

Public Document Pack

Committee Administrator
Sally Gabriel
Tel: 01884 234229
E-Mail: 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, 12 February 2020 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 11 March 2020 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
4 February 2020

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 - 22*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 15 January 2020.
- 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 23 - 66)*
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 67 - 68)*
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** *(Pages 69 - 70)*
To receive for information a list of recent appeal decisions.
- 10 **APPLICATION 17/00348/MOUT - RESIDENTIAL DEVELOPMENT OF UP TO 257 DWELLINGS AND UP TO 5 GYPSY AND TRAVELLER PITCHES; 8.6 HECTARES OF LAND MADE AVAILABLE TO FACILITATE THE RELOCATION OF CREDITON RUGBY CLUB; UP TO 1.1 HECTARES OF LAND SAFEGUARDED FOR THE DELIVERY OF A PRIMARY SCHOOL; ACCESS ARRANGEMENTS FROM A3072 (EXHIBITION WAY); PEDESTRIAN AND CYCLE ACCESS ON TO POUNDS HILL/STONEWALL CROSS JUNCTION, OLD TIVERTON ROAD AND PEDLERSPOOL LANE; LANDSCAPING AND AREA OF PUBLIC OPEN SPACE; AND OTHER ASSOCIATED INFRASTRUCTURE AND ENGINEERING OPERATIONS - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON DEVON** *(Pages 71 - 134)*
To receive a report of the Head of Planning, Economy and Regeneration considering revisions to the wording of three of the Heads of Terms of the S106 agreement and the associated S106 implications from these proposed revisions. The resolution made by Members of the Planning Committee on the 19th September 2018 was for planning permission to be granted subject the prior signing of a S106 agreement, with the revisions sought relating to planning obligation numbers 1, 2 and 4 as outlined within the resolution. Delegated authority is also requested to allow minor changes to the wording of planning conditions in order to allow for a phased approach to development across the site.
- 11 **PLANNING PERFORMANCE 2019/20 - QUARTER 3** *(Pages 135 - 142)*
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 3 of 19/20.
- 12 **PROBITY IN PLANNING REVISED ADVICE FOR COUNCILLORS AND OFFICERS MAKING PLANNING DECISIONS.** *(Pages 143 - 144)*
To receive a report from the Head of Planning, Economy and Regeneration providing the committee with changes to guidance.

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

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 15 January 2020 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 C J Eginton

Apologies

Councillor(s)

Mrs C P Daw

Also Present

Councillor(s)

J M Downes

Present

Officers:

Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria Bailey (Interim Group Manager for Development), Alison Fish (Area Team Leader), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Daniel Rance (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

96 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr C J Eginton.

97 **PUBLIC QUESTION TIME**

Councillor Gordon Guest speaking on behalf of Cullompton Town Council and referring to item 10 on the agenda stated that Cullompton Town Council have on 3 occasions voted to oppose that application based on the fact of access. DCC required access to go through the existing Siskin Chase and Cullompton Town Council do not consider that is adequate for a development of this size and have argued that there should be additional access coming off Colebrooke Lane. The other aspect that Cullompton Town Council are aware of but is not part of this planning application is that there will in the future be houses on the rugby club site when that relocates and therefore DCC have insisted that with Siskin Chase site there is an area of land set aside for a road link between Siskin Chase and the rugby club and so in the future the Town Council feel that there will be additional traffic coming down from the rugby club site through the Siskin Chase development and therefore a proper road link out through Colebrooke Lane would be much more appropriate than what is in the plans.

He added that he would not go through all the Cullompton Town Council objections to plan, just to say that basically the Town Council have rejected the application on each occasion based on that access coming through the existing road and there not being another access from Colebrooke Lane. That's the basis of the Town Councils rejection of the Siskin Chase application.

The second point that I wish to raise with the planning committee is that Colebrooke Lane and the Colebrooke stream which is in two parts and has a culvert which goes underneath Colebrooke Lane floods regularly and the flooding is increasing in regularity and severity and on 19th December 2019 Colebrooke Lane was completely flooded and the depth of water was such that it was impassable to vehicles except very large tractors. The flooding actually went uphill and flowed into Swallow Way which as you know is a major road, then down Swallow Way to the roundabout on Exeter Road. Some three years ago I walked with residents and a lady called Jessica Bishop from the Environment Agency along the stream and at that point she identified a number of obstructions and things that were overgrown to the south of the Colebrook culvert and to the north of the Colebrook culvert but in the time since then nothing further has been done to either of those areas, the south side of the culvert has not been cleaned out and the north side has not been cleaned out and widened. There are questions which would need further investigations as to whether the culvert itself is damaged by tree roots and so on. Years ago DCC cleaned out further down the culvert under the roundabout at Exeter Road and they widened the stream and raised the banks and did a lot of works there to prevent further flooding but they did nothing up at Colebrooke Lane. So the concern at Colebrooke Lane if you are going to put in 105 houses, all the construction traffic is going to disrupt the field and an existing flooding problem is going to be made worse and there aren't any plans to put that in place.

Within the plans for Siskin Chase there are attenuation ponds for the current development but there is nothing in the plan by the developer to sort out the existing problem. In discussion with the developers who said 'if it's a problem that's already there it's not for us to sort it out'. So that's an argument that MDDC can have with various agencies. We are very concerned that the flooding at Colebrooke Lane continues, the frequency continues, it threatens properties in the area and we feel that planning permission shouldn't be granted for the time being to the Siskin Chase development until such plans are in place to sort out the Colebrooke stream either side of that culvert and potentially even the need for an extra attenuation pond in the field to the north, close to the culvert to take excess storm water when that happens. So that's the basis of the rejection for development of Siskin Chase for 105 houses. The road access should be off Colebrooke Lane and the flooding in Colebrooke Lane and the culvert should all be sorted prior to any development taking place on that site.

Mr Norman Harper speaking as a resident of the Padbrook Estate in Cullompton and referring to item 10 on the agenda stated that many of his words had been echoed by Cllr Gordon Guest and that he had witnessed many times now the flooding of Colebrook Lane. This renders the lane unusable by the emergency services. So desperate work, should the development go ahead, will be required to reduce this flooding risk. The flooding itself flows from Colebrooke Lane out onto Swallow Way, continues down Swallow Way to the Exeter Road roundabout then crosses the road affecting properties in Exeter Road, flows past them and into the Knightswood Estate. Knightswood Estate has had some alleviation of flooding hence the previous

work on the B3181 at the Toad Hall Knightswood junction where larger culverts were put in place to stop the stream over topping and that seems to be successful to this day.

Roger Harris, a resident at Siskin referring to item 10 on the agenda stated that at the planning meeting held on Wednesday 5th June 2019 regarding this application I asked two questions:

1. How Siskin Chase could be used as a through road when at one point it is only 3.55 metres wide and not wide enough for two vehicles to pass
2. I pointed out the restricted visibility at the junction of Siskin Chase and Swallow Way due to the houses at the end of Siskin Chase

Neither of these questions were answered. In her presentation Mrs Fish never mentioned the 3.55 metre stretch of road nor did she produce any photographs of it. Neither did she produce photographs of the junction at Siskin Chase and Swallow Way. Mr Sorenson made remarks that the road has to be 5.55 metres wide but again made no reference to the fact that at one point it is 3.55 metres wide. Why did Mrs Fish fail to make any reference to these facts in her presentation to yourselves? Surely it is within her remit to present all the facts to this planning committee, in fairness to all interested parties and not just those supporting her own recommendations. Madam Chairman stated that at the time all our questions would be answered, it is now some eight months since that last meeting and those two questions have never been answered and never been replied to. So I ask the same two questions again. As a former Police Road Safety Officer I would like to know how it is intended to make this stretch of road that is 3.55 metres wide safe for the residents who already live there. Speed humps would lead to a high increase in air pollution, you cannot use priority signs or even traffic lights because of the road junctions immediately at both ends of this piece of road with traffic emerging from the side junctions could not comply with any signs. All the houses in Siskin, Linnet Dean and Starlings Roost are open plan frontage with nothing to stop children or animals running out into the road. The two hundred extra vehicles if Siskin is opened up will be through this road and will add serious problems with road safety. As this has never been mentioned by the Planners can somebody from the Planning Department please explain how such a serious problem will be efficiently, effectively and safely dealt with so that we are protected and our children and our grandchildren are protected. My third question has been mainly covered by the previous speaker again with regard to the flooding. But I would simply say this, we all know that the land adjoining the proposed development which at the moment is owned by the rugby club is going to be sold for development. Now this is an opportunity to build or plan for a through road from Colebrooke Lane to Knowle Lane. The junction for Colebrooke Lane and Swallow Way is clear and unobstructed and could be widened without affecting other properties, there would be no road safety issues and air pollution would be reduced instead of going through Siskin. Is it not time that DCC stopped using Cullompton as a dumping ground for housing without putting something back into the actual community directly affected and build a new road and flood prevention scheme for the benefit of local people. Putting the road through Siskin will save money but it will put lives in danger. What is more important money or people's lives? Money can be replaced lives cannot. Perhaps somebody can explain why money is more important than people's lives. My last question relates to the Local Plan Review 2013 – 2033 where under policy of CU21 'Land at Colebrooke' item C provision of two points of access from Siskin Chase which gives you the impression that's its

already been agreed that Siskin Chase will be opened up and that the traffic from both of these proposed developments will come through Siskin Chase. This means that we will have not only the two hundred vehicles but probably another three hundred vehicles coming through Siskin Chase. Once again putting the lives of our children and grandchildren at risk. It does seem strange that this is already printed and is on policy and yet here we are discussing it at a planning committee meeting.

Mr Jones again referring to item 10 on the agenda stated that he would like to take a rewind and a step back to the last notice of this development to local residents. It didn't describe this last application but a new application by the developer. Subsequently any residents that wished to submit any observations would have to resubmit new observations. This is an anomaly that should have been addressed and I'm not apportioning any blame to the staff of the planning department who have probably got too much work. This anomaly still exists so subsequently a lot of residents were unaware that they had to resubmit their observations and subsequently this gives an unfair advantage to the developer because it can be seen that not so many people have not submitted new observations. Indeed it took a neighbour of mine printing off a slip of paper and dropping it through local peoples letterboxes to notify them of it. I think that councillors need to be aware of this and it is quite undemocratic and unfair.

98 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate.

99 MINUTES OF THE PREVIOUS MEETING (00-19-16)

The minutes of the meeting held on 17 December were approved as a correct record and signed by the Chairman.

100 CHAIRMAN'S ANNOUNCEMENTS (00-20-00)

The Chairman had no announcements to make.

101 DEFERRALS FROM THE PLANS LIST (00-20-05)

There were no deferrals from the Plans List.

102 THE PLANS LIST (00-20-18)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- (i) No 1 on the Plans *List (19/01961/HOUSE Conversion Of garage to additional ancillary accommodation to include extension and alterations to boundary wall – 1 Oak Crescent, Willand)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a member of Willand Parish Council;
- ii) A question was raised with regard to the conversion of the garage and any loss of parking;
- iii) The following late information was available on the update sheet:

All consultation responses have now been received and are summarised below:

Willand Parish Council: 15/12/19 - Willand Parish Council had the following concerns relating to the proposal, firstly as to whether or not the garage extension could become a separate dwelling. Secondly, there does not appear to be sufficient parking for two vehicles and if this is achieved by using part of the front lawn then there is concern as to visibility for vehicles when entering from Meadow Park. The Councillors would wish the Officer to be satisfied that this was not over development of the site.

Highway Authority: 10.12.19 - 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>.

Environmental Health: Householder development and alterations within Flood Zone 1 - No EA consultation required.

No other letters of representation have been received.

- b) No 2 on the Plans *List (19/01309/FULL Erection of a dwelling including demolition of a garage (Revised Scheme), Fair Havens, Mill Street, Crediton)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting: the application site, the access off Mill Street, the Conservation Area boundary, plans of the previous dwelling on the site, the proposed landscaping and block plan of the current application along with the layout of the site, the parking areas, proposed elevations and floor plans for the proposal in question. She informed the meeting that the 2003 planning consent had related to a bungalow on the site and provided the approved plans, she also provided comparative drawings of the 2003 application and the current application and stated that approval

had been granted for 3 dwellings on the site in 2014. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The visual impact of the dwelling
- The views of the objector with regard to the proposal and that she had obtained planning permission for a dwelling in Downshead Lane but had followed the correct procedures, this was not the case for the application in question. The large and ugly building that had been built, the fact that it did not conform with any planning permission in place on the site. The orange tiled roof was out of keeping within the Conservation Area and the visual impact of the development could be seen across Crediton
- The views of the agent with regard to the 2003 approval and that work had commenced on the site in 2004, although the works had not been completed it was felt that the permission was still live and had been highlighted within the presentation by the comparative drawings, this was not entirely a new development and that the application should be considered on its merits.
- The views of the representative from the Town Council with regard to the impact on the Conservation Area the contribution to the local character and the setting of the listed building. The dwelling did not integrate with other local buildings due to the size and colour of the roof and the location of the site made it difficult to screen the property
- The views of one of the Ward Member's with regard the development at Wellparks and how that had been designed to fit in with the local area, the need for procedures to be followed and that the development did not include any modern features to mitigate climate change.

It was therefore:

RESOLVED that: the application be deferred to allow a site visit to take place by the Planning Working Group to consider relevant parts of Policy DM2 as follows:

Policy DM2 requires designs of new development to be of high quality based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptable adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - ii) Siting, layout, scale and massing
 - iv) Materials, landscaping and green infrastructure

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Notes:

- i) Cllr J M Downes declared a personal interest as he could see the site from his house;
- ii) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as a Chairman of Crediton Town Council;
- iii) Ms Partridge spoke in objection to the application;
- iv) Mr Wright (agent) spoke;
- v) Cllr Mrs Brookes Hocking spoke on behalf of Crediton Town Council;
- vi) Cllr J M Downes spoke as Ward Member;
- vii) The following late information was reported:
 - 1. Consultations: Since completion of the officer report the town council have submitted a further representation-

CREDITON TOWN COUNCIL- 9th January- It was resolved to strongly reaffirm the Council's original objections made to the application and to also add that the development is over-scaled, the materials used are unsympathetic and the planting scheme is inadequate compared to what existed prior to development. The Council is also disappointed to note that the developer has proceeded with the development prior to obtaining the necessary planning consents.

2. Representations: since completion of the officer report, three further letters of representation have been received. The additional concerns are summarised below:

- The overgrown grass on the bank adjacent to the driveway has a negative visual impact, proper landscaping should be carried out here.
- Concerns regarding the accuracy of the site location plan in terms of the extent of the applicant's ownership (NB: please note update on this as below)

3. Revised plans: Further to the concerns relating to the extent of the applicant's land ownership, revised plans were received 13/01/2020 which demonstrate a minor reduction in scope of the red line area around the north east corner of the site. On the basis that this is a very minor reduction in the red line area it was not considered to materially impact upon the scheme, and therefore it was not considered necessary to re-advertise the proposal.

c) No 3 on the Plans *List (19/01340/FULL Erection of a dwelling - land at NGR 266108 (Paddons Farm), Wembworthy)*

The Area Team Leader outlined the contents of the report explaining that Wembworthy was a village without a settlement limit, therefore there was no planning policy to support an open market dwelling in the countryside. There had been an application for 2 dwellings on the site in 1991 which had lapsed and he explained that planning policy had moved on since then. He explained the self-build policy and the S106 agreement (the affordable or low cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale).

The meeting was shown a presentation which outlined the proposals for a 4 bedroom dwelling, which included the elevations, a landscape plan and photographs from various aspects of the site.

Consideration was given to:

- The detail of the S106, the criteria for a self build and whether the property could be claimed to be affordable
- The views of the applicant with regard to the detail of the S106 which he felt was a restriction but that he fully intended to stay within the village;
- The views of the local County Councillor supporting the application.

It was therefore:

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement to secure the affordable or low-cost housing to remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.

(Proposed by Cllr B G J Warren and seconded by Cllr Mrs C A Collis)

Notes:

- i) Mr Fowler (applicant) spoke;
- ii) The Chairman read a statement on behalf of Cllr Mrs M E Squires (County Councillor);
- iii) The following late information was reported

Revised comments received from Wembworthy Parish Council via agent for applicant. 13/1/2020 Comments from a councillor were a personal opinion and not written as a representation of the Parish Council. The Parish Council previously voted in favour of the development of the site and instructed the clerk to write to Mid Devon expressing this decision.

Further comments from Parish Clerk 14/1/2020 - The comments sent in originally were the only ones received from the PC during the original timescales and provided by a named councillor. Otherwise the council had no

objections to the application. I have no knowledge of a letter dated 13 January 2020.

d) No 4 on the Plans *List (19/01507/OUT Outline for the erection of a dwelling and formation of access – 48 Twicken, Holcombe Rogus).*

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the location of the application, the existing dwelling on site and the use of the existing access. The site was currently outside of the settlement limit, however the Local Plan Review would amend the settlement limit. He provided an indicative layout of the proposed dwelling and the location of the drainage gully and the open drain adjacent to the site. He explained that the drain collected water from the fields behind the site with the pipe depositing the water into the road, this was a highways issue and would not impact on the site itself. Members also viewed photographs from various aspects of the site which included the flooded road.

Consideration was given to:

- The views of the objector with regard to the build up of water in her garden and that the erection of a dwelling could cause damage to the culvert or if the drain was blocked this would cause her property to flood. The busy road to the village was narrow and prone to flooding and the closeness of the play area to the application site.
- The views of the applicant with regard to the results of the flood risk assessment which had stated that the proposal would not contribute to any more flood water. The proposed dwelling would sit 3 feet above the road level and was just an outline application.
- The views of the Chairman of the Parish Council with regard to the flooding in the area, surface water issues, how much hard surface would be incorporated into the site which could create drainage issues and the lack of facilities in the village with the closure of the village shop.
- The views of one of the Ward Member's with regard to the views of the Parish Council and local flooding issues
- The results of the SUDS report which had indicated the capability of storing water on the site and allowing it to percolate slowly into the drain.
- Whether the additional dwelling would have any major impact on the flood issues already present.

It was therefore:

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

(Proposed by Cllr E J Berry and seconded by Cllr S J Clist)

Notes:

- i) Cllr R F Radford declared a personal interest as he knew the applicant and chose to leave the meeting during the discussion thereon;

- ii) Cllr D J Knowles declared a personal interest as the applicant was known to him;
 - iii) Mrs Barker (objector) spoke;
 - iv) Mr Archer (agent) spoke;
 - v) Cllr Butler spoke on behalf of Holcombe Rogus Parish Council;
 - vi) A proposal for a site visit was not supported.
 - vii) Cllr Mrs C A Collis requested that her vote against the decision be recorded.
- e) No 5 on the Plans *List (19/01900/FULL The erection of a dwelling and formation of access – Southertons Farmhouse, Westleigh)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the proposal of a single storey dwelling which was a revised scheme to that approved in 2018, the site location plan, the location of the garden wall which would provide access, the proposed design and elevations and photographs from various aspects of the site. He also provided a comparison drawing of the previous approved permission and the current proposal.

Consideration was given to:

- The views of the objector and the impact that the proposal would have on her property, she felt that any excavations would undermine her property, the proposal would have an adverse impact on her property and therefore would be against policy DM2. She also felt that the proposal would impact on her visual amenity and that there would be a loss of light and that the proposal was too close to her dwelling. She also highlighted a covenant which referred to the height restriction of any dwelling in that area.
- The views of the agent, who referred to the revised scheme being a more appropriate dwelling at only 3 metres high. The neighbouring property had obscured glass on the ground floor overlooking the site, there would be no loss of light and only a small amount of soil would need to be removed.
- The views of a representative from the Parish Council with regard to the loss of light in the kitchen of the neighbouring property, the lack of consultation with the neighbours and concerns with regard to the wall.
- Whether the proposal would result in any material loss of daylight and sunlight to rooms in an adjoining property
- The revised scheme being better than the previous application which already had permission.
- The fact that the covenant was not a planning matter.

It was therefore:

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

(Proposed by Cllr F W Letch and seconded by Cllr E J Berry.)

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she had received a letter from the objector;
- ii) Mrs Wynne-Jones spoke in objection to the application
- iii) Mr Archer spoke as agent;
- iv) Cllr Worrow spoke on behalf of Burlescombe Parish Council;
- v) Cllr Mrs C A Collis requested that her vote against the decision be recorded.

103 **MAJOR APPLICATIONS WITH NO DECISION (2-06-17)**

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

It was **AGREED** that:

Application 19/02058/MOUT (Land north of Trumps Orchard, Cullompton) be brought before committee for determination , no site visit was required.

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

104 **APPEAL DECISIONS (2-08-19)**

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.

105 **APPLICATION 19/00118/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 (2-08-40)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration following the submission of an appeal to the Planning Inspectorate against non-determination, the report requested members to advise how they would have determined the application.

The Area Team Leader outlined the application and the allocation within the Local Plan Review and the fact that the contingency status of the site had been removed within the emerging plan. She provided by way of presentation the site location plan,

the illustrative masterplan for development and photographs from various aspects of the site.

The officer then provided answers to questions posed in public question time:

Cllr Gordon Guest had referred to the wish of Cullompton Town Council to see an additional access off Colebrooke Lane. The application had been deferred at committee on 5th June for officers to investigate this option. The comments from various consultees and the applicant were clearly set out in members agenda papers today.

Cllr Gordon Guest had also referred to the fact that Colebrooke Lane floods regularly and increasingly. He referred to having walked the Cole Brook with a representative of the EA about 3 years ago who identified obstructions and overgrown vegetation at that time. He commented that since that time no widening or clearing had taken place. The Town Council were concerned that developing the application site could result in the existing problem being made worse.

She was aware of correspondence between Cllr Guest and the Environment Agency just before Christmas. The EA make it clear that it is the responsibility of the landowner of the watercourse to ensure that water can flow unhindered and that DCC or MDDC may have powers to serve notice on the owner of the watercourse or carry out clearance works themselves. Members are advised that this is not a power under the Planning Acts but officers can write to DCC and MDDC on behalf of the Planning Committee if that is members' wish. She made it clear that the Environment Agency and the Local Lead Flood Authority were satisfied that surface water from the development could be dealt with and that what has been referred to was an existing problem which should not be exacerbated by the development, but solutions could be explored to try to resolve the existing problem, as set out previously.

Cllr Gordon Guest also referred to the proposed attenuation ponds which were proposed to deal with surface water from the development only and were not there to deal with the existing problem. This is correct. We cannot require a developer to deal with an existing flooding problem, only to mitigate against the development they are proposing.

Mr Harper felt that his issues and concerns had largely been dealt with by Cllr Guest before him and she was not aware that he raised a separate point which I need to address.

Mr Harris was concerned that the questions he asked at the committee in June last year have not been answered to date. His concerns related to the inadequacies of Siskin chase, being only 3.55m wide at one point and the restricted visibility at the junction with Swallow Way. Whilst Mr Harris considers that his points haven't been specifically addressed, Members will recall that Mr Sorenson from DCC Highways was at that meeting and spoke to answer members questions. The minutes of the meeting clearly show that members' consideration of the application included 'the views of an objector who felt that the development was not sustainable and that the access point through Siskin Chase was not wide enough to support additional traffic flow.

Mr Sorenson has previously advised on these points as follows:

“The narrowing in Siskin Close is a standard speed reducing feature utilised on residential estates and is a standard detail in the Devon design guide and the retention of this feature is seen as a safety benefit rather than a safety concern. The access has been tested through the transport assessment and is suitable to cater for the volumes of traffic generated by the development and the existing estate road traffic, it has been looked at through a stage 1 safety audit by the developer and not found wanting”.

Mr Harris went on to ask what measures were intended to make the road safe. The plans do not include any measures on Siskin Chase and the Highway Authority do not refer to the need for any in their consultation response.

Mr Harris referred to an access from Colebrooke Lane rather than Siskin Chase which she had already referred to. Finally, he referred to the allocation in Local Plan Review and referred to this appearing to have already been agreed as its set out in the policy CU21. This was the emerging policy and again the policy position was set out in members agendas.

Mr Jones spoke and referred to a notification neighbours have received relating to the second application. Whilst she understood the confusion, the letter clearly referred to a different application number than the one members were considering today.

The officer then referred to the update sheet and the amended resolution with regard to the required S106 agreement following the receipt of viability information.

Discussion took place regarding:

- The road narrowing arrangements in Siskin Chase and the Manual for Streets
- Additional traffic from the site would have to go through the town prior to the construction of the relief road and the air quality issues that may bring
- The contribution required from the development for the relief road
- The percentage of affordable housing proposed for the development
- The views of one of the objectors with regard to local concern about the access to the site via Siskin Chase, the narrowness of the road and road safety issues, the parking that already takes place in the road in the evenings and weekends. The air quality issues that the development would have on the road network of the town.
- The views of one of the Ward members with regard to the need for a second highways outlet from the site, the pinch point in Siskin Chase, the flooding issues in Colebrooke Lane and a response he had received from Devon County Council Highways with regard to landownership.
- The emerging planning policy within the Local Plan review

It was **RESOLVED** that had the committee had the opportunity to determine the application then it would have refused the application for the following reason:-

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. In considering this application, the LPA are of the view that the proposed point of access from Siskin Chase is not considered suitable for the additional increase in traffic anticipated from the proposed development of 105 dwellings. Siskin Chase is a cul-de-sac which was designed to accommodate those vehicles attracted to the housing it currently serves and incorporates features to narrow the road such as a chicane. The increase in car ownership since the development was built has led to an increasing number of vehicles being parked on the public highway. The use of Siskin Chase as the sole access to the proposed development of 105 new dwellings is not considered acceptable and would lead to conflict between existing and proposed residents and would interrupt the free flow of vehicles, particularly emergency vehicles. In the opinion of the LPA this identified harm significantly and demonstrably outweighs the benefits of the proposal when assessed against the policies in the NPPF, taken as a whole and is considered to be contrary to policies COR1 and COR9 of the Local Plan Part 1 (Core Strategy) and policy DM2 of the Local Plan Part 3 (Development Management).

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C A Collis)

As part of the procedure required for the appeal there was a need to agree a S106 agreement prior to the Inspector's determination of the appeal,

It was therefore

FURTHER RESOLVED

- i) That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Chairman and Vice Chairman of the Planning Committee and the local Ward Members to secure the necessary s106 requirements with the provision of a financial contribution towards the Cullompton Town Centre Relief Road being prioritised at £7,500 per dwelling (£787,500) and the provision of affordable housing being between up to 20% (figure to be confirmed by verification of applicants viability submission) with a split of 75% affordable rent and 25% shared ownership;
- ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road
- iii) Implementation and monitoring of a Travel plan
- iv) Provision of public open space, allotments and play areas on site.
- v) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

(Proposed by the Chairman)

Notes:

- i) Cllr B G J Warren declared a personal interest as one of the objectors was a former colleague;

- ii) Mr D Harris spoke in objection to the application
- iii) Cllr E J Barry spoke as Ward Member for Cullompton South;
- iv) Cllr Mrs F J Colthorpe requested that her vote against the first decision be recorded
- v) The following late information was provided:
 - 1) A letter from the agent has been received as follows:

Section 5.0 on pg75 states as follows:

“Consultation responses from Devon County Council Highway Authority and MDDC Public Health do not raise an objection to the application, however this is based on it making financial contribution towards the delivery of the relief road. The traffic assessment provided with the application indicates the additional traffic generation that is expected to arise as a direct result of this development including additional traffic movements between the site and the M5 motorway junction 28 and the town centre. The development will therefore increase traffic through the town centre, the impact of which on air quality will be mitigated via financial contribution towards the relief road in accordance with the policies set out above.”

The text highlight above is factually incorrect and is misleading.

Neither County Highways nor MDCC Public Health have requested a contribution towards the relief road.

The Public Health response (copy attached) confirms that air quality impact from the scheme is not significant. Moreover, it has been agreed with County Highways that no off-site infrastructure improvements are required to make the development acceptable in Highway terms and it is also agreed that the proposed development could come forward in terms of capacity and safety, in accordance with the Planning inspectors decision relating to Increased traffic set out in relation to application 16/01811/OUT and Appeal decision APP/Y1138/W/17/3172380 without the Town Centre Relief Road (para 5.3 of the attached SoCG refers).

The factual position seems to be correctly recorded at para 2.1 of the report which states as follows:

“Since the application was last considered by Planning Committee, the Council has produced its proposed main modifications which were approved for public consultation by Council on 4th December 2019. Within that document (MM35 and MM36), it proposes that the contingency status of the site has been removed in response to the Inspectors Post Hearing Advice Note, with the site instead becoming an allocation. In addition, Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. As a result of this document being approved for public consultation by Council,

some weight can be attributed to the document as a material consideration in the determination of this application.”

Section 5.0 of the report should be corrected to reflect the factual position.

- 1) Photos have been received from a resident (forwarded to members of the planning committee by email) showing Colebrooke Lane after a period of rain

S106 UPDATE:

Officers have had the viability information submitted by the applicant, independently assessed and this has included the services of a Quantity Surveyor. They are satisfied that the case put forward by the applicants is robust. On this basis, the scheme cannot viably support 35% affordable housing and the £1.8 million s106 package set out on page 69 of the agenda.

The applicants have put forward 3 proposed s106 packages as follows:

- a) No affordable housing and the full £1.8m financial package
- b) 28% affordable housing (which is emerging policy compliant) and £318,015 OR;
- c) 20% affordable housing and £660,030

Members will be aware that MDDC have received Housing and Infrastructure Funding (HIF) for the provision of the Cullompton Town Centre Relief Road (TCRR). The terms of the funding include that MDDC ‘use all reasonable endeavours’ to recover the cost of the road from development. Therefore Officers have requested that the applicant puts forward a s106 package which includes £787,500 (£7500 per dwelling) towards the TCRR with a lower percentage of affordable housing provision. On this basis, there would be no provision for the development to contribute towards items iii) – vii) as set out on the agenda (which includes education provision, bus service improvement and NHS funding)

The Planning Inspectorate have set a deadline of 13th February for the submission of a signed s106.

REVISED RECOMMENDATION:

- 2) That delegated authority is given to the Head of Planning, Economy and Regeneration to secure the necessary s106 requirements with the provision of a financial contribution towards the Cullompton Town Centre Relief Road being prioritised at £7,500 per dwelling (£787,500) and the provision of affordable housing being between up to 20% (figure to be confirmed by verification of applicants viability submission) with a split of 75% affordable rent and 25% shared ownership**

NOTE: Members are advised that as a result of the revised recommendation set out above, the items from page 69 of the agenda would no longer form part of the s106 agreement are highlighted red below, those items which will

form part of the s106 are highlighted green and those items amended but included in the s106 are highlighted blue, as follows:

- i) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- ii) Financial contribution of £7,500 per dwelling towards the provision of the Cullompton Town Centre Relief Road
- iii) A financial contribution towards delivery of the new primary school of £4004.75 per dwelling, (equating to £420,498.00 for 105 dwellings).
- iv) A financial contribution towards secondary education facilities of £345,255.00 (based on 105 dwellings and the DfE extension rate of £21,921 per pupil).
- v) A financial contribution towards Early Years provision for 2, 3 and 4 year olds of £26,250 (based on 105 dwellings at £250 per dwelling).
- vi) A financial contribution of £135,000.00 towards the maintenance/provision/improvement of the bus service
- vii) A financial contribution of £1457.32 per dwelling to the Royal Devon and Exeter NHS Foundation Trust towards maintaining service delivery during the first year of occupation of each unit of the accommodation in the development.
- viii) Implementation and monitoring of a Travel plan
- ix) Provision of public open space, allotments and play areas on site.
- x) The transfer of an area of land to the north of the site to DCC or MDDC to ensure that unencumbered access may be provided in future to the land to the north, if required.

vi) *Report previously circulated, copy attached to minutes.

(The meeting ended at 5.38 pm)

CHAIRMAN

This page is intentionally left blank

PLANNING COMMITTEE AGENDA - 12th February 2020

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>19/02034/LBC - Listed Building consent for internal alterations to create an en-suite shower room at The Old Carriage House, St Andrew Street North, Tiverton.</p> <p>RECOMMENDATION</p> <p>Grant Listed Building Consent subject to conditions.</p>
02.	<p>19/00928/MFUL - Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure at Land at NGR 305390 112177 (Hitchcocks Business Park), Uffculme, Devon.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
03.	<p>19/01608/HOUSE - Erection of single storey extension and separate garage/annex/workshop accommodation at Tanglewood, Dukes Orchard, Bradninch.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions.</p>
04.	<p>19/01156/FULL - Installation of a 24MW Reserve Power Plant with associated infrastructure at Land at NGR 302839 111143, Lloyd Maunder Road, Willand.</p> <p>RECOMMENDATION</p> <p>Grant permission subject to conditions.</p>

Application No. 19/02034/LBC

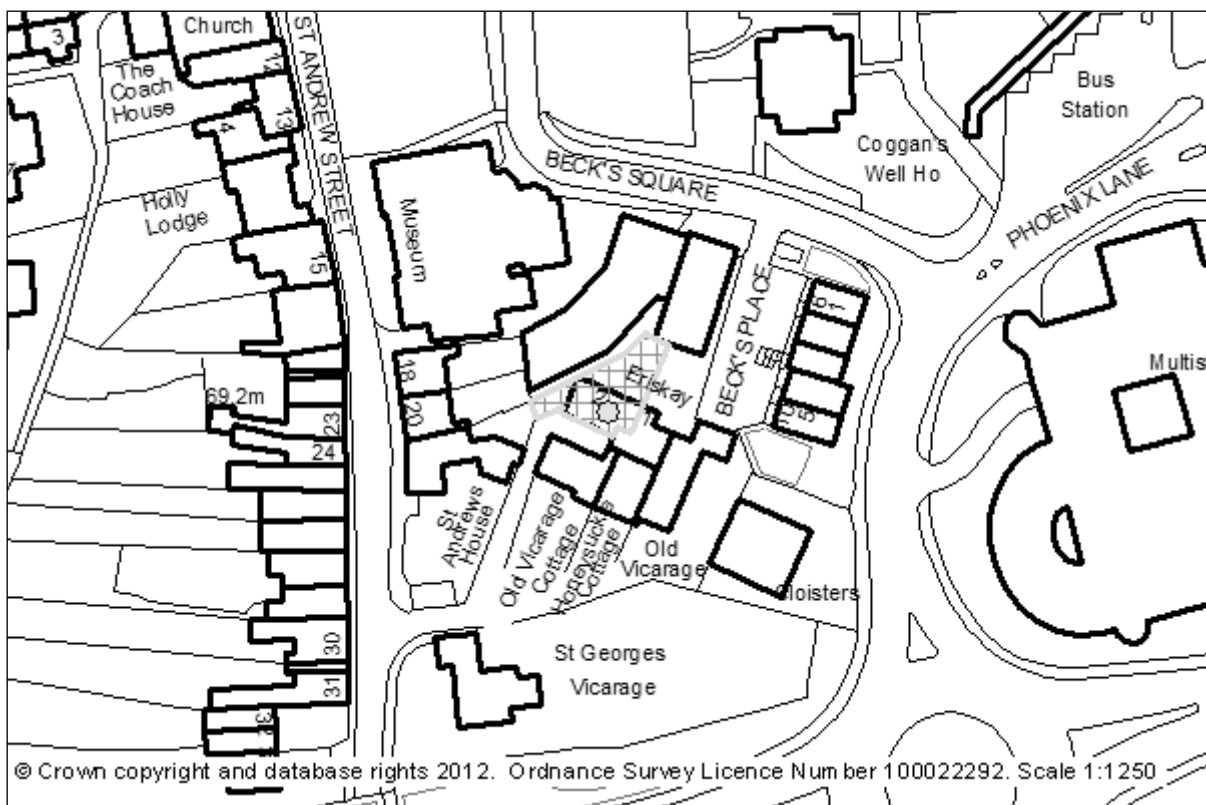
Grid Ref: 295466 : 112349

Applicant: Carole Oliphant

Location: The Old Carriage House
St Andrew Street North
Tiverton
Devon

Proposal: Listed Building consent for internal alterations to create an en-suite shower room

Date Valid: 18th December 2019



APPLICATION NO: 19/02034/LBC

REASON REFERRED TO COMMITTEE

The applicant is an employee of the Council. The application falls to be determined by the Planning committee

RECOMMENDATION

Grant Listed Building Consent subject to conditions

PROPOSED DEVELOPMENT

Listed Building consent for internal alterations to create an en-suite shower room

APPLICANT'S SUPPORTING INFORMATION

In addition to a site location plan, block plan, the applicant has also submitted a design and access statement, a heritage statement, a justification and schedule of works, and proposed plans.

RELEVANT PLANNING HISTORY

84/01668/LBC - PERMIT date 6th December 1984

Listed Building Consent for the erection of a carport

78/00288/FULL - PERMIT date 24th April 1978

Erection of an extension to Tiverton Museum (200sq m approx) and repositioning of an existing access to the site

80/00413/LBC - PERMIT date 30th May 1980

Listed Building Consent and planning for the change of use by conversion from one dwelling to two dwelling units

09/01041/LBC - PERMIT date 2nd September 2009

Listed Building Consent for installation of 1kw solar pv system and external alterations

12/01760/LBC - DELETE date 15th February 2013

Listed Building Consent for installation of replacement chimney stack

14/00805/LBC - PERMIT date 15th July 2014

Listed Building Consent for the replacement of back door with french doors

19/01764/PE - CLOSED date 21st October 2019

Change upstairs layout

19/02034/LBC - PCO date

Listed Building consent for internal alterations to create an en-suite shower room

OTHER HISTORY

None

DEVELOPMENT PLAN POLICIES

As this application is only for listed building consent, section 38(6) of the Planning Act is not relevant and there is no statutory requirement to determine the application in accordance with the development plan.

However the following policies which reinforce the NPPF and section 16 of the Listed Building Act should also be taken into account.

Mid Devon Local Plan Part 1 (Core Strategy)

COR2 – Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM27 – Development Affecting Heritage Assets

CONSULTATIONS

Town Council: Support

REPRESENTATIONS

The site notice was displayed on the 30th of December and expired on the 21st of January. No representations have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

Members should note that this application is for listed building consent only. As the proposal is not development there is no statutory requirement to determine the application in accordance with the Development Plan, although it remains material to the consideration of the proposal.

Instead, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16)

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, **great weight** should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

This dwelling is one of five in this listed building. It is to the rear, and is most likely to have been part of the service wing to the historic house. The applicants view is that it was the carriage house and there is no reason to disagree with this assessment.

The two bedrooms on the upper floor are served by a bathroom on the ground floor. The partition between the two bedrooms is later and part of the conversion to residential use. It is of no interest in itself. It is proposed to insert an en-suite to one of the bedrooms across part of the north wall which involves the removal of part of this partition.

The drainage will be contained internally and be connected to the existing system.

There is no harm to the special interests of the building from this work.

The bathroom will need a mechanical vent. It has been proposed through a soffit. There is no soffit on the building and this will need to be amended to be a vent through the wall. Given the elevation and context, which is altered from the conversion, there is no objection subject to an appropriate terminal.

On the basis of the submission and the site visit the view is that whilst the plan form has some significance, in that it is part of the history of the building, it does not appear to be the original layout and the proposed plan form retains the character of a number of individual rooms.

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Further details of the proposed mechanical extract to the proposed bathroom are to be submitted to and approved in writing by the Local Planning Authority prior to them being installed.

REASONS FOR CONDITIONS

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of the special interests of the listed building.

REASON FOR GRANT OF CONSENT

The proposal as set out within the application are considered overall to have a neutral to impact on the listed building and is considered acceptable within the context of the Listed Building Act , the National Planning Policy Framework and the Local Plan as far as it is material to the proposal.

INFORMATIVES

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. 19/00928/MFUL

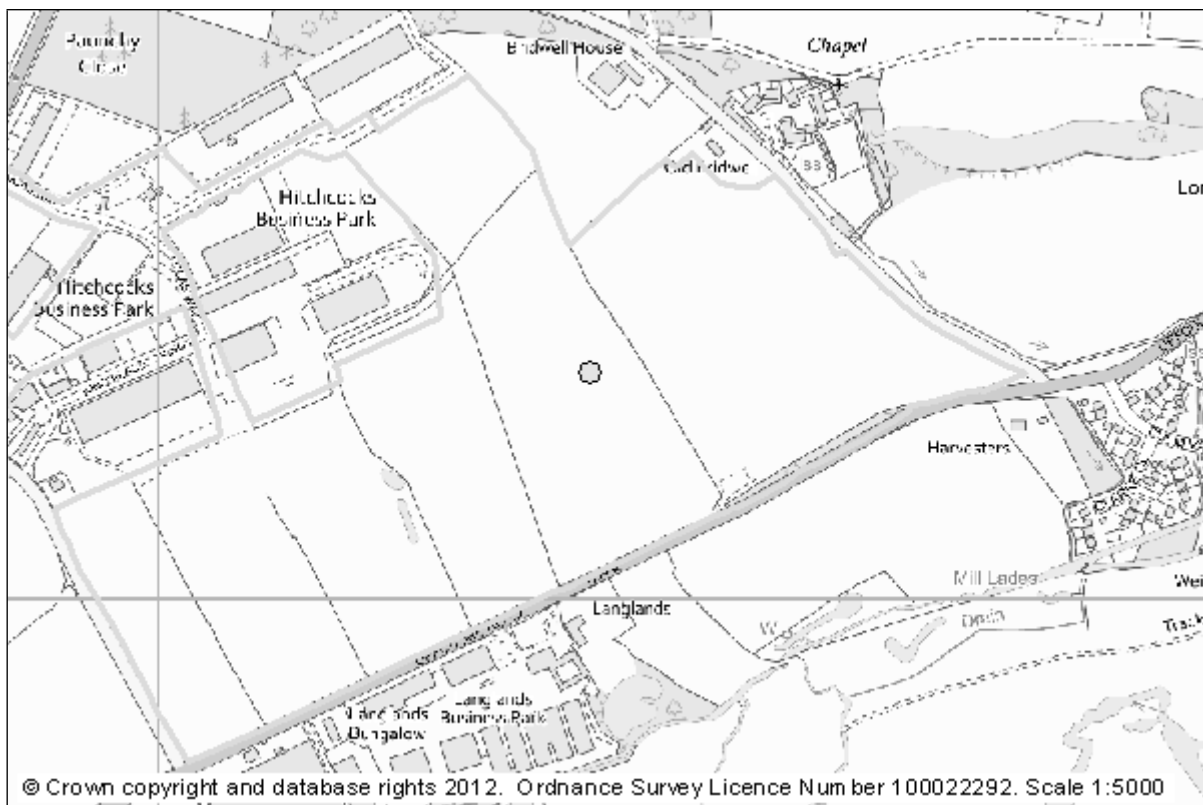
Grid Ref: 305390 : 112177

Applicant: Mr Richard Pollard, Persey & Maria Estates

Location: Land at NGR 305390 112177 (Hitchcocks Business Park)
Uffculme
Devon

Proposal: Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure

Date Valid: 8th June 2019



APPLICATION NO: 19/00928/MFUL

RECOMMENDATION

Subject to the resolution of the Environment Agency's outstanding concerns and the prior signing of a s106 agreement to secure:

- 1) A financial contribution towards the installation of a visibility control at the junction roundabout at J27 of M5 or the installation of the scheme to address the issue of minor shunts and;
- 2) a travel plan to seek to reduce overall reliance on private car travel to the site

grant planning permission subject to conditions

PROPOSED DEVELOPMENT

This is a full application for the erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure. The proposed floorspace amounts to 6736sqm in 3 areas across the Hitchcocks Business Park covering an area of 3.84h.

The application was initially submitted as a far larger proposal for 35,663sqm of B1/B2/B8 floorspace with associated roads, infrastructure and an A3 use of 385sqm to provide a café and associated public open space and footways over a site area of 28h. The application has since been significantly revised by the applicant in response to local objection and now relates to the provision of employment floorspace in 3 areas of the site:

Plot 1 – this adjoins the B3181 and consists of 6 buildings (total floorspace of 32,000sq ft or 2973 sqm) for subdivision to provide employment accommodation for starter enterprises/ incubator units and 'grow on' space.

Plot 2 – is located to the south of existing buildings and provides a floorspace of 1626sqm (17,500 sqft) For a specific operator who is already based at Hitchcocks Business Park and is looking towards A 17,500 sq ft unit for Trucksmith's future expansion; an existing, thriving local business employing over 100 skilled people, to secure and safeguard their longer term business expansion and success;

Plot 3 – is located to the north east of the site, to the south of Carlu Close and provides a floorspace of 2137 sqm (23,000sqft) to cater for market demand. This is proposed on an existing consented and developed commercial parking and yard area under application ref: 17/01298/MFUL

All these units will be accessed via extensions to previously approved roads and will be constructed to the same standard as existing roads featuring avenue tree planting, timber fences and plot fencing as the existing park.

Hitchcocks Business Park is located on the south side of the B3181 between Waterloo Cross on the A38 and the Five Cross Ways roundabout at Willand

APPLICANT'S SUPPORTING INFORMATION

Arboricultural assessment
Bat activity
Bollard lighting design
Business case
Carbon Reduction Strategy

Dormouse survey
Ecological appraisal phase 1
Historic environment assessment
Landscape and visual assessment
Lighting data sheet
Phase 1 land contamination
Planning statement
Transport assessment
Waste audit statement
Design and access statement
Flood risk assessment
Outdoor lighting report

RELEVANT PLANNING HISTORY

12/00690/FULL - REFUSE date 18th September 2012

Change of use of agricultural building to B8 storage use with associated parking
(APPEAL ALLOWED 22.03.13)

12/01630/FULL - PERMIT date 7th May 2013

Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building

13/01113/FULL - PERMIT date 27th September 2013

Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans)

14/01310/MFUL - PERMIT date 12th May 2015

Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure

14/01464/FULL - PERMIT date 24th October 2014

Variation of condition 13 to permit general B1/B2/B8 use and removal of condition 14 (demolition of building if use ceases) of planning permission 10/01689/MFUL

15/01142/FULL - PERMIT date 4th September 2015

Erection of extension to existing commercial building (B1/B2/B8 use)

16/00332/FULL - PERMIT date 13th May 2016

Formation of parking area and landscape planting bund

16/01556/FULL - PERMIT date 28th November 2016

Erection of cafe and wc block with associated car parking and seating area

17/00135/FULL - PCO date

Variation of conditions (2) and (13) of planning permission 14/01310/MFUL to allow substitute plans, change foul drainage disposal to private treatment plants instead of mains drainage and to revise internal road and footpath layout

17/00769/MFUL - PERMIT date 6th September 2017

Demolition of existing commercial building (Use Class B1, B2, B8) and erection of replacement commercial building (Use Class B1, B2, B8) with parking area

19/00100/FULL - PERMIT date 29th August 2019

Change of use of agricultural land to footpath with associated engineering works

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable communities
COR4 - Meeting Employment needs
COR7 - Previously developed land
COR8 - Infrastructure provision
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development
DM2 – High quality design
DM8 – Parking
DM20 – Rural employment development

CONSULTATIONS

(NB only those responses relating to the smaller revised application have been included here)

HISTORIC ENVIRONMENT TEAM – 12 December 2019

I refer to the above application. The Historic Environment Team has now received the results of the archaeological evaluation undertaken at this site which targeted the circular anomaly recorded during a geophysical survey. The evaluation revealed that the site contains no evidence that the development will have an impact on any significant heritage assets with archaeological interest.

As such, I would like to withdraw the Historic Environment Team's previous objection and advise that no further archaeological recording work is required in mitigation for the proposed development.

The Historic Environment Team has no further comments to make on this planning application.

EAST AREA CONSERVATION OFFICER - 10 December 2019

The proposal is now on a much smaller scale and addresses my main concerns regarding the setting of the listed buildings and the listed park and garden.

We would still need to be careful regarding landscaping and lighting of the development.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 20 December 2019

Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, 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 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 Hitchcock's Business Park, Uffculme (Phase 2) Flood Risk Assessment (Report Ref. 0180), Rev. C, dated 15th November 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 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 proposed 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 surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- 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.

HIGHWAYS ENGLAND - 10th January 20

We are replacing our previous recommendation of non-approval with a recommendation of no objections subject to advice.

HISTORIC ENGLAND - 23 December 2019

We note that the application has been significantly modified to reduce the amount of new development being sought. The area of development we expressed particular concern on, was the easternmost field, which was closest to the registered park and garden of grade I Bridwell Park. We understand that this has now been entirely omitted from the application and will be retained as farm land. The area of land to be developed is now limited to small areas immediately adjacent to the existing business par, which is likely to have a much reduced landscape and visual impact.

On the basis of this information, we withdraw our concerns and do not wish to offer any further comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

NATURAL ENGLAND - 23rd December 2019

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24 June 2019.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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

ENVIRONMENT AGENCY - 20.12.19

Environment Agency position

We object to the proposed development as submitted because it involved the use of a non-mains foul drainage system but an inadequate assessment of the risks of pollution to the water environment has been provided by the applicant. The reason for this position and advice is provided below.

Reason - The application indicated that foul drainage is to be discharge to a non-mains drainage system by a series of package treatment plants. In these circumstances, the planning practice (PPG) (ref ID 34-020-20140306) advises that applications for development relying on anything other than connection to the public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance inadequate information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

We recommend that the applicant uses the Foul Drainage Assessment form (FDA) available here: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1> as guidance on the information required so that the risks can be fully assessed.

Overcoming our objection

The applicant may overcome our objection by submitting further information to cover the deficiencies outlined in this letter.

DEVON, CORNWALL & DORSET POLICE - 12th December 2019

Thank you for this application (revised drawings & information)

Police have no objections in principle to the proposed revisions. However, I have concerns regarding the proposed footpath link (4) to the bus stop. This will need to be suitably lit to provide a safe and sustainable access point, therefore, confirmation is sought that this is included in any lighting plan.

TIVERTON TOWN COUNCIL - Tiverton does not wish to comment

WILLAND PARISH COUNCIL - 13 January 2020

Willand Parish Council voted to object to the revised plans for this application and reiterated concerns raised in the comprehensive comments in response to the original application.

In particular it would refer to two of the reasons for the initial objection,

a) that it is contrary to current and emerging policies as the site is not allocated for employment or housing development in the current or emerging Local Plans.

It is outside of the settlements as defined in COR13 - COR17. The site is not allocated for employment or housing development in the current or emerging Local Plans.

It will be development in the Countryside whereby COR18 applies and therefore development will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural community.

COR18 b allows appropriately scaled, retail, employment, farm diversification and tourism related development. The Council considered that what started as 'farm diversification' has now been considerably exceeded by what is currently on site and the application should not benefit from the provisions of COR18 b. The Council was also of the view that COR18 e would not be applicable.

Emerging Policy S14 mirrors the current policy and it is noted that in paragraph 2.81 it states

'Development in the countryside will be managed to meet local need, promote vibrant rural communities and help provide appropriate forms of agricultural and rural diversification to support the rural economy and sustain environmental qualities of the countryside. Development management policies allow for small-scale employment development in suitable locations whilst retaining the intrinsic character and beauty of the countryside.' Providing facilities for national distribution business is not considered to be meeting 'local need.'

b) The adverse impact on transport infrastructure and carbon footprint

The Parish Council expressed concern as to the veracity of the information contained in the Transport Assessment. It is recognised that many of the figures are speculative but some are in conflict with what is actually observed and recorded by people living on the B3181. What is not in dispute is that there will be an increase in traffic, and in particular heavy goods vehicles. The residual cumulative impacts on the road network could be severe.

Other than at the entrance to the site no improvements are to be made to the B3181 up to Waterloo Cross other than a foot/cycle way to the next junction.

No account seems to be taken of the increased use of the junctions and the accident record, particularly at Leonards Moor Cross, does not appear to be mentioned.

It is also known that at least one traffic count was carried out when the Uffculme School was on holiday therefore showing a falsely reduced figure for traffic flow at the junctions.

While recognising the efforts by the applicant to meet some of the concerns expressed by objectors to the original application the Parish Council decided that it could not recommend approval of the application.

PUBLIC HEALTH – 22nd January 2020

I have read through the air quality report and the impact on nearby key receptors will be insignificant. Traffic generated by the development is expected to be spread widely across the highway network and therefore the impact on air quality will also be distributed with no significant impact at any single location. Given the size of the application has been reduced, I would have no further comments regarding air quality impacts.

DCC HIGHWAY AUTHORITY – 22nd January 2020

The Highway Authority has no objection to the reduced layout. Consent is granted for a right turn lane into the business park which commences on site this month. This right turn lane is sufficient to cater for the full original development and is therefore suitable for the reduced construction. The applicant is developing footpath network which will connect to the village of Uffculme and is supported, the applicant should enter a section 106 planning agreement for travel plans. The applicant submitted a transport assessment for the full development which is acceptable to the Highway Authority and the reduction in development will also be acceptable. The previous application included for a footway cycleway from Willand to the site. This would be beneficial but given there are signed routes from Willand along Muxbere lane it would not be reasonable to condition it for the reduced development. The Local planning Authority may wish to consider its delivery for the future should the remainder of the site come forward.

The Highway Authority has recently observed an increase in shunt accidents on Junction 27 approach from the East and any increase in traffic will exacerbate the issue. The Highway Authority would seek a contribution towards the installation of visibility control at the junction roundabout or the installation of the scheme to address this issue and allow for the increases in traffic generation

REPRESENTATIONS

(NB only those responses relating to the smaller revised application have been included here)

At the time of writing this report, 18 letters of objection had been received, summarised as follows:

- a) Uffculme is a village and people choose to live there because they like what they see out of the window
- b) Traffic and air quality impacts should not be taken in isolation. The development will have a negative impact on both and this should be considered in conjunction with other development which have occurred/are planned in the area
- c) Concreting over areas of greenfield will increase surface water runoff from the site
- d) Highway danger at various crossroads and intersections
- e) Applicant will go back to the piecemeal development of the site having submitted 68 separate applications over recent years
- f) Amended application is smaller than originally submitted but with an unimplemented but approved scheme for glass houses, these combined make it the same size as the scheme first submitted
- g) Noise and light pollution will result
- h) increased commuting by workers will result as local employment market has low unemployment
- i) Contrary to National and local planning policy on rural areas and greenfield sites
- j) Not in line with MDDC stance on zero carbon by 2030
- k) permanent and unacceptable change to appearance and character of the area

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1) Policy**
- 2) Scale and location of development**
- 3) Visual Impact**
- 4) Highway safety**
- 5) Drainage**
- 6) Other issues including ecology, air quality, noise and light pollution**

1) Policy:

The site is not allocated within the adopted Mid Devon Local Plan nor is it proposed for allocation within the Mid Devon Local Plan Review 2013-2033 which has recently undergone Examination.

The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities. Policy COR1 aims to enhance the self-sufficiency of communities, to provide access to jobs which bring economic prosperity and to reduce the need to travel by car. Policy COR4 sets out that the level of employment development required up until 2026 is 300,000 square metres of B1 - B8 employment use floorspace. This proposal adds 6737sq m of industrial floorspace. The supporting text emphasises that the aim of employment provision is to enhance the economic self-sufficiency of the district as a whole. The application site is located in the open countryside outside any defined settlement limit. Policy COR18 allows for appropriately scaled employment development in the open countryside. Policy DM20 of the LP3 DMP allows new-build employment development provided that it is of an appropriate use and scale for its location. Being a partial brownfield site, Policy COR7 notes that development will be guided towards the most sustainable locations available, which maximise social and economic benefits, minimise the loss of greenfield sites to built development, reduce the need to travel and make the best use of land and other resources. Policy COR8 requires that new development is served by necessary infrastructure, at the developer's expense. Policy COR9 relates to the need to reduce travel by private car, improve road safety and locate development where it is accessible.

The NPPF indicates at paragraph 80 that "Planning policies and decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

Policy DM1 contains a presumption in favour of sustainable development with DM2 seeking high quality design. Parking to the required standard is set out in policy DM8. DM20 permits new build employment or expansion of an appropriate scale and use subject to 3 relevant criteria which are discussed in the following paragraphs.

2) Location and scale of development

Policy DM20 states that in countryside locations planning permission will be granted for new build employment development or the expansion of existing businesses provided that the development is an appropriate use and scale. It sets out 3 criteria, one of which is that there are insufficient suitable sites in the local area.

There has been a historical undersupply of employment land across the district over many years. It is understood from the Economic Development Officer that over the past 5 years, Hitchcocks Business Park has singlehandedly provided the majority of the economic growth within Mid Devon. The Employment Land Review 2018, produced as a part of the evidence base for the Local Plan Review, identifies that employment land delivery since 2014 has mostly been delivered at Willand, with Hitchcocks and Mid Devon Business Park providing this growth with a 3:1 ratio (respectively) on floor space delivery. Without the development of Hitchcocks, the Economic Development Officer advises that the District would have lost out on the opportunity to accommodate a significant number of businesses, and would be over 300,000sqft behind its current position in terms of employment land delivery. Additionally, there is a recognised lack of start-up business space in Mid Devon (an issue highlighted in the Economic Strategy) which this development seeks to provide for. MDDC's Economic Strategy highlights key sectors that the Council will focus on supporting to help develop the local economy. These sectors are Food & Drink (and Agriculture), and Hi-Tech, Innovation and Green Energy Businesses. Hitchcocks is already host to a number of significant businesses operating in the Food & Drink sector, including the UK's largest producer of tofu, who moved into the district in 2018. The site is located with easy access to J27 of the M5, via the B3181 and A38. The site is also connected to Uffculme, Willand and Tiverton Parkway Station by cycle routes and in the most part, footways. Objections have been received referring to the site being located in the open countryside, being a greenfield site and therefore not suitable for the proposed development. However, given the supply issues surrounding the delivery of employment land, the Economic Strategy for the District and the NPPF support for economic development, it is considered that the proposed development in terms of its location and scale is considered acceptable and that there are insufficient alternative sites available as required by criteria c) of DM20.

3) Visual Impact:

Policy DM20 criteria b) requires that there is no adverse impact on the character and appearance of the area.

The scheme involves the provision of starter/incubator units and grow on space at the boundary of the site with the B3181 road from Waterloo Cross into Willand. The provision of these smaller units is considered to limit the visual impact of the development from outside of the site, being smaller and lower level buildings than required for larger established employment and distribution uses. The larger buildings, proposed for this use, are to be located within the site and set against the context of existing employment buildings. The result is that the proposed development would have a relatively limited visual impact from outside the site. The site is located close to Bridwell Park which is a grade I listed building with its associated heritage assets, the grade II* listed stables and chapel and grade II registered park and garden. In determining this application Members should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Heritage England and the Councils Conservation Officer were consulted on the application. The revision to reduce the size of the proposal has resulted in Heritage England advising that, 'The area of land to be developed is now limited to small areas immediately adjacent to the existing business park, which is likely to have a much reduced landscape and visual impact' and as a result they withdrew their objection to the scheme. Likewise, the Councils Conservation Officer is also now satisfied that the proposal addresses his concerns about the impact on heritage assets, subject to careful conditions which are set out at the end of this report. Given that the site is enclosed by existing native hedges on all its boundaries and the relative distances from public vantage points it is considered that the scheme will not result in an adverse visual impact such as to warrant refusal of the application.

Criteria b) of DM20 is therefore considered to be complied with.

4) Highway safety:

Criteria a) of DM20 requires that the development should not lead to an unacceptable impact on the local road network.

Objections have been received relating to the impact of traffic attracted to the proposed development on local roads, junctions, the Waterloo Cross roundabout, J27 and on the safety of the users of those roads. Both Highways England and DCC as Highway Authority have been consulted. Highways England have considered the impact of the development on the functioning of J27 and the M5 and do not have any objection. The Highway Authority have looked at the submitted transport assessment and have considered the impact on the local road network and accordingly, have advised that they have no objection to the reduced layout. They have confirmed that there is a consent in place for a right turn lane into the business park which commences on site later in the month. They are satisfied that this is sufficient to cater for the development. The Highway Authority advise that they have recently observed an increase in shunt accidents on Junction 27 approach from the East and that any increase in traffic will exacerbate the issue. They have therefore requested that a contribution towards the installation of visibility control at the junction roundabout or the installation of the scheme to address this issue and allow for the increases in traffic generation, be sought from the development together with a travel plan to seek to reduce overall reliance on private car travel to the site

Objections have also been received relating to the perceived increase in commuting which will occur as a result of the development due to low local unemployment rates and how this will impact adversely on the Councils commitment to being zero carbon by 2030. As set out above The Mid Devon Economic Strategy is seeking to ensure that Mid Devon is as self-sufficient as possible. The Strategy reports that at the time of publication, there were 13,776 commuters leaving the district daily to work in Exeter, Taunton and East Devon (in the main) with 5,569 commuters arriving daily in the district for work resulting in a net outflow of 8,207. Whilst it is inevitable that there will be workers who commute into and out of the district daily, the zero carbon target will be more easily reached with the availability of sufficient employment land in the district for its current population and planned population growth.

Officers are of the view that the proposal complies with criteria a) of DM20

With regards to traffic generation and the impact on air quality, Public Health have commented on the revised scheme. They have advised that the impact on nearby key receptors will be insignificant. Traffic generated by the development is expected to be spread widely across the highway network and therefore the impact on air quality will also be distributed with no significant impact at any single location. Given the size of the application has been reduced, Public Health have indicated they have no further comments regarding air quality impacts.

5) Drainage:

Objections have been received relating to the impact of providing hard surfacing to existing greenfield areas, in terms of surface water runoff and the effect on local residents. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) have been consulted on the revised application. Plot 3 is an existing consented and developed commercial parking and yard area under application ref: 17/01298/MFUL but plots 1 and 2 are currently greenfield. The LLFA have confirmed that they have no objection in principle with the proposal subject to the imposition of conditions, which have been attached at the end of this report. The Environment Agency has raised an objection on the basis that it is proposed to dispose of foul drainage to private treatment

plants rather than mains drainage. The applicant has now provided further information, as requested by the EA and their response was awaited at the time of writing this report but their response will be reported to members at planning committee.

6) Other issues:

The application is accompanied by various professional reports relating to ecology, trees, a lighting scheme, contamination etc. The Ecological Appraisal concludes that appropriate mitigation measures can be put in place to mitigate against any impact of the proposed development. The arboricultural report refers to the removal of 2 groups of trees to enable development of the starter units in the north west corner of the site and their loss will be mitigated against. Appropriate conditions have been attached at the end of this report to ensure that appropriate mitigation is carried out where necessary.

The initial application was accompanied by draft heads of terms for a s106 agreement to secure public access to the planned open space, footways and cycle track and to secure the necessary works on the public highway to provide improved pedestrian and cycle connectivity including the closure of Hitchcocks Lane to traffic. The reduced scheme now being proposed does not necessitate the need for these wider public benefits and therefore it is not considered that a s106 agreement in relation to these matters is required.

SUMMARY:

The site is not allocated for development in either the adopted Local Plan nor the Local Plan Review. The site is located in the open countryside where development is controlled but policy DM20 permits appropriately scaled and appropriately located employment development, subject to 3 relevant criteria. It is considered that the proposed scheme does not have an unacceptable impact on the local road network nor on the character and appearance of the area and that there are insufficient alternative available sites to meet the historical undersupply of employment land. The proposal is therefore considered to comply with policy DM20, subject to the imposition of relevant conditions in respect of mitigation.

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 be commenced until a programme showing the phasing of the development (taking account of the requirements of any conditions below) has been submitted to, and been approved in writing by, the Local Planning Authority.
The development shall be carried out in accordance with the approved phasing programme.
4. No development shall begin until details of the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction and a timescale for their implementation shall be submitted to the Local Planning Authority. The aforementioned infrastructure shall be constructed and laid out in accordance with the approved as set out in the phasing scheme detailed in condition 3 above.

5. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which shall serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. The temporary surface water drainage management system shall satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority. The design of the permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Hitchcock's Business Park, Uffculme (Phase 2) Flood Risk Assessment (Report Ref. 0180), Rev. C, dated 15th November 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.

7. No part of the development hereby permitted shall be commenced until 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 proposed 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.

8. No unit shall be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system. Adoption and maintenance shall thereafter be carried out in accordance with the approved details.

9. Before any individual unit of employment premises is first brought into use, the access, parking and turning facilities to serve that unit shall be properly surfaced, drained, consolidated and marked out in accordance with the approved drawings.

10. No unit shall be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels and a phasing plan for their implementation. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof) be so retained. 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.

11. The development shall be carried out in accordance with the recommendations set out in section 6 of the submitted Ecological Appraisal (EcA) Phase 1 dated January 2019 by Ecological Surveys Ltd, received by the Local Planning Authority on 11th June 2019 insofar as it relates to the revised site area set out on the site location plan (ref: 180209 L0101 Rev C received by the LPA on 9th December 2019).

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. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of current and future occupants of the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. In the interests of providing a properly serviced site and to ensure that adequate information is available for the proper consideration of the detailed highway proposals, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies)
5. 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 condition must be pre-commencement to ensure that surface water whilst the site is being developed can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. The condition must be pre-commencement to ensure that the necessary below grounds works are carried out to install the approved scheme
7. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
8. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
9. In the interests of providing a properly serviced site and of providing adequate parking and turning facilities for traffic attracted to the site, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
10. To ensure that the development makes a positive contribution to the character and amenity of the area and the quality of the completed development in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
11. In the interests of protecting the habitats of protected species which may be using the application site

REASON FOR APPROVAL OF PERMISSION

The site is not allocated for development in either the adopted Local Plan nor the Local Plan Review. The site is located in the open countryside where development is controlled but policy DM20 permits appropriately scaled and appropriately located employment development, subject to 3 relevant criteria. It is considered that the proposed scheme does not have an unacceptable impact on the local road network nor on the character and appearance of the area and that there are insufficient alternative available sites to meet the historical undersupply of employment land. The proposal is therefore considered to comply with Policies COR1, COR4, COR7, C08, COR9 and

COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM8 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies) subject to the imposition of relevant conditions in respect of mitigation.

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. 19/01608/HOUSE

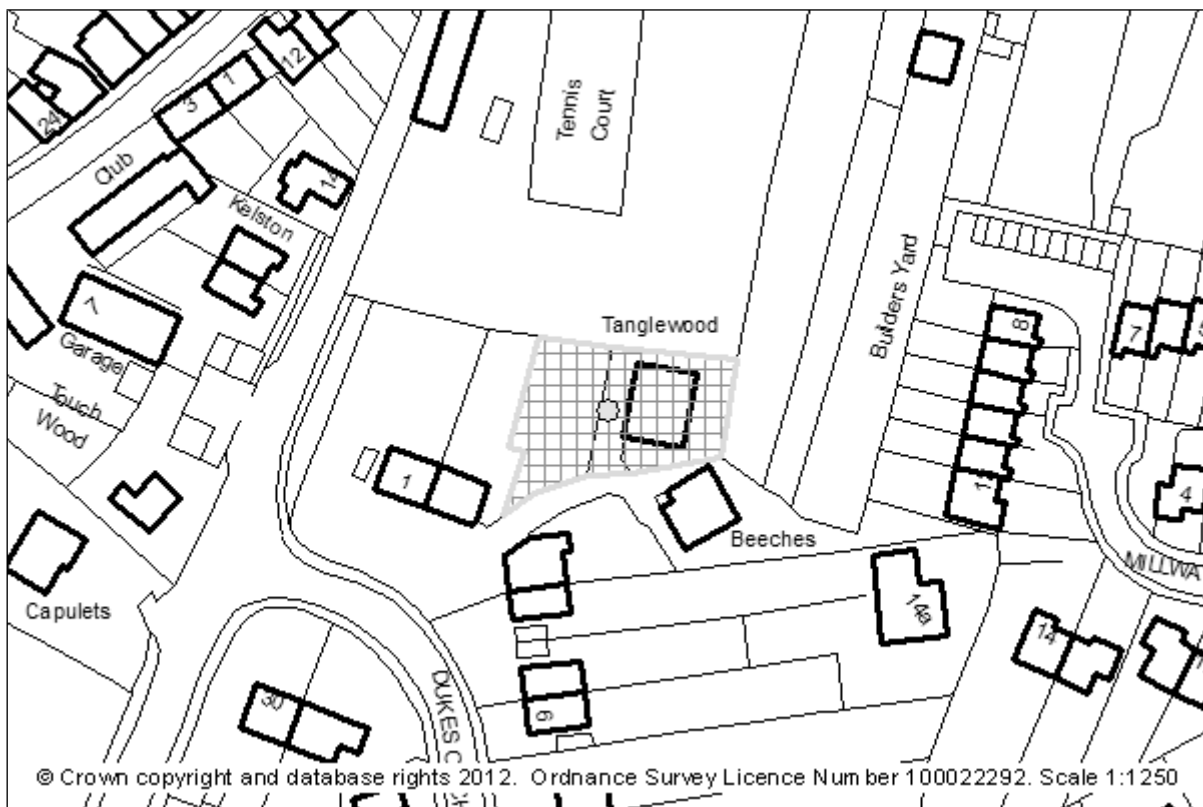
Grid Ref: 299869 : 103868

Applicant: Mr & Mrs Fullerton

Location: Tanglewood
Dukes Orchard
Bradninch
Exeter

Proposal: Erection of single storey extension and separate garage/annex/workshop accommodation

Date Valid: 23rd September 2019



APPLICATION NO: 19/01608/HOUSE

Update

This application was considered on the 17th December 2019, where it was resolved that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

The site visit of the Planning Working Group has now taken place with the notes taken as follows:

PLANNING WORKING GROUP – 9 January 2020

Application 19/01608/HOUSE – Erection of single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Bradninch

There were 7 Members of Planning Working Group present.

Also present – the agent, an objector and a representative of the Town Council.

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

- The impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

The Chairman welcomed everyone to the site visit and introductions took place.

The Principal Planning Officer outlined the application which would include removing part of the fence and widening the parking area. He highlighted concerns that the proposal would impact on the neighbouring property and the conditions that had been proposed to mitigate these issues, with the stairs to the rear being screened and the accommodation only for ancillary use.

The group walked onto the site and considered the fence line and where the separate garage would be located, identified by props and cord, which gave a clear indication of the ridge height of the proposal. Consideration was given to the impact of the proposal on the neighbouring property; it was confirmed that there would be no windows on the first floor of the building.

The objector addressed the group, explaining her concern with regard to the height of the proposal and that it would be built too close to her fence. She felt that she would lose her privacy and would be looking at a wall and a roof from her conservatory which she felt was unfair and overbearing.

The agent stated that the building would be set into the ground to avoid any impact on the neighbouring property. The fence was not a planning matter and the construction of building was a building control matter. The application had been designed so that privacy could be maintained. He felt that there would be no overlooking nor over shadowing and little impact on the neighbouring property.

The representative from the Town Council explained that town councillors had visited the site and that the props had been very useful. The Town Council felt that the building was too high and very overbearing, there was concern about the closeness of the building to the fence. The council had been happy to support the extension but not the garage due to its height and overbearing issues.

The group then visited the neighbour's garden to consider the impact the proposal would have and asked questions with regard to light issues, screening and privacy.

Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

MEMBER CALL-IN

Called in by Cllr Luke Taylor, in order to consider the potential over-development of the site and the impact of the proposed development on the neighbouring garden and associated private amenity space.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Erection of single storey extension and separate garage/annex/workshop accommodation.

The proposal relates to Tanglewood, a modern bungalow located on the northern side of Dukes Orchard, located on land to the rear of 2 and 3 Dukes Orchard. Another property, Beeches, which was built at the same time, sits to the south. The proposed development includes the erection of a single storey extension to the western elevation of Tanglewood and the erection of a one and a half story garage/workshop with annexe accommodation in the roof space. The extension is proposed to be finished with render and tiles to match the existing property, in addition to a small section of standing seam metal roof to an attached lean-to section. The garage/annexe is proposed to be constructed with a mix of render, timber cladding and stone.

APPLICANT'S SUPPORTING INFORMATION

Existing and proposed plans

Letter responding to neighbour and Parish Council comments

RELEVANT PLANNING HISTORY

08/00613/FULL - PERMIT date 4th July 2008

Erection of 2 dwellings and a replacement detached garage

09/00312/FULL - PERMIT date 9th November 2009

Retention of 2 dwellings and erection of a replacement detached garage

16/01182/TPO - PERMIT date 12th September 2016

Application to fell one Conifer tree protected by Tree Preservation Order No. 08/00001/TPO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR13 - Tiverton

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in Favour of Sustainable Development

DM2 – High Quality Design

DM8 - Parking

DM13 – Residential Extension

DM27 – Development Affecting Heritage Assets

CONSULTATIONS

BRADNINCH TOWN COUNCIL – 15th October 2019

The council have visited the site, where they met with the applicant and subsequently with some of the neighbours.

The council has considered this application and has No Objection to the proposals regarding extension of the main property.

The council has also considered the proposals for a separate annex (which runs along part of the boundary with a neighbouring property) which could be over bearing, may also constitute over development of the site and could compromise the privacy of the immediate neighbours. The proposed exterior staircase to the annex would allow overlooking into neighbouring properties with a potential loss of privacy.

The council feel that these concerns require addressing.

HIGHWAY AUTHORITY - 27.09.19

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>

REPRESENTATIONS

Letters of objection were received from four local residents. The main points raised are as follows:

- The two storey garage is too high and will intrude and overlook 1, 2, 3 Dukes Orchard and The Beeches. There will be particular overlooking from the annex steps. There will be loss of light, as well as privacy.
- The accommodation above could easily be turned into a separate dwelling, leading to additional vehicle movements and increased levels of rubbish.
- The proposal will increase the vehicle movements to five properties using the same access.

- There is a hedge to the left when exiting, which obscures visibility and should be reduced to 1m in height.
- Drainage for Tanglewood and Beeches passes through another resident's drains. They object to a third house using this.
- The proposed drive is opposite existing domestic gates, potentially causing a hazard.
- There was a requirement to plant a new tree within the site to replace a felled TPO tree. This has not been planted or enforced.
- In the past restrictions imposed on the property have been ignored so there is little faith that conditions imposed will be adhered to.
- The proposed extension contains two skylights that will overlook neighbouring properties.
- The canopy over the doors could be used as a sun-terrace, causing overlooking.
- The development will result in over-development of the site.
- The garage will be against the neighbouring building which should not happen.
- Removal of the existing fence may weaken the neighbouring wall.
- There is a hedgehog run that will be affected by the development.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is made to erect a single storey extension to the front of the property, protruding westward. It is also proposed to erect a one and a half storey garage/workshop/annexe in the south western corner of the garden. Other works included as part of the scheme include the addition of four roof lights to the main house and the removal and realignment of the existing fence and wall adjoining the access drive, to provide access to the garage.

The principle of extending the property and providing domestic outbuildings, including annexe accommodation, is considered to be acceptable, subject to assessment against relevant national and local plan policies.

Policy DM13 of the Local Plan Part 3 (Development Plan Policies) supports the provision of extensions to existing dwellings and other ancillary development provided that they:

- a) Respect the character, scale, setting and design of existing dwelling;
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

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

a) Respect the character, scale, setting and design of existing dwelling

The proposal is split into two elements, the alterations to the main house and the provision of the outbuilding comprising garage and workshop at ground level and annexe accommodation in the roof space.

In addition to policy DM13, Policy DM2 seeks high quality design upon a number of principles including a clear understanding of the site, efficient use of the site, making a positive contribution to local character, and creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes, taking account of factors including architecture, siting, layout, scale, massing, orientation, fenestration and materials.

In considering the extension to the house first, the proposal is a single storey extension that will provide additional living accommodation in the form of a kitchen and dining area. Internal

rearrangement of the existing house would see the creation of an office/snug and one of the ground floor bedrooms moving. There is no net gain in bedroom numbers within the house. The extension is considered to be an appropriate scale to respect and relate to the character and appearance of the existing house and its surroundings. The proposed materials will match existing.

The proposed garage/workshop/annexe is a larger in scale, with a height of up to 5.5m above ground level, and more prominent due to its positioning towards the southern edge of the site, where it will be more visible from views within Dukes Orchard. Notwithstanding this, it is also considered to be acceptable. Despite its height, the building would be viewed between numbers 2 and 3 Dukes Orchard, and Tanglewood to the north east. The topography of the site changes rising to the north and the north east, with Tanglewood sited on the higher ground and the aforementioned adjoining properties below. In order to limit its impact, the proposed building would be constructed on the lowest part of the site, with excavations to the rear so that it is effectively dug into the ground below the existing level of the garden to its north. In terms of design, the frontage is designed to have a simple appearance in keeping with the other development in the area, with more detail to the rear, where it will be less readily visible and is not considered to detract from the character of the area.

In addition to the consideration of general impact on the surrounding area, it is noted that the edge of the village conservation area adjoins the northern boundary of the application site. As such, the site is not within the local conservation area but does abut it. The extension adjoins this boundary, while the garage building would be approximately 16 metres from this boundary. Taking this into account, consideration will have to be given to the impact that the development will have on the significance of this heritage asset. Paragraph 192 of the NPPF advises that “in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

The above requirements in respect to heritage assets are echoed in policy COR2 of the Core Strategy, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance.” Policy DM27 of the Development Plan Policies document also states that “heritage assets and their setting which are irreplaceable resource accordingly the Council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.

- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but sympathetic assessment of the impact on setting as set down in the guidance from Historic England.”

In assessing the impact of the development, specifically in relation to its impact on the conservation area, against the aforementioned local and national policy requirements, it has already been noted that the proposal is considered to be an appropriate form of development, satisfactorily respecting the character and appearance of its surroundings. Accordingly, the proposed development is not considered to have any harmful impact on the significance of heritage asset either.

Overall, it is considered that the proposal is acceptable and accords with policies COR1 and COR 2 of the Core Strategy and policies DM2, DM13 and DM27 of the Development Management Policies (Local Plan Part 3).

b) Will not result in over-development of the dwelling curtilage

Concerns have been raised by neighbours and the Parish Council, regarding the size of the proposed works, especially in respect to the garage building, suggesting that it will represent over-development of the site. The size and scale of the proposal has been assessed above, however in considering its position within the site, it is felt that the garden area associated with Tanglewood is of an appropriate size to accommodate the all aspects of the development comfortably. Due to the way the site was divided up when the property was built some 10 years ago, the property currently has a larger garden than many of the surrounding properties. It is considered that the resulting garden area, following any development, would still accord with the general pattern of development in the locality.

c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties

Amongst the objections received, there are concerns that neighbouring properties will be overlooked from the new roof lights in the extension, windows in the annexe accommodation, and from the steps accessing the annexe, to the rear of the building. There is also concern that there will be a loss of light to the properties to the west and south (2 and 3 Dukes Orchard) due to the height of the garage building.

Starting with loss of light, the extension to the house is single storey and located sufficiently distant from the site boundaries so as to raise no concerns in this respect. The garage/workshop/building is close to the western boundary of the site, adjoining 2 Dukes Orchard, however it is located to the north east of this adjoining bungalow, where the movement of the sun will be such that any overshadowing would be minimal, with the shadow being cast predominantly over the applicant's garden and property as the day passes. The building would be located at sufficient distance from the other nearby properties to avoid overshadowing. In respect to general overbearing impact, the property most likely to be affected would be the property to the west, 2 Dukes Orchard. In considering the impact, it should be noted that the building would be set away from the nearest part of 2 Dukes Orchard by approximately 5.5m. It would adjoin a small part of the boundary with the garden of this property, however due to the alignment of the fence, the majority of the building would be over 3m from the boundary fence and reasonably distant from the adjoining property. It

should also be noted that the building is proposed to be constructed at the lowest ground level, to allow vehicular access from the adjoining drive, with the land behind excavated and the property dug in. This will further reduce the impact of the building. The majority of the proposed building will be level with the garden of 2 Dukes Orchard, rather than the property itself. In this respect, the adjoining garden is raised above the level of the associated house, at a similar level to the application site. Taking into account the similar levels of the two gardens, and the height of the proposed building following excavation of the site, the impact on the garden area, is considered to be acceptable. In order to properly control the final finished floor levels, it is considered reasonable to impose a condition requiring these details to be submitted prior to commencement of works in relation to the outbuilding.

In considering the potential for overlooking, the roof lights proposed in both the extension to the main house, and the roof slope of the garage building, are positioned well above head height, and higher than the 1.7m above finished floor level, which is recognised as an appropriate level to avoid overlooking. The areas of concern would be views from the eastern gable window serving the annexe, and the stairs accessing the annexe, which could provide overlooking of the Beeches and 2 Dukes Orchard. National policy and guidance advises that planning permission should not be refused, where appropriate conditions could be imposed to mitigate the adverse effects. In this case, it is considered that the provision of obscured and non-opening windows to the east elevation window and a privacy screen to the top of the stairs could adequately prevent the identified overlooking issues, thereby preventing harm to residential amenity. Ideally, the use of obscured glazing in a bedroom/living accommodation should be avoided due to having an adverse impact on the living condition of users of that particular room, however it is noted that the annexe accommodation, includes two large roof lights, which will allow additional light and clear views that in this case will be acceptable. The provision of details of this obscure glazing and an appropriately permanent privacy screen can be required by condition prior to the accommodation at first floor level first being brought into use. In both cases, these solutions are considered to be appropriate.

One other matter raised was the prospect of flat roof elements of the proposal being used as roof terraces. This is unlikely to be a concern, as the addition of required balustrading would require planning permission, however it is considered prudent to impose a condition preventing this taking place.

Overall, it is considered that the proposed development is of an appropriate size, scale, siting and design to avoid an unacceptable level of harm to the living conditions of existing occupiers of nearby properties so as to warrant recommending refusal. The areas of identified harm are able to be appropriately mitigated through the imposition of conditions.

Other Issues

Other areas of objection raised relate to concerns that the outbuilding will be used as a separate dwellinghouse, the access arrangements and an increase in vehicle movements would be harmful to highway safety, and that there will be increased usage of an existing drainage connection in third party ownership.

Starting with concerns that the building would be used as a separate dwelling, it is clear that the proposal is to provide ancillary accommodation to Tanglewood only. While it may be possible to convert in the future, there are likely to be issues with the site that would prevent such a change being acceptable. Nonetheless, it is usual to impose a condition on annexe buildings requiring them to only be used as ancillary accommodation. Any future change would thereafter require planning condition to remove or vary this condition, with the application considered on its own merits at that point of time.

Similar to the above point, the proposed development provide a very small element of ancillary accommodation, which would not be accepted to increase the levels of vehicular traffic associated with Tanglewood. The parking area for the property remains in the same position, although is enlarged due to the removal and realignment of the southern boundary fence. The removal of this fence will also vastly improve visibility from the existing access, leading to an improvement over the existing situation.

The concerns relating to the existing drainage arrangements are noted, however the development is of domestic scale only, with limited expected increase in water usage. In respect to the third party ownership of the drainage system, input into this is not considered to be a planning matter on this occasion, with the applicant needing to ensure that they have the necessary rights to add to the existing system.

Finally, reference has been made to the failure to replace a tree removed under application 19/01182/TPO. The requirement to replace the removed tree is conditioned as part of this consent and it is apparent as to whether this has been done. Notwithstanding this, the requirement to plant a replacement tree has not been removed. If this has not been done, the proposed development does not remove the opportunity to do so. This is a separate matter to that being considered under this application but the applicant will be reminded of the requirement to plant a new tree.

Overall, despite the various concerns raised, it is considered that the proposal is acceptable and accords with policies COR1, COR2 and COR13 of the Core Strategy, policies DM1, DM2, DM8 and DM13 of the Development Management Policies (Local Plan Part 3), and the aims and objectives of the National Planning Policy Framework.

SUMMARY

The proposed development comprising an extension to the main house and provision of a detached outbuilding containing garage, workshop and annexe accommodation is considered to be acceptable, satisfactorily relating to the character and appearance of the existing property and its surroundings and would cause no demonstrable harm to the character, setting or appearance of the conservation area. Furthermore, there will be no unacceptable impact on neighbouring living conditions as a result of the proposed development, or adverse impact on highway safety. For these reasons it is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. The proposal therefore accords with Policies COR1, COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM8 and DM13 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the 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 work shall be carried out on in relation to the construction of any of the external surfaces of the development hereby permitted unless details of the materials, colour and finish (including the provision of samples) to be used for all external walls and roofs have been first submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be constructed in accordance with the approved details.

4. No works shall be carried out in relation to the construction of the garage/workshop/annexe building unless details of the finished floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the agreed details unless otherwise further agreed in writing by the Local Planning Authority.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge beyond the application site, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such approved scheme shall be installed prior to any works taking place in relation to the construction of the garage/workshop/annexe building and shall permanently retained and maintained thereafter.

6. Prior to the first floor annexe accommodation within the garage/workshop/annexe building hereby approved first being brought into use, the window to be inserted into the east elevation, to serve the annexe, as indicated on the approved plans, shall be fitted with obscure glass (minimum level 3) and fixed closed, and shall be permanently retained and maintained in this fashion thereafter.

7. Notwithstanding the approved drawings, details of privacy screens to be provided at the top of the external staircase of the garage/workshop/ annexe hereby permitted, including their design, size, materials and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to the first floor annexe accommodation first being brought into use. The privacy screens shall be fully constructed in accordance with the approved details prior to the annexe accommodation first being brought into use and shall be permanently retained as such thereafter.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no part of the flat roof elements of the development hereby permitted shall be used as a roof terrace, or as any other area of domestic amenity space.

9. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, including dormer windows, or other openings (including doors) shall be formed in any part of the development hereby permitted without the prior express grant of planning permission.

10. The annexe accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Tanglewood. There shall be no subdivision of this single residential planning unit.

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 ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM27 and DM13 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

4. In the interests of residential amenity and to safeguard the visual amenities of the area, in accordance with Policy COR2 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 aims and objectives of the National Planning Policy Framework.
5. To ensure that the site is adequately drained and to prevent surface water runoff leaving the site, in accordance with Policies COR1 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
6. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
7. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
8. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
9. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
10. In the interests of residential amenity and to safeguard the amenities of the area, in accordance with Policy COR2 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 aims and objectives of the National Planning Policy Framework.

INFORMATIVES

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.

Application No. 19/01156/FULL

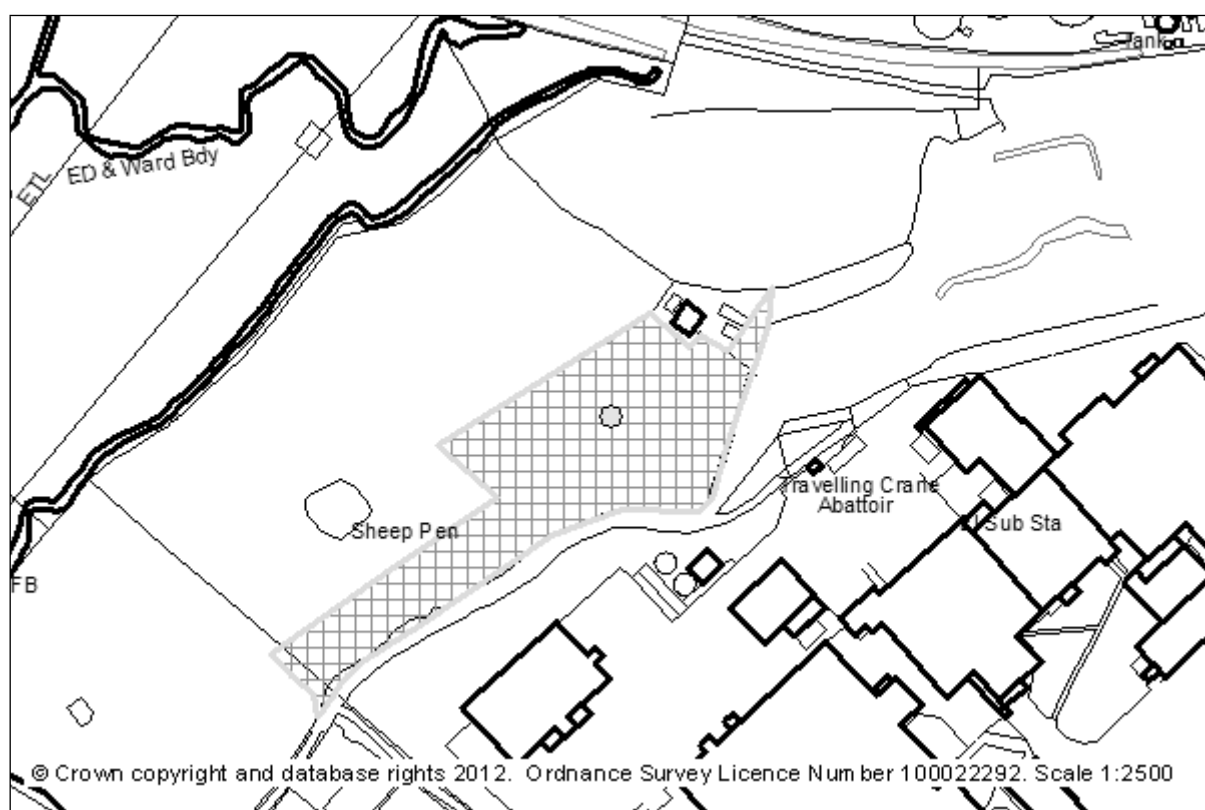
Grid Ref: 302789 : 111147

Applicant: Mr W Green, Amzco Development Ltd

Location: Land at NGR 302839 111143
Lloyd Maunder Road
Willand
Devon

Proposal: Installation of a 24MW Reserve Power Plant with associated infrastructure

Date Valid: 21st August 2019



APPLICATION NO: 19/01156/FULL

MEMBER CALL-IN

The application was called in by Councillor Barry Warren, for the following reasons:

1. The proposed site, although adjacent to the current AD plant, is outside of the Willand Settlement limit and therefore should be treated as open Countryside.
2. There is no evidence produced of need or agreement with Western Power other than the statement of the agent.
3. The capacity of the current planning permission for the AD plant is given as the equivalent of 2MW of electricity, which falls well short of the capacity being sought.
4. Cumulative impact of this and other proposals.

RECOMMENDATION

Grant planning permission, subject to the conditions detailed below.

PROPOSED DEVELOPMENT

This planning application proposes the installation of a 24 megawatt (MW) power plant with associated infrastructure on land off Lloyd Maunder Road in Willand. The site is a 0.5ha area of open agricultural land outside settlement limits, but located in close proximity to existing development, mainly to the east and north of the site, which has an industrial character. The M5 motorway is located around 200m to the east. The nearest residential property is located approximately 160m to the south west.

The site's south-eastern boundary adjoins land occupied by a food manufacturer and characterised by a complex of large industrial buildings. The north-eastern boundary lies adjacent to an anaerobic digestion (AD) facility. The north-western and south-western boundaries mostly adjoin open fields, although there is a small abattoir located immediately to the north of the site. The site would be accessed from a lane running north-west from Lloyd Maunder Road, and would also be connected to the AD facility.

The proposal would result in the creation of a compound containing:

- 24 containerised combined heat and power (CHP) units in two rows of twelve, and each measuring 115sqm in area and 3.4m in height, although each would have a chimney measuring 6m in height.
- Two switchboard buildings in 12.2m long and 2.6m high shipping containers.
- Four transformer and metering position units measuring up to 3.7m in height.
- Subsurface run-off culvert measuring 45m in length.
- 530m of export cabling.
- 110m of gas connection piping.
- Access track.

Whilst not mentioned on the submitted plans, the proposal would presumably involve the construction of an area of hardstanding to support the above elements, along with fencing to secure the compound. The proposal would be a generally passive land use, providing employment for two full-time members of staff.

The submitted information states that the proposed power plant would be fuelled using bio-methane, derived from both the national grid and the neighbouring AD facility. The applicant has

stated that the proposed location has been chosen for its proximity to the AD facility; the location of a mains gas connector; and the Western Power compound to the north for an electricity connection. In terms of the need for the development, it is stated that:

“The purpose of the project is to support a supply of secure, sustainable and affordable electricity. To achieve this the UK needs investment in new generation projects...”

The National Grid experiences a large fluctuation of demand throughout the day and throughout different times of the year. During periods of high demand, the National Grid aim to increase supply to maintain a 20% supply margin which is essential in seeking to eliminate, as far as possible, the risk of power shortages and blackouts, when there is an unexpected change in demand, or a sudden loss of supply. Historically, conventional power stations could be operated with some certainty. However, as the UK moves towards a more environmentally sustainable energy supply system, with an increase in renewable energy sources, there is an increased risk of electricity supply fluctuations, depending on prevailing weather conditions, and therefore an increased need for RPPs. Thus, the proposed development will support the increase in renewable energy generation and the transition to a lower carbon energy supply system throughout the UK.”

It is anticipated that the proposal would be used for around four hours per day, during the mornings and evenings when demand for electricity peaks.

APPLICANT’S SUPPORTING INFORMATION

Application form, plans, supporting information.

RELEVANT PLANNING HISTORY

The previous planning decisions of most relevance to the proposal are as follows, and relate to the neighbouring land to the north-east:

DCC/4153/2019 - County Matter Application relating to variation of Condition 7 of DCC/4074/2018 to alter the current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 per annum.

DCC/4074/2018 - Extension to site area of Existing AD plant to accommodate: 1 additional digestate storage tank, 2 separated digestate tanks (relocated from within the existing approved site layout); 2 new batch tanks; 1 new lime storage tank; 3 new propane tanks; 1 new feeder tank and extension to viewing gantry; and Variation of Condition 2 of Permission DCC/4037/2017 Amendment to layout of existing AD plant area to accommodate: 1 Additional Purac “Puregas” gas upgrade unit; 2 new boiler units; 1 additional Siemens gas grid entry point; 1 additional flare, chiller and blower unit; 2 additional buffer tanks and the removal of 2 separated digestate tanks at Willand AD Plant.

DCC/4037/2017 - Variation of Condition 6 of permissions DCC/3725/2014 and DCC/3850/2016 to remove the restriction on the importation of poultry products by road; Willand Anaerobic Digester, Lloyd Maunder Road, Willand.

DCC/3850/2016 - Variation of condition 2 (to enable revised plant design) of planning permission DCC/3725/2014 for Construction of a 2MW anaerobic digestion plant with new access road and weighbridge on land adjacent to existing abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

DCC/3725/2014 - Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

DEVELOPMENT PLAN POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration.

Mid Devon Core Strategy (Local Plan 1)

COR2 – Local Distinctiveness

COR5 – Climate Change

COR9 - Access

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM5 – Renewable and Low Carbon Energy

DM7 - Pollution

The National Planning Policy Framework (“the NPPF”)

CONSULTATIONS

Willand Parish Council – Objection raised on the following grounds: the proposal does not appear to be for renewable energy; there is a lack of information about the noise impact; the submitted plans and information lack details about the associated AD plant and connections to the power infrastructure; the impact on highway capacity and safety is unclear; the proposal is contrary to policy; the site is not allocated for development and is located outside development limits.

Public Health – No objections.

DCC Historic Environment Team – No objections; condition recommended in relation to archaeology.

Highway Authority – No objections.

Western Power – Notification requested if planning permission is to be given.

Wales and West Utilities – Information provided about their gas infrastructure. Notification requested if planning permission is to be given.

Environment Agency – No comments received.

Campaign to Protect Rural England (CPRE) Devon – Objects to the proposal on the following grounds:

- The proposal would largely be powered by natural gas so would not be a renewable energy facility. The proposal would not be a low carbon facility either.

- No evidence has been provided about the grade of the agricultural land to be developed as part of the proposal.
- The proposed development is contrary to Local Plan policies intended to protect the countryside, promote renewable energy development, and protect the environment, along with the guidance contained in the NPPF.

REPRESENTATIONS

A letter of support has been received from a member of the general public stating that the proposal is needed to provide backup power as the UK moves more and more towards the use of less consistent forms of energy generation, e.g. solar and wind power, which depend on weather conditions. The proposal would allow for the use of renewable energy generated at the neighbouring AD facility, and could support local industries.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1) Principle of Development:

Objections have been received from a Ward Councillor, the Parish Council, and the CPRE stating that the AD facility would not provide sufficient gas to power the proposal and therefore that it would not constitute renewable energy in what is open countryside, and also that the proposal would be contrary to policies intended to protect the countryside and the environment, and encourage renewable energy. It is also stated that the need for the development has not been demonstrated.

Paragraph 148 of the NPPF states that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Paragraph 154 of the NPPF states that:

When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable...”

Policy COR5 of the Local Plan states that the development of renewable energy capacity will be supported in locations with an acceptable local impact.

Policy COR18 states that development in the countryside, outside settlement limits, will be strictly controlled, however, exceptions will be permitted under certain circumstances, and these include renewable energy. Policy DM5 states that proposals for renewable and low carbon energy will be permitted, subject to given criteria, and that any significant impacts will be balanced against the wider benefits of delivering renewable and low carbon energy.

Proposals for the development of renewable energy or low carbon facilities in the open countryside are therefore considered to be acceptable in principle.

The NPPF defines renewable energy in the following way:

“Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”

Biomass is natural material derived from living or recently dead plants, trees and animals. The neighbouring AD facility uses organic waste to generate methane gas, and the gas generated at that facility is therefore considered to be a renewable form of energy, based on the definition provided in the NPPF. The gas generated is transferred to the national grid.

The proposal is for a 24MW gas-fired power plant comprising twenty-four 1MW CHP units. The submitted information states that the proposal would not run on a permanent basis, but only to serve as a backup when demand requires. This is likely to be for around four hours per day, during periods of peak demand in the mornings and evenings. The gas required to fuel the facility would be derived from the neighbouring AD facility and from mains gas, with the proposal being connected to both.

The original planning permission for the AD facility stated that it would produce enough gas to generate 2MW of electricity, which is equivalent to 48MW hours per day, since the facility operates 24 hours per day. The applicant has stated that the proposed power plant would be restricted to 48MW/hr per day. On this basis, the AD facility could provide the bulk of the gas required based on a 24-hour day. Indeed, it is understood that the amount of gas produced by the AD facility has been higher than 2MW in practice, and planning permission has subsequently been sought, and granted, to increase the facility's capacity (permission reference DCC/4074/2018). A planning application is also currently under consideration to significantly increase the amount of organic waste that can be imported.

Whilst the gas being produced by the AD facility, over a 24 hour period, would be sufficient to provide for the proposal's daily fuel needs, as the power plant would only be in use for limited periods each day, the gas needed would have to be drawn from the national grid to ensure there is sufficient availability of fuel during the specific peak hours it is required. In order to ensure that the proposal is fueled using bio-methane rather than natural gas, which is a fossil fuel, the applicant is committed to enrolling in the following:

- a) The Renewable Energy Guarantees of Origin scheme, which is regulated by OFGEM and provides transparency to consumers about the proportion of electricity that suppliers source from renewable generation.
- b) The Green Gas Certification Scheme, which tracks bio-methane ('green gas') through the supply chain for those who buy it.

A planning condition is recommended to ensure that only green gas is used to fuel the proposed power plant. This would involve the approval of a scheme that would involve the operators enrolling in the above schemes and providing the Council with documentary evidence, on request, to demonstrate that the power plant's fuel needs are being met exclusively through the use of renewably sourced gas. This would allow the operators to use the methane generated at the neighbouring AD plant, and gas from the national grid that is also produced in a sustainable way.

A further condition is recommended to require the installation of the gas connection to the AD plant prior to the first use of the power plant. Subject to the use of these conditions, it is considered that the proposal would constitute a form of renewable energy generation and is therefore in accordance with Policy COR18 of the Local Plan.

It is also noted that, by providing backup power on-demand, the proposal would help to support the development of a low carbon, renewable energy supply in general given the challenges that exist, certainly for the time being, in maintaining a consistent supply of power from these, often weather-dependent, sources. In this sense, the proposal would also have indirect environmental benefits. Both National Grid and Western Power have publicly stated their support for such sources of energy to help iron out the fluctuations inherent in renewable energy provision.

2) Visual Impact

Policy DM2 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. Policy DM5 states that proposal's for low carbon or renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments.

The site is located at the interface between two areas of dramatically contrasting character. Immediately to the north and east, the site area is dominated by large-scale development, including the AD facility and sewage treatment works along with a complex of manufacturing buildings. Immediately to the south and west, the site is mostly bounded by open countryside.

The proposed development would introduce a range of very functional, plant-like structures into what is currently an area of open grassland. The site comprises greenfield, agricultural land, and forms part of the open, rural landscape stretching to the west beyond the aforementioned facilities. To introduce the proposed development, which would have an industrial appearance and be up to 6m in height, would have an effect on the site's character, and represent encroachment into the rural landscape.

In terms of the impact on the wider landscape, the proposal's visual impact could be mitigated through the introduction of additional landscaping. The submitted plans indicate further tree planting to the south-west and north-west of the site to complement existing mature vegetation located to the north-west. This planting can be secured through the use of a planning condition. The site is already well screened to the north and east given the presence of a significant area of existing development, which has an industrial appearance and is of a greater scale than the proposal. It is worth bearing in mind that, when viewed from the south and west, in addition to any existing vegetation already present within the landscape, and the additional planting proposed, that the proposal would be set against the backdrop of this largescale development, which adjoins the site area.

Given the proposal's siting, scale, and design, and the site's context, it is considered that there would not be unacceptable visual harm within the wider landscape, subject to the use of a condition to secure a scheme of tree-planting, and a condition to secure an appropriate, i.e. inconspicuous, colour scheme for the various plant and equipment. Details relating to any proposed fencing, external lighting, and CCTV apparatus should also be secured through the use of a planning condition.

In terms of the site itself, there would be a significant change of appearance and some visual harm as a result of the proposal, even if this harm is limited by the site's very mixed context and that the site area is of limited scenic value. Policy DM5 is clear that where significant impacts are identified, that these will be balanced against the wider benefits of delivering renewable energy. The proposal's benefits in providing renewable energy and assisting in the wider roll-out of a renewable energy supply, as discussed in the previous section, are considered sufficient to outweigh the identified visual harm in this case.

Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable having regard to Policies DM2 and DM5 of the Local Plan.

3) Amenity

Policy DM2 of the Local Plan states that development proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings. Policy DM5 states that renewable and low carbon energy development will be considered in relation to the environmental amenities of nearby properties. Policy DM7 of the Local Plan states that development will be permitted where the effects of pollution would not have unacceptable impacts in relation to health, the natural environment, and general amenity.

The Parish Council has raised concerns about the proposal's potential noise impacts.

The nearest residential property is located around 160m away from the proposal. The Council's Environmental Protection team have raised no objections to the proposal in terms of its noise, air quality, contamination, or other impacts. Given the proposal's siting, scale, and design it is considered that it would not result in unacceptable harm in terms of neighbouring or local amenity. In this respect, the proposal is in accordance with Policies DM2, DM5 and DM7 of the Local Plan.

4) Access Arrangements

Policy DM2 of the Local Plan states that new development should be safe and accessible. Policy DM8 states that sufficient vehicle parking and bicycle storage must be provided.

The Parish Council has raised concerns about the proposal's impact on highway safety and amenity.

The proposal would be a generally passive use employing two full-time staff. Gas would be received through the mains supply and from a piped connection to the neighbouring AD facility. There appears to be adequate space at the site for the parking of staff and other vehicles that might need to visit the facility. The number of vehicle movements that the proposal is likely to give rise to is not considered to be of such a scale that there would be unacceptable harm to highway safety or amenity, and it is noted that the Highway Authority has not raised any objections to the proposal.

A condition can be imposed to secure the details and provision of a parking and manoeuvring area to accommodate any vehicles that might need to access the site.

Subject to the use of this condition, in terms of its access and parking arrangements, the proposal is considered to be in accordance with Policies DM2 and DM8 of the Local Plan.

5) Drainage Arrangements

The proposal would involve the use of an underground culvert and soakaways for the management of surface water drainage. Subject to the use of a condition to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM2 of the Local Plan.

6) Nature Conservation

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the effects on biodiversity and avoid habitat fragmentation.

The submitted ecological assessment concludes that the proposal would not result in unacceptable harm to protected species or biodiversity in general subject to the use of mitigation and enhancement measures. Subject to the use of conditions to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM5 of the Local Plan.

7) Agricultural Land Classification

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the quality and productivity of the best and most versatile agricultural land.

Paragraph 170 of the NPPF states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by....

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land..."

The CPRE has objected to the proposal stating that the agricultural grade of the land has not been demonstrated.

The submitted information includes information from the Department of the Environment, Food and Rural Affairs, which demonstrates that the site is classified as Grade 4 agricultural land, which means that it is low quality. The proposal would not result in the loss of the most versatile agricultural land.

8) Conclusion

The proposal is considered to be unacceptable, having regard to the Development Plan and all other material considerations, subject to the use of the conditions outlined below.

REASON FOR DECISION

The following conclusions are reached subject to the use of those conditions detailed. The proposal would result in the creation of a power plant which conditions can ensure would be fuelled using renewably sourced gas. As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to Policy COR18 of the Mid Devon Local Plan.

The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; ecology or in relation to the availability of agricultural land.

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 scheme to ensure the use of renewable gas has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the measures proposed to ensure that the approved power plant is only fuelled using bio-methane or renewable electricity for battery recharge. Such measures shall include enrolment in the "Renewable Energy Guarantees of Origin" scheme and the "Green Gas Certification Scheme", and a system of rigorous documentary recording, to demonstrate to the Local Planning Authority on request, that all of the gas being used is in accordance with the above schemes. The development shall be operated at all times in accordance with the approved scheme, for the life of the development.
4. Prior to the first use of the development hereby approved, the bio-methane outflow infrastructure connecting the proposal to the neighbouring Anaerobic Digester facility, and depicted on the approved plans, shall be fully installed and thereafter retained for the life of the development.
5. Prior to the first operation of the development hereby approved, a scheme of hard and soft landscaping, including specimens to be retained, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the commencement of development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.
6. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.
7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the sub-surface storm water attenuation depicted on the approved plans, have been provided in full. The approved measures shall thereafter be retained for the life of the development.

8. Prior to the first operation of the development hereby approved, sufficient on-site space shall be provided to allow for the parking of vehicles at the site and to allow for manoeuvring so that vehicles can exit the site in a forward gear, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, these approved elements shall be retained for the life of the development.
9. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted Ecological Appraisal (Dated September 2018), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals for protective measures during the construction process; external lighting; and planting, including a timetable for implementation. The development shall thereafter be undertaken in accordance with the approved details.
10. Boundary fencing, CCTV apparatus, and external lighting at the site shall be installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such.

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 ensure that the development is for the development of renewable energy, so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To encourage synergies between the proposal and the neighbouring anaerobic digester facility and to encourage the use of renewable gas in the approved facility so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
5. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. In the interests of sustainable drainage and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. In the interests of highway safety and amenity, and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. In the interests of biodiversity and in accordance with Policy DM5 of the Mid Devon Local

Plan Part 3 (Development Management Policies).

10. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVES

Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

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.

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.

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
1	2	13/04/2020	20/00047/MFUL	Erection of extension	Gregory Distribution Ltd Saunders Way Kingsmill Industrial Estate Cullompton Devon EX15 1BS	Ms Maria Bailey	DEL	

This page is intentionally left blank

LIST OF APPEAL DECISIONS FROM 3rd January 2020 to 30th January 2020

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
19/00121/PNCOU	Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Buildings at NGR 277304 106617 (Meadow Barn) Broadgate Farm Morchard Bishop Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Allowed
19/01205/FULL	Retention of former lagoon for use as a surface water storage facility	Land at NGR 276429 99746 (Adjacent to Mardles Gate) Colebrooke Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions
19/00182/FULL	Erection of a dwelling and detached garage with associated access, drainage infrastructure and landscaping works	Land and Buildings at NGR 298492 112504 West Manley Lane Tiverton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

This page is intentionally left blank

Application No. 17/00348/MOUT

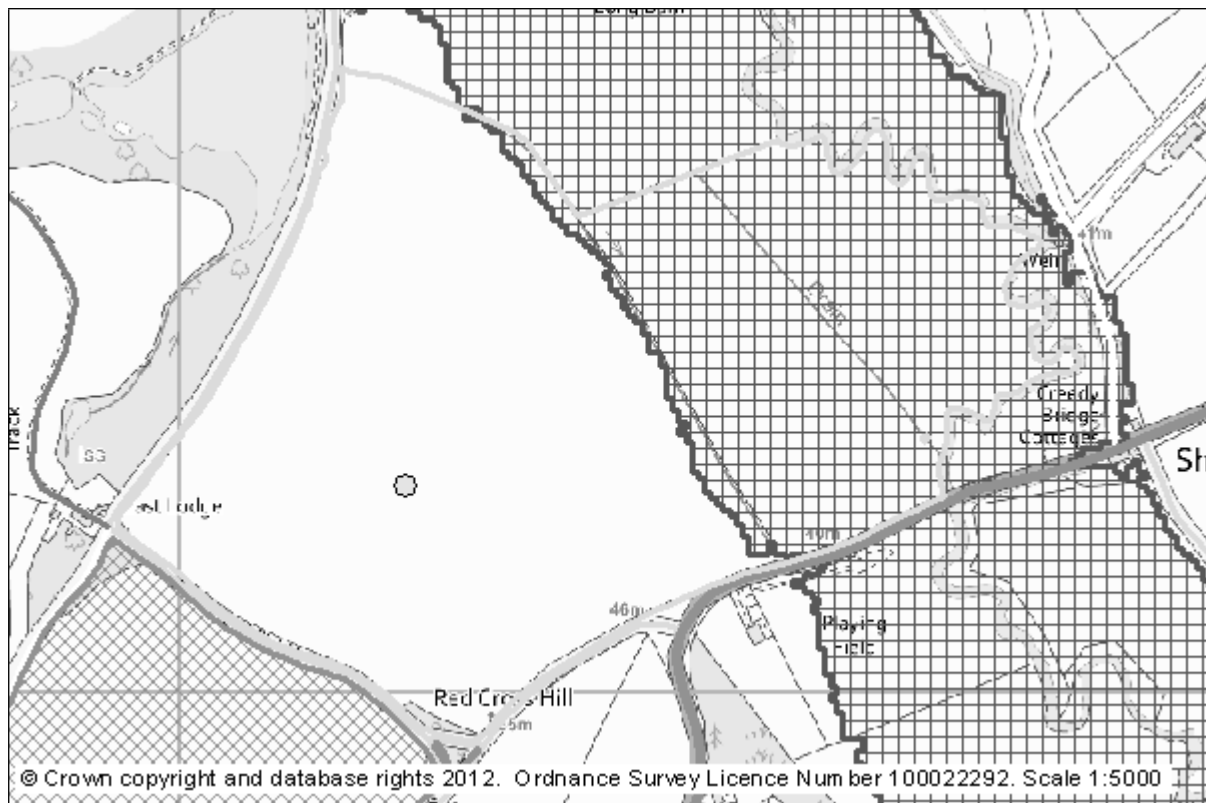
Grid Ref: 100951 : 284007

Applicant: Messrs T Turner, S Turner, R. Turner, B Stamp & O Taylor

Location: Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon

Proposal: Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Date Valid: 6th March 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/00348/MOUT - RESIDENTIAL DEVELOPMENT OF UP TO 257 DWELLINGS AND UPTO 5 GYPSY AND TRAVELLER PITCHES; 8.6 HECTARES OF LAND MADE AVAILABLE TO FACILITATE THE RELOCATION OF CREDITON RUGBY CLUB; UP TO 1.1 HECTARES OF LAND SAFEGUARDED FOR THE DELIVERY OF A PRIMARY SCHOOL; ACCESS ARRANGEMENTS FROM A3072 (EXHIBITION WAY); PEDESTRIAN AND CYCLE ACCESS ON TO POUNDS HILL/STONEWALL CROSS JUNCTION, OLD TIVERTON ROAD AND PEDLERSPOOL LANE; LANDSCAPING AND AREA OF PUBLIC OPEN SPACE; AND OTHER ASSOCIATED INFRASTRUCTURE AND ENGINEERING OPERATIONS - LAND AT NGR 284185 101165 (CREEDY BRIDGE) CREDITON DEVON

Reason for Report:

To consider revisions to the wording of three of the Heads of Terms of the S106 agreement and the associated S106 implications from these proposed revisions. The resolution made by Members of the Planning Committee on the 19th September 2018 was for planning permission to be granted subject to the prior signing of a S106 agreement, with the revisions sought relating to planning obligation numbers 1, 2 and 4 as outlined within the resolution. Delegated authority is also requested to allow minor changes to the wording of planning conditions in order to allow for a phased approach to development across the site.

RECOMMENDATION

- 1. That the revisions to the s106 agreement as set out in paragraph 3.1 be agreed and a S106 agreement be entered into in line with the proposed revisions.**
- 2. To give delegated authority to the Head of Planning, Economy and Regeneration to allow minor changes to wording of planning conditions as reported within the committee report to allow for a phased approach to development across the site.**

Relationship to Corporate Plan:

Financial Implications:

None in connection with the planning considerations of the proposed revisions with the exception of the Council's legal costs of entering these revisions into the S106 agreement.

Legal Implications:

This report addresses consequential legal implications arising from proposed changes to wording for the S106 to be entered into with both Mid Devon District Council and Devon County Council in order to allow outline planning permission to be issued.

Risk Assessment:

The revisions relating to the wording of the four planning obligations within the S106 agreement will address the safeguarding of land to provide community assets for the future use of residents and the delivery of Gypsy and Traveller pitches. The changes sought for planning conditions are in order to allow a phased approach to development but still result in the same outcome from the existing recommended conditions for the delivery of the residential development.

Equality Impact Assessment:

Whilst one of the revisions to the Heads of Terms relates to the delivery of Gypsy and Traveller pitches either on site or off site, it is not considered that the proposed S106 changes will have any impact upon equality matters as the changes are to enable greater flexibility in order to deliver the required pitches. Accordingly the proposed change delivers a better outcome for this community with protected characteristics under the Equalities Act.

Relationship to Corporate Plan:

Homes Aim 2 – Facilitate the housing growth that Mid Devon needs, including affordable housing

Community Aim 1 – Support local communities to retain and develop their local facilities and services.

Impact upon climate change:

No climate change issues are identified arising from this report.

1.0 BACKGROUND

1.1 This outline planning application was considered at Planning Committee on the 19th September 2018. As stated within the minutes of that meeting, Members considered the proposed development in light of a number of planning matters with the eventual resolution being that planning permission be granted subject the prior signing of a S106 agreement to secure:

1. The safeguarding of a 1.1ha site for a Primary School, and agreement for the land to be transferred to Devon County Council prior to the commencement of any development.
2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:
 - i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
 - ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).
3. 56 units of affordable housing. The precise tenure and mix of unit sizes to be specified as follows: 40% Discounted housing and 60% Affordable Housing for rent, and with a property size requirement as follows: 1 bed 10%, 2 Bed 50%, 3 Bed 35% & 4 Bed 5%.

- A phasing plan to manage the delivery of the affordable housing units.
 - Cascade arrangements as set out in the Devon Home Choice policy framework
4. The safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club, and agreement for the land to be transferred to Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club.
 5. The setting up of a management company for the long-term management and maintenance of all communal areas including any parking courts, landscape, public open space and children's play areas.
 6. Sustainable Travel Measures (to include a public transport contribution, a contribution to undertake improvements to existing PROW network and the provision of travel plan vouchers for future occupiers of the 257 houses) - £955,900.00. To be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
 7. Primary Education - £13,652 per pupil (63 pupil spaces required) to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
 8. Early Years Education - £250 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
 9. Primary Special Needs - £141 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
 10. Healthcare provision - £363 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
 11. Off-site highway works as follows:
 - Access arrangements from A3072 (Exhibition Way);
 - Pedestrian and cycle access on to the Pounds Hill / Stonewall Cross Junction, Old Tiverton Road and Pedlarspool Lane; and provision of passing places along Stonewall Lane.

With conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R B Evans)

- 1.2 During subsequent negotiations over the wording of the s106 agreement matters have been held up firstly relating to the provision of the five gypsy and traveller site pitches on site, secondly to the safeguarding of part of the site for the relocation of the rugby club and finally from negotiations undertaken with Devon County Council relating to the provision of the primary school. As a result, revisions are requested only to the wording of planning obligations 1, 2 and 4 which relate to these matters.
- 1.3 On the matter of the planning conditions, as outlined within the Committee Report which was accepted by Members, there are a number of pre-commencement conditions. A pre-commencement condition (also known as a 'Grampian' condition) is

a condition imposed on a planning permission which must be complied with before the development permitted by the planning permission begins. Whilst pre-commencement conditions are useful for Local Planning Authorities (LPAs), they prevent works on site starting until they are discharged. Government guidance is that it is important that these conditions are only imposed where justified to prevent unnecessary delays to the delivery of development.

- 1.4 Section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the case of a condition imposed on the grant of outline planning permission within the meaning of Section 92 of the 1990 Act or in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 1.5 A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Therefore the request is to allow delegated authority to the Head of Planning, Economy and Regeneration to allow changes to the wording where considered to be appropriate, to require the submission and approval of the additional information/surveys prior to the development of recognised parcels of land allowing for a phased approach rather than for all details for the entire site to be provided upfront which is the current wording. This would allow development to be brought forward earlier on site but still result in the same outcome as agreed.

2.0 THE CURRENT RESOLUTION RELATING TO MATTERS TO BE SECURED WITHIN THE S106 AGREEMENT AND ISSUES RAISED WITH THE CURRENT WORDING

2.1 The existing situation

As resolved the three relevant planning obligations for consideration are worded as follows:

1. The safeguarding of a 1.1ha site for a Primary School, and agreement for the land to be transferred to Devon County Council prior to the commencement of any development.
2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:
 - i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
 - ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).
4. The safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club, and agreement for the land to be transferred to Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club.

2.2 The associated issues from the resolution wording

In terms of the first planning obligation, the current wording requires for the land relating to the primary school to be transferred to Devon County Council prior to the commencement of any development. However, further to discussions between the applicant and Devon County Council an amendment has been requested to make it clear that whilst the site would be safeguarded for a primary school, the site would not be transferred to the County Council prior to the commencement of development as was reported previously. Rather it will be transferred if called for during an agreed timeframe which has been set out in Paragraph 3.1. The solicitor at Devon County Council has confirmed that the principles as set out in the revision requested below reflects DCC's understanding with regards to the transfer of the school site.

2.3 The second planning obligation relates to the setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community with the implementation of the pitches following the delivering of a certain stage of the residential development outlined. However, there was dispute as to whether there should be flexibility in the agreement for the 5 pitches for the Gypsy and Traveller community to allow the pitches to be provided off-site if it was found that no registered provider wanted to take this site forward in order to allow an alternative mechanism for these pitches to be delivered. The Site is allocated as a contingency site under the adopted local plan policy AL/CRE/12 of the Council's adopted site allocations development plan document, the Allocations and Infrastructure Development Planning Document ("AIDPD") which was adopted in 2011. However, because of concerns by the Council that it may not have a robust 5 year supply of housing land it was resolved to bring the Site forward for delivery.

2.4 Policy AL/CRE12 says the development on the site is subject to amongst other things five pitches for gypsies and travellers. Officers of the Council had maintained that the Council could not agree in the proposed 106 agreement that the 5 pitches for Gypsy and Travellers could be provided off site, however during the Local Plan Review process that is now at an advanced stage with consultation being undertaken on the main modifications, this policy stance has changed with the wording relating to the provision of Gypsy and Travellers pitches within the Local Plan Review amended to allow more flexibility. The policy now outlines that the provision of the pitches should be provided on site unless it is demonstrated that off-site provision will achieve a more favourable outcome for Gypsies and Travellers taking into account matters of pitch numbers, site facilities, accessibility to services, including health and education; early delivery of serviced pitches or plots which are available for occupation and the provision of an effective mechanism for delivery. Therefore the priority will always be to deliver on site in the first instance unless having carried out a detailed assessment, there would be a more favourable outcome achieved by allowing provision off-site. Therefore the suggested wording has been revised to reflect this below.

2.5 The fourth planning obligation relates to the safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club with the wording of the resolution being that the land needs to be transferred to the Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club. The issue raised from the current wording is that it ultimately prevents any development of the site commencing until such time as the Rugby Club confirm it can. At the current time negotiations between the applicant and the Rugby Club have stalled with a disagreement between the two parties as to what is expected to be provided by the developer on site for the rugby club in terms of adopted policy and policies within the Local Plan Review. In light of the grounds for disagreement, it is considered that the

interpretation of the policy requirements relating to the development of the Creedy Bridge Development are a key consideration. The applicant having received Counsel advice on the matter with the Local Planning Authority also separately instructing counsel as a result to advise on the interpretation of adopted and emerging development plan policies relevant to the determination of the planning application.

- 2.6 The view of the Rugby Club is that the land should be transferred to them for a nominal fee rather than a fixed recreational valuation of the land together with the provision of improved facilities as referred to within the supporting text of emerging Local Plan Review, Policy CRE5 – Pedlerspool where it states that *'This site will provide an alternative location and improved facilities for the Crediton Rugby Club, allowing for housing development on the site of existing sports field to come forward (Policy CRE6).'* Representatives of the Rugby Club have raised concerns that the relocation of this community club would involve a significant undertaking which they can ill afford to fund.
- 2.7 The applicant has received counsel advice which has been provided to the Local Authority. It relates to the relocation of Crediton Rugby Football Club to the Creedy Bridge site (Pedlerspool) and the view that the policy requirement is only to provide a site in which the rugby club could locate to but which does not go as far as the requirement to transfer the land to the rugby club for a nominal fee or provide improved facilities. Given the different interpretation of the wording of the relevant policy and which was the correct approach to take, officers sought separate counsel opinion to review the counsel advice on behalf of the applicant and provide a legal view as to which interpretation of relevant policies is reasonable.
- 2.8 The following policies were outlined to counsel as being relevant to this proposal:

Within the Allocations and Infrastructure Development Plan Document (AIDPD) which was adopted in October 2010 policy AL/CRE/12 - Pedlerspool, Exhibition Road states:

'A site of 21 hectares at Pedlerspool, Exhibition Road is identified as a contingency site for development to be released in accordance with policy AL/DE/1, subject to the following:

- a) 165 dwellings with 35% affordable housing to include at least five pitches for gypsies and travellers;
- b) 21000 square metres of employment floorspace;
- c) A suitable site for the relocation of Crediton rugby club**
- d) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- e) The protection of the setting of the wider area, including the upper slopes to the south and west for Green Infrastructure and landscaping;
- f) Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- g) The provision of serviced employment land in step with the housing at a rate of at least 1 hectare per 30 occupied dwellings unless it can be demonstrated to the Council's satisfaction that such an approach would significantly undermine the viability of the scheme as a whole.
- h) This development shall not be commenced until a Link Road between the A377 and Lords Meadow is in operation unless the Council is satisfied that air quality and traffic impacts as a result of the development would not be material.'

There is no further supporting text on criterion C but it is noted that in terms of the existing rugby club site, policy AL/CRE10 - Exhibition Road states:

‘A site of 5.35 hectares is allocated as a single site for the relocation of the Queen Elizabeth Community College, subject to the following:

- a) The improvement of adjoining sports facilities to compensate for the loss of playing fields required for the development;
- b) Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- c) Provision of a suitable alternative site for the relocation of the Rugby Club.’**

The supporting text states that the rugby club will need to be relocated on a suitable alternative site, including facilities associated with that use.

Within the emerging Local Plan Review, Policy CRE5 - Pedlerspool, Exhibition Road states:

‘A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;
- b) A serviced site of 1.1 hectares for a new primary school;
- c) A suitable site for the relocation of Crediton Rugby Club;**
- d) A phasing strategy which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council;
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;
- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;
- h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;
- i) Improved access to the town centre for pedestrians and cyclists;
- j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
- k) An archaeological investigation and mitigation scheme.’

As referred to above, the supporting text refers to this site as providing an alternative location and improved facilities for the Crediton Rugby Club to allow for residential development on the site of the existing rugby club.

- 2.9 Counsel advice has been received which concludes that the counsel advice note received by the applicant is the correct interpretation that AL/CRE/12 simply requires the provision of a “suitable site” for the Rugby Club and that is not defined in the glossary or anywhere else as meaning a completed playable facility and hence reading the plain words in their proper context the provision of land only is required. In addition to this, there is nothing in the policy that requires the land to be provided at nil value with the issue of value being a commercial matter between the developers of the AL/CRE10 and AL/CRE 12 sites and the Rugby Club. Any other approach would result in an outcome where the developer of AL/CRE/12 was being required to subsidise the developer of AL/CRE 10.

- 2.10 Therefore it follows that any attempt via a Section 106 agreement to compel the transfer of the 8.6 ha to the Rugby Club at nil or notional value must fail the “necessity” test imposed by both Regulation 122 of the Community Infrastructure Levy Regulations and the NPPF because such is not necessary to enable AL/CRE/12 to come forward insofar as it is not a requirement of policy. All that is necessary is that a “site” is provided and that is achieved by the planning proposal which effectively safeguards the land for that use. Policies CRE 5 and CRE 6 do not alter this fact and whilst the supporting text to CRE 5 refers to the provision of facilities, QC advice is that properly read this is simply a narrative commentary on the ambition of policies CRE 5 and CRE 6 which, when read together, envisage the developer of CRE 6 achieving the actual physical relocation of the Rugby Club to the CRE 5 site on an area to be identified for such use or some other site as a prerequisite to the development of CRE 6. In the usual way, the developer of CRE 6 has a burden, flowing from national policy, of providing suitable replacement sports provision.
- 2.11 As such, the wording is proposed to be revised which will allow the safeguarding of the site for the relocation of the rugby club within a certain timeframe but any further requirement above this would be considered to be contrary to adopted policy and fail necessity test imposed by both Regulation 122 of the Community Infrastructure Levy Regulations and the NPPF.

3.0 THE PROPOSED REVISIONS TO THE WORDING AND ASSOCIATED IMPLICATIONS

- 3.1 The proposed changes to the planning obligations heads of terms 1, 2 and 4 are as follows:

1. The safeguarding of a 1.1ha site for a Primary School and obligations securing the transfer of said site to Devon County Council if required by the County Council within an agreed time period running from Commencement of Development and expiring 5 years after any Commencement on the western development parcel.

2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community or (if approved by the Council pursuant to the approved scheme) provision of a site with equivalent capacity off-site (or the expansion of an existing Gypsy and Traveller Site) and the following provisions regards delivery and operation:

Prior to Occupation of more than 75% of Dwellings:

- (i) Provision of 5 serviced pitches on-site prior to Occupation of more than 75% of Dwellings; OR
- (ii) If approved by the Council in writing (having regard to criteria under DM7) provision of 5 serviced pitches off-site (new site or extension to existing) OR provision of land off-site and contribution of £500K for Council to deliver.

Prior to Occupation of more than 43% of Dwellings:

- (i) Submission and approval of scheme confirming which of the above options is proposed

Cascade:

If after the offer of the pitches/site (whether on or off site) to RP's for more than 12 months (and then Council) for nominal consideration and Owner is unable to find party willing to contract to take the G&T site then Owner may opt instead to discharge obligation through the provision of 5 extra Affordable Housing Units (either on the G&T site pursuant to new full application for said land or elsewhere within the Development). Mix of said units to be 60/40 rented/intermediate as per existing Affordable Housing units.

4. The safeguarding of 8.6ha of land shown edged [] on Plan x appended hereto for the relocation of the Crediton Rugby Club and provisions requiring:

- said site to be transferred to the Council or its nominee (i.e. the Rugby Club) if called for within a period expiring at the date 15 years from the grant of the planning permission; and
- the provision of a suitable temporary and permanent access road to the boundary of said site.

3.2 The associated issues

The first head of term relates to the safeguarding of a site for a new primary school with the wording outlined being in accordance with the requirements of Devon County Council, setting out a timeframe for delivery of the project which is in line with the negotiations undertaken with the Education Services Department at DCC.

3.3 The second head of term relates to the provision of 5 pitches for the Gypsy and Traveller community. In terms of the policy within the Local Plan, as outlined within the Allocations and Infrastructure Development Plan Document (AIDPD), AL/CRE/12 - Pedlerspool, Exhibition Road states:

'A site of 21 hectares at Pedlerspool, Exhibition Road is identified as a contingency site for development to be released in accordance with policy AL/DE/1, subject to the following:

a 165 dwellings with 35% affordable housing to include **at least five pitches for gypsies and travellers;**

Part of the resolution of the previous Planning Committee was as follows:

2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:

- i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
- ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).

3.4 The proposed change to the wording within the Heads of Terms is to allow for the Gypsy and Traveller provision off site as long as it has been fully demonstrated that this will deliver a more favourable outcome, providing either a site with a financial contribution to enable the pitches to be provided by a registered provider or for the applicant to provide a site with fully laid out pitches. This approach is put forward by the applicant to comply with Policy DM7 within the Local Plan Review. The amended wording for Policy DM7 as outlined within the main modifications is as follows:

1) Planning applications for Pitches and Plots

Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:

- a) Suitable onsite facilities will be provided including space for children's play;
- b) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments;
- c) The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;
- d) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople or their dependents;
- and
- e) Safe and convenient access to local facilities is provided

Sites with associated employment or storage elements will be permitted where there is specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.

2. Provision on allocated sites

Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve a more favourable outcome for Gypsies and Travellers taking into account:

- i) Pitch numbers;
- ii) Site facilities;
- iii) Accessibility to services, including health and education;
- iv) Early delivery of serviced pitches or plots which are available for occupation;
- and
- v) The provision of an effective mechanism for delivery.

Such sites must also meet the requirements of part 1 of Policy DM7 above.

Amendments to the supporting text in paragraph 4.29 are as follows:

"4.29 There is a need for 35 new pitches for gypsies and travellers for the period 2014-34, and 11 plots for travelling showpeople for the period 2014-34. The majority of this need is proposed to be met on the largest allocated developments at Tiverton Eastern Urban Extension, North West Cullompton, and Pedlerspool in Crediton. Pitches must be provided onsite unless the more favourable outcome described by Policy DM7 is demonstrated. Any proposals for more favourable off-site provision must identify and provide serviced sites in accordance with Policy DM7. A clear mechanism to ensure that pitches or plots are delivered in such a way as to achieve a more favourable outcome for the travelling community must be identified.

This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where gypsy and traveller pitches are provided on-site on housing allocations, these are to be counted against the affordable housing targets for that site."

- 3.5 As can be seen from the wording of the policies and resolution of Planning Committee, there is the need to provide the pitches, not just a site. The amended

wording for Policy DM7 within the Local Plan Review offers the flexibility to provide the Gypsy and Traveller pitches off site subject to the proposal resulting in a more favourable outcome. Therefore the applicant would need to either first deliver the G & T provision on site or in order to provide a more favourable outcome, deliver the pitches on an alternative site which could comply with the criteria outlined in DM7 or provide the site and a financial contribution in order that the pitches could be delivered. The revised wording would allow for this and the applicant has confirmed to the Council that they agree to provide laid out/serviced pitches (whether they end up on or off-site) as requested by the Council's policy team which includes the agreed cascade whereby in the event a registered provider or the Council are unwilling to take the pitches some additional affordable housing units could be provided on the G&T site in lieu.

- 3.6 In respect to the fourth Head of Term relating to the safeguarding of a site for Crediton Rugby Football Club, the counsel advice received makes it clear that the policies relating to the Pedlerspool site only goes as far as making the site available for the relocation of the rugby club and no more, with the rugby club to use the capital received from developing the existing rugby club site for residential development to facilitate the move to a new site.
- 3.7 In order to safeguard the site for the rugby club relocation, a timeframe of 15 years has been agreed to in order to allow for the rugby club to work on an application to obtain outline planning permission for residential development on their site which would allow the finances to purchase the site at Pedlerspool for a fixed recreation land value and to submit an application for a new clubhouse and playing facilities. Therefore the revisions to the wording for this Head of Term is considered to be acceptable as this inclusion takes into account the legal advice received over the interpretation of policy.

4.0 CONCLUSIONS

- 4.1 There is no objection to the proposed changes from a planning perspective which are intended to result in the same outcome of safeguarding areas of the site for the delivery of a primary school, relocation of Crediton Rugby Football Club and the delivery of 5 gypsy and traveller pitches within the district, in line with emerging policy within the Local Plan Review. The request for delegated authority to the Head of Planning, Economy and Regeneration to allow minor changes to wording of planning conditions as reported within the committee report to allow for a phased approach to development across the site is also considered to be in line with government guidance.

Contact for any more information

Mrs Jenny Clifford, Head of Planning,
Economy and Regeneration
jclifford@middevon.gov.uk (01884)
234346

Mr Adrian Devereaux
Area Team Leader
adevereaux@middevon.gov.uk (01884)
234267

Background Papers

Committee Report and minutes relating to
planning application Planning Application
17/00348/MOUT

File Reference

17/00348/MOUT - Residential development of up to 257 dwellings and up to 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Circulation of the Report

Members of Planning Committee

This page is intentionally left blank

Application No. 17/00348/MOUT

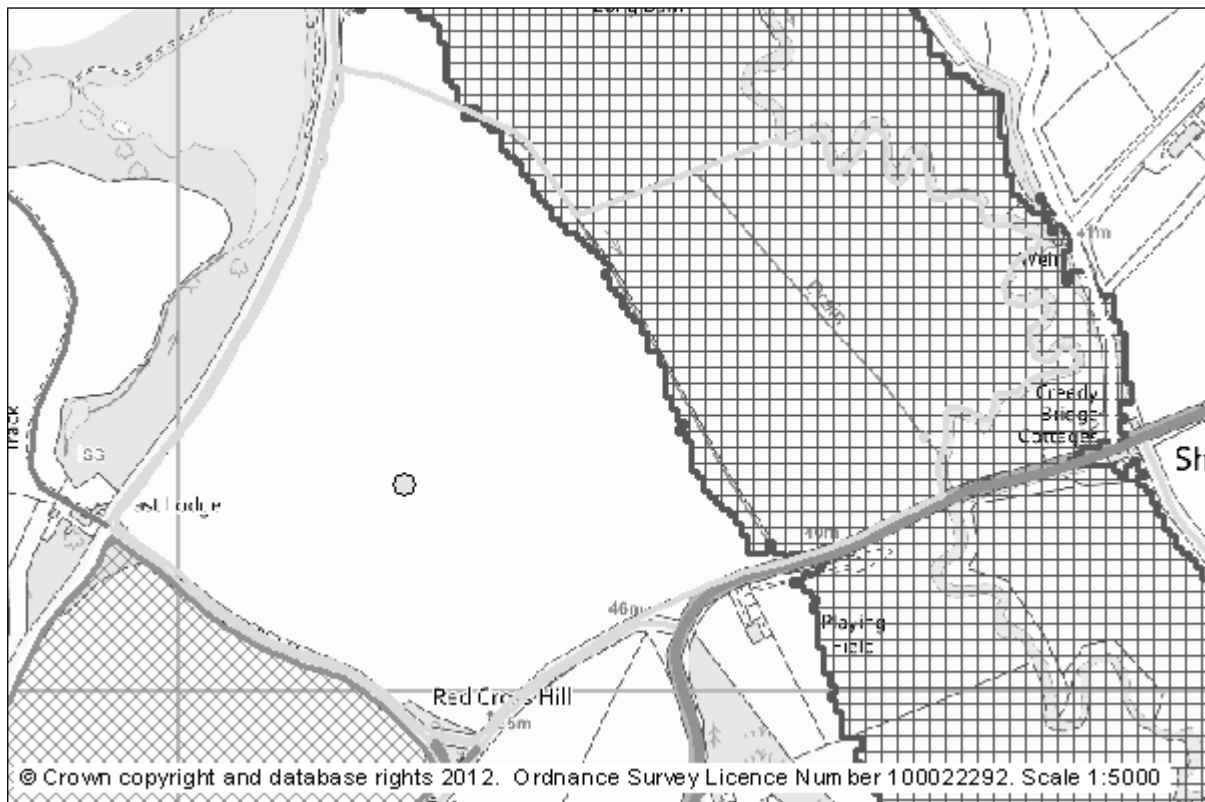
Grid Ref: 284007 : 100951

Applicant: Messrs T Turner, S Turner, R. Turner, B Stamp & O Taylor

Location: Land at NGR 284185 101165 (Creedy Bridge)
Credton
Devon

Proposal: Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Credton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations

Date Valid: 6th March 2017



APPLICATION NO: 17/00348/MOUT

RECOMMENDATION

Grant permission subject to the provision of a Section 106 Agreement and conditions.

Section 106 agreement to include:

1. The safeguarding of a 1.1ha site for a Primary School, and agreement for the land to be transferred to Devon County Council prior to the commencement of any development.
2. The setting out of a 0.3ha site for provision of up to 5 pitches for the Gypsy and Traveller Community, and the following provisions regards delivery and operation:
 - i. A scheme for the detailed setting out of the 5 gypsy and traveller pitches to be submitted and approved by the occupation of 110th dwelling (i.e. 43% completion); and
 - ii. Gypsy and traveller pitches to be laid out by 193rd occupation (i.e. 75% completion).
3. 56 units of affordable housing. The precise tenure and mix of unit sizes to be specified as follows: 40% Discounted housing and 60% Affordable Housing for rent, and with a property size requirement as follows: 1 bed 10%, 2 Bed 50%, 3 Bed 35% & 4 Bed 5%.
 - A phasing plan to manage the delivery of the affordable housing units.
 - A cascade clause agreed to protect for local occupation for a fixed period of 6 months (specifically to respond to the concerns raised by Sandford Parish Council).
4. The safeguarding of 8.6ha of land for the relocation of the Crediton Rugby Club, and agreement for the land to be transferred to Rugby Club prior to the commencement of any development, or another date to be confirmed by the Rugby Club.
5. The setting up of a management company for the long-term management and maintenance of all communal areas including any parking courts, landscape, public open space and children's play areas.
6. Sustainable Travel Measures (to include a public transport contribution, a contribution to undertake improvements to existing PROW network and the provision of travel plan vouchers for future occupiers of the 257 houses) - £955,900. 00. To be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
7. Primary Education - £13,652 per pupil (63 pupil spaces required) to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
8. Early Years Education - £250 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.
9. Primary Special Needs - £141 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.

10. Healthcare provision - £363 per dwelling to be phased over three tranches – First tranche payable upon occupation of the first dwelling and subsequent payments made 12 months and 24 months thereafter.

11. Off-site highway works as follows:

- Access arrangements from A3072 (Exhibition Way);
- Pedestrian and cycle access on to the Pounds Hill / Stonewall Cross Junction, Old Tiverton Road and Pedlarspool Lane; and provision of passing places along Stonewall Lane.

PROPOSED DEVELOPMENT

The application was first submitted on the 6th March 2017 with the following description of development:

Residential development of up to 326 dwellings; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlarspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations.

Following ongoing discussions over a lengthy period of time with officers the terms of the application scheme were amended with the following description of development (scheme revision date 26th March 2018).

Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlarspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations.

The application proposes a new access into the site from A3072, and a pedestrian access in the South Western corner. Pedlarspool Lane is to become largely a pedestrianised route with restricted vehicular access at either end. Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The site is bounded by Exhibition Road to the south, Stonewall Lane to the west, Long Barn Drive to the North with open countryside and the River Creedy to the east. The tree lined Pedlarspool Lane runs through the application site effectively creating two development areas (referred to eastern and western development areas below). The site is currently in agricultural use and actively farmed

Although submitted as an outline application an illustrative masterplan has been submitted showing how the proposed land uses would be arranged across the site. The masterplan is submitted at a scale of 1:2000. The layout shows the following disposition of land uses.

Eastern Development area:

1. Access directly into the site from Exhibition Road with a new mini roundabout arrangement proposed.
2. Provision is made on this part of the site for the relocation and enhancement of Crediton Rugby Club to include the following facilities: Club house, car park and provision for up to 4 playing pitches.

3 An area of approximately 6.6 hectares for residential development proposing 203 residential plots (including 47 affordable units) which equates to 30.75 dwellings per hectare.

Western Development Area:

4. An area of approximately 1.8 hectares for residential development proposing 54 residential plots (including 9 affordable units) which equates to 30.0 dwellings per hectare.
5. An area of approximately 0.3 hectare for a gypsy and traveller site to provide pitches. Access to this facility would be proposed by Pedlerspool Lane (4 plus 5 = 2.1 hectares)
6. An area of approximately 1.1 hectare for a one form entry primary school.

APPLICANT'S SUPPORTING INFORMATION

Following the applicants decision to amend the terms and scope of the application as set out above amended plans and reports were submitted on 26th March 2018. The list of drawings as set at point 1 below are the drawings showing the revised scheme. The list of reports as set out at point 2 confirm the scope of the supporting information submitted in support of the application. The original reports as submitted have been supplemented by addendum reports to reflect the scope of the scheme revisions.

1. Application form, site plan, topographical survey and other drawings as follows:
Land Use Plan rev M, Access and Movement Plan rev N, Density Parameter Plan rev M, Scale Parameter Plan rev M, Green Infrastructure Plan rev K, Illustrative Masterplan rev D,

2. Supporting Reports

Archaeological desk-based assessment report prepared by CgMS consulting;
Archaeological trench evaluation report prepared by AC Archaeology;
Built Heritage statement prepared by CgMS consulting;
Design & Access statement and Landscape & Visual Impact assessment reports prepared by Barton Wilmore;
Ecological Impact assessment and Landscape and Ecological Management Strategy reports prepared by ead Ecology: dated February 2017;
Statement of Community engagement prepared by Meeting Place communications: dated February 2017;
Transport Assessment report, Flood Risk & Drainage strategy report and Utilities Technical note prepared by AWP consulting;
Planning Statement report and Waste Management statement report prepared by Vail Williams;
Air Quality Assessment report prepared by Kairus Ltd;
Arboricultural Survey, including Tree Constraints plan prepared by Tom Hurley.

In addition a Transport Assessment Addendum note 2 has been submitted to examine the capacity of internal network of routes for use by farm traffic. This documents is dated 14th June.

RELEVANT PLANNING HISTORY

There is no planning history in relation to the application site. The application as referred below relates to the planning permission issued (now time expired site) for the adjacent site at Red Hill Cross.

11/00602/MOUT: Outline for the erection of up to 135 dwellings and associated works, including 22% affordable housing.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR15 - Crediton

Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/IN/3 - Public Open Space
AL/IN/5 - Education Provision
AL/CRE/8 - Crediton Air Quality
AL/CRE/12 – Pedlerspool, Exhibition Road – included as a contingency site, in accordance with policy AL/DE/1.

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM27 – Heritage Assets

Proposed Local Plan Review (2013 – 2033) Proposed submission January 2017

Mid Devon Local Plan Review (2013 – 2033) Proposed submission (incorporating proposed modifications January 2017

CRE5 – Pedlerspool, Exhibition Road:

CONSULTATIONS

Given that the application proposals have been amended two separate consultation exercises have been undertaken. The list of responses as set out below confirms the latest response for each Statutory Consultee. The original consultation responses provided by the Parish/Town Councils are also set out as in many instances the respective Parish Council have confirmed that their original comments still apply.

For members information since the Consultees provided their original and further comments on the application, the guidance as set out in the National Planning Policy Framework as originally issued in 2012 has been updated. As part of this process the Government have issued an updated Guidance document (dated July 2018), and therefore the references as set out by many of Consultees will have been superseded. However your officers have considered the comments in light of the July 2018 guidance and remain satisfied that the comments provided remain consistent with the updated guidance in the Framework.

SANDFORD PARISH COUNCIL - 15th May 2018 - OBJECTION RAISED

Further to our previous comments (25th April 2017) regarding the above proposed Housing Development, we wish to add the following comments.

The lack of proposed improvements to the roads to the South and East (Stone wall Lane and above East Lodge to the crossroads) is of great worry as there has been a significant increase in traffic using these roads since the traffic survey was originally carried out, due mainly to increase in delivery vans, generated by shopping on line, and larger farm machinery having to use this route. As such these roads will be used well beyond their safe carrying capacity. However, any widening might necessitate taking down mature trees and this must be well monitored.

Additionally, DCC Highways (Ian Sorenson) indicated that there is likely to be another housing development site on the south side of Stonewall Lane in future . The junction of Old Tiverton Road and Stonewall Lane, where vision is extremely limited, is a potential accident black spot. Any farm traffic with trailers, combine harvesters, and large delivery lorries etc will necessitate long reverses if meeting on coming traffic. The need for such traffic having to reroute through either the new estate or down into Crediton round extremely narrow lanes is of great concern.

Although Gleesons have reduced the number of dwellings from the 326, there is huge concern over the 'increase' in number of houses from the Local Plan allocation of 200 to 257. Parishioners want to know why is this application even being considered by MDDC when they were originally looking for a maximum of 165 houses, albeit increased later to 200 dwellings? As this is 'only' an outline planning application there is no way of knowing what the proposed new development would look like.

Added to this the amount of affordable housing is only 21% (5 gypsy and traveller pitches) = 23% when the requirement in the Local Plan is for 28%. There is also great concern over the potential use of three storey houses in the development to squeeze in sufficient (for Gleesons) dwellings to apparently make the scheme financially viable.

These tall dwellings would appear above the tree line and be an eyesore in this beautiful valley. We have been asked why there is a double standard in not allowing the cottage at the cross roads to have a shed in the garden due to its proximity to Shobroke Park and yet potentially 257 of unknown design and finish the opposite side of the cross roads is being considered by MDDC. Sandford Parish Council strongly feel that IF planning consent is given it should be limited to the 200 dwellings noted in the Local Plan AND the full number of Affordable dwellings should be made available primarily to Local Residents. The Potential for Local People to have the opportunity to gain in this way should be widely advertised to ensure local people are aware of this. Alternatively how many plots could be available for local people to build their own homes potentially 5%.

Original comments 26th April 2017 – Sandford Parish Council wish to register their objections due the non-compliance with many of the Local and National Planning Policy frameworks and strategies, as follows: -

1. The stated strategy for Crediton is 'that development will be targeted to develop underused and brown field sites within towns in preference to greenfield land. The proposed development is obviously a greenfield site currently used for growing crops, is also outside the Crediton town boundary as specifically defined by a main road and is within the rural parish of Sandford.

2. Housing Policy CR5 indicates an allocation of only 200 dwellings, having been increased from 165, yet the application is for 326 dwellings. Additionally, there is only an allocation for 16% affordable dwellings but the plan indicates that this should be 28%. This is in direct contradiction to the MDDC stated Local Plan.

3. If such a development were to be considered it should be on the basis of the Vision for Villages, and Countryside, i.e. Sandford, outside defined towns and villages; it should meet agricultural and other rural business needs but does not; it should promote environmental enhancement considering landscape and biodiversity but does not, it should encourage appropriate economic diversification to support the rural economy but does not and it should provide infrastructure to meet the needs the economy but will it???

4. The Policy SP9 Environment says that 'development will sustain the distinctive quality, character and diversity of Mid-Devon's environmental assets' but with the high density of dwellings proposed and many also being 3-story town houses, this will obviously be much more like urban dormitory towns looking like Lego Land than distinctive character, etc.

5. Historic England note that the application site is significantly larger than the site intended for allocation and the Built Heritage Statement does not entirely follow the sequence of steps recommended within the guidance on The Setting of Heritage Assets since it does not include the fourth step relating to the maximising of enhancement and minimising harm arising from a development.

6. Part of the proposed site is within Environment Agency Flood Zone 3. The National Planning Policy Framework Environment Agency states that the flood risk Sequential Test has to be satisfactory in accordance with that Policy otherwise this will be sufficient justification to refuse the planning application.

7. The proposed development would be adjacent to the River Creedy which is at present used by several protected species such as otters and the pristine white clawed crayfish as well as for angling. Additionally, so many houses with potentially polluting dogs and cats that prey on all small animals, birds and frogs would decimate the local populations and foul the pavements.

8. The proposed site is outside the CREDITON town boundary and distant from the town centre, the train station and has poor bus access. The vision stated in the Local Plan is to reduce the need to travel by car, increasing the potential of public transport, cycling and walking but will be impossible without substantial infrastructure improvement, which would be additionally destructive of the existing environment.

9. One of the access routes would be via the narrow single carriageway Stonewall Lane, where it is also proposed to build an additional 50 houses. DCC indicated that proposed road widening for passing places would limit the destruction of trees to those that are diseased or 'in the way'. Hedgerows are protected under the Hedgerows Regulations 1997 from being removed or worked on without control and hedgerows are defined as inter alia those that are at least 30-year-old. The existing hedges are certainly that age.

10. The proposed increase in population would require a new pumped main to cope with sewerage increase and so would increase the carbon foot print and, as placed, the pumping station would be vulnerable to flooding and power outages caused by any flooding being on the flood plain - which is subject to flooding.

11. Existing Doctors' surgeries are at full capacity. It is understood that Gleesons consulted the Crediton Town Council but there is no indication that the doctors' practices were consulted. There are insufficient local medical services existing to support this development.

12. The traffic survey carried out was based on 2011 data and the proposer's consultants have not apparently taken into account the rural traffic such as big tractors with trailers nor

the additional cars generated by the rugby club at evenings and weekends, adding massively to the pollution, run-off and congestion in and around Crediton and Sandford.

13. The Crediton Rugby Club is lobbying for acceptance of the proposed application, which would mean that the Club could sell their existing premises for additional housing which in turn would provide an allocation of perhaps another 100 houses, on similar densities. The District Local Plan Review requires 6800 new dwellings so with the permitted Wells Parks, Redhills, and potential Chapel Downs developments around Crediton, the Tiverton allocations and the Cullompton 5000, there is no apparent need for the Creedy Bridge development. The Rugby Club could still transfer to the Pedlerspool land if desired with far less disruption to people, environment, infrastructure and existing services.

14. Natural England states that the consultation documents indicate that this area includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

If significant harm resulting from a development cannot be avoided than planning permission should be refused.

We therefore reiterate that this application should be refused. In addition we would like to highlight the many issues that were raised at the Public Meeting held in Sandford of 6th April 2017 and these are attached to this letter.

CREDITON TOWN COUNCIL: 17th May 2018: OBJECTION RAISED

Comments: It was resolved to support Sandford Parish Council's concerns and OBJECT to the application on the following grounds:

The housing density for the site is more than 25% higher than the allocation in the emerging Local Plan. This level of density has negative effects. It is detrimental to the town setting and views of the town because the site is agricultural farm land bordered by trees in a river valley. The NPPF (11.109) recommends that the planning system 'should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes'. If the density were lower, especially with a reduced density on the north side of the site, which is most visible, and a more ambitious green infrastructure plan introduced, the development would fit better into the setting and the negative impact on the valley would be reduced.

If the development were to be approved, it is essential to the historic street layout that the mature oaks along Pedlerspool Lane be retained. Keeping these and more robust landscaping would help to 'establish a strong sense of place ... and ... create [an] attractive and comfortable place to live.' (NPPF 7.58), also helping to protect a much valued landscape.

The NPPF (11.125) recommends that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The negative aspects of light pollution have not been addressed at the outset and will impact on what as previously been a naturally dark landscape.

Para 4.35 of the NPPF stresses the desirability of developments having access to 'high quality public transport facilities' and a robust Travel Plan. This site is not well located for easy access to the town's public transport, especially for commuter routes. To mitigate this, 'developments ... should... give priority to pedestrian and cycle movements'. The outline plan does not adequately address sustainable transport, especially pedestrians and cyclists as the most direct routes into the town centre have not been identified for the whole site.

In addition, the proposal to close Pedlarspool Lane to motor vehicles and to divert through the development to the A3072 may also divert local through-traffic up the single track Longbarn Lane, which is unsuitable.

Also, it is agreed that additional traffic will use Stonewall Lane. Although there are proposals to improve passing places, there are still stretches where it will remain single track because of the topography. This is will not be an adequate link between such a large development and the western end of the town or even the town centre itself.

UPTON HELLIONS PARISH COUNCIL 18th May 2018 - OBJECTION RAISED

Thank you for the opportunity of seeing the new proposals. Having studied them I am afraid that the views of Upton Hellions Parish Meeting with regard to our objection are unchanged. This also applies to my own objection submitted previously. Please accept the previous objections as relevant to the present proposals:

Original Comment: On 20th March 2017, the residents of Upton Hellions held a parish meeting hosted by Mr Peter Coleman, the Chairman. We know from this meeting, subsequent conversations, and written objections already made to MDDC that 21 out of the 25 households in the Parish strongly oppose the application for Planning permission. To our knowledge, the remaining 4 have not been involved in this process.

Upton Hellions is a small, rural, historic parish which is separated geographically from Sandford and is the Parish that would be most affected by this development. The residents took part in a detailed Character Assessment of the area we inhabit and this document has been submitted to MDDC. From this one can understand the rural and heritage significance of this locality. The land in the area is actively farmed and constitutes a beautiful, scenic area which would suffer immeasurably by the proposed development. The adverse impact would be great on those of us who live here and daily use the country lanes that surround the site on three sides.

Rather than reiterating the many grounds on which this application should be rejected, we wish to endorse the detailed and well informed views already submitted to MDDC. We would urge the Councillors of the Planning Committee to examine these documents. In particular, we suggest the following submissions, which are by professionals who bring their considerable expertise to oppose this development at Creedy Bridge.

There has been no expense spared by the promoters in commissioning numerous, often lengthy assessments in support of their application. On examining these, we note significant omissions, inaccuracies and sometimes conclusions which appear to be at odds with the body of the reports. Some are inconclusive and suggest that ongoing monitoring and further reports are necessary to protect the natural environment.

We also oppose granting of OPP because the plans run counter to many of MDDC's own policies expressed in adopted and emerging Local Plans. These policies have been well thought out and should continue to be the guiding principles for growing our towns and protecting our countryside.

Because of irreparable harm that could be done to this area, it is vital that the Planning Committee takes full heed of the objections submitted by existing residents who stand to be in the forefront of witnessing the consequences of a calamitous decision.

We do not accept that the allocation of this land for development should be irreversible, because situations change, and more information or potential sites in the District may become available.

We urge the Council to do the right thing, reject this application, and remove this site from the Local Plan.

SHOBROOKE PARISH COUNCIL - 11 May 2018 - OBJECTION RAISED

Shobrooke Parish Council considered the revised application at the May meeting and still wish to object to this application on the grounds that the potential extra traffic that will travel through the village of Shobrooke has not been properly considered, assessed and appropriately mitigated.

One of the main concerns for Shobrooke parish is additional traffic and the impact this will have on the rural parish of Shobrooke. The transport assessment carried out as part of the application assumes that the majority of traffic will travel to Exeter along the A377. However, as this already busy main road gets even busier, how long will it be before commuters and other drivers seek out alternative routes? An obvious alternative route is from Shobrooke Park to Langford via Efford and Shute. The rural village of Shobrooke risks becoming "rat run" as commuters try to find quicker, less congested routes. If there is a problem on the A377, such as an accident or road works for example, this alternative route will be used even more. Cars pass each other on the narrow roads of the parish only by making use of private driveways. In addition, Shobrooke does not have many pavements, leading to a greater risk to pedestrians, especially if they are walking at "rush hour". Agricultural traffic travels through the parish on a regular basis and this will also present hazards as well as leading to potential jams. The Parish Council has been concerned for a while about the speed of traffic through the village and with an increasing number of vehicles, this concern will only increase. We request that an impact assessment is carried out on the additional traffic that will use the road through Shobrooke.

Mid Devon Local Development Framework - Allocations and Infrastructure Development Plan Document (AL/CRE/12) states that this development will have 21000 square metres of employment floorspace. However, there is no such allocation in the current planning application. This lack of employment opportunity will mean that residents will be forced out of the area to work, thus increasing the traffic. Again, this proposal fails to meet MDDC development requirements.

There are no provisions for additional health care. Chiddenbrook and New Valley practice are stated as being undersized by 40% and 43% respectively. We are concerned about the wider impact on hospitals such as RD&E.

We understand that part of the proposed site is within an Environment Agency Flood Zone 3. A few years ago, this area was badly flooded and the road impassable. Will the proposed retention pools perform well enough to prevent this?

The proposal includes a new 200 place primary school. We are concerned that this provision will not be enough and that existing schools will be put under pressure to accept more pupils. DCC advise that there is enough secondary school provision, but this still remains a concern.

Public transport - we note that improvements are proposed to public transport and cycle lanes. Such improvements will be essential as current provision will not be adequate. The station is not close and the trains are infrequent. Buses are already overcrowded.

Given the likely impact on Shobrooke parish that this development will have, the Parish Council would like assurances that it will benefit from S106 money should this development take place, as proposed or through an amended application.

Shobrooke Parish Council asks MDDC planning committee to reject the current proposal and to carry out an impact assessment on the effect additional traffic travelling through Shobrooke will have on our rural parish.

CREDITON HAMLETS PARISH COUNCIL - 10th May 2018 - Crediton Hamlets Parish Council met on the 8th May and resolved they were neutral in respect of this application

Original comments 4th April 2017: Crediton Hamlets Parish Council met on the 3rd April and resolved to offer the following comments on this development in a neighbouring authority. The Council expressed surprise that part of the development seemed to be on a flood plain. They expressed concern about increased traffic issues and about the overdevelopment in the Crediton area leading to increased pressure on existing services. Original Comments 6th September 2017: Crediton Hamlets Parish Council commented on this application in April and raised its concerns. The Council met again on the 4th September and considered the application again and resolved to object to the application. Their further concerns were the lack of employment locally which would lead to more residents travelling to Exeter for work creating further traffic congestion. They also stressed again the over development in the Crediton area and its implication for the existing services/infrastructure.

DOWN ST MARY PARISH COUNCIL - 28th March 2017

The Down St. Mary discussed this application at their last meeting. The Council were opposed to the application. The area chosen was damp and there would be problems with the water flow. The Council felt that the site was wholly unsuitable. The plan needed to be better thought out.

MORCHARD BISHOP PARISH COUNCIL - 4th April 2017 - Unanimously supported with two provisos: 1. No houses to be built on the flood and 2. Phased development of infrastructure before development of houses.

CHERITON FITZPAINE PARISH COUNCIL - 23rd March 2017 - No comments

DEVON COUNTY COUNCIL 30/04/2018: Thank you providing the opportunity to comment on this amended planning application. This response provides the formal views of Devon County Council in relation to those areas listed below except healthcare provision, where comments have been provided by NHS England:

- Local transport provision
- Local education provision (including early years)
- Waste planning
- Potential historic environment impacts
- Surface water flooding
- Public health
- Healthcare provision

This response is separated into sections relating to each of the subject areas set out above

Local transport provision: The Highway Authority has considered the application, through pre-application advice, and through the submitted application before us.

The Highway Authority has considered the trip generations and these are in keeping with previously accepted figures. Therefore the Highway Authority has no objection in principle to the above development with only the recently installed mini roundabout at the junction of Exhibition Road and Commercial Road coming close to capacity and any future developments will need to consider their impact on this junction. The Highway Authority welcomes the improvements detailed in the transport assessment, and drawing PHL-02rev F is generally in accordance with requirements and should be conditional of any consents and

should be part of the section 278 of the highways act by legal agreement. In addition the access roundabout on PHL-03rev F and PHL05 footway enhancements should also be conditional and form part of the package of offsite works subject to section 278 of the highway act. Also the widening of Stonewall Lane will form part of a package of measures under section 278 of the highways act. The Highway Authority would recommend that the off-site measures are secured through a section 106 legal agreement subject to the Town and country planning act. The Highway Authority would also seek further contributions to the provision of sustainable travel measures including footway improvement works along the existing ROW between the sports centre and Shobrook. A contribution of £250,000 is requested. Also the provision of contributions to public transport have been Identified and a contribution of £135,000 per annum for 5 years is requested.

Travel plans will necessitate the provision of bus and cycle vouchers in the information pack for the first owners of the property at a rate of £250.00 for bus vouchers and £50.00 for cycles per household. Therefore should the Local Planning Authority be minded to grant consent 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, 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 development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
REASON: To ensure the proper development of the site.

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

- a) The access road and roundabout 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. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

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

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

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

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

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

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

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

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

5. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works as shown generally in accordance with but not limited to drawing no. PHL-02 rev F have been designed and approved in Writing by the Local Planning Authority, constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of the NPPF.

6. Off-Site Highway Works No development shall take place on site until the off-site highway works for the provision of the access roundabout and new junction alignment for Old Tiverton road generally in accordance with but not limited to drawing no. PHL03 rev F have been designed and approved in writing by the Local Planning Authority and have been constructed and made available for use.

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

7. Off-Site Highway Works No occupation of the dwellings development shall take place on site until the off-site highway works for the improvements to footways along Exhibition road have been designed approved in writing, have been constructed and made available for use.

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

8. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the provision of widening, and passing bay provisions on Stonewall lane between Pound Hill and the Access entrance have been designed and approved in writing and have 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.

Additional comments from Highway Authority via email on 09/05/2018 regards the following matters:

1. Are the arrangements for Pedlerspool Lane acceptable in terms of closed to vehicular access other than to serve the proposed gypsy and travellers pitches, with other vehicular movements diverted through the development area back out onto A3072.
2. Are the access arrangements to the school as proposed acceptable, ie through the new development area via the new access off the A3072.

The application is in outline with all matter reserved except access. Therefore the masterplan is considered as illustrative only and internal details will be dealt with at the reserve matter application however I have the following observations to make on the layout as requested.

The access to the school while acceptable in principle would need careful consideration and the school will need to include sufficient parking for parents to drop off and Pick up otherwise the neighbouring residential streets will be parked upon , alternatively the introduction of sufficient visitor layby parking close to the school needs to be provided with appropriate footway linkages.

The Distributor road alignment in its current alignment gives cause for concern as indicated by the parishes. It is essential that the route is of sufficient width to cater for Agricultural vehicles, and swept paths of the largest tractor and trailer combination needs to be applied to show that two vehicles can pass each other particularly on the bends and in particular the junction of Pedlars pool with the distributor road which now appear to give priority to the estate road traffic . Its proximity to the junction from the west into the estate and a give way junction at the distributor road should be modelled to indicate any queue lengths and forward visibility of traffic entering the estate should be such that there is sufficient site stopping distance to the end of the maximum length queue. The current layout gives rise to the potential for greater conflict with residential properties as the number fronting the road appears to have increased. The Highway Authority when viewing the reserve matter would wish to see the number of residencies minimised fronting the Distributor road and its route from roundabout to Pedlars a more direct but still a sinuous route to keep speeds down.

With regard to the lane itself the Highway Authority are happy for its closure with all Agricultural traffic using the new distributor provided it is of sufficient width and alignment with the lane being restricted to travellers site only and the rest being a public footpath/cycleway. If the Local Planning Authority is minded to keep the lane open then the junction onto Old Tiverton road will need to be designed so that it has appropriate radii and visibility splays of 2.4m by 45m in either direction with no obstruction greater than 600mm This will necessitate removal of trees and bank and probably require the central island being removed as part of the design. But with the limit use current proposed it would be unreasonable to request such improvements based on current traffic generations.

Further comments were provided by the Highway Authority having considered the addendum note received on 14th June. The purpose of the note was to consider the proposed route of the internal road network and the ability for vehicles and farm traffic, including tractors and trailers, to travel on the more direct route through the site once Pedlerspool Lane has been closed to vehicular traffic. It was prepared in response to concerns raised by local stakeholders and residents in relation to farm traffic utilising the proposed main internal road network. Having considered the scope of this further submission it is confirmed that the layout of the internal route is more than capable of carrying farm traffic.

Local education provision (including early years): In assessing the education requirements from this development, Devon's revised Education s106 Policy has been applied: <https://new.devon.gov.uk/planning/planning-policies/pupil-place-planning>. The proposed 257 family-type dwellings will generate an additional 64.25 primary pupils and 38.55 secondary pupils.

It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 1.5% of the school population require specific Special Education provision, therefore this development is likely to generate 1.53 pupils who will require a specialist place. DCC would

request for additional SEN provision that would be required as a result of the development. The request would be a total of £37,119 (based on £24,261 per SEN pupil).

By the time the development is at implementation phase it is forecasted that the primary schools within the area of development (Landscape and Haywards) are likely to be at capacity and would not be able to support the pupils likely to be generated by this development. DCC will not seek additional primary contributions on SEN pupils because of the request made above and therefore Devon County Council will seek a contribution towards the remaining 63.29 primary pupils likely to be generated by the development. The contribution request is £864,035.00 (based on the current DfE extension rate of £13,652 per pupil for Devon), these contributions would be used towards increasing capacity within the town.

The need for a new primary school to serve Crediton has been identified through the Local Plan review process. Devon County Council has forward funded schemes at Landscape Primary School and Hayward's Primary School, which we will retrospectively apply developer contributions towards. Whilst this provides more primary places in the town to accommodate some development and increasing demographics in the town, it is not forecast to be sufficient to accommodate the level of development proposed within the town. A school site was identified on this site as it would assist in distributing school places across the town as currently both schools are towards the southern side of the town.

A school site of 1.1 ha to accommodate a 210 place (one form entry) primary school is considered to be sufficient to accommodate the level of development planned within the town. This includes the development identified for Crediton in the Local Plan Proposed Submission as well as the increase in dwellings on this site compared to this. The location of the school site on the submitted masterplan is noted and it is recognised that at this stage, the masterplan is indicative and not fixed. Options to locate the school site towards the southern / eastern edge of the application site should be considered to ensure that it is well located for both the existing and future housing. This would also allow earlier delivery of the school, to ensure that there remain sufficient school places to serve the town. Opportunities to share provision with the rugby club will be explored including car parking and outdoor pitches. It is expected that the school site will be secured through the s.106 process, with appropriate triggers for acquiring the site, its access and servicing.

There is currently capacity at the local secondary school for the number of pupils likely to be generated by this development and therefore a contribution towards secondary education is not sought.

In addition, a contribution towards Early Years education is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost £64,250 (based on the s.106 policy of £250 per dwelling). This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

Additional comments from Education Authority via email on 10/05/2018 regards the following matters:

1. Is the location of the primary school campus supported in delivery terms.
2. Are the access arrangements to the school as proposed acceptable, ie through the new development area via the new access off the A3072.

In responses to the first issue below, we would like to confirm that we are happy with the broad location of the school campus in delivery terms. We would however need to ensure appropriate vehicular, pedestrian and cycle access points to the site within appropriate time scales.

Waste Planning: The application includes a Waste Management Statement that partly meets the requirements for a waste audit statement on Policy W4 of the Devon Waste Plan. It is recognised that, at this outline stage, limited information will be available on the waste types and quantities that will be produced by the development, but the submitted statement provides a reasonable overview and outlines principles for minimising and managing waste. It is therefore recommended that the outline permission requires submission of a detailed waste audit statement at the reserves matters stage, to include measures for the storage of waste when the development is occupied (to take account of Mid Devon's SPD) and for the waste that will be generated during construction.

Historic Environment: The archaeological work undertaken in support of this application has demonstrated the presence of archaeological deposits associated with late Iron Age and Romano-British activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose archaeological and artefactual deposits associated with the known archaeological activity on the site and will result in the destruction of these heritage assets. These heritage assets are not of such significance that there is a requirement for preservation in situ, and the impact upon these heritage assets can be mitigated by a programme of archaeological works to be undertaken in advance of any construction works commencing. For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) the Devon County Council Historic Environment Team 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 paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

The Historic Environment Team would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits associated with the known prehistoric and Romano-British activity to ensure an appropriate record is made of these heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

The Historic Environment Team would be happy to discuss this further with you, the applicant or their agent and can 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.

Surface water flooding (see also comments below submitted 10th November 2017): The applicant should clarify whether the rugby club and school will drain into the surface water drainage system that has been proposed for this planning application. The applicant should also clarify the long term storage discharge rate.

Flood/Coastal Risk Management Team - 10th November 2017 - At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

Observations:

Further clarification has been received from the applicant's consulting engineers regarding the proposed contributing areas, therefore a suitable outline surface water management strategy has been put forward within the submitted Flood Risk Assessment (Ref:0029, Rev D, dated February 2016) and we have no further objection to the proposals from a surface water management perspective.

- 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 Flood Risk Assessment (Ref:0029, Rev D, dated February 2016).

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 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.

-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.

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

Public Health: It is recommended that the application is accompanied by a Health Impact Assessment to assess the impact of the development on public health.

Healthcare provision: The population growth as a result of this development will place additional pressure on existing GP practices in the area which are already at capacity. Whilst it is considered that the size of this development would not merit a new GP practice, the

NHS would need to create additional physical capacity in one of its existing practices in the area. The funding for such expansion would be sought through developer contributions and would support the provision of appropriate local primary healthcare facilities and services.

The current position in Cridton is that there are two practices:

1. Chiddenbrook Surgery is currently 46% undersized; and
2. New Valley Surgery is currently 43% undersized.

As can be seen there is currently a lack of physical capacity in Cridton and there are discussions being held about the potential development of a health and wellbeing hub. Such a development would be based on the current number of patients registered with the practices so any required expansion, as a result of this development, of such a facility would be required to be funded using the evidence base below.

NHS England applies an evidence based methodology for calculating development impact in terms of GP practices and has been benchmarked against other authorities. They are based on a health provision standard of 500 sq m per 6,000 people. Average household size and the capital cost of £2,000 per sq m have been used to generate a cost per dwelling as set out in the table below. These costs have been calculated from figures provided by the Primary Care Trust, and benchmarked against other authorities. They are based on a health provision standard of 500 sq m per 6,000 people.

At present the detail, including exact mix of dwelling sizes and types, is unknown and will be determined at the detailed reserved matters stage. As a result an average contribution per dwelling of £363 has been calculated using the figures in the table above. Applying this methodology to the dwelling types included in the proposed development in the context of the existing capacity issues at GP practices in the area, the total contribution, across each housing type proposed by this development would equate to £93,291. This sum is requested on behalf of NHS England.

DEVON WILDLIFE TRUST - 4th May 2017 – Objection as follows

We have confined our comments to biodiversity aspects of this proposal as follows.

We object to this planning application on the grounds that the proposal will result in the loss of 3.5 hectares of floodplain grazing marsh, which is listed as a habitat of principal importance for conservation in England, under section 41 of the Natural Environment and Rural Communities Act 2006. National planning policy states that planning policies should -

"promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations..." (NPPF paragraph 117)

"The planning system should contribute to and enhance the natural and local environment by:

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures." (NPPF paragraph 109)

We were encouraged to see that the Mid Devon Local Plan 2013-2033 publication stage policy map for Cridton has put this policy into action by identifying this area as Priority Habitat and included it as an integral part of the River Creedy floodplain. Furthermore, your Local Plan proposes a green infrastructure buffer area between any proposed new development and this Priority Habitat/ Floodplain corridor. Unfortunately, the planning application now being considered, would seriously compromise this intention.

The planning application, if approved, would take a 3.5 hectare bite out of this Priority habitat/Floodplain. The land use proposed in its place, together with any associated lighting,

would result in an adverse change to the habitat of this area and to its role as part of the Mid Devon ecological network. We further consider that the mitigation measures proposed would not make up for this.

We conclude that the planning application is in direct conflict with your Local Plan and we consider that it goes against the national policy in NPPF paragraph 109 to 'establish coherent ecological networks that are more resilient to current and future pressures'.

ENVIRONMENT AGENCY - 30th March 2017 - Environment Agency Position: No Objection

From the development and flood risk perspective we hold no in principle objections to the proposal and take this opportunity to state the following.

We can report that the layout of the proposal complies with the sequential approach as set out on the National Planning Policy Framework, the principle of providing playing pitches, and other recreational assets, within the floodplain being quite compatible with policy requirements.

However the provision of pitches is subject to there being no loss of floodplain storage or conveyance, especially should any re-profiling be carried out. We are therefore pleased to see this has been highlighted within para 3.9 of the applicant's Flood Risk Assessment including a statement that any loss of floodplain storage must be compensated for on a level for level basis.

Advice - Sequential Test: Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 7th April 2017: No Objection

Currently there is a need for 203 units in Crediton (86 x 1 bed, 79 x 2 bed, 38 x 3 / 4bed)
Currently there is a need for 11 units in Sandford (6 x 1 bed, 1 x 2 bed, 3 x 4bed)
Currently there is a need for 3 units in Shobrooke (1 x1 , 1 x 2 bed, 1x 3 bed).

In terms of size and tenure the following comment applies (09/06/2017)
40% Discounted housing in some form
60% Affordable Housing

With a bedroom split of:

1 bed 10%
2 Bed 50%
3 Bed 35%
4 Bed 5%

MDDc PUBLIC HEALTH - 16th March 2017 : No Objection

Contaminated Land - A Phase 1 assessment will be required with the full application

Air Quality - The Air Quality Assessment is satisfactory

Environmental Permitting - N/A

Drainage - no objections to these proposals

Noise & other nuisances - A Construction Management Plan would be required to help minimise the impact from noise, hours of operation and other nuisances, both for construction on site and the transport arrangements for construction and other servicing.

Housing Standards - No comment

Licensing - No comments with regards to the proposed development. However, should the Rugby Club relocate to a new site a new premises licence would be required and the existing licence would need to be surrendered. For more information please contact the licensing team via email licensing@middevon.gov.uk Food Hygiene - no objection to this proposal. Informative: If Rugby club relocated they would need to reregister as a food business with Environmental Health. School would need to register if they make or serve food. Advice can be given on layout & other requirements.

Private Water Supplies Not applicable

Health and Safety I have - no objection to this proposal enforced by HSE.

SPORT ENGLAND - 23rd March 2017 - The proposal is to construct new playing fields /sports facility as a replacement for Crediton RFC. In addition 300+ new homes and a primary school. With associated infrastructure. The application site is currently agriculture.

The illustrative masterplan shows 4 adult rugby pitches with clubhouse and community facility with parking (8.6ha). This part of the application site, as stated in the application documents from the agent, falls within Flood Zone 3 which is the highest classification of flooding. Adjacent a 1x FE Primary School with playing fields (1.1ha).

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement 'Planning for Sport Aims and Objectives'. A copy of which can be found at:

<http://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives>

The statement details Sport England's three objectives in its involvement in planning matters:

1. Protect existing facilities
2. Enhance the quality, accessibility and management of existing facilities.
3. Provide new facilities to meet demand

In assessing this application, Sport England notes that:

1. These 'replacement' rugby playing pitches are located in Flood Zone 3.
2. We note that the loss of the existing rugby pitches is not considered here in this application. But the applicant/agent should note that any future planning application on the existing rugby playing fields will need to demonstrate meeting paragraph 74 of the NPPF and Sport England Playing Field Policy, and in particular, exception E4 which states: "The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development."
3. Sport England would wish to see compliant rugby size pitches x4 including safety run-offs that meet the Performance Quality Standards (PQS), appropriate access, car parking and ancillary facilities such as changing rooms with storage, social and catering space.
4. There is no current Playing Pitch Strategy (PPS) in place to help identify current and future needs for playing pitches in the area for a range of pitch sports.
5. The occupiers of 300+ new homes will generate demand for sporting provision not just rugby pitches. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.
6. The primary school has potential to help facilitate community sport for indoor and outdoor sport and recreation activities subject to design and management

7. The development - using Active Design - could create the right environment to help people get more active, more often in the interests of health and wellbeing through good urban design.

Construction of Playing Pitches

The new/replacement playing field is located in Flood Zone 3 which is not recommended nor supported by Sport England.

In order to assess the suitability of the site to accommodate pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration. The preparation of 4 x new sports pitches will benefit from specialist consideration by sports turf consultants/agronomists due to the need to understand the implications of topography, soils, drainage, and surface preparation etc. and to ensure the pitches are fit for purpose. Without this there is a risk that playing pitches will not meet needs because they will suffer from problems such as waterlogging and uneven surfaces. Consideration also needs to be given to matters such as soils, seeding, water supply depending on the ground conditions, and the standard of pitch to be provided.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport':

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>

We have consulted the Rugby Football Union (RFU):

Crediton RFC is a RFU Accredited Club with teams throughout all Age Groups from U7-U18's including three girl's teams, and having 3 adult male teams. The current club site is over capacity and the club are reliant on the use of the pitches on land positioned adjacent to the club site. The current ancillary facilities are not adequate for the current demand of players and the changing facilities are not NGB compliant for modern standards. The volume of activity and throughput of users at the site causes considerable operational challenges for the club. The club have a strong and robust management board, including a current club business plan which is continually reviewed. The club engage fully with both Devon RFU and the RFU on all developmental activities and wider club support matters.

In terms of this proposal, the RFU considers that 4 natural turf pitches on this site would support the club in improving its playing operations. The RFU would expect that the pitches are constructed and developed in accordance with SE/RFU technical specification, including full drainage to support all year round use. Technical guidance can be found here:

http://www.englandrugby.com/mm/Document/Governance/ClubSupport/01/30/86/97/Naturalurf pitches_Neutral.pdf

With no technical details on the ancillary facilities being available, the RFU wish to identify the need for the appropriate number of changing rooms for 4 pitches (8 C/R's) to maximise the pitch allocation. The RFU Guidance note on changing rooms and clubhouses is:

http://www.englandrugby.com/mm/Document/Governance/ClubSupport/01/30/36/32/facilities-gn-2009-final-approved-version_Neutral.pdf

Similarly the floodlight technical specification is not included in this outline application, and the RFU wish to identify that the club will need at floodlighting provision at this site to support the clubs current operations.

http://www.englandrugby.com/mm/Document/General/General/01/32/32/22/RFUguidetofloodlighting_Neutral_English.pdf

The club would require replacement prior to lose, to ensure that the clubs operations are not duly affected or disrupted.

In principle the RFU are in support of this proposal.

Primary School

The school site depending upon final design, has the potential to facilitate an improved level of sport and recreation which could include new playing field, tennis court/MUGA and indoor space. We would strongly support a community use agreement as part of any planning application as the site could be widely used for community sport out of core school hours.

Active Design

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:
<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

Appendix 1 contains a checklist that can demonstrate that the proposal has been / will be designed in line with the Active Design principles.

Cycle and walking networks should be extended to linking the existing town with the new development, and access to the surrounding countryside.

Conclusion

The new/replacement playing field is located in Flood Zone 3 which is not recommended nor supported by Sport England.

We recommend that further discussions and amendments are made to the proposal to take on board the comments above before the application is determined. A solution includes reviewing the location of the new x4 rugby playing pitches and moving them out of Flood Zone 3 to another part of the site.

In the event that the Council is minded to approve the application without amendment, the following planning conditions should be imposed:

1. No development shall take place unless and until:
 - a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number..... shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to

and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy **

2. The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy **.

3. No development shall commence [or such other timescale] until a community use scheme has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall apply to the Rugby Club and Primary School and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development [or other agreed timescale] and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

4. No development shall commence until details of the design and layout of changing facilities [and other sports facilities to be named] have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The changing facilities [and other sports facilities to be named] have shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

DEVON, CORNWALL & DORSET POLICE – DEVON, CORNWALL & DORSET POLICE
19th April 2018: No objections

Thank you for this amended application. The amended Illustrative Masterplan (9800) is noted, Police have no further comments at this time to add to those submitted 8th March 2017

Original Comments: Having reviewed the illustrative masterplan, 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:-

Residential - Building Regulations - Approved Document Q - Security.

The new 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 has been tested to an acceptable security standard i.e. PAS 24 2012 or equivalent.

To assist with this requirement and to ensure compliance with 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 2012 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 the 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 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 spaces are overlooked, have a purpose and are managed to prevent creating problem areas which can attract the antisocial to gather, dumping and dog fouling

- 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

- o 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.

- o Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime and Anti Social Behaviour.

An early point to consider is vehicular access and egress for the proposed school and rugby club. The volume of traffic at the start and end of a school day and at weekends / match days for the rugby club cannot be underestimated. If adequate space is not provided for

vehicles they will be parked on nearby roads, paths and any available space which can create real upset and angst with local residents. Police can spend a lot of time dealing with issues related to parking or conflict over parking near schools and sports facilities.

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 at this stage.

HISTORIC ENGLAND: No objection

1st May 2018 - On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Original Comments: 28th March 2017 This is an outline planning application for up to three hundred and twenty six dwellings on a prominent sloping greenfield site on the north-eastern approach to Crediton. We understand from the application that the site has been proposed for a mixed use allocation in Mid Devon Council's local plan, but that this application has been brought forward in advance of that process, although with the Council's knowledge.

The application site is significantly larger than the site intended for allocation. It now extends from the north-eastern edge of Crediton down the slope to the Creedy river, taking up a considerable amount of open countryside and the western side of the valley. The lower-lying part of the site is proposed for the relocation of Crediton Rugby Club, but otherwise the proposal is now entirely for housing, although it is also intended to incorporate a school. We have provided pre-application advice on the contents of an environmental impact assessment and the preparation of a heritage statement for the proposed development.

From Historic England's perspective, we think it unlikely that there will be a significant impact on highly graded heritage assets which fall within our remit, due to local topography and their distance from the development site. However, that does not mean that the site is without heritage sensitivities, since it is prominently located and does form part of the setting of a number of grade II listed buildings and a grade II registered park and garden at Shobrooke Park. The Built Heritage Statement, written in support the application, refers to Historic England's guidance on The Setting of Heritage Assets. However, it does not entirely follow the sequence of steps recommended in that document for assessing the impact of a development, since it does not include the fourth step - relating to the maximising of enhancement and minimising of harm arising from a development. Whilst the report concludes that some harm will be caused by the development to the setting of assets such as Shobrooke Park - whose wider landscape context will be "eroded"- it does not address the question of whether that harm could be further reduced, or alternatively, the setting of the park enhanced through other means.

See comments below from the LPA case officer which resulted from completion of the steps outlined above.

We trust that the Council's Conservation Officer will be assessing in greater detail the impact of the development on heritage assets in the vicinity to determine what level of harm might be caused to them, and whether that harm could be further reduced or mitigated. Once the level of harm has been independently verified, it can be afforded the appropriate weight when weighed in the balance against any public benefits afforded by the development.

LPA Conservation Area Officer: No objections are raised – 25th July 2017. The boundary of the edge of the new housing on it's eastern side adjacent to Shobrooke Park has been set back to respond to the concerns as initially raised.

NATURAL ENGLAND - 19th April 2018 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 March 2017 - No objection

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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

Original Comments: Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm 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.'

Local sites

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

Biodiversityenhancements

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

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

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

SOUTH WEST WATER - 16th March 2017 / 12th April 2018 - No objection

REPRESENTATIONS

When the application was first submitted 140 letters were sent out to near neighbours of the site (07.03.2017). Furthermore site notices were posted at various locations around the site on the 09.03.2017 and a press notice was placed in the public notices section of the Tiverton Gazette on 14.03.2017. 126 representations were received, and of these approximately 91 of the representations raised objections to the proposals with 35 comments expressing support.

When the scope of the application was amended on 26th March 2018 (as referred above), notification letters setting out the scope of the changes to the description of development and clarifying the scope of the additional information submitted on 09.04.2108 were sent to the 126 contributors as referred above. 12 further representations of objection have been received.

A brief summary of the comments received in relation to the application as it has been amended is set out below.

1. The scope of the consultation undertaken on the application is considered to be questionable
2. The number of houses proposed exceeds the number in the allocation leading to a high density of development.
3. The application scheme is not considered to be policy compliant.
Concern that a development of three-storey buildings is inappropriate in this location
4. The closure of Pedlerspool Lane.
5. Concerns over the capacity of the proposals for relocation of the Rugby Club regards the provision of two pitches in the flood zone.
6. Concern of the siting of the primary school.
7. Housing need for Crediton is not met.
8. It is noted that Sport England object to the application.
9. The site should not be promoted for development in the development in the local plan.
10. The revised landscape and visual impact assessment is not considered to be accurate.
11. The application scheme is not considered to be adequate in terms of transport infrastructure and the traffic assessment is also considered to deficient.
12. The proposals result in the loss of open countryside / agricultural land. There are other locations in Crediton that should accommodate residential development.
13. The proposal is result in a reduction in air quality in the town.
14. The proposals will result in the loss of ecological habitats.
15. The proposals will adversely affect the setting of the historic gardens at Shobrooke Park
16. The proposals do not include the required infrastructure including GP surgeries, highway capacity and lack of public resources to build the school.
17. Inadequate information regards the architectural designs of the proposed housing.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Principle of development, including 5 year land supply - Policy Issues.
2. Highways, Movement & Air Quality Issues.
3. Local context considerations, impact on landscape character, visual amenities, local environment and density of development.
4. Affordable housing provision and Section 106 matters.
5. Contamination, Flood Risk & Drainage issues.

6. Ecological/ Aboricultural Impacts
7. Other matters.
8. Summary & Planning balance

1. Principle of development, including 5 year land supply - Policy Issues.

In the adopted development plan the site is proposed for development as a contingency site. The adopted policy (AL/CRE/12) as set out below promotes a range of land-uses and criteria that need to be satisfied as set out below. In the adopted plan the criteria for the site's release is clarified under policy AL/DE/1 which confirms that if there is insufficient land being brought forward to deliver new housing (in terms of the site's allocated for housing as set out in the plan) the contingency sites will be released for development.

A site of 21 hectares at Pedlerspool, Exhibition Road is identified as a contingency site for development to be released in accordance with policy AL/DE/1, subject to the following:

- a. 165 dwellings with 35% affordable housing to include at least five pitches for gypsies and travellers;
- b. 21000 square metres of employment floorspace;
- c. A suitable site for the relocation of Crediton rugby club
- d. Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- e. The protection of the setting of the wider area, including the upper slopes to the south and west for Green Infrastructure and landscaping;
- f. Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- g. The provision of serviced employment land in step with the housing at a rate of at least 1 hectare per 30 occupied dwellings unless it can be demonstrated to the Council's satisfaction that such an approach would significantly undermine the viability of the scheme as a whole.
- h. This development shall not be commenced until a Link Road between the A377 and Lords Meadow is in operation unless the Council is satisfied that air quality and traffic impacts as a result of the development would not be material.

Members will be aware that the Link Road between the A377 and Lords Meadow has since been completed.

The Local Plan Review (2013-2033) proposes that the site is allocated for residential development under policy CRE/5 as follows:

A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;
- b) A serviced site of 1.1 hectares for a new primary school;
- c) A suitable site for the relocation of Crediton Rugby Club;
- d) A phasing strategy which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council;
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;

- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;
- h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;
- i) Improved access to the town centre for pedestrians and cyclists;
- j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
- k) An archaeological investigation and mitigation scheme.

Policy CRE5 was included as a site specific allocation at the 2015 consultation stage of the Local Review Plan process, and was carried through to the 2017 submission document. Comments of objection and support that have been received as summarised in the tables appended to this report, at Appendix A. While the application as proposed includes all of the land uses as set out in Policy CRE5, the Local Plan Review is currently subject to its examination and as such little weight can be given to Policy CRE5 given there are also objections received to it. However, Policy CRE5 is the Council's most recent statement of policy for the development of the site and the range of uses sought, including serviced land for a new primary school.

Members will also be aware of the Cabinet decision taken on 7th August 2015 to bring forward allocations in the emerging local plan for development in order to assist with housing delivery across the district. This includes the local plan allocation Policy CRE5 at Pedlerspool, Crediton and is an approach that is consistent with the principle of policy AL/CRE/12 and AL/DE/1 in terms of timing of delivery. Whilst the scope of the application site area extends beyond the site allocation on the local plan policies map (both adopted and emerging), the focus for built development reflects the site allocation on the policies maps (adopted and emerging) with the additional site area proposed to accommodate two pitches as part of the new facilities for the Rugby Club.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land appropriate to local context. The policy establishes a minimum delivery target of 30 dwellings per hectare. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling and to contribute to the provision and maintenance of existing and new open space. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In summary, the proposed development is broadly consistent with the principle of development through AIDPD Policy AL/CRE/12 (adopted) and the more recent Local Plan review Policy CRE5 (subject to examination). However, permission is sought for a greater number of dwellings (257) than either Policy AL/CRE/12 (165) or Policy CRE5 (200). The following sections of this report consider the impacts of the development when considered against the objective of delivery sustainable development, the extent to which the scheme is

complaint with the range of other development plan policies, and finally weighs in the balance the benefits of the proposal against any identified harm.

As stated above in this report Members will be aware that a new National Planning Policy Framework came into force on 24th July 2018, which is material to the determination of this planning application. Paragraph 11 makes clear 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 the NPPF 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 the NPPF taken as a whole.

For applications involving the provision of housing, development plan policies which are most important for determining the application would be out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer- which is 20%). The Council's most recent statement of housing supply was published in July 2018. This shows Mid Devon's housing supply as 4.45 years. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

2. Highway, Transport and Movement Issues

The application scheme is served via a new vehicular access into the site via a new combined roundabout (design type: 28m) at the junction of Old Tiverton Road and the A3072. Entry at this point will then link to a series of principal streets that will circulate around the eastern development area serving the new housing and the rugby club facilities and crossing over Pedlerspool Lane at two specific points to serve the primary school and the housing proposed for the western development area. Access along Pedlerspool Lane for vehicular traffic is to be restricted other than to serve the gypsy and traveller site, and to link back to the bottom of Pounds Hill. Stonewall Lane will remain open to vehicular traffic with improvements to it with the introduction of passing places.

Pedestrian access is proposed in the vicinity of Pounds Hill Cross, with internal circulation routes running down through the western parcel across Pederspool Lane and into the eastern parcel down to the proposed Rugby Club facilities. A further link directly into the eastern development area is proposed adjacent to the existing practise pitches on Exhibition Road. In addition, and as stated above the applicant has agreed to deliver improvements off site to improve connectivity back into Crediton (specifically along Pounds Lane and to the bottom of Jockey Hill).

Finally the applicant has agreed to provide a package of financial contributions to improve an existing public right of way that will link the site back to the Sports Centre and Shobrooke (first phase of), improve public transport facilities serving the site and across Crediton, and to provide assistance for future occupiers to use public transport.

The applicant submitted a Transport Assessment (TA) to set out the scope of the impacts of the development as proposed, which is supported by an Addendum note (dated 14th March

2018) to provide an accurate audit trail following the scope of the amendments to the application scheme that are now proposed from a land-use point of view. In addition a further technical note has been submitted to demonstrate the scope of the design that will be required for the internal road network in order to demonstrate that it would be capable of carrying larger sized vehicles, although this issue would be formally resolved at the reserved matters stage of the process.

In terms of traffic flows arising from the development the applicant has completed a full peak am and pm survey with existing flows passing the site access and travelling onto; Old Tiverton Road, Exhibition Road South and Exhibition Road North. The results of the survey indicate current flows of 416 trips in the AM peak and 410 in the PM peak. Using the TRICS data base the TA then estimates the proposed AM and PM peak trip generations flows that would arise from the proposed development mix predicting 278 and 196 trips respectively. For information this exercise was completed on the basis of the scheme as it was originally submitted (ie with a higher level of development than is now proposed) and excluding the Rugby Club traffic. The applicant's consultant using a traffic modelling system has sought to clarify the impact of this additional traffic on the key junctions around the Town, and these are set out in full in the TA report.

These aspects of the application assessment have been reviewed and checked by officers in the Highway Authority in terms of the existing network having capacity to manage the additional traffic and they are satisfied that the network will be able to carry the additional flows without resulting in detriment to highway safety for other users of the highway. As reported in their comments they note that the junction of Exhibition Road and Commercial Road will function close to capacity with the additional flows as predicted.

In terms of the scope of the proposals off site as highlighted above these aspects of the application scheme have been formulated in close conjunction with officers in the Highway Authority in order to improve connectivity between the site and the key facilities in the town for pedestrians and cyclists.

The indicative site layout shows how the site could be developed for 257 dwellings and ensure compliance with policy DM8 in terms of providing 2 spaces either on site or adjacent to site.

Given that some of the traffic generated by the development is likely to pass through the Crediton Air Quality management area (AQMA), the development has the potential to affect air quality in the Crediton Air Quality management area (AQMA). As stated above the applicant has agreed to provide a financial contribution (total of £955,900.00) to deliver various initiatives off site as described above. The level of contribution has been dictated by the requirements of Policy AL/CRE/8 (257 x £4434.00) and the package of initiatives that will be delivered will not only assist with reducing vehicular trips on the network it is also considered to represent a significant community benefit. Further analysis of the Section 106 package that is proposed is discussed further at 4 below.

Although Sandford Parish Council, Crediton Town Council and the Creedy Valley Protection group have raised concerns about the transport and movement implications of the development (refer to section 7 of this report) the application scheme is considered to be in compliance with policy COR9, subject to conditions as recommended by the Highway Authority and the terms of the Section 106 as outlined above in this report.

3. Local context considerations, heritage impacts, impact on landscape character and visual amenities, overview of development principles and density of residential development

Local Context:

The development would sit as an extension to the urban edge of Crediton on its eastern boundary. The site presents as two separate field areas divided by Pedlerspool Lane, and with sections of highway running parallel to all the site boundaries except the eastern boundary which shares a boundary with a section of the River Creedy and an agricultural field. The roadside boundaries are contained by Devon hedgebanks interspersed with tree planting. The boundaries along Stonewall Lane, Pounds Lane and in particular Pedlerspool Lane are particularly impressive in terms of the contribution that they make towards the landscape character and visual amenities of the area. The boundary to the A3072 is more open and Stonewall lane forms the boundary between the site and the rear of the residential properties along Pounds Hill/ Beech Park (currently the settlement boundary).

The site does not lie within a nationally or locally designated landscape. There are no heritage assets (listed buildings and/or SAMs) within the Site. Creedy Park and the coach house building (referred to as East Lodge) and other associated buildings which are grade II listed sits adjacent to the site on western boundary. The Park is on the Devon Local Register of locally important parks and gardens. To the east of the Site there are several Grade II Listed buildings located in and around the Shobrooke Park Grade II listed Registered Park and Gardens. The Site is identified within the Yeo, Culm and Exe Lowlands Landscape Character Area. Generic qualities for the area relate to the rivers (Yeo and Creedy) meandering through the landscape within wide floodplains. Fields are generally medium to large and semi-regular in shape divided by thick often flower rich hedgerows, hedgerows sometimes hedgerow trees, and these are clearly applicable to the application site. In terms of the Character types as identified in the Mid Devon's Landscape Character Assessment (2011) the majority of the eastern development area falls with the Sparsely Settled Valley Floors character type, and the western area is either not classified or falls within the Lowland Plains character type.

As stated the application site is promoted for development by the Council in the existing and emerging development plan. As part of the plan making process a strategic environmental impact assessment of bringing forward development on the site has been already undertaken. In addition the applicant has commissioned site specific studies to support this application as commented on below.

Heritage Impacts:

In terms of how the development would affect the setting of the Heritage assets, as stated above the scope of the development area on the site was plotted in order to seek to deliver an acceptable relationship in terms of how the development would affect the setting of the various heritage assets within the vicinity of the site and as described above.

Following further analysis at the planning application stage, including consideration of Heritage Statement(s) submitted by the applicant, the scope of the buffer on the eastern boundary (adjacent to the external boundary of the proposed new housing development area) has been increased at the request of the Council's Conservation Officer as now shown on the indicative masterplan. The reasoning for this is to provide an additional buffer on this side of the site to afford an improved relationship and setting with Shobrooke Park. With these changes to the scope of the development area the separation distance between the new areas of built form and the affected assets are considered to be acceptable. Although the degree of harm to the affected heritage assets arising from the delivery of development on this allocated site is considered to be less than substantial it still must be given considerable weight in the the decision making process. Further consideration of this level of impact is taken into account as part of the overall planning balance that is considered at section 8 of this report.

Finally it is noted that Historic England have not raised an objection to the application scheme, and conditions are recommended by the County Archaeologist to cover various matters following on from field work/investigations that have already been undertaken, in order to satisfy archaeological matters.

Landscape Character impacts:

The applicant has commissioned a site specific Landscape and Visual impact assessment as part of this planning application process which was undertaken by Barton Wilmore. The visual impact of the development has been considered from 13 viewpoints including near distance, medium and long distance views, including from the various public rights of way in the vicinity of the site and the town generally. The conclusions arising from the assessment as undertaken are summarised below:

In terms of likely effects on landscape features, whilst the proposed development will result in limited loss of an area of agricultural land, there is potential for a positive contribution to, and enhancement of, a number of features, including trees, woodland and the River Creedy corridor. This is likely to increase with the establishment and ongoing management of proposed planting over the Medium term.

In terms of effects on landscape character, whilst the proposed development would introduce additional influences of built form into the currently undeveloped Site, this would be in the context of a prominent settlement edge and associated infrastructure. These factors limit the sensitivity, remoteness and tranquility of the site. Whilst the fields would be partially replaced by built form, a sensitive and considered approach to the layout and landscape structure is proposed, including retaining an area of publicly accessible open space and enhancing the setting of the River Creedy corridor.

Visual impacts:

In terms of visual impacts the development will be clearly visible, albeit contained behind the perimeter hedgerows, from near distant views and from more distant views the development would present as extension to the existing town boundary. The proposed mitigation arising from the scope of the assessment as undertaken are set out below, which are embedded in the application scheme under the development principles and translated into the indicative masterplan.

1. The incorporation and reinforcement of the principal hedgerows and trees within a network of green infrastructure, providing protection to the existing vegetation structure and creating opportunities for reinforcement and enhancement;
2. The creation of a managed woodland buffer to the north of the site along Stonewall Lane;
3. The alignment of the roads to minimise the impact of access routes on existing vegetation, and the incorporation of substantial landscape buffers along Pedlerspool Lane;
4. The management of existing tree belts to enhance biodiversity and recreational value, maintain its value as a distinctive landscape feature, and as a visual buffer;
5. Building heights – development restricted from the top part of the site and heights of building blocks largely restricted to 2 storeys.
6. The creation of a landscape buffer and areas of open space along River Creedy.

Development Principles:

Given the application is submitted in outline the mitigation as identified above is set out by establishing a series of supporting principles which can then be used as a basis to inform and assess detailed proposals that come forward at the reserved matters stage. These are set out in within the design and access statement submitted to support this application. Furthermore an illustrative masterplan layout has been submitted to set out how the site could be developed in accordance with the key principles, which are explained further below:

- The Rugby Club facilities to form an anchor at the bottom of the site (eastern plot)
- Formation of green infrastructure/movement corridors that provide connecting routes down into the development area managing the topography of the site.
- Retention of greenery along the site edges and formation of a green plateau at the top of the site to function as an amenity/play space. Development will be kept to the Southern area where topography raises no issues.
- New sections of Highway to be designed so they are fit for purposes (capacity to be used by farm traffic).
- Formation of three character areas reflecting the site's topography, the proposed density and the menu of land-uses as proposed as described below:
 - Park View – A low density residential environment (a maximum of two storey buildings) sitting adjacent to the primary school site with the gypsy and traveller pitches adjacent.
 - Central Gardens – A medium density residential area (with occasional 2.5/3 storey buildings).
 - Crediton Gateway - A medium density residential area (a maximum of two storey buildings) set closest to the proposed new entrance to the site

Density of Residential Development:

The application proposes the necessary land uses to comply with the site allocation requirements as set out in the emerging development plan policy framework. Permission is sought for up to 257 houses, and the illustrative masterplan seeks to demonstrate how the required land uses can be accommodated across the site in addition to the quantum of residential development as proposed.

The policy framework allows a gross site area of 21 acres (8.7 hectares) to accommodate the residential development. The masterplan confirms a land budget in area terms of 0.3 of a hectare to accommodate the gypsy and traveller pitches. With a disposition as shown on the masterplan across the remainder of residential land budget (8.4 hectares, including 0.81 hectare of incidental open space) 257 dwellings would equate to 30 units per hectare (gross) which is considered to be in accordance with guidance as set out at policy COR1.

In addition to the illustrative masterplan a proving plan has also been submitted which imposes the masterplan layout at a larger scale so it is possible to undertake a preliminary analysis of the layout in more detail at this outline stage. Although a final decision on the layout matters would be taken at the reserved matters stage of the process, it is considered that the applicant has at this stage demonstrated that a new residential environment with

upto 257 units could be achieved in a satisfactory manner across the site, in addition to the other land uses that are required.

Local stakeholders have raised concern about the delivery of 2.5/3 storey units, and as stated above the masterplan vision includes provision for occasional siting of taller buildings towards the middle of the site area (Central Gardens), and away from the more sensitive edges of the site. Finally on this point it is noted on other estate locations in Credition 2.5/3 storey units have been considered acceptable.

Summary: At this stage of the planning process the applicant is not seeking to provide the level of information in terms of the sitting, layout and design matter to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. The scope of the application details (as embedded in the development principles / indicative masterplan) have been informed by the completion of a detailed landscape and visual and historic asset impact assessment(s) which build on the Strategic Environmental Impact assessment already undertaken by the LPA. Taking into account the scope of the information as provided it is considered by officers that it has been satisfactorily demonstrated that if the application was to be supported at this outline stage the level of residential development proposed (up to 257 units) in conjunction with the other land uses could be delivered across this strategically allocated site in a comfortable manner, be respectful to the existing houses adjacent, the amenities of the area generally and not adversely affect the landscape character and/or visual amenities of the wider locality. On this basis the application scheme at this outline stage is considered to be in accordance with policies: COR2, DM1, DM2 and DM27 and reflecting the requirements of emerging policy AL/CRE/5 albeit with an increased level of housing development which would be delivered at a density which complies with policy COR1 and reflects the aspiration of section 123 of the NPPF as revised.

The applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

4. Section 106/Affordable housing issues

In the recommendation section of this report above the heads of terms, as agreed by the applicant, for inclusion within a section 106 agreement are set out if planning permission is to be granted. The section below overviews how the terms relate to the requirements of the following parts of the development plan framework (COR8 - Infrastructure Provision, AL/DE/1-3 – Affordable Housing (general), CRE5 (proposed modifications) replacing AL/CRE/13-site specific requirements, AL/IN/3 - Public Open Space, AL/IN/5 – Education and AL/CRE/8 – Credition Air Quality).

Total contribution agreed towards delivering off site Educational Infrastructure – £965,516.00 (including £864,035 towards primary school facilities) - policy requirement AL/IN/5.

Total contribution agreed towards delivering off site sustainable transport measures - £955,900.00. Please note that the total sum based on a charging rate of £4434.00 per unit would exceed this level of contribution (refer to comment on affordable housing) - policy requirement AL/CRE/8.

Total contribution agreed towards delivery off site healthcare provision - £93,291.00.00 – policy requirement COR8.

In order to address the requirement of policy AL/IN/3, the masterplan identifies a land budget of 0.81 hectares to deliver a range of public open space facilities as integral part of the new residential environment to be created, and this is indicated largely at the top of the site

adjacent to the boundary with Stonewall Lane. Based on a requirement of 60 metres of open space as required by policy a total area of 15,420 square metres would be required to be laid out as public open space. Therefore the layout as shown on the indicative masterplan would deliver a policy compliant scheme without needing to seek an off-site contribution. The specification for the delivery of this space and scope of facilities to be provided, and the future maintenance arrangements are proposed to be secured as part of the Section 106 agreement.

Affordable Housing: It is considered that the requirements of Policy AL/DE/3 in this case should be superseded by the requirements of emerging Policy CRE5 which establishes an affordable housing target of 28%. Furthermore the policy framework at both the local level recognises that although affordable housing is a high priority and if evidence is submitted which proves that the delivery of affordable housing and infrastructure requirements would render the site unachievable a reduced level of provision can be negotiated. At the time when the AIDPD (January 2011) was drafted specific reference was made to the high costs associated with bringing forward development on the site of the Urban Extension to Tiverton given the high infrastructure costs that are likely to be associated with bringing forward that specific development.

As background to this particular case the applicants have sought to defend a reduced quantum of affordable housing referencing viability issues and threshold land value requirements. The application was submitted in March 2017 and the delay in reporting this application to the planning committee has been due to ongoing discussions largely regarding the housing aspects of the scheme (refer to planning history section of this report), including the provision allowed for affordable housing. Following on from these discussions when this revised application was submitted the applicant had indicated that 54 of units would be provided as affordable units. Following further discussion since April 2018 the applicant has agreed to increase the number to 56 to reflect the offset between contribution level agreed for sustainable transport measures and the level that would be required based on the charging rate as confirmed by policy AL/CRE/8. The revised proposals of 56 affordable homes equates to a 22.3% of total amount of housing proposed on the site, which is increased to 24% reflecting on the 5 gypsy and traveller pitches that are now proposed as part of the application scheme.

As stated above the applicant has agreed to make a financial contribution of just over one million nine hundred and ninety six thousand pounds to deliver initiatives off site. In addition off site highway works are also to be undertaken. Given the scope and cost of the infrastructure that the applicant has agreed to deliver, which is pro rata comparable to the infrastructure costs associated with delivering the development at Tiverton as referred above a reduction in the quantum of affordable housing below the policy target of 28% is considered to be justified in policy terms. The tenure and mix as requested by the Housing Options manager will be included with the Section 106 to ensure that the affordable housing responds to local needs. Furthermore the quantum of affordable housing as has been negotiated is considered reasonable by the Housing Options manager given the specific circumstances.

5. Contamination, Flood Risk & Drainage issues

Contaminated Land Issues: There are no concerns regarding the suitability of the site to accommodate the proposals given concerns regarding the site suffering contamination. Conditions are recommended to set out a process of further investigation that must be undertaken in advance of development commencing on site.

Flood Risk Issues: The scope of the built development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. However part of the

site that accommodates the training pitches as part of the Rugby Club complex fall within floodzone 3. There is an existing drainage ditch which forms the edge of the zone 3 area. The local profile across the extent of the development area would be raised (refer to surface water drainage section below), and it is noted that any loss of flood plain would need to be compensated for in the event that changes in topography are proposed across the section of site that falls within the flood plain (see comments below: Environment Agency and Sports England).

The Environment Agency have confirmed that the layout of the proposals as shown on the supporting Masterplan complies with the sequential approach as set out on the National Planning Policy Framework, the principle of providing playing pitches, and other recreational assets, within the floodplain being quite compatible with policy requirements. However the provision of pitches is subject to there being no loss of floodplain storage or conveyance, especially should any re-profiling be carried out. It is noted, as clarified by the EA, that this matter has been highlighted within para 3.9 of the applicant's Flood Risk Assessment including a statement that any loss of floodplain storage must be compensated for on a level for level basis.

As part of the strategic environmental impact assessment work undertaken as part of the Local Plan Review process a strategic flood risk / sequential test assessment of bringing forward development on the site has been undertaken.

Surface Water Drainage Issues: To reflect the application scheme a surface water drainage strategy is proposed which has been informed following percolation testing undertaken in 2015. The surface water drainage strategy will serve the development area/hardscape (excluding the external facilities for the Rugby Club). The strategy includes the provision of adoptable and non-adoptable underground pipework; swales; detention basins providing storage volumes of 3940 cubic metres (incorporating hydraulic controls) to ensure that the run off rate from with the proposed development in situ is equivalent to green field run off rates. In turn this will ensure that flood risk down- stream of the site should not become an issue in normal circumstances and upto the 100 years critical storm event. The Lead Flood Authority have considered the strategy that has been proposed and have not raised an objection to the scheme subject to a number of conditions in relation to the design details to be built out.

Proposed Foul Water Strategy: A new pumping station is proposed adjacent to the Old Tiverton Road that is proposed to manage flows from the development to the existing South West Water (SWW) network sewer. As noted above SWW have not made any objections to the proposals.

Sport England: The comments from Sport England are set out in full in the Consultation section above, which they have provided in conjunction with discussion with the Rugby Football Union. Their comments focus on operational matters about Crediton RFC moving to the site and on the matter of the pitches that are to be laid out on the part of the site that falls within the flood plain. In the event that planning permission is granted for this aspect of the development condition 14 is recommended to redress the drainage and pitch design issues that would need to be satisfactory resolved before build out commences. The other matters raised would be largely addressed by the reserved matters applications.

6. Ecological/ Aboricultural Impacts

On behalf of the applicants, EAD have completed an Ecological Impact Assessment in support of this application. This study is accompanied by a survey of the existing trees on the site.

At present there are 17 trees across the site, positioned largely on the boundary of Pedlerspool Lane, with a group of freestanding oaks in the northern eastern end of the site. In addition there are a number of larger stems in the hedgerow along Stonewall Lane. The Oaks are considered to be of individual value whereas the other trees across the site create value on a collective basis. The masterplan which has been submitted to demonstrate that the scope of the application scheme could be delivered across the site identifies that 3 of the trees on the site would need to be removed to accommodate the masterplan layout (2 x unclassified specimens and 1 category C specimen). In addition sections of hedgerow (upto 110 metres) would be required to be removed to accommodate the vehicular access in to the site and then along Pederspool to enable the connections between the site.

The field areas that form the application site are classified as improved or semi improved grasslands boarded by hedgerows and incorporate wet ditches across the site, however they do not form a protected landscape. The assessment undertaken by the applicant is considered to have been comprehensive including an extended Phase 1 habitat survey and phase 2 protected species survey to supplement desk based surveys. The results of the site surveys identified the following on the site;

Plants: Primrose was recorded at the base of the hedgerows and Himalayan balsam was recorded growing along the river bank within the site.

Invertebrates: Numerous notable invertebrate species have been recorded within the study area with hedgerows containing hawthorn providing an appropriate habitat, but following the site survey no evidence of white clawed crayfish was recorded within the River Creedy.

Amphibians: No suitable amphibian breeding habitat was present within the site boundary. The hedgerows, scrub, woodland, grassland and tall ruderal within the site could provide foraging habitat for common amphibians.

Reptiles: A 'low' population of slow worm was recorded within the site. The grassland and margins of arable fields provided suitable basking and foraging habitats for slow worm, and hedgerows, scrub and woodland provided suitable resting and hibernation habitat for these species.

Birds: The site provided suitable nesting and foraging habitat for a variety of common and widespread birds. A total of 26 bird species were recorded on or adjacent to the site. Of these, 12 were considered to be confirmed or near certain breeders, and 9 probable / possible breeders.

Bats: An initial survey 2013 and then re-survey 2016 have been undertaken. Overall, the bat activity surveys recorded moderate levels of common pipistrelle and soprano pipistrelle activity across the site with the highest levels activity were recorded adjacent to the River Creedy in the northeast of the site.

Hazel dormouse: An initial survey 2013 and then re-survey 2016 have been undertaken. A single nest was uncovered in 2013, with two nest uncovered in 2016.

Otter and water vole: The presence of otters along the section of the River Creedy were identified. The wet ditches were also considered movement corridors but are unlikely to form part of a core territory. No evidence of water vole was recorded.

Badger: A single outlier badger sett with one entrance hole was recorded. This sett showed signs of active use, including feeding remains in August 2016. Mammal tracks, and badger feeding signs and latrines were present throughout the southern field, with some signs also present in the south of the central field.

Given the site is allocated for development, this planning application proposal has responded to the ecological presence at the site by incorporating specific design and avoidance measures as follows:

- Retention of the majority of the existing trees, woodland and hedgerows within the public realm.
- Retention and enhancement of grassland adjacent to River Creedy, which forms component of floodplain grazing marsh. Inundation would still occur over proposed rugby pitches within the floodplain.
- Creation of wetland scrapes within the retained floodplain grazing marsh.
- Retention and enhancement of wet ditches, which form the key component of the floodplain grazing marsh.
- Creation of new wildflower-rich grassland, including wet grassland species mixes where appropriate.
- Creation areas of new native woodland belts.
- Creation of SUDS including swales and attenuation ponds.
- Scattered trees throughout development.

In addition the following mitigation /control measures would be put in place to manage the build out phases of the project:

- Measures would be put in place to ensure legal compliance and to protect animal welfare in respect of reptiles, common amphibians, nesting birds, bats, dormouse, badger and hedgehogs; these measures would include timing of works and appropriate ecological supervision.
- Removal of dormouse habitat (hedgerow) would be subject to a Natural England Mitigation Licence; mitigation measures to be implemented in accordance with the method statement, including timing / method of removal and provision of replacement habitat.
- Bat and bird boxes would be installed on retained trees and integrated into new buildings to increase available roosting / nesting habitat.
- Pre-construction checks would be undertaken to ensure no new badger setts had established on the site. Protection measures during construction would prevent injury to badgers in excavations.

Full detail of the scope of mitigation, compensation and enhancements that proposed through the planning application proposals are set out at Section 4 of the Ecological Impact Assessment report, and appropriately worded condition is recommended (Condition 2) to ensure that these requirements, including protective measures to be put in place during construction will also be required as part of the construction management plan, are carried through to the reserved matters and implementation stages.

The Devon Wildlife Trust have objected given the extension of the site to accommodate the Rugby Facilities into the floodplain and closer to the River Creedy. Although the application proposals will increase the extent of the use of this area of the site, the conditions as recommended will ensure that it functions as it currently does, ie as part of the floodplain adjacent to the River Creedy. It is noted that Natural England have not raised an objection to the application.

Overall the application scheme is considered acceptable and in accordance with policy COR2, DM2 and DM28 of the local plan in terms of the ecological impacts that are likely to arise.

7. Other matters

Crediton Rugby Club: The Club have confirmed that the current club house and car park cannot meet the capacity needs and standards expected from its members and the community, and also that the Club continues to expand (500 members currently on roll). They have been involved in discussions with land owner about relocating to the site for a number of years and consider that the Club and community would benefit significantly from relocation to the proposed Creedy Bridge development, in that greater use could be made of new, fit for purpose, future proofed facilities located on a single site. The masterplan layout shows an arrangement with the club house and carpark facilities abutting the proposed new residential area with two pitches set adjacent and then two further pitches within the floodplain.

Although the Club in their letter dated 30th April expressed concerns about the layout as shown on the indicative masterplan they have since confirmed (3rd September) that the Rugby Club is now fully supportive of the application scheme as it has been submitted.

For clarification the application proposals make provision for replacement of the existing facilities comprises with two additional pitches (a junior and practice pitch) also shown. Notwithstanding the application and the proposed masterplan drawing showing how the pitches could be accommodated and laid out (including the required run-off distances) whilst the submitted drainage strategy demonstrates how appropriate drainage can be achieved. The applicant has confirmed that further discussions are being held with the Club to give them comfort as to the type of design which could be incorporated to ensure playability is not prejudiced. As stated above if planning permission is granted the site area will be conveyed to the Rugby Club in accordance with a phasing plan and it would then be a detailed design matter for the Club to determine through the reserved matters stage of the process. However the masterplan layout confirms that the existing facilities can be provided for on the site with the opportunity to further enhance the club's playing infrastructure by designing an appropriate layout for the additional training pitches on land within the flood plain.

Parish / Town Council comments: The comments provided by Sandford and the other neighbouring Parish Council's and Crediton Town Council are set out in full in earlier sections of this report. It is clear that there is little support from the Parishes or the Town Council in terms of bringing the site forward for development, however the principal of development the site was agreed as far back as January 2011, and this outline application responds positively to the policy framework against which it should be assessed. The uplift in housing numbers proposed whilst more than promoted by the policy CRE5 is in accordance with policy COR1.

The issue of primary school and secondary provision continues to be raised. However as set out above based on the County Councils standard formula the 257 houses would generate a need to manage 63 more pupils into the local primary school environment. The applicant has agreed to make a financial contribution towards providing these places and a site is safeguarded as part of the application scheme so that a new single form new primary school can be built as and when required which will be a decision for the Education Authority (LEA) to make. Given that the new development will be completed on a phased basis over a number of years the LEA should be able to make a strategic decision to ensure continuity of the local primary schools so that there are sufficient places to meet existing and future needs. On this basis these concerns are not considered justified.

The major challenge for the applicants design team, which in part reflects its position beyond the edge of Crediton town boundary, is how to ensure a reasonable level connectivity between the site and facilities within the Town and the surrounding Parishes.

As set out above in this report the application is providing a significant financial contribution so that connectivity between the site and the local facilities in the area can be improved for pedestrians and cyclists this in addition to specific localised works which will also assist. Notwithstanding Sandford PC remain concerned that the applicant is not being required to carry out improvements which would assist connections between the application site and Sandford village, and Crediton Town Council have highlighted other infrastructure requirements across the Town which would be desirable to assist pedestrian and cycle travel.

The Community Infrastructure Levy Regulations 2010 provide the framework for the use of planning obligations, clarifying that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The package of works that has been negotiated between officers and the applicants is considered to comply with the regulations. Furthermore other localised improvements will be secured as other development sites which are allocated are brought forward. For instance when site CRE6 (local plan review) is brought forward it will be possible to secure an improved pedestrian and cycle connection back along Stonewall Lane towards the site from the existing off road route for cyclists and pedestrians that already links Higher Road back to Sandford village.

Upton St Hellions Parish Council /Creedy Valley Protection Group (CVPG): In addition to the matters relating to the principal of bringing the site forward for development, as covered above Parish Council have via the Creedy Valley Protection Group undertaken their own assessment of the landscape and visual impact and transport impact.

Transportation Issues: CVCPG consider that the site is unsustainable in transport terms, questions whether a safe and suitable access can be achieved and questions if the application scheme would deliver a severe cumulative impact. A detailed overview as to why the application scheme is considered to be acceptable in terms of highway capacity and roads safety terms is set out above. The proposed works on and off site have been subject to a Stage 1 Road Safety Audit, and will be subject to further safety audits as the projects progresses through to build out. Furthermore all the key facilities within Crediton including education, employment opportunities, local retail, health services, leisure facilities and the town centre would all be accessible by foot within the 2 kilometres.

Landscape & Visual Impact Issues: CVCPG commissioned an alternative review of the site in terms of landscape and visual importance utilising a different methodology to LIVA methodology as carried by the applicant's consultants which is considered a more objective methodology.

Furthermore given that the application scheme brings forward a contingency and proposed allocation the LPA accept there will be some Visual and Landscape impact and therefore the focus as set out above has been how to seek to mitigate the impact as far as possible. In this regards the lighting details proposed will be a key consideration for further assessment at the reserved matters stage.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 5 years. The amount of New Homes Bonus to be generated by this development would be in excess of £1.3 million pounds.

8. Summary & Planning balance

The overall thrust of Government policy as set out in the updated Framework is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The Council is currently unable to demonstrate a 5 year supply of housing. The most recent assessment (July 2018) shows Mid Devon's housing supply as 4.45 years.

This application reflects the emerging local policy framework which covers the period 2013 – 2033, which has been updated to reflect local circumstances, since the site was first identified as contingency development site back in 2011. The proposals offer a scheme which includes all the required land uses with a slightly reduced quantum of affordable housing to reflect the circumstance as outlined above at Section 4 of this report. In addition it has been demonstrated by the applicant in terms of the design work undertaken at this outline planning application stage that up to 257 dwellings could be accommodated on the site in a sympathetic manner and which would achieve a development in density terms which reflects the requirements of policy COR1. Given that the site is a contingency/proposed allocation for development the scope of the design process undertaken by the applicant has been to focus on the scope of mitigation proposed to seek to shape the development going forward and mitigate the impact.

Following on from the changes to the development area as proposed the harm arising from the proposed development to the surrounding heritage assets is considered to be less than substantial. Furthermore given the nature of the impact in that it is limited to how the development would affect setting, the harm is not considered severe and/or overriding. Notwithstanding the impacts are still required to be afforded considerable weight in the decision making process.

Assessment of other matters has not identified any other adverse impacts that would arise from the number of dwellings proposed in conjunction with the other land-uses which cannot be satisfactorily mitigated.

The scope of the community benefits associated with the application scheme are listed as follows: up to 56 affordable homes, a site to accommodate 5 gypsy / traveller pitches, a new home for Crediton Rugby Club and a site to deliver a new primary school in the Town. Therefore it is considered that paragraph 11 of the NPPF also lends support to the application, in terms of the uplift in the number of residential units proposed, given that the scope of community benefits that are to be delivered are considered to outweigh the impacts of bringing forward the development as it is proposed.

On this basis it is therefore recommended that planning permission should be granted subject to conditions and the completion of a Section 106 as outlined above.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and

they shall accord with the guiding principles as set out at section 5 of the Design & Access statement (March 2018) to support this outline application.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.

4. The details required to be submitted by condition 1 for each development area shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with adjacent development areas.

5. For each phase of development hereby approved no development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) 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
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
- (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.
- (i) Details of the amount and location of construction worker parking.

Works shall take place only in accordance with the approved Construction Management Plan.

6. For each phase of development 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 submitted to and 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.

7. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

8. No phase of the development hereby approved shall be commenced until:

- a) The access road and roundabout 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

9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority:

- a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- c) The cul-de-sac visibility splays have been laid out to their final level;
- d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

10. The developments and uses hereby approved shall not be occupied and/or brought into use until the works to the highway off-site and as shown on drawing no. PHL-02 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

11. No development shall take place on site until the off-site highway works for the provision of the access roundabout and new junction alignment for Old Tiverton road as shown on drawing no PHL03 rev F have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

12. None of the dwellings hereby approved shall be occupied until the off-site highway works for the improvements to footways along Exhibition Road have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

13. The developments and uses hereby approved shall not be occupied and/or brought into use until the off-site highway works for the provision of widening and passing bay provisions on Stonewall lane between Pounds Hill have been constructed, in accordance with a design specification which shall first have been submitted to and approved in writing by the Local Planning Authority, and made available for use.

14. No development in relation to the proposed playing pitches and associated playing field area associated with the relocation of Crediton Rugby Club shall take place until a detailed design of the facilities proposed, including the proposed drainage facilities, have been submitted to and approved in writing by the Local Planning Authority beforehand. The design process is required to include an assessment of the ground conditions including a groundwater monitoring programme of the land area affected. The works shall be carried out

in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

15. No phase of 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 Local Planning Authority in relation to that phase. 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 Local Planning Authority.

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system for each phase has been submitted to, and approved in writing by, the Local Planning Authority. The design of the permanent surface water drainage management system for each phase shall be in accordance with the principles of sustainable drainage systems, and the Flood Risk Assessment (dated 22nd February 2016 and 16th March 2018) documents submitted to support this application.

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.

18. 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 each phase of the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. The agreed temporary surface water drainage management system for each phase must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

19. The development shall take place only in accordance with the recommendations of the Ecological Impact Assessment Report dated November 2016 and March 2018 submitted in support of this application.

20. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation, risk assessment and any recommended remediation works including a timescale for completion shall be submitted to and approved in writing by the Local Planning Authority. Residential occupation of the site, or parts of the site affected by land contamination, shall not take place until the remediation works have been carried out in accordance with the agreed details.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.

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, however the

allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.

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, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.

4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.

5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

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

7. To ensure the proper development of the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

8. 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 Policy COR9 and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policy COR9 and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

10. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

11. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

12. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

13. To minimise the impact of the development on the highway network in accordance with Policy COR 9.

14. In accordance with the requirements of policy AL/CRE/12 and emerging policy CRE5 and in order to ensure that the ground conditions in relation to the facilities are satisfactory in term of playing pitch provision.

15. In accordance with paragraph 141 of the National Planning Policy Framework (2012) and Policy DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

16. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems, in accordance with Policies COR11 of the Mid Devon Core

Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

18. 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 in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

19. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

20. To protect future occupiers across the site from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT/ REFUSAL

The principal of developing the site for a mixed use scheme including residential development with five pitches for gypsies and travellers, and the safeguarding of land to provide a primary school and facilities for Crediton Rugby are considered to be in accordance with policy AL/CRE/12 (Adopted in 2011) which has been updated to reflect local circumstances as set out at policy CRE5 (2013-2033). Although the number of houses proposed exceeds the emerging policy target it remains at a density which is policy compliant. The means of access is considered acceptable in terms of highway safety and local area capacity concerns. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings and site layout issues, including the design of all open space, landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The applicant has agreed to enter into a section 106 agreement to cover matters relating to the level and nature of affordable housing to be provided on site, contributions towards delivering education facilities off site, improvements to the highway network off site and a contribution to assist with the delivery of infrastructure to encourage sustainable travel, and to safeguard the land to deliver the community uses as required by policy. No issues are raised in terms of this application scheme regards; impact on drainage, flood risk and/or ground contamination, the impact on any neighbouring heritage assets and without resulting in any impacts on protected species/ecology that can not be satisfactorily mitigated against. The impact of the application proposal on heritage assets is considered to be less than substantial and this been carefully considered against the benefits that would be delivered as outlined above. Overall it is not considered that the scope of harm that arises outweighs the benefits that would be delivered.

On this basis the application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/3, AL/DE/3, AL/IN/5/, AL/CRE8 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Given the proposals respond positively to the emerging policy allocation for the site as set out at policy CR5 in the Local Review (2103-2033), the weight in the application assessment given to existing policy AL/CRE/12 has been reflected accordingly. Furthermore given the proposed community benefits that will be delivered in terms of securing on site affordable

housing, the safeguarding of land to deliver a new primary school and a new home for Crediton Rugby Club, which are considered to outweigh any harm arising, the proposals are considered to be in accordance with the National Planning Policy Framework, both paragraph 11 and the guidance as taken as whole, in terms of the number of residential units that are proposed.

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

PLANNING COMMITTEE 12TH FEBRUARY 2020

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PLANNING PERFORMANCE AGAINST TARGETS QUARTER THREE 1STOCTOBER-31ST DECEMBER 2019

REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 3 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 Qu3 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.

Planning Service	Target	16/17	17/18	18/19	19/20	19/20	19/20
		Year	Year	Year	Q1	Q2	Q3
Major applications determined within 13 weeks	60%	90%	82%	77%	33%	75%	75%
Minor applications determined within 8 weeks	65%	80%	85%	73%	65%	85%	95%
Other applications determined within 8 weeks	80%	89%	90%	84%	75%	89%	98%
Householder applications determined in 8 weeks	85%	98%	95%	89%	86%	95%	98%
Listed Building Consents	80%	84%	84%	66%	64%	80%	97%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	96%	92%	81%	68%	65%	100%
Delegated decisions	90%	94%	93%	94%	95%	96%	97%
No of applications over 13 weeks old without a decision	(Less than 45 apps)	29	44	75	82	74	82
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	82%	74%	85%	72%	71%	75%
Major applications overturned at appeal as % of all major decisions over preceding 2 years *	Less than 10%	7%	4%	3%	0%	4.84%	3.16%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	77%	79%	60%	77%	78%	80%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years **	Less than 10%	<1%	<1%	0%	0%	0.47%	0.43%
Determine all applications within 26 weeks or with	100%	100%	99%	99%	96%	99%	100%

an extension of time (per annum –Government planning guarantee)							
Building Regulations Applications examined within 3 weeks	95%	88%	93%	94%	84%	90%	98%
Building Regulation Full Plan applications determined in 2 months	95%	91%	96%	96%	99%	96%	100%

* No of Major Applications received in the last 2 years = 95/ 3 Appeals Overturned

** No of other applications received in the last 2 years = 4403/ 19 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 **75%**.
- 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 80%.

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 **3.16%**.
- 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 **0.43%**.

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 three in Qu 19/20 indicate that the national planning performance indicators continue to be met and exceeded by the service in all areas and these indicators show improvement since quarter two 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.

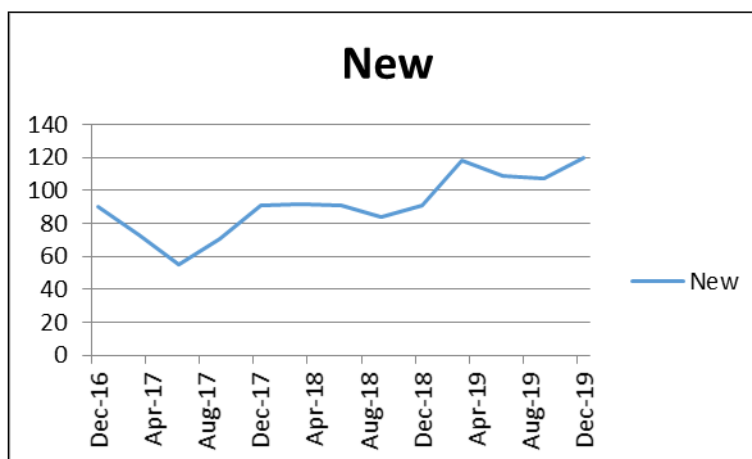
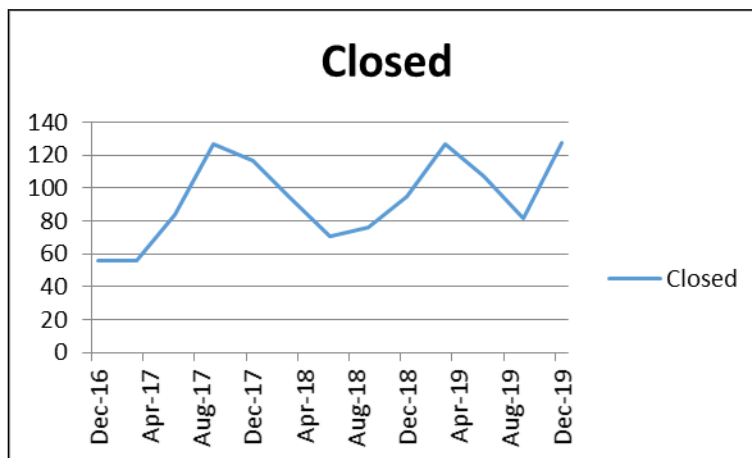
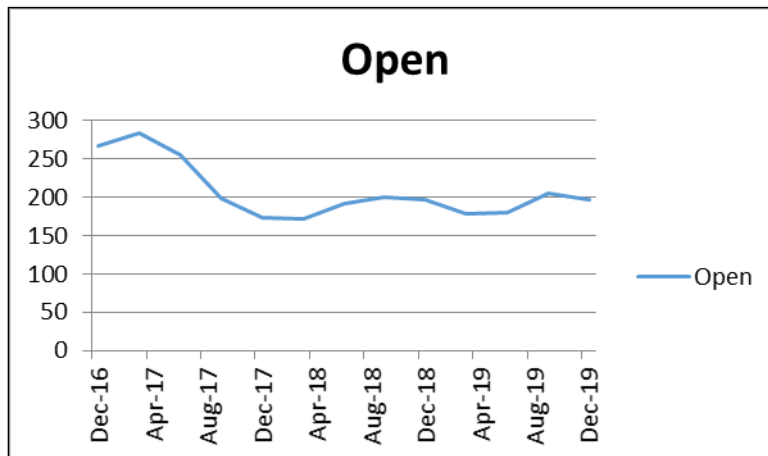
2.3 Listed building consent application determination time was recorded as below the 80% target over all four quarters in 18/19 and this is also the case of quarter 1 19/20 at 64%. In quarter 2 this improved to 80%. Quarter 3 shows further improvement to 97%.

- 2.5 In conclusion, performance in Development Management exceeds Government requirements for all national and local indicators, with further improvements in performance shown in Quarter 3.
- 2.6 The Development Management team has experienced a period of staffing fluctuation over the past 12 months or so which resulted in a backlog of work. With the efforts and commitment of staff and the addition of temporary resource, a significant reduction in this backlog has been realised and further efforts are being made to deliver improvements.
- 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.
- 3.2 Activity within the enforcement part of the planning service by quarter for 18/19 and quarters 1 – 3 for 19/20 is as follows:

			18/19				19/20			
Q ref	Details	Target	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	100%	98%	92%	90%	99%	100%	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)	100%	
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%	100%	100%	100%	None reported	100%	
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	100%	94%	88%	100%	100%	75%	75%	100%	
PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	100%	97%	89%	76%	97%	96%	97%	100%	
PE06	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5	100%	92%	92%	91%	98%	89%	86%	100%	

	working days of the date of the initial site visit.									
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%	100%	
PE08	New enforcement cases registered (in quarter)		93	104	111	118	109	107	120	
PE09	Enforcement cases closed (in quarter)		71	77	96	133	107	82	128	
PE10	Committee authorisations sought (delegation now changed)		1	1	1	1	1	0	0	
PE11	Total Notices Served		10	3	2	3	6	5	2	
	<i>Planning contravention notices served (PCN)</i>		5	2	0	3	4	4	2	
	<i>Breach of condition notices served</i>		0	1	0	0	0	0	0	
	<i>Section 215 notice (untidy land)</i>		0	0	0	0	0	0	0	
	<i>Section 330 notice (requisition for information)</i>		4	0	0	0	0	0	0	
PE12	Total outstanding cases at end of quarter					179	180	205	197	

- 3.3 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 both the assessment of full plans applications and plan checking within 3 weeks were met. The Building Control Manager's efforts and focus on increasing consistency of performance over plan checking times between team members has delivered improvements during the latest quarter and now needs to be maintained.
- 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: Maria Bailey, Interim Group Manager for Development
mbailey@middevon.gov.uk 01884 234348

Jenny Clifford, Head of Planning, Economy and Regeneration
jclifford@middevon.gov.uk 01884 234346

List of Background Papers: PS1 and PS2 returns
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015
Improving Planning Performance: Criteria for Designation, MHCLG November 2018

Circulation of the Report: Cllr Graeme Barnell
Members of Planning Committee

PLANNING COMMITTEE 12TH FEBRUARY 2019

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PROBITY IN PLANNING REVISED ADVICE FOR COUNCILLORS AND OFFICERS MAKING PLANNING DECISIONS.

REASON FOR REPORT:

To provide the Committee with changes to guidance

MATTERS FOR CONSIDERATION:

The content of the revised guidance.

RECOMMENDATION: For information and discussion.

FINANCIAL IMPLICATIONS: Probity in planning is about ensuring that decisions on plan making and planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way. The Council is at risk if guidance is not adhered to.

LEGAL IMPLICATIONS: Not legal advice officers and members will need to seek legal advice when required.

RISK ASSESSMENT: Reputational and financial risk as a result of non-compliance with probity guidance.

EQUALITY IMPACT ASSESSMENT: Probity includes ensuring equality.

RELATIONSHIP TO CORPORATE PLAN: The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing and deciding 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.

1.0 INTRODUCTION TO THE GUIDANCE

1.1 This guide which can be found through the following link https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Planning_04.pdf has been published by the Local Government Association for officers and councillors involved in making planning decisions in their local authority. It is informed by contributions from councillors and officers and includes:

- a brief overview of the planning system and the role of decision makers
- councillor and officer conduct
- registration and disclosure of interests
- predisposition, predetermination or bias
- lobbying of and by councillors
- discussions before a decision is taken
- officer reports
- public speaking at planning committees

- decisions which differ from an officer's recommendation
- committee site visits
- reviewing past planning decisions and the outcomes
- complaints and record keeping.

2.0 **CONSIDERATIONS.**

Councillors and officers should be familiar with, and adhere to, their own local authority codes of conduct and guidance. This advice is not intended to be prescriptive. Local circumstances may necessitate local variations of policy and practice. Every council should regularly review the way in which it conducts its planning business.

At this stage this report is for information only.

Contact for Information:	Jenny Clifford, Head of Planning, Economy and Regeneration jclifford@middevon.gov.uk 01884 234346
	Maria Bailey, Interim Group Manager for Development mbailey@middevon.gov.uk 01884 234348
List of Background Papers:	Probity in Planning Advice for councillors and officers making planning decision, December 2019.
Circulation of the Report:	Cllr Graeme Barnell Members of Planning Committee