.2% of dwellings in Silverton parish that the proposal represents, or the potential increase in population size of the parish by 3.9% could reasonably be considered to equate to an unacceptable cumulative impact of development in Silverton parish, within even less impact if the village were to be considered in isolation from the remainder of the parish.

With this in mind, your officers do not consider that a reason for refusal in relation to unacceptable cumulative impact taking into account other housing granted in the village would be successful.

### **3.0 REASONS FOR REFUSAL:**

3.1 Members are reminded that as the 'tilted balance' applies in this case that officers advise that they should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (para 11).

If, having considered all the above, Members still consider that the proposal should be refused, then consideration should be given to the following reason for refusal:

The development is for the erection of up to 20 dwellings outside the settlement limit boundaries of Silverton and represents a major residential proposal on a site for which there is no development planned for within either adopted or emerging policy and for which there is no current need as the Council can demonstrate a 7.43 year housing land supply without this site. The Local Planning Authority consider that the proposed unplanned development would be have an unacceptable visual impact, would cause unacceptable harm as a result of the proposed access arrangements and traffic generation arising from the development and would have an unacceptable cumulative impact on Silverton when taking into account other housing granted in the village. When tested against Paragraph 11 of the National Planning Policy Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

|   |  |
|---|--|
| <b>Contact for any more information</b> | Lucy Hodgson [ext 4905]                        |
| <b>Background Papers</b>                | Application file and previous committee report |
| <b>File Reference</b>                   | 18/02019/MOUT                                  |
| <b>Circulation of the Report</b>        | Cllr Graeme Barnell                            |

This page is intentionally left blank

Application No. 18/02019/MOUT

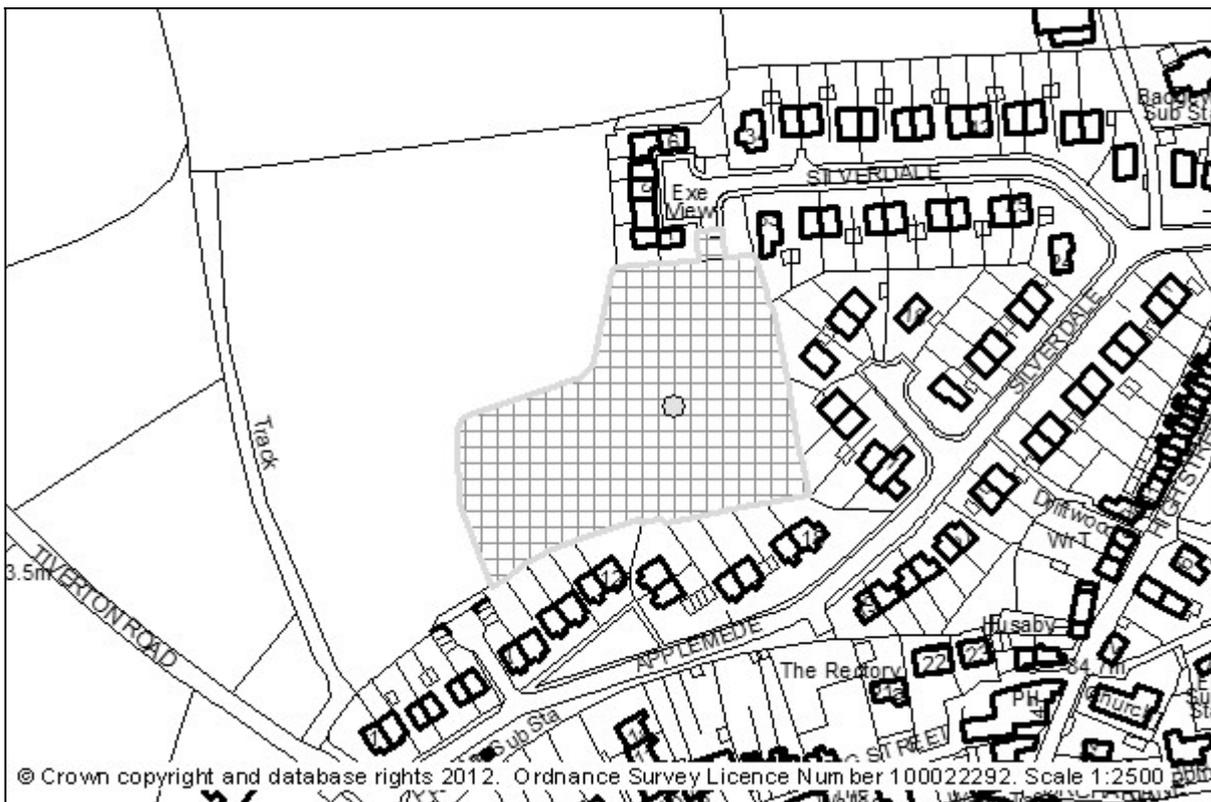
Grid Ref: 295447 : 103239

Applicant: Mr & Mrs Sauer, Northern Renovations

Location: Land at NGR 295508 103228 (Silverdale)  
Silverton  
Devon

Proposal: Outline for the erection of up to 20 dwellings and associated access

Date Valid: 14th December 2018



## **APPLICATION NO: 18/02019/FULL**

### **MEMBER CALL IN**

This application has been called in by Cllr J Wright for the committee to consider whether the development would have an unacceptable impact on the local area through traffic movements and impact on residential amenity of through adverse visual impact on the landscape and locality.

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £65,763 towards secondary school infrastructure at Clyst Vale Community College, £7,638 for transport to secondary school due to the development being further than 2.25 miles from Clyst Vale Community College. This figure arising from a development of 20 dwellings resulting in 3 secondary pupils. An Early Years contribution of £5,000 (£250 per dwelling).
- 3) A financial contribution of £24,100 towards public open space provision in the Parish of Silverton, this figure based on an outline application for 20 dwellings.

### **PROPOSED DEVELOPMENT**

This is an outline application for the erection of up to 20 dwellings with details of access submitted and all other matters reserved for future consideration.

The site is located to the east of Tiverton Road, north of Applemede, west of Silverdale and south of Exe View. It is proposed to be accessed via the existing adopted highway of Silverdale and through the existing development called Exe View.

The site is outside the defined settlement boundary of Silverton and does not form part of any proposed allocation for development in the emerging Local Plan Review. The site slopes up hill to the north. Here are hedgerows on the east and southern boundaries of the site and the ecological report and indicative plan suggest the planting of new hedgerows to form the east and north boundaries of the site as part of the development.

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

Archaeological assessment  
Design and Access Statement  
Preliminary drainage assessment  
Transport assessment  
Travel plan  
Ecological assessment  
Planning statement  
Waste Audit statement

## **RELEVANT PLANNING HISTORY**

**18/01318/PREAPP** - CLO date 13th September 2018  
PROTECT - Proposed erection of 15 dwellings

## **DEVELOPMENT PLAN POLICIES**

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

COR1 Sustainable communities  
COR2 Local distinctiveness  
COR3 Meeting housing needs  
COR5 Climate change  
COR8 Infrastructure provision  
COR9 Access  
COR10 Strategic transport networks  
COR11 Flooding  
COR12 Development focus  
COR17 Villages  
COR18 Countryside

### **Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)**

AI/DE/3 Affordable housing site target  
AL/IN/2 Development without CIL  
AL/IN/3 Public open space  
AL/IN/4 Green Infrastructure  
AL/IN/5 Education provision

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

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM4 Waste management  
DM6 Transport and air quality  
DM7 Pollution  
DM27 Development affecting heritage assets  
DM28 Green infrastructure in major development

## **CONSULTATIONS**

HISTORIC ENVIRONMENT TEAM - 11.03.19

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33625c

I refer to the above application and the results of the archaeological geophysical survey undertaken that have now been received by this office. The geophysical survey has not identified any anomalies that are indicative of significant archaeological deposits.

In the light of this new information I would consider the proposed development site as having little or no archaeological potential and, as such, would like to withdraw my previous objection.

No additional archaeological mitigation is required and the Historic Environment Team has no further comments to make on this planning application.

I refer to the above application. The proposed development occupies a large area on a south facing slope in a landscape where prehistoric activity is recorded in the County Historic Environment Record. The site also lies to the south and downslope from a possible Iron Age enclosure on summit of the hill. The topographic situation of the proposed development site would have made it a favourable position for early settlement, and there is the potential for the proposed development site to contain archaeological and artefactual deposits associated with the known prehistoric activity in the surrounding landscape. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of any heritage assets that may be present within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential for survival and significance of below ground archaeological deposits associated with prehistoric activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of:

- i) An archaeological geophysical survey, followed - if required - by
- ii) A programme of intrusive archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

#### HIGHWAY AUTHORITY - 08.04.19

##### Observations:

Further to the Highway Authority initial response the applicants have submitted the additional information required of them by the Highway Authority. The development will generate 9 vehicle trips in the am peak hour the majority of which will be along Fore Street 9 in total equating to 1 vehicle in every 6 minutes. Given the total numbers of vehicles on Fore Street and the opportunities to pass afforded by the traffic restrictions the increased usage introduced by the development is considered as not being severe and Fore Street has the capacity to cater for the volumes.

The development will introduce 2 movements at the junction with Upexe Lane from Tiverton Road junction such an increase is not significant and while the junction is substandard the increase from the development would be seen in daily fluctuations and is not considered severe and would be unreasonable to recommend refusal on an increase in risk. The traffic generation towards the

A396 north of the site was deminimus and towards old Butterleigh Road north likewise. Therefore the Highway Authority would raise no objection to the proposed development but should the Planning Authority be minded to allow the proposal the following conditions should be imposed

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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

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

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

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

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) 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

**HIGHWAY AUTHORITY - 08.01.2019**

Highway Authority accepts the transport assessment as far as it goes but would need to see some survey data for the immediate local road network to ascertain the directional splits and significances of impact on junctions and corridors. Please can I have junction counts for the following junction. Silverdale junction Applemeade; Applemeade junction Tiverton road; Applemeade junction High St and High Street the square.

My current concerns are that Tiverton road junction with Upexe, and Tiverton Road with A377 is substandard and would not wish to see a significant or severe impact by an increase in traffic.

Also The parking along High Street is at specific identified locations in a complex of parking restrictions and these may need to be reviewed with the anticipated increase in volumes which may displace the parking to more unsuitable areas and I would wish to see the significance of the increase to inform this decision.

**SILVERTON PARISH COUNCIL - 11.01.2019**

The Parish Council does not support the above application on the following grounds:

The Parish Council has concerns relating to access to the site which is limited for large construction vehicles. Construction vehicles will not be able to access the site via Fore St/High St due to the width of the roads. Access via Applemeade into Silverdale has its own problems with on-street car parking permitted on these roads and construction vehicles will undoubtedly find access difficult causing disruption to residents and potential damage to the road surface.

Should the development proceed problems will undoubtedly be caused by the additional traffic using Tiverton Road to access the site. Tiverton Road is a narrow road with on-street parking and no pavement for the majority of its length. Additional traffic would cause an increased danger to parishioners and children walking along this road. In additional Silverton's draft Neighbourhood Plan clearly identifies this area as a potential risk from any additional volume of traffic.

Concerns were raised as to whether or not the current sewage system could support the additional housing.

The proposed development area is currently agricultural land and the Parish Council are concerned as to the environmental impact the development may have on wildlife and the environment generally - it is believed the area may support slow worms?

The proposed development is in an area where the hill above gives the effect of an amphitheatre and the Parish Council is concerned that noise levels could cause a nuisance to the neighbourhood. King Street, which is within the Conservation Area, lies close to the proposed development.

Concerns were expressed as to how any run-off water would be dealt with - no sustainable drainage system is shown.

The Parish Council feels, after consider its concerns above, that the above application would have a negative impact on the local community.

18.02.2019

At the Silverton Parish Council Meeting on Monday 4th February 2019, concerns were expressed from members of the public and Councillors about the Addendum to the Transport Statement prepared by Trace Design dated January 2019 for and on behalf of Mr and Mrs Sauer.

The report was prepared in response to the concerns expressed by the Highways Authority about the impact on the immediate local road network, junctions with the A377 and parking along the High Street, Silverton.

Trace Design is a relatively newly incorporated company whose website clearly states their aim as 'Helping you secure planning permission...overcoming existing transport and highways constraints...' This has raised public concerns about any conflict of interest that might exist in serving the requirements of the client and responding to the further data requested by the Highways Authority.

It is understood that it is normal practice for the applicant to supply the information for consideration and our assumption is that concerns such as those held locally are assuaged by a rigorous review of the methodology, assumptions, data collection and findings by the Authority.

The concerns expressed about the report were that it does not appear to have taken account of the potential for a different demographic profile of new residents on the proposed site. Surveying a mostly older populations journeys in the area and then using this data to predict future increased traffic movement seems flawed. Our assumption would be that most of the new residents will be younger, have families and be working. If these assumptions were used in the methodology we wonder if a different view may be reached about the traffic impact on all the areas of concern expressed by the Highways Authority.

FLOOD and COASTAL RISK MANAGEMENT TEAM –  
27.02.19

Recommendation:

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

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

#### Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one year's worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

16.01.2019

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

#### Observations:

We are delighted that infiltration is being proposed within the surface water management strategy for part of the site which follows the principles highlighted in the surface water management hierarchy. However, we would require infiltration testing to be carried out, in strict accordance with BRE Digest 365 Soakaway Design (2016). The testing must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices. The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event. The calculations should clearly indicate the greenfield runoff rate and contributing impermeable areas. We would also require long term storage where parts of the site are not proposed to drain to soakaways. If the applicant proposes to discharge into an existing sewer then agreement in principle should be sought from South West Water.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Please note that where infiltration is being proposed we have requirement for a year's worth of groundwater monitoring as per our DCC groundwater policy. This would be required as part of any detailed design/reserved matters application.

We would be happy to provide another substantive review once additional information has been submitted to the local planning authority.

27.02.19

#### Recommendation:

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

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with

Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one years worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

DEVON COUNTY EDUCATION - 14 January 2019

Devon County Council has identified that the proposed increase of 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Silverton C of E Primary School and Clyst Vale Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that the nearest primary school has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a primary contribution.

However, we have forecasted that the nearest secondary school does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at Clyst Vale Community College which serves the address of the proposed development. The secondary contribution sought is £65,763 (based on the DfE extension rate of £21,921 per pupil) This will relate directly to providing education facilities for those living in the development.

We will also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College. The costs required are as follows: -

3 Secondary pupils

£2.68 per day x 3 pupils x 190 academic days x 5 years = £7,638.00

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £5,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It

is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

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 the 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.

**PUBLIC HEALTH** - 18 December 2018

Contaminated Land No objection to this proposal IRW 17.12.18  
 Air Quality No objection to this proposal JMP 17.12.18  
 Environmental Permitting No objection to this proposal JMP 17.12.18  
 Drainage No objection to this proposal IRW 17.12.18  
 Noise & other nuisances Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority. IRW 17.12.18  
 Housing Standards No comment TW 17.12.18  
 Licensing No comments JT 17.12.18  
 Food Hygiene Not applicable AN 17.12.18  
 Private Water Supplies Not applicable AK 17.12.18  
 Health and Safety No objection to this proposal enforced by HSE AN 17.12.18

**HOUSING ENABLING & BUSINESS SUPPORT MANAGER** - 21 June 2019

| <b>Housing Need for Silverton</b> |               |               |               |               |                    |
|-----------------------------------|---------------|---------------|---------------|---------------|--------------------|
| <b>Banding</b>                    |               |               |               |               |                    |
| <b>Property size &amp; type</b>   | <b>Band B</b> | <b>Band C</b> | <b>Band D</b> | <b>Band E</b> | <b>Grand Total</b> |
| <b>General Needs</b>              | 2             | 3             | 2             | 16            | 23                 |
| 1 bedroom                         |               | 1             | 1             | 5             | 7                  |
| 2 bedroom                         | 1             | 1             | 1             | 8             | 11                 |
| 3 bedroom                         | 1             | 1             |               | 2             | 4                  |
| 4 bedroom                         |               |               |               | 1             | 1                  |
| <b>Maximum of 3 steps</b>         |               |               | 1             |               | 1                  |
| 1 bedroom                         |               |               |               |               |                    |
| <b>Wheelchair Accessible</b>      |               | 1             |               |               | 1                  |
| 5 bedroom                         |               | 1             |               |               | 1                  |
| <b>Grand Total</b>                | 2             | 4             | 3             | 16            | 25                 |

DEVON, CORNWALL & DORSET POLICE - Re 20 dwellings (land at Silverdale) Silverton Devon - 18th December 2018

Thank you for this application. It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available site layout drawing (18009\_SK04) does not reveal any specific details that would be of concern to the police.

However, all relevant planning applications should demonstrate, generally within the Design and Access Statement (DAS), the principles of Crime Prevention through Environmental Design (CPTED) and how they have been considered and incorporated into the design and layout of all new developments.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.

' Structure: Places that are structured so that different uses do not cause conflict

' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

' Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

' Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

' Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively on corner plots, for example, plots 1 and 10, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

An early point to consider is that if existing hedgerow is likely to comprise new rear garden boundaries then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

I look forward to reviewing a more detailed application in due course but in the meantime please do not hesitate to contact me if I can assist further.

## **REPRESENTATIONS**

56 letters of objection have been received at the time of writing this report. The concerns raised have been summarised as follows:

- The number of dwellings proposed is more than is required in the village
- The general scale of the development
- The proposed access cannot sustain an increase in traffic
- Ease of access for emergency services
- Safety of access
- Increase in traffic could result in safety issues
- Greenfield site
- Not enough facilities/services in the village

- Strain on existing services such as GP surgery and school
- Lack of places at local schools
- Inadequate road and public transport infrastructure
- Doesn't provide enough affordable housing for residents of the village
- Reliance on private cars
- Lack of variety in terms of types of homes particularly referring to lack of bungalows
- Impact on biodiversity
- Increase in pollution
- Overlooking of nearby residential properties
- Surface water concerns
- Waste collection
- Impact of goods vehicles during construction
- Visual impact
- Doesn't take in to account the content of the Silverton Neighbourhood Plan

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Principle of development, planning policy and 5 year housing supply;
2. Highways and highway safety
3. Drainage and Flood Risk
4. Public open space and green infrastructure (GI)
5. Landscape and ecology
6. Living conditions of the occupiers of nearby residential properties
7. Impact on Heritage Assets
8. S106 Obligations and local finance considerations
9. Sustainable development balance.

### **1. Principle of development, planning policy and 5 year housing supply;**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Cridton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types. Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

This is an outline planning application for the erection of 20 dwellings on a site currently outside but adjoining the settlement boundary of Silverton, a recognised settlement in the Mid Devon Local Development Framework. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Silverton but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside.

The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan being a major proposal for residential development outside the current settlement limit. With regard to the Council's emerging policy, the strategy for development focus will be at Tiverton, Cullompton and Cullompton as identified in policy S1.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.*

*A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.*

*Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.*

*Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.*

*Other development plans, including the Devon Minerals and Waste Local Plans and Neighbourhood Development Plans (once 'made'), adopted masterplans and supplementary planning documents, where relevant, can also be material to the determination of planning proposals for housing development.'*

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 9 of this report.

The Local Plan Review has been through public examination and the Inspector has now agreed the main modifications that are to be consulted on for a period of 6 weeks. The Local plan Review has not yet been adopted. At the time of writing this report, with the Planning Inspector having not raised any objection to the residential development allocations proposed in Silverton, the Local Plan Review is considered to carry some weight in consideration of this planning application. The two sites in Silverton that have been identified in the Local Plan Review for residential development, SI1 and SI2 both now have planning permission, for a total of 10 dwellings across the two sites.

The principle of developing the site for up to 20 dwellings and the proposed means of access to the site are the only issues for consideration through this application. An indicative layout has been provided to show how a layout for the residential development could be achieved. Whilst it may be the case that the layout shown would need to be amended, it does at least show that a scheme for 20 dwellings could be provided on site given the size of the site. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure 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.

#### Draft Silverton Neighbourhood Plan

A draft neighbourhood Plan has been produced for Silverton. It was produced in 2016. The residents of Silverton Parish have been consulted on the content of the Neighbourhood Plan. The neighbourhood Plan has not been submitted to Mid Devon District Council for form examination. In order for the content of the neighbourhood Plan to have weight as a material consideration in planning decision making it is necessary for the neighbourhood plan to have been examined by an appointed examiner and if the content is considered to be acceptable a referendum is then carried out with the residents of the relevant Parish. If a referendum is successful and a majority vote in favour of the Neighbourhood Plan then it would become a Supplemental Planning Document and be given weight in the planning application evaluation/consideration and decision process. At the present time the Neighbourhood Plan for Silverton is in draft form and while its content has been noted by the Local Planning Authority, no weight is able to be given to its content with regards to decision making. The application site is not a proposed development site in the draft neighbourhood plan.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. The NPPF states that transport issues should be considered from the earliest stages of planmaking and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Local Highway Authority have advised that they have no objection in terms of the volume of

traffic generated by this development and using the proposed access via Silverdale, with a number of conditions recommended such as a Construction Management Plan.

Concerns have been received about the access to the development through Silverton, either via Tiverton Road, Applemede and Silverton or via Fore Street and Silverdale. The quality of the road surface on Applemede and Silverdale has also been raised but this is a highway maintenance requirement and not a consideration for this planning application. The lack of parking and congested nature of the surrounding streets has also been raised. The Highway Authority have not raised any objections subject to the imposition of relevant conditions. The levels and location of parking provision proposed for the site are set out in current policy DM8 Local Plan Part 3 (Development Management Policies) which requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not form a consideration under this application. On balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds, the development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy and the NPPF.

### **3. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The application site is within flood zone 1. Therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with.

The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The Environmental Health Department has raised no objection on drainage grounds at this stage. Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have to date raised no objections to the proposed development. On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3.

#### **4. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The indicative plan identifies landscaping but no formal public open space within the site so a S106 agreement would outline the financial contribution required toward a public open space project in the Parish.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland. The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The submitted layout plan is only indicative at this stage but does indicate areas of Green Infrastructure in and around the site. Given that its provision can be secured by way of submission of reserved matters application, it is considered that the policy requirement can be satisfied.

#### **5. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the south where the development could be viewed from a number of heritage assets with potential to have an impact on the setting of the conservation area/listed buildings, this is considered later in this report.

In terms of this application site, it is an agricultural field on the North West outskirts of the village. The field within which the site forms part is sloping and rises in a northerly direction. With reference to the Mid Devon landscape character assessment which was prepared in 2011, the Landscape Character Type (LCT) for this area is 3G River valley slopes and combs. This landscape of valley sides and valley floors, is described as strongly undulating with a variety of sloping land, sometimes incised, steeply rising and sometimes more gradual in character. It is stated to be a tightly rolling, medium to small scale landform, this landscape has generally been carved away by tributaries of the Rivers Exe, Taw and Creedy. The landscape is defined by the moderately dry, fertile smooth slopes running into small-scale vales with a damp character. The landscape scale is typically small to medium and the combinations of the incised landform and repeated medium scale and field patterns give the landscape a relatively enclosed character. Hedgerows are often untrimmed and dense bounding regularly shaped, variable scale enclosures of pasture. The assessment states that this is a landscape with high degrees of variation in terms of the levels of visual containment. The Mid Devon town and village character assessment

indicates that settlements in the Lower Exe settlement character area (including Silverton, Thorverton and Bickleigh), tend to have developed over time by spreading up onto higher land.

The site is bound on its western boundary by mature hedgerow with interspersed hedgerow trees. The southern and eastern boundaries are hedged, but at a lower height than the western boundary. The northern boundary would in part be a new within field boundary (likely to be a hedge or bank and hedge but subject to reserved matters consideration) and the remainder of the northern boundary would be likely to be a combination of the retention of the side boundary of the existing properties in the north east corner of the field and the existing bank that currently separates this development from the remainder of the field.

With respect to the proposed development, this is an outline application for up to 20 dwellings with details of layout, scale and appearance reserved for later consideration. However, an indicative plan has been provided to identify how 20 dwellings could be accommodated on site. While here is no indication of the height, scale and type of properties that are proposed there is a mix of single storey and two storey properties in the immediately surrounding area and this is a mix that could be replicated on this site of 20 dwellings. The proposed density of the development is approximately 28 dwellings per hectare which is considered to be acceptable on this site. It is considered that the proposal would not result in the overdevelopment of the site.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Any landscape impacts of a development on the site would form part of the reserved matters application.

With regards to protected species and habitats, an extended phase 1 habitat survey has been submitted which shows the survey results for the site. No protected species were found on site but the survey suggests that potential for bat roosting should be incorporated into each of the new dwellings. The site also provides feeding habitat for bird species and as mitigation measure bird nesting provision should be incorporated in to each of the new dwellings. The report states that external lighting should be positioned to illuminate retained vegetation and areas beyond the survey area and any created bat roost provision to prevent artificial lighting having any impact /deter nocturnal species such as bats and dormice. The conclusions were that the proposed development will cause a limited extent of habitat loss during construction, and post occupation disturbance through implementation of ecology mitigation, compensation and enhancement measures, the proposal would represent a positive biodiversity gain.

Mitigation through provision of bat boxes and bird nesting and careful consideration of artificial lighting will need to be considered within the scheme and form part of the reserved matters application.

Subject these matters being taken into account at reserved matters stage it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1) and the provisions of the NPPF.

## **6. Living conditions of the occupiers of nearby residential properties**

Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

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

This is reflected in policies DM2 and DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. This is an outline application with matters of layout, landscaping, appearance and scale to be considered at a later date, but based on a development of 20 dwellings. While the layout submitted is indicative only it does demonstrate that distances of between 22.5m and 30+ m can be achieved between proposed and existing properties. It is considered that a residential development could be designed that would be in accordance with policies DM2 and DM14 of the Local Plan 3 Development Management Policies.

## **7. Heritage**

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

The Historic Environment Team at Devon County Council has noted that the geophysical survey of this site has not identified any anomalies that are indicative of significant archaeological deposits. The proposed development site is considered to have little or no archaeological potential and as such the Historic Environment Team have no raised any objection to the proposed development. No additional archaeological mitigation is required.

In terms of the potential for the development to impact on the nearby Conservation Area and listed buildings, the Case Officer has discussed the application with a Conservation Officer. The Case Officer does not consider that the proposed development of 20 dwellings on the site will have any

adverse impact on the setting of the conservation area (which covers the core of the village) or the setting of any nearby listed buildings. The visual journey into Silverton from the north west will not be greatly affected by the development due to the local topography and views from the north side of the conservation area (from the rear of properties on the north side of King Street) will be seen within the context of previous development, circa 1970s, of Applemede and Silverdale and the later small development to the west of Silverdale. It is noted that this is an outline application and the final details (reserved matters) will be important in determining that there will not be significant harm to the setting of either the Conservation Area or listed buildings. Therefore subject to the further consideration to the design of the dwellings and layouts at reserved matters stage, it is considered that a residential development could comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are required to provide 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The application has included an indicative plan which does not include the provision of public open space on site and therefore it would be necessary to secure a financial contribution towards off-site provision, which in his case would be £24,100 with the allocated project being the provision of new play equipment at Silverton Recreation Ground. This would be secured by way of an s106 agreement.

The Education Authority have requested financial contributions towards education provision as Devon County Council has identified that the proposed increase of 20 family type dwellings would generate an additional 3 secondary pupils which would have a direct impact on Clyst Vale Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested which would amount to a contribution of £65,733 toward infrastructure at the community college at a rate of £21,921 per pupil. In addition to this it is necessary to request £7,638 toward the provision of secondary school transport. This is based on a calculation of £2.68 per day x 3 pupils x 190 academic days x 5 years). DCC have also requested £5,000 towards early years provision in Silverton at a rate of £250 per dwelling.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations can satisfy the relevant tests above.

## **9. Planning balance**

As set out in section 1 of the material considerations, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated through appropriate final design, layout and landscaping, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions.

The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application. There is a District wide benefit to boosting the supply of housing and the provision of 20 new dwellings must be considered a benefit to housing supply. There is also a district wide need for affordable housing and this scheme proposes a 35% provision which would result in the provision of 7 affordable dwellings. The provision of affordable housing is a benefit of the scheme but clearly is not limited to meeting an identified local need for affordable housing.

Also weighing in favour of the approval is the financial contribution towards public open space and education services and facilities. There could also be some modest benefits to the local economy, arising from construction and sales and additional spending by local residents on local services and facilities. The site located adjacent the existing settlement limit for the village and within walking distance of the village centre where existing facilities and services can be found.

Weighing against approval of the application is the fact that the application is not policy compliant in that the site is not allocated for development in either the existing or the emerging local plan. The site has not been identified as part of the draft Silverton Neighbourhood Plan as a site suitable for residential development.

Taking all the above into consideration while acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage or highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

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

## **CONDITIONS**

1. The development hereby permitted shall be limited to a maximum of 20 dwellings.
2. Before any part of the development hereby permitted is begun, detailed drawings of the access, layout, scale and appearance of the buildings, 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.
3. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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 later.

5. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

7. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

8. No development shall commence until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed for the full construction period, has been submitted to and approved in writing by the local planning authority. The plan must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved, the management plan shall be implemented in accordance with the approved details.

9. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include, but shall not necessarily be limited to, details of the following:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for

loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(k) details of wheel washing facilities and obligations;

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

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

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work a) parking for vehicles of site personnel, operatives and visitors.

The development shall be carried out strictly in accordance with the approved Construction Management Plan.

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 20.00 metres 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) The footway on the public highway frontage required by this permission has been constructed up to base course level

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

11. 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.

12. No development shall commence until a scheme for Electric Vehicle Charging Points ("EVCP") has been submitted to and approved in writing by the local planning authority, such scheme to include provision of at least a single EVCP for each dwelling comprised in the development which has a private driveway or garage within its curtilage ("Relevant Dwelling"). The installation of the EVCPs shall be completed in accordance with the approved scheme prior to first occupation of each Relevant Dwelling.

13. The occupation of any dwelling shall not take place until the following works have been carried out:

a) The access and site roads within the development 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 footways and footpaths which provide the dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

c) Both vehicular and pedestrian/cycle route visibility splays have been laid out to their final level;

d) The street lighting for the access, site roads 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 this dwelling have been completed with the highway boundary properly defined; and

g) The street nameplates for the development have been provided and erected.

14. The detailed drawings required to be submitted by Condition 2 shall include the following information: boundary treatments, existing and proposed site levels, site section drawings, finished floor levels and materials, details of any areas of proposed public open space, and an ecological management plan for ecological mitigation and enhancement contained in the submitted Ecological Appraisal.

15. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any nonadopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

16. As part of the Reserved Matters submission(s) referred to in Condition 2, a Site Waste Management Plan which will detail the proposed method of dealing with waste from the site, including transportation of waste from the site where this is necessary. This will include the specific destination for each wastage type and the route that is required. Details shall also include measures to encourage the reuse or recycling of waste and shall set out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall thereafter be carried out in accordance with the agreed Site Waste Management Plan.

### **REASON FOR CONDITIONS**

1. To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 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 Planning and Compulsory Purchase Act 2004.

5. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

7. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place and to ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. The appellant should refer to Devon County Council's Sustainable Drainage Guidance.

8. A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, without negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

9. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

10. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

11. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

12. In order to comply with the requirements of policy DM8 of Mid Devon Local Plan part 3 (Development Management Plan) in relation to parking.

13. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

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

15. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

16. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

### **INFORMATIVE**

Devon County Council as Lead Local Flood Authority have stated that the appellant must use the +40% climate change values when sizing the proposed surface water drainage management system at the detailed design stage. For more information the appellant should contact Devon County Council.

The Lead Local Flood Authority advises the applicant to refer to Devon County Council's Sustainable Drainage Guidance.

### **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 20 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The site is beyond but adjacent to the defined settlement limit of Silverton. The quantum and density of development proposed are considered to be acceptable on this site.

The access into the site to serve a development of 20 dwellings is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area,

design and layout of green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application as do S106 contributions towards public open space and education. Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a site currently outside of the settlement limit.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable. The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

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.

This page is intentionally left blank

## AGENDA ITEM

PLANNING COMMITTEE  
20<sup>TH</sup> NOVEMBER 2019

### REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

#### PLANNING PERFORMANCE AGAINST TARGETS QUARTER TWO 1<sup>ST</sup> JULY- 30<sup>TH</sup> SEPTEMBER 2019

##### REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 2 of 19/20

##### MATTERS FOR CONSIDERATION:

Performance against targets, the Government's performance assessment and resources within the Planning Service.

##### RECOMMENDATION: For information and discussion.

**FINANCIAL IMPLICATIONS:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26 week date. In that instance if requested, the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

**LEGAL IMPLICATIONS:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is less than 10%. It is important to continue to meet these targets.

**RISK ASSESSMENT:** Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has been the subject of Government performance indicators for some time.

**EQUALITY IMPACT ASSESSMENT:** No equality issues identified for this report.

**RELATIONSHIP TO CORPORATE PLAN:** The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

**IMPACT UPON CLIMATE CHANGE:** No climate change issues are identified arising from this report on service performance.

## 1.0 PLANNING PERFORMANCE

1.1 Set out below are the Planning Service performance figures for Qu2 2019/20 and showing a comparison against those achieved for 17/18 and 18/19. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

| <b>Planning Service Performance</b>  | <b>Target</b>              | <b>16/17</b> | <b>17/18</b> | <b>18/19</b> | <b>19/20</b> | <b>19/20</b> |
|--|----------------------------|--------------|--------------|--------------|--------------|--------------|
|  |                            | <b>Year</b>  | <b>Year</b>  | <b>Year</b>  | <b>Q1</b>    | <b>Q2</b>    |
| Major applications determined within 13 weeks  | <b>60%</b>                 | 90%          | 82%          | 77%          | 33%          | <b>75%</b>   |
| Minor applications determined within 8 weeks   | <b>65%</b>                 | 80%          | 85%          | 73%          | 65%          | <b>85%</b>   |
| Other applications determined within 8 weeks   | <b>80%</b>                 | 89%          | 90%          | 84%          | 75%          | <b>89%</b>   |
| Householder applications determined in 8 weeks   | <b>85%</b>                 | 98%          | 95%          | 89%          | 86%          | <b>95%</b>   |
| Listed Building Consents   | <b>80%</b>                 | 84%          | 84%          | 66%          | 64%          | <b>80%</b>   |
| Enforcement site visits undertaken within 15 days of complaint receipt   | <b>87%</b>                 | 96%          | 92%          | 81%          | 68%          | <b>65%</b>   |
| Delegated decisions  | <b>90%</b>                 | 94%          | 93%          | 94%          | 95%          | <b>96%</b>   |
| No of applications over 13 weeks old without a decision  | <b>(Less than 45 apps)</b> | 29           | 44           | 75           | 82           | <b>74</b>    |
| Major applications determined within 13 weeks (over preceding 2 years)   | <b>More than 60%</b>       | 82%          | 74%          | 85%          | 72%          | <b>71%</b>   |
| Major applications overturned at appeal as % of all major decisions over preceding 2 years *                       | <b>Less than 10%</b>       | 7%           | 4%           | 3%           | 0%           | <b>4.84%</b> |
| Non-major applications determined within 8 weeks (over preceding 2 years)  | <b>More than 70%</b>       | 77%          | 79%          | 60%          | 77%          | <b>78%</b>   |
| Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years **              | <b>Less than 10%</b>       | <1%          | <1%          | 0%           | 0%           | <b>0.47%</b> |
| Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee) | <b>100%</b>                | 100%         | 99%          | 99%          | 96%          | <b>99%</b>   |
| Building Regulations Applications examined within 3 weeks  | <b>95%</b>                 | 88%          | 93%          | 94%          | 84%          | 90%          |
| Building Regulation Full Plan applications determined in 2 months  | <b>95%</b>                 | 91%          | 96%          | 96%          | 99%          | 96%          |

### Note

\* Number of Major Applications received in the last 2 years = 62 and 3 appeals overturned

\*\* Number of other applications received in the last 2 years = 3388 and 16 appeals overturned

For all applications determined within 8 or 13 weeks, the performance figures include those where there has been an extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.

## 2.0 APPLICATION PROCESSING-DEVELOPMENT MANAGEMENT.

2.1 As reported on previous occasions, the Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They are as follows:

### Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the last rolling 2 year period is **71%**.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the last rolling 2 year period is **78%**.

### Quality:

- Majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last rolling 2 year period is **4.84%**.
- Non majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last rolling 2 year period is **0.47%**.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for quarter two in Qu 19/20 indicate that the national planning performance indicators continue to be met and exceeded by the service in the majority of areas and these indicators in the main show improvement since quarter one 19/20. There is though continued heavy reliance upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance.

2.3 At the time of reporting quarter one 19/20 several areas where performance in quarter 1 was of concern were reported:

- Listed building consent application determination time was recorded as below the 80% target over all four quarters in 18/19 and this is also the case of quarter 1 19/20 at 64%. In quarter 2 this has improved to 80%.
- For quarter one, the wider group of 'other' applications also did not meet the 80% determined within 8 weeks performance target. A figure of 75% was recorded. In quarter two this improved to 89%.
- Major applications determined within 13 weeks. During quarter one, 33% of applications determined were within 13 weeks against a target of 60% (based

on a total of 9 decisions within this quarter). In quarter two this figure has improved to 75%.

- The number of applications on hand that are over 13 weeks old continues to be high following a pattern of increase over consecutive quarters. The rising number of older applications on hand is an indicator of case worker pressure, as is the number of cases on hand per officer. Whilst there has been modest improvement between quarters one and two, the latest figure of 74 applications over 13 weeks on hand remains high.

2.4 The 'planning guarantee' of 100% of applications determined within 26 weeks was recorded at 99%, however two fee return requests were recorded within this period. As a result monitoring arrangements have been reviewed. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

2.5 In conclusion, performance in Development Management exceeds Government requirements for the majority of national and local indicators, however there are some areas which require further attention and are an indicator of higher workloads.

2.6 The Development Management team has experienced a period of staffing fluctuation over the past 12 months or so which has resulted in a backlog of work that despite efforts of staff has not been cleared. During the past two quarters, the team has been operating without a full staff complement for much of the time. Recruitment has undertaken place to fill the Principal Planning Officer post, but during this period the Group Manager for Development left the authority. This has been filled temporarily until recruitment to the permanent post can be completed. In addition a temporary Planning Officer joined the team for a 6 weeks period in order to assist caseload management and reduce pressure on officers.

### 3.0 PLANNING ENFORCEMENT.

3.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. These are now the performance standards being monitored and therefore this is the first quarterly performance report that reflects this agreed approach.

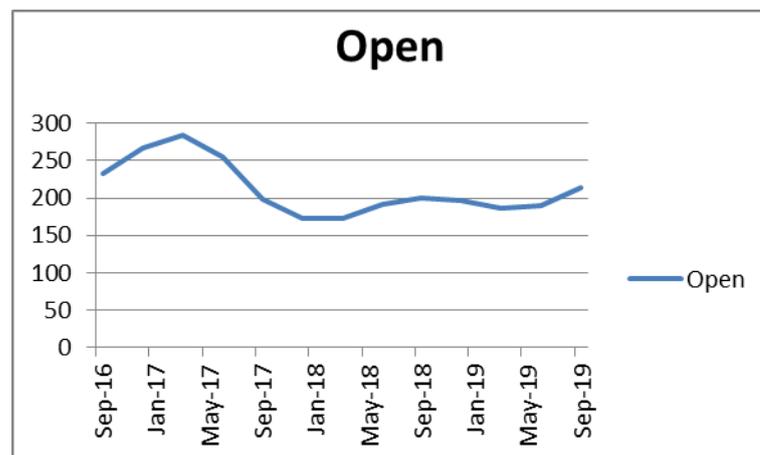
3.2 Activity within the enforcement part of the planning service by quarter for 18/19 and quarter two 19/20 is as follows:

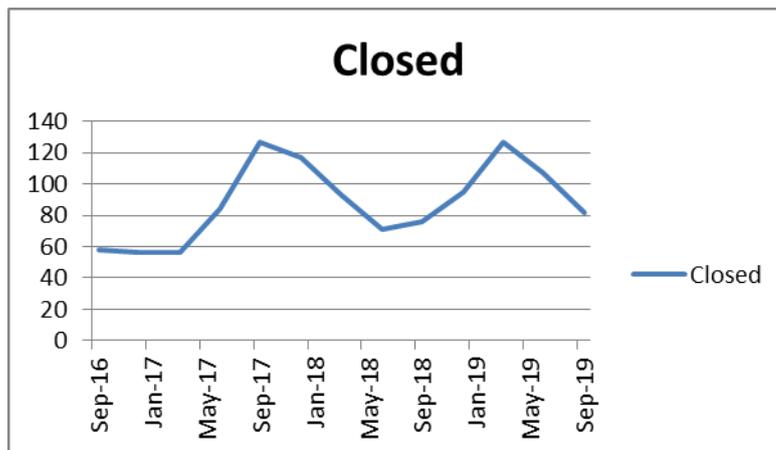
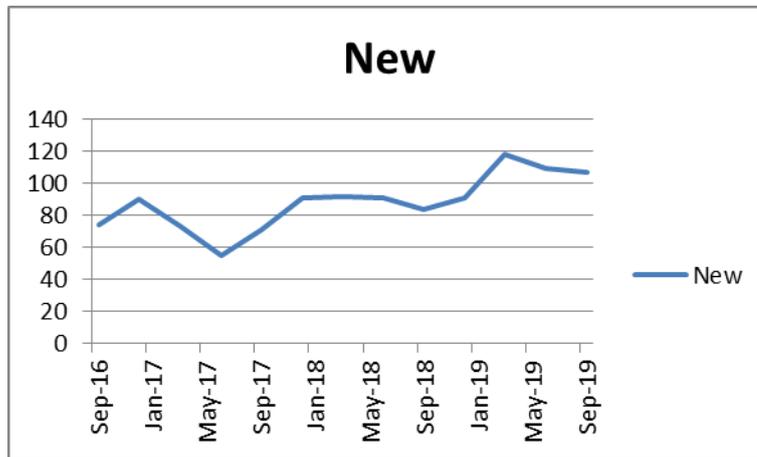
| Q ref | Details   | Target | 18/19<br>Quarters 1, 2, 3, 4 |      |               |      | 19/20<br>Quarters 1,2 |               |
|-------|---|--------|------------------------------|------|---------------|------|-----------------------|---------------|
| PE01  | Register and acknowledge all written complaints. Indicator – within 3 working days  | 100%   | 98%                          | 92%  | 90%           | 99%  | 100%                  | 100%          |
| PE02  | Highest priority complaint investigation. Indicator - 90% of first site visits before the end of the next working day following registration. | 90%    | 100%                         | 100% | None reported | 100% | None reported         | 100% (1)      |
| PE03  | High priority complaint investigation. Indicator - First site visit within 3 working days of registration.                                    | 100%   | 100%                         | 100% | 100%          | 100% | 100%                  | None reported |
| PE04  | Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.                                 | 100%   | 94%                          | 88%  | 100%          | 100% | 75%                   | 75%           |

|      |  |      |     |     |     |     |     |     |
|------|--|------|-----|-----|-----|-----|-----|-----|
| PE05 | Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.   | 100% | 97% | 89% | 76% | 97% | 96% | 97% |
| PE06 | Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5 working days of the date of the initial site visit.               | 100% | 92% | 92% | 91% | 98% | 89% | 86% |
| PE07 | Notify complainant that Enforcement Notice has been served or decision that ‘no action’ will be taken. Indicator – within 5 working days of the issue of the notice [or decision to take no further action]. | 100% | 92% | 92% | 98% | 98% | 89% | 86% |
| PE08 | New enforcement cases registered   |      | 93  | 104 | 111 | 118 | 131 | 107 |
| PE09 | Enforcement cases closed (in quarter)  |      | 71  | 77  | 96  | 133 | 104 | 82  |
| PE10 | Committee authorisations sought (delegation changed)   |      | 1   | 1   | 1   | 1   | 1   | 0   |
| PE11 | Total Notices Served   |      | 10  | 3   | 2   | 3   | 6   | 5   |
|      | <i>Planning contravention notices served (PCN)</i>   |      | 5   | 2   | 0   | 3   | 4   | 4   |
|      | <i>Breach of condition notices served</i>  |      | 0   | 1   | 0   | 0   | 0   | 0   |
|      | <i>Section 215 notice (untidy land)</i>  |      | 0   | 0   | 0   | 0   | 0   | 0   |
|      | <i>Section 330 notice (requisition for information)</i>  |      | 4   | 0   | 0   | 0   | 0   | 0   |
| PE12 | Total outstanding cases at end of quarter  |      |     |     | 194 | 179 | 184 | 215 |

3.3 1 highest priority complaint was received during this period. A total of 12 medium priority complaints were received of which 9 received an initial site visit within the 10 working day target. 69 out of the 71 low priority complaints received an initial site visit within 15 working days.

3.4 The following graphs show the number of enforcement cases opened, closed and new over a two year period.





An administration resource within the enforcement team now supports the two Enforcement Officers increasing the effectiveness of the service.

#### 4.0 BUILDING CONTROL.

4.1 The Building Control performance target over the assessment of full plans applications was met for this quarter. Plan checking within 3 weeks in this quarter was still under target, as it has been for several reporting periods. However the 10 day target (average time for first response) on plan checking was met. The Building Control Manager is currently focussed on increasing consistency of performance over plan checking times between team members.

4.2 It should be noted that Building Control performance is now primarily reported to the meetings of the Joint Committee which oversees the Building Control Partnership service that is being jointly operated with North Devon Council.

**Contact for Information:** Jenny Clifford, Head of Planning, Economy and Regeneration  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk) 01884 234346

Maria Bailey, Interim Group Manager for Development  
[mbailey@middevon.gov.uk](mailto:mbailey@middevon.gov.uk) 01884 234348

**List of Background Papers:** PS1 and PS2 returns  
 HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015

**Circulation of the Report:**

Cllr Graeme Barnell  
Members of Planning Committee

This page is intentionally left blank